

15 December 2023

To: Greater Wellington Regional Council
Environmental Policy
PO Box 11646, Manners St
Wellington 6142
Att: Hearings Advisor

By email: regionalplan@gw.govt.nz

**Submission on Proposed Plan Change 1 to the Natural Resources Plan
for the Wellington Region pursuant to Clause 6 of The First Schedule of
the *Resource Management Act 1991***

Submitter:

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Hereafter referred to as the Fuel Companies

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¹ On behalf of the wider Z group, including the Z Energy and Caltex operations in New Zealand.

Introduction

1. bp Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the Fuel Companies*) receive, store and distribute refined petroleum products around New Zealand. In the Wellington Region, the Fuel Companies' core business relates to retail fuel outlets including service stations and truck stops, and supply to commercial facilities. The Fuel Companies also have aviation facilities and bulk fuel supply infrastructure, including bulk storage tanks and associated wharflines, at port areas within Wellington Harbour (Port Nicholson) including Kaiwharawhara, Seaview and Miramar. This bulk fuel supply infrastructure is defined as regionally significant infrastructure in the operative Regional Policy Statement (*RPS*), Proposed Change 1 to the RPS and the operative Wellington Natural Resources Plan.
2. Greater Wellington Regional Council (*GWRC*) has notified Proposed Plan Change 1 to the Natural Resources Regional Plan (*PC1*). The focus of PC1 is on:
 - Management of freshwater and coastal water within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua to implement the National Policy Statement for Freshwater Management 2020 within those whaitua
 - Amendments to the air quality rules
 - Amendments to the beds of lakes and rivers rules
 - New sites with significant indigenous biodiversity values.
3. PC1 includes objectives and policies, rules and other methods to manage activities such as earthworks, stormwater discharges including from new urban development, wastewater discharges, and rural land use to achieve water quality and ecological health objectives within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.

The specific provisions of PC1 that the Fuel Companies' submission relates to are summarised as follows:

4. The specific provisions submitted on, the rationale for the Fuel Companies' submission on each of these matters, and the relief sought is contained in the attached **Schedule A**. Specific changes sought to the provisions are shown with deletions in ~~red strikethrough~~ and additions in red underline. The Fuel Companies support alternative relief that achieves the same outcomes.
5. In addition to the specific outcomes and relief sought, the following general relief is sought:
 - a) To achieve the following:
 - i. The purpose and principles of the *Resource Management Act 1991 (RMA)* and consistency with the relevant provisions in Sections 6 - 8 RMA.
 - ii. Give effect to the Regional Policy Statement.

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- iii. Give effect to National Policy Statements, Environmental Standards and Regulations, including the National Policy Statement for Freshwater Management (NPSFM)
 - iv. Assist the Council to carry out its functions under Section 30 RMA.
 - v. Meet the requirements of the statutory tests in Section 32 of the RMA.
 - vi. Avoid, remedy or mitigate any relevant and identified environmental effects.
- b) To make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document.
 - c) To make any other relief required to give effect to the issues raised in this submission.

The Fuel Companies wish to be heard in support of this submission.

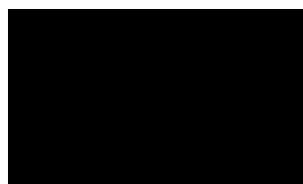
If others make similar submissions the Fuel Companies may be prepared to consider presenting a joint case with them at any hearing.

The Fuel Companies could not gain an advantage in trade competition through this submission.

The Fuel Companies are directly affected by an effect of the subject matter of that submission that:

- I. Adversely affects the environment; and***
- II. Does not relate to trade competition or the effects of trade competition.***

Signed on behalf of bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited



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Attachments: Schedule A: Fuel Companies' submission to Proposed Plan Change 1 to the Natural Resources Regional Plan for the Wellington Region

Schedule A: Fuel Companies submission and relief to Proposed Plan Change 1 to the Natural Resources Regional Plan for the Wellington Region

Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
2.2 Definitions			
High risk industrial or trade premise	Oppose in Part	<p>The Fuel Companies are not opposed to the concept or the intent of the definition of High Risk Industrial and Trade Premises, which is assumed to address the likes of the bulk fuel storage terminals at Seaview, Kaiwharawhara or Miramar. There is, however, some uncertainty in the definition that needs to be clarified to ensure that the broad category of 'petroleum or petrochemical industries' does not include service stations and/or other similar scale refuelling activities undertaken in compliance with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand, Ministry for the Environment, December 1998 (<i>MfE Guidelines for Water Discharges</i>). The Fuel Companies do not accept that these types of activities constitute '<u>high risk</u>' industrial or trade premises.</p> <p>The MfE Guidelines for Water Discharges provides an effective regime for ensuring that stormwater discharges do not cause significant adverse effects on the environment. Those guidelines cover stormwater discharges from sites including:</p> <ul style="list-style-type: none"> • retail service stations, • truck stops, 	<p>Amend the definition of High Risk Industrial and Trade Premises to exclude service stations and truck stops with a complying interceptor. This could be achieved by making the following changes, or changes to the same effect:</p> <p><i>High risk industrial or trade premise</i> <i>An industrial or trade premise that stores, uses or generates contaminants or hazardous substances on-site that are exposed to rain and could become entrained in stormwater. Activities that may occur at these premises could include:</i></p> <ul style="list-style-type: none"> • <i>boat construction and maintenance</i> • <i>commercial cement, concrete or lime manufacturing or storage</i> • <i>chemical manufacture, formulation or bulk storage, recovery, processing or recycling</i> • <i>fertiliser manufacture or bulk storage</i> • <i>storage of hazardous wastes including waste dumps or dam tailings associated with mining activities</i> • <i>petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, <u>but excludes service stations, truck stops and refuelling facilities that comply with Ministry for the Environment 1998 Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand.</u></i> <p>...</p>



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		<ul style="list-style-type: none"> • terminals and depots and • lubricating oil blending and grease manufacturing plants. <p>In this context the Fuel Companies accept that, a stormwater consent may be considered appropriate at bulk fuel storage terminals given that there are a range of other operational discharges from such facilities that need to be considered and managed as part of the overall site management, and recognising that stormwater management needs to be integrated into that regime. Such a matter is best dealt with through the consent process.</p> <p>However for service stations, truckstops and commercial refuelling facilities the risks are well understood and are readily managed via compliance with the MfE Guideline for Water Discharges.</p> <p>A number of other jurisdictions effectively address this matter and recognise that service stations, truckstops and commercial refuelling facilities that comply with the MfE Guideline for Water Discharges do not represent a 'high risk'.</p> <p>For example:</p> <ul style="list-style-type: none"> - Environment Waikato has included a "deemed to comply" provision for discharges from service stations and truckstops complying with the MfE Guideline for Water Discharges; - the Auckland Unitary Plan (operative in part) permits industrial and trade discharges that are listed as moderate risk activities (i.e. service stations are moderate if they comply with the MfE Guidelines as 	



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		<p>are truckstops (non-service station) having an activity area of less than 1,000m²); and</p> <ul style="list-style-type: none"> - the Northland Regional Plan specifically excludes service stations, truck stops and refuelling facilities that comply with the MfE Water Discharge Guidelines from the definition of High Risk Industrial or Trade Premises and provides for such facilities as a permitted activity. <p>As such, the Fuel Companies consider service stations, truckstops or commercial refuelling facilities that comply with the MfE Water Discharge Guidelines should be excluded from the definition of high risk industrial and trade premises, and managed through the stormwater provisions in a way that is commensurate to the level of risk.</p>	
Hydrological control*	Support	The definition of 'hydrological control' is supported.	<p>Retain the definition of hydrological control, as follows:</p> <p><i>Hydrological control*</i></p> <p><i>The management of a range of stormwater flows and volumes, and the frequency and timing of those flows and volumes, from a site or sites into rivers, lakes, wetlands, springs, riparian margins, and other receiving environments in a way that replicates natural processes for the purpose of reducing bank erosion, slumping, or scour, to protect freshwater ecosystem health and well-being.</i></p>
Impervious surfaces	Support	The definition of 'impervious surfaces' is supported.	<p>Retain the definition of 'impervious surfaces' as follows:</p> <p><i>Surfaces that prevent or significantly impede the infiltration of stormwater into soil or the ground, includes:</i></p> <ul style="list-style-type: none"> • roofs



