
# Submission of Winstone Aggregates on Proposed Plan Change 1 to the Wellington Region Natural Resources Plan

# Form 5

# Submission on notified proposal for policy statement or plan, change or variation

## 1. Details of submitter:

| | |
|---|---|
| **Name of Submitter:**<br>(First and last name, or organisation / company) | Winstone Aggregates |
| **Address for service:**<br>(Email, or physical address)<br>Please note an email address is the preferred method | philip.heffernan@winstoneaggregates.co.nz |
| **Phone:** (Optional) | +64 21 680 660 |
| **Contact person for submission:**<br>(If different to above) | Phil Heffernan |
| **I wish to be heard in support of my submission at a hearing:** | Yes |
| **I would consider presenting a joint case at the hearing with others who make a similar submission:** | Yes |

## 2. Disclosures:

| | | |
|---|---|---|
| **I could gain an advantage in trade competition through this submission:** | No | |
| Only answer this question if you ticked 'yes' above:<br>**I am directly affected by an effect of the subject matter of the submission that:**<br>(a) **adversely affects the environment; and**<br>(b) **does not relate to trade competition or the effects of trade competition** | N/A | |
| Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991. | | |
| ***I confirm that I have permission to provide this information If on behalf of a company / organisation, and that I have read and understood the Information Statement:*** | [redacted] | 15/12/2023 |

# Submission on Proposed Plan Change 1
# Natural Resources Plan

## INTRODUCTION

Winstone Aggregates (a division of Fletcher Concrete and Infrastructure) is the leader in aggregate products and services in New Zealand, operating eleven extractive quarries, two joint venture quarries, four managed fills/clean fills, six laboratories and a transportation fleet. In the Wellington Region, Belmont Quarry and Otaki Quarry are Winstone's largest operations, with smaller operations at Petone, Dry Creek, Kapiti and Waikanae. As context to Proposed Plan Change 1, the Belmont Quarry, Dry Creek and Petone are located within the Te Whanganui-a-Tara Whaitua.

Rock is a natural resource that is utilised for any roading or construction. The quality and accessibility of the resource varies across the country. Like other natural resources, such as wind energy and freshwater, it needs to be utilised where quality resource is found and transported to locations of high demand. While aggregate supply is not scarce in New Zealand, high quality, versatile and readily extracted resources close to centres of demand are becoming depleted or operationally limited, due to urban encroachment and reverse sensitivity of people moving close to areas identified as suitable for quarrying. Urban spread can limit access to sources of aggregates and necessitate resorting to more distant sources, increasing transport costs with widespread associated social and environmental impacts. Quarried products are generally very low value, on average around $20/tonne. However, once a load of aggregate is taken more than 30km from a quarry, the consumer is generally paying more in cartage costs than for the actual aggregate[1]. Additionally, longer transport distances does not support decarbonisation and moving to a low emission transport network. Continuing to support and enable the local source of aggregate is therefore essential. This is supported by the Regional Policy direction of the Operative Regional Policy Statement for Wellington through Objective 31 and Policy 60 and RPS Plan change 1.

The need for local supply of aggregate has been recently felt as a result of supply issues due to the COVID-19 pandemic which has been widely recognised at contributing to housing unaffordability. As aggerate is a mineral, quarries do not have the choice of location. They must locate where the resource is located, and that resource under the ground needs to be accessible. Much of the accessible aggregate resource within western Wellington region (this side of the Remutaka Range) has been exhausted or sterilised, due to urban development of the land, the current use of the land or legal protections of natural features upon the land that make quarrying difficult/impossible. The main source of aggregate for the western Wellington region is now Winstone's Belmont Quarry, located within the Hutt Valley. In addition, there are smaller deposits at Horokiwi and Kiwi Point quarries. The ongoing ability for the Wellington Region to access locally sourced aggregate, including Belmont Quarry, will be essential for their long-term future. Aggregate plays a vital role in the creation of new housing, businesses, roads, cycleways, and three waters infrastructure. Additionally, the

[1] https://aqa.org.nz/fact-files/

Wellington Region is projected to grow by 200,000 people by the year 2050 and will require an additional 99,000 homes[2]. There are also various transport infrastructure projects that will occur over the short- to medium-term, including[3]:

- Various proposals to improve traffic networks around Wellington City (Let's Get Wellington Moving and any replacements or future iterations)
- Rail improvements,
- Otaki to North Levin,
- Cycleways and shared paths,
- State Highway 55 improvements, and
- The West-East Connection.

Aggregate is also used as part of the region's approach to climate change, whether it is coastal protection or rebuilding as a result of slips, flooding, or building more resilient cycling/transport infrastructure. While Winstone support the direction of the plan towards climate adaption, the importance of aggregate in that response, and increasing the region's resilience (or any earthquake response) should not be downplayed.

The aggregates sector needs support from local government by designing a legislative environment that allows us to supply quarry materials for affordable housing and infrastructure both now and in the future. In order to do this, it is critical that the Natural Resources Plan acknowledges the importance of aggregate to Greater Wellingtons economy; that the consenting process is both enabling and streamlined; and quarry resources are protected from sterilisation and reverse sensitivity effects.

# Submission to PPC1

Proposed Plan Change 1 (**PPC1**) seeks to give effect to the National Policy Statement for Freshwater Management (February 2023 update), and specifically Policy 5 in identifying the target attribute states for the Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua. The changes introduce objectives, policies and methods to either maintain or improve water quality and ecological health.

