



**SUBMISSION – GREATER WELLINGTON REGIONAL COUNCIL  
PROPOSED PLAN CHANGE 1  
TO THE  
NATURAL RESOURCES PLAN**

**Client: Land Matters Limited  
December 2023**

## SUBMISSION ON BEHALF OF: Land Matters Limited

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**Prepared by:**



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**Principal Planner**  
**Bryce S Holmes and Director**

**Reviewed by:**

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**Tom Bland**  
**Principal Planner**

**Date:** DECEMBER 2023  
**Version:** FINAL  
**Job Ref:** 000

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## RMA FORM 5

**Submission on publicly notified****Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region**

Clause 6 of the First Schedule, Resource Management Act 1991

To: Greater Wellington Regional Council

## 1. Submitter details:

Full Name			
Company/Organisation <i>if applicable</i>	Land Matters Limited		
Contact Person <i>if different</i>	c/- Bryce Holmes, Land Matters Limited		
Email Address for Service	<a href="mailto:bryce@landmatters.nz">bryce@landmatters.nz</a>		
Address	20 Addington Road		
	City	Postcode	
	Ōtaki	5581	
Address for Service <i>if different</i>	Postal Address	Courier Address	
Phone	Mobile	Home	Work
	021 877 143		

2. This is a **submission** on the Proposed Plan Change 1 to the Natural Resources Plan for Greater Wellington Region.

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

If you could gain an advantage in trade competition through this submission please complete point four below:

4. I **am directly affected** by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and



(b) does not relate to trade competition or the effects of trade competition.

Note:

*If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.*

- 5. I **wish to be heard** in support of my submission.
- 6. I **will not** consider presenting a joint case with other submitters, who make a similar submission, at a hearing.

Please complete section below (insert additional boxes per provision you are submitting on):

<b>The specific provision of the proposal that my submission relates to:</b>
See part 3
<b>Do you: Support? Oppose? Amend?</b>
See part 3
<b>What decision are you seeking from Council?</b>
<b>What action would you like: Retain? Amend? Add? Delete?</b>
<b>Reasons:</b>
See part 3.

## 1. BACKGROUND AND INTRODUCTION

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Greater Wellington Regional Council (**GWRC**) has notified Plan Change 1 (**PC1**) to the Operative Natural Resources Plan for the Wellington Region (**NRP**). Plan Change 1 focuses on:

- Management of freshwater and coastal water within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua to implement the National Policy Statement for Freshwater Management 2020 within those whaitua
- Amendments to the air quality rules
- Amendments to the beds of lakes and rivers rules
- New sites with significant indigenous biodiversity values.

Land Matters Limited (the **Submitter**) has clients that own land within the Te Awarua-o-Porirua Whaitua including land which is identified within the Northern Growth Area (**NGA**) – a Future Urban Zone (**FUZ**) in the Porirua District Plan.

This document sets out the general parts of the Proposed PC1 that the relief sought by the Submitter, together with reasons for the relief sought.

## 2. THE LAND

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The Submitter is interested primarily in land in the Porirua City.

## 3. SUBMISSION AND CHANGES SOUGHT

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The Submitter generally opposes the following parts of the Proposed PC1:

1. The entirety of PC1; and specifically
2. Amendments to Chapters 5.2 and 5.3 – Discharges to land and water and Land use rules; and
3. Amendments to Chapter 9 – Te Awarua-o-Porirua

The Submitter **seeks** the following general amendments to PC1 to better achieve the Purpose of the RMA:

- A. **Withdrawal of PC1** to allow for a comprehensive review of the provisions of the plan change as they relate to national guidance.

### **Reasons**

#### ***Housing affordability***

The provisions of PC1 have significant consequences for the affordability of housing and land development in the Wellington Region. The addition of a significant financial contribution for new residential units will have flow on effects on the affordability of housing in the region and is inconsistent with Objective 2 and the associated policies of the National Policy Statement on Urban Development 2020 (**NPS-UD**). This is not considered in the Section 32 report in support of PC1 which, in relation to the NPS-UD, completely ignores the affordability implications of the proposed changes, despite this being a key objective of the national policy statement.

### ***Haste and errors in preparation***

PC1 has been hastily prepared and is having unintended effects as a result of drafting errors. Rules of PC1 were given immediate legal effect and are already creating significant implications for housing affordability and the viability of land development in the Wellington region. This haste is evidenced in the Clause 16 memo issued by GWRC on 6 December 2023 amending errors in rules that have immediate legal effect. These errors only became apparent through feedback from practitioners in a Q&A session organised by the New Zealand Planning Institute and after the rules were in force and causing confusion and additional consenting demands erroneously.

Although this error has been corrected through urgent amendment, other errors and uncertainties raised in the Q&A session regarding rules with immediately legal effect remain unresolved.

We understand is still awaiting legal advice on some of these matters that are already impacting consent applicants. This is a poorly structured approach to planning policy and highlights the haste with which the plan change has been prepared.

