



ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS: SUBMISSION ON PLAN CHANGE 1 TO THE NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION

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Ara Poutama Aotearoa the Department of Corrections (**Ara Poutama**) makes the submissions on Plan Change 1 (**PC1**) to the Natural Resources Plan for the Wellington Region (**NRP**) in the **attached** document.

Ara Poutama confirms it could not gain an advantage in trade competition through this submission.

Ara Poutama would like to be heard in support of its submission. If other submitters make a similar submission, Ara Poutama will consider presenting a joint case with them at a hearing.



Andrea Millar – Manager, Resource Management and Land Management

For and on behalf of Ara Poutama Aotearoa the Department of Corrections

Dated this 15th day of December 2023

Introduction

Ara Poutama is responsible under the Corrections Act 2004 for enforcing sentences and orders of the criminal court and the New Zealand parole board. In meeting this responsibility, Ara Poutama establishes and operates custodial and non-custodial corrections sites, monitors people in the care of Ara Poutama serving their sentences in the community and provides supported and transitional accommodation to assist the rehabilitation and/or reintegration of people back into the community.

Ara Poutama considers that its services enable people and communities to provide for their social and cultural well-being, and therefore those activities and services contribute to the sustainable management purpose of the Resource Management Act 1991 (**RMA**).

Custodial Corrections Facilities

Custodial corrections facilities include prisons, and detention facilities and may include non-custodial transitional accommodation for people with high and complex needs, who have completed a prison sentence and are being supported and prepared for reintegration and transition back into the community. Non-custodial rehabilitation activities and programmes may also occur on site.

Within the Wellington Region, Ara Poutama operates the Rimutaka Prison and Arohata Prison facilities, which are located at Freyberg Road, Trentham, and 13 Main Road, Tawa, respectively.

The Rimutaka Prison site is split-zoned Special Activity, General Rural, and Rural Lifestyle Rural in the Upper Hutt District Plan, and is subject to designation COR1, with the Minister of Corrections being the Requiring Authority. The zoning is proposed to change to Special Activity and General Rural under Plan Change 50 to the Upper Hutt District Plan.

The Arohata Prison site is zoned Rural in the Operative Wellington District Plan, and is subject to designation K2, with the Minister of Corrections being the Requiring Authority. Under the Proposed Wellington District Plan, the Arohata Prison site is zoned Special Purpose Corrections Zone and is subject to designation MCOR2, with the Minister of Corrections being the Requiring Authority.

Non-Custodial Community Corrections Sites

Non-custodial community corrections sites include service centres and community work facilities and are essential social infrastructure. Non-custodial services and their associated infrastructure play a valuable role in reducing reoffending. Community work helps offenders learn vital skills and to give back to their community, and in return the community benefits from improved amenities.

The service centres provide for probation, rehabilitation, and reintegration services. Offenders report to probation officers as required by the courts or as conditions of parole. Ara Poutama's staff also use service centres to undertake assessments and compile reports for the courts, police, and probation officers. Service centres may also be used as administrative bases for staff involved in community-based activities. The overall activity is effectively one of an office where the generic activities involved are meetings and workshop type sessions, activities which are common in other office environments.

In addition to these service centres, Ara Poutama operates community work facilities. Community work is a sentence where offenders are required to undertake unpaid work for non-profit organisations and community projects. Offenders will report to a community work facility where they subsequently travel to their community work project under the supervision of a Community Work Supervisor. The community work facilities can be large sites with yard-based activities and large equipment and/or vehicle storage. Service centres and community work facilities may also be co-located on the same site.

Community corrections sites support offenders living in that community. Ara Poutama therefore looks to locate its sites in areas accessible to offenders, and near other supporting government agencies. Commonly,

sites are therefore located in commercial or business areas, but may also be located in industrial areas, where large lots and accessibility suit the yard-based nature of some operations.

Ara Poutama operates the following non-custodial community corrections sites in the Te Whanganui-a-Tara and Te Awarua-o-Porirua whaitua within the Wellington region:

- Lower Hutt Community Corrections: 5 Market Grove, Lower Hutt.
- Porirua Community Corrections: 7 Prosser Street, Porirua.
- Upper Hutt Community Corrections: 8 Railway Avenue, Upper Hutt.
- Wellington Community Corrections: 42 Adelaide Road, Wellington.

Ara Poutama's Submission on PC1 to the NRP

Ara Poutama has a vested interest in the implications that PC1 may have on the establishment and operation of custodial and non-custodial facilities.

All of Ara Poutama's non-custodial community corrections sites are located in "planned greenfield areas".

Rimutaka Prison is mostly within "planned/existing urban area", with a small part of the western edge of the site being located within a "unplanned greenfield area", and Arohata Prison is entirely located within an "unplanned greenfield area". There are scattered points of "highest erosion risk land (woody vegetation)", "highest erosion risk land (pasture)", and "highest erosion risk land (plantation forestry)" at various locations within the prison sites on the surrounding hills.

The context for Ara Poutama's submissions on PC1 to the NRP are set out in the following sections, with specific relief outlined in the table attached as **Appendix 1**.

Prohibiting "unplanned greenfield development"

Ara Poutama considers that the general approach taken by PC1 to "unplanned greenfield development" is potentially inappropriate due to the definition of "unplanned greenfield development" being broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or only specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of Rimutaka and Arohata prisons in areas identified as "unplanned greenfield development areas", where such works are considered "greenfield development". PC1 does not define what "greenfield development" is.

Ara Poutama also raises concerns about the practicality and efficiency of this approach. It creates significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because the provisions are coastal provisions) on the management of development in "unplanned greenfield development areas".

This raises procedural concerns about the concurrent process that must be used to manage development in "unplanned greenfield development" areas. Decisions on separate plan changes must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. Territorial authorities and the regional council have a duty to avoid unreasonable delay, which, when applied to separate plan change process, may result in concurrent plan changes becoming unsynchronised. Such an ad-hoc process is likely to be highly inefficient for those seeking changes to regional and district plans and frustrating for those submitting on them, and the risk of inconsistent decision making in relation to the same resource management issue is high. If it is the Council's position that this issue requires a combined regulatory approach with territorial authorities, then the appropriate means of providing for this is through a combined

planning document to address the issue (and the Council is obliged to consider this under section 80(7) of the RMA). This is what the RMA anticipates in this circumstance, but it is not what PC1 provides for.

High-risk industrial or trade premises

Some activities occurring within Ara Poutama's facilities are likely to meet the proposed definition of "high risk industrial or trade premises", due to the wide-range activities occurring on the sites. For instance, storage of chemicals and fuel is common within prisons, and engineering-related activities may occur within prisons and community corrections sites.

Ara Poutama supports appropriate control through the NRP over high-risk industrial or trade premises. However, the provisions proposed by PC1 for high risk industrial or trade premises are unreasonable with respect to the control of impervious surfaces, which provide for the redevelopment of existing or the creation of new impervious surfaces at high-risk industrial or trade premises as a discretionary activity. This approach does not enable a reasonable level of maintenance, upgrading, or development (subject to appropriate conditions). Additionally, the rules incentivise retaining existing degraded impervious surfaces, and do not recognise that new or redeveloped impervious surfaces will perform better at containing hazardous substances and other contaminants than existing ones. This is counter-productive and contrary to the objectives of the NRP, which seek to maintain or improve water quality.

To address this, Ara Poutama considers that amendments are necessary to the rules that relate to new or redeveloped impervious surfaces to provide for a reasonable level of impervious surface development or redevelopment at high-risk industrial or trade premises as a permitted or controlled activity, subject to appropriate conditions.

Earthworks

Ara Poutama considers that the proposed earthworks policies and rules do not provide for a reasonable level of earthworks activities. Under the earthworks rules proposed by PC1, earthworks on any scale are no longer a permitted activity (unless they are to implement actions in a farm erosion risk treatment plan or farm environmental plan). As a result, all earthworks are a restricted discretionary activity regardless of scale and are a non-complying activity if those earthworks (again regardless of scale) occur between 1 June and 1 October.

While Ara Poutama understands the above notified rule framework is an error, Ara Poutama's comments are made on the plan change as notified given the legal effect of the provisions.

Ara Poutama considers it is inefficient to require resource consent for almost all earthworks regardless of scale. This will create a significant administrative burden for applicants and Council with little clear environmental benefit. Ara Poutama considers that the adverse environmental effects associated with small scale earthworks can be appropriately addressed through permitted activity conditions in the NRP and District Plans.

In addition to this, Ara Poutama considers that restricting all earthworks activities between 1 June and 1 October is overly restrictive. Ara Poutama recognises earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months. However, there may be instances where earthworks are unavoidable at this time, and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. Ara Poutama notes that the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021), which is referred to in the earthworks provisions as the guiding document for earthworks practice, provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline), and Ara Poutama considers that pathway should continue to be available to applicants through the consent process.

Ara Poutama also considers that non-complying activity status for earthworks that do not meet restricted discretionary conditions does not sufficiently facilitate the maintenance, upgrade, or development of its sites. This leads to a high degree of uncertainty as to whether consents for maintenance, development, or upgrades to corrections sites will be granted under section 104D of the RMA, even where the adverse effects of the part of the proposal that triggered non-complying activity status can be appropriately managed through consent conditions.

In summary, Ara Poutama considers that a reasonable level of earthworks, including potentially necessary earthworks during the winter months, should be enabled subject to appropriate conditions to manage potential adverse effects.

Woody vegetation, pasture, and plantation forestry

Ara Poutama also questions the appropriateness of the mapping used to identify where resource consent is required for vegetation clearance, plantation forestry, or earthworks on erosion-prone pasture. The mapping for these features includes numerous small and incohesive areas and Ara Poutama questions the efficiency or effectiveness of regulating numerous small (which in many cases measure no greater than 5m by 5m) incohesive areas to manage land stability. Ara Poutama considers the maps should be amended to only identify cohesive areas being subject to the rules.

In relation to policies, rules, and schedules relation to plantation forestry, Ara Poutama suggests these could be refined to enable plantation forestry operations to continue, particularly where it provides benefits for minimising soil erosion and carbon sequestration. In addition, Ara Poutama considers much of Schedule 34 duplicates statutory requirements contained in other documents (particularly the National Environmental Standard for Commercial Forestry) and considers Schedule 34 should be part of a Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.

Financial contributions for residual adverse effects of contaminants in stormwater

Ara Poutama considers that the mandatory requirement to take financial contributions provided for by PC1 are not consistent with the effects management hierarchy set out under the NPS-FM. PC1 promotes mandatory financial contributions as a method of offsetting residual adverse effects of contaminants from impervious surface runoff that are considered impractical to treat on site, through the treatment methods incorporated into the stormwater discharge rules.

The approach taken by PC1 is to require financial contributions to offset all residual adverse effects regardless of scale, however this is inconsistent with the effects management hierarchy in the NPS-FM, which requires that only residual adverse effects that are more than minor be offset (or compensated). Ara Poutama considers that applicants should be given reasonable opportunity to avoid, minimise, or remedy adverse effects associated with contaminants in stormwater runoff, to the extent that residual adverse effects are minor or less than minor. Only in circumstances where residual adverse effects are more than minor should offsetting (or compensation) be required. Further, in circumstances where offsetting or compensation is required, applicants should not be bound to financial contributions, and should have an option to propose offsetting or compensation in line with Appendix 6 and Appendix 7 of the NPS-FM.

Notwithstanding this, Ara Poutama recognises that the financial contributions method proposed by PC1 could be an effective method of offsetting and should remain open as an option in circumstances where offsetting is required. However, financial contributions will only be effective where they are used to deliver appropriate offsetting projects. In order for this to occur, those projects must be planned for and delivered through the Council's Long-term Plan and Infrastructure Strategy.

To ensure consistency between the financial contributions provisions proposed by PC1 and the NPS-FM, Ara Poutama's submissions seek that the mandatory requirement for financial contributions as a condition of the rules is removed, but that the financial contributions regime proposed by PC1 continues to be provided

for through PC1’s policies, as an optional method alongside other offsetting or compensation methods provided for by the NPS-FM.

Inappropriate use of the freshwater planning process for vegetation clearance and earthworks provisions

Provisions for vegetation clearance and the permitted activity rule for earthworks, have been included in this freshwater planning instrument. Ara Poutama considers that this is an inappropriate use of the freshwater planning instrument, on the basis that the principal purpose of these provisions is to control the use of land for the purpose of soil conservation. In addition to this, none of these rules manage discharges to freshwater. On this basis, Ara Poutama seeks that these provisions must be reallocated to the Part 1 Schedule 1 planning instrument.

Other matters

Ara Poutama’s submission also covers a range of other matters, including:

- That definitions are provided for terms including “raingarden” and “bioretention device”.
- Amendments to the long-term vision objectives for both whaitua, to recognise that restoration of natural character may not be possible in relation to regionally significant infrastructure.
- Amendments to the general policy for management of earthworks to improve the practicality of the policy.
- Amendments to all provisions related to high-risk industrial and trade premises to ensure that the focus of the provisions is on the management of hazardous substances, not on contaminants generally (which are already provided for under other provisions).
- Amendments to the permitted activity rule for vegetation clearance on highest erosion risk land (woody vegetation) to ensure that vegetation clearance less than 200m² is clearly provided for under the rule (and is not an innominate discretionary activity).
- Amendment to the restricted discretionary activity rule for earthworks, to recognise that discharges of sediment are not included under the permitted activity rule for earthworks (and are instead covered by the NRP’s minor discharge rule R91).
- Amendment to Schedule 28 (stormwater containment treatment) for clarity.
- Amendments to Schedule 29 (stormwater impact assessments) to only require calculation of and analysis for new (and not redeveloped) impervious surfaces, as well as other amendments to improve the clarity and implementation of the provisions within the schedule.
- Amendments to Schedule 30 (financial contributions) consistent with Ara Poutama’s submissions on the policies and rules for offsetting, and to improve the clarity of provisions within the schedule.
- Amendments to Schedule 33 (vegetation clearance erosion and sediment management plan) consistent with Ara Poutama’s submissions on the policies and rules for vegetation clearance.
- Amendments to Map 77 to ensure that habitats of nationally threatened freshwater species are accurately mapped.

Relief sought by Ara Poutama

The specific relief sought by Ara Poutama is set out under the “relief sought” column of the table in **Appendix 1**. Where Ara Poutama 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 Ara Poutama through its submission on PC1.
Red text struck through	Text sought to be deleted by Ara Poutama 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: Specific Relief Sought

NRP provision under PC1	Position	Submission	Relief sought
2.2 Definitions			
<p><u>Highest erosion risk land (pasture)</u> <u>Land with highest erosion risk (pasture) in Te Awarua-o-Porirua Whaitua shown on Map 91 or in Whaitua Te Whanganui-a-Tara shown on Map 94.</u></p>	Neutral	Ara Poutama notes that it has submitted on the provisions and maps that relate to this definition.	Retain as notified (noting the submission points on the maps and provision).
<p><u>Highest erosion risk land (woody vegetation)</u> <u>Land with highest erosion risk (woody vegetation) in Te Awarua-o-Porirua Whaitua shown on Map 91 or in Whaitua Te Whanganui-a-Tara shown on Map 94.</u></p>	Neutral	Ara Poutama notes that it has submitted on the provisions and maps that relate to this definition.	Retain as notified (noting the submission points on the maps and provision).
<p><u>Impervious surfaces</u> <u>Surfaces that prevent or significantly impede the infiltration of stormwater into soil or the ground, includes:</u></p> <ul style="list-style-type: none"> • <u>roofs</u> • <u>paved areas (including sealed/compacted metal) such as roads, driveways, parking areas, sidewalks/foot paths or patios.</u> <p><u>and excludes:</u></p> <ul style="list-style-type: none"> • <u>grassed areas, gardens and other vegetated areas</u> • <u>porous or permeable paving</u> • <u>slatted decks which allow water to drain through to a permeable surface</u> • <u>porous or permeable paving and living roofs</u> • <u>roof areas with rainwater collection and reuse</u> • <u>any impervious surfaces directed to a rain tank utilised for grey water reuse</u> 	Neutral	Ara Poutama notes that it has submitted on the provisions that relate to this definition.	Retain as notified (noting the submission points on the provisions).

NRP provision under PC1	Position	Submission	Relief sought
<u>(permanently plumbed)</u>			
<p><u>Redevelopment</u></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	<p>Ara Poutama seeks that the reference to redevelopment of existing urbanised property is removed, on the basis that the definition also applies to rules that are not exclusively limited to the redevelopment of urbanised property (see for example rule WH.R11).</p> <p>Secondly, 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>	<p>Amend as follows:</p> <p><u>Redevelopment</u></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>
<p><u>Unplanned greenfield development</u></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> <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>	Oppose	<p>The term “unplanned greenfield development” is related to prohibited activity rules WH.R13 and P.R12. The term is defined as “greenfield development” within areas specified as ‘unplanned greenfield areas’ in the maps. However, the term “greenfield development” is undefined. As a result, there is a high degree of uncertainty about the kinds of development that are prohibited under the rules. This level of uncertainty is inappropriate for a definition that determines the scope of prohibited activity rules.</p> <p>If the term “greenfield development” is interpreted as development on greenfield land (as defined on the planning maps) then this would include all types of development, which covers all the existing developed area at Arohata Prison and part of Rimutaka Prison.</p> <p>If the intent of the definition and associated provisions is to manage urban development on land that has not been previously developed, then this should be clearly stated. To achieve this, Ara Poutama considers that the term “greenfield</p>	<p>Amend the definition of “unplanned greenfield development” as follows:</p> <p><u>Unplanned greenfield development</u></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> <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>Urban development on land that has not been previously developed for urban land uses.</u></p> <p>As a consequential amendment, add a definition for “urban development” in the NRP to match the Regional Policy</p>

NRP provision under PC1	Position	Submission	Relief sought
		<p>development” must be defined. 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>Ara Poutama considers that this package of amendments to the definitions will provide sufficient certainty about the scope of the term “greenfield development”, provide for integration with the RPS, and ensure that development of prison sites is not prohibited in “unplanned greenfield development” areas.</p>	<p>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>
Chapter 8: Whaitua Te Whanganui-a-Tara Section 8.2: Policies			
<p><u>In addition to the policies in this Chapter, the policies in Chapter 4 of the Plan also apply in Whaitua Te Whanganui-a-Tara, unless the policy in Chapter 4 is specifically identified as not applying to Whaitua Te Whanganui-a-Tara.</u></p>	Support	<p>Ara Poutama supports this note (which appears under the heading to section 8.2), as it provides for a range of existing operative policies to continue to apply within the whaitua (including those policies that recognise the beneficial use and development of regionally significant infrastructure).</p>	Retain as notified.
<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>(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</u></p>	Amend	<p>Ara Poutama considers that several amendments are necessary to clause (a) of the policy.</p> <p>Firstly, Ara Poutama considers that this policy is inappropriate because the definition of “unplanned greenfield development” is broad, uncertain, and could prohibit the maintenance, upgrading and further development of prison assets or existing developed areas that have nonetheless been mapped as being within an “unplanned greenfield area”. On this basis, Ara Poutama considers that prohibiting unplanned greenfield development is inappropriate and must be removed. Notwithstanding this, if the relief sought by Ara Poutama on the definition of “unplanned greenfield development” is granted in full (as sought in an earlier submission point), Ara Poutama would adopt</p>	<p>Amend 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> <p>(a) <u>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 compensation (which may include financial contributions) as to offset adverse effects from residual stormwater contaminants,</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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>a neutral position on this aspect of the policy.</p> <p>Secondly, Ara Poutama 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 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 as part of their proposal in accordance with Appendix 6 of the NPS-FM, then financial contributions should not be required.</p>	<p><u>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><u>Policy WH.P11: Discharges of contaminants in stormwater from high risk industrial or trade premises</u></p> <p><u>The discharge of stormwater to water, including discharges via the stormwater network, from a high risk industrial or trade premise shall be managed by:</u></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</u></p>	<p>Amend</p>	<p>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 may be residual stormwater contaminants associated with development.</p> <p>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 WH.P11: Discharges of contaminants-hazardous substances in stormwater from high risk industrial or trade premises</u></p> <p><u>The discharge of stormwater to water, including discharges via the stormwater network, from a high risk industrial or trade premise shall be managed by:</u></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</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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><u>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><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: 20px;">(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: 20px;">(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	<p>Clause (a)(ii) refers to raingardens and bioretention devices, however neither term is defined in the plan. To provide sufficient certainty to plan users, Ara Poutama considers that definitions of both terms need to be added to the Plan.</p>	Amend the definitions section to include a definition of "raingarden" and "bioretention device".
<u>Policy WH.P15: Stormwater contaminant</u>	Amend	Ara Poutama considers that this policy needs to be	Amend as follows:

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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 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>amended so that it is consistent with the effects management hierarchy set out in the NPS-FM, which requires that aquatic offsetting or compensation is provided in circumstances where residual adverse effects are more than minor.</p> <p>Further, Ara Poutama considers that the financial contributions should not be a mandatory means of providing for aquatic offsetting, and resource consent applicants should have a reasonable opportunity provide aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM as part of their proposal.</p>	<p><u>Policy WH.P15: Stormwater contaminant offsetting or compensation for new greenfield development</u></p> <p><u>The More than minor 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:</u></p> <p>(a) <u>aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the National Policy Statement on Freshwater Management 2020: or</u></p> <p>(b) <u>a financial contribution in accordance with Schedule 30 (financial contribution).</u></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>Ara Poutama considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of prison assets or areas that are already effectively developed but are located within areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development.</p> <p>Ara Poutama also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the</p>	Delete policy.

