



Submission of Firth Industries Limited on Proposed Plan Change 1 to the Wellington Region Natural Resources Plan

Form 5

Submission on notified proposal for policy statement or plan, change or variation

To: **Wellington Regional Council**

Name of submitter: **Firth Industries Limited**

This is a submission on the following proposed plan change: **Plan Change 1 to the Natural Resources Plan for the Wellington Region**

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are: Refer to attached submission.

My submission is: Refer to attached submission.

I seek the following decision from the local authority: Refer to attached submission.

I wish to be heard in support of my submission.

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

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Submission of Firth Industries Limited on Plan Change 1 ('PC1') to the Wellington Region Natural Resources Plan

Introduction to Firth

Firth is New Zealand's leading national concrete company and masonry supplier. Throughout New Zealand, Firth and its brands develop, manufacture, and supply a broad range of concrete and masonry products to the residential, commercial, industrial, and infrastructure construction sectors. Some of the products that Firth provides to the industry include:

- Made to order concrete;
- Bagged pre-mixed concrete, cement, mortar, sands, and aggregates;
- Bricks and masonry blocks;
- Residential and commercial paving (including permeable paving).

These products play a vital role in constructing the buildings that New Zealanders live, work, and play in, and the development of transport, stormwater, and water services infrastructure networks that New Zealand's urban and rural environments rely on to function efficiently and sustainably.

Firth implements sustainable practices throughout our manufacturing process, as well as the products that we supply to the market. This includes manufacturing low embodied carbon concrete, recycling returned concrete, and providing permeable paving systems that reduce the effects that property development has on natural water runoff, stormwater, and drainage. Firth also supports the regional economy with manufacturing and supply operations that provide employment across the region.

Firth's operations in the Wellington Region

Firth has sites across the Wellington Region, including:

- Firth Aotea Quay, Wellington
- Firth Belmont, Lower Hutt
- Firth Belmont Masonry, Lower Hutt
- Firth Paraparaumu, Kāpiti Coast
- Dricon Waikanae, Kāpiti Coast

Firth's operations at these sites are described below.

Concrete

Sand and aggregates are delivered by truck and stored in high-walled storage bins and underground storage bins. Aggregate is transferred from the above-ground bins to the underground bins by front-end loader. The aggregate is transferred by an inclined covered conveyor from the underground bins to the aggregate tower. Cement for concrete batching is delivered to the site in enclosed mobile tanker trucks and is pneumatically transferred into the fully enclosed cement silos. The silos are vented to discharge the displaced air as the cement enters the silo. The vents are usually fitted with a membrane filter to remove particulate matter from the displaced air. From here the cement is discharged through an enclosed chute into the central mixer together with aggregates, sand and water, to produce a wet concrete mix. The mixed concrete is then distributed to trucks and transported offsite for use.

Masonry

The Masonry operation primarily involves the manufacture of blocks and pavers. Similar deliveries of cement via silos are also completed and in the Wellington region the production of product involves gas fired steam curing via kilns. The process involves the combination of sand, graded aggregate, cement, and various colour additives to provide a mix. The mix is then fed into stationary block machines with a predetermined mould which creates the block or paver. The block or pavers are then tray fed by conveyor into humidity controlled heated ovens where they are cured. Once the curing time is complete the finished blocks are fed onto pallets and shrink wrapped. The product is then stored in the open yard until such time as it is transported to the customer.

Masonry manufacture is for the main part undertaken within an enclosed environment.

Dricon

Dricon is Firth's brand of pre-bagged and pre-mixed concrete, cement, mortar, and aggregate products. Firth's Dricon operation in the Wellington region is located in Waikanae, Kāpiti.

The Dricon operation involves the drying, screening, and bagging of mineral products. A number of the products are premixed cement or mortar products. These products have cement and/or other reactive compounds (e.g. lime) blended into them during the bagging operation. The largest area of plant on site is the main bagging plant which is where the drying, mixing and bagging of sand and aggregate takes place. The dryer is fuelled by LPG, stored in 7,500l tank on site.

The bagging operation is for the main part undertaken within an enclosed environment, although it includes outdoor storage of materials and aggregates.

Overview of Firth's submission on PC1

Firth recognises the statutory requirement for the Council to give effect to the National Policy Statement on Freshwater Management 2020 ('NPS-FM'), and that this is the principal purpose of PC1. The focus of Firth's submission is on ensuring that the provisions of PC1 are reasonable and workable in the context of Firth's operations in the region, while recognising the overall purpose of PC1.

Notwithstanding that Firth's Wellington region operations are principally located within Whaitua Te Whanganui-a-Tara and the Kāpiti Whaitua (which is not part of PC1), Firth has submitted on the provisions for both Whaitua Te Whanganui-a-Tara and the Te Awarua-o-Porirua Whaitua in part because Firth recognises that the Council has adopted a consistent approach to both whaitua, and in part because Firth's future operations within the region may not necessarily be limited to its existing sites.

The following provides a non-exhaustive summary of the key issues addressed in Firth's submission:

Stormwater discharges and impervious surfaces

Firth undertakes stormwater discharges from its sites. Firth's sites also contain impervious surfaces in the form of both roofs and hard-stand pavements. From time to time, Firth may need to recondition, replace, or extend its impervious surfaces to accommodate its operations while managing the impacts of its operations on the environment.

As such, Firth is seeking several amendments to the provisions for stormwater discharges and the development of new or redevelopment of existing impervious surfaces to ensure that they are clear, reasonable, and practicable, while recognising that the overall purpose of PC1 is to give effect to the NPS-FM.

High risk industrial or trade premises

Some of Firth’s operations may be considered as falling within the proposed definition of “high risk industrial or trade premises”.

Firth recognises that the potential adverse effects associated with hazardous substances must be appropriately managed but seeks several amendments to the provisions for high risk industrial or trade premises for to ensure that they are clear, reasonable, practicable, and focussed on the potential effects of hazardous substances. In addition to this, Firth considers that there should be a permitted/controlled activity pathway for new or redeveloped impervious surfaces at high risk industrial or trade premises, subject to appropriate conditions.

Unplanned greenfield development areas

Firth’s operations in the region are industrial in nature. As such, they are typically located on the edge of urban areas, where their effects on the surrounding environment can be more readily avoided, remedied, or mitigated. Within the region, Firth’s existing operations are either located within special purpose industrial/quarrying zones or rural zones.

Firth seeks that greater clarity is provided on the scope of the provisions associated with unplanned greenfield development, by incorporating a definition of “greenfield development” into the NRP. This will ensure greater clarity as to the development activities that are regulated under the associated rules.

Additionally, Firth considers that it is inappropriate that all urban development in “unplanned greenfield development areas” is treated as a prohibited activity, as there is insufficient evidence to substantiate that urban development will, in all circumstances, have significant adverse effects on the environment. Firth considers that, where the measures set out in the remainder of the rules for stormwater discharges and impervious surfaces (as amended by the relief sought by Firth) are incorporated into new urban development, development can be undertaken in a manner that appropriately avoids, remedies, or mitigates the adverse effects of urban development on the environment. On this basis, Firth considers that there should be a consent pathway for development in these areas, and that discretionary activity status would be more appropriate.

While Firth’s existing operations in Whaitua Te Whanganui-a-Tara are all located within planned greenfield developed areas, Firth is submitting on these provisions on the basis that its future operations may not necessarily be limited to its existing sites.

Firth’s detailed submission on PC1

Firth’s detailed submission is set out in **Appendix 1**. Where Firth seeks specific amendments to the text of PC1, the following text conventions have been used:

Text convention	Description
<u>Black text underlined</u>	Text of PC1 as notified.
<u>Red text underlined</u>	Text sought to be added by Firth through its submission on PC1.
Red text struck through	Text sought to be deleted by Firth through its submission on PC1.

For the avoidance of doubt, the relief sought in **Appendix 1** includes any consequential amendments that may be required to give effect to the relief sought (even if these consequential amendments have not been specified in the submission).

Appendix 1 – Detailed submission table

Plan Change provision as notified	Position	Submission	Decision sought
2.2 Definitions			
<p><u>High risk industrial or trade premise</u></p> <p><u>An industrial or trade premise that stores, uses or generates contaminants or hazardous substances on-site that are exposed to rain and could become entrained in stormwater. Activities that may occur at these premises could include:</u></p> <ul style="list-style-type: none"> • <u>boat construction and maintenance</u> • <u>commercial cement, concrete or lime manufacturing or storage</u> • <u>chemical manufacture, formulation or bulk storage, recovery, processing or recycling</u> • <u>fertiliser manufacture or bulk storage</u> • <u>storage of hazardous wastes including waste dumps or dam tailings associated with mining activities</u> • <u>petroleum or petrochemical industries including a petroleum depot, terminal blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials.</u> • <u>scrap yards including automotive dismantling, wrecking or scrap metal yards</u> • <u>wood treatment or preservation, or bulk storage of treated timber</u> • <u>mineral extraction, refining and reprocessing, storage, and use</u> • <u>explosives and ordnances production, storage, and use</u> 	Amend	<p>Firth opposes the list of activities provided in the definition which “could” be high risk industrial or trade premises. The list includes various activities where those activities may be managed in such a way that any hazardous substances are not exposed to rain (and therefore would not fall within the definition), including bullet point two “commercial cement, concrete or lime manufacturing or storage” which would capture several of Firth’s sites. There has been no evidence provided that the activities listed are, by default, high risk industrial or trade premises, and as drafted the list is unhelpful to plan readers because it implies that those activities are predetermined as meeting the definition. Firth seeks that the list is removed.</p> <p>In addition to this, Firth considers that the term “contaminant” is too broad to be used in the definition. “Contaminant”, as defined in the RMA, could include any substance that is not the stormwater itself. Under this interpretation, all industrial or trade premises could potentially fall under the definition, regardless of whether they involve storing, generating, or using hazardous substances. Because of this, the scope of activities covered by the definition is unclear. Firth considers that the reference to “contaminant” should be removed, in order that the definition provides for a clear focus on the management of hazardous substances.</p>	<p>Amend the definition as follows:</p> <p><u>High risk industrial or trade premise</u></p> <p><u>An industrial or trade premise that stores, uses or generates contaminants or hazardous substances on-site that are exposed to rain and could become entrained in stormwater. Activities that may occur at these premises could include:</u></p> <ul style="list-style-type: none"> • <u>boat construction and maintenance</u> • <u>commercial cement, concrete or lime manufacturing or storage</u> • <u>chemical manufacture, formulation or bulk storage, recovery, processing or recycling</u> • <u>fertiliser manufacture or bulk storage</u> • <u>storage of hazardous wastes including waste dumps or dam tailings associated with mining activities</u> • <u>petroleum or petrochemical industries including a petroleum depot, terminal blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials.</u> • <u>scrap yards including automotive dismantling, wrecking or scrap metal yards</u> • <u>wood treatment or preservation, or bulk storage of treated timber</u> • <u>mineral extraction, refining and reprocessing, storage, and use</u> • <u>explosives and ordnances production, storage, and use</u>

Plan Change provision as notified	Position	Submission	Decision sought
<ul style="list-style-type: none"> • <u>electronics including the commercial manufacturing, reconditioning, or recycling of computers, televisions, and other electronic devices</u> • <u>waste recycling, treatment, and disposal</u> • <u>engineering workshops with metal fabrication, or electroplaters</u> • <u>power stations, substations, or switchyards.</u> 			<p><u>use</u></p> <ul style="list-style-type: none"> • <u>electronics including the commercial manufacturing, reconditioning, or recycling of computers, televisions, and other electronic devices</u> • <u>waste recycling, treatment, and disposal</u> • <u>engineering workshops with metal fabrication, or electroplaters</u> • <u>power stations, substations, or switchyards.</u>
<p>Redevelopment</p> <p><u>For the purpose of assessment of a proposal involving the redevelopment of an existing urbanised property (i.e brownfield development, upgrades to existing roads etc.) in relation to stormwater effects, this includes the replacement, reconstruction or addition (new) of impervious surfaces. Excludes:</u></p> <ul style="list-style-type: none"> • <u>minor maintenance or repairs to roads, carparking areas, driveways and paving</u> • <u>installation, maintenance or repair of underground infrastructure or network utilities requiring trenching and resurfacing</u> • <u>activities that only involve the re-roofing of existing buildings.</u> 	Amend	Firth opposes the reference to “minor” under the first bullet point should be removed. The term ‘minor’ is subjective and adds uncertainty to the scope of the definition.	<p>Amend the definition as follows:</p> <p>Redevelopment</p> <p><u>For the purpose of assessment of a proposal involving the redevelopment of an existing urbanised property (i.e brownfield development, upgrades to existing roads etc.) in relation to stormwater effects, this includes is the replacement, reconstruction or addition (new) of impervious surfaces. Excludes:</u></p> <ul style="list-style-type: none"> • <u>minor</u> <u>maintenance or repairs to roads, carparking areas, driveways and paving</u> • <u>installation, maintenance or repair of underground infrastructure or network utilities requiring trenching and resurfacing</u> • <u>activities that only involve the re-roofing of existing buildings.</u>
<p>Unplanned greenfield development</p> <p><u>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/non- urban/open space to urban) though a District Plan change to enable the development.</u></p>	Oppose	Firth considers that the scope of the policies and rules that relate to “unplanned greenfield development” is unclear because the term “greenfield development” is undefined. This term is used throughout proposed stormwater provisions, including a proposed prohibited activity through WH.R13 and P.R12. Based on the Section 32 Evaluation report, it is understood that “greenfield	<p>Amend the definition of “unplanned greenfield development” as follows:</p> <p>Unplanned greenfield development</p> <p>Greenfield development <u>within areas identified as ‘unplanned greenfield area’ on maps 86, 87, 88 and 89 which also require an underlying zone change (from</u></p>