**Appendix 1** contains Winstone's detailed submission on PPC1. The following general relief sections summarise the key issues raised by Winstone in its detailed submission and for the avoidance of doubt, form part of the submission.

## General Relief

### Recognition of quarrying activities

Winstone considers that PPC1 lacks consideration of quarrying activities[4]. This is apparent through both the drafting of the rules, and the Section 32 Evaluation. PPC1 introduces separate rule frameworks to manage rural activities, and to manage urban activities.

[2] Based on the Housing and Business Development Capacity Assessment: Wairarapa-Wellington-Horowhenua 2023
[3] Based on the Wellington Regional Land Transport Plan 2021
[4] For the purposes of this submission, reference to "quarrying activities" has the same meaning as definition included in the National Planning Standards.

Quarrying activities being a 'fringe' activity, are not specifically anticipated under either of the rule frameworks. As drafted, the urban related rules would apply to quarrying activities. These provisions are not drafted to anticipate quarrying activities, but rather residential, commercial, and industrial activities within an urban area. The mis-categorisation and treatment of quarrying activities in this way, mean that PPC1 introduces an overly onerous planning framework that will significantly restrict the continued operation of local quarries.

As noted above, the Wellington Region requires a steady and secure supply of locally available aggregate. PPC1 introduces a significant risk to the local quarrying industry which will risk the existing and future operation of quarrying activities. Winstone consider that the current approach is inconsistent with the Regional Policy Statement that directs recognition of the benefits of the Regions mineral resources and seeks to enable the ongoing use of the resource,[5] recognition of the role of aggregates in the Policy direction of the RPS and provisions of the NRP that do not form part of Plan Change 1. The proposed approach to PPC1 would also appear to be inconsistent with national direction that provide for clear consenting pathways for beneficial activities, such as quarrying activities. The NPS-FM and the National Environmental Standard for Freshwater provide a consenting pathway for quarrying and clean filling activities. In addition, other national policy statements, including the National Policy Statement for Indigenous Biodiversity and National Policy Statement for Highly Productive Land also provide a clear pathway for aggregate extraction and aggregate supply. This intention of this direction is also tied to implementation of the National Policy Statement for Urban Development in providing for the necessary infrastructure to deliver well-functioning urban environments[6].The direction of PPC1 which will restrict and preclude certain activities required within a quarry will undermine the ability for the national directions to be implemented.

Winstone is seeking specific consenting pathway for the continuation of regionally significant quarrying activities within the Wellington Region.

## Activity statuses

Winstone make a general observation of the restrictive nature of the activity statuses proposed in PPC1.

PPC1 proposes prohibited activity status rules, and various non-complying status rules which are relied upon as where an activities is not otherwise provided for.

Prohibited status is the most restrictive status rule that can be applied. This status precludes any ability to undertake the activity, regardless of whether adverse effects can be managed or not. A resource consent application cannot be made for a prohibited activity and a consent cannot be granted. This status is typically afforded to activities that will cause a significant and unmitigable adverse effect, or an activity that would be fundamentally contrary to a planning document. Based on the wide range of activities that would be captured by the proposed prohibited rules, Winstone does not consider that the status is reasonable. The

[5] Objective 31 and Policy 60

[6] Ministry for the Environment. 2022. Amendments to the NES-F and NPS-FM: Section 32 report. Wellington: Ministry for the Environment. Accessed via: https://environment.govt.nz/assets/publications/Amendments-to-the-NES-F-and-NPS-FM-Section-32-report.pdf

decision to apply a prohibited activity status must also be backed by a strong evidence base and robust Section 32 evaluation. This is highlighted in Section 32(1)(c) which requires the level of detail to correspond to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. By its nature, a prohibited rule brings a very high scale and significance of environmental, economic, social, and cultural effects through the inability for the activity to be undertaken in all circumstances. Winstone does not consider that a sufficient evidence base or evaluation has been provided. Notwithstanding this, Winstone submits that insufficient consideration has been given to alternative activity statuses that may still appropriately manage the resource management issue, for instance, use of a discretionary activity status that would allow for case-by-case assessment and an ability to decline further inappropriate development.

Non-complying activity status does allow for a resource consent process but sets the onerous 'gateway test' that an application must pass through in order to have the consent granted. The gateway test is meeting the requirements of Section 104D that requires an activity to either not be contrary to all objectives and policies of a relevant planning document, or cause adverse effects that are no more than minor. Non-complying status is typically applied for activities that are likely to be contrary to the objectives and policies of the plan.

Winstone is also concerned about the overuse of non-complying activity status where in its view a less restrictive status would be adequate. When deciding whether to impose non-complying and discretionary activity statuses for a particular activity, the planning authority must consider whether the appropriate level of assessment can be undertaken under the discretionary activity tests. The planning authority should seek to use the least restrictive activity status available to adequately control the adverse effects it is seeking to control and achieve the objectives of the plan. Where the purpose of the RMA and the objectives of the plan can be met by a less restrictive regime, then that regime should be adopted (*Royal Forest & Bird Protection Society v Whakatane District Council* [2017] NZEnvC 051 at [59]).

Discretionary activity basis allows for the adverse effects of the activity and objectives and policies to be weighed up by the decision maker on a case-by-case basis. Importantly, the consent can be declined. This is general terms likely to be an efficient and effective way of achieving the objectives and policies of the plan through a resource consent process.