NRP provision under PC1	Position	Submission	Relief sought
		<p>territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council's position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Ara Poutama notes that its principal concern with this policy is that it is unclear whether it would prohibit the upgrading or development of its existing sites. However, if the relief sought by Ara Poutama on the definition of "unplanned greenfield development" is granted in full, Ara Poutama would consider adopting a neutral position on this rule.</p>	
<p><u>Policy WH.P28 Achieving reductions in sediment discharges from plantation forestry</u></p> <p>Reduce discharges of sediment from plantation forestry by:</p> <p>(a) identifying highest erosion risk land (plantation forestry), and</p> <p>(b) improving management of plantation forestry by requiring erosion and sediment management plans to be prepared and complied with, and</p> <p>(c) requiring that on highest erosion risk land (plantation forestry), plantation forestry is not established or continued beyond the harvest of existing plantation forest.</p>	Amend	<p>Ara Poutama questions the feasibility of point (c) of this policy with regard to the disparate areas of high erosion risk plantation forestry land identified in Map 92.</p> <p>Under this policy, it would appear that harvesting plantation forestry and replanting in pine is to be avoided. Noting the incentives for replanting provided in section B3 of Schedule 27 (relating to undertaking programmes to actively support revegetation of and sediment management on highest erosion risk land (plantation forestry)), the practicality of replanting in natives can be challenging, and may result in forestry owners not replanting the land at all. Replanting with pine still provides benefits for stabilising erosion-prone land. Therefore, this policy could be counterproductive.</p> <p>As an additional consideration, this point would appear to be contrary to the Emissions Trading Scheme, which requires that forests registered to the scheme are replanted after harvesting, as they provide important carbon sequestration benefits.</p>	<p>Amend policy as follows:</p> <p><u>Policy WH.P28 Achieving reductions in sediment discharges from plantation forestry</u></p> <p>Reduce discharges of sediment from plantation forestry by:</p> <p>(a) identifying highest erosion risk land (plantation forestry), and</p> <p>(b) improving management of plantation forestry by requiring erosion and sediment management plans to be prepared and complied with and</p> <p>(c) requiring that on highest erosion risk land (plantation forestry), plantation forestry is not established or continued beyond the harvest of existing plantation forest.</p>

NRP provision under PC1	Position	Submission	Relief sought
		<p>Ara Poutama therefore seeks that point (c) of this policy be deleted.</p> <p>Ara Poutama also notes that this policy would be subject to consequential amendments resulting from the relief it is seeking on Schedule 34.</p>	
<p><u>Policy WH.P29: Management of earthworks</u></p> <p><u>The risk of sediment discharges from earthworks shall be managed by:</u></p> <p>(a) <u>requiring retention of soil and sediment on the land using good management practices for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021), for the duration of the land disturbance, and</u></p> <p>(b) <u>limiting the amount of land disturbed at any time, and</u></p> <p>(c) <u>designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and</u></p> <p>(d) <u>requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion.</u></p>	Amend	<p>Ara Poutama considers several amendments are necessary to this policy.</p> <p>Firstly, Ara Poutama considers the word “risk” should be replaced with “adverse effects”, on the basis that resource management policies should seek to manage actual or potential adverse effects of an activity, rather than risks generally.</p> <p>Secondly, the requirement to retain soil and sediment on site under clause (a) does not recognise that soil and sediment may need to be removed from site in a controlled manner (for example, to a cleanfill area) as part of the works associated with the maintenance, upgrading, or development of existing developed sites. To recognise this, Ara Poutama considers that clause (a) should be amended to seek that the uncontrolled loss of soil and sediment from site is minimised, rather than requiring all soil and sediment to be retained on site.</p> <p>Thirdly, Ara Poutama considers that clause (b) should be qualified with “where practicable” to recognise that any limits placed on land disturbance should be reasonable and proportionate, particularly in the context of the good management practices already required by clause (a).</p>	<p>Amend as follows:</p> <p><u>Policy WH.P29: Management of earthworks</u></p> <p><u>The risk adverse effects of sediment discharges from earthworks shall be managed by:</u></p> <p>(a) <u>requiring retention minimising the uncontrolled loss of soil and sediment on the land using good management practices for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021), for the duration of the land disturbance, and</u></p> <p>(b) <u>limiting, where practicable, the amount of land disturbed at any time, and</u></p> <p>(c) <u>designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and</u></p> <p>(d) <u>requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion.</u></p>
<p><u>Policy WH.P30: Discharge standard for earthworks</u></p> <p><u>The discharge of sediment from earthworks over an area greater than 3,000m² shall:</u></p> <p>(a) <u>not exceed 100g/m³ at the point of discharge where the discharge is to a surface water body, coastal water, stormwater network or to an artificial</u></p>	Support	<p>Ara Poutama considers the standards set out in the policy to be reasonable.</p>	<p>Retain as notified.</p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m³, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p>(i) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p>(ii) <u>30% in any other river, and</u></p> <p><u>(b) be managed using good management practices in accordance with the GWRC Erosion and Sediment Control Guidelines for the Wellington Region (2021), to achieve the discharge standard in (a), and</u></p> <p><u>(c) be monitored by a suitably qualified person, and the results reported to the Wellington Regional Council.</u></p>			
<p><u>Policy WH.P31: Winter shut down of earthworks</u></p> <p><u>Earthworks over 3,000m² in area shall:</u></p> <p><u>(a) be shut down from 1st June to 30th September each year, and</u></p> <p><u>(b) prior to shut down, be stabilised against erosion and have sediment controls in place using good management practices in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021).</u></p>	Oppose	<p>Ara Poutama considers that a policy requiring all earthworks over 3,000m² to be shut down over the winter months is inappropriate, as it does not recognise that there may be circumstances where earthworks need to occur over those months in order to provide for the safe and efficient operation, maintenance, upgrading, or development of prison infrastructure.</p> <p>Ara Poutama recognises that in general, earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months. However, there may be instances where earthworks are unavoidable at this time, and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. Ara Poutama notes that the GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, which is referred to in the policy, provides a pathway for earthworks to be undertaken during the winter months subject to</p>	Delete policy.

NRP provision under PC1	Position	Submission	Relief sought
		careful management (refer specifically to section G5.0 of the guideline), and Ara Poutama considers that pathway should continue to be available to applicants through the consent process.	
Chapter 8: Whaitua Te Whanganui-a-Tara Section 8.3: Rules			
<p><u>Rule WH.R2: Stormwater to land – permitted activity</u></p> <p><u>The discharge of stormwater onto or into land, including where contaminants may enter groundwater:</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that does not discharge from, or to, a local authority stormwater network,</u></p> <p><u>is a permitted activity provided the following conditions are met:</u></p> <p>(c) <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>(d) <u>the discharge shall not cause or exacerbate the flooding of any other property, and</u></p> <p>(e) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water.</u></p> <p><i>Note</i></p> <p><u>In respect of a discharge from an existing high risk industrial or trade premise refer to Rule WH.R4, and for discharges from new or redeveloped premises refer to Rule WH.R11. For existing discharges from or into a local authority stormwater network refer to Rule WH.R9.</u></p>	Amend	<p>Ara Poutama considers permitted activity conditions to be reasonable, with the exception of the point (e). This point implies that the bore is shallow and is abstracting water from an unconfined aquifer. If this is the case, it should be clarified in the standard.</p> <p>In addition, Ara Poutama considers that the note at the end of the rule should be amended to improve its clarity. In addition to this, Ara Poutama considers that the reference to “redeveloped premises” should be removed, because this matter is addressed through a separate rule cascade related to new or redeveloped impervious surfaces (rules R5 to R7).</p>	<p>Amend as follows:</p> <p><u>Rule WH.R2: Stormwater to land – permitted activity</u></p> <p><u>The discharge of stormwater onto or into land, including where contaminants may enter groundwater:</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that does not discharge from, or to, a local authority stormwater network,</u></p> <p><u>is a permitted activity provided the following conditions are met:</u></p> <p>(c) <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>(d) <u>the discharge shall not cause or exacerbate the flooding of any other property, and</u></p> <p>(e) <u>the discharge is not located within 20m of a shallow bore (<20m depth), extracting from an unconfined aquifer, used for water abstraction for potable supply or stock water.</u></p> <p><i>Note</i></p> <p><u>In respect of a discharge of stormwater from an existing high risk industrial or trade premise refer to Rule WH.R4, and for discharges of stormwater from new or redeveloped premises high risk industrial or trade premises refer to Rule WH.R11. For existing discharges from or into a local authority stormwater network refer to Rule WH.R9.</u></p>
<p><u>Rule WH.R3: Stormwater from an existing individual property to surface water or coastal water – permitted activity</u></p>	Amend	<p>Ara Poutama considers permitted activity conditions to be reasonable.</p> <p>However, Ara Poutama considers that the note at</p>	<p>Amend as follows:</p> <p><u>Rule WH.R3: Stormwater from an existing individual property to surface water or coastal water – permitted</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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,</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that is not from a port, airport or state highway, or</u></p> <p>(c) <u>that does not discharge from, or to, a local authority stormwater network,</u></p> <p><u>is a permitted activity, provided the following conditions are met:</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>(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, and</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</u></p>		<p>the bottom of the rule should be amended to improve its clarity.</p>	<p><u>activity</u></p> <p><u>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,</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that is not from a port, airport or state highway, or</u></p> <p>(c) <u>that does not discharge from, or to, a local authority stormwater network,</u></p> <p><u>is a permitted activity, provided the following conditions are met:</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>(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, and</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>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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> <p>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>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><u>Note</u></p> <p><u>In respect of the discharge from an existing high risk industrial or trade premise refer to Rule WH.R4. Discharges from a port or airport refer to Rule WH.R8. For discharges from an existing individual property into the stormwater network refer to Rule WH.R9.</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> <p>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>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><u>Note</u></p> <p><u>In respect of the discharge of stormwater from an existing high risk industrial or trade premise refer to Rule WH.R4. Discharges from a port or airport refer to Rule WH.R8. For discharges from an existing individual property into the stormwater network refer to Rule WH.R9.</u></p>
<p><u>Rule WH.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity</u></p> <p><u>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</u></p>	Amend	Limiting the application of this rule to only existing high risk industrial or trade premises may result in new activities involving the likes of chemical storage or engineering-related activities being a discretionary activity under rule WH.R11. Subject to amendment to condition (d), Ara Poutama considers the conditions are appropriate to manage the	Amend as follows: <u>Rule WH.R4: Stormwater from an-existing high risk industrial or trade premise – permitted activity</u> <u>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</u>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>local authority stormwater network, is a permitted activity, provided the following conditions are met:</u></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: 20px;">(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p> <p style="padding-left: 20px;">(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 enter a surface water body or coastal water, including via the stormwater network, or</u></p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(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</u></p>		<p>potential adverse effects associated with stormwater discharges from existing or new high risk industrial or trade premises, and on this basis, both should be provided for under the same rule.</p> <p>Ara Poutama 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) retain manages only hazardous substances, rather than contaminants more broadly (which are managed under the remainder of the conditions).</p> <p>Ara Poutama also considers that the note at the end of the rule must be deleted as part of giving effect to the relief sought in this submission, as well as the relief sought by Ara Poutama in relation to the rules for new or redeveloped impervious surfaces.</p>	<p><u>via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</u></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: 20px;">(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p> <p style="padding-left: 20px;">(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 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 style="padding-left: 20px;">(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 style="padding-left: 20px;">(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 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>

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<p><u>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>(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>(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>(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>(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>(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>(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><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 W/H.R11.</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<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><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>Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted 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 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</u></p>	Amend	<p>Some activities at prison and community corrections sites in the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition (e.g. chemical / fuel storage and/or engineering-related activities).</p> <p>The proposed rules make new or redeveloped impervious surfaces at high risk industrial or trade premises a discretionary activity under rule WH.R11. This could lead to perverse environmental outcomes, where impervious surfaces are left to degrade because redevelopment of the surface would require a discretionary activity consent. Degraded impervious surfaces will be less effective at containing contaminants (including the accidental spillage of hazardous substances) than redeveloped impervious surfaces.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces, Ara Poutama considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules WH.R5, WH.R6 and WH.R7, subject to appropriate conditions. Ara Poutama considers that the additional conditions under (d) of rule WH.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule WH.R5 (this also ensures</p>	<p>Amend as follows:</p> <p><u>Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted 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 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>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>offsite, where discharges will enter a surface water body (including via an existing local authority stormwater network):</u></p> <p>(i) <u>for all impervious areas associated with a greenfield development, or</u></p> <p>(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>(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><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>consistency between the stormwater discharge and impervious surfaces rules).</p> <p>In addition, Ara Poutama considers the following amendments to the rule are also necessary:</p> <ul style="list-style-type: none"> • Condition (c)(ii) should be amended so that hydrological control is only required for new impervious surfaces, on the basis that redevelopment of existing impervious surfaces will not change the quantity of runoff from impervious surfaces (in other words, there are no new adverse effects to be managed); • References to "impervious areas" (which is an undefined term) in conditions (c)(i) and (ii) should be replaced with "impervious surfaces" (which is a defined term); • Minor amendments should be made to condition (c)(ii) to improve the clarity of the condition. 	<p>(i) <u>for all impervious areas impervious surfaces associated with a greenfield development, or</u></p> <p>(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> <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><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>(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> <p>1. <u>20% in a River class 1 and in any river identified as having high</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<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> <p style="padding-left: 20px;">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: 20px;">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> 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>macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p style="padding-left: 20px;">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 style="padding-left: 20px;">(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 style="padding-left: 20px;">(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> 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>Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity</u></p> <p>The use of land for the creation of new <u>impervious surfaces for greenfield development and the associated discharge of stormwater into</u></p>	Amend	Some activities at prison and community corrections sites in the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition (e.g. chemical / fuel storage and/or engineering-related activities).	Amend rule as follows: <u>Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity</u> The use of land for the creation of new <u>impervious surfaces</u>

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<p><u>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:</u></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: 20px;">(i) <u>on-site, or</u></p> <p style="padding-left: 20px;">(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)</u></p>		<p>The proposed rules make new or redeveloped impervious surfaces at high risk industrial or trade premises a discretionary activity under rule WH.R11. This could lead to perverse environmental outcomes, where impervious surfaces are left to degrade because redevelopment of the surface would require a discretionary activity consent. Degraded impervious surfaces will be less effective at containing contaminants (including the accidental spillage of hazardous substances) than redeveloped impervious surfaces.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces, Ara Poutama considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules WH.R5, WH.R6 and WH.R7, subject to appropriate conditions. Ara Poutama considers that the additional conditions under (d) of rule WH.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule WH.R6 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</p> <p>In addition to this, in line with Ara Poutama's submission on policy WH.P15, Ara Poutama 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, Ara Poutama 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</p>	<p>for greenfield development and the associated discharge of <u>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:</u></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: 20px;">(i) <u>on-site, or</u></p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(i) <u>on-site, or</u></p> <p style="padding-left: 20px;">(ii) <u>off-site through an existing local authority stormwater network or privately owned</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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>Matters of control</u></p> <ol style="list-style-type: none"> <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> <u>The adequacy of hydrological control measures either on-site or off-site, where stormwater will enter a river</u> <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> <u>The long-term operational, maintenance and ownership requirements of the stormwater treatment system</u> <u>Whether sufficient use of water sensitive urban design measures have been applied to the site design and layout</u> <u>A financial contribution as required by Schedule 30 (financial contributions)</u> <u>Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule</u> <p><u>Notification</u></p> <p><u>In respect of Rule WH.R6, applications are precluded from limited and public notification</u></p>		<p>Schedule 30) can be considered on a case-by-case basis, where this is required.</p>	<p><u>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> <ol style="list-style-type: none"> <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u> <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><u>Matters of control</u></p> <ol style="list-style-type: none"> <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> <u>The adequacy of hydrological control measures either on-site or off-site, where stormwater will enter a river</u> <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> <u>The long-term operational, maintenance and ownership requirements of the stormwater treatment system</u> <u>Whether sufficient use of water sensitive urban design measures have been applied to the site design and layout</u> <u>A financial contribution as required by Schedule 30 (financial contributions)-Any aquatic offsetting or compensation proposed in accordance with policy</u>