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<p><u>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.</u></p>		<p>development” is principally focused on urban development. However, as drafted, and without a definition, all activities could fall into “greenfield development”. Firth seek that a definition is included to clarify what is anticipated and to avoid unnecessarily capturing all other activities.</p> <p>Firth considers that an appropriate definition would be “urban development on land that has not been previously developed for urban land uses”. This is similar to the definition of “greenfield” used in the Auckland Unitary Plan. To support this definition, the term “urban development” should also be defined in the Plan. The definition of “urban development” from the Regional Policy Statement would be appropriate and support integration between the RPS and the NRP.</p>	<p><u>rural/non-urban/open space to urban) though a District Plan change to enable the development.</u></p> <p><u>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.</u></p> <p>Provide a definition of “greenfield development” as follows:</p> <p><u>Greenfield development</u></p> <p><u>Means any urban development undertaken within a site or sites has not been previously used for urban land use.</u></p> <p>As a consequential amendment, provide a definition of “urban development” to match the Regional Policy Statement definition as follows:</p> <p><u>Urban development</u></p> <p><u>Urban development is subdivision, use and development that is characterised by its planned reliance on reticulated services (such as water supply and drainage) by its generation of traffic, and would include activities (such as manufacturing), which are usually provided for in urban areas. It also typically has lots sizes of less than 3000 square metres.</u></p>
<p>Definitions generally (absence of aquatic offset definition)</p>	<p>Amend</p>	<p>Firth note that there is currently no definition for “aquatic offset”. The Natural Resources Plan currently defined “biodiversity offset” which relates primarily to indigenous biodiversity. There is also a definition of “offset” which is more general definition. Both of those definitions are provided below:</p> <p><i>Biodiversity offset</i></p>	<p>Insert new definition of “aquatic offset” as follows:</p> <p><u>Aquatic offset</u></p> <p><u>Has the same meaning as in the National Policy Statement for Freshwater Management (as set out below):</u></p> <p><u>means a measurable conservation outcome resulting from actions that are intended to:</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
		<p><i>A measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been applied. The goal of a biodiversity offset is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values. The principles to be applied when proposing and considering biodiversity offsets are provided in Schedule G2 (biodiversity offsetting).</i></p> <p>Offset</p> <p><i>A measurable positive outcome resulting from an action designed to compensate for the residual adverse effects on the environment arising from an activity after avoidance, remediation and mitigation measures have been taken.</i></p> <p>Without a specific definition for aquatic offset, there is risk that the definition for biodiversity offset is inappropriately applied when considering potential offsetting where an activity has more than minor residual adverse effects on fresh water. Firth considers that it would be inconsistent with the National Policy Statement for Freshwater Management (NPS-FM) to continue to omit the definition which is included as a defined term within the NPS-FM.</p> <p>Firth seeks that a definition of “aquatic offset” is inserted into the definitions section of the plan.</p> <p>It is understood that consequential amendments may be required to objectives, policies, and rules to reference this term.</p>	<p><u>(a) redress any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and</u></p> <p><u>(b) achieve no net loss, and preferably a net gain, in the extent and values of the wetland or river, where:</u></p> <p><u>(i) no net loss means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland or river; and</u></p> <p><u>(ii) net gain means that the measurable positive effects of actions exceed the point of no net loss</u></p>
Definitions generally (absence of aquatic compensation definition)	Amend	Firth notes that there is currently no definition for “aquatic compensation”. The Natural Resources Plan currently defined “biodiversity compensation” which	Insert new definition of “aquatic compensation” as follows:

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		<p>relates primarily to indigenous biodiversity. Both of those definitions are provided below:</p> <p><i>Biodiversity compensation</i></p> <p><i>Biodiversity compensation means a measurable positive environmental outcome resulting from actions that are designed to compensate for residual adverse biodiversity effects. The principles to be applied when proposing and considering biodiversity compensation are provided in Schedule G3 (biodiversity compensation).</i></p> <p>Without a specific definition for aquatic compensation, there is risk that the definition for biodiversity compensation is inappropriately applied when considering potential offsetting where an activity has more than minor residual adverse effects on fresh water. Firth considers that it would be inconsistent with the National Policy Statement for Freshwater Management (NPS-FM) to continue to omit the definition which is included as a defined term within the NPS-FM.</p> <p>Firth seeks that a definition of “aquatic compensation” is inserted into the definitions section of the plan.</p> <p>It is understood that consequential amendments may be required to objectives, policies, and rules to reference this term.</p>	<p><u>Aquatic compensation</u></p> <p><u>Has the same meaning as in the National Policy Statement for Freshwater Management (as set out below):</u></p> <p><u>means a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied</u></p>
Chapter 8: Whaitua Te Whanganui-a-Tara Section 8.2: Policies			
<p><u>Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives</u></p> <p><u>Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</u></p> <p><u>(a) prohibiting unplanned greenfield development and for other greenfield developments</u></p>	Amend	<p>Firth considers that several amendments are necessary to clause (a) of the policy.</p> <p>Firstly, as drafted, the clause prescribes the status of an activity, rather than being focussed on addressing an adverse effect. Firth considers that this is inappropriate for a policy, and that the reference to prohibiting unplanned greenfield development should be removed, in favour of focussing the policy on minimising the adverse</p>	<p>Amend policy WH.P2 as follows:</p> <p><u>Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives</u></p> <p><u>Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</u></p>

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<p><u>minimising the contaminants and requiring financial contributions as to offset adverse effects from residual stormwater contaminants, and</u></p> <p>(b) <u>encouraging redevelopment activities within existing urban areas to reduce the existing urban contaminant load, and</u></p> <p>(c) <u>imposing hydrological controls on urban development and stormwater discharges to rivers</u></p> <p>(d) <u>requiring a reduction in contaminant loads from urban wastewater and stormwater networks, and</u></p> <p>(e) <u>stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation, and</u></p> <p>(f) <u>requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and</u></p> <p>(g) <u>soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</u></p> <p>(h) <u>requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.</u></p>		<p>effects of the discharge of stormwater contaminants from greenfield development.</p> <p>Secondly, Firth considers that amendment to the policy is necessary to ensure that it is consistent with the effects management hierarchy set out in the NPS-FM. Aquatic offsetting is only necessary where residual adverse effects are more than minor, and resource consent applicants should be encouraged to minimise residual adverse effects so that they are no more than minor (in which case aquatic offsetting is not required). Further, where aquatic offsetting or compensation is required, the financial contributions regime proposed by PC1 should be available as a discretionary option for achieving offsetting, but not a mandatory requirement. If applicants can provide alternative effective methods of aquatic offsetting or compensation as part of their proposal in accordance with Appendix 6 of the NPS-FM, then financial contributions (on top of this) should not be required.</p>	<p>(a) prohibiting unplanned greenfield development and for other greenfield developments <u>minimising the discharge of stormwater contaminants from greenfield development, and where residual adverse effects from the discharge of stormwater contaminants are more than minor, requiring aquatic offsetting or aquatic compensation (which may include financial contributions) as an aquatic offset to offset adverse effects from residual stormwater contaminants, and</u></p> <p>(b) <u>encouraging redevelopment activities within existing urban areas to reduce the existing urban contaminant load, and</u></p> <p>(c) <u>imposing hydrological controls on urban development and stormwater discharges to rivers</u></p> <p>(d) <u>requiring a reduction in contaminant loads from urban wastewater and stormwater networks, and</u></p> <p>(e) <u>stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation, and</u></p> <p>(f) <u>requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and</u></p> <p>(g) <u>soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</u></p> <p>(h) <u>requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.</u></p>
<p>Policy WH.P11: Discharges of contaminants in stormwater from high risk industrial or trade premises</p>	Amend	<p>Firth seeks amendments to the policy to remove reference to contaminants generally, in favour of a specific focus on hazardous substances. It is impracticable to avoid contaminants being entrained in stormwater. This is acknowledged in the section 32 evaluation report,</p>	<p>Amend policy WH.P11 as follows:</p> <p>Policy WH.P11: Discharges of contaminants hazardous substances in stormwater from high risk industrial or trade premises</p>

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<p>The discharge of stormwater to water, including discharges via the stormwater network, from a high risk industrial or trade premise shall be managed by:</p> <p>(a) <u>having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and</u></p> <p>(b) <u>avoiding contaminants or hazardous substances being entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or where avoidance is not practicable, implementing good management practice to avoid or minimise adverse effects on the environment, including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring, and</u></p> <p>(c) <u>installing an interceptor where there is a risk of petroleum hydrocarbons entering into the stormwater network, a surface water body or coastal water, and</u></p> <p>(d) <u>avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.</u></p>		<p>and by policies such as WH.P15, which recognises that there are acceptable levels of residual stormwater contaminants associated with development. Given that the focus of the policy is on the management of hazardous substances prepared, used or stored at high risk industrial and trade premises, reference to contaminants generally should be removed from the policy, in order that the policy is implementable and retains a clear focus on the management of hazardous substances.</p> <p>Management of stormwater contaminants generally is provided for under policies WH.P10 and WH.P14, which will also apply to high risk industrial or trade premises.</p> <p>In addition to this, Firth also considers that the policy can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p>water—</p> <p><i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p><i>(b) includes fresh water, coastal water, and geothermal water:</i></p> <p><i>(c) does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The policy (and associated rules) implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. As a result, Firth considers the reference to “via an existing local authority stormwater</p>	<p>The discharge of stormwater to water, including discharges via the stormwater network, from a high risk industrial or trade premise shall be managed by:</p> <p>(a) <u>having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and</u></p> <p>(b) <u>avoiding contaminants or hazardous substances being entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or where avoidance is not practicable, implementing good management practice to avoid or minimise adverse effects on the environment, including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring, and</u></p> <p>(c) <u>installing an interceptor where there is a risk of petroleum hydrocarbons entering into the stormwater network, a surface water body or coastal water, and</u></p> <p>(d) <u>avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
		network” must be removed from the policy. Alternatively, if reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” the network) to ensure that the policy and associated rules are not <i>ultra vires</i> .	
<p><u>Policy WH.P14: Stormwater discharges from new and redeveloped impervious surfaces</u></p> <p><u>The adverse effects of stormwater discharges from new greenfield development shall be minimised, and adverse effects of stormwater discharges from existing urban areas reduced to the extent practicable, upon redevelopment, through implementing:</u></p> <p>(a) <u>an on-site stormwater treatment system or an off-site communal stormwater treatment system that is designed to:</u></p> <p style="padding-left: 40px;">(i) <u>receive at least 85% of the mean annual runoff volume stormwater generated from new and redeveloped impervious surfaces of the property, and</u></p> <p style="padding-left: 40px;">(ii) <u>achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretention device, and</u></p> <p>(b) <u>where stormwater discharges will enter a river, hydrological controls either on-site, or off-site via a communal stormwater treatment system.</u></p>	Amend	Firth seeks consequential amendments to the policy in line with the relief sought by Firth’s submission on the definition of “unplanned greenfield development”. Those changes are to update reference to “greenfield development” to be a defined term.	<p>Amend policy WH.P14 as follows:</p> <p><u>Policy WH.P14: Stormwater discharges from new and redeveloped impervious surfaces</u></p> <p><u>The adverse effects of stormwater discharges from new greenfield development shall be minimised, and adverse effects of stormwater discharges from existing urban areas reduced to the extent practicable, upon redevelopment, through implementing:</u></p> <p>(a) <u>an on-site stormwater treatment system or an off-site communal stormwater treatment system that is designed to:</u></p> <p style="padding-left: 40px;">(i) <u>receive at least 85% of the mean annual runoff volume stormwater generated from new and redeveloped impervious surfaces of the property, and</u></p> <p style="padding-left: 40px;">(ii) <u>achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretention device, and</u></p> <p>(b) <u>where stormwater discharges will enter a river, hydrological controls either on-site, or off-site via a communal stormwater treatment system.</u></p>
<p><u>Policy WH.P15: Stormwater contaminant offsetting for new greenfield development</u></p> <p><u>The adverse effects of residual (post-treatment) stormwater contaminants from new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a surface water body or</u></p>	Amend	<p>Firth considers that several amendments are required to the policy.</p> <p>Firstly, Firth considers that the mandatory requirement for financial contributions under this policy is inconsistent with the NPS-FM and limits the ability to implement the effects management hierarchy. Aquatic offsetting or aquatic compensation are required where there are more</p>	<p>Amend policy WH.P15 as follows:</p> <p><u>Policy WH.P15: Stormwater contaminant offsetting or compensation for new greenfield development</u></p> <p>The-Where there are more than minor residual <u>adverse effects of residual (post-treatment) stormwater contaminants from new greenfield development, roads (not already captured as part of a greenfield</u></p>