In order to impose non-complying activity status, the planning authority must conclude that subjecting consent applications to the additional restriction of needing to pass through the s 104D gateways is the most appropriate option, taking into account the efficiency and effectiveness of that approach in achieving the objectives.

Winstone submits that it is inappropriate for PPC1 to rely on a non-complying activity status as a default where an activity is not otherwise provided for. As drafted, quarrying activities will trigger non-complying activity status for earthworks. This will result in onerous consenting processes for an activity that should be anticipated and provided for. It also creates significant uncertainty for future quarrying activities as to whether that test can be met. This approach would appear to be inconsistent with national direction that provide for clear consenting

pathways for beneficial activities, such as quarrying activities. Specifically, the NPS-FM and the National Environmental Standard for Freshwater provides a discretionary consenting pathway for quarrying and clean filling activities. The non-complying status would undermine the ability for the national direction to be effectively implemented by bundling any resource consent application into a non-complying status.

## High-risk industrial or trade premises

PPC1 introduces a definition of "high risk industrial or trade premises" along rules relating to stormwater discharges and imperious surfaces. The definition, as drafted, would imply that quarrying activities are to be captured in this definition, despite not resulting in any discharge of a hazardous substance. Being captured by this definition, the following rules would apply to Winstone's Belmont Quarry:

- Permitted Rule WH.R4 for any stormwater discharges from existing impervious surfaces,
- Discretionary Rule WH.R11 for any stormwater discharges from any new or redeveloped surfaces, and
- Non-complying activity rule WH.R12 where either of the above two rules are not met.

Winstone supports appropriate management of high risk industrial or trade premises where they present a risk of discharges of hazardous substances. However, as drafted, the quarrying activities would fall into this definition, despite not generating any hazardous substances. Including quarrying activities in this category and rule is unreasonable and unwarranted. It adds onerous consenting requirements to Winstone for activities that pose little to no risk. For instance, Winstone would now require consent as a discretionary activity for redevelopment of their concrete pads, construction of any haul road (the location of which does change over time as quarrying and overburden activities progress across the site), and construction of any building with a roof; despite all stormwater within the site being captured and appropriately treated.

In their submission, Winstone have sought a specific rule framework that applies to quarrying activities. The proposed rule framework is similar to the approach taken for ports and airports in that a restricted discretionary activity would apply to most discharges anticipated from an operational quarry. This rule status provides reasonable certainty to Winstone, allowing for the existing quarrying operations to continue to provide a much needed aggregate supply for the region while still enabling reasonable ability to consider the resource consent and any appropriate conditions. The proposed rules are also linked to the target attribute state for the related Whaitua. Where a discharge would result in an inability to meet any relevant target attribute state for the part of the Freshwater Management Unit, the activity would fall to a non-complying activity status.

## Earthworks

There are specific earthworks rules introduced under PPC1 for the Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua. As drafted, any earthworks (excluding earthworks on a farm) require resource consent as at least a restricted discretionary activity, regardless of scale or

adverse effect. It is understood that this was an error, and that the conjunctive requirement was not intended for all clauses. The restricted discretionary activity status is subject to meeting a water quality performance standard, and that the earthworks do not occur during the winter months (1 June to 30 September). Where those conditions are not met, earthworks are non-complying.

While Winstone appreciate that there was error in the permitted rule, it is noted that the rule has taken immediate legal effect and takes its effect as drafted, not as intended. Winstone seek that an urgent variation to PPC1 is issued to correct this error to avoid unreasonable cost and uncertainty.

Notwithstanding the correction to the permitted rule, Winstone strongly oppose the rule framework and associated policy direction that restrict any earthworks over the winter months. This direction fails to account for long term ongoing permanent earthwork activities that need to undertake earthworks year-round, such as quarrying activities. Winstone has operated the Belmont Quarry for 60 years, is well skilled at winter works and has a good track record.

Winstone also consider that there is little justification provided in the Section 32 Evaluation for this shut down period. The assessment of costs and benefits has not considered the direct and indirect effects caused by this direction to quarrying activities. These restrictions will substantially increase both the cost and length of construction periods. This would create difficulties to maintain a suitable and secure supply of aggregate (and concrete) to respond to demand will result in cost and supply issues). Belmont is limited by hours of operation and noise limits so it is not possible to work for longer hours at other times of the year.

Winstone also question the rationale behind the restriction – other than the climatic characteristics of the winter months being more likely to cause increased sediment discharges. This is a poor assumption, noting the unpredictable rainfall events that would cause uncontrolled releases of sediment can occur at any time of the year, which will only increase with the effects of climate change. Further, the receiving environments are typically less vulnerable during the winter months with water temperatures lower and flows higher.

Winstone also considers that non-complying activity status for earthworks that do not meet restricted discretionary conditions is too onerous and unreasonable. Any replacement earthworks consent for the Belmont Quarry would be subject to this rule. This creates significant uncertainty for Winstone and fails to recognise the importance of local source aggregate, which is contrary to the Regional Policy direction. Winstone notes that where non-complying activity status is in practical terms no different to discretionary activity status then the less onerous activity status (i.e. discretionary) ought to be considered the most appropriate provision as part of the plan making process.

Winstone seek that the shutdown period over the winter months is removed, and that the non-complying status is reduced to discretionary.

