

**SUBMISSION ON PROPOSED PLAN CHANGE 1 TO THE NATURAL RESOURCES  
PLAN FOR THE WELLINGTON REGION**

**CANNON POINT DEVELOPMENT LIMITED**

**TO:** Environmental Policy,  
PO Box 11646 Manners Street,  
Wellington 6142,  
ATT: Hearings Adviser  
*Via email:* [regionalplan@gw.govt.nz](mailto:regionalplan@gw.govt.nz)

**SUBMISSION ON:** Proposed Plan Change 1 to the Natural Resources Plan for the  
Wellington Region

**NAME OF SUBMITTER:** Cannon Point Development Limited (Ltd.)

**ACTING AGENT FOR SUBMITTER:** Michael Hall,  
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This is a submission on the following plan change proposed to the Operative Natural Resources Plan for the Wellington Region:

- Proposed Plan Change 1 to the Natural Resources Plan

The specific provisions of the proposed plan change that the submission relates to are:

- Definitions – ‘Unplanned greenfield development’
- Policies - WH.P2; WH.P14; WH.P16; WH.P31
- Rules – WH.R5; WH.R6; WH.R11; WH.R12; WH.R13; WH.R17; WH.R18; WH.R19; WH.R23; WH.R24
- Maps – 88 and 94

The submitters seek the following decision from the Greater Wellington Regional Council:

- Refer to the submission attached.

Cannon Point Development Ltd. wishes to be heard in support of this submission.

Cannon Point Development Ltd. would be prepared to make a joint case at the hearing if others make a similar submission.

Cannon Point Development Ltd. would not gain an advantage in trade competition through this submission.



15.12.2023

.....  
Michael Hall  
Authorised Agent for Cannon Point Development Limited.

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Date

# Submission on Notified Proposed Plan Change 1 (PC1) to the Operative Natural Resources Plan for the Wellington Region

## Cannon Point Development Ltd.'s Interests in the Wellington Region

- 1.1 Cannon Point Development Ltd. is the owner and developer of land hereafter referred to as Cannon Point. Cannon Point is located approximately 2.5km north-east of Upper Hutt town centre, along the north-west boundary of Totara Park.
- 1.2 In this submission, six main sub-areas of Cannon Point are discussed. For the purpose of this submission, these have been termed: Stage 1, Stage 2, Stage 3, Western Extension, Eastern Extension and Top Terrace and are collectively referred to as 'the Site'.
- 1.3 The borders of Stage 1, 2 and 3 are shown on Figures A and B below. Stage 1 and 2 of the subdivision have been consented and implemented. Stage 3 has been through multiple pre-application meetings with Upper Hutt City Council (UHCC) and Greater Wellington Regional Council (GWRC). Some of the site has been earth-worked under the consents for Stage 1 and 2. Consent for the remaining part of Stage 3 will be sought over 2024. Future development will also be considered to the south-west of Stage 3 (Western Extension), the north-east of Stage 1 (Eastern Extension) and the west of Stage 2 (Top Terrace).