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<p><u>coastal water, including via an existing or new stormwater network, are to be offset by way of a financial contribution in accordance with Schedule 30 (financial contribution).</u></p>		<p>than minor residual adverse effects, rather than residual adverse effects generally. It is expected that there will be some residual adverse effect, which is appropriate, provided that effect is no more than minor. This clause also implies that financial contributions are the only form of offset that may be provided. Appendix 6 of the NPS-FM sets out principles that are to be applied when identifying an appropriate aquatic offset. It would be contrary to the NPS-FM to not allow for consideration against those principles. The clause also implies that only offsetting may be applied. The effects management hierarchy provides for aquatic compensation where aquatic offsetting is not able to be provided. Firth accepts that a financial contribution may be an appropriate form of aquatic offset but seek that the policy does not frustrate the ability for other forms of aquatic offsetting or aquatic compensation to be undertaken.</p> <p>Secondly, Firth considers that the policy can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p>water—</p> <p><i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p><i>(b) includes fresh water, coastal water, and geothermal water:</i></p> <p><i>(c) does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The policy (and associated rules) implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of</p>	<p><u>development)</u> and state highways where the discharge will enter a surface water body or coastal water, including <u>via-from</u> an existing or new stormwater network, those effects must be managed by way of an aquatic offset or aquatic compensation, including through the following:</p> <p><u>(a) are to be provide an aquatic offset by way of a financial contribution in accordance with Schedule 30 (financial contribution), or</u></p> <p><u>(b) provide an aquatic offset in accordance with the principles for aquatic offsetting in Appendix 6 of the NPS-FM, and</u></p> <p><u>(c) where more than minor residual adverse effects cannot be offset, aquatic compensation must be provided in accordance with the principles for aquatic compensation in Appendix 7 of the NPS-FM.</u></p>

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		<p>discharge into the network. Where the policy refers to the stormwater network, this must be clarified as being “from” the stormwater network (and not “via” the network) to ensure that the policy and associated rules are not <i>ultra vires</i>.</p> <p>Finally, Firth seek consequential amendments to account for the defined term of “greenfield development” as sought through Firth’s submission on the definition of “unplanned greenfield development”.</p>	
<p><u>Policy WH.P16: Stormwater discharges from new unplanned greenfield development</u></p> <p><u>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.</u></p>	Oppose	<p>Firth opposes this policy in its entirety. There is little evidence provided through the Section 32 evaluation to justify this direction and to suggest that all new stormwater discharges from unplanned greenfield development will cause significant effects. This policy direction inappropriately targets land use, without regard to whether that land use will have significant adverse effects.</p>	Delete policy.
Chapter 8: Whaitua Te Whanganui-a-Tara Section 8.3: Rules			
<p><u>Rule WH.R1: Point source discharges of specific contaminants – prohibited activity</u></p> <p><u>The point source discharge of:</u></p> <p>(a) <u>chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or</u></p> <p>(b) <u>paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or</u></p> <p>(c) <u>solvents including paint stripper, or</u></p> <p>(d) <u>liquid fuels, including diesel, petrol, oil, grease, except where these have been treated by an interceptor system to collect hazardous contaminants and the treated discharge does not</u></p>	Amend	<p>Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p style="text-align: center;"><i>water—</i></p> <p style="text-align: center;"><i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p style="text-align: center;"><i>(b) includes fresh water, coastal water, and geothermal water:</i></p> <p style="text-align: center;"><i>(c) does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The implies that a stormwater network is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater</p>	<p>Amend rule WH.R1 as follows:</p> <p><u>Rule WH.R1: Point source discharges of specific contaminants – prohibited activity</u></p> <p><u>The point source discharge of:</u></p> <p>(a) <u>chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or</u></p> <p>(b) <u>paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or</u></p> <p>(c) <u>solvents including paint stripper, or</u></p> <p>(d) <u>liquid fuels, including diesel, petrol, oil, grease, except where these have been treated by an interceptor system to collect hazardous contaminants and the treated discharge does not</u></p>

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<p><u>contain more than 15 milligrams per litre of total petroleum hydrocarbons, or</u></p> <p>(e) <u>radiator coolant, or</u></p> <p>(f) <u>cooking oil, or</u></p> <p>(g) <u>cement wash, cement slurry and concrete cutting waste, or</u></p> <p>(h) <u>drill cooling water</u></p> <p>into water or onto or into land, including via a stormwater network, where it may enter a surface water body or coastal water is a prohibited activity.</p>		<p>discharges from a stormwater network, it cannot manage effects at the point of discharge into the network. Where the rule refers to the stormwater network, this must be clarified as being “from” the stormwater network (and not “via” the network) to ensure that the rule is not <i>ultra vires</i>.</p>	<p><u>contain more than 15 milligrams per litre of total petroleum hydrocarbons, or</u></p> <p>(e) <u>radiator coolant, or</u></p> <p>(f) <u>cooking oil, or</u></p> <p>(g) <u>cement wash, cement slurry and concrete cutting waste, or</u></p> <p>(h) <u>drill cooling water</u></p> <p>into water or onto or into land, including via from a stormwater network, where it may enter a surface water body or coastal water is a prohibited activity.</p>
<p>Rule WH.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity</p> <p>The discharge of stormwater from an existing high risk industrial or trade premise, that is not a port or airport, into water, or onto or into land where it may enter water, including via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</p> <p>(a) <u>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</u></p> <p>(b) <u>the discharge does not contain wastewater, and</u></p> <p>(c) <u>if the discharge is to land where it may enter groundwater,</u></p> <p style="padding-left: 40px;">(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p> <p style="padding-left: 40px;">(ii) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and</u></p>	<p>Amend</p>	<p>Firth considers that several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that there will be no material difference in the potential effects associated with stormwater discharges from existing or new high risk industrial or trade premises. As such, both existing and new premises should be provided for under the rule.</p> <p>Secondly, Firth considers that condition (d) of the rule should be amended to remove reference to contaminants generally and retain a focus on hazardous substances. The term “contaminants” is too broad and given that the purpose of managing high risk industrial or trade premises is to manage the potential adverse effects associated with the discharge hazardous substances, it is appropriate that condition (d) manages only hazardous substances, rather than contaminants more broadly (which are managed under the remainder of the conditions).</p> <p>Thirdly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p style="text-align: center;">water—</p>	<p>Amend rule WH.R4 as follows:</p> <p>Rule WH.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity</p> <p>The discharge of stormwater from an existing high risk industrial or trade premise, that is not a port or airport, into water, or onto or into land where it may enter water, including via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</p> <p>(a) <u>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</u></p> <p>(b) <u>the discharge does not contain wastewater, and</u></p> <p>(c) <u>if the discharge is to land where it may enter groundwater,</u></p> <p style="padding-left: 40px;">(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p> <p style="padding-left: 40px;">(ii) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and</u></p>

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<p>(d) <u>any contaminants stored or used on site, or hazardous substances, cannot be entrained in stormwater and enter a surface water body or coastal water, including via the stormwater network, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and</u></p> <p>(e) <u>if the discharge is into a surface water body, coastal water or via an existing local authority stormwater network, the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>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</u></p> <p>(ii) <u>100g/m³ where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via an existing local authority stormwater network the discharge shall also not:</u></p>		<p>(a) <i>means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p>(b) <i>includes fresh water, coastal water, and geothermal water:</i></p> <p>(c) <i>does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. As a result, Firth considers the reference to “via an existing local authority stormwater network” must be removed from the rule. Alternatively, if reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” the network) to ensure that the rule is not <i>ultra vires</i>.</p> <p>Finally, Firth also considers that the note at the end of the rule should be deleted as part of giving effect to the relief sought by Firth in relation to the rules for new or redeveloped impervious surfaces for high risk industrial or trade premises.</p>	<p>(d) <u>any contaminants stored or used on site, or hazardous substances stored or used on site, cannot be entrained in stormwater and enter a surface water body or coastal water, including via the stormwater network, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and</u></p> <p>(e) <u>if the discharge is into a surface water body, coastal water or via an existing local authority stormwater network, the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>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</u></p> <p>(ii) <u>100g/m³ where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via from an existing local authority stormwater network the discharge shall also not:</u></p>

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<p>(f) <u>cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(g) <u>give rise to the following effects beyond the zone of reasonable mixing:</u></p> <p style="padding-left: 40px;">(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p style="padding-left: 40px;">(ii) <u>any conspicuous change in the colour, or</u></p> <p style="padding-left: 40px;">(iii) <u>a decrease in water clarity of more than</u></p> <p style="padding-left: 80px;">1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p style="padding-left: 80px;">2. <u>30% in any other river, or</u></p> <p style="padding-left: 40px;">(iv) <u>any emission of objectionable odour, or</u></p> <p style="padding-left: 40px;">(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p style="padding-left: 40px;">(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><i>Note</i></p> <p>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to WH.R11.</p>			<p>(f) <u>cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(g) <u>give rise to the following effects beyond the zone of reasonable mixing:</u></p> <p style="padding-left: 40px;">(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p style="padding-left: 40px;">(ii) <u>any conspicuous change in the colour, or</u></p> <p style="padding-left: 40px;">(iii) <u>a decrease in water clarity of more than</u></p> <p style="padding-left: 80px;">1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p style="padding-left: 80px;">2. <u>30% in any other river, or</u></p> <p style="padding-left: 40px;">(iv) <u>any emission of objectionable odour, or</u></p> <p style="padding-left: 40px;">(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p style="padding-left: 40px;">(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><i>Note</i></p> <p>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to WH.R11.</p>
<p>Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</p> <p>The use of land for the creation of new, or redevelopment of existing impervious surfaces (including greenfield development and</p>	Amend	<p>Firth considers that several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that, subject to appropriate conditions, new or redeveloped impervious surfaces for high risk industrial or trade premises should be provided</p>	<p>Amend rule WH.R5 as follows:</p> <p>Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</p>