## High Erosion Risk Land

PPC1 introduces new definitions for high erosion risk land that differentiates the land by vegetation type, being pasture, woody vegetation, and plantation forestry. The definitions cross reference spatial areas that have been included in maps. This introduces nuance to the existing approach which applies a broad definition of erosion prone land, being land with a slope greater than 20°. There are related rules for any "high erosion risk land (woody vegetation)" in each of the Whaitua that generally require consent as a controlled activity for vegetation clearance.

Winstone support a more nuanced approach and the proposed controlled activity rule (WH.R18 and P.R17) which is anticipated to capture most vegetation clearance greater than 200 $m^2$. However, Winstone is concerned about the accuracy of the mapping that is referenced in the definitions. The mapping appears to be identified using a 5m resolution raster surface which results in pixelated and non-contiguous areas identified, including very small, isolated pockets. The mapping also seems to include inaccuracies. Winstone have included a map illustrating this in **Appendix 2** which shows "high erosion risk land (woody vegetation)" being incorrectly mapped within the extent of the existing Belmont Quarry (being an exposed surface).

Given the clear inaccuracies in the mapping, Winstone seek that either the mapping is reviewed, or removed with the current approach relied upon until robust mapping is undertaken. At present the mapping is insufficient to allow potential submitters to determine the impact on their land and make a submission on the plan.

## Greenfield development

PPC1 has a particular focus on "greenfield development" with the direction seeking to prohibit any "unplanned greenfield development". It is understood that this direction seeks to achieve the required improvement to water quality and in particular the 'urban' contaminants being zinc and copper. Based on the Section 32 evaluation, it is understood that "greenfield development" is intended to capture residential, commercial, and industrial development in an urban context.

However, there is no definition for "greenfield development" in PPC1. While there is a definition for "unplanned greenfield development", it simply refers to any greenfield development within spatial areas included in PPC1's maps 86–89. The mapped extent resembles the existing rural zones of each relevant district plan. Winstone is concerned that that in the absence of a clear definition, <u>any</u> development in the mapped areas is captured by the term "greenfield development" and associated rules. Winstone note that parts of their sites, including a portion of Winstone's Belmont Quarry[7], is located within land subject to the "unplanned greenfield development" definition despite being recognised as a Quarry Management Area in the Hutt City District Plan. Based on the proposed rules, any stormwater discharge from an impervious surface within this part of the quarry could be a prohibited activity.

[7] The Cottle Block of Belmont Quarry

Avoiding all stormwater discharges within a quarry is impossible due to various site-specific factors. Taking the Belmont Quarry as a case in point, its footprint spans approximately 17 hectares, not accounting for additional catchments that extend beyond its boundaries. The quarrying process necessitates the removal of overburden, exposing large land areas and potentially increasing sediment loads in stormwater. Although effective mitigation and control measures can be implemented as Belmont has shown, the complete elimination of stormwater discharge in an operational quarry setting is often unattainable.

Winstone also raise concern over the general approach of managing greenfield development. It would seem that the approach is seeking to manage/restrict land use itself, rather than an effect. Specifically, rules are proposed that relate to earthworks generally (without any associated discharge to water) and creation of impervious surfaces (without an associated discharge to water). Land use, with relation to land[8], is a territorial authority function. The function of regional councils in relation to controlling land use must be linked to the purposes of soil conservation, water quality, water quantity, water ecosystems, or natural hazards (as set out in section 30(1)(c) of the RMA). Winstone question the overlap that is created with the proposed approach and whether the proposed rules fall within the Regional Councils jurisdiction.

In addition, Winstone do not consider that there is sufficient and sound evidential basis to support prohibiting unplanned greenfield development in all circumstances. A prohibited status is the most restrictive form of regulation and should be reserved for activities that will cause significant and unmitigable adverse effects. Based on the Section 32 evaluation, there is no evidence to suggest that all new development will cause such effects. It is also questioned whether there has been sufficient consideration of the efficiency and effectiveness of the approach. It is understood that the intention of the provision is that a private plan change is sought to the Natural Resources Plan to exclude an area from the unplanned greenfield development mapping. It is implied through the note that follows the prohibited rule that the plan change request could be undertaken concurrently with any associated plan change to the district plan. However, there is no ability for joint territorial and regional plan change processes to be considered under the RMA, and separate decisions would need to be made by both the territorial authority and the regional authority.

Further, the prohibited rule also relates to the coastal marine area, therefore final approval would also be required by the Minister for Conservation. It is also likely that any district plan change could only be undertaken following the completion of the plan change to the Natural Resources Plan given a district plan change must not be inconsistent with any regional plan.[9]

A Council is also not obliged to accept a private plan change request for processing or approve it, Schedule 1, cl.25(4) RMA allows a Regional Council has discretion to refuse to accept the private plan change request on various grounds, including where the subject of the plan change has been recently considered or has been operative for under 2 years means there is no certainty that a plan change would be successful and there could be a sufficient 2-4 year

[8] Section 9 of the RMA
[9] Section 74(2)

time lag until a private plan change can be advanced, is a slow option that provides very little relief.

Following those plan change processes, it is likely that resource consent would still be required based on the proposed rules for impervious surfaces and stormwater discharges within planned greenfield development areas. It is anticipated that this would bring significant cost, resourcing, and time delay. It is questioned whether this approach is the most efficient and effective method, compared with a rule framework that manages the issue without need for plan change processes.

Winstone seek that the definition of greenfield development (and unplanned greenfield development) is defined to be specific to urban development and does not capture quarrying activities.

## Financial Contributions as an Offset

PPC1 introduces provisions requiring financial contributions as a means of offsetting any residual adverse effects of post treatment stormwater contaminants. This is a mandatory requirement for the associated discretionary activity rule[10].