**Figure A: Overall extent of Cannon Point Stages 1,2, and 3**

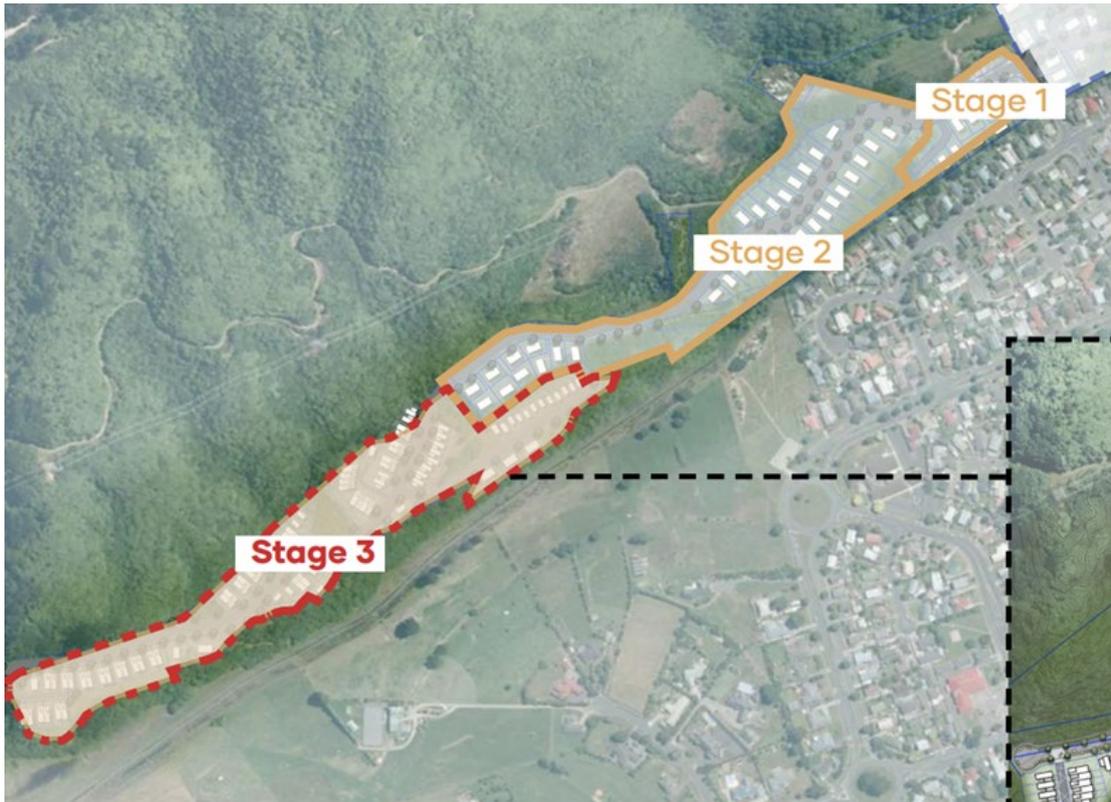


Figure B: Outline extent of Cannon Point Stage 1,2 and 3<sup>1</sup>

## Overview of Submission

- 1.4 Cannon Point Development Ltd.'s submission on PC1 is structured as follows:
- a) General summary of the submission
  - b) Detailed relief sought (see Attachment 1: Specific Submission Points)

## General Comments

- 1.5 Cannon Point Development Limited generally support the objectives of PC1 to give effect to the National Policy Statement for Freshwater Management (NPS-FW). However, the objectives do not warrant the subsequent policies and rules that prohibit unplanned greenfield development and associated stormwater discharges. This prohibition would foreclose any opportunity to manage adverse effects to achieve Target Attribute States and coastal water objectives, where this is possible. Instead, providing a consenting pathway for these activities, using an effects-management approach, is more appropriate. This would better allow for the competing directives of the National Policy Statement for Freshwater

<sup>1</sup> Cannon Point Draft Stage 3 Masterplan, 28/03/2023, Align

Management (NPS-FW) and the National Policy Statement on Urban Development (NPS-UD) to be resolved.

- 1.6 Cannon Point Development Ltd oppose the identification of unplanned greenfield areas on the proposed PC1 maps and the associated definition of unplanned greenfield development.
- 1.7 It is considered that this development activity should be controlled by the relevant zone rules in the District Plan. The Cannon Point site is shown to be an unplanned greenfield area on Map 88. The site is currently zoned General Rural, Rural Lifestyle and Open Space under the UHCC District Plan. As explained in the Section 32 Report, these zones all fall within the area defined as Unplanned Greenfield Areas.
- 1.8 The inclusion of the Rural Lifestyle zone as Unplanned Greenfield Area under PC1 is inconsistent with the inclusion of other similar zones as planned development across other local authorities, in particular; Large Lot Residential in Wellington City Council and Hill Residential in Hutt City Council. It is also fundamentally flawed from a resource management perspective, and contrary to the Upper Hutt District Plan. The Rural Lifestyle Zone provides for detached houses on lots larger than those in the residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development, subject to conditions. Therefore, residential development in this zone is considered to be planned development and should be defined as such in PC1.
- 1.9 In addition, defining unplanned greenfield areas as those that do not have an urban or future urban zone as of 30th October 2023 is inflexible and unreasonable. This date does not allow for notified plan changes, already going through the process, that propose to re-zone land for residential use beyond that date. The Site is already proposed to be re-zoned for residential use under the UHCC Intensification Planning Instrument (IPI) and Proposed Plan Change 50 – Rural Review (PC50), with some minor adjustments sought by Cannon Point to fully provide for the development (see Appendix A).
- 1.10 In recommendations to the Joint Committee Subcommittee for the draft Wairarapa-Wellington-Horowhenua Future Development Strategy (FDS), GWRC also support the Site as a growth area and recommend that it should be included as planned development in Upper Hutt, as it has been notified as residential in PC50<sup>2</sup>.
- 1.11 Cannon Point Development Ltd. seek to delete the definition of unplanned greenfield development and associated Maps 86-89, because it does not take into account all planned development in Upper Hutt which has been appropriately considered and managed through relevant planning documents. The definition and approach to what is unplanned urban development is flawed and needs to be reconsidered consistently across each district council.
- 1.12 If this relief is not adopted by GWRC, it is sought that Map 88 is amended to include the Cannon Point site as a planned/existing urban area and consequential amendments made to subsequent PC1 provisions to reflect this. The specific area to be included as planned/existing urban area is identified on the Map included in Appendix A. The map identifies the general residential and rural lifestyle zones as shown through the PC50 maps