NRP provision under PC1	Position	Submission	Relief sought
<p>(unless special circumstances exist).</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>WH.P15</u></p> <p><u>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</u></p> <p><u>8. Condition of consent to demonstrate and/or monitor compliance with conditions (d), (e), and (f) 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>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><u>(a) 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><u>or,</u></p> <p><u>(b) the proposal involves the creation of new, or redevelopment of impervious areas of less</u></p>	<p>Amend</p>	<p>Some activities at prison and community corrections sites in the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition (e.g. chemical / fuel storage and/or engineering-related activities).</p> <p>The proposed rules make new or redeveloped impervious surfaces at high risk industrial or trade premises a discretionary activity under rule WH.R11. This could lead to perverse environmental outcomes, where impervious surfaces are left to degrade because redevelopment of the surface would require a discretionary activity consent. Degraded impervious surfaces will be less effective at containing contaminants (including the accidental spillage of hazardous substances) than redeveloped impervious surfaces.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces, Ara Poutama considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules WH.R5, WH.R6 and WH.R7, subject to appropriate conditions. Ara Poutama</p>	<p>Amend rule 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 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><u>(a) 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><u>or,</u></p> <p><u>(b) the proposal involves the creation of new, or redevelopment of impervious areas of less than 1,000m² but is not permitted under the conditions of Rule WH.R5,</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p>than 1,000m² but is not permitted under the conditions of Rule WH.R5.</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 hydrological control measures either onsite or offsite, where stormwater will enter a river</u></p>		<p>considers that the additional conditions under (d) of rule WH.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule WH.R7 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</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>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> <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</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<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><i>Notification</i></p> <p><u>In respect of Rule WH.R7, applications are precluded from limited and public notification (unless special circumstances exist).</u></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 Rule WH.R11.</u></p>			<p>and treatment in accordance with Schedule 28 (contaminant treatment)</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> <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><u>In respect of Rule WH.R7, applications are precluded from limited and public notification (unless special circumstances exist).</u></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 Rule WH.R11.</u></p>
<p><u>Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity</u></p>	<p>Amend</p>	<p>Ara Poutama oppose the automatic default discretionary activity status for new or redeveloped impervious surfaces at high risk industrial or trade premises for the reasons set out in its submissions</p>	<p>Amend as follows:</p> <p><u>Rule WH.R11: Stormwater from new and redeveloped</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<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>(a) <u>the resource consent application includes a Stormwater Impact Assessment prepared in 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>on rules WH.R5, WH.R6 and WH.R7. Ara Poutama considers that a reasonable level of new or redeveloped impervious surfaces should be provided for as a permitted or controlled activity under rules WH.R5, WH.R6 and WH.R7, subject to appropriate conditions to manage the potential adverse effects associated with hazardous substances.</p> <p>In addition to this, in line with Ara Poutama's submission on policy WH.P15, Ara Poutama 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, Ara Poutama considers that it is inappropriate to require financial contributions as a condition.</p> <p>In any case, where aquatic offsetting or compensation (which may include financial contributions under Schedule 30) is considered to be necessary, this can be provided for as a condition of consent with reference to the requirements of policy WH.P15.</p>	<p><u>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 is met:</u></p> <p>(a) <u>the resource consent application includes a Stormwater Impact Assessment prepared in 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 WH.R12: All other stormwater discharges – non-complying activity</u></p> <p>The:</p> <p>(a) <u>discharge of stormwater onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule WH.R2, or</u></p> <p>(b) <u>discharge of stormwater into water or onto or into land where it may enter a surface water body or coastal water, that is not permitted by Rule WH.R3, or a restricted discretionary activity under Rules WH.R8 or</u></p>	Amend	<p>The operative NRP provides for stormwater discharges that are not otherwise provided for as a discretionary activity under rule R55.</p> <p>Ara Poutama considers that the move to non-complying activity status for all other stormwater discharges is not clearly explained or justified in the section 32 evaluation report. Of particular concern to Ara Poutama is the jump between permitted activity status for stormwater discharges under rules WH.R2, WH.R3, and WH.R4, and non-complying activity status under this rule. As a result, minor non-compliances with conditions under these rules will trigger the non-complying activity rule.</p>	<p>Amend rule as follows:</p> <p><u>Rule WH.R12: All other stormwater discharges – non-complying discretionary activity</u></p> <p>The:</p> <p>(a) <u>discharge of stormwater onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule WH.R2, or</u></p> <p>(b) <u>discharge of stormwater into water or onto or into land where it may enter a surface water body or coastal water, that is not permitted by Rule WH.R3, or a restricted discretionary activity under Rules WH.R8 or</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>WH.R9, or</u></p> <p>(c) <u>discharge of stormwater from a high risk industrial or trade premise that is not permitted by Rule WH.R4, or the use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater from a high risk industrial or trade premise that does not meet the conditions of Rule WH.R11, or</u></p> <p>(d) <u>use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater into water or onto or into land where it may enter water, that is not permitted by Rule WH.R5, or a controlled activity under Rule WH.R6 or WH.R7, or a discretionary activity under Rule WH.R10 or WH.R11, or a prohibited activity under WH.R13.</u></p> <p>is a non-complying activity.</p>		<p>Non-complying activity status for minor breaches of rule conditions can be a particular issue for development or upgrading existing assets, which can involve complex, bundled consents for a broad range of activities, some of which may have adverse effects that are more than minor. This leads to a high degree of uncertainty as to whether consents for development or upgrading of Ara Poutama's assets will be granted under section 104D of the RMA, even where minor non-compliances with stormwater conditions under rules WH.R2, WH.R3, or WH.R4 can be appropriately addressed through consent conditions.</p> <p>Ara Poutama considers that the non-complying activity rule is not sufficiently justified in the section 32 evaluation and does not appropriately provide for activities that do not meet permitted activity conditions, but which can otherwise be managed through consent conditions as a discretionary activity. Non-complying activity status should be reserved for activities that are clearly contrary to the objectives and policies of the Plan (as they relate to stormwater discharges), rather than all discharges that do not meet permitted activity standards.</p> <p>Ara Poutama however considers that non-complying activity status should be retained for proposals that do not provide a Stormwater Impact Assessment under rule WH.R11, as this would clearly be contrary to the objectives and policies of the Plan.</p>	<p><u>WH.R9, or</u></p> <p>(c) <u>discharge of stormwater from a high risk industrial or trade premise that is not permitted by Rule WH.R4, or the use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater from a high risk industrial or trade premise that does not meet the conditions of Rule WH.R11, or</u></p> <p>(d) use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater into water or onto or into land where it may enter water, that is not permitted by Rule WH.R5, or a controlled activity under Rule WH.R6 or WH.R7, or a discretionary activity under Rule WH.R10 or WH.R11, or a prohibited activity under WH.R13.</p> <p>is a <u>non-complying discretionary activity.</u></p> <p>As a consequential amendment, provide a new non-complying activity rule for stormwater discharges that are not a discretionary activity under rule WH.R11.</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> <p><u>Note</u></p>	Oppose	<p>Ara Poutama considers that the general approach taken by PC1 to "unplanned greenfield development" is inappropriate because the definition of "unplanned greenfield development" is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of Ara Poutama's existing assets in areas identified as "unplanned greenfield development areas", where such works are considered "greenfield</p>	Delete rule.

NRP provision under PC1	Position	Submission	Relief sought
<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>development”.</p> <p>Ara Poutama also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council’s position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Ara Poutama notes that its principal concern with this rule is that it is unclear whether it would prohibit the upgrading or development of its existing assets. However, if the relief sought by Ara Poutama on the definition of “unplanned greenfield development” is granted in full, Ara Poutama would consider adopting a neutral position on this rule.</p>	
<p><u>Rule WH.R20 Plantation forestry - controlled activity</u></p> <p><u>Afforestation, harvesting, earthworks, vegetation clearance or mechanical land preparation for plantation forestry, and any associated discharge of sediment to a surface water body, is a controlled activity providing the following</u></p>	Neutral	Ara Poutama has a neutral position on this rule, subject to the relief sought on Schedule 34.	Retain as notified (noting the submission points on Schedule 34).

NRP provision under PC1	Position	Submission	Relief sought
<p><u>conditions are met:</u></p> <p><u>(a) the land is not high erosion risk land (pasture) or highest erosion risk land (pasture) that was in pasture or scrub on 30 October 2023, and</u></p> <p><u>(b) an erosion and sediment management plan has been prepared in accordance with Schedule 34 (forestry plan), certified by a registered forestry adviser and submitted with the application for resource consent under this rule, and</u></p> <p><u>(c) the concentration of total suspended solids in the discharge from the plantation forestry shall not exceed 100g/m3, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m3, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p><u>(i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p><u>(ii) 30% in any other river, and</u></p> <p><u>(d) the most recent Wellington Regional Council monitoring record demonstrates that the measure of visual clarity for the relevant catchment does not exceed the target attribute state at any monitoring site within the relevant part Freshwater Management Unit set out in Table 8.4.</u></p> <p><u>Matters of control</u></p> <p><u>1. The content of the erosion and sediment management plan, including the actions, management practices and mitigation measures necessary to ensure that discharge of sediment</u></p>			

NRP provision under PC1	Position	Submission	Relief sought
<p><u>will be minimised, and will not increase the average annual sediment load for the part Freshwater Management Unit in which the plantation forestry is located</u></p> <p><u>2. The area, location and methods employed in the plantation forestry</u></p> <p><u>3. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and the erosion and sediment management plan</u></p> <p><u>4. The timing, frequency and requirements for review, audit and amendment of the erosion and sediment management plan</u></p>			
<p><u>Rule WH.R21 Plantation forestry - discretionary activity</u></p> <p><u>Afforestation, harvesting, earthworks, vegetation clearance or mechanical land preparation for plantation forestry and any associated discharge of sediment to a surface water body that does not comply with one or more of the conditions of Rule WH.R20 and is not a prohibited activity under Rule WH.R22 is a discretionary activity.</u></p>	Neutral	Ara Poutama has a neutral position on this rule, subject to the relief sought on Schedule 34.	Retain as notified (noting the submission points on Schedule 34).
<p><u>Rule WH.R22 Plantation forestry on highest erosion risk land - prohibited activity</u></p> <p><u>Afforestation, earthworks, or mechanical land preparation for plantation forestry on highest erosion risk land (plantation forestry) is a prohibited activity.</u></p>	Amend / Oppose	<p>Ara Poutama seeks clarification as to whether the prohibition on “earthworks” and “mechanical land preparation” in this rule only apply to “afforestation” as defined by the National Environmental Standard for Commercial Forestry (NES-CF) (i.e. this rule only applies to land where no commercial forestry or harvesting has occurred within the past 5 years), or whether the prohibition on “earthworks” and “mechanical land preparation” applies to all new plantation forestry, including re-establishment of recently harvested forests.</p> <p>If the rule only applies to new forests as per the definition of “afforestation” in the NES-CF, Ara</p>	<p>Clarify whether the rule applies to “afforestation” only as defined by the NES-CF, or whether the rule applies to all plantation forestry, including re-establishment.</p> <p>If the rule applies to all plantation forestry including re-establishment, amend the rule to enable a consent pathway for re-establishing plantation forests after harvesting.</p>

NRP provision under PC1	Position	Submission	Relief sought
		<p>Poutama considers this rule is reasonable.</p> <p>If it is the case that the rule applies to re-establishment of recently harvested forests, Ara Poutama considers that the Prohibited activity status for this rule is unnecessarily onerous, and the evidence in the Section 32 report does not support a Prohibited activity status. Ara Poutama considers there should be a consent pathway for re-establishing plantation forests after harvesting for the reasons set out in its requested relief for Policy WH.P28.</p>	
<p>Rule WH.R23: Earthworks – permitted activity</p> <p><u>Earthworks is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</u></p> <p>(b) <u>the earthworks are to implement an action in the farm environment plan for the farm, and</u></p> <p>(c) <u>the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and</u></p> <p>(d) <u>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</u></p> <p>(e) <u>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</u></p> <p>(f) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u></p> <p>(g) <u>there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto</u></p>	<p>Amend</p>	<p>The effect of the use of “and” at the end of condition (b) is to exclude all earthworks that are not related to implementing farm erosion risk treatment plans or farm environmental plans from the permitted activity rule. As a result, all other earthworks, regardless of size or whether they meet conditions (c) to (h) will be a restricted discretionary activity under rule WH.R24. Ara Poutama understands this is an error and acknowledges that the Council have corrected this under clause 16 of Schedule 1 to the RMA by way of a memo published on 6 December 2023.</p> <p>It cannot be efficient or effective to require resource consent for all earthworks, regardless of scale. Nor does this appear to be consistent with policies WH.P30 and WH.P31, which place emphasis on controlling earthworks over 3,000m². Ara Poutama considers that it is appropriate that smaller scale earthworks are generally provided for as a permitted activity under the rule (subject to the conditions set out under the rule). To achieve this, “and” should be replaced with “or” at the end of condition (b).</p> <p>Any further changes to this rule will be dependent on how ‘earthworks’ are defined and any exclusions.</p> <p>In addition to this, Ara Poutama opposes the rule being included within the freshwater planning instrument, on the basis that the purpose of the rule is to manage land use for the purposes of soil conservation. Given that the rule does not provide for discharges associated with earthworks, there is no justification for including it in the freshwater</p>	<p>Amend rule as follows:</p> <p>Rule WH.R23: Earthworks – permitted activity</p> <p><u>Earthworks is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</u></p> <p>(b) <u>the earthworks are to implement an action in the farm environment plan for the farm, and or</u></p> <p>(c) <u>the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and</u></p> <p>(d) <u>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</u></p> <p>(e) <u>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</u></p> <p>(f) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u></p> <p>(g) <u>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</u></p> <p>(h) <u>erosion and sediment control measures shall be used to</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>land that may enter a surface water body or the coastal marine area, including via a stormwater network, and</u></p> <p>(h) <u>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.</u></p> <p><u>Note</u></p> <p><u>Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></p>		<p>planning instrument, and Ara Poutama seeks that it be reallocated to the Part 1 Schedule 1 planning instrument.</p>	<p><u>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.</u></p> <p><u>Note</u></p> <p><u>Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></p> <p>In addition to this, reallocate the rule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.</p>
<p><u>Rule WH.R24: Earthworks – restricted discretionary activity</u></p> <p><u>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 restricted discretionary activity, provided the following conditions are met:</u></p> <p>(a) <u>the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m³, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m³, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p>(i) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p>	<p>Amend</p>	<p>Depending on the outcome of other submission points, Ara Poutama considers that several amendments to the rule are necessary.</p> <p>Firstly, the rule should be restructured to locate the “associated discharge” element of the rule to follow on from “Earthworks that do not comply with Rule WH.R23”. This is because discharges associated with permitted earthworks are not provided for under rule WH.R23 (which only permits earthworks). Discharges from permitted earthworks are instead provided for under the “minor discharges” rule R91.</p> <p>Secondly, Ara Poutama considers that a condition requiring earthworks to be shut down over the winter months is inappropriate, as it does not recognise that there may be circumstances where earthworks need to occur over those months in order to provide for the safe and efficient operation, maintenance, upgrading, or development of existing assets or regionally significant infrastructure.</p> <p>Ara Poutama recognises that in general, earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months. However, there may be instances where earthworks are unavoidable at this time, and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on</p>	<p>Amend rule as follows:</p> <p><u>Rule WH.R24: Earthworks – restricted discretionary activity</u></p> <p><u>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, 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, is a restricted discretionary activity, provided the following conditions are met:</u></p> <p>(a) <u>the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m³, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m³, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p>(i) <u>20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p>(ii) <u>30% in any other river, and</u></p> <p>(b) <u>earthworks shall not occur between 1st June and 30th September in any year.</u></p> <p><i>Matters for discretion</i></p> <ol style="list-style-type: none"> 1. <u>The location, area, scale, volume, duration and staging and timing of works</u> 2. <u>The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated the staging of works and progressive stabilisation</u> 3. <u>The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site</u> 4. <u>The proportion of un stabilised land in the catchment</u> 5. <u>The adequacy and efficiency of stabilisation devices for sediment control</u> 6. <u>Any adverse effects on:</u> <ol style="list-style-type: none"> (i) <u>groundwater, surface water bodies and their margins, particularly surface water bodies within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters)</u> (ii) <u>group drinking water supplies and community drinking water supplies</u> 		<p>land stability and runoff. Ara Poutama notes that the GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, which is referred to in policy WH.P31 (and in the note to permitted activity rule WH.R23), provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline). Ara Poutama considers that, rather than a blanket restriction on all earthworks over this period, reference is made to the matters set out under section G5.0 of the guideline as a matter of discretion for earthworks. This will ensure consistency between the rules and the Council's technical guidance for the management of earthworks, and provide for appropriate conditions to manage works over the winter period to be included in resource consents.</p> <p>Ara Poutama also considers that the note directing Plan users to the <i>GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021)</i> that is included under permitted activity rule WH.R23 also be provided for under this rule.</p>	<p>(ii) <u>30% in any other river, and</u></p> <p>(b) <u>earthworks shall not occur between 1st June and 30th September in any year.</u></p> <p><i>Matters for discretion</i></p> <ol style="list-style-type: none"> 1. <u>The location, area, scale, volume, duration and staging and timing of works</u> 2. <u>The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated the staging of works and progressive stabilisation</u> 3. <u>The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site</u> 4. <u>The proportion of un stabilised land in the catchment</u> 5. <u>The adequacy and efficiency of stabilisation devices for sediment control</u> 6. <u>Any adverse effects on:</u> <ol style="list-style-type: none"> (i) <u>groundwater, surface water bodies and their margins, particularly surface water bodies within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters)</u> (ii) <u>group drinking water supplies and community drinking water supplies</u> (iii) <u>mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and critical life cycle periods for indigenous aquatic species</u> (iv) <u>the natural character of lakes, rivers, natural wetlands and their margins and the coastal</u>