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			<ul style="list-style-type: none"> • <i>paved areas (including sealed/compacted metal) such as roads, driveways, parking areas, sidewalks/foot paths or patios, and excludes:</i> <ul style="list-style-type: none"> • <i>grassed areas, gardens and other vegetated areas</i> • <i>porous or permeable paving</i> • <i>slatted decks which allow water to drain through to a permeable surface</i> • <i>porous or permeable paving and living roofs</i> • <i>roof areas with rainwater collection and reuse</i> • <i>any impervious surfaces directed to a rain tank utilised for grey water reuse (permanently plumbed)</i>
Redevelopment	Support in part	<p>The exclusion of trenching and resurfacing associated with the installation, maintenance or repair of underground infrastructure is supported. Exclusion of minor maintenance or repairs to carparking areas, driveways and paving is also supported.</p> <p>An additional exclusion is sought for resurfacing that does not involve re-direction of existing stormwater flows or drainage networks, for minor works to pave surfaces that may not fall into one of the other categories of excluded activities, but which will not alter existing stormwater flows or volumes.</p>	<p>Amend the definition of 'redevelopment' to also exclude resurfacing that does not involve re-direction of existing stormwater flows or drainage networks, as follows:</p> <p><i>Redevelopment</i> <i>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:</i></p> <ul style="list-style-type: none"> • <i>minor maintenance or repairs to roads, carparking areas, driveways and paving</i> • <i>installation, maintenance or repair of underground infrastructure or network utilities requiring trenching and resurfacing</i> • <i>activities that only involve the re-roofing of existing buildings; <u>and</u></i> • <i><u>resurfacing that does not involve re-direction of existing stormwater flows or drainage networks.</u></i>



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Other Methods			
6.16 Supporting improved water quality outcomes Method M43: Supporting the health of urban waterbodies	Support	Method M43 is supported as appropriate and should be retained.	Retain method M43, as follows: <i>Method M43: Supporting the health of urban waterbodies Wellington Regional Council will undertake programme(s) to support the health of waterbodies, including rivers and streams, estuaries and harbours, impacted by urban activities, including to:</i> <i>(a) develop and deliver a pollution prevention programme to support effective regulation of stormwater discharges, particularly from any high risk industrial or trade premise, through active engagement with owner/operators and with a focus on preventing contaminants reaching the stormwater network, and</i> <i>(b) partner with Wellington Water Limited to:</i> ... <i>(c) develop a strategic compliance approach to ensure effective regulation of urban land uses and discharges, including to address permitted activity enforcement, consent reviews and the review of charging policies.</i>
Whaitua Te Whanganui-a-Tara			
Policies			
8.2.1 Ecosystem health and water quality			
Policy WH.P1: Improvement of aquatic ecosystem health Aquatic ecosystem health will be improved by:	Support	Policy WH.P1 is supported, and in particular the recognition, in clause (a), that reduction in contaminant loading will be a progressive process.	Retain Policy WH.P1, as follows: <i>Policy WH.P1: Improvement of aquatic ecosystem health Aquatic ecosystem health will be improved by:</i> <i>(a) progressively reducing the load or concentration of contaminants, particularly sediment, nutrients, pathogens and metals, entering water, and</i>



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			<p>(b) <i>restoring habitats, and</i></p> <p>(c) <i>enhancing the natural flow regime of rivers and managing water flows and levels, including where there is interaction of flows between surface water and groundwater, and</i></p> <p>(d) <i>co-ordinating and prioritising work programmes in catchments that require changes to land use activities that impact on water.</i></p>
<p>Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives</p>	<p>Support</p>	<p>Policy WH.P2 is supported, and in particular Clause (b), which encourages (rather than requires) redevelopment activities to reduce contaminant load. This enables recognition that in some cases best practice measures may already be in place such that further reduction may not be practicable, or appropriate in the context of the nature and scale of the particular redevelopment activity.</p> <p>The network scale approach taken to reduction in contaminant loads in Clause (d) is also supported.</p>	<p>Retain Policy WH.P2, as follows:</p> <p><i>Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives</i></p> <p><i>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:</i></p> <p>(a) <i>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</i></p> <p>(b) <i>encouraging redevelopment activities within existing urban areas to reduce the existing urban contaminant load, and</i></p> <p>(c) <i>imposing hydrological controls on urban development and stormwater discharges to rivers</i></p> <p>(d) <i>requiring a reduction in contaminant loads from urban wastewater and stormwater networks, and</i></p> <p>(e) <i>stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation, and</i></p> <p>(f) <i>requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and</i></p> <p>(g) <i>soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</i></p> <p>(h) <i>requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.</i></p>



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8.2.1 Discharges to water			
Policy WH.P5: Localised adverse effects of point source discharge	Support	Policy WH.P5 is supported, including because it appropriately recognises that adverse effects are to be considered beyond the zone of reasonable mixing.	Retain Policy WH.P5, as follows: <i>Policy WH.P5: Localised adverse effects of point source discharge</i> <i>The localised adverse effects of point source discharges to freshwater and coastal water beyond the zone of reasonable mixing are avoided or minimised, including by avoiding:</i> <ul style="list-style-type: none"> <i>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</i> <i>(ii) any conspicuous change in colour or visual clarity, or</i> <i>(iii) any emission of objectionable odour, or</i> <i>(iv) the rendering of freshwater unsuitable for consumption by farm animals, or</i> <i>(v) any significant adverse effects on aquatic life including through:</i> <ul style="list-style-type: none"> <i>(i) change in temperature, or</i> <i>(ii) reduced dissolved oxygen in surface water bodies, or</i> <i>(iii) increased toxicity effects.</i>
Policy WH.P6: Cumulative adverse effects of point source discharges	Support in part	<p>The Fuel Companies have a number of concerns with Policy WH.P6.</p> <p>In the chapeau, it is unclear whether the exclusion for stormwater networks is intended to apply in relation to network discharge consents or consents held by other parties (such as industrial or trade premises) for discharges to the receiving environment that are via the stormwater network.</p> <p>Clause (b)(i) of the policy applies to all existing discharges and specifies that where target attribute states are met those discharges are only</p>	Delete Policy WH.P6.



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		<p>appropriate if the consent conditions include a defined programme of work for improving discharge quality. This appears to suggest that all existing discharge consents will need to be reviewed to ensure such consent conditions exist. The Fuel Companies would oppose any such review of existing stormwater and operational water discharge consents, particularly where the target attribute states are met an inappropriate is opposed as unreasonable and inappropriate.</p> <p>Clause (c) relates to situations in which the target attribute states are not met and requires the conditions of existing consents to require a reduction of the adverse effects. Whilst an expectation for improvements in the quality of discharges is not necessarily opposed where the target attribute states are not met, the Fuel Companies have the same concern as in relation to Clause (b) in that there appears to be an expectation that all existing discharges consents will be reviewed and additional conditions required. That would be opposed.</p> <p>The Fuel Companies consider the policy should be deleted on the basis of uncertainty and inappropriateness.</p>	
Policy WH.P7: Discharges to groundwater	Support	Policy WH.P7 is supported as appropriate.	<p>Retain Policy WH.P7, as follows:</p> <p><i>Policy WH.P7: Discharges to groundwater</i> <i>All discharges to land that may enter groundwater, and discharges to groundwater, shall not degrade the quality of groundwater, and where</i></p>



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			<i>the quality of groundwater is degraded, existing discharges shall be managed to improve groundwater quality.</i>
Policy WH.P8: Avoiding discharges of specific products and waste	Support in part	The intent of Policy WH.P8 is supported. However, it does not address the risk inherent in the handling of hazardous substances and the potential for an accidental spillage of such substances to occur. The Fuel Companies consider the policy should be amended to address accidental spillages. Avoidance of such discharges as a first priority is supported. Where some residual risk remains, additional management measures such as containment or treatment will be appropriate to ensure contaminants do not enter water bodies.	Amend Policy WH.P8, as follows: <i>Policy WH.P8: Avoiding discharges of specific products and waste Avoid, <u>as a first priority</u>, discharges to freshwater and coastal water, including where this is via the stormwater network, of:</i> <ul style="list-style-type: none"> <i>(a) chemical cleaning products, paint, solvents, fuels and coolant, oil, wet cement products and drill cooling water, or</i> <i>(b) animal effluent from an animal effluent storage facility or from an area where animals are confined, or</i> <i>(c) untreated industrial or trade waste, or</i> <i>(d) untreated organic waste or leachate from storage of organic material.</i> <u><i>Where there is a residual risk of a discharge of the substances listed in (a) to (d) above, including any accidental spillage, management measures are implemented to contain and/or treat the discharge to avoid or mitigate adverse effects on freshwater or coastal water.</i></u>
Policy WH.P9: General stormwater policy to achieve the target attribute states and coastal water objectives	Support	The focus in Policy WH.P9 on maintaining or improving, where degraded, the baseline water quality states is accepted as appropriate.	Retain Policy WH.P9, as follows: <i>Policy WH.P9: General stormwater policy to achieve the target attribute states and coastal water objectives</i> <i>Stormwater discharges to a surface water body or coastal water, or into or onto land in a manner that may enter freshwater or coastal water, are managed so that the baseline water quality state for copper and zinc is maintained, or improved where degraded, including in the relevant part Freshwater Management Unit or coastal water management unit, in order for the coastal water objectives and target attribute states to be met by the timeframes set out in Tables 8.1 and 8.4.</i>
Policy WH.P10: Managing adverse	Support	The focus in Policy WH.P10(a) on source control to minimise contaminants in stormwater is supported,	Retain Policy WH.P10, as follows:



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effects of stormwater discharges		<p>together with the acknowledgement that the ability to remove contaminants from stormwater must be considered in the context of practicality.</p> <p>Clause (c) is also supported, in particular, the acknowledgement that a range of factors will contribute to the nature and appropriateness of stormwater treatment systems, including the load reduction factor.</p>	<p><i>Policy WH.P10: Managing adverse effects of stormwater discharges</i></p> <p><i>All stormwater discharges and associated land use activities shall be managed by:</i></p> <ul style="list-style-type: none"> <i>(a) using source control to minimise contaminants in the stormwater discharge and maximise, to the extent practicable, the removal of contaminants from stormwater, including through the use of water sensitive urban design measures, and</i> <i>(b) using hydrological control and water sensitive urban design measures to avoid, remedy or mitigate adverse effects of stormwater quantity and maintain, to the extent practicable, natural stream flows, and</i> <i>(c) installing, where practicable, a stormwater treatment system for stormwater discharges from a property or properties taking into account: <ul style="list-style-type: none"> <i>(i) the treatment quality (load reduction factor), and</i> <i>(ii) opportunities for the retention or detention of stormwater flows or volume, including any flood storage volume required, and</i> <i>(iii) any potential adverse effects that may arise as a result of the stormwater treatment system or discharge, including erosion and scour, and localised adverse water quality effects, and</i> <i>(iv) inspections, monitoring and ongoing maintenance, including costs, to maintain functionality in terms of treatment quality and capacity, and</i> <i>(v) existing or proposed communal stormwater treatment systems in the stormwater catchment or sub-catchment, or part Freshwater Management Unit.</i> </i> <p><i>Note: If the installation of a stormwater treatment system includes infrastructure in the bed of a lake or river, resource consent may be</i></p>



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			<i>required for the placement of the infrastructure under section 5.5 of this Plan.</i>
Policy WH.P11: Discharges of contaminants in stormwater from high risk industrial or trade premises	Support in part	<p>As noted above, the Fuel Companies do not consider it appropriate or necessary to treat service stations, truck stops and commercial refuelling facilities that comply with the MfE discharge guidelines as 'high risk' industrial or trade premises.</p> <p>Notwithstanding that, it is considered that the approach to managing the discharge of stormwater from premises where there is a risk of hazardous substances or contaminants becoming entrained in stormwater, as set out in Policy WH.P11 could be appropriately applied to service stations, truck stops and commercial refuelling facilities as well as high risk industrial and trade premises.</p> <p>The Fuel Companies anticipate there may be other facilities that involve the handling of contaminants or hazardous substances and which do not clearly fall to be considered as 'high risk industrial or trade premises', which would benefit from additional clarity in the policy framework.</p>	<p>Amend Policy WH.P11 to also apply to service stations, truck stops and commercial refuelling facilities that comply with the MfE discharge guidelines (and, which the Fuel Companies consider do not meet the definition of 'high risk industrial or trade premises). This could be achieved by including specific reference to MfE discharge compliant service stations, truck stops and commercial refuelling facilities, or alternatively to industrial or trade premises in general, as follows:</p> <p><i>Policy WH.P11: Discharges of contaminants in stormwater from <u>industrial or trade premises and</u> high risk industrial or trade premises</i></p> <p><i>The discharge of stormwater to water, including discharges via the stormwater network, from <u>an industrial or trade premise or</u> a high risk industrial or trade premise shall be managed by:</i></p> <ul style="list-style-type: none"> <i>(a) having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and</i> <i>(b) 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</i> <i>(c) installing an interceptor where there is a risk of petroleum hydrocarbons entering into the stormwater network, a surface water body or coastal water, and</i> <i>(d) avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.</i>



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Policy WH.P12: Managing stormwater from a port or airport	Support	To the extent that Policy WH:P12 might apply to fuel facilities at airports or ports, the policy requirement to implement good management practices and apply measures such as secondary containment, treatment and management procedures can be supported.	<p>Retain Policy WH.P12, as follows:</p> <p><i>Policy WH.P12: Managing stormwater from a port or airport</i></p> <p><i>The adverse effects, including on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use, of the discharge of stormwater from a port, or airport, where the discharge will enter water, including via a local authority or state highway stormwater network, shall be avoided or minimised by:</i></p> <ul style="list-style-type: none"> <i>(a) identifying priorities for improvement, including methods and timeframes for improvement, and</i> <i>(b) having particular regard to protecting sites with identified significant or outstanding values, and</i> <i>(c) implementing good management practice including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including secondary containment, treatment, management procedures, and monitoring, and</i> <i>(d) where required to reduce localised adverse effects, or to meet the target attribute states and coastal water objectives, progressively improving discharge quality over time.</i>
Policy WH.P14: Stormwater discharges from new and redeveloped impervious surfaces	Support	Policy WH.P14 can be supported.	<p>Retain Policy WH.P14, as follows:</p> <p><i>Policy WH.P14: Stormwater discharges from new and redeveloped impervious surfaces</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <i>(a) an on-site stormwater treatment system or an off-site communal stormwater treatment system that is designed to:</i>