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<sup>2</sup> Joint Committee Subcommittee for Future Development Strategy 11 December 2023 - Future Development Strategy – Summary of Submissions, Attachment 4 to Report 23.577, p.76.

that has not been accounted for in Map 88. It does not show the proposed rezoning land that was not included but is subject to either granted or in process resource consent applications. This land is shown as amended by the proposed re-zoning sought by Cannon Point Ltd in Appendix A. For the avoidance of doubt, the Cannon Point site does not include the triangular shaped area of land that lies to the south-west, and immediately adjacent to, Totara Park which is also shown on the map as proposed to be re-zoned Rural Lifestyle under PC50.

### Specific Submission Points

- 1.13 Without limiting the relief sought above, Cannon Point Development Ltd. seeks the amendments to PC1, and any consequential alterations, set out in Attachment 1.

ATTACHMENT 1: SPECIFIC SUBMISSION POINTS

| Chapter No and Name               | Provision No. & Title            | Type of Change | Stance | RMA Process       | Reason for Feedback  | Decision Sought  |
|-----------------------------------|----------------------------------|----------------|--------|-------------------|--|--|
| <b>2</b><br><i>Interpretation</i> | <b>2.2</b><br><i>Definitions</i> |                |        |                   |  |  |
|                                   | Unplanned greenfield development | New            | Oppose | Part 1 Schedule 1 | <p>The necessity for having unplanned greenfield areas identified on the proposed PC1 maps and the consequential definition of unplanned greenfield development is not adequately justified in PC1 or the accompanying Section 32 Report. It is considered that this development activity should be controlled by the relevant zone rules in the District Plan.</p> <p>The Cannon Point site is shown to be an unplanned greenfield area on map 88. The site is currently zoned General Rural, Rural Lifestyle and Open Space under the UHCC District Plan. As explained in the Section 32 Report, these zones all fall within the area defined as Unplanned Greenfield Areas.</p> <p>The inclusion of the Rural Lifestyle zone as Unplanned Greenfield Area under PC1 is inconsistent with the inclusion of other similar zones as planned development across other local authorities, in</p> | <ul style="list-style-type: none"> <li>(a) Delete the definition of Unplanned greenfield development, and</li> <li>(b) Delete Maps 86-89 Greenfield Areas (planned and unplanned) or, if this relief is not accepted,</li> <li>(c) Amend Map 88 to include the site extent of Cannon Point, as shown on the map included in Appendix A, and further described in paragraph 1.12 (p.5) of this submission, as a Planned/ existing urban area, and</li> <li>(d) Make consequential amendments to subsequent PC1 provisions, to reflect the above.</li> </ul> |

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|                     |                       |                |        |             | <p>particular; Large Lot Residential in Wellington City Council and Hill Residential in Hutt City Council.</p> <p>It is also fundamentally flawed from a resource management perspective, and contrary to the Upper Hutt District plan. The Rural Lifestyle Zone provides for detached houses on lots larger than those in the residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development, subject to conditions. Therefore, Residential development in this zone is considered to be planned development and should be provided for as such in PC1.</p> <p>In addition, defining unplanned greenfield areas as those that do not have an urban or future urban zone as of 30th October 2023 is inflexible and unreasonable. This date does not allow for notified plan changes, already going through the process, that propose to re-zone land for residential use beyond that date. The Site is already proposed to be re-zoned for residential use under the UHCC IPI and PC50, with some minor adjustments</p> |                 |

