

15 December 2023

Greater Wellington Regional Council

Hutt City Council Submission on Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region

This is a submission by Hutt City Council on Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region. This submission was approved at the Hutt City Council meeting on 12 December 2023.

The full table of submission points is attached. A summary of the submission points is provided below.

Summary of Submission Points

The overall intent of the proposed plan change to reduce discharges and contaminants, and to provide a 100 year vision towards full restoration of Te Whanganui-a-Tara's waterways and the coastal marine area is supported. However, there are two significant areas of concern in relation to the proposed changes regarding the inclusion of a 2040 E.coli target, and in relation to the proposed prohibiting of unplanned urban growth.

In addition to the two key concerns identified above, there are other submission points included that are considered to improve implementation of the proposed provisions.

2040 E.coli target

The proposed plan change includes an ambitious 2040 E.coli target that will affect the consenting of stormwater and wastewater discharge consents. In some catchments this will require up to a 90% reduction in the E.coli load.

According to the Section 32 Evaluation that accompanies the plan change, for Hutt City there would be significant stormwater and wastewater network upgrades required to meet the 2040 E.coli target.

An economic assessment has been completed to understand the costs of the network improvements required to meet the E. coli targets. The estimated costs for the capital works required to upgrade the wastewater network to achieve the

E. coli target has been calculated between \$2.5 – 3.1 billion for Te Whanganui a Tara Whaitua.

For Hutt City Council the increased cost to ratepayers to meet the 2040 E.coli limit is stated to be 25 – 31% per year (this is on top of business as usual rates increases).

The pre notification consultation draft of the proposed plan change included two options for E.coli reduction targets of 2040 or 2060. It is understood that GWRC officers' recommended to include the longer 2060 timeframe due the funding and implementation challenges associated with achieving either of the 2040 and 2060 targets.

The increased cost to ratepayers to meet the 2060 E.coli limit is estimated to be between 12 – 15% per year. Whilst this still represents a significant increase, it is more achievable than the 2040 target noting that other funding avenues can be explored in addition to rates increases.

It is also important to note that repairing and upgrading the public network would only reduce a proportion of the contaminant load. There are known issues with private laterals that make up half the network by length and a significant portion of untreated discharges to land and water. Wellington Water's high level indicative estimates for the identification and repair of cross connections and leaking private wastewater laterals is between \$250 – 350 million.

The costs that would fall on landowners to upgrade pipes within the private network to meet the 2040 target would also be substantial in addition to the estimates rates increases.

In addition to the significant financial implications set out above, Wellington Water Ltd also has concerns in relation to the ability to deliver the work required to meet the 2040 target.

In summary:

- The proposed 2040 E.coli reduction target has significant funding and implementation challenges for Hutt City Council.
- GWRC should review this target and accept its officers' recommendation to include the 2060 target, which whilst still challenging, is considered to be a more viable option.

Prohibited activity status for unplanned urban growth

The proposed plan change provides for planned greenfield growth. Unplanned urban growth is proposed to be a prohibited activity, which is the most restrictive activity status and prevents the possibility of applying for a resource consent.

The recent Housing and Business Assessment (HBA) identified that Lower Hutt has sufficient housing capacity within existing urban areas for the next 30 years without the need for additional greenfield development, but that there is a regional shortfall for industrial land.

In accordance with the National Policy Statement on Urban Development (NPS UD), Council must review the HBA every three years, and it must ensure that that it provides sufficient housing and business development capacity based on the results of the HBA.

In addition to the above requirement to provide sufficient housing and business development capacity, Policy 8 of the NPS UD also requires. "Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well functioning urban environments, even if the development capacity is: a) unanticipated by RMA planning documents; or b) out of sequence with planned land release".

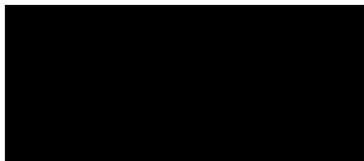
The use of the prohibited activity rule for unplanned urban growth is a blunt instrument that could prevent Hutt City Council from meeting its ongoing requirements under the NPS UD.

It may also result in unintended consequences with no consenting pathway to consider a proposal located in these areas that may be appropriate and / or have positive outcomes.