NRP provision under PC1	Position	Submission	Relief sought
<p>(iii) <u>mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and critical life cycle periods for indigenous aquatic species</u></p> <p>(iv) <u>the natural character of lakes, rivers, natural wetlands and their margins and the coastal environment</u></p> <p>(v) <u>natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers</u></p> <p>7. <u>Duration of the consent</u></p> <p>8. <u>Preparation required for the close-down period (from 1st June to 30th September each year) and any maintenance activities required during this period</u></p> <p>9. <u>Monitoring and reporting requirements</u></p>			<p><u>environment</u></p> <p>(v) <u>natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers</u></p> <p>7. <u>Duration of the consent</u></p> <p>8. <u>Preparation required for the close-down period (from 1st June to 30th September each year) and any maintenance activities required during this period-Where earthworks will be undertaken within the period from 1 June to 30 September, the matters set out under section G5.0 of the Greater Wellington Regional Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></p> <p>9. <u>Monitoring and reporting requirements</u></p> <p><u>Note</u></p> <p><u>Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></p>
<p><u>Rule WH.R25: Earthworks – non-complying activity</u></p> <p><u>Earthworks, and the associated discharge of sediment into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water from earthworks, including via a stormwater network, that does not comply with Rule WH.R24 is a non-complying activity.</u></p>	<p>Amend</p>	<p>The operative NRP provides for earthworks that are not otherwise provided for as a discretionary activity under rule R107.</p> <p>Ara Poutama considers that the move to non-complying activity status for all other earthworks is not clearly explained or justified in the section 32 evaluation report. Non-compliance with conditions under rule WH.R25 will trigger the non-complying activity rule.</p> <p>Non-complying activity status for minor breaches of rule conditions can be a particular issue for development or upgrading of existing assets, as it can sometimes involve complex, bundled consents for a broad range of activities, some of which may have adverse effects that are more than minor (for example, visual effects). This leads to a high degree of uncertainty as to whether consents for</p>	<p>Amend rule as follows:</p> <p><u>Rule WH.R25: Earthworks – non-complying-discretionary activity</u></p> <p><u>Earthworks, and the associated discharge of sediment into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water from earthworks, including via a stormwater network, that does not comply with Rule WH.R24 is a non-complying discretionary activity.</u></p>

NRP provision under PC1	Position	Submission	Relief sought
		<p>development or upgrading of Ara Poutama's assets will be granted under section 104D of the RMA, even where the adverse effects of the part of the proposal that triggered non-complying activity status can be appropriately addressed through consent conditions.</p> <p>Ara Poutama considers that the non-complying activity rule is not sufficiently justified in the section 32 evaluation and does not appropriately provide for activities that do not meet restricted discretionary activity conditions, but which can otherwise be managed through consent conditions as a discretionary activity.</p>	
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</u></p>	Amend	<p>Ara Poutama considers that several amendments are necessary to clause (a) of the policy.</p> <p>Firstly, Ara Poutama considers that this policy is inappropriate because the definition of "unplanned greenfield development" is broad, uncertain, and could prohibit the maintenance, upgrading and development of its existing assets. On this basis, Ara Poutama considers that the prohibition on unplanned greenfield development is inappropriate and must be removed. Notwithstanding this, if the relief sought by Ara Poutama on the definition of "unplanned greenfield development" is granted in full (as sought in an earlier submission point), Ara Poutama would adopt a neutral position on this aspect of the policy.</p> <p>Secondly, Ara Poutama 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 is required, the financial contributions regime proposed by PC1 should be available as a discretionary option for achieving</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 compensation (which may include financial contributions) as 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</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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>offsetting, but not a mandatory requirement. If applicants can provide alternative effective methods of aquatic offsetting as part of their proposal in accordance with Appendix 6 of the NPS-FM, then financial contributions should not be required.</p>	<p><u>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><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><u>The discharge of stormwater to water from a high risk industrial or trade premise shall be managed by:</u></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</u></p>	<p>Amend</p>	<p>It is impracticable to avoid contaminants being entrained in stormwater. This is acknowledged in the section 32 evaluation report, and by policies such as P.P14, which recognises that there may be residual stormwater contaminants associated with development.</p> <p>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><u>The discharge of stormwater to water from a high risk industrial or trade premise shall be managed by:</u></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>

NRP provision under PC1	Position	Submission	Relief sought
<u>stormwater discharges on groundwater quality.</u>			
<p><u>Policy P.P13: 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>(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>(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	<p>Clause (a)(ii) refers to raingardens and bioretention devices, however neither term is defined in the plan. To provide sufficient certainty to plan users, Ara Poutama considers that definitions of both terms need to be added to the Plan.</p>	Amend the definitions section to include a definition of "raingarden" and "bioretention device".
<p><u>Policy P.P14: 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 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>	Amend	<p>Ara Poutama considers that this policy needs to be amended so that it is consistent with the effects management hierarchy set out in the NPS-FM, which requires that aquatic offsetting or compensation is provided in circumstances where residual adverse effects are more than minor.</p> <p>Further, Ara Poutama considers that the financial contributions should not be a mandatory means of providing for aquatic offsetting, and resource consent applicants should have a reasonable opportunity provide aquatic offsetting or compensation in accordance with Appendix 6 or 7 of the NPS-FM as part of their proposal.</p>	<p>Amend policy as follows:</p> <p><u>Policy P.P14: Stormwater contaminant offsetting or compensation for new greenfield development</u></p> <p><u>The More than minor 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:</u></p> <p>(a) <u>aquatic offsetting or compensation in accordance</u></p>

NRP provision under PC1	Position	Submission	Relief sought
			<p><u>with Appendix 6 or 7 of the National Policy Statement on Freshwater Management 2020: or</u></p> <p><u>(b) a financial contribution in accordance with Schedule 30 (financial contribution).</u></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>	<p>Oppose</p>	<p>Ara Poutama considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of existing prison assets in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”.</p> <p>Ara Poutama also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council’s position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider</p>	<p>Delete policy.</p>

NRP provision under PC1	Position	Submission	Relief sought
		<p>this under section 80(7) of the RMA).</p> <p>Ara Poutama notes that its principal concern with this policy is that it is unclear whether it would prohibit the upgrading or development of its existing assets. However, if the relief sought by Ara Poutama on the definition of “unplanned greenfield development” is granted in full, Ara Poutama would consider adopting a neutral position on this policy.</p>	
<p><u>Policy P.P26: Achieving reductions in sediment discharges from plantation forestry</u></p> <p><u>Reduce discharges of sediment from plantation forestry by:</u></p> <p><u>(a) identifying highest erosion risk land (plantation forestry), and</u></p> <p><u>(b) improving management of plantation forestry by requiring erosion and sediment management plans to be prepared and complied with, and</u></p> <p><u>(c) requiring that on highest erosion risk land (plantation forestry), plantation forestry is not established or continued beyond the harvest of existing plantation forest.</u></p>	Amend	<p>Ara Poutama questions the feasibility of point (c) of this policy with regard to the disparate areas of high erosion risk plantation forestry land identified in Map 92.</p> <p>Under this policy, it would appear that harvesting plantation forestry and replanting in pine is to be avoided. Noting the incentives for replanting provided in section B3 of Schedule 27 (relating to undertaking programmes to actively support revegetation of and sediment management on highest erosion risk land (plantation forestry)), the practicality of replanting in natives can be challenging, and may result in forestry owners not replanting the land at all. Replanting with pine still provides benefits for stabilising erosion-prone land. Therefore, this policy could be counterproductive.</p> <p>As an additional consideration, this point would appear to be contrary to the Emissions Trading Scheme, which requires that forests registered to the scheme are replanted after harvesting, as they provide important carbon sequestration benefits.</p> <p>Ara Poutama therefore seeks that point (c) of this policy be deleted.</p> <p>Ara Poutama also notes that this policy would be subject to consequential amendments resulting from the relief it is seeking on Schedule 34.</p>	<p><u>Policy P.P26 Achieving reductions in sediment discharges from plantation forestry</u></p> <p>Reduce discharges of sediment from plantation forestry by:</p> <p>(a) identifying highest erosion risk land (plantation forestry), and</p> <p>(b) improving management of plantation forestry by requiring erosion and sediment management plans to be prepared and complied with, and</p> <p>(c) requiring that on highest erosion risk land (plantation forestry), plantation forestry is not established or continued beyond the harvest of existing plantation forest.</p>
<p><u>Policy P.P27: Management of earthworks sites</u></p> <p><u>The risk of sediment discharges from earthworks shall be managed by:</u></p> <p><u>(a) requiring retention of soil and sediment on the site using good management practices</u></p>	Amend	<p>Ara Poutama considers several amendments are necessary to this policy.</p> <p>Firstly, Ara Poutama considers the word “risk” should be replaced with “adverse effects” in the policy, on the basis that resource management</p>	<p>Amend as follows:</p> <p><u>Policy P.P27: Management of earthworks sites</u></p> <p><u>The risk adverse effects of sediment discharges from earthworks shall be managed by:</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the Greater Wellington Regional Council Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region (2021), for the duration of the land disturbance, and</u></p> <p><u>(b) limiting the amount of land disturbed at any time, and</u></p> <p><u>(c) designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and</u></p> <p><u>(d) requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion.</u></p>		<p>policies should seek to manage actual or potential adverse effects of an activity, rather than risks generally.</p> <p>Secondly, the requirement to retain soil and sediment on site under clause (a) does not recognise that soil and sediment may need to be removed from site in a controlled manner (for example, to a cleanfill area) as part of the works associated with the maintenance, upgrading, or development of existing assets. To recognise this, Ara Poutama considers that clause (a) should be amended to seek that the uncontrolled loss of soil and sediment from site is minimised, rather than requiring all soil and sediment to be retained on site.</p> <p>Thirdly, Ara Poutama considers that clause (b) should be qualified with “where practicable” to recognise that any limits placed on land disturbance should be reasonable and proportionate, particularly in the context of the good management practices already required by clause (a).</p>	<p>(a) requiring retention minimising the uncontrolled loss of soil and sediment on the site using good management practices for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the Greater Wellington Regional Council Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Wellington Region (2021), for the duration of the land disturbance, and</p> <p>(b) limiting, where practicable, the amount of land disturbed at any time, and</p> <p>(c) designing and implementing earthworks with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and</p> <p>(d) requiring erosion and sediment control measures to be installed prior to, and during earthworks and ensuring those controls remain in place and are maintained until the land is stabilised against erosion.</p>
<p><u>Policy P.P28: Discharge standard for earthworks sites</u></p> <p><u>The discharge of sediment from earthworks over an area greater than 3,000m² shall:</u></p> <p><u>(a) not exceed a discharge standard of 100g/m³ at the point of discharge where the discharge is to a surface water body, coastal water, stormwater network or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m³, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p><u>(i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p>	Support	Ara Poutama considers the standards set out in the policy to be reasonable.	Retain as notified.

NRP provision under PC1	Position	Submission	Relief sought
<p>(ii) <u>30% in any other river, and</u></p> <p>(b) <u>be managed 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), to achieve the discharge standard in (a), and</u></p> <p>(c) <u>monitoring of the discharge shall be performed by a suitably qualified person, and the results reported to the Wellington Regional Council.</u></p>			
<p><u>Policy P.P29: Winter shut down of earthworks</u></p> <p><u>Earthworks over 3,000m² in area shall:</u></p> <p>(a) <u>be shut down from 1st June to 30th September each year, and</u></p> <p>(b) <u>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).</u></p>	Oppose	<p>Ara Poutama considers that a policy requiring all earthworks over 3,000m² to be shut down over the winter months is inappropriate, as it does not recognise that there may be circumstances where earthworks need to occur over those months in order to provide for the safe and efficient operation, maintenance, upgrading, or development of its assets and regionally significant infrastructure.</p> <p>Ara Poutama recognises that in general, earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months. However, there may be instances where earthworks are unavoidable at this time, and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. Ara Poutama notes that the GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, which is referred to in the policy, provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline), and Ara Poutama considers that pathway should continue to be available to applicants through the consent process.</p>	Delete policy.
Chapter 9: Te Awarua-o-Porirua Whaitua Section 9.3: Rules			
<p><u>Rule P.R2: Stormwater to land – permitted activity</u></p> <p><u>The discharge of stormwater onto or into land,</u></p>	Amend	Ara Poutama considers permitted activity conditions to be reasonable, with the exception of the point (e). This point implies that the bore is shallow and is	Amend as follows:

NRP provision under PC1	Position	Submission	Relief sought
<p><u>including where contaminants may enter groundwater</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that does not discharge from, or to, a local authority stormwater network</u></p> <p><u>is a permitted activity provided the following conditions are met:</u></p> <p>(c) <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>(d) <u>the discharge shall not cause or exacerbate the flooding of any other property, and</u></p> <p>(e) <u>the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water.</u></p> <p><u>Note</u></p> <p><u>In respect of a discharge from an existing high risk industrial or trade premise refer to Rule P.R.4, and for new discharges refer to Rule P.R.10. For existing discharges from or into a local authority stormwater network refer to Rule P.R.5.</u></p>		<p>abstracting water from an unconfined aquifer. If this is the case, it should be clarified in the standard.</p> <p>In addition, Ara Poutama considers that the note at the end of the rule should be amended to improve its clarity. In addition to this, Ara Poutama considers that the reference to “redeveloped premises” should be removed, because this matter is addressed through a separate rule cascade related to new or redeveloped impervious surfaces (rules R5 to R7).</p>	<p><u>Rule P.R.2: Stormwater to land – permitted activity</u></p> <p><u>The discharge of stormwater onto or into land, including where contaminants may enter groundwater:</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that does not discharge from, or to, a local authority stormwater network,</u></p> <p><u>is a permitted activity provided the following conditions are met:</u></p> <p>(c) <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>(d) <u>the discharge shall not cause or exacerbate the flooding of any other property, and</u></p> <p>(e) <u>the discharge is not located within 20m of a shallow bore (<20m depth), extracting from an unconfined aquifer, used for water abstraction for potable supply or stock water.</u></p> <p><u>Note</u></p> <p><u>In respect of a discharge of stormwater from an existing high risk industrial or trade premise refer to Rule P.R.4, and for discharges of stormwater from new or redeveloped premises high risk industrial or trade premises refer to Rule P.R.10. For existing discharges from or into a local authority stormwater network refer to Rule P.R.5.</u></p>
<p><u>Rule P.R.3: Stormwater from an existing individual property to surface water or coastal water – permitted activity</u></p> <p><u>The discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, from an existing individual property</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p> <p>(b) <u>that is not from a state highway, or</u></p>	<p>Amend</p>	<p>Ara Poutama considers permitted activity conditions to be reasonable.</p> <p>However, Ara Poutama considers that the note at the bottom of the rule should be amended to improve its clarity.</p>	<p>Amend rule as follows:</p> <p><u>Rule P.R.3: Stormwater from an existing individual property to surface water or coastal water – permitted activity</u></p> <p><u>The discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, from an existing individual property</u></p> <p>(a) <u>that is not from a high risk industrial or trade premise, or</u></p>

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<p>(c) <u>that does not discharge from, or to, a local authority stormwater network</u> is a permitted activity, provided the following conditions are met:</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, and</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>(b) <u>that is not from a state highway, or</u></p> <p>(c) <u>that does not discharge from, or to, a local authority stormwater network</u> is a permitted activity, provided the following conditions are met:</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, and</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> <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>

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<p>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>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><u>Note</u></p> <p><u>In respect of the discharge from an high risk industrial or trade premise refer to Rule P.R4. For discharges from an existing individual property into the stormwater network refer to Rule P.R5.</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><u>Note</u></p> <p><u>In respect of the discharge of stormwater from an high risk industrial or trade premise refer to Rule P.R4. For discharges from an existing individual property into the stormwater network refer to Rule P.R5.</u></p>
<p><u>Rule P.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity</u></p> <p><u>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:</u></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>Amend</p>	<p>Limiting the application of this rule to only existing high risk industrial or trade premises would result in some activities within prison and community corrections sites being a discretionary activity under rule P.R10. Subject to amendment to condition (d), Ara Poutama considers the conditions are appropriate to manage the potential adverse effects associated with stormwater discharges from existing or new high risk industrial or trade premises, and on this basis, both should be provided for under the same rule.</p> <p>Ara Poutama 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</p>	<p>Amend as follows:</p> <p><u>Rule P.R4: Stormwater from an-existing high risk industrial or trade premise – permitted activity</u></p> <p><u>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:</u></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>(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p>

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<p>(i) <u>the discharge cannot cause or exacerbate the flooding of any other property, and</u></p> <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</u></p>		<p>that condition (d) retain manages only hazardous substances, rather than contaminants more broadly (which are managed under the remainder of the conditions).</p> <p>Ara Poutama also considers that the note at the end of the rule must be deleted as part of giving effect to the relief sought in this submission, as well as the relief sought by Ara Poutama in relation to the rules for new or redeveloped impervious surfaces.</p>	<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 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 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>(i) <u>the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended</u></p>

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<p><u>any other water,</u> <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>(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> <p>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>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><u>Note</u> <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</u></p>			<p><u>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> <p>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>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><u>Note</u> <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.R.10.</u></p>

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<p><u>P.R10.</u></p> <p><u>Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted 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 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: 20px;">(i) <u>for all impervious areas associated with a greenfield development, or</u></p> <p style="padding-left: 20px;">(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</u></p>	<p>Amend</p>	<p>Some activities at prison and community corrections sites in the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition (e.g. chemical / fuel storage and/or engineering-related activities).</p> <p>The proposed rules make new or redeveloped impervious surfaces at high risk industrial or trade premises a discretionary activity under rule P.R10. This could lead to perverse environmental outcomes, where impervious surfaces are left to degrade because redevelopment of the surface would require a discretionary activity consent. Degraded impervious surfaces will be less effective at containing contaminants (including the accidental spillage of hazardous substances) than redeveloped impervious surfaces.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces at Ara Poutama’s assets, Ara Poutama considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules P.R5, P.R6 and P.R7, subject to appropriate conditions. Ara Poutama considers that the additional conditions under (d) of rule P.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule P.R5 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</p> <p>In addition to this, Ara Poutama considers the following amendments to the rule are also necessary:</p> <ul style="list-style-type: none"> Condition (c)(ii) should be amended so that hydrological control is only required for new impervious surfaces, on the basis that redevelopment of existing impervious surfaces will not change the quantity of runoff from impervious surfaces (in other 	<p>Amend rule as follows:</p> <p><u>Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted 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 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: 20px;">(i) <u>for all impervious areas impervious surfaces associated with a greenfield development, or</u></p> <p style="padding-left: 20px;">(ii) <u>for all redeveloped and new impervious areas involving greater than 30m² of impervious area of a associated with 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>

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<p><u>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 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>words, there are no new adverse effects to be managed);</p> <ul style="list-style-type: none"> • References to “impervious areas” (which is an undefined term) in conditions (c)(i) and (ii) should be replaced with “impervious surfaces” (which is a defined term); • Minor amendments should be made to condition (c)(ii) to improve the clarity of the condition. 	<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 community health in Schedule F1 (rivers/lakes), or</u></p> <p style="padding-left: 40px;">2. <u>30% in any other river, or</u></p> <p style="padding-left: 20px;">(iv) <u>any emission of objectionable odour, or</u></p> <p style="padding-left: 20px;">(v) <u>the freshwater is unsuitable for consumption by farm animals, or</u></p> <p style="padding-left: 20px;">(vi) <u>any significant adverse effects on aquatic life.</u></p> <p><u>and where the new or redeveloped impervious surface is for a high risk industrial or trade premise:</u></p> <p>(i) <u>any hazardous substances stored or used on site</u></p>