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			<p>(i) <i>receive at least 85% of the mean annual runoff volume stormwater generated from new and redeveloped impervious surfaces of the property, and</i></p> <p>(ii) <i>achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretenion device, and</i></p> <p>(b) <i>where stormwater discharges will enter a river, hydrological controls either on-site, or off-site via a communal stormwater treatment system.</i></p>
8.3 Rules			
<p>8.3.1 Discharges of contaminants Rule WH.R1: Point source discharges of specific contaminants – prohibited activity</p>	Oppose	<p>The Fuel Companies have a number of concerns with the wording of the proposed rule and consider it may result in unintended outcomes. For example, clause (iv) prohibits the point source discharge of liquid fuels, except where they have been treated by an interceptor system to contain no more than 15 mg/l TPH. This potentially creates a requirement that all discharges from roads must be directed via an interceptor system for treatment, which would be a significant undertaking and is not expected to be the case. It also creates uncertainty for emergency services in responding to emergency events, such as a road accident. While management practices will be in place around clean-ups and to inform any need to secure a site during the event (e.g. to clear spilled fuel from an area to respond to a life-threatening situation), some such actions may be deemed prohibited under this rule.</p> <p>In addition, the exception for discharges that are treated via an interceptor system also has the potential unintended consequence of sanctioning the intentional disposal of liquid fuels direct to an interceptor in reliance on the ability of the interceptor to treat contaminants. This would not be</p>	<p>Delete Rule WH.R1, as follows:</p> <p>8.3.1 Discharges of contaminants Rule WH.R1: Point source discharges of specific contaminants – prohibited activity The point source discharge of:</p> <p>(i) chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or</p> <p>(ii) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or</p> <p>(iii) solvents including paint stripper, or</p> <p>(iv) liquid fuels, including diesel, petrol, oil, grease, except where these have been treated by an interceptor system to collect hazardous contaminants and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, or</p> <p>(v) radiator coolant, or</p> <p>(vi) cooking oil, or</p> <p>(vii) cement wash, cement slurry and concrete cutting waste, or</p> <p>(viii) drill cooling water</p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>accepted practice at a Fuel Company site and is contrary to the principle of source control i.e. managing the risk of the discharge of contaminants in the first instance.</p> <p>Further, the listing of specific contaminants in the rule as prohibited discharges may have the unintended consequence of parties assuming that the discharge of other contaminants is not controlled.</p> <p>Section 15 of the RMA restricts the discharge of contaminants to the environment unless expressly allowed by a NES or regional plan. On this basis, the need for Rule WH.R1 is unclear, as the discharge of the listed contaminants is already restricted by the RMA and Council's already have the ability to take enforcement action if necessary. Those parties that illegally discharge the listed contaminants are unlikely to change their behaviour on the basis of a new prohibited activity rule.</p> <p>For the reasons set out above, the Fuel Companies consider the rule is unnecessary, may result in unintended and inappropriate outcomes and should be deleted.</p>	<p>into water or onto or into land, including via a stormwater network, where it may enter a surface water body or coastal water is a prohibited activity.</p>
<p>Rule WH.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity</p>	<p>Support in part</p>	<p>Rule WH.R4 provides appropriate recognition of industry best practice and practicable measures for managing the risk of contaminants and hazardous substances becoming entrained in stormwater from existing high risk industrial or trade premises.</p> <p>As noted above, the Fuel Companies do not consider service stations, truck stops and commercial refuelling facilities that comply with the</p>	<p>Amend Rule WH.R4 to also apply to service stations, truck stops and commercial refuelling facilities that comply with the MfE discharge guidelines, and, which the Fuel Companies consider do not meet the definition of 'high risk industrial or trade premises. This could be achieved by including specific reference to MfE discharge compliant service stations, truck stops and commercial refuelling facilities, or alternatively to industrial or trade premises in general, as follows:</p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>MfE water discharge guidelines constitute 'high risk' industrial or trade premises. Notwithstanding that, the Fuel Companies consider Rule WH.R4 could be appropriately applied to existing MfE Guideline compliant service stations, truck stops and commercial refuelling facilities.</p> <p>As a consequence of the change sought to the definition of high risk industrial or trade premise, Rule WH.R4 should be amended to apply also to existing service stations, truck stops and commercial refuelling facilities that comply with the MfE water discharge guidelines.</p> <p>There may be other industrial or trade facilities that involve the handling of contaminants or hazardous substances and which do not clearly fall to be considered as 'high risk industrial or trade premises', which would benefit from additional clarity in the rules framework.</p>	<p><i>Rule WH.R4: Stormwater from an existing <u>industrial or trade premise</u> and high risk industrial or trade premise – permitted activity</i></p> <p><i>The discharge of stormwater from an existing <u>industrial or trade premise</u>, <u>including a</u> high risk industrial or trade premise, that is not a port or airport, into water, or onto or into land where it may enter water, including via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</i></p> <ul style="list-style-type: none"> <i>(a) 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</i> <i>(b) the discharge does not contain wastewater, and</i> <i>(c) if the discharge is to land where it may enter groundwater, <ul style="list-style-type: none"> <i>(i) the discharge cannot cause or exacerbate the flooding of any other property, and</i> <i>(ii) the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and</i> </i> <i>(d) 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 <ul style="list-style-type: none"> <i>(i) there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</i> <i>(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, and</i> </i> <i>(e) 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: <ul style="list-style-type: none"> <i>(i) 50g/m³ where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana</i> </i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<p><i>whenua), Schedule F1 (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or</i></p> <p><i>(ii) 100g/m3 where the discharge enters any other water, and where the discharge is not via an existing local authority stormwater network the discharge shall also not:</i></p> <p><i>(f) cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</i></p> <p><i>(g) give rise to the following effects beyond the zone of reasonable mixing:</i></p> <p><i>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</i></p> <p><i>(ii) any conspicuous change in the colour, or</i></p> <p><i>(iii) a decrease in water clarity of more than</i></p> <p><i>1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</i></p> <p><i>2. 30% in any other river, or</i></p> <p><i>(iv) any emission of objectionable odour, or</i></p> <p><i>(v) the freshwater is unsuitable for consumption by farm animals, or</i></p> <p><i>(vi) any significant adverse effects on aquatic life.</i></p> <p><i>Note 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</i></p>
<p><i>Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</i></p>	<p>Support in part</p>	<p>As noted above, the Fuel Companies do not consider service stations, truck stops and commercial refuelling facilities that comply with the MfE discharge guidelines constitute 'high risk' industrial or trade premises.</p>	<p>Amend Rule WH.R5 to provide for stormwater discharges from new and redeveloped impervious surfaces at MfE guideline compliant service stations, truck stops and commercial refuelling facilities on the same basis as for other land uses. This could be achieved by making the following changes or changes to the same effect:</p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>On this basis, it is considered appropriate to provide a permitted activity pathway for stormwater discharges from new and redeveloped impervious surfaces at MfE guideline compliant service stations, truck stops and commercial refuelling facilities on the same basis as for other land uses.</p>	<p><i>Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <i>(a) 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</i> <i>(b) all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials, and</i> <i>(c) 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):</i> <ul style="list-style-type: none"> <i>(i) for all impervious areas associated with a greenfield development, or</i> <i>(ii) for all redeveloped and new impervious areas involving greater than 30m² of impervious area of a redevelopment (of an existing urbanised property), and</i> <i>(d) 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</i> <i>(e) the discharge does not contain wastewater, and</i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<p>(f) the concentration of total suspended solids in the discharge shall not exceed:</p> <ul style="list-style-type: none"> (i) 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 (ii) 100g/m3 where the discharge enters any other water, <p>and where the discharge is not via an existing or new local authority stormwater network:</p> <ul style="list-style-type: none"> (vi) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and (vii) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing: <ul style="list-style-type: none"> (i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or (ii) any conspicuous change in the colour, or (iii) a decrease in water clarity of more than 1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or 2. 30% in any other river, or (iv) any emission of objectionable odour, or (v) the freshwater is unsuitable for consumption by farm animals, or (vi) any significant adverse effects on aquatic life. <p><u>and where the discharge is from a service station, truck stop or commercial refuelling facility any contaminants stored or used on site, or hazardous substances, cannot be entrained in stormwater and enter a</u></p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<p><u>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,</u> <u>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: Where a property connects to a local authority stormwater network, additional connection requirements and authorisations may be required by the network utility operator.</i></p> <p><i>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.</i></p>
<p>Rule WH.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</p>	<p>Support in part</p>	<p>As noted above, the Fuel Companies do not consider service stations, truck stops and commercial refuelling facilities that comply with the MfE discharge guidelines constitute 'high risk' industrial or trade premises.</p> <p>On this basis, it is considered appropriate to provide a controlled activity pathway for stormwater discharges from new and redeveloped impervious surfaces at MfE guideline compliant service stations, truck stops and commercial refuelling facilities on the same basis as for other land uses.</p>	<p>Amend Rule WH.R5 to provide for stormwater discharges from new and redeveloped impervious surfaces at MfE guideline compliant service stations, truck stops and commercial refuelling facilities on the same basis as for other land uses. This could be achieved by making the following changes or changes to the same effect:</p> <p><i>Rule WH.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</i></p> <p><i>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</i></p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>The Fuel Companies support Rule WH.R7, and in particular the approach of treating the ability to achieve the target load reductions for copper and zinc, as set out in Schedule 28: Stormwater Contaminant Treatment, through best practicable option measures as a 'matter of control' rather than as a prerequisite condition for new or redeveloped impervious surfaces to be able to be treated as a controlled activity under Rule WH.R7.</p>	<p><i>risk industrial or trade premise, is a controlled activity, provided the following conditions are met:</i></p> <ul style="list-style-type: none"> <i>(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) or,</i> <i>(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, and,</i> <i>(c) where stormwater directly or indirectly (through an existing local authority stormwater network) discharges to a river, hydrological control is provided either:</i> <ul style="list-style-type: none"> <i>(i) on-site, or</i> <i>(ii) 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</i> <i>(d) contaminant treatment of stormwater is provided either:</i> <ul style="list-style-type: none"> <i>(i) on-site through a stormwater treatment system, or</i> <i>(ii) 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>and</u></i> <i>(e) <u>where the discharge is from a service station, truck stop or commercial refuelling facility 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></i> <ul style="list-style-type: none"> <i>(i) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</u></i> <i>(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</u></i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<u>contain more than 15 milligrams per litre of total petroleum hydrocarbons.</u>
Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity	Support	The discretionary activity status set by Rule WH.R11 for the discharge of stormwater from new and redeveloped impervious surfaces at high risk trade and industrial sites, or for other sites where compliance with Rules WH.R5, WH.R6 or WH.R7 is not achieved, is accepted, subject to the amendments sought below to the wording of Schedule 28 to clearly provide for source control and/or contaminant management measures as a means of addressing the target load reductions for copper and zinc.	Retain Rule WH.R11, as follows: <i>Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity</i> <i>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:</i> <i>(g) the resource consent application includes a Stormwater Impact Assessment prepared in accordance with Schedule 29 (impact assessment), and</i> <i>(h) 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).</i>
Rule WH.R12: All other stormwater discharges – non-complying activity	Support	The Fuel Companies' understanding is that activities not meeting the target load reductions for copper and zinc, as set out in Schedule 28, will default from discretionary under Rule WH:R11 to a non-complying activity status under Rule WH.12. This is not opposed provided the amendments sought below to the wording of Schedule 28 are made to clearly provide for source control and/or contaminant management measures as a means of	Retain Rule WH.R12, as follows: <i>Rule WH.R12: All other stormwater discharges – non-complying activity</i> <i>The:</i> <i>(a) discharge of stormwater onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule WH.R2, or</i> <i>(b) 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</i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		addressing the target load reductions for copper and zinc.	<p><i>Rule WH.R3, or a restricted discretionary activity under Rules WH.R8 or WH.R9, or</i></p> <p><i>(c) 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</i></p> <p><i>(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,</i></p> <p><i>is a non-complying activity.</i></p>
8.3.5 Earthworks			
Rule WH.R23: Earthworks – permitted activity Earthworks is a permitted activity, provided the following conditions are met:	Support in part / oppose in part	Clause (c)(iv) sets a zero tolerance approach to any sediment content in stormwater runoff during earthworks. The requirement to entirely prevent silt or sediment from entering the stormwater system is considered too absolute and unlikely to be able to be achieved in all situations even where best practice silt and sediment control measures are in place. This approach is likely to generate high consenting costs that are not reflective of the level of potential contaminants generated by small-scale earthworks that are well managed in accordance with best practice erosion and sediment control measures, or the additional benefits, in terms of sediment reduction, that might be achieved by requiring a consent to be obtained.	<p>Amend Rule WH.23(c)(iv) to focus on implementation of best practice erosion and sediment control measures rather than the absolute avoidance approach currently proposed. This could be achieved by making the following changes or changes to the same effect:</p> <p><i>Rule WH.R23: Earthworks – permitted activity Earthworks is a permitted activity, provided the following conditions are met:</i></p> <ul style="list-style-type: none"> <i>a) the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</i> <i>b) the earthworks are to implement an action in the farm environment plan for the farm, or</i> <i>c) the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and</i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>A more appropriate approach is considered to be to require implementation of best practice erosion and sediment control measures to reduce the risk of sediment becoming entrained in stormwater.</p>	<ul style="list-style-type: none"> (i) <i>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</i> (ii) <i>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</i> (iii) <i>the area of earthworks must be stabilised within six months after completion of the earthworks, and</i> (iv) <u>best practice erosion and sediment control measures shall be used to minimise the risk of a discharge</u> there is no discharge <i>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</i> (v) <u>best practice</u> erosion and sediment control measures shall be used to <u>minimise the risk of</u> prevent <i>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.</i> <p><i>Note 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).</i></p>
<p>Rule WH.R24: Earthworks – restricted discretionary activity</p>	<p>Support</p>	<p>Rule WH.R24 requires a concentration of no more than 100mg/l of total suspended solids (TSS) in discharges from earthworks, with a default to non-complying activity status (under Rule WH.25) where that threshold cannot be achieved. A broad range of variables will affect sediment loading in discharges from earthworks including soil types, slope length and angle, rain events and intensity during an earthworks project, as well as the nature scale and duration of the earthworks involved.</p>	<p>Amend Rule WH.R24, to focus on implementation of best practice erosion and sediment control measures rather requiring compliance with a sediment loading threshold. This could be achieved by making the following changes or changes to the same effect:</p> <p><i>Rule WH.R24: Earthworks – restricted discretionary activity Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule WH.R23 is a</i></p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>The ability to achieve and clearly demonstrate the ability to comply with a specified TSS threshold may not be known prior to the commencement of any given earthworks project.</p> <p>The Fuel Companies consider a more practicable approach would be to require implementation of best practice erosion and sediment control measures to reduce the risk of sediment becoming entrained in stormwater as part of a restricted discretionary activity consenting process under WH.R24.</p> <p>The Fuel Companies consider there is unlikely to be any significant benefit in requiring a non-complying activity consent, rather than a restricted discretionary activity consent, where there is uncertainty around the ability to comply with the specified 100mg/l TSS threshold at all times (for example where an intense rainfall event may occur), and there is an ability for council to review, impose conditions and monitor proposed erosion and sediment control measures through the RD consent process in any case.</p>	<p><i>restricted discretionary activity, provided the following conditions are met:</i></p> <p>(a) <i>best practice erosion and sediment control measures shall be used to minimise the risk of 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.</i></p> <p><i>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:</i></p> <p><i>(iii) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</i></p> <p><i>(iv) 30% in any other river, and</i></p> <p>(b) <i>earthworks shall not occur between 1st June and 30th September in any year.</i></p>
Rule WH.R25: Earthworks – non-complying activity	Support	Rule WH.R25 can be supported, subject to the changes sought to Rule WH.R24 above.	<p>Retain Rule WH.R2, as follows:</p> <p><i>Rule WH.R25: Earthworks – non-complying activity</i> <i>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</i></p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<i>stormwater network, that does not comply with Rule WH.R24 is a non-complying activity.</i>
8.3.7 Take and use of water			
Rule WH.R33: Take and use of water in the Whaitua Te Whanganui-a Tara – restricted discretionary activity	Support in part	The exclusion of dewatering activities undertaken in accordance with R159 from WH.R33 is supported. R160 makes specific provision for dewatering activities that do not meet the permitted activity standards set by R159. Dewatering is a short-term activity incidental to construction works and is not relevant to wider allocation limits. Dewatering undertaken in accordance with R160 should also be excluded from Rule W:R33	Amend Rule WH.R33 to exclude groundwater takes associated with dewatering activities undertaken in accordance with R160. This could be achieved by making the following changes: <i>Rule WH.R33: Take and use of water in the Whaitua Te Whanganui-a Tara – restricted discretionary activity</i> <i>The take and use of water from any river (including tributaries) and groundwater in the Te Awa Kairangi/Hutt River, Wainuiomata River and Ōrongorongo River catchments, that is not provided for in Rules R152, R153, R154, R155, R156, R157, or R159 <u>or R160</u> is a restricted discretionary activity provided the following conditions are met:</i> ...
<i>Rule WH.R34: Take and use of water in the Wellington Harbour and Hutt Valley Whaitua Te Whanganui-a-Tara – discretionary activity</i>	Support in part	The exclusion of dewatering activities undertaken in accordance with R159 from WH.R34 is supported. R160 makes specific provision for dewatering activities that do not meet the permitted activity standards set by R159. Dewatering is a short-term activity incidental to construction works and is not relevant to wider allocation limits. Dewatering undertaken in accordance with R160 should also be excluded from Rule W:R34	Amend Rule WH.R34 to exclude groundwater takes associated with dewatering activities undertaken in accordance with R160. This could be achieved by making the following changes: <i>Rule WH.R34: Take and use of water in the Wellington Harbour and Hutt Valley Whaitua Te Whanganui-a-Tara – discretionary activity</i> <i>The take and use of water that is not provided for in Rules R152, R153, R154, R155, R156, R157, or R159 <u>or R160</u> in the Wellington Harbour and Hutt Valley Whaitua Te Whanganui-a Tara:</i> ...
9 Te Awarua-o-Porirua Whaitua			
Policies			
9.2.1 Ecosystem health and water quality			