In summary:

- The proposed prohibition on greenfield development is inconsistent with the NPS UD, and may directly conflict with Council's ability to give effect to its requirements under the NPS UD.
- A more appropriate policy direction is to amend the prohibited status to a non-complying activity status.

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Hutt City Council submission points on Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region

Chapter No and Name	Provision No. & Title	Type of Change	Stance	RMA Process	Reason for feedback:	Decision Sought *
		Amended New Not applicable to Whaitua Not applicable to Te-Awarua-o-Porirua N/A	Support Oppose Neutral Amend Not stated	Freshwater Part 1 Schedule 1 Both	Please provide a summary of the reasons for your feedback on each provision to help us understand your position.	Please describe the actual changes to the provision that you would like to see and, where possible, include your suggested alternative wording. NOTE: Any deletions should be identified using strikethrough , and insertions should be identified using bold .
8 Whaitua Te Whanganui-a-Tara	8.1 Objectives	New		Both		
	Objective WH.O1: The health of all freshwater bodies and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is wai ora by 2100.	New	Support	Part 1 Schedule 1	Support 100 year vision towards full restoration of Te-Whanganui-a-Tara's waterways. Council acknowledges the input from community and mana whenua into these objectives as outlined in the s32 Evaluation. It is unclear if the text from "Note In the wai ora state..." forms part of the objective or it is some form of explanatory/advisory note. If it does form part of the objective, the word "note" should be deleted. Te Whanganui-a-tara had been heavily modified, and it is not physically possible for all waterbodies to have planted margins, groundwater or streams within culverts for example, therefore a qualifier is required to signify this will occur "where possible" (noting this would be a stronger direction than a possible alternative "where practicable").	Amend objective as follows: Objective WH.O1 The health of all freshwater bodies and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is wai ora by 2100. Note In the wai ora state: <ul style="list-style-type: none"> • Āhua (natural character) is restored and freshwater bodies exhibit their natural quality, rhythms, range of flows, form, hydrology and character • All freshwater bodies have planted margins <u>where possible</u> • All freshwater bodies and coastal waters have healthy functioning ecosystems and their water conditions and habitat support the presence, abundance, survival and recovery of At-risk and Threatened species and taonga species • Mahinga kai and kaimoana species are healthy, plentiful enough for long term harvest and are safe to harvest and eat or use, including for manuhiri and to exercise manaakitanga • Mana whenua are able to undertake customary practices at a range of places throughout the catchment.
	Table 8.1 Coastal water objectives.	New	Oppose 2040 timeframe	Part 1 Schedule 1	Table 8.1 sets a 2040 timeframe for all waterways to meet the various target attribute states. In the pre-notification consultation two options were proposed for E.coli - 2040 or 2060. Council notes there are significant challenges in terms of the costs to upgrade the wastewater network to achieve this objective in terms of a	Amend the timeframe for target states for E.coli and enterococci coastal water objectives to 2060.

reduction in E.coli by 2040 to achieve Criteria WH.O3 (g) and (h).

In its pre-notification feedback on these options, Council raised concerns about the lack of information on the scale of infrastructure investment required to achieve the objectives, as well as not knowing the impact of these limits on development capacity. According to the s32 Part A (para 45), these concerns were also raised by Kāinga Ora, other territorial authorities and Wellington Water.

An addendum to the s32 Report (page 32 of Part C) outlines how the position of GWRC councillors did not align with the GWRC officers' recommendation to set 2060 as the target, and 2040 was set through Plan Change 1 in line with the Whaitua Implementation Plans. GWRC officers recommended a longer timeframe due to funding and implementation challenges in achieving this timeframe.

GWRC councillors noted that not enough information was presented by the territorial authorities to compel the Regional Council to extend the WIP timeframes. However, Council was not in a position to provide this information as outlined in the pre-notification feedback:

"More information is required on the achievability of target attribute states, including impact on Council assets and development capacity, for Council to make an informed decision."

The relief sought by Council was:

"Prior to notification, provide a briefing from GWRC technical staff to understand the modelling underpinning limits and targets, including the impact on Council assets and city-wide development capacity. This will allow Council to make an informed submission."