NRP provision under PC1	Position	Submission	Relief 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> 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>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> 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>Rule P.R6: Stormwater from new greenfield impervious surfaces – controlled activity</u></p> <p><u>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:</u></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><u>or.</u></p>	<p>Amend</p>	<p>Some activities at prison and community corrections sites in the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition (e.g. chemical / fuel storage and/or engineering-related activities).</p> <p>The proposed rules make new or redeveloped impervious surfaces at high risk industrial or trade premises a discretionary activity under rule WH.R11. This could lead to perverse environmental outcomes, where impervious surfaces are left to degrade because redevelopment of the surface would require a discretionary activity consent. Degraded impervious surfaces will be less effective at containing contaminants (including the accidental spillage of hazardous substances) than redeveloped impervious surfaces.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of</p>	<p>Amend rule as follows:</p> <p><u>Rule P.R6: Stormwater from new greenfield impervious surfaces – controlled activity</u></p> <p><u>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:</u></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><u>or.</u></p> <p>(b) <u>the proposal involves the creation new impervious</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<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>(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><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</u></p>		<p>impervious surfaces, Ara Poutama considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules P.R5, P.R6 and P.R7, subject to appropriate conditions. Ara Poutama considers that the additional conditions under (d) of rule P.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule P.R6 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</p> <p>In addition to this, in line with Ara Poutama's submission on policy P.P14, Ara Poutama 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, Ara Poutama 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><u>surfaces of less than 1,000m², but is not permitted under the conditions of Rule P.R6.</u></p> <p>and,</p> <p>(e) 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 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>(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>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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)</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>(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>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> <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><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>

NRP provision under PC1	Position	Submission	Relief sought
			<p><u>Note</u></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 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</u></p>	<p>Amend</p>	<p>Some activities at prison and community corrections sites in the region are likely to be considered as “high risk industrial or trade premises” under the proposed definition (e.g. chemical / fuel storage and/or engineering-related activities).</p> <p>The proposed rules make new or redeveloped impervious surfaces at high risk industrial or trade premises a discretionary activity under rule P.R10. This could lead to perverse environmental outcomes, where impervious surfaces are left to degrade because redevelopment of the surface would require a discretionary activity consent. Degraded impervious surfaces will be less effective at containing contaminants (including the accidental spillage of hazardous substances) than redeveloped impervious surfaces.</p> <p>In order to provide for a reasonable level of maintenance, upgrading and development of impervious surfaces, Ara Poutama considers that it is necessary to provide for new and redeveloped impervious surfaces as permitted or controlled activity under rules P.R5, P.R6 and P.R7, subject to appropriate conditions. Ara Poutama considers that the additional conditions under (d) of rule P.R4 are generally appropriate to manage the potential adverse effects associated with hazardous substances and considers that these should be incorporated into rule P.R7 (this also ensures consistency between the stormwater discharge and impervious surfaces rules).</p> <p>In addition to this, the rule reference in the notification preclusion should be corrected to refer to rule P.R7.</p>	<p>Amend rule 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 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 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>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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 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</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> <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 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</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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><i>Notification</i></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><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>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>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><u>In respect of Rule P.R(NEWRULE)7, applications are precluded from limited and public notification (unless special circumstances exist).</u></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><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 via an existing local authority stormwater network, 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:</u></p>	Amend	<p>Ara Poutama oppose default discretionary activity status for new or redeveloped impervious surfaces at high risk industrial or trade premises for the reasons set out in its submissions of rules P.R5, P.R6 and P.R7. Ara Poutama considers that a reasonable level of new or redeveloped impervious surfaces should be provided for as a permitted or controlled activity under rules P.R5, P.R6 and P.R7, subject to appropriate conditions to manage the potential adverse effects associated with hazardous substances.</p> <p>In addition to this, in line with Ara Poutama's submission on policy P.P14, Ara Poutama 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</p>	<p>Amend rule as follows:</p> <p><u>Rule P.R10: 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 via an existing local authority stormwater network, 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 <u>is</u> met:</u></p> <p>(a) <u>the resource consent application includes a Stormwater</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p>(a) <u>the resource consent application includes a Stormwater Impact Assessment prepared in 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>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, Ara Poutama considers that it is inappropriate to require financial contributions as a condition.</p> <p>In any case, where aquatic offsetting or compensation (which may include financial contributions under Schedule 30) is considered to be necessary, this can be provided for as a condition of consent with reference to the requirements of policy P.P14.</p>	<p>Impact Assessment prepared in accordance with Schedule 29 (impact assessment) and,</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 P.R11: All other stormwater discharges – non-complying activity</u></p> <p>The:</p> <p>(a) <u>discharge of stormwater onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule P.R2, or</u></p> <p>(b) <u>discharge of stormwater into water or onto or into land where it may enter water, that is not permitted by Rule P.R3, or a restricted discretionary activity under Rule P.R8, or</u></p> <p>(c) <u>discharge of stormwater from a high risk industrial or trade premise that is not permitted by Rule P.R4, or the use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater from a high risk industrial or trade premise that does not meet the conditions of Rule P.R10, or</u></p> <p>(d) <u>use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater water or onto or into land where it may enter water, that is not permitted by</u></p>	<p>Amend</p>	<p>The operative NRP provides for stormwater discharges that are not otherwise provided for as a discretionary activity under rule R55.</p> <p>Ara Poutama considers that the move to non-complying activity status for all other stormwater discharges is not clearly explained or justified in the section 32 evaluation report. Of particular concern to Ara Poutama is the jump between permitted activity status for stormwater discharges under rules P.R2, P.R3, and P.R4, and non-complying activity status under this rule. As a result, minor non-compliances with conditions under these rules will trigger the non-complying activity rule.</p> <p>Non-complying activity status for minor breaches of rule conditions can be a particular issue for development or upgrading of Ara Poutama's assets, as they can involve complex, bundled consents for a broad range of activities, some of which may have adverse effects that are more than minor. This leads to a high degree of uncertainty as to whether consents for development or upgrading will be granted under section 104D of the RMA, even where minor non-compliances with stormwater conditions under rules P.R2, P.R3, or P.R4 can be appropriately addressed through consent conditions.</p> <p>Ara Poutama considers that the non-complying</p>	<p>Amend rule as follows:</p> <p><u>Rule P.R11: All other stormwater discharges – non-complying discretionary activity</u></p> <p>The:</p> <p>(a) <u>discharge of stormwater onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule P.R2, or</u></p> <p>(b) <u>discharge of stormwater into water or onto or into land where it may enter water, that is not permitted by Rule P.R3, or a restricted discretionary activity under Rule P.R8, or</u></p> <p>(c) <u>discharge of stormwater from a high risk industrial or trade premise that is not permitted by Rule P.R4, or the use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater from a high risk industrial or trade premise that does not meet the conditions of Rule P.R10, or</u></p> <p>(d) use of land for the creation of new or redevelopment of existing impervious surfaces and the associated discharge of stormwater water or onto or into land where it may enter water, that is not permitted by Rule P.R5, or a controlled activity under Rules P.R6 or P.R7, or a discretionary activity under Rule P.R9, or a prohibited</p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>Rule P.R5, or a controlled activity under Rules P.R6 or P.R7, or a discretionary activity under Rule P.R9, or a prohibited activity under Rule P.R12,</u> <u>is a non-complying activity.</u></p>		<p>activity rule is not sufficiently justified in the section 32 evaluation and does not appropriately provide for activities that do not meet permitted activity conditions, but which can otherwise be managed through consent conditions as a discretionary activity. Non-complying activity status should be reserved for activities that are clearly contrary to the objectives and policies of the Plan (as they relate to stormwater discharges), rather than all discharges that do not meet permitted activity standards.</p> <p>Ara Poutama however considers that non-complying activity status should be retained for proposals that do not provide a Stormwater Impact Assessment under rule P.R10, as this would clearly be contrary to the objectives and policies of the Plan.</p>	<p><u>activity under Rule P.R12,</u> <u>is a non-complying discretionary activity.</u></p> <p>As a consequential amendment, provide a new non-complying activity rule for stormwater discharges that are not a discretionary activity under rule P.R10.</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 existing or proposed stormwater network, is a prohibited 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>	Oppose	<p>Ara Poutama considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of existing prison assets in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”.</p> <p>Ara Poutama also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield</p>	Delete rule.

NRP provision under PC1	Position	Submission	Relief sought
		<p>development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council's position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Ara Poutama notes that its principal concern with this rule is that it is unclear whether it would prohibit the upgrading or development of its assets. However, if the relief sought by Ara Poutama on the definition of "unplanned greenfield development" is granted in full, Ara Poutama would consider adopting a neutral position on this rule.</p>	
<p><u>Rule WH.R20 Plantation forestry - controlled activity</u></p> <p><u>Afforestation, harvesting, earthworks, vegetation clearance or mechanical land preparation for plantation forestry, and any associated discharge of sediment to a surface water body, is a controlled activity providing the following conditions are met:</u></p> <p><u>(a) the land is not high erosion risk land (pasture) or highest erosion risk land (pasture) that was in pasture or scrub on 30 October 2023, and</u></p> <p><u>(b) an erosion and sediment management plan has been prepared in accordance with Schedule 34 (forestry plan), certified by a registered forestry adviser and submitted with the application for resource consent under this rule, and</u></p> <p><u>(c) the concentration of total suspended solids in the discharge from the plantation forestry shall not exceed 100g/m³, except that, if at the time of the</u></p>	Neutral	Ara Poutama has a neutral position on this rule, subject to the relief sought on Schedule 34.	Retain as notified (noting the submission points on Schedule 34).

NRP provision under PC1	Position	Submission	Relief sought
<p><u>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:</u></p> <p><u>(i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</u></p> <p><u>(ii) 30% in any other river, and</u></p> <p><u>(d) the most recent Wellington Regional Council monitoring record demonstrates that the measure of visual clarity for the relevant catchment does not exceed the target attribute state at any monitoring site within the relevant part Freshwater Management Unit set out in Table 8.4.</u></p> <p><u>Matters of control</u></p> <p><u>1. The content of the erosion and sediment management plan, including the actions, management practices and mitigation measures necessary to ensure that discharge of sediment will be minimised, and will not increase the average annual sediment load for the part Freshwater Management Unit in which the plantation forestry is located</u></p> <p><u>2. The area, location and methods employed in the plantation forestry</u></p> <p><u>3. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and the erosion and sediment management plan</u></p>			

NRP provision under PC1	Position	Submission	Relief sought
<p><u>4. The timing, frequency and requirements for review, audit and amendment of the erosion and sediment management plan</u></p>			
<p><u>Rule P.R20: Plantation forestry - discretionary activity</u></p> <p><u>Afforestation, harvesting, earthworks, vegetation clearance or mechanical land preparation for plantation forestry and any associated discharge of sediment to a surface water body that does not comply with one or more of the conditions of Rule WH.R20 and is not a prohibited activity under Rule WH.R22 is a discretionary activity.</u></p>	Neutral	Ara Poutama has a neutral position on this rule, subject to the relief sought on Schedule 34.	Retain as notified (noting the submission points on Schedule 34).
<p><u>Rule P.R21: Plantation forestry on highest erosion risk land - prohibited activity</u></p> <p><u>Afforestation, earthworks, or mechanical land preparation for plantation forestry on highest erosion risk land (plantation forestry) is a prohibited activity.</u></p>	Amend / Oppose	<p>Ara Poutama seeks clarification as to whether the prohibition on “earthworks” and “mechanical land preparation” in this rule only apply to “afforestation” as defined by the NES-CF (i.e. this rule only applies to land where no commercial forestry or harvesting has occurred within the past 5 years), or whether the prohibition on “earthworks” and “mechanical land preparation” applies to all new plantation forestry, including re-establishment of recently harvested forests.</p> <p>If the rule only applies to new forests as per the definition of “afforestation” in the NES-CF, Ara Poutama considers this rule is reasonable.</p> <p>If it is the case that the rule applies to re-establishment of recently harvested forests, Ara Poutama considers that the Prohibited activity status for this rule is unnecessarily onerous, and the evidence in the Section 32 report does not support a Prohibited activity status. Ara Poutama considers there should be a consent pathway for re-establishing plantation forests after harvesting for the reasons set out in its requested relief for Policy P.P26.</p>	<p>Clarify whether the rule applies to “afforestation” only as defined by the NES-CF, or whether the rule applies to all plantation forestry, including re-establishment.</p> <p>If the rule applies to all plantation forestry including re-establishment, amend the rule to enable a consent pathway for re-establishing plantation forests after harvesting.</p>
<p><u>Rule P.R22: Earthworks – permitted activity</u></p>	Amend	The effect of the use of “and” at the end of condition	Amend rule as follows:

NRP provision under PC1	Position	Submission	Relief sought
<p><u>Earthworks is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</u></p> <p>(b) <u>the earthworks are to implement an action in the farm environment plan for the farm, and</u></p> <p>(c) <u>the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and</u></p> <p>(d) <u>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</u></p> <p>(e) <u>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</u></p> <p>(f) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u></p> <p>(g) <u>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</u></p> <p>(h) <u>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.</u></p> <p><u>Note</u></p> <p><u>Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region</u></p>		<p>(b) is to exclude all earthworks that are not related to implementing farm erosion risk treatment plans or farm environmental plans from the permitted activity rule. As a result, all other earthworks, regardless of size or whether they meet conditions (c) to (h) will be a restricted discretionary activity under rule P.R23. Ara Poutama understands this is an error and acknowledges that the Council have corrected this under clause 16 of Schedule 1 to the RMA by way of a memo published on 6 December 2023.</p> <p>It cannot be efficient or effective to require resource consent for all earthworks, regardless of scale. Nor does this appear to be consistent with policies P.P28 and P.P29, which place emphasis on controlling earthworks over 3,000m². Ara Poutama considers that it is appropriate that smaller scale earthworks are generally provided for as a permitted activity under the rule (subject to the conditions set out under the rule). To achieve this, "and" should be replaced with "or" at the end of condition (b).</p> <p>Any further changes to this rule will be dependent on how 'earthworks' are defined and any exclusions.</p> <p>In addition to this, Ara Poutama opposes the rule being included within the freshwater planning instrument, on the basis that the purpose of the rule is to manage land use for the purposes of soil conservation. Given that the rule does not provide for discharges associated with earthworks, there is no justification for including it in the freshwater planning instrument, and Ara Poutama seeks that it be reallocated to the Part 1 Schedule 1 planning instrument.</p>	<p><u>Rule P.R22: Earthworks – permitted activity</u></p> <p><u>Earthworks is a permitted activity, provided the following conditions are met:</u></p> <p>(a) <u>the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</u></p> <p>(b) <u>the earthworks are to implement an action in the farm environment plan for the farm, and or</u></p> <p>(c) <u>the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and</u></p> <p>(d) <u>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</u></p> <p>(e) <u>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</u></p> <p>(f) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u></p> <p>(g) <u>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</u></p> <p>(h) <u>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.</u></p> <p><u>Note</u></p> <p><u>Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></p> <p>In addition to this, reallocate the rule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the</p>

NRP provision under PC1	Position	Submission	Relief sought
<u>(2021).</u>			freshwater planning instrument.
<p><u>Rule P.R23: Earthworks – restricted discretionary activity</u></p> <p><u>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 P.R22 is a restricted discretionary activity, provided the following conditions are met:</u></p> <p>(a) <u>the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m³, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m³, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p style="padding-left: 20px;">(i) <u>20% in 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: 20px;">(ii) <u>30% in any other river, and</u></p> <p>(b) <u>earthworks shall not occur between 1st June and 30th September in any year.</u></p> <p><u>Matters for discretion</u></p> <ol style="list-style-type: none"> 1. <u>The location, area, scale, volume, duration and staging and timing of works</u> 2. <u>The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated the staging of works and progressive stabilisation</u> 3. <u>The placement and treatment of stockpiled</u> 	Amend	<p>Depending on the outcome of other submission points, Ara Poutama considers that several amendments to the rule are necessary.</p> <p>Firstly, the rule should be restructured to locate the “associated discharge” element of the rule to follow on from “Earthworks that do not comply with Rule P.R22”. This is because discharges associated with permitted earthworks are not provided for under rule P.R22 (which only permits earthworks). Discharges from permitted earthworks are instead provided for under the “minor discharges” rule R91.</p> <p>Secondly, Ara Poutama considers that a condition requiring earthworks to be shut down over the winter months is inappropriate, as it does not recognise that there may be circumstances where earthworks need to occur over those months in order to provide for the safe and efficient operation, maintenance, upgrading, or development of its existing assets.</p> <p>Ara Poutama recognises that in general, earthworks should be planned so that the majority of bulk earthworks occur outside of the winter months. However, there may be instances where earthworks are unavoidable at this time, and with careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. Ara Poutama notes that the GWRC <i>Erosion and Sediment Control Guideline for the Wellington Region (2021)</i>, which is referred to in policy P.P29 (and in the note to permitted activity rule P.R22), provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline). Ara Poutama considers that, rather than a blanket restriction on all earthworks over this period, reference is made to the matters set out under section G5.0 of the guideline as a matter of discretion for earthworks. This will ensure consistency between the rules and the Council’s technical guidance for the management of earthworks, and provide for appropriate conditions</p>	<p>Amend rule as follows:</p> <p><u>Rule P.R23: Earthworks – restricted discretionary activity</u></p> <p><u>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 P.R22, 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, is a restricted discretionary activity, provided the following conditions are met:</u></p> <p>(a) <u>the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m³, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m³, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</u></p> <p style="padding-left: 20px;">(i) <u>20% in 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: 20px;">(ii) <u>30% in any other river, and</u></p> <p>(b) <u>earthworks shall not occur between 1st June and 30th September in any year.</u></p> <p><u>Matters for discretion</u></p> <ol style="list-style-type: none"> 1. <u>The location, area, scale, volume, duration and staging and timing of works</u> 2. <u>The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated the staging of works and progressive stabilisation</u> 3. <u>The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site</u>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>materials on the site, including requirements to remove material if it is not to be reused on the site</u></p> <p>4. <u>The proportion of unstabilised land in the catchment</u></p> <p>5. <u>The adequacy and efficiency of stabilisation devices for sediment control</u></p> <p>6. <u>Any adverse effects on:</u></p> <p>(i) <u>groundwater, surface water bodies and their margins, particularly surface water bodies within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters)</u></p> <p>(ii) <u>group drinking water supplies and community drinking water supplies</u></p> <p>(iii) <u>mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and critical life cycle periods for indigenous aquatic species</u></p> <p>(iv) <u>the natural character of lakes, rivers, natural wetlands and their margins and the coastal environment</u></p> <p>(v) <u>natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the</u></p>		<p>to manage works over the winter period to be included in resource consents.</p> <p>Ara Poutama also considers that the note directing Plan users to the <i>GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021)</i> that is included under permitted activity rule P.R22 also be provided for under this rule.</p>	<p>4. <u>The proportion of unstabilised land in the catchment</u></p> <p>5. <u>The adequacy and efficiency of stabilisation devices for sediment control</u></p> <p>6. <u>Any adverse effects on:</u></p> <p>(i) <u>groundwater, surface water bodies and their margins, particularly surface water bodies within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters)</u></p> <p>(ii) <u>group drinking water supplies and community drinking water supplies</u></p> <p>(iii) <u>mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and critical life cycle periods for indigenous aquatic species</u></p> <p>(iv) <u>the natural character of lakes, rivers, natural wetlands and their margins and the coastal environment</u></p> <p>(v) <u>natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers</u></p> <p>7. <u>Duration of the consent</u></p> <p>8. <u>Preparation required for the close down period (from 1st June to 30th September each year) and any maintenance activities required during this period-Where earthworks will be undertaken within the period from 1 June to 30 September, the matters set out under section G5.0 of the <i>Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021)</i></u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>use of natural buffers</u></p> <p>7. <u>Duration of the consent</u></p> <p>8. <u>Preparation required for the close-down period (from 1st June to 30th September each year) and any maintenance activities required during this period</u></p> <p>9. <u>Monitoring and reporting requirements</u></p>			<p>9. <u>Monitoring and reporting requirements</u></p> <p><i>Note</i></p> <p><u>Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</u></p>
<p><u>Rule P.R24: Earthworks – non-complying activity</u></p> <p><u>Earthworks, and the associated discharge of sediment 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 P.R23 is a non-complying activity.</u></p>	Amend	<p>The operative NRP provides for earthworks that are not otherwise provided for as a discretionary activity under rule R107.</p> <p>Ara Poutama considers that the move to non-complying activity status for all other earthworks is not clearly explained or justified in the section 32 evaluation report. Non-compliance with conditions under rule P.R24 will trigger the non-complying activity rule.</p> <p>Non-complying activity status for minor breaches of rule conditions can be a particular issue for development or upgrading of Ara Poutama’s existing assets, as it can involve complex, bundled consents for a broad range of activities, some of which may have adverse effects that are more than minor. This leads to a high degree of uncertainty as to whether consents for development or upgrading of Ara Poutama’s assets will be granted under section 104D of the RMA, even where the adverse effects of the part of the proposal that triggered non-complying activity status can be appropriately addressed through consent conditions.</p> <p>Ara Poutama considers that the non-complying activity rule is not sufficiently justified in the section 32 evaluation and does not appropriately provide for activities that do not meet restricted discretionary activity conditions, but which can otherwise be managed through consent conditions as a discretionary activity.</p>	<p>Amend rule as follows:</p> <p><u>Rule P.R24: Earthworks – non-complying discretionary activity</u></p> <p><u>Earthworks, and the associated discharge of sediment 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 P.R23 is a non-complying discretionary activity.</u></p>
Schedule 27: Freshwater Action Plan Requirements			