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
Policy P.P1: Improvement of aquatic ecosystem health Aquatic ecosystem health will be improved by:	Support	Policy P.P1 is supported, and in particular the recognition, in clause (a), that reduction in contaminant loading will be a progressive process.	Retain Policy P.P1 as notified.
Policy P.P2 Management of activities to achieve target attribute states and coastal water objectives	Support	Policy P.P2 is supported, and in particular Clause (b), which encourages (rather than requires) redevelopment activities to reduce contaminant load. This enables recognition that in some cases best practice measures may already be in place such that further reduction may not be practicable, or appropriate in the context of the nature and scale of the particular redevelopment activity. The network scale approach taken to reduction in contaminant loads in Clause (d) is also supported.	Retain Policy P.P2, as notified
9.2.1 Discharges to water			
Policy P.P5: Localised adverse effects of point source discharge	Support	Policy P.P5 is supported, including because it appropriately recognises that adverse effects are to be considered beyond the zone of reasonable mixing.	Retain Policy P.P5, as notified
Policy PP6: Cumulative adverse effects of point source discharges	Support in part	The Fuel Companies have a number of concerns with Policy P.P6. In the chapeau, it is unclear whether the exclusion for stormwater networks is intended to apply in relation to network discharge consents or consents held by other parties (such as industrial or trade	Delete Policy PP6.