Winstone consider that this is inconsistent with the NPS-FM and limits the ability to implement the effects management hierarchy. Aquatic offsetting or aquatic compensation are required by the NPS-FM where there are more than minor residual adverse effects, rather than residual adverse effects generally. It is expected that there will be some residual adverse effect, which is appropriate, provided that effect is no more than minor. It is unlikely to be effective or efficient to seek to address minor/residual effects via a contribution mechanism. The provisions also imply that financial contributions are the only form of offset that may be provided. Appendix 6 of the NPS-FM sets out principles that are to be applied when identifying an appropriate aquatic offset. It would be contrary to the NPS-FM to not allow for consideration against those principles. There are other forms of aquatic offsetting that would meet the principles in Appendix 6; and conversely it cannot be assumed that a financial contribution would necessarily meet those principles. Lastly, the provisions also limit the management of residual adverse effects to only aquatic offsetting. The effects management hierarchy provides for aquatic compensation where aquatic offsetting is not able to be provided.

Winstone accept that a financial contribution may be an appropriate form of aquatic offset, but seek that the provisions do not frustrate the ability for other forms of aquatic offsetting or aquatic compensation to be undertaken. Winstone have suggested that the financial contribution offset is retained as optional alongside other forms of aquatic offsetting, and that aquatic compensation is enabled where aquatic offsetting cannot be achieved.

## Discharges into a stormwater network

There are several new proposed rules that apply to discharges “via” or “through” a stormwater network. It is understood that this is intended to capture discharges into a stormwater network to manage the issue at its source.

[10] WH.R11 and P.R10

While Winstone understand the intent of this, it appears this is *ultra vires* considering the Council may only mange discharges where they enter "water" in accordance with Section 15 of the RMA. The term water is defined in the RMA as[11]:

> ***water***—
>
> (a) means water in all its physical forms whether flowing or not and whether over or under the ground:
>
> (b) includes fresh water, coastal water, and geothermal water:
>
> (c) does not include water in any form while in any pipe, tank, or cistern

Stormwater networks are piped and therefore any water within a stormwater network is not considered 'water' or subject to the Regional Council's jurisdiction. While rules may apply to stormwater discharges to a surface waterbody from a stormwater network, they cannot manage effects before this point. This point is confirmed by caselaw, which holds that the regulation of discharges into water under section 15 does not apply to discharges into the pipes that form a reticulated system (*Cooks Beach Developments Ltd v Waikato Regional Council* Environment Court A127/99, 4 November 1999 at 12).

Winstone seek that amendments to ensure that these rules only relates to discharges from a stormwater network and not into one.

### Freshwater Planning Process

Several of the provisions relating to PPC1 have been proposed to be subject to the Freshwater Planning Process (**FPP**). The FPP process provides limited scope for future public input, and a large number of provisions are subject to the FPP where freshwater is not the primary issue and is instead peripheral or only one of several issues to which the provision relates. Winstone is very concerned with this approach and considers that it is an inappropriate use of the FPP process and gives rise to jurisdictional problems, including restricted appeal rights. Improper allocation (including Officer's revisiting allocation decisions in a piecemeal way late in the hearing stage, as has occurred in the WCC and GWRC-RPS-PC1 hearings) results unnecessary time, additional cost and uncertainty for submitters which is amplified due to restrictive activity status' being proposed.

Winstone seeks that the scope of the FPP versus Schedule 1 processes is reviewed and that only those provisions where freshwater is the primary issue are subject to the FPP the rest of the provisions should be allocated to the regular schedule 1 process. This exercise should be urgently completed by GWRC to determine what can lawfully be included in a FPP in light of the High Court's in *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Inc* [2022] NZHC 1777, [2022] NZRMA 565.

## Winstone's detailed submission on PC1

The relief sought by Winstone is set out under the "relief sought" column of the table in **Appendix 1**. The following text conventions have been used:

[11] Section 2

| Text convention | Description |
|---|---|
| *Black text underlined* | Text of PC1 as notified. |
| *Red text underlined* | Text sought to be added by Winstone through its submission on PC1. |
| ~~*Red text struck through*~~ | Text sought to be deleted by Winstone through its submission on PC1. |

For the avoidance of doubt, the relief sought in **Appendix 1** includes any alternative relief to better address Winstone's submission points (below) and the general submission points (detailed above) and any consequential amendments that may be required to give effect to the relief sought (even if these consequential amendments have not been specified in the submission).