NRP provision under PC1	Position	Submission	Relief sought
<p><u>B Freshwater Action Plan requirements</u></p> <p><u>B3 Necessary actions</u></p> <p><u>Freshwater Action Plans prepared in Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua will include the following necessary actions as applicable:</u></p> <p><u>1. For suspended fine sediment, deposited fine sediment and dissolved reactive phosphorus attributes, nitrate (toxicity) and sediment load reductions:</u></p> <p><u>(a) Undertake a programme(s) to actively support the revegetation of, and sediment management on, highest erosion risk land (plantation forestry), highest erosion risk land (pasture) and high erosion risk land (pasture), unless not reasonably practicable or safe to revegetate, including:</u></p> <p><u>(i) Prioritising the urgent revegetation and/or best management practice sediment management of Wellington Regional Council-owned land, and</u></p> <p><u>(ii) Providing planning, financial and logistical support for revegetation and best practice sediment management on private land.</u></p> <p><u>(b) Investigate opportunities for rates relief or other forms of financial support for private landowners to promote and accelerate revegetation of highest erosion risk land (plantation forestry), highest erosion risk land (pasture), high erosion risk land (pasture), and</u></p> <p><u>(c) Investigate and implement opportunities to improve sediment loss from Wellington Regional Council-owned plantation forestry land, such as review of cutting rights or other means of</u></p>	<p>Amend</p>	<p>Ara Poutama generally supports the incentives for replanting as provided for in section B3 of this schedule, relating to undertaking programmes to actively support revegetation of and sediment management on highest erosion risk land (plantation forestry).</p> <p>However, Ara Poutama considers the term "revegetation" used under clause B3(1)(a) is potentially unclear, as it does not specify which types of vegetation it will and will not support as part of a Freshwater Action Plan.</p> <p>After harvesting plantation forests, the practicality of replanting in natives can be challenging. Replanting with pine still provides benefits for stabilising erosion-prone land.</p> <p>As an additional consideration, the Emissions Trading Scheme requires that forests registered to the scheme are replanted, as they provide important carbon sequestration benefits.</p> <p>Ara Poutama therefore seeks that the term "revegetation" under clause B3(1)(a) be clarified to include a range of vegetation types, including plantation forestry.</p>	<p>Define "revegetation" in relation to B3 (1)(a) to include a range of vegetation types, including plantation forestry.</p>

NRP provision under PC1	Position	Submission	Relief sought												
<p><u>implementing land use change, and</u></p> <p><u>(d) Develop and implement a forestry good practice programme alongside strategic compliance for effective forestry regulation.</u></p>															
Schedule 28: Stormwater Contaminant Treatment															
<p><u>Schedule 28: Stormwater Contaminant Treatment</u></p> <p><u>This schedule relates to Rules WH.R6, WH.R7, P.R6 and P.R7.</u></p> <p><u>Target Load Reductions</u></p> <p><u>All new and redeveloped impervious surfaces are to be treated to meet an equivalent target load reduction for copper and zinc to those set out for a raingarden/bioretention device, as per Table 1.</u></p> <p><u>Table 1: Target Load Reductions for Copper and Zinc</u></p> <table border="1" data-bbox="152 847 660 994"> <thead> <tr> <th><u>Treatment Device</u></th> <th><u>Copper</u></th> <th><u>Zinc</u></th> </tr> </thead> <tbody> <tr> <td><u>Bioretention (rain garden)</u></td> <td><u>90%</u></td> <td><u>90%</u></td> </tr> </tbody> </table> <p><u>Equivalent Target Load Reduction</u></p> <p><u>A treatment train approach may be used to achieve an Equivalent Target Load Reduction set out in Table 1. The equation below provides an example of how the total load reduction factor of a given treatment chain can be calculated:</u></p> <p><u>$R = A + B - [(A \times B)/100]$</u></p> <p><u>Where:</u></p> <p><u>R = Total load reduction factor</u></p> <p><u>A = Load reduction factor or the first or upstream treatment device</u></p> <p><u>B = Load reduction factor or the second or</u></p>	<u>Treatment Device</u>	<u>Copper</u>	<u>Zinc</u>	<u>Bioretention (rain garden)</u>	<u>90%</u>	<u>90%</u>	<p>Amend</p>	<p>Ara Poutama considers that the target load reductions for copper and zinc outlined in Table 1 of Schedule 28 are potentially unfeasible given the levels that most stormwater treatment devices can achieve are generally around 59% for zinc and 70% for copper. Ara Poutama suggests that a better way to achieve reductions in copper and zinc would be to target minimisation of suspended solids.</p> <p>In addition, Ara Poutama considers that amendment to the first sentence under the heading "Target Load Reductions" is necessary in order to clarify that the rules require stormwater discharges from impervious surfaces to be treated (as distinct from the surfaces themselves being treated).</p>	<p>Amend schedule as follows:</p> <p><u>Schedule 28: Stormwater Contaminant Treatment</u></p> <p><u>This schedule relates to Rules WH.R6, WH.R7, P.R6 and P.R7.</u></p> <p><u>Target Load Reductions</u></p> <p><u>All stormwater discharges from new and redeveloped impervious surfaces are to be treated to meet an equivalent target load reduction for suspended solids, copper and zinc to those set out for a raingarden/bioretention device, as per Table 1.</u></p> <p><u>Table 1: Target Load Reductions for Suspended Solids for Copper and Zinc</u></p> <p><i>[Consequential amendments to Table 1 to include relevant suspended solids targets in Table 1.]</i></p> <table border="1" data-bbox="1429 962 1937 1109"> <thead> <tr> <th><u>Treatment Device</u></th> <th><u>Copper</u></th> <th><u>Zinc</u></th> </tr> </thead> <tbody> <tr> <td><u>Bioretention (rain garden)</u></td> <td><u>90%</u></td> <td><u>90%</u></td> </tr> </tbody> </table> <p><u>Equivalent Target Load Reduction</u></p> <p><u>A treatment train approach may be used to achieve an Equivalent Target Load Reduction set out in Table 1. The equation below provides an example of how the total load reduction factor of a given treatment chain can be calculated:</u></p> <p><u>$R = A + B - [(A \times B)/100]$</u></p> <p><u>Where:</u></p>	<u>Treatment Device</u>	<u>Copper</u>	<u>Zinc</u>	<u>Bioretention (rain garden)</u>	<u>90%</u>	<u>90%</u>
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NRP provision under PC1	Position	Submission	Relief sought																		
<p><u>downstream treatment device</u></p> <p>Additional Device Load Reductions</p> <p>Where alternative treatment devices to that of a bioretention/raingarden device are utilised, the specified load reduction factors set out in Table 2 must be used to determine whether an Equivalent Target Load Reduction (i.e inputs for A and B) is achieved to that of the Target Load Reduction specified in Table 1.</p> <p>Table 2: Additional Devices and Specified Load Reductions for Copper and Zinc</p> <table border="1" data-bbox="147 568 660 759"> <thead> <tr> <th>Treatment Device</th> <th>Copper</th> <th>Zinc</th> </tr> </thead> <tbody> <tr> <td>Constructed Wetland</td> <td>80%</td> <td>80%</td> </tr> <tr> <td>Swales</td> <td>50%</td> <td>65%</td> </tr> </tbody> </table>	Treatment Device	Copper	Zinc	Constructed Wetland	80%	80%	Swales	50%	65%			<p>R = Total load reduction factor</p> <p>A = Load reduction factor or the first or upstream treatment device</p> <p>B = Load reduction factor or the second or downstream treatment device</p> <p>Additional Device Load Reductions</p> <p>Where alternative treatment devices to that of a bioretention/raingarden device are utilised, the specified load reduction factors set out in Table 2 must be used to determine whether an Equivalent Target Load Reduction (i.e inputs for A and B) is achieved to that of the Target Load Reduction specified in Table 1.</p> <p>Table 2: Additional Devices and Specified Load Reductions for Copper and Zinc</p> <table border="1" data-bbox="1424 683 1937 874"> <thead> <tr> <th>Treatment Device</th> <th>Copper</th> <th>Zinc</th> </tr> </thead> <tbody> <tr> <td>Constructed Wetland</td> <td>80%</td> <td>80%</td> </tr> <tr> <td>Swales</td> <td>50%</td> <td>65%</td> </tr> </tbody> </table>	Treatment Device	Copper	Zinc	Constructed Wetland	80%	80%	Swales	50%	65%
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<p>Schedule 29: Stormwater Impact Assessments</p> <p><u>A stormwater impact assessment shall include the following analysis:</u></p> <ol style="list-style-type: none"> <u>Site evaluation: the site must be assessed for its topography, soil type, land use, drainage patterns (including wetlands/water courses), natural features, topographical and geotechnical constraints and potential flood areas.</u> <u>Catchment evaluation: analyse catchment wide characteristics and requirements (utilising existing local authority stormwater management strategies where available) to consider the proposed development in a broader stormwater discharge and receiving environment context to understand</u> 	Amend	<p>Ara Poutama considers that several amendments are necessary to Schedule 29.</p> <p>Firstly, point 3 should be amended to remove reference to redeveloped impervious surfaces. There is no benefit in calculating the volume and flow rate of discharges from redeveloped impervious surfaces, as there will be no change to the discharge volume and flow rate (when compared to existing).</p> <p>Secondly, bullet point 5 should be amended to remove references to wording that is both extraneous and difficult to interpret. The wording sought to be deleted is generally covered by the definition of “water sensitive urban design”.</p> <p>Thirdly, with respect to cultural considerations (bullet point 8), Ara Poutama notes that it supports</p>	<p>Amend schedule as follows:</p> <p>Schedule 29: Stormwater Impact Assessments</p> <p><u>A stormwater impact assessment shall include the following analysis:</u></p> <ol style="list-style-type: none"> <u>Site evaluation: the site must be assessed for its topography, soil type, land use, drainage patterns (including wetlands/water courses), natural features, topographical and geotechnical constraints and potential flood areas.</u> <u>Catchment evaluation: analyse catchment wide characteristics and requirements (utilising existing local authority stormwater management strategies where available) to consider the proposed development in a broader stormwater discharge and receiving environment context to understand relevant catchment</u> 																		

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<p><u>relevant catchment issues, including flooding, climate change projections (frequency and volume), water quality and any additional design or mitigation measures required to address wider catchment matters.</u></p> <p>3. <u>Stormwater discharge calculation: calculation of stormwater discharge volumes and flow rates along with analysis of stormwater contaminant generation from and new and/or redeveloped impervious surfaces.</u></p> <p>4. <u>Identification of actual and potential stormwater impacts: undertake evaluation of the actual and potential impacts on the receiving environment, including water quality, natural flow regimes of waterways, soil erosion, flooding, changes in hydrology and climate change (frequency and volume).</u></p> <p>5. <u>Implementation of Water Sensitive Urban Design principles: provide an analysis of how Water Sensitive Urban Design measures have been identified and incorporated into the site design and layout, building and road/paving materials and features and how existing natural features and new stormwater treatment systems have been enhanced and integrated to mimic natural processes.</u></p> <p>6. <u>Mitigation measures: Assessment of proposed mitigations to reduce the effect of stormwater discharges on water quantity and quality, including the approach to treat in accordance with Schedule 28 (contaminant treatment) and implement hydrological control. Measures must support achieving relevant target attribute states (beyond zinc and copper) for ecosystem health, including nutrients, visual clarity and E. coli or enterococci.</u></p> <p>7. <u>Operation and maintenance of stormwater management systems: analyse the long-</u></p>		<p>engagement with mana whenua on resource management issues. However, as worded, bullet point 8 creates a wide-ranging obligation to engage with mana whenua on all stormwater impact assessments, without regard to the scale and significance of the discharge. This broad requirement to engage also does not recognise capacity constraints for mana whenua that may make engagement on all impact assessments impractical. Ara Poutama seeks amendments to bullet point 8 to improve the clarity and efficiency of the requirement by:</p> <ul style="list-style-type: none"> • Ensuring that engagement is appropriately targeted to circumstances where the discharge is to an identified site of significance; • Where there is relevant information made available by iwi authorities about the cultural values associated with waterbodies (such as through iwi management plans), these should be able to be relied on by applicants; • The focus of the provision should be on the outcomes of any engagement, rather than the engagement itself; • The provision should focus on engagement with iwi authorities in the relevant catchment, rather than mana whenua generally. The term mana whenua is broadly defined and provides no certainty about the specific parties that applicants should engage with. <p>Fourthly, bullet point 2 under the list of matters specific to high risk industrial and trade premises should be amended to replace the term "contaminants" with "hazardous substances", on the basis that the purpose of the rules is to manage potential entrainment of hazardous substances within stormwater (rather than contaminants generally).</p>	<p><u>issues, including flooding, climate change projections (frequency and volume), water quality and any additional design or mitigation measures required to address wider catchment matters.</u></p> <p>3. <u>Stormwater discharge calculation: calculation of stormwater discharge volumes and flow rates along with analysis of stormwater contaminant generation from and new and/or redeveloped impervious surfaces.</u></p> <p>4. <u>Identification of actual and potential stormwater impacts: undertake evaluation of the actual and potential impacts on the receiving environment, including water quality, natural flow regimes of waterways, soil erosion, flooding, changes in hydrology and climate change (frequency and volume).</u></p> <p>5. <u>Implementation of Water Sensitive Urban Design principles: provide an analysis of how Water Sensitive Urban Design measures have been identified and incorporated into the site design and layout, building and road/paving materials and features and how existing natural features and new stormwater treatment systems have been enhanced and integrated to mimic natural processes.</u></p> <p>6. <u>Mitigation measures: Assessment of proposed mitigations to reduce the effect of stormwater discharges on water quantity and quality, including the approach to treat in accordance with Schedule 28 (contaminant treatment) and implement hydrological control. Measures must support achieving relevant target attribute states (beyond zinc and copper) for ecosystem health, including nutrients, visual clarity and E. coli or enterococci.</u></p> <p>7. <u>Operation and maintenance of stormwater management systems: analyse the long-term (life-cycle) operational and maintenance requirements including funding mechanisms and identification of persons responsible for ongoing maintenance.</u></p> <p>8. <u>Cultural considerations (where the discharge is directly to Ngā Taonga Nui a Kiwa identified in Schedule B or a Site of Significance identified in Schedule C): to be informed by engagement with mana whenua information supplied</u></p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>term (life-cycle) operational and maintenance requirements including funding mechanisms and identification of persons responsible for ongoing maintenance.</u></p> <p>8. <u>Cultural considerations: to be informed by engagement with mana whenua.</u></p> <p><u>Where the application includes a high risk industrial or trade premise the stormwater impact assessment analysis must also consider the following:</u></p> <ol style="list-style-type: none"> <u>1. Procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, to ensure these are not entrained in stormwater, and</u> <u>2. Management practices proposed to avoid or minimise entrainment of contaminants into stormwater, including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring.</u> 			<p><u>by, or the outcomes of any consultation with, the relevant iwi authorities for the catchment within which the discharge is located.</u></p> <p><u>Where the application includes a high risk industrial or trade premise the stormwater impact assessment analysis must also consider the following:</u></p> <ol style="list-style-type: none"> <u>1. Procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, to ensure these are not entrained in stormwater, and</u> <u>2. Management practices proposed to avoid or minimise entrainment of contaminants hazardous substances into stormwater, including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring.</u>
Schedule 30: Financial Contributions			
<p><u>A Context</u></p> <p><u>Under section 108(2)(a) and (10) of the Resource Management Act 1991, a consent authority may impose a condition on a resource consent requiring a financial contribution to be made for the purpose of offsetting an environmental adverse effect.</u></p> <p><u>The creation of impervious surfaces through new greenfield development, new roads (not directly associated with a greenfield development) and state highways will result in an increase of stormwater contaminants entering freshwater receiving environments. Stormwater contaminant treatment will be required of new development proposals, however, treatment of contaminants is only practicable for a portion of the contaminant load received from the site. This results in a</u></p>	Amend	<p>Ara Poutama considers several amendments are required to section A of the schedule.</p> <p>Firstly, references to offsetting should be accompanied by references to compensation. This is because there is insufficient certainty about whether the financial contribution will be used (as set out in section E) to address the residual stormwater contaminants from new impervious surfaces discharged within the catchment (which is offsetting), or whether it will be used to improve water quality across a range of values, not limited to impervious surface contaminants, in the whaitua generally (which is compensation).</p> <p>Secondly, in line with Ara Poutama's submissions on policies WH.P15 and P.P14, Ara Poutama considers that applicants should be given a reasonable opportunity to undertake their own</p>	<p>Amend schedule as follows:</p> <p><u>A Context</u></p> <p><u>Under section 108(2)(a) and (10) of the Resource Management Act 1991, a consent authority may impose a condition on a resource consent requiring a financial contribution to be made for the purpose of offsetting, or compensating for, an environmental adverse effect.</u></p> <p><u>The creation of impervious surfaces through new greenfield development, new roads (not directly associated with a greenfield development) and state highways will result in an increase of stormwater contaminants entering freshwater receiving environments. Stormwater contaminant treatment will be required of new development proposals, however, treatment of contaminants is only practicable for a portion of the contaminant load received from the site. This results in a residual contaminant load still entering freshwater and coastal</u></p>