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>premises) for discharges to the receiving environment that are via the stormwater network.</p> <p>Clause (b)(i) of the policy applies to all existing discharges and specifies that where target attribute states are met those discharges are only appropriate if the consent conditions include a defined programme of work for improving discharge quality. This appears to suggest that all existing discharge consents will need to be reviewed to ensure such consent conditions exist. The Fuel Companies would oppose any such review of existing stormwater and operational water discharge consents, particularly where the target attribute states are met an inappropriate is opposed as unreasonable and inappropriate.</p> <p>Clause (c) relates to situations in which the target attribute states are not met and requires the conditions of existing consents to require a reduction of the adverse effects. Whilst an expectation for improvements in the quality of discharges is not necessarily opposed where the target attribute states are not met, the Fuel Companies have the same concern as in relation to Clause (b) in that there appears to be an expectation that all existing discharges consents will be reviewed and additional conditions required. That would be opposed.</p> <p>The Fuel Companies consider the policy should be deleted on the basis of uncertainty and inappropriateness.</p>	



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
Policy P.P7: Discharges to groundwater	Support	Policy P.P7 is supported as appropriate.	Retain Policy P.P7, as follows: <i>Policy P.P7: Discharges to groundwater</i> <i>All discharges to land that may enter groundwater, and discharges to groundwater, shall not degrade the quality of groundwater, and where the quality of groundwater is degraded, existing discharges shall be managed to improve groundwater quality.</i>
Policy P.P8: Avoiding discharges of specific products and waste	Support in part	The intent of Policy P.P8 is supported. However, it does not address the risk inherent in the handling of hazardous substances and the potential for an accidental spillage of such substances to occur. The Fuel Companies consider the policy should be amended to address accidental spillages. Avoidance of such discharges as a first priority is supported. Where some residual risk remains, additional management measures such as containment or treatment will be appropriate to ensure contaminants do not enter water bodies.	Amend Policy P.P8, as follows: <i>Policy P.P8: Avoiding discharges of specific products and waste</i> <i>Avoid, <u>as a first priority</u>, discharges to freshwater and coastal water, including where this is via the stormwater network, of:</i> <ul style="list-style-type: none"> (e) <i>chemical cleaning products, paint, solvents, fuels and coolant, oil, wet cement products and drill cooling water, or</i> (f) <i>animal effluent from an animal effluent storage facility or from an area where animals are confined, or</i> (g) <i>untreated industrial or trade waste, or</i> (h) <i>untreated organic waste or leachate from storage of organic material.</i> <i><u>Where there is a residual risk of a discharge of the substances listed in (a) to (d) above, including any accidental spillage, management measures are implemented to contain and/or treat the discharge to avoid or mitigate adverse effects on freshwater or coastal water.</u></i>
Policy P.P9: General stormwater policy to achieve the target attribute states and coastal water objectives	Support	The focus in Policy P.P9 on maintaining or improving, where degraded, the baseline water quality states is accepted as appropriate.	Retain Policy P.P9, as notified.



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
Policy P.P10: Managing adverse effects of stormwater discharges	Support	<p>The focus in Policy P.P10(a) on source control to minimise contaminants in stormwater is supported, together with the acknowledgement that the ability to remove contaminants from stormwater must be considered in the context of practicality.</p> <p>Clause (c) is also supported, in particular, the acknowledgement that a range of factors will contribute to the nature and appropriateness of stormwater treatment systems, including the load reduction factor.</p>	Retain Policy P.P10, as notified.
Policy P.P11: Discharges of contaminants in stormwater from high risk industrial or trade premises	Support in part	<p>As noted above, the Fuel Companies do not consider it appropriate or necessary to treat service stations, truck stops and commercial refuelling facilities that comply with the MfE discharge guidelines as 'high risk' industrial or trade premises.</p> <p>Notwithstanding that, it is considered that the approach to managing the discharge of stormwater from premises where there is a risk of hazardous substances or contaminants becoming entrained in stormwater, as set out in Policy P.P11 could be appropriately applied to service stations, truck stops and commercial refuelling facilities as well as high risk industrial and trade premises.</p> <p>The Fuel Companies anticipate there may be other facilities that involve the handling of contaminants or hazardous substances and which do not clearly fall to be considered as 'high risk industrial or trade premises', which would benefit from additional clarity in the policy framework.</p>	<p>Amend Policy P.P11 to also apply to service stations, truck stops and commercial refuelling facilities that comply with the MfE discharge guidelines (and, which the Fuel Companies consider do not meet the definition of 'high risk industrial or trade premises). This could be achieved by including specific reference to MfE discharge compliant service stations, truck stops and commercial refuelling facilities, or alternatively to industrial or trade premises in general, as follows:</p> <p><i>Policy P.P11: Discharges of contaminants in stormwater from <u>industrial or trade premises and</u> high risk industrial or trade premises</i></p> <p><i>The discharge of stormwater to water, including discharges via the stormwater network, from <u>an industrial or trade premise or</u> a high risk industrial or trade premise shall be managed by:</i></p> <ul style="list-style-type: none"> <i>(a) having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and</i> <i>(b) 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</i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<p><i>containment, treatment, management procedures, and monitoring, and</i></p> <p><i>(c) installing an interceptor where there is a risk of petroleum hydrocarbons entering into the stormwater network, a surface water body or coastal water, and</i></p> <p><i>(d) avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.</i></p>
Policy P.P13: Stormwater discharges from new and redeveloped impervious surfaces	Support	Policy P.P13 can be supported.	Retain Policy P.P13, as follows:
9.3 Rules			
9.3.1 Discharges of contaminants Rule P.R1: Point source discharges of specific contaminants – prohibited activity	Oppose	The Fuel Companies have a number of concerns with the wording of the proposed rule and consider it may result in unintended outcomes. For example, clause (iv) prohibits the point source discharge of liquid fuels, except where they have been treated by an interceptor system to contain no more than 15 mg/l TPH. This potentially creates a requirement that all discharges from roads must be directed via an interceptor system for treatment, which would be a significant undertaking and is not expected to be the case. It also creates uncertainty for emergency services in responding to emergency events, such as a road accident. While management practices will be in place around clean-ups and to inform any need to secure a site during the event (e.g. to clear spilled fuel from an area to respond to a life-threatening situation), some such actions may be deemed prohibited under this rule.	<p>Delete Rule P.R1, as follows:</p> <p>9.3.1 Discharges of contaminants</p> <p>Rule P.R1: Point source discharges of specific contaminants – prohibited activity</p> <p>The point source discharge of:</p> <p>(i) chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or</p> <p>(ii) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or</p> <p>(iii) solvents including paint stripper, or</p> <p>(iv) liquid fuels, including diesel, petrol, oil, grease, except where these have been treated by an interceptor system to collect hazardous contaminants and the treated discharge does not contain more than 15 milligrams per litre of total petroleum hydrocarbons, or</p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>In addition, the exception for discharges that are treated via an interceptor system also has the potential unintended consequence of sanctioning the intentional disposal of liquid fuels direct to an interceptor in reliance on the ability of the interceptor to treat contaminants. This would not be accepted practice at a Fuel Company site and is contrary to the principle of source control i.e. managing the risk of the discharge of contaminants in the first instance.</p> <p>Further, the listing of specific contaminants in the rule as prohibited discharges may have the unintended consequence of parties assuming that the discharge of other contaminants is not controlled.</p> <p>Section 15 of the RMA restricts the discharge of contaminants to the environment unless expressly allowed by a NES or regional plan. On this basis, the need for Rule P.R1 is unclear, as the discharge of the listed contaminants is already restricted by the RMA and Council's already have the ability to take enforcement action if necessary. Those parties that illegally discharge the listed contaminants are unlikely to change their behaviour on the basis of a new prohibited activity rule.</p> <p>For the reasons set out above, the Fuel Companies consider the rule is unnecessary, may result in unintended and inappropriate outcomes and should be deleted.</p>	<p>(v) radiator coolant, or (vi) cooking oil, or (vii) cement wash, cement slurry and concrete cutting waste, or (viii) drill cooling water <u>into water or onto or into land, including via a stormwater network, where it may enter a surface water body or coastal water is a prohibited activity.</u></p>
Rule P.R4: Stormwater from an existing high	Support in part	Rule P.R4 provides appropriate recognition of industry best practice and practicable measures for	Amend Rule P.R4 to also apply to service stations, truck stops and commercial refuelling facilities that comply with the MfE discharge