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|---------------------|-----------------------|----------------|--------|-------------|--|-----------------|
|                     |                       |                |        |             | <p>sought by Cannon Point to fully provide for the development (see Appendix A).</p> <p>In recommendations to the Joint Committee Subcommittee for the draft Wairarapa-Wellington-Horowhenua Future Development Strategy (FDS), GWRC also support the Site as a growth area and recommend that it should be included as planned development in Upper Hutt, as it has been notified as residential in PC50.</p> <p>Cannon Point Development Ltd. seek to delete the definition of unplanned greenfield development and associated Maps 86-89, because it does not take into account all planned development in Upper Hutt which has been appropriately considered and managed through relevant planning documents. The definition and approach to what is unplanned urban development is flawed and needs to be reconsidered consistently across each district council.</p> <p>If this relief is not adopted by GWRC, it is sought that Map 88 is amended to include the Cannon Point site as a planned/existing urban area and</p> |                 |

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|                                      |  |                |                 |                   | consequential amendments made to subsequent PC1 provisions to reflect this.   |   |
| <b>8 Whaitua Te Whanganui-a-Tara</b> | <b>8.2 Policies</b>  |                |                 |                   |   |   |
|                                      | Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives. | New            | Amend           | Part 1 Schedule 1 | <p>This policy provides that Target Attribute States and coastal water objectives will be achieved by regulating discharges and land use activities in the plan by, <i>inter-alia</i>, prohibiting unplanned greenfield development, under Clause (a).</p> <p>The objectives of PC1 do not warrant the prohibition of unplanned greenfield development. The prohibition of this activity would foreclose any opportunity to manage effects to achieve Target Attribute States and coastal water objectives, where this is possible. Instead, an effects management approach is more appropriate. This would better allow for the competing directives of the National Policy Statement for Freshwater Management (NPS-FW) and the National Policy Statement on Urban Development (NPS-UD) to be resolved.</p> | <p>If the definition of Unplanned Greenfield Development is not deleted, clause 1 should be amended as follows:</p> <p><i>“(a) Encourage <del>prohibiting</del> unplanned and other greenfield development and for other greenfield developments minimising the to minimise contaminants and requiring financial contributions as to offset adverse effects from residual stormwater contaminants, and”</i></p> |
|                                      | Policy WH.P14: Stormwater  | New            | Support in part | Part 1 Schedule 1 | Seems pragmatic and reasonable. However, this policy can only be supported if relief sought in relation to  | Retain only if the relief sought in relation to the definition of unplanned greenfield development is accepted.   |

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|---------------------|---|----------------|--------|-------------------|---|--|
|                     | discharges from new and redeveloped impervious surfaces.                        |                |        |                   | the definition of unplanned greenfield development is accepted.   |  |
|                     | Policy WH.P16: Stormwater discharges from new unplanned greenfield development. | New            | Oppose | Part 1 Schedule 1 | <p>The requirement to 'avoid' all new stormwater discharges from unplanned greenfield development leads directly to prohibited activity rule WH.R13. There is no directive in the objectives that justifies the policy taking an avoidance approach.</p> <p>The use of the word 'avoid' and consequential prohibition of this activity would foreclose any opportunity to manage effects to achieve Target Attribute States and coastal water objectives, where this is possible. As noted above, an effects-management approach is more appropriate. This would better allow for the competing directives of the NPS-FW and NPS-UD to be resolved.</p> | Delete the policy as it is not necessary to implement the objectives of PC1 or, if this is not accepted, amend it to be consistent with implementing the objectives which requires an effects management approach. |
|                     | Policy WH.P31: Winter shut down of earthworks.                                  | New            | Oppose | Part 1 Schedule 1 | The submitter opposes the winter shut down period for earthworks over 3,000m <sup>2</sup> as the requirements are onerous and will delay developments, result in unnecessary costs and are not required with the standards set in Policy WH.P30 and included in the rules. The submitters   | Delete policy WH.P31.  |

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|---------------------|---|----------------|--------|-------------------|--|---|
|                     |   |                |        |                   | note that winter works are totally appropriate to be undertaken if the soil type provides for this and sufficient management of earthworks controls are provided to manage effects, and/or during construction a contractor has demonstrated they can work effectively in these conditions and the project requires works in this period. This operational performance standard that is normally site specifically assessed should be deleted as a policy. |   |
|                     | <b>8.3. Rules</b>   |                |        |                   |  |   |
|                     | <b>8.3.2 Stormwater</b>   |                |        |                   |  |   |
|                     | Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity. | New            | Amend  | Part 1 Schedule 1 | The overall intent of this rule is supported but reference to unplanned greenfield development should be deleted.  | Delete reference to unplanned greenfield development as follows:<br><br><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</i> |