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<p><u>residual contaminant load still entering freshwater and coastal water receiving environments.</u></p> <p><u>The National Policy Statement for Freshwater Management 2020 requires freshwater quality to be maintained or improved. A financial contribution is required to offset the adverse environmental effects of the residual stormwater contaminants entering freshwater receiving environments where policy WH.P15 and P.P13 anticipates a deterioration of water quality could arise.</u></p>		<p>aquatic offsetting or compensation to address more than minor residual adverse effects, in line with the effects management hierarchy provided for under the NPS-FM. To recognise this, Ara Poutama considers that “is required” must be replaced with “may be required” in the final paragraph of the section.</p> <p>Thirdly, in line with Ara Poutama’s submissions on policies WH.P15 and P.P14, Ara Poutama considers that amendment to the final paragraph is necessary to reflect that the NPS-FM only requires offsetting or compensation in circumstances where the residual adverse effects are more than minor.</p>	<p><u>water receiving environments.</u></p> <p><u>The National Policy Statement for Freshwater Management 2020 requires freshwater quality to be maintained or improved. A financial contribution is may be required to offset or compensate for the adverse environmental effects (where they are more than minor) of the residual stormwater contaminants entering freshwater receiving environments where policy WH.P15 and P.P13 anticipates a deterioration of water quality could arise.</u></p>
<p><u>B Purpose</u></p> <p><u>A financial contribution is required for all greenfield development, new roads and state highways requiring a resource consent to offset residual contaminant load from stormwater discharges entering freshwater and coastal water receiving environments to ensure the maintenance or improvement of water quality within the affected whaitua. Financial contributions collected will be utilised to fund and construct new, or upgrade existing, catchment scale stormwater treatment systems serving existing urban development, within the same whaitua and if practicable, the same part Freshwater Management Unit.</u></p>	<p>Amend</p>	<p>Ara Poutama considers several amendments are required to section B of the schedule.</p> <p>Secondly, in line with Ara Poutama’s submissions on policies WH.P15 and P.P14, Ara Poutama considers that applicants should be given a reasonable opportunity to undertake their own aquatic offsetting or compensation to address more than minor residual adverse effects, in line with the effects management hierarchy provided for under the NPS-FM. To recognise this, Ara Poutama considers that “is required” must be replaced with “may be required”.</p> <p>Secondly, Ara Poutama considers that amendments are necessary to clarify that the financial contribution is not for greenfield development generally, but new impervious surfaces created as part of greenfield development.</p> <p>Thirdly, references to offsetting should be accompanied by references to compensation. This is because there is insufficient certainty about whether the financial contribution will be used (as set out in section E) to address the residual stormwater contaminants from new impervious surfaces discharged within the catchment (which is offsetting), or whether it will be used to improve water quality across a range of values, not limited to impervious surface contaminants, in the whaitua</p>	<p>Amend schedule as follows:</p> <p><u>B Purpose</u></p> <p><u>A financial contribution is may be required for all the creation of new impervious surfaces as part of new greenfield development, new roads and state highways requiring a resource consent to offset or compensate for more than minor residual contaminant load from stormwater discharges entering freshwater and coastal water receiving environments to ensure the maintenance or improvement of water quality within the affected whaitua. Financial contributions collected will be utilised to fund and construct new, or upgrade existing, catchment scale stormwater treatment systems serving existing urban development, within the same whaitua and if practicable, the same part Freshwater Management Unit.</u></p>

NRP provision under PC1	Position	Submission	Relief sought
		<p>generally (which is compensation).</p> <p>Fourthly, in line with Ara Poutama's submissions on policies WH.P15 and P.P14, Ara Poutama considers that amendment to the paragraph is necessary to reflect that the NPS-FM only requires offsetting or compensation in circumstances where the residual adverse effects are more than minor.</p>	
<p><u>C Definition of an Equivalent Household Unit</u></p> <p><u>An Equivalent Household Unit (EHU) is the basis for assessing the residual environmental impact (measured for copper and zinc contaminants in this instance) of the development of an average-sized residential unit for the purposes of calculating a financial contribution. Each average-sized new residential unit is deemed to create one unit of impact (one EHU).</u></p> <p><u>Because non-residential developments and new roads/state highways (not in direct support of a greenfield development) also impact contaminant levels, but can vary dramatically in size, every 100m² of roofing or roading/hardstand area is deemed to create one unit of impact, rather than using the EHU unit of measure used for residential development.</u></p> <p><u>Financial contributions are calculated based on the number of EHUs expected to be delivered in greenfield areas in the two whitua. Non-residential and new road/state highway financial contributions are calculated based on the amount of roofing and roading/hardstand expected.</u></p>	Amend	<p>Ara Poutama considers that consistent terminology should be used across the policies, rules and Schedule 30 when referring to impervious surfaces. As such the terms "roofing or roading/hardstand area" should be replaced with "new impervious surfaces". The term "new" is important, as the financial contribution should be calculated on the basis of new surfaces, not redeveloped ones.</p> <p>Ara Poutama also considers that the term "dramatically" is unnecessary emotive language and should be removed.</p>	<p>Amend schedule as follows:</p> <p><u>C Definition of an Equivalent Household Unit</u></p> <p><u>An Equivalent Household Unit (EHU) is the basis for assessing the residual environmental impact (measured for copper and zinc contaminants in this instance) of the development of an average-sized residential unit for the purposes of calculating a financial contribution. Each average-sized new residential unit is deemed to create one unit of impact (one EHU).</u></p> <p><u>Because non-residential developments and new roads/state highways (not in direct support of a greenfield development) also impact contaminant levels, but can vary dramatically in size, every 100m² of roofing or roading/hardstand area new impervious surface is deemed to create one unit of impact, rather than using the EHU unit of measure used for residential development.</u></p> <p><u>Financial contributions are calculated based on the number of EHUs expected to be delivered in greenfield areas in the two whitua. Non-residential and new road/state highway financial contributions are calculated based on the amount of roofing and roading/hardstand new impervious surface expected.</u></p>

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<p><u>D Calculation of level of contribution</u></p> <p><u>Financial contributions shall be calculated per EHU for residential greenfield development (Table D1), or per 100m² for non-residential greenfield development and new roads/state highways (not in direct support of a greenfield development) (Table D2).</u></p> <p><u>Table D1. Financial contribution calculations for residential greenfield development</u></p> <table border="1" data-bbox="147 496 658 715"> <thead> <tr> <th><u>Whaitua</u></th> <th><u>Residential Financial Contribution per EHU*</u></th> </tr> </thead> <tbody> <tr> <td><u>Whaitua Te Whanganui-a-Tara</u></td> <td><u>\$4, 240</u></td> </tr> <tr> <td><u>Te Awarua-o-Porirua Whaitua</u></td> <td><u>\$4, 599</u></td> </tr> </tbody> </table> <p><u>*dwellings with <55m² of roof site coverage shall be charged at 0.6 of the financial contribution rate</u></p> <p><u>Table D2. Financial contribution calculations for non-residential greenfield development and new roads/state highways</u></p> <table border="1" data-bbox="147 887 680 1355"> <thead> <tr> <th><u>Whaitua</u></th> <th><u>Non-residential (i.e new commercial, industrial, town centre areas) Financial Contributions per 100m²</u></th> <th><u>New roads and state highways (not in direct support of a new greenfield development) Financial Contribution per 100m²</u></th> </tr> </thead> <tbody> <tr> <td><u>Whaitua Te Whanganui-a-Tara</u></td> <td><u>\$858</u></td> <td><u>\$360</u></td> </tr> <tr> <td><u>Te Awarua-o-Porirua Whaitua</u></td> <td><u>\$858</u></td> <td><u>\$360</u></td> </tr> </tbody> </table> <p><u>Financial contributions shall be imposed as a condition of consent and will be collected prior to</u></p>	<u>Whaitua</u>	<u>Residential Financial Contribution per EHU*</u>	<u>Whaitua Te Whanganui-a-Tara</u>	<u>\$4, 240</u>	<u>Te Awarua-o-Porirua Whaitua</u>	<u>\$4, 599</u>	<u>Whaitua</u>	<u>Non-residential (i.e new commercial, industrial, town centre areas) Financial Contributions per 100m²</u>	<u>New roads and state highways (not in direct support of a new greenfield development) Financial Contribution per 100m²</u>	<u>Whaitua Te Whanganui-a-Tara</u>	<u>\$858</u>	<u>\$360</u>	<u>Te Awarua-o-Porirua Whaitua</u>	<u>\$858</u>	<u>\$360</u>	<p>Amend</p>	<p>Ara Poutama considers that section D of the schedule needs to be amended to clarify that the financial contribution is based on the area of new impervious surface, not the total area of the development.</p>	<p>Amend schedule as follows:</p> <p><u>D Calculation of level of contribution</u></p> <p><u>Financial contributions shall be calculated per EHU for residential greenfield development (Table D1), or per 100m² of new impervious surface area for non-residential greenfield development and new roads/state highways (not in direct support of a greenfield development) (Table D2).</u></p> <p><u>Table D1. Financial contribution calculations for residential greenfield development</u></p> <table border="1" data-bbox="1424 509 1964 727"> <thead> <tr> <th><u>Whaitua</u></th> <th><u>Residential Financial Contribution per EHU*</u></th> </tr> </thead> <tbody> <tr> <td><u>Whaitua Te Whanganui-a-Tara</u></td> <td><u>\$4, 240</u></td> </tr> <tr> <td><u>Te Awarua-o-Porirua Whaitua</u></td> <td><u>\$4, 599</u></td> </tr> </tbody> </table> <p><u>*dwellings with <55m² of roof site coverage shall be charged at 0.6 of the financial contribution rate</u></p> <p><u>Table D2. Financial contribution calculations for non-residential greenfield development and new roads/state highways</u></p> <table border="1" data-bbox="1424 900 2085 1355"> <thead> <tr> <th><u>Whaitua</u></th> <th><u>Non-residential (i.e new commercial, industrial, town centre areas) Financial Contributions per 100m² of new impervious surface</u></th> <th><u>New roads and state highways (not in direct support of a new greenfield development) Financial Contribution per 100m² of new impervious surface</u></th> </tr> </thead> <tbody> <tr> <td><u>Whaitua Te Whanganui-a-Tara</u></td> <td><u>\$858</u></td> <td><u>\$360</u></td> </tr> <tr> <td><u>Te Awarua-o-Porirua Whaitua</u></td> <td><u>\$858</u></td> <td><u>\$360</u></td> </tr> </tbody> </table> <p><u>Financial contributions shall be imposed as a condition of consent and will be collected prior to the consent being given</u></p>	<u>Whaitua</u>	<u>Residential Financial Contribution per EHU*</u>	<u>Whaitua Te Whanganui-a-Tara</u>	<u>\$4, 240</u>	<u>Te Awarua-o-Porirua Whaitua</u>	<u>\$4, 599</u>	<u>Whaitua</u>	<u>Non-residential (i.e new commercial, industrial, town centre areas) Financial Contributions per 100m² of new impervious surface</u>	<u>New roads and state highways (not in direct support of a new greenfield development) Financial Contribution per 100m² of new impervious surface</u>	<u>Whaitua Te Whanganui-a-Tara</u>	<u>\$858</u>	<u>\$360</u>	<u>Te Awarua-o-Porirua Whaitua</u>	<u>\$858</u>	<u>\$360</u>
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NRP provision under PC1	Position	Submission	Relief sought
<u>the consent being given effect to.</u>			<u>effect to.</u>
<p><u>E Use</u></p> <p><u>Financial contributions collected by Wellington Regional Council for a particular greenfield development shall only be invested in catchment scale stormwater treatment system projects within the same whaitua and if practicable, the same part Freshwater Management Unit as that from where the financial contribution was collected. Wellington Regional Council will distribute collected funds to a relevant stormwater network utility operator to undertake capital expenditure projects that allow improvements in stormwater quality towards meeting the relevant target attribute states in Objectives WH.O3, WH.O8, P.O3 and P.O5.</u></p>	Neutral	<p>While Ara Poutama is generally neutral on the content of this provision, Ara Poutama has concerns that the use of financial contributions to fund catchment scale stormwater treatment projects undertaken by the stormwater network utility operator creates a real risk of “double dipping” of the kind prohibited under section 200 of the LGA. This is particularly the case as development contributions are already used to fund the upgrading and development of the stormwater network.</p> <p>Further, it is unclear whether the Council’s Long-term Plan/Infrastructure Strategy provides for the catchment scale stormwater treatment projects that will be funded by the financial contribution. If these are not clearly provided for in the LTP/Infrastructure Strategy, there is no certainty that the financial contributions will be spent for their intended purpose. If the catchment scale stormwater treatment projects are not provided for in the LTP/Infrastructure Strategy, this would be contrary to section 106 of the LGA, which provides that financial contributions relate to capital expenditure in the Council’s LTP.</p> <p>Ara Poutama considers that these matters should be addressed by the Council in order to provide certainty to those paying financial contributions that the contributions will achieve their intended purpose.</p>	Retain as notified.
Schedule 33: Vegetation Clearance Erosion and Sediment Management Plan			
<u>Schedule 33: Vegetation Clearance Erosion and Sediment Management Plan</u>	Oppose	Ara Poutama opposes the schedule being included within the freshwater planning instrument, on the basis that the purpose of the schedule is to manage land use for the purposes of soil conservation. Ara Poutama seeks that the schedule be reallocated to the Part 1 Schedule 1 planning instrument.	Reallocate the schedule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.
<p><u>C Requirements of the Erosion and Sediment Management Plan</u></p> <p><u>C1 Contents of the Erosion and Sediment</u></p>	Amend	Ara Poutama considers that the terms “critical source areas” and “hotspots for sediment loss to surface water” under clause (b)(ix) are unclear, and should be defined so that it is clear to plan users what these terms mean, and what is sought to be	Define the terms “critical source areas” and “hotspots for sediment loss to surface water” in relation to Schedule 33 C1(b)(ix).

NRP provision under PC1	Position	Submission	Relief sought
<p><u>Management Plan</u></p> <p><u>The Erosion and Sediment Management Plan shall contain as a minimum:</u></p> <p><u>(a) The following details that describe the land where the vegetation clearance is proposed:</u></p> <ul style="list-style-type: none"> <u>(i) The full name, postal and physical address and contact details (including email addresses and telephone numbers) of the person responsible for vegetation clearance on the land, including the name of and contact details for the managers or contractors, and</u> <u>(ii) The property location identifier, the cadastral and map references and GIS polygon reference, and</u> <u>(iii) The legal description and ownership of each parcel of land if different from the person responsible for vegetation clearance on the land, and</u> <u>(iv) The full name, postal and physical address and contact details (including email addresses and telephone numbers), qualifications and relevant experience of the person responsible for preparing the Erosion and Sediment Management Plan.</u> <p><u>Maps</u></p> <p><u>(b) The Erosion and Sediment Management Plan must include maps at a scale not less than 1:10000 that include and show:</u></p> <ul style="list-style-type: none"> <u>(i) the computer freehold register, the date, and a north arrow, and</u> <u>(ii) the vegetation clearance and</u> 		<p>mapped under this clause.</p>	

NRP provision under PC1	Position	Submission	Relief sought
<p><u>operational area boundaries, and</u></p> <p>(iii) <u>the public road(s) used for access, entry points to the land and rural number(s) of entry point(s), and</u></p> <p>(iv) <u>the external property boundaries within 200 m of the vegetation clearance areas, and</u></p> <p>(v) <u>the catchment and sub-catchment that the vegetation clearance area is within and a map showing the location of the vegetation clearance area within the catchment and sub- catchment, and</u></p> <p>(vi) <u>the location (and for named waterbodies, the names) of waterbodies on the property, including permanently or intermittently flowing including rivers, streams, drains; wetlands, lakes and springs, and specifically identifying any waterbodies where vegetation clearance activities are subject to <i>Resource Management (National Environmental Standards for Freshwater) Regulations 2020</i> or rules in the Plan, and</u></p> <p>(vii) <u>the location of any site or river included in Schedules B, C, F1 and F3 of this Plan that is within, or adjacent to, the vegetation clearance area, and</u></p> <p>(viii) <u>a 1m digital elevation model overlay of the terrain of the vegetation clearance area, and</u></p> <p>(ix) <u>the location of land with highest erosion risk land (woody vegetation), any other critical source areas, and hotspots for sediment loss to surface water, and</u></p>			

NRP provision under PC1	Position	Submission	Relief sought
<p>(x) <u>location of the proposed vegetation clearance operations including earthworks, land preparation, roads and formed tracks and access ways, water body entry or crossing, harvesting methods, skid and landing sites.</u></p> <p><i>Operating systems and practices</i></p> <p>(c) <u>A description of the planned vegetation clearance operations and management practices. This shall be in sufficient detail to reflect the scale of any environmental risk and the measures in place, or to be undertaken, that will mitigate the risk of sediment loss from the land as a result of vegetation clearance activity. At a minimum, this shall include a description of management practices to be used, including specific practices identified in relevant guidelines for:</u></p> <ul style="list-style-type: none"> (i) <u>Planning and design for construction, maintenance and rehabilitation of roads, tracks, skid sites and landings; clearing and stripping of land; bulk earthworks; and fill placement and compaction, and</u> (ii) <u>Erosion and sediment control measures, including structures and vegetation to manage erosion and minimise sediment loss, and</u> (iii) <u>Vegetation clearance techniques and practices with particular regard for highest erosion risk land (woody vegetation), and</u> (iv) <u>Managing debris and slash, and</u> (v) <u>Rehabilitation and revegetation of highest erosion risk land (woody vegetation), and</u> 			