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<p><u>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:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of existing impervious areas of less than 1,000m² (baseline property existing impervious area as at 30 October 2023) and</u></p> <p>(b) <u>all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials, and</u></p> <p>(c) <u>the proposal provides hydrological control measures (for example rain tanks) onsite or offsite, where discharges will enter a surface water body (including via an existing local authority stormwater network):</u></p> <p style="padding-left: 40px;">(i) <u>for all impervious areas associated with a greenfield development, or</u></p> <p style="padding-left: 40px;">(ii) <u>for all redeveloped and new impervious areas involving greater than 30m² of impervious area of a redevelopment (of an existing urbanised property), and</u></p> <p>(d) <u>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</u></p> <p>(e) <u>the discharge does not contain wastewater, and</u></p>		<p>for as a permitted activity under this rule. This would ensure that high risk industrial or trade premises are not disincentivised from reconditioning or replacing impervious surfaces, particularly where they are degraded and may not be performing well, on the basis that new or redeveloped impervious surfaces are by default a discretionary activity. Firth considers that the potential adverse effects associated with hazardous substances at high-risk industrial or trade premises can be appropriately managed through solutions such as containment or interception and considers that the conditions under (d) of rule WH.R4 are generally appropriate for this purpose. On this basis, Firth seeks that the rule is amended to apply to high risk industrial or trade premises, by including those conditions as part of the rule, removing the exception from the beginning of the rule, and removing the note at the end of the rule.</p> <p>Secondly, Firth considers that condition (a) should be amended to replace the fixed baseline for new or redeveloped impervious surfaces with a time period. Firth considers that a fixed baseline would be unworkable, particularly with respect to redevelopment, as it could result in future redevelopment of the same impervious surface becoming a controlled or discretionary activity by default, even where the surface is less than 1,000m². Firth considers that a 12-month time period, similar to that used for earthworks, would be more appropriate on the basis that it provides greater certainty to applicants, and is more readily enforceable.</p> <p>Thirdly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p style="padding-left: 40px;"><i>water—</i></p> <p style="padding-left: 40px;"><i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p>	<p><u>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 from 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:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of existing impervious areas of less than 1,000m² (baseline property existing impervious area as at 30 October 2023) per property in any consecutive 12-month period and</u></p> <p>(b) <u>all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials, and</u></p> <p>(c) <u>the proposal provides hydrological control measures (for example rain tanks) onsite or offsite, where discharges will enter a surface water body (including via from an existing local authority stormwater network):</u></p> <p style="padding-left: 40px;">(i) <u>for all impervious areas impervious surfaces associated with a greenfield development, or</u></p> <p style="padding-left: 40px;">(ii) <u>for all redeveloped and new impervious areas impervious surfaces involving greater than 30m² of impervious area of a associated with redevelopment (of an existing urbanised property), and</u></p>

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<p>(f) <u>the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>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</u></p> <p>(ii) <u>100g/m³ where the discharge enters any other water,</u></p> <p>and where the discharge is not via an existing or new local authority stormwater network:</p> <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <ol style="list-style-type: none"> 1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u> 2. <u>30% in any other river, or</u> <p>(iv) <u>any emission of objectionable odour, or</u></p>		<p>(b) <i>includes fresh water, coastal water, and geothermal water:</i></p> <p>(c) <i>does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. If reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” or “through” the network) to ensure that the rule is not <i>ultra vires</i>.</p> <p>Fourthly, Firth considers that it is inappropriate to require hydrological control for the redevelopment of existing impervious surfaces under condition (c), on the basis that redevelopment of existing surfaces would not have any adverse effects on the flow of stormwater, when compared to the existing environment.</p> <p>Finally, Firth considers that for clarity, references to “impervious areas”, which is not defined, should be replaced with references to “impervious surfaces”, which is defined.</p>	<p>(d) <u>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</u></p> <p>(e) <u>the discharge does not contain wastewater, and</u></p> <p>(f) <u>the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>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</u></p> <p>(ii) <u>100g/m³ where the discharge enters any other water,</u></p> <p>and where the discharge is not via from an existing or new local authority stormwater network:</p> <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:</u></p> <p>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p>(ii) <u>any conspicuous change in the colour, or</u></p> <p>(iii) <u>a decrease in water clarity of more than</u></p> <ol style="list-style-type: none"> 1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate</u>

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<p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><u>Note</u></p> <p>Where a property connects to a local authority stormwater network, additional connection requirements and authorisations may be required by the network utility operator.</p> <p>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to WH.R11.</p>			<p><u>community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p>and where the new or redeveloped impervious surface is for a high risk industrial or trade premise:</p> <p>(i) any hazardous substances stored or used on site cannot be entrained in stormwater and enter a surface water body or coastal water, including via the stormwater network, or</p> <p>(i) there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</p> <p>(ii) the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons.</p> <p><u>Note</u></p> <p>Where a property connects to a local authority stormwater network, additional connection requirements and authorisations may be required by the network utility operator.</p> <p>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade</p>

Plan Change provision as notified	Position	Submission	Decision sought
<p>Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity</p> <p>The use of land for the creation of new impervious surfaces for greenfield development 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 local authority stormwater network, that is not a high risk industrial or trade premise or unplanned greenfield development, is a controlled activity, provided the following conditions are met:</p> <p>(a) <u>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 2023)</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation new impervious surfaces of less than 1,000m², but is not permitted under the conditions of Rule WH.R5.</u></p> <p>and,</p> <p>(c) <u>a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and</u></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 style="padding-left: 40px;">(i) <u>on-site, or</u></p>	Amend	<p>Firth considers that several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that, subject to appropriate conditions, new impervious surfaces for high risk industrial or trade premises should be provided for as a permitted activity under this rule. Firth considers that the potential adverse effects associated with hazardous substances at high-risk industrial or trade premises can be appropriately managed through solutions such as containment or interception and considers that the conditions under (d) of rule WH.R4 are generally appropriate for this purpose. On this basis, Firth seeks that the rule is amended to apply to high risk industrial or trade premises, by including those conditions as part of the rule, removing the exception from the beginning of the rule, adding an appropriate matter of control to the rule, and removing the note at the end of the rule.</p> <p>Secondly, Firth considers that condition (a) should be amended to replace the fixed baseline for new impervious surfaces with a time period, consistent with the relief sought by Firth on rule WH.R5.</p> <p>Thirdly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p style="text-align: center;">water—</p> <p style="padding-left: 40px;">(a) <i>means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p style="padding-left: 40px;">(b) <i>includes fresh water, coastal water, and geothermal water:</i></p> <p style="padding-left: 40px;">(c) <i>does not include water in any form while in any pipe, tank, or cistern</i></p>	<p>premises and the associated discharge of stormwater, refer to WH.R11.</p> <p>Amend rule WH.R6 as follows:</p> <p>Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity</p> <p>The use of land for the creation of new impervious surfaces for greenfield development 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-from an existing local authority stormwater network, that is not a high risk industrial or trade premise or unplanned greenfield development, is a controlled activity, provided the following conditions are met:</p> <p>(a) <u>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 2023) per property in any consecutive 12-month period</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation new impervious surfaces of less than 1,000m², but is not permitted under the conditions of Rule WH.R5.</u></p> <p>and,</p> <p>(c) a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and</p> <p>(d) <u>where stormwater directly or indirectly (through from an existing local authority stormwater network) discharges to a river, hydrological control is provided either:</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<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, and</u></p> <p>(e) <u>stormwater contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a stormwater treatment system that treats in accordance with Schedule 28 (contaminant treatment) and 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 treatment system that has capacity to treat contaminant loads from the site.</u></p> <p><i>Matters of control</i></p> <p>1. <u>The design and layout of the on-site stormwater treatment system, including the ongoing operational and management measures necessary to ensure that stormwater quality will meet the requirements of condition (e) of this rule</u></p> <p>2. <u>The adequacy of hydrological control measures either on-site or off-site, where stormwater will enter a river</u></p> <p>3. <u>Where an off-site (or a combination of on-site and off-site) stormwater treatment system is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></p>		<p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. If reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” or “through” the network) to ensure that the rule is not <i>ultra vires</i>.</p> <p>Fourthly, in line with Firth’s submission on policy WH.P15, Firth considers that it is not consistent with the NPS-FM to require mandatory financial contributions for the purposes of aquatic offsetting, on the basis that the effects management hierarchy in the NPS-FM only requires offsetting in circumstances where residual adverse effects are more than minor. Further, where residual adverse effects are more than minor, applicants should have the opportunity to propose aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM. On this basis, Firth considers that it is inappropriate to require financial contributions as a condition, and that instead, matter of control 6 should be amended to refer to policy WH.P15. This would ensure that appropriate aquatic offsetting or compensation (which may include financial contributions under Schedule 30) can be considered on a case by case basis, where this is required.</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, and</u></p> <p>(e) <u>stormwater contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a stormwater treatment system that treats in accordance with Schedule 28 (contaminant treatment) and 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 treatment system that has capacity to treat contaminant loads from the site,</u></p> <p><u>and where the new impervious surface is for a high risk industrial or trade premise:</u></p> <p>(f) <u>any hazardous substances stored or used on site cannot be entrained in stormwater and enter a surface water body or coastal water, including via the stormwater network, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<p>4. <u>The long-term operational, maintenance and ownership requirements of the stormwater treatment system</u></p> <p>5. <u>Whether sufficient use of water sensitive urban design measures have been applied to the site design and layout</u></p> <p>6. <u>A financial contribution as required by Schedule 30 (financial contributions)</u></p> <p>7. <u>Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule</u></p> <p><u>Notification</u></p> <p><u>In respect of Rule WH.R6, applications are precluded from limited and public notification (unless special circumstances exist).</u></p> <p><u>Note</u></p> <p><u>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to WH.R11.</u></p>			<p><u>milligrams per litre of total petroleum hydrocarbons.</u></p> <p><u>Matters of control</u></p> <p>1. <u>The design and layout of the on-site stormwater treatment system, including the ongoing operational and management measures necessary to ensure that stormwater quality will meet the requirements of condition (e) of this rule</u></p> <p>2. <u>The adequacy of hydrological control measures either on-site or off- site, where stormwater will enter a river</u></p> <p>3. <u>Where an off-site (or a combination of on-site and off-site) stormwater treatment system is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></p> <p>4. <u>The long-term operational, maintenance and ownership requirements of the stormwater treatment system</u></p> <p>5. <u>Whether sufficient use of water sensitive urban design measures have been applied to the site design and layout</u></p> <p>6. <u>A financial contribution as required by Schedule 30 (financial contributions)-Any aquatic offsetting or aquatic compensation proposed in accordance with policy WH.P15</u></p> <p>7. <u>For high risk industrial or trade premises, the adequacy of any proposed containment system, interceptor system, or other proposed methods for the management of hazardous substances</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
			<p>8. <u>Condition of consent to demonstrate and/or monitor compliance with conditions (d), and (e), and (f) of this rule</u></p> <p><i>Notification</i></p> <p>In respect of Rule WH.R6, applications are precluded from limited and public notification (unless special circumstances exist).</p> <p><i>Note</i></p> <p>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to WH.R11.</p>
<p><u>Rule WH.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</u></p> <p><u>The use of land for the creation of new and/or redevelopment of impervious surfaces of an 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 local authority stormwater network, that is not a high risk industrial or trade premise, is a controlled activity, provided the following conditions are met:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of impervious surfaces of between 1,000m² and 3,000m² (baseline property existing impervious area as at 30 October 2023)</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation of new, or redevelopment of impervious areas of less than</u></p>	Amend	<p>Firth considers that several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that, subject to appropriate conditions, new or redeveloped impervious surfaces for high risk industrial or trade premises should be provided for as a permitted activity under this rule. This would ensure that high risk industrial or trade premises are not disincentivised from reconditioning or replacing impervious surfaces, particularly where they are degraded and may not be performing well, on the basis that new or redeveloped impervious surfaces are by default a discretionary activity. Firth considers that the potential adverse effects associated with hazardous substances at high-risk industrial or trade premises can be appropriately managed through solutions such as containment or interception and considers that the conditions under (d) of rule WH.R4 are generally appropriate for this purpose. On this basis, Firth seeks that the rule is amended to apply to high risk industrial or trade premises, by including those conditions as part of the rule, removing the exception from the beginning of the rule, adding an appropriate matter of control to the rule, and removing the note at the end of the rule.</p>	<p>Amend rule WH.R7 as follows:</p> <p><u>Rule WH.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</u></p> <p><u>The use of land for the creation of new and/or redevelopment of impervious surfaces of an 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 from an existing local authority stormwater network, that is not a high risk industrial or trade premise, is a controlled activity, provided the following conditions are met:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of impervious surfaces of between 1,000m² and 3,000m² (baseline property existing impervious area as at 30 October 2023) per property in any consecutive 12-month period</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation of new, or redevelopment of impervious areas of less than</u></p>