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|---------------------|---|----------------|--------|-------------------|---|---|
|                     |   |                |        |                   |   | <p><del>unplanned greenfield development</del>, is a permitted activity, provided the following conditions are met...</p> <p>[no change is sought to the remainder of the rule and so it has been excluded for brevity].</p>  |
|                     | Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity. | New            | Amend  | Part 1 Schedule 1 | The overall intent of this rule is supported but reference to unplanned greenfield development should be deleted. | <p>Delete reference to unplanned greenfield development as follows:</p> <p><i>The use of land for the creation of new impervious surfaces for greenfield development and the associated discharge of stormwater into water, or onto or into land where it may enter a surface water body or coastal water, including through an existing local authority stormwater network, that is not a high risk industrial or trade premise or <del>unplanned greenfield development</del>, is a controlled activity, provided the following conditions are met....</i></p> <p>[no change is sought to the remainder of the rule and so it has been excluded for brevity].</p> |

| Chapter No and Name | Provision No. & Title  | Type of Change | Stance | RMA Process       | Reason for Feedback  | Decision Sought   |
|---------------------|--|----------------|--------|-------------------|--|---|
|                     | Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity. | New            | Amend  | Part 1 Schedule 1 | Overall the rule is supported. However, the submitter opposes the reference to the prohibited activity rule WH.R13, relating to unplanned greenfield development, which it seeks be deleted below. | <p>As a consequence of the relief sought in relation to Rule WH.R13 below, amend Rule WH.R11 as follows:</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 WH.R5, or a controlled activity under Rule WH.R6 or Rule WH.R7, <del>or prohibited under WH.R13</del> is a discretionary activity provided the following conditions are met:...</i></p> <p>[no change is sought to the remainder of the rule and so it has been excluded for brevity].</p> |
|                     | Rule WH.R12: All other stormwater discharges – non-  | New            | Amend  | Part 1 Schedule 1 | The submitter opposes the reference to the prohibited activity rule WH.R13, relating to unplanned greenfield development, which it seeks be deleted below.   | <p>As a consequence of the relief sought in relation to Rule WH.R13 below, amend Rule WH.R12 as follows:</p> <p><i>The:</i></p>   |

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|                     | complying activity    |                |        |             |                     | <p><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></p> <p><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 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</i></p> |

| Chapter No and Name | Provision No. & Title  | Type of Change | Stance | RMA Process       | Reason for Feedback   | Decision Sought   |
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|                     |  |                |        |                   |   | <i>or WH.R7, or a discretionary activity under Rule WH.R10 or WH.R11, or a prohibited activity under WH.R13, is a non-complying activity.</i>   |
|                     | Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity. | New            | Oppose | Part 1 Schedule 1 | <p>This rule is strongly opposed. Cannon Point Development Ltd. seek deletion of this rule.</p> <p>The objectives of PC1 do not warrant the prohibition of unplanned greenfield development. This would foreclose any opportunity to manage effects to achieve Target Attribute States and coastal water objectives, where this is possible. Instead, an effects-management approach is more appropriate. This would better allow for the competing directives of the NPS-FW and NPS-UD to be resolved.</p> <p>It is considered that stormwater from new unplanned greenfield development should instead be provided for under Rule WH.R11 as a discretionary activity or WH.R12 as a non-complying activity.</p> | Delete Rule WH.R13 and provide for stormwater from new unplanned greenfield development to be managed under Rule WH.R11 as a discretionary activity or Rule WH.R12 as a non-complying activity. |
|                     | <b>8.3.4 Land Uses</b>   |                |        |                   |   |   |