# Appendix 1: Detailed submission

| Sub. Point | Provision | Position | Comments | Relief sought |
|---|---|---|---|---|
| | | | Section 2.2 Definitions | |
| 1. | **Earthworks**<br>For **Whaitua** Te Whanganui-a-Tara and Te Awarua-o-Porirua **Whaitua** only:<br>The alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, **cultivation**, and disturbance of land for the installation of fence posts. Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, 'earthworks' has the same meaning as given in section 3 of the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.*<br><br>For all other **whaitua:**<br>The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is **stabilised**. **Earthworks** includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.<br>**Earthworks** do not include:<br>(a) **cultivation** of the soil for the establishment of crops or pasture, and<br>(b) the harvesting of crops, and<br>(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and<br>(d) the construction, repair, **upgrade** or maintenance of:<br>(i) pipelines, and<br>(ii) electricity lines and their support structures, including the **National Grid**, and<br>(iii) telecommunication structures or lines, and<br>(iv) radio communication structures, and<br>(v) firebreaks or fence lines, and<br>(vi) a **bore** or geotechnical investigation **bore**, and<br>(e) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, and | Oppose / Amend | Winstone seeks that the definition for Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua include the full list of exemptions provided in the existing definition of earthworks.<br><br>Winstone note that the existing definition implies that all earthworks' exclusions are conjunctive through the use of 'and' throughout. It is understood that this is the intention and therefore Winstone seek changes to clarify that the exclusions are disjunctive through the use of 'or'.<br><br>Winstone support the clarification provided to exemption clause (i) of the existing definition. | **Amend the definition of "Earthworks" as follows:**<br>**Earthworks**<br>For **Whaitua** Te Whanganui-a-Tara and Te Awarua-o-Porirua **Whaitua** only:<br>The alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock)~~; but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.~~<br>**Earthworks** do not include:<br>(a) **cultivation** of the soil for the establishment of crops or pasture, or<br>(b) the harvesting of crops, or<br>(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, or<br>(d) the construction, repair, **upgrade** or maintenance of:<br>(i) pipelines, or<br>(ii) electricity lines and their support structures, including the **National Grid**, or<br>(iii) telecommunication structures or lines, or<br>(iv) radio communication structures, or<br>(v) firebreaks or fence lines, or<br>(vi) a **bore** or geotechnical investigation **bore**, or<br>(d) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, or<br>(e) maintenance of orchards and shelterbelts, or<br>(f) domestic gardening, or<br>(g) repair, sealing or resealing of a road, footpath, driveway, or<br>(h) discharge of **cleanfill material** to a cleanfill area<br><br>Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, 'earthworks' has the same meaning as given in |

| Sub. Point | Provision | Position | Comments | Relief sought |
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| | (f) maintenance of orchards and shelterbelts, and<br>(g) domestic gardening, and<br>(h) repair, sealing or resealing of a road, footpath, driveway, and<br>(i) discharge of **cleanfill material** to a cleanfill area<br>(j) discharge of **cleanfill material** to a cleanfill area maintenance of orchards and shelterbelts, and | | | section 3 of the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.*<br><br>For all other **whaitua:**<br>The disturbance of a land surface from the time soil is first disturbed on a site until the time the site is **stabilised.** **Earthworks** includes blading, contouring, ripping, moving, removing, placing or replacing soil or earth, by excavation, or by cutting or filling operations, or by root raking.<br>**Earthworks** do not include:<br>(a) **cultivation** of the soil for the establishment of crops or pasture, ~~and~~ or<br>(b) the harvesting of crops, ~~and~~ or<br>(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, ~~and~~ or<br>(d) the construction, repair, **upgrade** or maintenance of:<br>(vii) pipelines, ~~and~~ or<br>(viii) electricity lines and their support structures, including the **National Grid,** ~~and~~ or<br>(ix) telecommunication structures or lines, ~~and~~ or<br>(x) radio communication structures, ~~and~~ or<br>(xi) firebreaks or fence lines, ~~and~~ or<br>(xii) a **bore** or geotechnical investigation **bore,** ~~and~~ or<br>(e) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, ~~and~~ or<br>(f) maintenance of orchards and shelterbelts, ~~and~~ or<br>(g) domestic gardening, ~~and~~ or<br>(h) repair, sealing or resealing of a road, footpath, driveway, ~~and~~ or<br>(i) discharge of **cleanfill material** to a cleanfill area |
| 2. | **High risk industrial or trade premise**<br>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:<br>• boat construction and maintenance<br>• commercial cement, concrete or lime manufacturing or storage | Oppose / amend | Winstone oppose the list of activities provided in the definition which "may" be high risk industrial or trade premise. The list includes various activities which are unlikely to generate industrial or trade waste contaminants, including bullet point nine "mineral extraction, refining and reprocessing, storage, and use" which would capture Winstone's Belmont Quarry, which quarrying aggregate. There has been no evidence provided that the activities listed are high risk industrial or trade premises, and | **Amend the definition of "high risk industrial or trade premise" as follows:**<br>**High risk industrial or trade premise**<br>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:~~<br>~~• boat construction and maintenance~~ |