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<p><u>1,000m² but is not permitted under the conditions of Rule WH.R5,</u></p> <p>and,</p> <p>(c) <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, and</u></p> <p>(d) <u>contaminant treatment of stormwater is provided either:</u></p> <p>(i) <u>on-site through a stormwater treatment system, or</u></p> <p>(ii) <u>off-site through an existing local authority stormwater network or privately owned stormwater treatment system that has capacity to treat contaminant loads from the site</u></p> <p><u>Matters of control</u></p> <p>1. <u>Whether the design and layout of the on-site stormwater treatment system incorporates best practicable option measures to achieve (to the extent practicable) the capture of 85% of the mean annual stormwater runoff and treatment in accordance with Schedule 28 (contaminant treatment)</u></p> <p>2. <u>Whether the design and layout undertakes a best practicable option approach to the provision of</u></p>		<p>Secondly, Firth considers that condition (a) should be amended to replace the fixed baseline for new impervious surfaces with a time period, consistent with the relief sought by Firth on rule WH.R5.</p> <p>Thirdly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p>water—</p> <p>(a) <i>means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p>(b) <i>includes fresh water, coastal water, and geothermal water:</i></p> <p>(c) <i>does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. If reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” or “through” the network) to ensure that the rule is not <i>ultra vires</i>.</p>	<p><u>1,000m² but is not permitted under the conditions of Rule WH.R5,</u></p> <p>and,</p> <p>(c) <u>where stormwater directly or indirectly (through from 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, and</u></p> <p>(d) <u>contaminant treatment of stormwater is provided either:</u></p> <p>(i) <u>on-site through a stormwater treatment system, or</u></p> <p>(ii) <u>off-site through an existing local authority stormwater network or privately owned stormwater treatment system that has capacity to treat contaminant loads from the site</u></p> <p><u>and where the new or redeveloped impervious surface is for a high risk industrial or trade premise:</u></p> <p>(e) <u>any hazardous substances stored or used on site cannot be entrained in stormwater and enter a surface water body or coastal water, including via the stormwater network, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<p><u>hydrological control</u> measures either onsite or offsite, where stormwater will enter a river</p> <p>3. <u>Where an off-site (or a combination of on-site and off-site) stormwater treatment system is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></p> <p>4. <u>The long-term operational, maintenance and ownership requirements of the stormwater treatment system</u></p> <p>5. <u>Whether there are topographical limitations influencing the provision of stormwater hydrological control and contaminant treatment</u></p> <p>6. <u>Whether sufficient use of water sensitive urban design methods have been applied to the site design and layout</u></p> <p>7. <u>Conditions to monitor compliance associated with any stormwater treatment system or hydrological control measures.</u></p> <p><u>Notification</u></p> <p><u>In respect of Rule WH.R7, applications are precluded from limited and public notification (unless special circumstances exist).</u></p> <p><u>Note</u></p> <p><u>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to Rule WH.R11.</u></p>			<p>(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons.</u></p> <p><u>Matters of control</u></p> <p>1. <u>Whether the design and layout of the on-site stormwater treatment system incorporates best practicable option measures to achieve (to the extent practicable) the capture of 85% of the mean annual stormwater runoff and treatment in accordance with Schedule 28 (contaminant treatment)</u></p> <p>2. <u>Whether the design and layout undertakes a best practicable option approach to the provision of hydrological control measures either onsite or offsite, where stormwater will enter a river</u></p> <p>3. <u>Where an off-site (or a combination of on-site and off-site) stormwater treatment system is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></p> <p>4. <u>The long-term operational, maintenance and ownership requirements of the stormwater treatment system</u></p> <p>5. <u>Whether there are topographical limitations influencing the provision of stormwater hydrological control and contaminant treatment</u></p> <p>6. <u>Whether sufficient use of water sensitive urban design methods have been applied to the site design and layout</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
			<p>7. For high risk industrial or trade premises, the adequacy of any proposed containment system, interceptor system, or other proposed methods for the management of hazardous substances</p> <p>8. Conditions to monitor compliance associated with any stormwater treatment system, or hydrological control measures, or measures required under condition (e).</p> <p><i>Notification</i></p> <p>In respect of Rule WH.R7, applications are precluded from limited and public notification (unless special circumstances exist).</p> <p><i>Note</i></p> <p>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to Rule WH.R11.</p>
<p><u>Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity</u></p> <p><u>The use of land for the creation of new, or redevelopment of existing impervious surfaces (including greenfield development and redevelopment 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 local authority stormwater network, that is not permitted by Rule WH.R5, or a controlled activity under Rule WH.R6 or Rule WH.R7, or prohibited under WH.R13 is a discretionary activity provided the following conditions are met:</u></p> <p><u>(a) the resource consent application includes a Stormwater Impact Assessment prepared in</u></p>	Amend	<p>Firth considers that several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p>water—</p> <p><i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p><i>(b) includes fresh water, coastal water, and geothermal water:</i></p> <p><i>(c) does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment.</p>	<p>Amend rule WH.R11 as follows:</p> <p><u>Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity</u></p> <p><u>The use of land for the creation of new, or redevelopment of existing impervious surfaces (including greenfield development and redevelopment 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 from an existing local authority stormwater network, that is not permitted by Rule WH.R5, or a controlled activity under Rule WH.R6 or Rule WH.R7, or prohibited under WH.R13 is a discretionary activity provided the following conditions are met:</u></p> <p><u>(a) the resource consent application includes a Stormwater Impact Assessment prepared in</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<p><u>accordance with Schedule 29 (impact assessment), and</u></p> <p><u>(b) if the proposal is for greenfield development a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).</u></p>		<p>Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. If reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” or “through” the network) to ensure that the rule is not <i>ultra vires</i>.</p> <p>Secondly, in line with Firth’s submission on policy WH.P15, Firth considers that it is not consistent with the NPS-FM to require mandatory financial contributions for the purposes of aquatic offsetting, on the basis that the effects management hierarchy in the NPS-FM only requires offsetting in circumstances where residual adverse effects are more than minor. Further, where residual adverse effects are more than minor, applicants should have the opportunity to propose aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM. On this basis, Firth considers that it is inappropriate to require financial contributions as a condition. In any case, because the activity is a discretionary activity, appropriate aquatic offsetting or compensation (which may include financial contributions under Schedule 30) can be considered on a case by case basis with reference to the requirements of policy WH.P15, where this is required.</p>	<p><u>accordance with Schedule 29 (impact assessment), and.</u></p> <p>(b) if the proposal is for greenfield development a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).</p>
<p><u>Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity</u></p> <p><u>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.</u></p>	Amend	<p>Firth considers several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that it is inappropriate that all urban development in “unplanned greenfield development areas” is treated as a prohibited activity, as there is insufficient evidence to substantiate that urban development will, in all circumstances, have significant adverse effects on the environment. Firth considers that, where the measures set out in the remainder of the rules</p>	<p>Amend rule WH.R13 as follows:</p> <p><u>Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited discretionary activity</u></p> <p><u>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 from an existing or</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<p><u>Note</u></p> <p><u>Any unplanned greenfield development proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the National Policy Statement for Freshwater Management 2020, and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment.</u></p>		<p>for stormwater discharges and impervious surfaces (as amended by the relief sought by Firth) are incorporated into new urban development, development can be undertaken in a manner that appropriately avoids, remedies, or mitigates the adverse effects of urban development on the environment. Because it cannot be substantiated that urban development will have significant adverse effects in all circumstances, Firth considers that prohibited activity status is inappropriate, and that discretionary activity status would be more appropriate.</p> <p>Firth also considers that the approach promoted by the Council is unlikely to be workable, on the basis that the RMA does not provide for concurrent or coordinated consideration of separate changes to regional and district plans.</p> <p>Secondly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p style="text-align: center;">water—</p> <p style="text-align: center;"><i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p style="text-align: center;"><i>(b) includes fresh water, coastal water, and geothermal water:</i></p> <p style="text-align: center;"><i>(c) does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. If</p>	<p><u>proposed stormwater network, is a prohibited discretionary activity.</u></p> <p><u>Note</u></p> <p><u>Any unplanned greenfield development proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the National Policy Statement for Freshwater Management 2020, and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment.</u></p>

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		reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” or “through” the network) to ensure that the rule is not <i>ultra vires</i> .	
Chapter 9: Te Awarua-o-Porirua Whaitua Section 9.2: Policies			
<p><u>Policy P.P2 Management of activities to achieve target attribute states and coastal water objectives</u></p> <p><u>Target attribute states and coastal water objectives will be achieved by regulating discharges and land-use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</u></p> <p>(a) <u>prohibiting unplanned greenfield development and for other greenfield developments minimising the contaminants and requiring financial contributions as to offset adverse effects from residual stormwater contaminants, and</u></p> <p>(b) <u>encouraging redevelopment activities within existing urban areas to reduce the existing urban contaminant load, and</u></p> <p>(c) <u>imposing hydrological controls on urban development and stormwater discharges to rivers, and</u></p> <p>(d) <u>requiring a reduction in contaminant loads from urban wastewater and stormwater networks, and</u></p> <p>(e) <u>stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation, and</u></p> <p>(f) <u>requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and</u></p>	Amend	<p>Firth considers that several amendments are necessary to clause (a) of the policy.</p> <p>Firstly, as drafted, the clause prescribes the status of an activity, rather than being focussed on addressing an adverse effect. Firth considers that this is inappropriate for a policy, and that the reference to prohibiting unplanned greenfield development should be removed, in favour of focussing the policy on minimising the adverse effects of the discharge of stormwater contaminants from greenfield development.</p> <p>Secondly, Firth considers that amendment to the policy is necessary to ensure that it is consistent with the effects management hierarchy set out in the NPS-FM. Aquatic offsetting is only necessary where residual adverse effects are more than minor, and resource consent applicants should be encouraged to minimise residual adverse effects so that they are no more than minor (in which case aquatic offsetting is not required). Further, where aquatic offsetting or compensation is required, the financial contributions regime proposed by PC1 should be available as a discretionary option for achieving offsetting, but not a mandatory requirement. If applicants can provide alternative effective methods of aquatic offsetting or compensation as part of their proposal in accordance with Appendix 6 of the NPS-FM, then financial contributions (on top of this) should not be required.</p>	<p>Amend policy as follows:</p> <p><u>Policy P.P2 Management of activities to achieve target attribute states and coastal water objectives</u></p> <p><u>Target attribute states and coastal water objectives will be achieved by regulating discharges and land-use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</u></p> <p>(a) prohibiting unplanned greenfield development and for other greenfield developments minimising the discharge of stormwater contaminants from greenfield development, and where residual adverse effects from the discharge of stormwater contaminants are more than minor, requiring aquatic offsetting or aquatic compensation (which may include financial contributions) as an aquatic offset to offset adverse effects from residual stormwater contaminants, and</p> <p>(b) <u>encouraging redevelopment activities within existing urban areas to reduce the existing urban contaminant load, and</u></p> <p>(c) <u>imposing hydrological controls on urban development and stormwater discharges to rivers, and</u></p> <p>(d) <u>requiring a reduction in contaminant loads from urban wastewater and stormwater networks, and</u></p> <p>(e) <u>stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation, and</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<p>(g) <u>soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</u></p> <p>(h) <u>requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.</u></p>			<p>(f) <u>requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and</u></p> <p>(g) <u>soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</u></p> <p>(h) <u>requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.</u></p>
<p><u>Policy P.P11: Discharges of a contaminant in stormwater from high risk industrial or trade premises</u></p> <p>The discharge of <u>stormwater</u> to water from a <u>high risk industrial or trade premise</u> shall be managed by:</p> <p>(a) <u>having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and</u></p> <p>(b) <u>avoiding contaminants or hazardous substances being entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or where avoidance is not practicable, implementing good management practice to avoid or minimise adverse effects on the environment including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring, and</u></p> <p>(c) <u>installing an interceptor where there is a risk of petroleum hydrocarbons entering into the stormwater network, a surface water body or coastal water, and</u></p>	Amend	<p>Firth seeks amendments to the policy to remove reference to contaminants generally, in favour of a specific focus on hazardous substances. It is impracticable to avoid contaminants being entrained in stormwater. This is acknowledged in the section 32 evaluation report, and by policies such as WH.P15, which recognises that there are acceptable levels of residual stormwater contaminants associated with development. Given that the focus of the policy is on the management of hazardous substances prepared, used or stored at high risk industrial and trade premises, reference to contaminants generally should be removed from the policy, in order that the policy is implementable and retains a clear focus on the management of hazardous substances.</p> <p>Management of stormwater contaminants generally is provided for under policies WH.P10 and WH.P14, which will also apply to high risk industrial or trade premises.</p>	<p>Amend policy as follows:</p> <p><u>Policy P.P11: Discharges of a-contaminant-hazardous substances in stormwater from high risk industrial or trade premises</u></p> <p>The discharge of <u>stormwater</u> to water from a <u>high risk industrial or trade premise</u> shall be managed by:</p> <p>(a) <u>having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and</u></p> <p>(b) <u>avoiding contaminants or hazardous substances being entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or where avoidance is not practicable, implementing good management practice to avoid or minimise adverse effects on the environment including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring, and</u></p> <p>(c) <u>installing an interceptor where there is a risk of petroleum hydrocarbons entering into the stormwater network, a surface water body or coastal water, and</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<p>(d) <u>avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.</u></p> <p>Policy P.P13: Stormwater discharges from new and redeveloped impervious surfaces</p> <p>The adverse effects of stormwater discharges from new greenfield development shall be minimised, and adverse effects of stormwater discharges from existing urban areas reduced to the extent practicable upon redevelopment, through implementing:</p> <p>(a) <u>an on-site stormwater treatment system or an off-site communal stormwater treatment system that is designed to:</u></p> <p style="padding-left: 40px;">(i) <u>receive at least 85% of the mean annual runoff volume stormwater generated from new and redeveloped impervious surfaces of the property, and</u></p> <p style="padding-left: 40px;">(ii) <u>achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretenion device, and</u></p> <p>(b) <u>where stormwater discharges will enter a river, hydrological controls either on-site, or off-site via a communal stormwater treatment system.</u></p>	Amend	Firth seeks consequential amendments to the policy in line with the relief sought by Firth’s submission on the definition of “unplanned greenfield development”. Those changes are to update reference to “greenfield development” to be a defined term.	<p>(d) <u>avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.</u></p> <p>Amend policy P.P13 as follows:</p> <p>Policy P.P13: Stormwater discharges from new and redeveloped impervious surfaces</p> <p>The adverse effects of stormwater discharges from new greenfield development shall be minimised, and adverse effects of stormwater discharges from existing urban areas reduced to the extent practicable upon redevelopment, through implementing:</p> <p>(a) <u>an on-site stormwater treatment system or an off-site communal stormwater treatment system that is designed to:</u></p> <p style="padding-left: 40px;">(i) <u>receive at least 85% of the mean annual runoff volume stormwater generated from new and redeveloped impervious surfaces of the property, and</u></p> <p style="padding-left: 40px;">(ii) <u>achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretenion device, and</u></p> <p>(b) <u>where stormwater discharges will enter a river, hydrological controls either on-site, or off-site via a communal stormwater treatment system.</u></p>
<p>Policy P.P14: Stormwater contaminant offsetting for new greenfield development</p> <p>The adverse effects of residual (post-treatment) stormwater contaminants from new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a surface water body or coastal water, including via an existing or new stormwater network, are to be offset by way of a</p>	Amend	<p>Firth considers that several amendments are required to the policy.</p> <p>Firstly, Firth considers that the mandatory requirement for financial contributions under this policy is inconsistent with the NPS-FM and limits the ability to implement the effects management hierarchy. Aquatic offsetting or aquatic compensation are required where there are more than minor residual adverse effects, rather than residual adverse effects generally. It is expected that there will be some residual adverse effect, which is appropriate, provided that effect is no more than minor. This clause</p>	<p>Amend policy as follows:</p> <p>Policy P.P14: Stormwater contaminant offsetting <u>or compensation</u> for new greenfield development</p> <p><u>The-Where there are more than minor residual</u> adverse effects of <u>residual</u> (post-treatment) stormwater contaminants from new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a surface water body or coastal water, including <u>via-from</u> an existing or new stormwater</p>