No such briefing was provided to Council. As such, Council was not able to have an informed discussion with GWRC officers or elected members about the proposed options. Reviewing Part C of the s32 Evaluation, it appears that:

- The modelled percentage reductions in E. coli load needed to achieve the target attribute states in Te Awarua o Porirua range between 59% (Takapū) and 92% (Te Rio o Porirua and Rangituhi) (para 102)
- While a similar assessment was not undertaken for Te Whanganui-a-Tara Whaitua, a similar magnitude of reduction in E. coli is expected in order to meet the target attribute states where the receiving water of the part FMU is currently in D or E state (para 102)
- An economic assessment has been completed to understand the cost and affordability of the wastewater network improvements required to meet the E. coli target attribute states by GHD. This assessment has used 'increase cost to ratepayers' as a metric to understand the scale of investment required to achieve the target attribute states (para 107)
- The estimated undiscounted costs for the capital works required to upgrade the wastewater network to achieve the E. coli target attribute states has been calculated by GHD as between \$344-419 million for Te Awarua-o-Porirua Whaitua and between \$2.5-3.1 billion for Te Whanganui-a-Tara Whaitua. These costs are likely to go up as further investigations are completed, and remedial work gets underway. (para 109)
- For Hutt City Council the increased cost to ratepayers to meet the 2040 E.coli limit is 25-31% per year (Table C3 based on 20 years spread of costs) and 12-15% by 2060.

Council notes that this would be on top of BAU rates increases. It is highly unlikely that our ratepayers will be able to afford 25-31% increases on top of this. While the 2060 target of 12-15% will still put a significant strain on households, it is much more achievable than the 2040 target provided other funding avenues are explored as outlined in the s32 including growth charging and debt funding. In addition to these other avenues, significant central government funding will be required.

Repairing the public network would only reduce a proportion of the contaminant load. There are known issues with private laterals that make up half the network by length and a significant portion of untreated discharges to land and water. The costs that would fall on landowners to upgrade

					<p>pipes within the private network are not figured into the s32 Evaluation, and these investments would be substantial to meet the 2040 target.</p> <p>The s32 Evaluation notes (para 104) that:</p> <p><i>Approximately half of the network, by length, is on private property, and is the responsibility of the private landowner. In some cases, it is appropriate for landowners to be required to fix issues on their properties. However, this can be time consuming. Particularly in older suburbs is far more efficient for the infrastructure provider to do this work.</i></p> <p>Laterals on private property are the responsibility of the landowner, and they must bear the costs to fix them when faulty rather than the ratepayer. Wellington Water does undertake investigations to identify issues with pipes on private properties that are discharging into the stormwater network, however the costs to fix these fall on the landowner. Wellington Water's high level indicative estimates for the identification and repair of cross connections and leaking private wastewater laterals is between \$250 – 350 million¹.</p> <p>The impact of the above funding requirements on housing and business development capacity is not sufficiently explored in the s32 Evaluation.</p>	
	Objective WH.O8: Primary contact sites within Te Awa Kairangi/Hutt River, Pākuratahi River, Akatarawa River and Wainuiomata River are suitable for primary contact.	New	Support	Freshwater	As outlined in this submission in response to Tables 8.1 and 8.4, Council notes there are significant challenges in terms of the costs to upgrade the wastewater network to achieve the reduction in E.coli by 2040. The inclusion of 2040 in this objective is seeking concentrations to be maintained or improved where targets are not met. The 2040 timeframe in this objective is supported on the basis that it does not impose the same significant challenges and costs on Council.	Amend objective as follows: Objective WH.O8 Primary contact sites within Te Awa Kairangi/Hutt River, Pākuratahi River, Akatarawa River and Wainuiomata River are suitable for primary contact by ensuring that by 2040: (a) <i>Escherichia coli</i> concentrations are at least maintained, or improved where the target attribute states in Table 8.3 are not met, and (b) there is low risk of health effects from exposure to benthic cyanobacteria.
	Table 8.4: Target attribute states for rivers.	New	Oppose 2040 timeframe	Freshwater	Table 8.4 sets a 2040 timeframe for all waterways to meet the various target attribute states. All of the Reasons for Feedback provided above in relation to Table 8.1 Coastal water objectives are	Amend the timeframe for target states for E.coli and enterococci coastal water objectives to 2060.