### ***Premature notification***

A significant number of the provisions of PC1 have been promulgated to implement the National Policy Statement for Freshwater Management 2020 (**NPS-FM**). The Coalition Agreement between the National Party and the ACT Party and between the National Party and the NZ First Party agrees to:

*Replace the National Policy Statement for Freshwater 2020 to rebalance Te Mana o te Wai to better reflect the interests of all water users*

The Coalition Agreement between the National Party and the ACT Party also agrees to:

*Replace the National Policy Statement for Freshwater Management 2020 to allow district councils more flexibility in how they meet environmental limits and seek advice on how to exempt councils from obligations under the National Policy Statement for Freshwater Management 2020 as soon as practicable*

Based on these confirmed agreements for the current NZ government, providing a plan change to the NRP that gives effect to a national policy statement that will be replaced soon is both premature and a waste of resources.

Given these circumstances, the plan change should be withdrawn until there is more clarity on the national direction with regard to freshwater management.

- B. Should relief A not occur, the submitter seeks that **the new requirements for stormwater management and financial contributions be removed from all new stormwater discharge provisions or amended to provide a more balance approach to catchment management.**

### **Reasons**

In its current form, PC1 introduces increased uncertainty and cost to the provision of housing in the Wellington region, directly affecting housing affordability in the region. The requirement for financial contributions and the risk cost introduced through additional consenting will have flow on effects to the cost of housing in the region. This is inconsistent with Objective 2 and the associated policies of the NPS-UD.

The submitter seeks relief from the combination of increased risk and cost through the removal of financial contributions associated with the new stormwater discharge provisions outlined in the following table:

Part/Provision	Submission	Reason
2.2 – Definitions	There is a need to define “Greenfield Development” in the Plan Change to avoid confusion.	At present there is confusion in the document as to what types of development the plan change relates to. It should not relate to Rural Lifestyle or Rural development.
Policies WH.P9, WH.P10, WH.P13, WH.P14, WH.P15, WH.P16. Objectives P.01, P.02, P.03 Policies P.P2, P.P4, P.P9, P.P10, P.P12, P.P13, P.P14, P.P15	These objectives and policies should either be deleted or amended to provide opportunities for development within the Porirua Whaitua. If the objective and policies suites are not deleted, then they should be amended to remove avoidance principles and replaced with objectives and policies with the same effect/guidance as the remainder of the NRP before notification with perhaps some policy relief for those activities that require consent under the operative provisions (in force before PC1).	Using stormwater control to effectively manage or prevent land use is not consistent with the integrated management principles contained in the RMA.
Policy WH.P31 (winter works shutdown).	This policy should be deleted or amended to provide for winter works subject to circumstantial criterion. That could include: <ul style="list-style-type: none"> <li>• Risk or likelihood of discharge;</li> <li>• Topographical considerations/slope;</li> <li>• Management of works;</li> <li>• Distance to freshwater resources;</li> <li>• Necessity of works;</li> <li>• Economic considerations.</li> </ul>	There is a need for flexibility in policy documents that manage the adverse effects of earthworks during certain periods. The policy is too blunt in its approach.
Rule WH.R5, WH.R6, WH.R11, WH.R12. P.R5, P.R6, P.R7, P.R10, P.R11.	These rules seek to impose a general resource consenting process around stormwater control and discharge. Nearly all development proposals will fail the permitted standards. The rules should be deleted. If the rule framework is to remain then the areas in the conditions attached to the rules should be amended to provide a more	The suite of rules and standards will capture nearly all residential subdivision. These provisions will add significant cost to urban development that is not effectively assessed in Council’s s32 analysis. The costs imposed will lead to further housing unaffordability and a further escalation of house pricing.

	realistic area calculation. Where a subdivision creates a stormwater catchment in excess of 4ha then a controlled activity consent may be required. This should be the only standard that the rule framework is subject to.	
<b>Prohibited Activities WH.R13 and P.R12</b>	The submitter considers prohibited activities rules for stormwater discharges should be removed.	It is not appropriate to use stormwater rules to effectively prohibit consideration of certain land uses. Land use control is a territorial function, not in the ambit of the Regional Council. Prohibited activities are a blunt tool and do not provide for a flexible approach to changes in land use that may result in environmental benefits.
<b>Schedule 27 – Freshwater Management Plans</b>	Remove or simplify this schedule. The plans should relate to functional engineering considerations and NZS4404 should be used as the basis of the plan.	The information required in this schedule is not commensurate to the scale of individual developments.
<b>Schedule 30 – Financial Contributions</b>	Remove the need to provide financial contributions for stormwater discharges.	For the reasons given under other parts of this submission, there should not be financial contributions on stormwater discharges. It is not specific or clear what the financial contributions will be used or taken for.

**Summary**

Given the errors and significant cost implications of the plan change and the current state of flux with regard to national direction for freshwater management, the purpose of the RMA would be better achieved by withdrawing PC1 to both await the changes in national direction from the new government and correct errors in the document that already have legal effect.

Should PC1 not be withdrawn, the submitter seeks the amendment to the stormwater discharge rules to reduce the level of additional cost and risk introduced by the plan change.