NRP provision under PC1	Position	Submission	Relief sought
<p>(vi) <u>Recording and monitoring of management practices and performance of mitigation measures, and</u></p> <p>(vii) <u>Monitoring of effects of activities on land stability and water quality.</u></p> <p>(viii) <u>Other practices necessary to assess and mitigate the risk of sediment loss.</u></p> <p>(d) <u>The Erosion and Sediment Management Plan shall set out the time period over which the good management practices and mitigation measures will be implemented and the methods by which their implementation will be recorded and performance and effects monitored.</u></p>			
Schedule 34: Plantation Forestry Erosion and Sediment Management Plan			
<u>Schedule 34: Plantation Forestry Erosion and Sediment Management Plan</u>	Oppose	Ara Poutama opposes the schedule being included within the freshwater planning instrument, on the basis that the purpose of the schedule is to manage land use for the purposes of soil conservation. Ara Poutama seeks that the schedule be reallocated to the Part 1 Schedule 1 planning instrument.	Reallocate the schedule so that it is part of the Part 1 Schedule 1 planning instrument, and not part of the freshwater planning instrument.
<p><u>A Purpose of the Erosion and Sediment Management Plan</u></p> <p><u>The purpose of an Erosion and Sediment Management Plan is:</u></p> <p>(a) <u>to identify the risks of the loss of sediment from the plantation forestry, and</u></p> <p>(b) <u>identify management practices and mitigation measures to address these risks.</u></p> <p><u>B Management objectives</u></p> <p><u>The Erosion and Sediment Management Plan must demonstrate that the measures adopted to address the identified risks will:</u></p> <p><u>1. minimise sediment loss from activities in the plantation forest by adopting, as a minimum, good</u></p>	Amend	<p>In relation to clause B(2), Ara Poutama considers the term “avoid” is a very high and potentially unachievable threshold, and should be replaced with “minimise”.</p> <p>Contained within the same clause, it is unclear which state the term “natural state” refers to, particularly where existing land uses have occurred for some time.</p> <p>In terms of measuring whether a plantation forest can achieve the same risk of sediment loss to water compared to a natural state, sediment loss from a plantation forest will vary over the course of its 25 year span. There will be an increase in sediment loss at harvest time, but sediment loss will reduce over the course of the forest rotation. It is unclear whether this clause would allow consideration of</p>	<p>Amend clause B(2) to clarify the term “revegetation”, and reword as follows:</p> <p><u>2. avoid minimise any increase in risk of loss of sediment to water relative to the risk of loss that exists from the land in a natural state, ...</u></p> <p>Retain clause B(3) as notified.</p> <p>Delete clause B(4).</p> <p>Delete sections C1, C2, and D.</p>

NRP provision under PC1	Position	Submission	Relief sought
<p><u>management practice, and</u></p> <p><u>2. avoid an increase in risk of loss of sediment to water relative to the risk of loss that exists from the land in a natural state, and</u></p> <p><u>3. achieve the discharge standard in Rule WH.R20(c) or Rule P.R19(c) for any discharge of water and sediment from plantation forestry into a surface water body, and</u></p> <p><u>4. provide for plantation forestry on highest erosion risk land (Plantation forestry) to progressively reduce and cease beyond the next harvest. This land is to be restored and revegetated with appropriate permanent woody species.</u></p> <p><u>C Requirements of the Erosion and Sediment Management Plan</u></p> <p><u>C1 Contents of the Erosion and Sediment Management Plan</u></p> <p><u>The Erosion and Sediment Management Plan shall contain as a minimum:</u></p> <p><u>(a) The following details that describe the land in plantation forest:</u></p> <p><u>(i) Full name, postal and physical address and contact details (including email addresses and telephone numbers) of the person responsible for plantation forestry on the land, including the name of and contact details for the harvest or earthworks managers or contractors, and</u></p> <p><u>(ii) The forest name or property location identifier, the cadastral and map references and GIS polygon reference, and</u></p> <p><u>(iii) The legal description and ownership of each parcel of land if different from the person responsible for plantation forestry 276 on the land, and</u></p> <p><u>(iv) The legal description of the land which is the subject of the Erosion and Sediment Management</u></p>		<p>overall benefits that plantation forests provide to reduce sediment loss over the longer term.</p> <p>Ara Poutama is generally neutral on clause B3, which aligns with its positions on Rules WH.R20 and P.R19.</p> <p>Ara Poutama also questions the feasibility of clause B4. The practicality of replanting land with natives after harvesting a plantation forest can pose challenges. Replanting with pine still provides benefits for stabilising erosion-prone land. As an additional consideration, the Emissions Trading Scheme requires that forests registered to the scheme are replanted, as they provide important carbon sequestration benefits.</p> <p>Ara Poutama therefore seeks that the term "revegetation" under clause B3(1)(a) be clarified to include a range of vegetation types, including plantation forestry. Regarding the required contents, certification, and amendment of erosion and sediment management plans, the provisions in sections C1, C2, and D of this schedule appear to be a duplication of the requirements in NES-CF Schedule 4 for forestry earthworks management plans and the Regional Council's earthworks and sediment control management plan guidelines. Ara Poutama questions why these requirements need to be duplicated and suggests these be removed. References to these requirements and guidelines can be inserted if considered necessary.</p>	

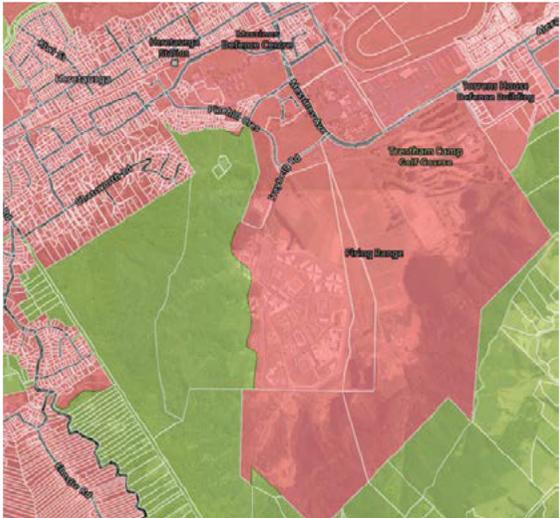
NRP provision under PC1	Position	Submission	Relief sought
<p><u>Plan. Maps</u></p> <p><u>(b) The Erosion and Sediment Management Plan must include maps at a scale not less than 1:10 000 that include and show:</u></p> <p><u>(i) the computer freehold register, the date, and a north arrow, and</u></p> <p><u>(ii) the plantation forest and operational area boundaries, and</u></p> <p><u>(iii) the public road(s) used for forest access, entry points to the forest and rural number(s) of entry point(s), and</u></p> <p><u>(iv) the external property boundaries within 200m of plantation forest activities, and</u></p> <p><u>(v) the catchment and sub-catchment that the plantation forest is within and a map showing the location of the plantation forest within the catchment and sub-catchment, and</u></p> <p><u>(vi) the location (and for named waterbodies, the names) of waterbodies on the property, including permanently or intermittently flowing including rivers, streams, drains; wetlands, lakes and springs, and specifically identifying any waterbodies where plantation forestry activities are subject to Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and this Plan, and</u></p> <p><u>(vii) the location of any site or river included in the Schedules B, C, F1 and F3 of this Plan that is within, or adjacent to, the plantation forestry, and</u></p> <p><u>(viii) a 1m digital elevation model overlay of the terrain of the plantation forest, and</u></p> <p><u>(ix) the location of land with highest erosion risk land (Plantation forestry), any other critical source areas, and hotspots for sediment loss to surface water, and</u></p> <p><u>(x) the location of the existing or proposed plantation forestry operations including</u></p>			

NRP provision under PC1	Position	Submission	Relief sought
<p><u>earthworks, land preparation, forest roads and formed tracks and access ways, water body entry or crossing, harvesting methods, skid and landing sites. 277 Operating systems and practices</u></p> <p><u>(c) A description of the current and planned plantation forestry system, operations and management practices. This shall be in sufficient detail to reflect the scale of any environmental risk and the measures in place, or to be undertaken, that will mitigate the risk of sediment loss from the land as a result of plantation forestry activity.</u></p> <p><u>At a minimum, this shall include a description of management practices to be used, including specific practices identified in industry guidelines such as NZ Forest Owners Association Forest Practice Guide 2020, for:</u></p> <p><u>(i) Planning and design for construction, maintenance and rehabilitation of roads, tracks, skid sites and landings; clearing and stripping of land; bulk earthworks; and fill placement and compaction, and</u></p> <p><u>(ii) Erosion and sediment control measures, including structures and vegetation to manage erosion and minimise sediment loss, and</u></p> <p><u>(iii) Harvest techniques and practices with particular regard for highest erosion risk land (Plantation forestry), and</u></p> <p><u>(iv) Managing harvest slash, and</u></p> <p><u>(v) Planting and replanting of plantation forest, and</u></p> <p><u>(vi) Rehabilitation and revegetation of highest erosion risk land (Plantation forestry), and</u></p> <p><u>(vii) Recording and monitoring of management practices and performance of mitigation measures, and</u></p> <p><u>(viii) Monitoring of effects of activities on land stability and water quality, and</u></p>			

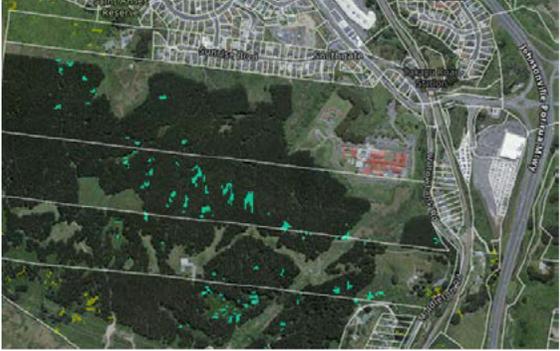
NRP provision under PC1	Position	Submission	Relief sought
<p><u>(ix) Other practices necessary to assess and mitigate the risk of sediment loss.</u></p> <p><u>(b) The Erosion and Sediment Management Plan shall set out the time period over which the good management practices and mitigation measures will be implemented and the methods by which their implementation will be recorded and performance and effects monitored.</u></p> <p><u>C2 Certification of the Erosion and Sediment Management Plan</u></p> <p><u>1. The Erosion and Sediment Management Plan shall be certified by a 278 registered forestry adviser.</u></p> <p><u>2. The certification process shall be to assess the effectiveness of the Erosion and Sediment Management Plan to meet the objectives of the Erosion and Sediment Management Plan, and to recommend amendments to the Plan that will, in the opinion of a registered forestry adviser, increase the effectiveness of the measures in the Plan to achieve the objectives.</u></p> <p><u>D Amendment of Erosion and Sediment Management Plan</u></p> <p><u>Unless otherwise required by the Wellington Regional Council in accordance with any conditions of any resource consent held in respect of the plantation forest or property, changes can be made to the Erosion and Sediment Management Plan without triggering the need for a consent review or review by a registered forestry adviser provided:</u></p> <p><u>(a) the purpose of the Erosion and Sediment Management Plan will continue to be achieved, and</u></p> <p><u>(b) the change to the Erosion and Sediment Management Plan does not contravene any mandatory requirement of any resource consent held in respect of the plantation forest or property, or any requirement of the Plan that is not already</u></p>			

NRP provision under PC1	Position	Submission	Relief sought
<p><u>authorised, and</u></p> <p><u>(c) the nature of the change is documented in writing and made available to the Wellington Regional Council.</u></p>			
Chapter 13: Maps			
<p>Map 77: Habitats of nationally threatened freshwater species Schedules A2, F1, F2, Whatua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua</p>	Amend	<p>The GIS mapping of riverine habitats described in Map 77 and Schedule F1 does not appear to accurately align with actual river extents.</p> <p>Plan users will rely on the mapping of scheduled riverine habitats to interpret the spatial application of Schedule F1. To ensure certainty with respect to the application of the rules that relate to scheduled riverine habitats, the habitats to which the rules apply should be accurately mapped.</p>	Amend GIS mapping of riverine environments described in Map 77 to accurately reflect the habitat extents covered by Schedule F1.
<p>Map 86: Unplanned greenfield areas – Te Awarua-o-Porirua</p>	Oppose	<p>Arohata Prison is located within “unplanned greenfield area” identified in Map 86.</p>  <p><i>Figure 1: Arohata Prison</i></p> <p>Ara Poutama considers that the general approach taken by PC1 to “unplanned greenfield</p>	Amend map to include Arohata Prison site within the “planned/existing urban area”.

NRP provision under PC1	Position	Submission	Relief sought
		<p>development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of its assets in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”.</p> <p>Ara Poutama also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA, there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council’s position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Ara Poutama notes that its principal concern with this approach is that it is unclear whether it would prohibit the upgrading or development of its assets. However, if the relief sought by Ara Poutama on the definition of “unplanned greenfield development” is granted in full, Ara Poutama would consider adopting a neutral position on this map.</p>	

NRP provision under PC1	Position	Submission	Relief sought
<p>Map 88: Unplanned greenfield areas – Te Whanganui-a-Tara</p>	<p>Oppose</p>	<p>Rimutaka Prison is partially located within “unplanned greenfield area” identified in Map 86.</p>  <p><i>Figure 2: Rimutaka Prison</i></p> <p>Ara Poutama considers that the general approach taken by PC1 to “unplanned greenfield development” is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. In particular, it is unclear whether all development is prohibited by the approach, or just specific kinds of urban development. As a result, the approach could prohibit works associated with the maintenance, upgrading and development of its assets in areas identified as “unplanned greenfield development areas”, where such works are considered to be “greenfield development”.</p> <p>Ara Poutama also questions the efficiency and practicality of the proposed approach, which creates a significant jurisdictional overlap between territorial authorities, the regional council, and the Minister of Conservation (because it is a coastal provision) on the management of development in “unplanned greenfield development areas”. Except for combined planning documents under section 80 of the RMA,</p>	<p>Amend map to include Rimutaka Prison site within the “planned/existing urban area”.</p>

NRP provision under PC1	Position	Submission	Relief sought
		<p>there are no provisions in the RMA that provide for combined hearing, decision making, and appeals on proposed changes to separate regional and district plans. Decisions must be made separately by the territorial authority and regional council, and in this case, any change to the unplanned greenfield development area maps must also be approved by the Minister of Conservation. This is likely to be highly inefficient for those seeking changes to regional and district plans, as well as those submitting on them, and the risk of inconsistent decision making is high. If it is the Council's position that this issue requires a combined approach with territorial authorities, then the appropriate means of providing for this is through a combined planning document (and the Council is obliged to consider this under section 80(7) of the RMA).</p> <p>Ara Poutama notes that its principal concern with this approach is that it is unclear whether it would prohibit the upgrading or development of its assets. However, if the relief sought by Ara Poutama on the definition of "unplanned greenfield development" is granted in full, Ara Poutama would consider adopting a neutral position on this map.</p>	
<p>Map 92: Highest erosion risk land (Plantation forestry) Te Awarua-o-Porirua Whaitua</p>	<p>Amend</p>	<p>Parts of the Arohata Prison site are located near land that is mapped as "Highest erosion risk land (Plantation forestry)" in Map 91 (see figure below).</p> <p>The mapping of "Highest erosion risk land (Plantation forestry)" includes many small areas of identified land that are incohesive (the size of each individual square identified in the maps is 5m by 5m). Ara Poutama questions the value of regulating small, incohesive areas of plantation forestry. To ensure that they are efficient to administer and effective at achieving their intended outcome, Ara Poutama considers that the maps should be amended to only identify cohesive areas of plantation forestry, and remove incohesive or isolated areas.</p>	<p>Amend Map 92, and the associated GIS map layer, to only identify cohesive areas of "Highest erosion risk land (Plantation Forestry)".</p>

NRP provision under PC1	Position	Submission	Relief sought
		 <p data-bbox="842 568 1402 679"><i>Figure 31: image showing areas of "Highest erosion risk land (Plantation forestry)" (shown in green squares) around Arohata Prison. Each square measures 5m by 5m.</i></p>	
<p data-bbox="147 711 685 791">Map 93, 94, and 95: Highest erosion risk land (Woody vegetation), (Pasture), and (Plantation forestry) Whaitua Te Whanganui-a-Tara</p>	<p data-bbox="707 711 819 727">Amend</p>	<p data-bbox="842 711 1402 815">Parts of the Rimutaka Prison site are located near land that is mapped as Highest erosion risk land (Woody vegetation), (Pasture), and (Plantation forestry) in Maps 93, 94, and 95 (see figure below).</p> <p data-bbox="842 839 1402 1222">The mapping of Highest erosion risk land (Woody vegetation), (Pasture), and (Plantation forestry) includes many small areas of identified land that are incohesive (the size of each individual square identified in the maps is 5m by 5m). Ara Poutama questions the value of regulating small, incohesive areas of woody vegetation, pasture, and plantation forestry. To ensure that the maps (and the rules for vegetation removal) are efficient to administer and effective at achieving their intended outcome, Ara Poutama considers that the maps should be amended to only identify cohesive areas of woody vegetation, pasture, and plantation forestry, and remove incohesive or isolated areas.</p>	<p data-bbox="1424 711 2074 815">Amend Maps 93, 94, and 95 and the associated GIS map layer, to only identify cohesive areas of "Highest erosion risk land (Woody vegetation), (Pasture), and (Plantation Forestry)".</p>

NRP provision under PC1	Position	Submission	Relief sought
		 <p data-bbox="842 887 1402 999"><i>Figure 4: image showing areas of Highest erosion risk land (Woody vegetation) and (Pasture) (shown in green squares) around Rimutaka Prison. Each square measures 5m by 5m.</i></p>	
Appendix 1: Provisions that no longer apply to Whaitua Te Whanganui-a-Tara and/or Te Awarua-o-Porirua Whaitua			
<p data-bbox="147 1070 685 1158">Amend the following rule so that it no longer applies in Whaitua Te Whanganui-a-Tara and/or Te Awarua-o-Porirua Whaitua:</p> <p data-bbox="147 1182 685 1222">Rule R101: Earthworks – permitted activity</p> <p data-bbox="147 1230 685 1398">The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from earthworks up to a total area of 3,000m² per property per 12 month period is a permitted activity, provided the following conditions are met:</p>	Oppose	<p data-bbox="842 1070 1402 1406">Ara Poutama considers that the operative permitted activity rule for earthworks should continue to apply within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua, on the basis that rules WH.R23 and P.R22 do not provide any permitted activity threshold for earthworks that are smaller than 3,000m² per property (except for implementing farm erosion risk treatment plans or farm environment plans), and the operative rule it provides reasonable conditions for undertaking all other earthworks that are less than 3,000m² that are not otherwise permitted by WH.R23 and P.R22.</p>	<p data-bbox="1424 1070 2089 1126">Retain rule R101 so that it continues to apply in Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.</p>

NRP provision under PC1	Position	Submission	Relief sought
<p>(a) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and</p> <p>(b) earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and</p> <p>(c) any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters:</p> <ul style="list-style-type: none"> (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or (ii) any conspicuous change in colour or visual clarity, or (iii) any emission of objectionable odour, or (iv) the rendering of fresh water unsuitable for consumption by animals, or (v) any significant adverse effect on aquatic life, and <p>(d) earthworks shall not occur within 5m of a surface water body except for earthworks undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and</p> <p>(e) work areas are stabilised within six months after the completion of the earthworks.</p>			