¹ GWRC (2020) An overview of the Wellington City, Hutt Valley and Wainuiomata Wastewater and Stormwater networks and considerations of scenarios that were assessed to improve water quality)

					relevant and repeated here in relation to the 2040 timeframe included in Table 8.4.	
	8.2 Policies	New	Amend	Both		
	Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives.	New	Amend	Part 1 Schedule 1	<p>Council has a number of concerns with regard to the prohibition on unplanned greenfield growth under WH.P2 and associated provisions.</p> <p>The prohibition of unplanned greenfield development may result in unintended consequences with no consenting pathway to consider a proposal located in these areas that may have positive outcomes, including positive outcomes for freshwater.</p> <p>This activity status is a blunt instrument that would also make an incursion into these areas prohibited no matter how small. For example it is possible that a new road connecting urban areas (or urban to rural areas) would need to “clip” an area mapped as unplanned to avoid a sensitive feature in the planned area. This would be prohibited.</p> <p>The application of a prohibited activity status requires a high level of evaluation to justify its use. Council does not consider that the s32 Evaluation is sufficient.</p> <p>Firstly, the s32 Evaluation contains contradictory statements with regard to the ability of PC1 to mitigate contaminants from urban developments. Paragraph 64 of Part C states:</p> <p><i>The plan change manages the water quality effects of urban development as set out in Part D of this report. It requires all urban developments and redevelopments to incorporate contaminant treatment and hydrological controls. New greenfield developments within planned urban areas are required to offset any residual contaminant loads via financial contributions.</i></p> <p>If this is the case and PC1 does manage all water quality effects, including residual effects (e.g through provisions relating to financial contributions including WH.)15, WH.R6), it is hard to see how a prohibited activity status could be justified on an effects management basis.</p> <p>The prohibition on greenfield development is also inconsistent with the NPS-UD. Unplanned</p>	<p>Amend the policy as follows:</p> <p>Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives 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:</p> <p>(a) prohibiting avoiding unplanned greenfield development and for managing other greenfield developments minimising the contaminants and requiring financial contributions as to offset adverse effects from residual stormwater contaminants, and</p> <p>(b) encouraging redevelopment activities within existing urban areas to reduce the existing urban contaminant load, and</p> <p>(c) imposing hydrological controls on urban development and stormwater discharges to rivers</p> <p>(d) requiring a reduction in contaminant loads from urban wastewater and stormwater networks, and</p> <p>(e) stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation, and</p> <p>(f) requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and</p> <p>(g) soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</p> <p>(h) requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.</p>

greenfield development is defined as areas identified in maps 86,87, 88 and 89.

For Hutt City, Map 89 reflects the Operative District Plan. Council is currently undertaking a full District Plan Review. Unlike other territorial authorities in the region, Council is yet to notify a district plan that is fully implements the NPS-UD, including the identified demand for housing and business land, therefore the avoid/prohibited approach may therefore directly conflict with Council's ability to give effect to the NPS-UD.

Further, Policy 8 of the NPS-UD requires:

Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:
a) unanticipated by RMA planning documents; or
b) out-of-sequence with planned land release.

A prohibited activity status makes it difficult for territorial authorities to consider a plan change in an unplanned greenfield area. The s32 Evaluation says that this (part C para 65):

"Unplanned greenfield developments are also prohibited in order to enable a future regional plan change to be considered alongside a change to the district plan to facilitate any such urban development...It should not be regarded as an impediment to urban development, merely the solution to managing the competing directives of the two NPSs."

Having to undertake two plan changes (both a district and regional plan change) would most certainly be an administrative and financial impediment to urban development. A single plan change under the RMA is very expensive and complex, and undertaking two would be doubly so. While Council understands the intent behind the approach, the economic impact of having to undertake two parallel plan changes is high. This impact has not been fully assessed in the s32 with regard to the NPS-UD, or in terms of the impact on housing and business capacity.