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<p><u>financial contribution in accordance with Schedule 30 (financial contribution).</u></p>		<p>also implies that financial contributions are the only form of offset that may be provided. Appendix 6 of the NPS-FM sets out principles that are to be applied when identifying an appropriate aquatic offset. It would be contrary to the NPS-FM to not allow for consideration against those principles. The clause also implies that only offsetting may be applied. The effects management hierarchy provides for aquatic compensation where aquatic offsetting is not able to be provided. Firth accepts that a financial contribution may be an appropriate form of aquatic offset but seek that the policy does not frustrate the ability for other forms of aquatic offsetting or aquatic compensation to be undertaken.</p> <p>Secondly, Firth considers that the policy can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p>water—</p> <p><i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p><i>(b) includes fresh water, coastal water, and geothermal water:</i></p> <p><i>(c) does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The policy (and associated rules) implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. Where the policy refers to the stormwater network, this must be clarified as being “from” the stormwater network (and not “via” the</p>	<p>network, those effects must be managed by way of an aquatic offset or aquatic compensation, including through the following:</p> <p>(a) are to be provide an aquatic offset by way of a financial contribution in accordance with Schedule 30 (financial contribution), or</p> <p>(b) provide an aquatic offset in accordance with the principles for aquatic offsetting in Appendix 6 of the NPS-FM, and</p> <p>(c) where more than minor residual adverse effects cannot be offset, aquatic compensation must be provided in accordance with the principles for aquatic compensation in Appendix 7 of the NPS-FM.</p>

Plan Change provision as notified	Position	Submission	Decision sought
		<p>network) to ensure that the policy and associated rules are not <i>ultra vires</i>.</p> <p>Finally, Firth seek consequential amendments to account for the defined term of “greenfield development” as sought through Firth’s submission on the definition of “unplanned greenfield development”.</p>	
<p><u>Policy P.P15: Stormwater discharges from new unplanned greenfield development</u></p> <p><u>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.</u></p> <p><u>Note</u></p> <p><u>Any unplanned greenfield development proposals will require a plan change to the regional plan alongside any required plan change to rezone land within the relevant district plan.</u></p>	Oppose	<p>Firth opposes this policy in its entirety. There is little evidence provided through the Section 32 evaluation to justify this direction and to suggest that all new stormwater discharges from unplanned greenfield development will cause significant effects. This policy direction inappropriately targets land use, without regard to whether that land use will have significant adverse effects.</p> <p>Firth also considers that the approach promoted by the Council is unlikely to be workable, on the basis that the RMA does not provide for concurrent or coordinated consideration of separate changes to regional and district plans.</p>	Delete policy.
Chapter 9: Te Awarua-o-Porirua Whaitua Section 9.3: Rules			
<p><u>Rule P.R1: Point source discharges of specific contaminants – prohibited activity</u></p> <p><u>The point source discharge of:</u></p> <p>(a) <u>chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or</u></p> <p>(b) <u>paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or</u></p> <p>(c) <u>solvents including paint stripper, or</u></p> <p>(d) <u>liquid fuels, including diesel, petrol, oil, grease, except where these have been treated by an interceptor system to collect hazardous</u></p>	Amend	<p>Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p><i>water—</i></p> <p><i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p><i>(b) includes fresh water, coastal water, and geothermal water:</i></p> <p><i>(c) does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The implies that a stormwater network is a fresh water receiving environment. Stormwater networks are piped</p>	<p>Amend rule P.R1 as follows:</p> <p><u>Rule P.R1: Point source discharges of specific contaminants – prohibited activity</u></p> <p><u>The point source discharge of:</u></p> <p>(a) <u>chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or</u></p> <p>(b) <u>paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or</u></p> <p>(c) <u>solvents including paint stripper, or</u></p> <p>(d) <u>liquid fuels, including diesel, petrol, oil, grease, except where these have been treated by an</u></p>

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<p><u>contaminants and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, or</u></p> <p>(e) <u>radiator coolant, or</u></p> <p>(f) <u>cooking oil, or</u></p> <p>(g) <u>cement wash, cement slurry and concrete cutting waste, or</u></p> <p>(h) <u>drill cooling water</u></p> <p>into water or onto or into land, including via a stormwater network, where it may enter a surface water body or coastal water is a prohibited activity.</p>		<p>and therefore any water within a stormwater network is not considered 'water' or subject to the Regional Council's jurisdiction. While the rule may apply to stormwater discharges from a stormwater network, it cannot manage effects at the point of discharge into the network. Where the rule refers to the stormwater network, this must be clarified as being "from" the stormwater network (and not "via" the network) to ensure that the rule is not <i>ultra vires</i>.</p>	<p><u>interceptor system to collect hazardous contaminants and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, or</u></p> <p>(e) <u>radiator coolant, or</u></p> <p>(f) <u>cooking oil, or</u></p> <p>(g) <u>cement wash, cement slurry and concrete cutting waste, or</u></p> <p>(h) <u>drill cooling water</u></p> <p>into water or onto or into land, including <u>via from a stormwater network</u>, where it may enter a surface water body or coastal water is a prohibited activity.</p>
<p>Rule P.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity</p> <p>The discharge of stormwater from an existing high risk industrial or trade premise, into water, or onto or into land where it may enter water, including via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</p> <p>(a) <u>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</u></p> <p>(b) <u>the discharge does not contain wastewater, and</u></p> <p>(c) <u>if the discharge is to land where it may enter groundwater,</u></p> <p style="padding-left: 40px;">(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p>	<p>Amend</p>	<p>Firth considers that several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that there will be no material difference in the potential effects associated with stormwater discharges from existing or new high risk industrial or trade premises. As such, both existing and new premises should be provided for under the rule.</p> <p>Secondly, Firth considers that condition (d) of the rule should be amended to remove reference to contaminants generally and retain a focus on hazardous substances. The term "contaminants" is too broad and given that the purpose of managing high risk industrial or trade premises is to manage the potential adverse effects associated with the discharge hazardous substances, it is appropriate that condition (d) manages only hazardous substances, rather than contaminants more broadly (which are managed under the remainder of the conditions).</p> <p>Thirdly, Firth considers that the rule can only regulate discharges where they enter "water" in accordance with section 15 of the RMA. The RMA defines water as:</p> <p style="text-align: center;">water—</p>	<p>Amend rule P.R4 as follows:</p> <p>Rule P.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity</p> <p>The discharge of stormwater from an existing high risk industrial or trade premise, into water, or onto or into land where it may enter water, including via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</p> <p>(a) <u>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</u></p> <p>(b) <u>the discharge does not contain wastewater, and</u></p> <p>(c) <u>if the discharge is to land where it may enter groundwater,</u></p> <p style="padding-left: 40px;">(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p> <p style="padding-left: 40px;">(ii) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<p>(ii) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and</u></p> <p>(d) <u>any contaminants stored or used on site, or hazardous substances, cannot be entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and</u></p> <p>(e) <u>if the discharge is into a surface water body, coastal water or via an existing local authority stormwater network, the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>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</u></p> <p>(ii) <u>100g/m³ where the discharge enters any other water,</u></p>		<p>(a) <i>means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p>(b) <i>includes fresh water, coastal water, and geothermal water:</i></p> <p>(c) <i>does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. As a result, Firth considers the reference to “via an existing local authority stormwater network” must be removed from the rule. Alternatively, if reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” the network) to ensure that the rule is not <i>ultra vires</i>.</p> <p>Finally, Firth also considers that the note at the end of the rule should be deleted as part of giving effect to the relief sought by Firth in relation to the rules for new or redeveloped impervious surfaces for high risk industrial or trade premises.</p>	<p>(d) <u>any contaminants stored or used on site, or hazardous substances stored or used on site, cannot be entrained in stormwater and discharged to a surface water body or coastal water, including via the stormwater network, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, and</u></p> <p>(e) <u>if the discharge is into a surface water body, coastal water or via an existing local authority stormwater network, the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p>(i) <u>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</u></p> <p>(ii) <u>100g/m³ where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via from an existing local authority stormwater network the discharge shall also not:</u></p>

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<p><u>and where the discharge is not via an existing local authority stormwater network the discharge shall also not:</u></p> <p>(f) <u>cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(g) <u>give rise to the following effects beyond the zone of reasonable mixing:</u></p> <p style="padding-left: 40px;">(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p style="padding-left: 40px;">(ii) <u>any conspicuous change in the colour, or</u></p> <p style="padding-left: 40px;">(iii) <u>a decrease in water clarity of more than</u></p> <p style="padding-left: 80px;">1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p style="padding-left: 80px;">2. <u>30% in any other river, or</u></p> <p style="padding-left: 40px;">(iv) <u>any emission of objectionable odour, or</u></p> <p style="padding-left: 40px;">(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p style="padding-left: 40px;">(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><u>Note</u></p> <p><u>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to P.R10.</u></p>			<p>(f) <u>cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(g) <u>give rise to the following effects beyond the zone of reasonable mixing:</u></p> <p style="padding-left: 40px;">(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p style="padding-left: 40px;">(ii) <u>any conspicuous change in the colour, or</u></p> <p style="padding-left: 40px;">(iii) <u>a decrease in water clarity of more than</u></p> <p style="padding-left: 80px;">1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p style="padding-left: 80px;">2. <u>30% in any other river, or</u></p> <p style="padding-left: 40px;">(iv) <u>any emission of objectionable odour, or</u></p> <p style="padding-left: 40px;">(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p style="padding-left: 40px;">(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><u>Note</u></p> <p><u>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to P.R10.</u></p>