| Chapter No and Name | Provision No. & Title  | Type of Change | Stance | RMA Process | Reason for Feedback  | Decision Sought   |
|---------------------|--|----------------|--------|-------------|--|---|
|                     | Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity. | New            | Amend  | Freshwater  | <p>The site is identified to contain areas of Highest Erosion Risk Land (Woody Vegetation) on Map 94.</p> <p>This permitted activity rule only provides for vegetation clearance on highest erosion risk land (woody vegetation) and associated discharge of sediment to a surface water body, where the vegetation clearance is to:</p> <p>(i) implement an action in the erosion risk treatment plan for the farm, or</p> <p>(ii) for the control of pest plants.</p> <p>Rule WH.R18 provides for vegetation clearance on highest erosion risk land (woody vegetation) of <u>more than</u> [emphasis added] a total area of 200m<sup>2</sup> per property in any consecutive 12 month period, and any associated discharge of sediment to a surface water body as a controlled activity provided an erosion and sediment control plan has been prepared.</p> <p>The clearance of vegetation on Highest Erosion Risk Land (woody vegetation) that is a total area of 200m<sup>2</sup> or less in any consecutive 12-month period, and any</p> | <p>Amend Rule WH.R17 as follows:</p> <p><i>Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity</i></p> <p><i>Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body is a permitted activity provided the following conditions are met:</i></p> <p><b>(a) the vegetation clearance is a total of 200m<sup>2</sup> or less per property in any consecutive 12-month period, or</b></p> <p><del>(a)</del> <b>(b) the vegetation clearance is:</b></p> <p><b>(i) to undertake track maintenance, or</b></p> <p><del>(i)</del> <b>(ii) to implement an action in the erosion risk treatment plan for the farm, or</b></p> <p><del>(ii)</del> <b>(iii) for the control of pest plants, and</b></p> |

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|                     |                       |                |        |             | <p>associated discharge of sediment to a water where this is not to implement the erosion risk treatment plan or for the control of pest plants is not provided for as a permitted or controlled activity. Therefore, it is a discretionary activity under Rule WH.R19.</p> <p>It is unclear whether it is council's intention for vegetation clearance of 200m<sup>2</sup> or less, in this erosion risk overlay, to be a discretionary activity. It is assumed to be a drafting error, similar to that which GWRC have raised with respect to Rule WH.R23 (Earthworks – permitted activity) as addressed in this submission below. However, as it stands the discretionary activity status for this activity it is considered onerous and unnecessary.</p> <p>Furthermore, in cases where there are large properties and track maintenance is required to clear woody vegetation, an (assumed) permitted activity standard of 200m<sup>2</sup> per property is too small. A clearance of 2000m<sup>2</sup> per property as a minimum or provision for clearing of vegetation for track maintenance should be considered.</p> | <p><del>(b)</del> <b>(c)</b> debris from the vegetation clearance is not placed where it can enter a surface water body.</p> |

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|---------------------|---|----------------|-----------------|-------------|--|--|
|                     | Rule WH.R18: Vegetation clearance on highest erosion risk land – controlled activity. | New            | Amend           | Freshwater  | As outlined above, in cases where there are large properties and track maintenance is required to clear woody vegetation, an (assumed) permitted activity standard of 200m <sup>2</sup> per property is too small. A clearance of 2000m <sup>2</sup> per property as a minimum or provision for clearing of vegetation for track maintenance should be considered. Consequential amendments to this controlled activity rule are, therefore, sought. | Amend the rule, as a consequence of amendments sought to Rule WH.R17 above, as follows:<br><br><i>Vegetation clearance on highest erosion risk land (woody vegetation), of more than a total area of 200m<sup>2</sup> per property in any consecutive 12-month period, and any associated discharge of sediment to a surface water body, <b>that is not a permitted activity under Rule WH.R17</b>, is a controlled activity provided an erosion and sediment management plan has been prepared in accordance with Schedule 33 (vegetation clearance plan) and submitted with the application for resource consent under this Rule.</i><br><br>[no change is sought to the remainder of the rule and so it has been excluded for brevity]. |
|                     | Rule WH.R19: Vegetation clearance – discretionary activity.                           | New            | Support in part | Freshwater  | Overall the rule is supported if Rules WH.R17 and WH.R18 are amended as sought.  | Amend Rule WH.R17 and Rule WH.R18 as sought.   |
|                     | <b>8.3.5 Earthworks</b>   |                |                 |             |  |  |