					<p>Council considers that this policy direction should be amended to “avoid” with a non-complying activity status for these reasons.</p> <p>Council is unclear of the intent of WH.P2(b) and considers it is not consistent with and duplicates (c) and (d). Council supports the regulation of contaminant discharges from redevelopment activities, and considers that the “encouraging” policy direction is inconsistent with the “imposing” and “requiring” policy direction in (c) and (d).</p>	
	Policy WH.P3: Freshwater Action Plans role in the health and wellbeing of waterways.	New	Amend	Freshwater	<p>Support the use of action plans to achieve objectives. Regulation alone will not achieve the significant improvements required within catchments to improve the state of degraded waterways. However, the action plans should be developed in partnership with territorial authorities rather than merely being informed by them.</p> <p>Council is a key stakeholder as a regulator, land owner and asset owner, therefore an action plan developed in partnership with Council is more likely to be successful.</p>	<p>Amend the policy as follows:</p> <p>Policy WH.P3: Freshwater Action Plans role in the health and wellbeing of waterways The Wellington Regional Council shall, in partnership with mana whenua and territorial authorities, prepare and deliver Freshwater Action Plans in accordance with Schedule 27 (Freshwater Action Plan). The first iteration of Freshwater Action Plans, to cover all rivers and lakes in the Whaitua Te Whanganui-a-Tara, shall be completed by December 2026. Freshwater Action Plans shall identify, in detail, the actions, including to support effective regulation, to achieve the target attribute states, and support relevant environmental outcomes, set in this Plan.</p>
	Policy WH.P7: Discharges to groundwater.	New	Amend	Freshwater	<p>Support in principle the reduction in point source discharges to ground water. However, this policy is somewhat unclear, especially compared to similar proposed policies for other contaminants/ waterbodies. For example, it is not clear how will these discharges be managed or how the quality of groundwater will be measured in terms of water quality attributes.</p>	<p>Review wording of policy to clarify intent.</p>
	Policy WH.P10: Managing adverse effects of stormwater discharges.	New	Amend	Part 1 Schedule 1	<p>Support in principle Greater Wellington regulating stormwater contaminants through hydrological control and water sensitive urban design measures (WSUD) to improve freshwater outcomes.</p> <p>Council notes that there is a degree of overlap with district plan rules which also manage hydrology of stormwater to manage the demand on the three waters network from urban development. The s32 Evaluation has not addressed this overlap in functions. For hydrological controls and WSUD to really deliver, a coordinated regional implementation programme is needed.</p> <p>The Draft Hutt City District Plan looks to manage this demand through the Three Waters Chapter which requires hydraulic neutrality measures to</p>	<p>Develop a more comprehensive policy and implementation framework with regard to hydrological control and water sensitive urban design measures, including acceptable solutions and amend policy accordingly.</p>

					<p>assist with managing peak stormwater runoff from development sites so the risk of downstream flooding is not increased, and to assist with prolonging the life of existing stormwater management systems.</p> <p>While the THWT-Three Waters chapter does not explicitly require water sensitive design, this is promoted through the requirements for hydraulic neutrality and compliance with the Wellington Water Regional Standard for Water Services May 2019. It also provides specifications for rules such as rainwater tanks which are required for new residential units.</p> <p>In comparison, the PC1 provisions are light on detail on how hydrological controls and WSUD will be implemented. For example, it is unclear what specifications will apply to hydrological controls and WSUD (there are no technical guidelines incorporated into the NRP) and what would be considered an acceptable solution to comply with the provisions.</p> <p>If the NRP included technical specifications, it would mean that smaller developments could rely on these without having to develop a bespoke solution for their site and undertake expensive hydrological and/or engineering calculations to demonstrate compliance.</p> <p>Support recognition of catchment scale communal schemes which may be more appropriate from a maintenance perspective than lots of small systems.</p>	
	Policy WH.P11: Discharges of contaminants in stormwater from high risk industrial or trade premises.	New	Support	Part 1 Schedule 1	Support managing these discharges.	Retain as notified.
	Policy WH.P16: Stormwater discharges from new unplanned greenfield development.	New	Oppose	Part 1 Schedule 1	<p>As outlined above, there is an insufficient evidence base to support the approach being taken, especially considering that there is a prohibited activity status associated with new unplanned greenfield development. Council considers that a consenting pathway is required through a non-complying activity status to avoid any unintended consequences that may result through taking a prohibited approach.</p> <p>Regardless of the above relief sought, this policy directly duplicates WH.P2(a) and is therefore unnecessary.</p>	<p>Delete the policy:</p> <p>Policy WH.P16: Stormwater discharges from new unplanned greenfield development Avoid all new stormwater discharges from unplanned greenfield development where the discharge will enter a surface water body or coastal water, including through an existing local authority stormwater network.</p>