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<p><u>Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</u></p> <p>The use of land for the creation of new, or <u>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:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of existing impervious areas of less than 1,000m² (baseline property existing impervious area as at 30th October 2023) and</u></p> <p>(b) <u>all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials and</u></p> <p>(c) <u>the proposal provides hydrological control measures (for example rain tanks) onsite or offsite, where discharges will enter a surface water body (including via an existing local authority stormwater network):</u></p> <p style="padding-left: 40px;">(i) <u>for all impervious areas associated with a greenfield development, or</u></p> <p style="padding-left: 40px;">(ii) <u>for all redeveloped and new impervious areas involving greater than 30m² of impervious area of a redevelopment (of an existing urbanised property), and</u></p> <p>(d) <u>the discharge is not from, onto or into SLUR Category III land, unless the stormwater does</u></p>	Amend	<p>Firth considers that several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that, subject to appropriate conditions, new or redeveloped impervious surfaces for high risk industrial or trade premises should be provided for as a permitted activity under this rule. This would ensure that high risk industrial or trade premises are not disincentivised from reconditioning or replacing impervious surfaces, particularly where they are degraded and may not be performing well, on the basis that new or redeveloped impervious surfaces are by default a discretionary activity. Firth considers that the potential adverse effects associated with hazardous substances at high-risk industrial or trade premises can be appropriately managed through solutions such as containment or interception and considers that the conditions under (d) of rule P.R4 are generally appropriate for this purpose. On this basis, Firth seeks that the rule is amended to apply to high risk industrial or trade premises, by including those conditions as part of the rule, removing the exception from the beginning of the rule, and removing the note at the end of the rule.</p> <p>Secondly, Firth considers that condition (a) should be amended to replace the fixed baseline for new or redeveloped impervious surfaces with a time period. Firth considers that a fixed baseline would be unworkable, particularly with respect to redevelopment, as it could result in future redevelopment of the same impervious surface becoming a controlled or discretionary activity by default, even where the surface is less than 1,000m². Firth considers that a 12-month time period, similar to that used for earthworks, would be more appropriate on the basis that it provides greater certainty to applicants, and is more readily enforceable.</p> <p>Thirdly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p>	<p>Amend rule P.R5 as follows:</p> <p><u>Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</u></p> <p>The use of land for the creation of new, or <u>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 from 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:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of existing impervious areas of less than 1,000m² (baseline property existing impervious area as at 30 October 2023) per property in any consecutive 12-month period and</u></p> <p>(b) <u>all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials and</u></p> <p>(c) <u>the proposal provides hydrological control measures (for example rain tanks) onsite or offsite, where discharges will enter a surface water body (including via from an existing local authority stormwater network):</u></p> <p style="padding-left: 40px;">(i) <u>for all impervious areas impervious surfaces associated with a greenfield development, or</u></p> <p style="padding-left: 40px;">(ii) <u>for all redeveloped and new impervious areas impervious surfaces involving greater than 30m² of impervious area of</u></p>

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<p><u>not come into contact with SLUR Category III land, and</u></p> <p>(e) <u>the discharge does not contain wastewater, and</u></p> <p>(f) <u>the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p style="padding-left: 20px;">(i) <u>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</u></p> <p style="padding-left: 20px;">(ii) <u>100g/m³ where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via an existing or new local authority stormwater network:</u></p> <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:</u></p> <p style="padding-left: 20px;">(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p style="padding-left: 20px;">(ii) <u>any conspicuous change in the colour, or</u></p> <p style="padding-left: 20px;">(iii) <u>a decrease in water clarity of more than</u></p> <p style="padding-left: 40px;">1. <u>20% in a River class 1 and in any river identified as having high macroinvertebrate</u></p>		<p>water—</p> <p>(a) <i>means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p>(b) <i>includes fresh water, coastal water, and geothermal water:</i></p> <p>(c) <i>does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. If reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” or “through” the network) to ensure that the rule is not <i>ultra vires</i>.</p> <p>Fourthly, Firth considers that it is inappropriate to require hydrological control for the redevelopment of existing impervious surfaces under condition (c), on the basis that redevelopment of existing surfaces would not have any adverse effects on the flow of stormwater, when compared to the existing environment.</p> <p>Finally, Firth considers that for clarity, references to “impervious areas”, which is not defined, should be replaced with references to “impervious surfaces”, which is defined.</p>	<p>a-associated with redevelopment (of an existing urbanised property), and</p> <p>(d) <u>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</u></p> <p>(e) <u>the discharge does not contain wastewater, and</u></p> <p>(f) <u>the concentration of total suspended solids in the discharge shall not exceed:</u></p> <p style="padding-left: 20px;">(i) <u>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</u></p> <p style="padding-left: 20px;">(ii) <u>100g/m³ where the discharge enters any other water,</u></p> <p><u>and where the discharge is not via from an existing or new local authority stormwater network:</u></p> <p>(g) <u>the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</u></p> <p>(h) <u>the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:</u></p> <p style="padding-left: 20px;">(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</u></p> <p style="padding-left: 20px;">(ii) <u>any conspicuous change in the colour, or</u></p> <p style="padding-left: 20px;">(iii) <u>a decrease in water clarity of more than</u></p> <p style="padding-left: 40px;">1. <u>20% in a River class 1 and in any river identified as having</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<p><u>community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><i>Note</i></p> <p>Where a property connects to a local authority stormwater network, additional connection requirements and authorisations may be required by the network utility operator.</p> <p>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to Rule P.R10.</p>			<p><u>high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>2. <u>30% in any other river, or</u></p> <p>(iv) <u>any emission of objectionable odour, or</u></p> <p>(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p>(vi) <u>any significant adverse effects on aquatic life.</u></p> <p>and where the new or redeveloped impervious surface is for a high risk industrial or trade premise:</p> <p>(i) <u>any hazardous substances stored or used on site cannot be entrained in stormwater and enter a surface water body or coastal water, including via the stormwater network, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons.</u></p> <p><i>Note</i></p> <p>Where a property connects to a local authority stormwater network, additional connection requirements and authorisations may be required by the network utility operator.</p>

Plan Change provision as notified	Position	Submission	Decision sought
			<p>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to Rule P.R10.</p>
<p><u>Rule P.R6: Stormwater from new greenfield impervious surfaces – controlled activity</u></p> <p>The use of land for the creation of new <u>impervious surfaces</u> for greenfield development and the associated discharge of <u>stormwater</u> into water, or onto or into land where it may enter a <u>surface water body</u> or coastal water, including through an existing local authority <u>stormwater network</u>, that is not a <u>high risk industrial or trade premise</u> or <u>unplanned greenfield development</u>, is a controlled activity, provided the following conditions are met:</p> <p>(a) <u>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 2023)</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation new impervious surfaces of less than 1,000m², but is not permitted under the conditions of Rule P.R6,</u></p> <p>and,</p> <p>(c) <u>a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and</u></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>Amend</p>	<p>Firth considers that several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that, subject to appropriate conditions, new impervious surfaces for high risk industrial or trade premises should be provided for as a permitted activity under this rule. Firth considers that the potential adverse effects associated with hazardous substances at high-risk industrial or trade premises can be appropriately managed through solutions such as containment or interception and considers that the conditions under (d) of rule P.R4 are generally appropriate for this purpose. On this basis, Firth seeks that the rule is amended to apply to high risk industrial or trade premises, by including those conditions as part of the rule, removing the exception from the beginning of the rule, adding an appropriate matter of control to the rule, and removing the note at the end of the rule.</p> <p>Secondly, Firth considers that condition (a) should be amended to replace the fixed baseline for new impervious surfaces with a time period, consistent with the relief sought by Firth on rule P.R5.</p> <p>Thirdly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p>water—</p> <p>(a) <i>means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p>(b) <i>includes fresh water, coastal water, and geothermal water:</i></p>	<p>Amend rule P.R6 as follows:</p> <p><u>Rule P.R6: Stormwater from new greenfield impervious surfaces – controlled activity</u></p> <p>The use of land for the creation of new <u>impervious surfaces</u> for greenfield development and the associated discharge of <u>stormwater</u> into water, or onto or into land where it may enter a <u>surface water body</u> or coastal water, including through <u>from</u> an existing local authority <u>stormwater network</u>, that is not a high risk industrial or trade premise or unplanned greenfield development, is a controlled activity, provided the following conditions are met:</p> <p>(a) <u>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 2023) per property in any consecutive 12-month period</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation new impervious surfaces of less than 1,000m², but is not permitted under the conditions of Rule P.R6,</u></p> <p>and,</p> <p>(c) — a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and</p> <p>(d) <u>where stormwater directly or indirectly (through <u>from</u> an existing local authority stormwater</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<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, and</u></p> <p>(e) <u>stormwater contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a stormwater treatment system that treats in accordance with Schedule 28 (contaminant treatment) and 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 treatment system that has capacity to treat contaminant loads from the site.</u></p> <p><u><i>Matters of control</i></u></p> <p>1. <u>The design and layout of the on-site stormwater treatment system, including the ongoing operational and management measures necessary to ensure that stormwater quality will meet the requirements of condition (e) of this rule</u></p> <p>2. <u>The adequacy of hydrological control measures either on-site or off-site, where stormwater will enter a river</u></p> <p>3. <u>Where an off-site (or a combination of on-site and off-site) stormwater treatment system is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></p>		<p>(c) <i>does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. If reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” or “through” the network) to ensure that the rule is not <i>ultra vires</i>.</p> <p>Fourthly, in line with Firth’s submission on policy P.P14, Firth considers that it is not consistent with the NPS-FM to require mandatory financial contributions for the purposes of aquatic offsetting, on the basis that the effects management hierarchy in the NPS-FM only requires offsetting in circumstances where residual adverse effects are more than minor. Further, where residual adverse effects are more than minor, applicants should have the opportunity to propose aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM. On this basis, Firth considers that it is inappropriate to require financial contributions as a condition, and that instead, matter of control 6 should be amended to refer to policy P.P14. This would ensure that appropriate aquatic offsetting or compensation (which may include financial contributions under Schedule 30) can be considered on a case by case basis, where this is required.</p>	<p>network) discharges to a river, hydrological control is provided either:</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, and</u></p> <p>(e) <u>stormwater contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a stormwater treatment system that treats in accordance with Schedule 28 (contaminant treatment) and 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 treatment system that has capacity to treat contaminant loads from the site.</u></p> <p><u>and where the new impervious surface is for a high risk industrial or trade premise:</u></p> <p>(f) <u>any hazardous substances stored or used on site cannot be entrained in stormwater and enter a surface water body or coastal water, including via the stormwater network, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p> <p>(ii) <u>the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
<p>4. <u>The long-term operational, maintenance and ownership requirements of the stormwater treatment system</u></p> <p>5. <u>Whether sufficient use of water sensitive urban design measures have been applied to the site design and layout</u></p> <p>6. <u>A financial contribution as required by Schedule 30 (financial contributions)</u></p> <p>7. <u>Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule</u></p> <p><u>Notification</u></p> <p><u>In respect of Rule P.R6, applications are precluded from limited and public notification (unless special circumstances exist).</u></p> <p><u>Note</u></p> <p><u>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to Rule P.R10.</u></p>			<p><u>does not contain more than 15 milligrams per litre of total petroleum hydrocarbons.</u></p> <p><u>Matters of control</u></p> <p>1. <u>The design and layout of the on-site stormwater treatment system, including the ongoing operational and management measures necessary to ensure that stormwater quality will meet the requirements of condition (e) of this rule</u></p> <p>2. <u>The adequacy of hydrological control measures either on-site or off- site, where stormwater will enter a river</u></p> <p>3. <u>Where an off-site (or a combination of on-site and off-site) stormwater treatment system is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></p> <p>4. <u>The long-term operational, maintenance and ownership requirements of the stormwater treatment system</u></p> <p>5. <u>Whether sufficient use of water sensitive urban design measures have been applied to the site design and layout</u></p> <p>6. <u>A financial contribution as required by Schedule 30 (financial contributions) Any aquatic offsetting or compensation proposed in accordance with policy P.P14</u></p> <p>7. <u>For high risk industrial or trade premises, the adequacy of any proposed containment system, interceptor system, or other proposed methods for the management of hazardous substances</u></p>