| Chapter No and Name | Provision No. & Title                         | Type of Change | Stance | RMA Process | Reason for Feedback   | Decision Sought  |
|---------------------|---|----------------|--------|-------------|---|--|
|                     | Rule WH.R23: Earthworks – permitted activity. | New            | Amend  | Freshwater  | <p>Further to discussions held as part of the GWRC seminar on PC1 held on 30 November, we understand that there has been an error in drafting this rule.</p> <p>As drafted, the rule states earthworks is a permitted activity provided the earthworks are to;</p> <p>(a) implement an action in the erosion risk management plan, or</p> <p>(b) farm environment plan, for a farm, and</p> <p>(c) the area of earthworks does not exceed 3,000m<sup>2</sup> per property in any consecutive 12-month period, and they meet other specified conditions</p> <p>In the seminar, GWRC relayed that the intention of this rule is to provide for all earthworks less than 3000m<sup>2</sup> per property as a permitted activity, subject to conditions. It is understood that GWRC will look to correct this error through Clause 16 of the RMA or a submission.</p> <p>Cannon Point Development Ltd, opposes the earthworks rule as it stands and supports any amendment to the Rule to provide for all earthworks where they do not exceed 3000m<sup>2</sup> per property in any</p> | <p>Amend the rule as follows:</p> <p><i>Rule WH.R23: Earthworks – permitted activity</i></p> <p><i>Earthworks is a permitted activity, provided the following conditions are met:</i></p> <p><b>(a) the area of earthworks does not exceed 3,000m<sup>2</sup> per property in any consecutive 12-month period, or</b></p> <p><del>(a)</del> <b>(b) the earthworks are to implement an action in the erosion risk treatment plan for the farm, or</b></p> <p><del>(b)</del> <b>(c) the earthworks are to implement an action in the farm environment plan for the farm, and</b></p> <p><del>(c) the area of earthworks does not exceed 3,000m<sup>2</sup> per property in any consecutive 12-month period, and</del></p> <p><b>(d) the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association</b></p> |

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|---------------------|-----------------------|----------------|--------|-------------|--|---|
|                     |                       |                |        |             | consecutive 12 month period as a permitted activity. | <p><i>with Rules R122, R124, R130, R131, R134, R135, and R137, And</i></p> <p><i>(e) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and</i></p> <p><i>(f) the area of earthworks must be stabilised within six months after completion of the earthworks, and</i></p> <p><i>(g) there is no discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and</i></p> <p><i>(h) erosion and sediment control measures shall be used to prevent a discharge of sediment where a preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.</i></p> |

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|---------------------|--|----------------|--------|----------------------|--|---|
|                     | Rule WH.R24: Earthworks – restricted discretionary activity. | New            | Amend  | Part 1<br>Schedule 1 | <p>The submitters oppose the shut down period for earthworks included in condition (b) and matter of discretion (8) restricting winter works and preparation for closedown for reasons outlined above in relation Policy WH.P31.</p> <p>The submitters stance on this rule is also subject to the acceptance of amendments to Rule WH.R23 as sought above.</p> | <p>Amend the rule as follows:</p> <p><i>Rule WH.R24: Earthworks – restricted discretionary activity</i></p> <p><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 WH.R23 is a restricted discretionary activity, provided the following conditions are met:</i></p> <p><i>(a) the concentration of total suspended solids in the discharge from the earthworks shall not exceed 100g/m<sup>3</sup>, 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/m<sup>3</sup>, 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>(i) 20% in River class 1 and in any river identified as having high</i></p> |

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|                     |                       |                |        |             |                     | <p><i>macroinvertebrate community health in Schedule F1 (rivers/lakes), or (iii) 30% in any other river, and</i></p> <p><del><i>(b) earthworks shall not occur between 1st June and 30th September in any year.</i></del></p> <p><u><i>Matters for discretion</i></u></p> <ol style="list-style-type: none"> <li><i>1. The location, area, scale, volume, duration and staging and timing of works</i></li> <li><i>2. The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated the staging of works and progressive stabilisation</i></li> <li><i>3. The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site</i></li> <li><i>4. The proportion of unstabilised land in the catchment</i></li> <li><i>5. The adequacy and efficiency of stabilisation devices for sediment control</i></li> </ol> |

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|                     |                       |                |        |             |                     | <p>6. Any adverse effects on:</p> <p>(i) groundwater, surface water bodies and their margins, particularly surface water bodies within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), Schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters)</p> <p>(ii) group drinking water supplies and community drinking water supplies</p> <p>(iii) mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and</p> |