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
<p>risk industrial or trade premise – permitted activity</p>		<p>managing the risk of contaminants and hazardous substances becoming entrained in stormwater from existing high risk industrial or trade premises.</p> <p>As noted above, the Fuel Companies do not consider service stations, truck stops and commercial refuelling facilities that comply with the MfE water discharge guidelines constitute ‘high risk industrial or trade premises. Notwithstanding that, the Fuel Companies consider Rule P.R4 could be appropriately applied to existing MfE Guideline compliant service stations, truck stops and commercial refuelling facilities.</p> <p>As a consequence of the change sought to the definition of high risk industrial or trade premise, Rule P.R4 should be amended to apply also to existing service stations, truck stops and commercial refuelling facilities that comply with the MfE water discharge guidelines.</p> <p>There may be other industrial or trade facilities that involve the handling of contaminants or hazardous substances and which do not clearly fall to be considered as ‘high risk industrial or trade premises’, which would benefit from additional clarity in the rules framework.</p>	<p>guidelines, and, which the Fuel Companies consider do not meet the definition of ‘high risk industrial or trade premises. This could be achieved by including specific reference to MfE discharge compliant service stations, truck stops and commercial refuelling facilities, or alternatively to industrial or trade premises in general, as follows:</p> <p><i>Rule P.R4: Stormwater from an existing <u>industrial or trade premise and high risk industrial or trade premise – permitted activity</u></i></p> <p><i>The discharge of stormwater from an existing <u>industrial or trade premise, including a high risk industrial or trade premise, that is not a port or airport, into water, or onto or into land where it may enter water, including via an existing local authority stormwater network, is a permitted activity, provided the following conditions are met:</u></i></p> <ul style="list-style-type: none"> <i>(a) 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</i> <i>(b) the discharge does not contain wastewater, and</i> <i>(c) if the discharge is to land where it may enter groundwater,</i> <ul style="list-style-type: none"> <i>(i) the discharge cannot cause or exacerbate the flooding of any other property, and</i> <i>(ii) the discharge is not located within 20m of a bore used for water abstraction for potable supply or stock water, and</i> <i>(d) 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</i> <ul style="list-style-type: none"> <i>(i) there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or</i> <i>(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</i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<p><i>contain more than 15 milligrams per litre of total petroleum hydrocarbons, and</i></p> <p><i>(e) 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:</i></p> <ul style="list-style-type: none"> <i>(i) 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</i> <i>(ii) 100g/m³ where the discharge enters any other water,</i> <p><i>and where the discharge is not via an existing local authority stormwater network the discharge shall also not:</i></p> <p><i>(f) cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</i></p> <p><i>(g) give rise to the following effects beyond the zone of reasonable mixing:</i></p> <ul style="list-style-type: none"> <i>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</i> <i>(ii) any conspicuous change in the colour, or</i> <i>(iii) a decrease in water clarity of more than</i> <ol style="list-style-type: none"> <i>1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</i> <i>2. 30% in any other river, or</i> <i>(iv) any emission of objectionable odour, or</i> <i>(v) the freshwater is unsuitable for consumption by farm animals, or</i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<p>(vi) any significant adverse effects on aquatic life.</p> <p>Note For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to P.R10</p>
<p><i>Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</i></p>	<p>Support in part</p>	<p>As noted above, the Fuel Companies do not consider service stations, truck stops and commercial refuelling facilities that comply with the MfE discharge guidelines constitute 'high risk' industrial or trade premises.</p> <p>On this basis, it is considered appropriate to provide a permitted activity pathway for stormwater discharges from new and redeveloped impervious surfaces at MfE guideline compliant service stations, truck stops and commercial refuelling facilities on the same basis as for other land uses.</p>	<p>Amend Rule P.R5 to provide for stormwater discharges from new and redeveloped impervious surfaces at MfE guideline compliant service stations, truck stops and commercial refuelling facilities on the same basis as for other land uses. This could be achieved by making the following changes or changes to the same effect:</p> <p><i>Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> (a) <i>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</i> (b) <i>all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials, and</i> (c) <i>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):</i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<p>(i) for all impervious areas associated with a greenfield development, or</p> <p>(ii) for all redeveloped and new impervious areas involving greater than 30m² of impervious area of a redevelopment (of an existing urbanised property), and</p> <p>(d) 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</p> <p>(e) the discharge does not contain wastewater, and</p> <p>(f) the concentration of total suspended solids in the discharge shall not exceed:</p> <p>(i) 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</p> <p>(ii) 100g/m³ where the discharge enters any other water,</p> <p>and where the discharge is not via an existing or new local authority stormwater network:</p> <p>(g) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and</p> <p>(h) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:</p> <p>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or</p> <p>(ii) any conspicuous change in the colour, or</p> <p>(iii) a decrease in water clarity of more than 1. 20% in a River class 1 and in any river identified as having high</p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<p><i>macroinvertebrate community health in Schedule F1 (rivers/lakes), or 2. 30% in any other river, or</i></p> <p>(iv) <i>any emission of objectionable odour, or</i></p> <p>(v) <i>the freshwater is unsuitable for consumption by farm animals, or</i></p> <p>(vi) <i>any significant adverse effects on aquatic life.</i></p> <p><u>and where the discharge is from a service station, truck stop or commercial refuelling facility 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>(a) <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>(b) <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: Where a property connects to a local authority stormwater network, additional connection requirements and authorisations may be required by the network utility operator.</i></p> <p><i>For the creation of new or redevelopment of existing impervious surfaces for high risk industrial and trade premises and the associated discharge of stormwater, refer to P.R10.</i></p>
Rule P.R7: Stormwater from new and redeveloped impervious surfaces of	Support in part	As noted above, the Fuel Companies do not consider service stations, truck stops and commercial refuelling facilities that comply with the	Amend Rule P.R5 to provide for stormwater discharges from new and redeveloped impervious surfaces at MfE guideline compliant service stations, truck stops and commercial refuelling facilities on the same