Plan Change provision as notified	Position	Submission	Decision sought
			<p>8. <u>Condition of consent to demonstrate and/or monitor compliance with conditions (d), and (e), and (f) of this rule</u></p> <p><i>Notification</i></p> <p>In respect of Rule P.R6, applications are precluded from <u>limited and public notification (unless special circumstances exist).</u></p> <p><i>Note</i></p> <p>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to Rule P.R10.</p>
<p><u>Rule P.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</u></p> <p><u>The use of land for the creation of new and/or redevelopment of impervious surfaces of an 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 local authority stormwater network, that is not a high risk industrial or trade premise, is a controlled activity, provided the following conditions are met:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of impervious surfaces of between 1,000m² and 3,000m² (baseline property existing impervious area as at 30 October 2023)</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation of new, or redevelopment of impervious areas of less than</u></p>	Amend	<p>Firth considers that several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that, subject to appropriate conditions, new or redeveloped impervious surfaces for high risk industrial or trade premises should be provided for as a permitted activity under this rule. This would ensure that high risk industrial or trade premises are not disincentivised from reconditioning or replacing impervious surfaces, particularly where they are degraded and may not be performing well, on the basis that new or redeveloped impervious surfaces are by default a discretionary activity. Firth considers that the potential adverse effects associated with hazardous substances at high-risk industrial or trade premises can be appropriately managed through solutions such as containment or interception and considers that the conditions under (d) of rule P.R4 are generally appropriate for this purpose. On this basis, Firth seeks that the rule is amended to apply to high risk industrial or trade premises, by including those conditions as part of the rule, removing the exception from the beginning of the rule, adding an appropriate matter of control to the rule, and removing the note at the end of the rule.</p>	<p>Amend rule P.R7 as follows:</p> <p><u>Rule P.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</u></p> <p><u>The use of land for the creation of new and/or redevelopment of impervious surfaces of an 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 from an existing local authority stormwater network, that is not a high risk industrial or trade premise, is a controlled activity, provided the following conditions are met:</u></p> <p>(a) <u>the proposal involves the creation of new, or redevelopment of impervious surfaces of between 1,000m² and 3,000m² (baseline property existing impervious area as at 30 October 2023) per property in any consecutive 12-month period</u></p> <p>or,</p> <p>(b) <u>the proposal involves the creation of new, or redevelopment of impervious areas of less than</u></p>

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<p><u>1,000m² but is not permitted under the conditions of Rule P.R6,</u></p> <p>and,</p> <p>(c) <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, and</u></p> <p>(d) <u>contaminant treatment of stormwater is provided either:</u></p> <p>(i) <u>on-site through a stormwater treatment system, or</u></p> <p>(ii) <u>off-site through an existing local authority stormwater network or privately owned stormwater treatment system that has capacity to treat contaminant loads from the site</u></p> <p><i>Matters of control</i></p> <p>1. <u>Whether the design and layout of the on-site stormwater treatment system incorporates best practicable option measures to achieve (to the extent practicable) the capture of 85% of the mean annual stormwater runoff and treatment in accordance with Schedule 28 (contaminant treatment)</u></p> <p>2. <u>Whether the design and layout undertakes a best practicable option approach to the provision of</u></p>		<p>Secondly, Firth considers that condition (a) should be amended to replace the fixed baseline for new impervious surfaces with a time period, consistent with the relief sought by Firth on rule P.R5.</p> <p>Thirdly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p>water—</p> <p>(a) <i>means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p>(b) <i>includes fresh water, coastal water, and geothermal water:</i></p> <p>(c) <i>does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. If reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” or “through” the network) to ensure that the rule is not <i>ultra vires</i>.</p> <p>In addition to this, the rule reference in the notification preclusion should be corrected to refer to rule P.R7.</p>	<p><u>1,000m² but is not permitted under the conditions of Rule P.R6,</u></p> <p>and,</p> <p>(c) <u>where stormwater directly or indirectly (through from 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, and</u></p> <p>(d) <u>contaminant treatment of stormwater is provided either:</u></p> <p>(i) <u>on-site through a stormwater treatment system, or</u></p> <p>(ii) <u>off-site through an existing local authority stormwater network or privately owned stormwater treatment system that has capacity to treat contaminant loads from the site</u></p> <p><u>and where the new or redeveloped impervious surface is for a high risk industrial or trade premise:</u></p> <p>(e) <u>any hazardous substances stored or used on site cannot be entrained in stormwater and enter a surface water body or coastal water, including via the stormwater network, or</u></p> <p>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></p>

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<p>hydrological control measures either on-site or off-site, where stormwater will enter a river</p> <p>3. <u>Where an off-site (or a combination of on-site and off-site) stormwater treatment system is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></p> <p>4. <u>The long-term operational, maintenance and ownership requirements of the stormwater treatment system</u></p> <p>5. <u>Whether there are topographical limitations influencing the provision of stormwater hydrological control and contaminant treatment</u></p> <p>6. <u>Whether sufficient use of water sensitive urban design methods have been applied to the site design and layout</u></p> <p>7. <u>Conditions to monitor compliance associated with any stormwater treatment system or hydrological control measures.</u></p> <p><u><i>Notification</i></u></p> <p><u>In respect of Rule P.R(NEWRULE), applications are precluded from limited and public notification (unless special circumstances exist).</u></p> <p><u><i>Note</i></u></p> <p><u>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to refer to Rule P.R8.</u></p>			<p><u>(ii) the stormwater contains no hazardous substances except petroleum hydrocarbons, and in that situation, the stormwater is treated by an interceptor and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons.</u></p> <p><u><i>Matters of control</i></u></p> <p>1. <u>Whether the design and layout of the on-site stormwater treatment system incorporates best practicable option measures to achieve (to the extent practicable) the capture of 85% of the mean annual stormwater runoff and treatment in accordance with Schedule 28 (contaminant treatment)</u></p> <p>2. <u>Whether the design and layout undertakes a best practicable option approach to the provision of hydrological control measures either on-site or off-site, where stormwater will enter a river</u></p> <p>3. <u>Where an off-site (or a combination of on-site and off-site) stormwater treatment system is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into</u></p> <p>4. <u>The long-term operational, maintenance and ownership requirements of the stormwater treatment system</u></p> <p>5. <u>Whether there are topographical limitations influencing the provision of stormwater hydrological control and contaminant treatment</u></p> <p>6. <u>Whether sufficient use of water sensitive urban design methods have been applied to the site design and layout</u></p>

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			<p>7. <u>For high risk industrial or trade premises, the adequacy of any proposed containment system, interceptor system, or other proposed methods for the management of hazardous substances</u></p> <p>8. <u>Conditions to monitor compliance associated with any stormwater treatment system, or hydrological control measures, or measures required under condition (e).</u></p> <p><i>Notification</i></p> <p>In respect of Rule P.R.(NEWRULE)7, applications are precluded from limited and public notification (unless special circumstances exist).</p> <p><i>Note</i></p> <p><u>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to refer to Rule P.R8.</u></p>
<p><u>Rule P.R10: Stormwater from new and redeveloped impervious surfaces – discretionary activity</u></p> <p>The use of land for the creation of new or <u>redevelopment of existing impervious surfaces</u> (including greenfield development and <u>redevelopment of existing urbanised property</u>) and the associated discharge of <u>stormwater</u> into water, or onto or into land where it may enter a <u>surface water body</u> or coastal water, including via an existing local authority <u>stormwater network</u>, that is not permitted by Rule P.R5, or a controlled activity under Rule P.R6 or Rule P.R7, or prohibited under P.R12 is a discretionary activity provided the following conditions are met:</p> <p>(a) <u>the resource consent application includes a <u>Stormwater</u> Impact Assessment prepared in</u></p>	Amend	<p>Firth considers that several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p><i>water—</i></p> <p><i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p><i>(b) includes fresh water, coastal water, and geothermal water:</i></p> <p><i>(c) does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment.</p>	<p>Amend rule P.R10 as follows:</p> <p><u>Rule P.R10: Stormwater from new and redeveloped impervious surfaces – discretionary activity</u></p> <p>The use of land for the creation of new or <u>redevelopment of existing impervious surfaces</u> (including greenfield development and <u>redevelopment of existing urbanised property</u>) and the associated discharge of <u>stormwater</u> into water, or onto or into land where it may enter a <u>surface water body</u> or coastal water, including <u>via from</u> an existing local authority <u>stormwater network</u>, that is not permitted by Rule P.R5, or a controlled activity under Rule P.R6 or Rule P.R7, or prohibited under P.R12 is a discretionary activity provided the following conditions <u>s-are-is</u> met:</p> <p>(a) <u>the resource consent application includes a <u>Stormwater</u> Impact Assessment prepared in</u></p>

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<p><u>accordance with Schedule 29 (impact assessment), and</u></p> <p>(b) <u>if the proposal is for greenfield development, a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).</u></p>		<p>Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. If reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” or “through” the network) to ensure that the rule is not <i>ultra vires</i>.</p> <p>Secondly, in line with Firth’s submission on policy P.P14, Firth considers that it is not consistent with the NPS-FM to require mandatory financial contributions for the purposes of aquatic offsetting, on the basis that the effects management hierarchy in the NPS-FM only requires offsetting in circumstances where residual adverse effects are more than minor. Further, where residual adverse effects are more than minor, applicants should have the opportunity to propose aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM. On this basis, Firth considers that it is inappropriate to require financial contributions as a condition. In any case, because the activity is a discretionary activity, appropriate aquatic offsetting or compensation (which may include financial contributions under Schedule 30) can be considered on a case by case basis with reference to the requirements of policy P.P14, where this is required.</p>	<p><u>accordance with Schedule 29 (impact assessment); and.</u></p> <p>(b) <u>if the proposal is for greenfield development, a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).</u></p>
<p><u>Rule P.R12: Stormwater discharges from new unplanned greenfield development – prohibited activity</u></p> <p><u>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</u></p>	Amend	<p>Firth considers several amendments are necessary to the rule.</p> <p>Firstly, Firth considers that it is inappropriate that all urban development in “unplanned greenfield development areas” is treated as a prohibited activity, as there is insufficient evidence to substantiate that urban development will, in all circumstances, have significant adverse effects on the environment. Firth considers that, where the measures set out in the remainder of the rules</p>	<p>Amend rule P.R12 as follows:</p> <p><u>Rule P.R12: Stormwater discharges from new unplanned greenfield development – prohibited discretionary activity</u></p> <p><u>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 from an existing or</u></p>

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<p><u>existing or proposed stormwater network, is a prohibited activity.</u></p> <p><i>Note</i></p> <p><u>Any unplanned greenfield development proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the National Policy Statement for Freshwater Management 2020, and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment.</u></p>		<p>for stormwater discharges and impervious surfaces (as amended by the relief sought by Firth) are incorporated into new urban development, development can be undertaken in a manner that appropriately avoids, remedies, or mitigates the adverse effects of urban development on the environment. Because it cannot be substantiated that urban development will have significant adverse effects in all circumstances, Firth considers that prohibited activity status is inappropriate, and that discretionary activity status would be more appropriate.</p> <p>Firth also considers that the approach promoted by the Council is unlikely to be workable, on the basis that the RMA does not provide for concurrent or coordinated consideration of separate changes to regional and district plans.</p> <p>Secondly, Firth considers that the rule can only regulate discharges where they enter “water” in accordance with section 15 of the RMA. The RMA defines water as:</p> <p style="text-align: center;">water—</p> <p style="text-align: center;"><i>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p style="text-align: center;"><i>(b) includes fresh water, coastal water, and geothermal water:</i></p> <p style="text-align: center;"><i>(c) does not include water in any form while in any pipe, tank, or cistern</i></p> <p>The rule implies that “an existing or new stormwater network” is a fresh water receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered ‘water’ or subject to the Regional Council’s jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects at the point of discharge into the network. If</p>	<p><u>proposed stormwater network, is a prohibited discretionary activity.</u></p> <p><i>Note</i></p> <p><u>Any unplanned greenfield development proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the National Policy Statement for Freshwater Management 2020, and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment.</u></p>



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		reference to the stormwater network is to be retained, this must be clarified as being “from” the stormwater network (and not “via” or “through” the network) to ensure that the rule is not <i>ultra vires</i> .	