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| | • chemical manufacture, formulation or bulk storage, recovery, processing or recycling<br>• **fertiliser** manufacture or bulk storage<br>• storage of **hazardous wastes** including waste dumps or dam tailings associated with mining activities<br>• petroleum or petrochemical industries including a petroleum depot, terminal blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials,<br>• scrap yards including automotive dismantling, wrecking or scrap metal yards<br>• wood treatment or preservation, or bulk storage of treated timber<br>• **mineral** extraction, refining and reprocessing, storage, and use<br>• explosives and ordinances production, storage, and use<br>• electronics including the commercial manufacturing, reconditioning, or recycling of computers, televisions, and other electronic devices<br>• waste recycling, treatment, and **disposal**<br>• engineering workshops with metal fabrication, or electroplaters<br>• power stations, substations, or switchyards. | | as drafted the list is unhelpful to plan readers which implies that those activities are predetermined as meeting the definition. Winstone seek that the list is removed. Winstone note that the National Planning Standards already define "industrial activity" and "industrial and trade waste" which already provides sufficient clarity.<br><br>The current definition uses the broad term "contaminants" as defined below[12]:<br><br>***contaminant*** includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat—<br><br>(a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or<br><br>(b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged<br><br>This could include for instance sediment (free from other contaminants). Winstone oppose the use of this broad term in the definition and consider that this significantly increases the scope of the definition. Unless there is a specific contaminant of concern that can be listed, Winstone seeks that the definition is limited to the generation of hazardous substances (as defined in the National Planning Standards). | ~~• commercial cement, concrete or lime manufacturing or storage~~<br>~~• chemical manufacture, formulation or bulk storage, recovery, processing or recycling~~<br>~~• **fertiliser** manufacture or bulk storage~~<br>~~• storage of **hazardous wastes** including waste dumps or dam tailings associated with mining activities~~<br>~~• petroleum or petrochemical industries including a petroleum depot, terminal blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials,~~<br>~~• scrap yards including automotive dismantling, wrecking or scrap metal yards~~<br>~~• wood treatment or preservation, or bulk storage of treated timber~~<br>~~• **mineral** extraction, refining and reprocessing, storage, and use~~<br>~~• explosives and ordinances production, storage, and use~~<br>~~• electronics including the commercial manufacturing, reconditioning, or recycling of computers, televisions, and other electronic devices~~<br>~~• waste recycling, treatment, and **disposal**~~<br>~~• engineering workshops with metal fabrication, or electroplaters power stations, substations, or switchyards.~~ |
| 3. | **Highest erosion risk land (pasture)**<br>Land with highest erosion risk (pasture) in Te Awarua-o-Porirua **Whaitua** shown on Map 90 or in **Whaitua** Te Whanganui-a-Tara shown on Map 93. | Oppose | Winstone oppose the mapping associated with these definitions, and in particular the "high erosion risk land (woody vegetation)" which referenced in rules.<br><br>Mapping is too high level to and has not been substantiated. It is unclear how this mapping has been based, or whether it has been truthed. Winstone have provided examples of the inaccuracy of the mapping in **Appendix 2**. This shows high erosion risk land (woody vegetation) within the extent of Winstone's Belmont quarry.<br><br>Winstone appreciate that this approach seeks to nuance the existing definition of 'erosion prone land' in the operative plan which simply is defined by the slope of the land, however, | 1. **Update mapping with accurate and evidence-based mapping, or delete definitions and retain existing definition of "erosion prone land" as shown below:**<br>**Erosion prone land**<br>The pre-existing slope of the land exceeds 20 degrees.<br><br>2. **Should the definitions be retained, Winstone seek that those definitions are subject to the Part 1 Schedule 1 Process and not the Freshwater Planning Process.** |
| 4. | **Highest erosion risk land (woody vegetation)**<br>Land with highest erosion risk (woody vegetation) in Te Awarua-o-Porirua **Whaitua** shown on Map 91 or in **Whaitua** Te Whanganui-a-Tara shown on Map 94. | | | |
| 5. | **Highest erosion risk land (plantation forestry)**<br>Land with highest erosion risk (plantation forestry) in Te Awarua-o-Porirua **Whaitua** shown on Map 92 or in **Whaitua** Te Whanganui-a-Tara shown on Map 95. | | | |

[12] Derived from Section 2 of the Resource Management Act 1991.

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| | | | Winstone consider that until GWRC have undertaken a robust vegetation and land instability mapping exercise, the former approach must be retained.<br><br>Winstone also note that these definitions have been notified as being subject to the Freshwater Planning Process. Winstone oppose this and note that the definition and associated rules relate to soil conservation and not freshwater. Winstone also note that this would be inconsistent with the approach taken to the overarching objective and policy[13] of Proposed Change 1 Regional Policy Statement, which have been confirmed by GWRC officers as subject to the Schedule 1 Process. | |
| 6. | **Impervious surfaces**<br>Surfaces that prevent or significantly impede the infiltration of **stormwater** into soil or the ground, includes:<br>• roofs<br>• paved areas (including sealed/compacted metal) such as roads, driveways, parking areas, sidewalks/foot paths or patios,<br>and excludes:<br>• grassed areas, gardens and other vegetated areas<br>• porous or permeable paving<br>• slatted decks which allow water to drain through to a permeable surface<br>• porous or permeable paving and living roofs<br>• roof areas with rainwater collection and reuse<br>• any **impervious surfaces** directed to a rain tank utilised for grey water reuse (permanently plumbed) | Amend | Winstone note that the definition would currently capture a range of surfaces that may exist within a quarry, including:<br>- Concrete pads,<br>- Haul roads,<br>- Site offices,<br>- Storage sheds,<br>- Processing plant.<br><br>It is understood, based on the Section 32 evaluation, that the impervious surface rules are intended to capture urban development (e.g. residential, commercial and industrial activities in an urban area). The definition and associated rules as drafted would apply more broadly and capture quarrying activities without a reasonable consenting pathway. Winstone seek that the definition explicitly exclude impervious surfaces associated with quarrying activities. | **Amend the definition of "impervious surface" as follows:**<br><br>**Impervious surfaces**<br>Surfaces that prevent or significantly impede the infiltration of **stormwater** into soil or the ground, includes:<br>• roofs<br>• paved areas (including sealed/compacted metal) such as roads, driveways, parking areas, sidewalks/foot paths or patios,<br>and excludes:<br>• grassed areas, gardens and other vegetated areas<br>• porous or permeable paving<br>• slatted decks which allow water to drain through to a permeable surface<br>• porous or permeable paving and living roofs<br>• roof areas with rainwater collection and reuse<br>• any **impervious surfaces** directed to a rain tank utilised for grey water reuse (permanently plumbed)<br>• any **impervious surface** associated with a **quarrying activity** |
| 7. | | Amend | Winstone note that there is no definition for "greenfield development". This term is used throughout proposed stormwater provisions, including a proposed prohibited activity through WH.R13 and P.R12. Based on the Section 32 Evaluation provided by GWRC, it is understood that "greenfield development" is principally focused on urban development, rather that all other activities, including quarrying activities. However, as drafted, and without a definition, all activities could fall into "greenfield development". Winstone seek that a definition is included to clarify what is anticipated and to avoid | 1. **Insert new definition of "greenfield development" as follows:**<br><br>**Greenfield development**<br>Means any **urban development** undertaken within a **site** or **sites** that has not previously been used for urban land use.<br>Greenfield development does not include:<br>• **Quarrying activities,**<br>... |