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
existing urbanised areas – controlled activity		<p>MfE discharge guidelines constitute 'high risk' industrial or trade premises.</p> <p>On this basis, it is considered appropriate to provide a controlled activity pathway for stormwater discharges from new and redeveloped impervious surfaces at MfE guideline compliant service stations, truck stops and commercial refuelling facilities on the same basis as for other land uses.</p> <p>The Fuel Companies support Rule P.R7, and in particular the approach of treating the ability to achieve the target load reductions for copper and zinc, as set out in Schedule 28: Stormwater Contaminant Treatment, through best practicable option measures as a 'matter of control' rather than as a prerequisite condition for new or redeveloped impervious surfaces to be able to be treated as a controlled activity under Rule P.R7.</p>	<p>basis as for other land uses. This could be achieved by making the following changes or changes to the same effect:</p> <p><i>Rule P.R7: Stormwater from new and redeveloped impervious surfaces of existing urbanised areas – controlled activity</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> (a) <i>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) or,</i> (b) <i>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, and,</i> (c) <i>where stormwater directly or indirectly (through an existing local authority stormwater network) discharges to a river, hydrological control is provided either:</i> <ul style="list-style-type: none"> (iii) <i>on-site, or</i> (iv) <i>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</i> (d) <i>contaminant treatment of stormwater is provided either:</i> <ul style="list-style-type: none"> (iii) <i>on-site through a stormwater treatment system, or</i> (iv) <i>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>and</u></i> (e) <u><i>where the discharge is from a service station, truck stop or commercial refuelling facility any contaminants stored or used on</i></u>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<p><u>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>(iii) <u>there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal,</u> <u>or</u></p> <p>(iv) <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>Rule P.R10: Stormwater from new and redeveloped impervious surfaces – discretionary activity</p>	<p>Support</p>	<p>The discretionary activity status set by Rule P.R10 for the discharge of stormwater from new and redevelopment impervious surfaces at high risk trade and industrial sites, or for other sites where compliance with Rules P.R5, P.R6 or Rule P.R7 is not achieved, is accepted, subject to the amendments sought below to the wording of Schedule 28 to clearly provide for source control and/or contaminant management measures as a means of addressing the target load reductions for copper and zinc.</p>	<p>Retain Rule P.R10, as follows:</p> <p><i>Rule P.R10: Stormwater from new and redeveloped impervious surfaces – discretionary activity</i></p> <p><i>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 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:</i></p> <p>(a) <i>the resource consent application includes a Stormwater Impact Assessment prepared in accordance with Schedule 29 (impact assessment), and</i></p> <p>(b) <i>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</i></p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<i>contribution and when it is required is set out in Schedule 30 (financial contributions).</i>
Rule P.R11: All other stormwater discharges – non-complying activity	Support	<p>The Fuel Companies' understanding is that activities not meeting the target load reductions for copper and zinc, as set out in Schedule 28, will default from discretionary under Rule P:R10 to a non-complying activity status under Rule P.11.</p> <p>This is not opposed provided the amendments sought below to the wording of Schedule 28 are made to clearly provide for source control and/or contaminant management measures as a means of addressing the target load reductions for copper and zinc.</p>	Retain Rule P.R11, as notified:
8.3.5 Earthworks			
Rule P.R22: Earthworks – permitted activity Earthworks is a permitted activity, provided the following conditions are met:	Support in part / oppose in part	<p>Clause (c)(iv) sets a zero tolerance approach to any sediment content in stormwater runoff during earthworks. The requirement to entirely prevent silt or sediment from entering the stormwater system is considered too absolute and unlikely to be able to be achieved in all situations even where best practice silt and sediment control measures are in place. This approach is likely to generate high consenting costs that are not reflective of the level of potential contaminants generated by small-scale earthworks that are well managed in accordance with best practice erosion and sediment control measures, or the additional benefits, in terms of sediment reduction, that might be achieved by requiring a consent to be obtained.</p>	<p>Amend Rule P.22(c)(iv) and (v) to focus on implementation of best practice erosion and sediment control measures rather than the absolute avoidance approach currently proposed. This could be achieved by making the following changes or changes to the same effect:</p> <p><i>Rule P.R22: Earthworks – permitted activity Earthworks is a permitted activity, provided the following conditions are met:</i></p> <ul style="list-style-type: none"> <i>a) the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</i> <i>b) the earthworks are to implement an action in the farm environment plan for the farm, or</i> <i>c) the area of earthworks does not exceed 3,000m² per property in any consecutive 12-month period, and</i> <ul style="list-style-type: none"> <i>(i) the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in</i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>A more appropriate approach is considered to be to require implementation of best practice erosion and sediment control measures to reduce the risk of sediment becoming entrained in stormwater.</p>	<p><i>association with Rules R122, R124, R130, R131, R134, R135, and R137, and</i></p> <p>(ii) <i>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</i></p> <p>(iii) <i>the area of earthworks must be stabilised within six months after completion of the earthworks, and</i></p> <p>(iv) <u>best practice erosion and sediment control measures shall be used to minimise the risk of a discharge</u> there is no discharge <i>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</i></p> <p>(v) <u>best practice</u> erosion and sediment control measures shall be used to minimise the risk of prevent <i>erosion and sediment control measures shall be used to minimise the risk of 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.</i></p> <p><i>Note 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).</i></p>
<p>Rule P.R23: Earthworks – restricted discretionary activity</p>	<p>Support</p>	<p>Rule P.R23 requires a concentration of no more than 100mg/l of total suspended solids (TSS) in discharges from earthworks, with a default to non-complying activity status (under Rule WH.25) where that threshold cannot be achieved. A broad range of variables will affect sediment loading in discharges from earthworks including soil types, slope length and angle, rain events and intensity during an earthworks project, as well as the nature scale and duration of the earthworks involved.</p>	<p>Amend Rule P.R23, to focus on implementation of best practice erosion and sediment control measures rather requiring compliance with a sediment loading threshold. This could be achieved by making the following changes or changes to the same effect:</p> <p><i>Rule P.R23: Earthworks – restricted discretionary activity</i> <i>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:</i></p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>The ability to achieve and clearly demonstrate the ability to comply with a specified TSS threshold may not be known prior to the commencement of any given earthworks project.</p> <p>The Fuel Companies consider a more practicable approach would be to require implementation of best practice erosion and sediment control measures to reduce the risk of sediment becoming entrained in stormwater as part of a restricted discretionary activity consenting process under P.R23.</p> <p>The Fuel Companies consider there is unlikely to be any significant benefit in requiring a non-complying activity consent, rather than a restricted discretionary activity consent, where there is uncertainty around the ability to comply with the specified 100mg/l TSS threshold at all times (for example where an intense rainfall event may occur), and there is an ability for council to review, impose conditions and monitor proposed erosion and sediment control measures through the RD consent process in any case.</p>	<p>(a) best practice erosion and sediment control measures shall be used to minimise the risk of a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.</p> <p>the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m³, except that, if at the time of the discharge the concentration of total suspended solids in the receiving water at or about the point of discharge exceeds 100g/m³, the discharge shall not, after the zone of reasonable mixing, decrease the visual clarity in the receiving water by more than:</p> <p>(iii) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or</p> <p>(iv) 30% in any other river, and</p> <p>(c) earthworks shall not occur between 1st June and 30th September in any year.</p>
Rule P.R24: Earthworks – non-complying activity	Support	Rule P.R24 can be supported, subject to the changes sought to Rule P.R23 above.	<p>Retain Rule P.R24, as follows:</p> <p><i>Rule P.R24: Earthworks – non-complying activity</i> 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 P.R23 is a non-complying activity.</p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
9.3.7 Take and use of water			
<i>Rule P.R31: Take and use of water – restricted discretionary activity</i>	Support	The exclusion of dewatering activities undertaken in accordance with R159 or R160 is supported.	Retain Rule P.R31 as notified.
<i>Rule P.R13: Take and use of water – discretionary activity</i>	Support in part	The exclusion of dewatering activities undertaken in accordance with R159 or R160 is supported.	Retain Rule P.R32 as notified.
Schedules			
Schedule 28: Stormwater Contaminant Treatment	Support in part	<p>The focus of Schedule 28 is on stormwater contaminant treatment without recognising the role of source control and/or other contaminant management measures to reduce copper and zinc loading in stormwater discharges.</p> <p>This does not reflect the approach set out in the proposed policy framework, which clearly recognises and encourages the use of source control. For example, Policy WH.P10, which reads as follows:</p> <p>Policy WH.P10: Managing adverse effects of stormwater discharges</p> <p><i>All stormwater discharges and associated land use activities shall be managed by:</i></p> <p><i>(a) using source control to minimise contaminants in the stormwater discharge and maximise, to the extent practicable, the removal of contaminants</i></p>	<p>Amend Schedule 28 to clearly enable source consent and/or other contaminant management measures to be used as an alternative means of achieving the target load reductions; and make all necessary amendments to clarify the assessment pathway (including the applicable rules) for activities that cannot achieve the copper and zinc target load reductions. This could be achieved by making the following changes or changes to the same effect:</p> <p>Schedule 28: Stormwater Contaminant Treatment <i>This schedule relates to Rules WH.R6, WH.R7, WH.R11, P.R6, and P.R7 and <u>P.R10</u>.</i></p> <p>Target Load Reductions <i>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.</i></p> <p><i>Table 1: Target Load Reductions for Copper and Zinc</i></p>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)		
		<p><i>from stormwater, including through the use of water sensitive urban design measures, and</i></p> <p>...</p> <p>Consistent with the MfE Water Discharge Guidelines, a comprehensive approach is taken to management of stormwater runoff from the Fuel Companies' facilities and managing the risk of contaminants becoming entrained in stormwater discharges. This includes source control, site management and emergency response procedures as well as use of treatment devices that are suited to industry and anticipated contaminant types and loads.</p> <p>The Fuel Companies would oppose an approach that favoured the treatment of stormwater runoff through raingardens/bioretention at the expense of other proven stormwater contaminant management methods.</p> <p>Schedule 28 should be amended to ensure consistency with the policy direction.</p> <p>In addition, under Rule WH.R11, an application for resource consent must include a Stormwater Impact Assessment prepared in accordance with Schedule 29. Clause 6 of Schedule 29 provides a clear reference to the contaminant treatment approach in Schedule 28. However, a statement at the beginning of Schedule 28 specifies that Schedule 28 relates to Rules WH.R6, WH.R7, P.R6 and P.R7. No reference is made, however, to WH.R11, which creates the potential for confusion</p>	Treatment Device	Copper	Zinc
			Bioretention (rain garden)	90%	90%
			<p>Equivalent Target Load Reduction</p> <p><i>A treatment train approach, <u>source control and/or contaminant management</u> 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</i></p>		



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
		<p>as to the extent to which the target load reductions for copper and zinc apply to activities seeking resource consent under Rule WH.R11, and whether an inability to achieve the target load reductions specified in Schedule 28 will result in non-compliance with Rule WH.R11, such that the activity would default to non-complying under Rule WH.R12.</p> <p>It is the Fuel Companies understanding that this is the intent. However, it is considered this assessment pathway needs to be clarified.</p>	
<p>Schedule 29: Stormwater Impact Assessments</p>	<p>Support</p>	<p>Schedule 29 is supported, in particular the additional assessment matters applying to high risk industrial or trade premises are considered to be appropriate.</p> <p>In the context of the changes sought to the definition of 'high risk industrial or trade premises' the Fuel Companies consider these additional clauses could be appropriately applied to any new or redevelopment impervious surfaces at service stations, truck stops or commercial refuelling facilities that are not otherwise provided for as a permitted activity under Rule WH.R5 or P.R5 or a restricted discretionary activity under Rule WH.R7 or P.R7.</p>	<p>Amend Schedule 29 to clarify it's application to service station, truck stop and commercial refuelling activities that the Fuel Companies seek be excluded from the definition of 'high risk' trade and industrial activities. This could be achieved by making the following changes or changes to the same effect:</p> <p>Schedule 29: Stormwater Impact Assessments <i>A stormwater impact assessment shall include the following analysis:</i> ... <i>Where the application includes <u>an industrial or trade premise or a high risk industrial or trade premise</u> the stormwater impact assessment analysis must also consider the following:</i></p> <ol style="list-style-type: none"> <li data-bbox="1196 1161 2018 1251">i. <i>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</i> <li data-bbox="1196 1262 2018 1351">ii. <i>Management practices proposed to avoid or minimise entrainment of contaminants into stormwater, including reducing contaminant volumes and concentrations as far as practicable, and applying</i>



Provision	Position	Reason	Relief Sought (deletions in red strikethrough, and additions in red underline)
			<i>measures, including secondary containment, treatment, management procedures, and monitoring.</i>