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|---------------------|--|----------------|--------|-------------------|--|---|
|                     |  |                |        |                   |  | <p><i>critical life cycle periods for indigenous aquatic species</i></p> <p>(iv) <i>(iv) the natural character of lakes, rivers, natural wetlands and their margins and the coastal environment</i></p> <p>(v) <i>natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers</i></p> <p><i>7. Duration of the consent</i></p> <p><del><i>8. Preparation required for the close-down period (from 1st June to 30th September each year) and any maintenance activities required during this period</i></del></p> <p><i>9. Monitoring and reporting requirements</i></p> |
| <b>13 Maps</b>      |  |                |        |                   |  |   |
|                     | Map 88: Unplanned greenfield areas – Upper | New            | Oppose | Part 1 Schedule 1 | As outlined above, in relation to feedback on the definition of Unplanned Greenfield Development, the necessity for having unplanned greenfield areas identified on the proposed PC1 maps (and the | <p>(a) Delete Maps 86-89 Greenfield Areas (planned and unplanned), or, if this relief is not accepted,</p> <p>(b) Amend Map 88 to include the site extent of Cannon Point, as</p>   |

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|                     | Hutt City Council.    |                |        |             | <p>consequential definition of unplanned greenfield development) is not adequately justified in PC1 or the accompanying S.32 Report.</p> <p>In relation to the Cannon Point site, Map 88 does not accommodate planned residential development where this is provided for in the Rural Lifestyle Zone of the Upper Hutt District Plan, nor where it is proposed through re-zoning subject to existing notified plan changes PC50 and the IPI. Furthermore, the map does not reflect the GWRC officer recommendation that the Site should be included as planned development in Upper Hutt in the FDS.</p> <p>Cannon Point seeks to delete Map 88 as it does not take into account all planned development in Upper Hutt which has been appropriately considered and managed through relevant planning documents. The definition and approach to what is unplanned urban development is flawed and needs to be reconsidered consistently across each district council.</p> <p>If this relief is not adopted by GWRC, it is sought that Map 88 is amended to</p> | <p>shown on the map included in Appendix A, and further described in paragraph 1.12 (p.5) of this submission, as a Planned/ existing urban area.</p> |

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|                     |  |                |                  |             | include the Cannon Point site as a planned/existing urban area and consequential amendments made to subsequent PC1 provisions to reflect this. The specific area to be included as planned/existing urban area is identified on the Map included in Appendix A. The map identifies the general residential and rural lifestyle zones as shown through the PC50 maps that has not been accounted for in Map 88. It does not show the proposed rezoning land that was not included but is subject to either granted or in process resource consent applications. This land is shown as amended by the proposed re-zoning sought by Cannon Point Ltd in Appendix A. For the avoidance of doubt, the Cannon Point site does not include the triangular shaped area of land that lies to the south-west, and immediately adjacent to, Totara Park which is also shown on the map as proposed to be rezoned Rural Lifestyle under PC50. |  |
|                     | Map 94: Highest erosion risk land (Woody vegetation) | New            | Amend and Oppose | Freshwater  | Areas of highest erosion risk land (woody vegetation) are identified on the Cannon Point Site on Map 94.  | Amend the display of Map 94 to better identify the actual physical boundaries of land that is at highest risk of erosion (woody vegetation clearance), to enable related PC1 provisions be interpreted |

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|                     | clearance) –<br>Te<br>Whanganui-<br>a-Tara. |                |        |             | <p>Cannon Point Development Ltd is concerned about the pixelated display of the areas subject to this notation, and the fact that they do not reflect the actual physical boundaries of the areas identified to be subject to erosion risk.</p> <p>Based on discussion that took place at the GWRC Seminar on PC1 on 30 November, it is understood that this display is to be corrected. Cannon Point Development Ltd. supports this intended course of action to ensure that PC1 can be interpreted correctly. However, this is only on the proviso that the maps accurately located the highest erosion risk on site.</p> | correctly. Until these are displayed accurately depicting the site these maps are opposed. |

APPENDIX A: Cannon Point Development Ltd. Relief Sought – UHCC Proposed PC50 (Rural Review) Maps



# Cannon Point Development Ltd. Relief Sought – UHCC Proposed PC50 (Rural Review) Maps



Prepared by:  
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### Legend

Proposed Re-zoning Sought by  
Cannon Point Ltd.

 Area submitter seeks to re-zone  
Genera Residentia

Pan Change 50 - Rura  
Review Zones

 Genera Residentia

 Genera Rura

 Rura Production

 Rura Lifestyle

 Settlement

 Special Activity