	Policy WH.P17: General wastewater policy to achieve target attribute states and coastal objectives.	New	Amend	Part 1 Schedule 1	Support in principle the maintenance and improvement of wastewater discharges, subject to relief sought in regard to target attribute states for E.coli in Table 8.1 and 8.4.	Retain as notified provided target attribute states for E.coli amended to 2060 in Table 8.1 and Table 8.4.
	8.2.4 Rural land use and earthworks	New		Both		
	Policy WH.P31: Winter shut down of earthworks.	New	Amend	Part 1 Schedule 1	<p>This policy is linked to a rule which makes earthworks between June and September a non-complying activity. The s32 Evaluation says this is because there is higher risk for discharges of sediment over the winter period.</p> <p>However, large storm events typically cause larger pulses of sediment discharges. Large storm events are becoming more unpredictable and can occur anytime throughout the year, especially in the Southern Hemisphere cyclone season. A poor summer earthworks season due to adverse weather may result in significant lost time to safely undertake earthworks, and the winter period may be appropriate where needed for projects to catch up on progress and stabilise the land.</p> <p>Council considers that the BAU approach for winter earthworks should be maintained, i.e. as a standard condition of consent as a discretionary activity. These conditions allow for GW to provide permits to undertake earthworks within this period as appropriate and subject to conditions.</p>	<p>Delete policy</p> <p>Policy WH.P31: Winter shut down of earthworks Earthworks over 3,000m² in area shall: (a) be shut down from 1st June to 30th September each year, and (b) prior to shut down, be stabilised against erosion and have sediment controls in place using good management practices in accordance with the Greater Wellington Regional Council Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region (2021).</p>
	8.3.2 Stormwater	New		Both		
	Rule WH.R2: Stormwater to land – permitted activity.	New	Amend	Freshwater	<p>Support in principle, however as network utility operators, territorial authorities control new connections to discharge to the network. As written, this rule requires all new connections to the stormwater network to obtain a regional resource consent. It is unclear why this needs to now be regulated by the Regional Council, and this is possibly a drafting error.</p> <p>Further, this rule appears to duplicate WH.R3 to a large extent, they both control storm water to land/water with similar conditions.</p>	<p>Consolidate WH.R2 and WH.R3 into one rule, or amend as follows:</p> <p>Rule WH.R2: Stormwater to land – permitted activity The discharge of stormwater onto or into land, including where contaminants may enter groundwater: (a) that is not from a high risk industrial or trade premise, or (b) that is not connected to that does not discharge from, or to, a local authority stormwater network, is a permitted activity provided the following conditions are met: (...)</p>
	Rule WH.R3: Stormwater from an existing individual property to surface water or coastal water – permitted activity.	New	Amend	Part 1 Schedule 1	<p>Support in principle, however as network utility operators, territorial authorities control new connections to discharge to the network. As written, this rule requires all new connections to the stormwater network to obtain a regional resource consent. It is unclear why this needs to now be regulated by the Regional Council, and this is possibly a drafting error.</p>	<p>Consolidate WH.R2 and WH.R3 into one rule, or amend as follows:</p> <p>Rule WH.R3: Stormwater from an existing individual property to surface water or coastal water – permitted activity</p>

					Further, this rule appears to duplicate WH.R2 to a large extent, they both control storm water to land/water with similar conditions.	The discharge of stormwater from an existing individual property into water, or onto or into land where it may enter a surface water body or coastal water, (a) that is not from a high risk industrial or trade premise, or (b) that is not from a port, airport or state highway, or (c) that is not connected to, does not discharge from, or to, a local authority stormwater network, is a permitted activity, provided the following conditions are met: (...)
	Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity.	New	Amend	Part 1 Schedule 1	Generally support Greater Wellington taking a greater role in regulating changes in impervious surfaces and requiring interventions, but note that this rule will have a significant economic impact on urban development and create a regulatory burden on Greater Wellington. This rule does not outline what types of hydrological controls should be implemented and it is unclear what would be considered an acceptable solution to comply with the provisions. The definition of 'hydrological control' doesn't provide any guidance in this regard. The second matter of control refers to best practicable options, but it does not outline what these are (as opposed to stormwater treatment system which has some guidance on acceptable types of systems in the definition along with specifications in Schedule 28) The s32 Evaluation does not quantify the costs of acceptable controls and the economic impact on urban development.	Develop an acceptable solution for compliance with either though incorporating guidance by reference, within the rule itself, or as an appendix to the plan.
	Rule WH.R10: Stormwater from new state highways– discretionary activity.	New	Amend	Part 1 Schedule 1	It is unclear what constitutes a new state highway. For example, it is unclear if a slight widening of seal on shoulders be considered new state highway, or is this intended to capture entirely new stretches of state highway.	Review rule wording.
	Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity.	New	Amend	Part 1 Schedule 1	Council has a number of concerns with regard to the prohibition on unplanned greenfield growth under WH.P1 and associated provisions. All of the Reasons for Feedback provided in relation to Policy WH.P2 are relevant and repeated here in relation to the prohibition on unplanned greenfield growth.	Amend rule as follows: Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity 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 non-complying prohibited activity.
	8.3.5 Earthworks	New		Both		

	Rule WH.R23: Earthworks – permitted activity	New	Amend	Part 1 Schedule 1	<p>Road maintenance was previously excluded from the definition of earthworks in the NRP. The use of the National Planning Standards definition in Plan Change 1 means that this exclusion no longer applies. While Council supports the use of the definition, it considers that the exclusion for road maintenance should carry through to Plan Change 1 through an exclusion in the rule. Otherwise activities such as road resealing will be captured by this rule which will create unnecessary consenting requirements.</p> <p>Further, the “and” after WH.R23 effectively means that all earthworks no matter how small would require a resource consent under WH.R24 unless they are associated with an erosion risk treatment plan or a farm environment plan.</p>	<p>Amend rule as follows: Earthworks is a permitted activity, provided the following conditions are met: (a) the earthworks are to implement an action in the erosion risk treatment plan for the farm, or (b) the earthworks are to implement an action in the farm environment plan for the farm, and <u>or</u> (c) the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and (d) the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and (e) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and (f) the area of earthworks must be stabilised within six months after completion of the earthworks, and (g) there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and (h) erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.</p> <p><u>Note: this rule excludes repair or maintenance of existing roads, or repair, sealing or resealing of a road, footpath or driveway.</u></p>
	Rule WH.R24: Earthworks – restricted discretionary activity.	New	Amend	Part 1 Schedule 1	<p>This rule makes earthworks between June and September a non-complying activity. The s32 Evaluation says this is because there is higher risk for discharges of sediment over the winter period.</p> <p>However, large storm events typically cause larger pulses of sediment discharges. Large storm events are becoming more unpredictable and can occur anytime throughout the year, especially in the Southern Hemisphere cyclone season. A poor summer earthworks season due to adverse weather may result in significant lost time to safely undertake earthworks, and the winter period may be appropriate where needed for projects to catch up on progress and stabilise the land.</p>	<p>Amend rule as follows: Rule WH.R24: Earthworks – restricted discretionary activity Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule WH.R23 is a restricted discretionary activity, provided the following conditions are met: (a) the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m³, except that, if at the time of the</p>

					<p>Council considers that the BAU approach for winter earthworks should be maintained, i.e. as a standard condition of consent as a discretionary activity. These conditions allow for GW to provide permits to undertake earthworks within this period as appropriate and subject to conditions.</p>	<p>discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m³, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</p> <p>(i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</p> <p>(ii) 30% in any other river, and</p> <p>(b) earthworks shall not occur between 1st June and 30th September in any year.</p>
	Map 89: Unplanned greenfield areas – Hutt City Council.	New	Amend	Part 1 Schedule 1	<p>For Hutt City, Map 89 reflects the Operative District Plan. Council is currently undertaking a full District Plan Review. Unlike other territorial authorities in the region, Council is yet to notify a district plan that fully implements the NPS-UD, including the identified demand for housing and business land, therefore the avoid/prohibited approach may therefore directly conflict with Council’s ability to give effect to the NPS-UD.</p>	<p>Map 89 needs to reflect the capacity required to meet identified housing and business demand in Hutt City.</p>