[13] Objective 29 and Policies 15 and 41

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| | | | unnecessarily capturing all other activities. Winstone also seek that the definition expressly exclude activities that are not greenfield development, including quarrying activities.<br><br>Winstone also seeks that the definition of "urban development" is inserted to clarify what is intended by urban development. Winstone note that the Operative Regional Policy Statement contains a definition that can be directly inserted. | **2. Insert new definition of "urban development" as follows:**<br>**Urban development**<br>Urban development is subdivision, use and development that is characterised by its planned reliance on reticulated services (such as water supply and drainage) by its generation of traffic, and would include activities (such as manufacturing), which are usually provided for in urban areas. It also typically has lots sizes of less than 3000 square metres. |
| 8. | | Amend | Winstone seek that the term "quarrying activities", "significant mineral resources", and "quarry" are included as defined terms. This aligns with relief sought through submission points 7, 26, and 33. The suggested definition of quarrying activities and quarry is derived from the New Zealand Planning Standards, and the suggested definition of significant mineral resources is derived from the Operative Regional Policy Statement.<br>Winstone note that Method 52 of the Operative Regional Policy Statement requires the significant mineral resources to be spatially identified within the Wellington Region. Winstone would encourage this to be undertaken concurrently with PPC1. Should this be the case, Winstone would seek that the definition reference the associated mapping. | **1. Insert new definition of "quarrying activities" as follows:**<br>**Quarrying activities**<br>Has the same meaning as in the National Planning Standards (as set out below):<br>means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.<br><br>**2. Insert new definition of "significant mineral resources" as follows:**<br>**Significant mineral resources**<br>Has the same meaning as in the Wellington Regional Policy Statement (as set out below):<br>Deposits of minerals, the extraction of which is of potential importance in order to meet the current or future mineral needs of the region or nation.<br><br>**3. Include definition of "quarry":**<br>**Quarry**<br>Has the same meaning as in the National Planning Standards (as set out below):<br>means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities. |

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| 9. | **Unplanned greenfield development**<br>Greenfield development within areas identified as 'unplanned greenfield area' on maps 86, 87, 88 and 89 which also require an underlying zone change (from rural/non- urban/open space to urban) though a District Plan change to enable the development.<br>Note: Unplanned greenfield areas are those areas that do not have an urban or future urban zone at the time of Plan Change 1 notification, 30th October 2023. | Amend | Winstone seek consequential amendment to this definition to include the defined term of 'greenfield development'. See full comments in submission point 7.<br><br>Winstone consider that it is inappropriate to include an advice note in a definition. Regardless, Winstone consider that the note is not necessary as there is sufficient clarification provided in the definition. Winstone seek deletion of the advice note. | **Amend the definition of "unplanned greenfield development" as follows:**<br>**Unplanned greenfield development**<br>Greenfield development within areas identified as 'unplanned greenfield area' on maps 86, 87, 88 and 89 which also require an underlying zone change (from rural/non- urban/open space to urban) though a District Plan change to enable the development.<br>~~Note: Unplanned greenfield areas are those areas that do not have an urban or future urban zone at the time of Plan Change 1 notification, 30th October 2023.~~ |
| 10. | | Amend | Winstone note that there is currently no definition for "aquatic offset". The Natural Resources Plan currently defined "biodiversity offset" which relates primarily to indigenous biodiversity. There is also a definition of "offset" which is more general definition. Both of those definitions are provided below:<br><br>**Biodiversity offset**<br>A measurable positive environmental outcome resulting from actions designed to redress the residual adverse effects on biodiversity arising from activities after appropriate avoidance, minimisation, and remediation measures have been applied. The goal of a biodiversity offset is to achieve no net loss, and preferably a net gain, of indigenous biodiversity values. The principles to be applied when proposing and considering biodiversity offsets are provided in Schedule G2 (biodiversity offsetting).<br><br>**Offset**<br>A measurable positive outcome resulting from an action designed to compensate for the residual adverse effects on the environment arising from an activity after avoidance, remediation and mitigation measures have been taken.<br><br>Without a specific definition for aquatic offset, there is risk that the definition for biodiversity offset is inappropriately applied. Winstone consider that it would be inconsistent with the National Policy Statement for Freshwater Management (**NPS-FM**) to continue to omit the definition which is included as a defined term within the NPS-FM.<br><br>Winstone seek that the definition is inserted.<br><br>It is understood that consequential amendments may be required to objectives, policies and rules to reference this term. | **Insert new definition of "aquatic offset" as follows:**<br><br>**Aquatic offset**<br>Has the same meaning as in the National Policy Statement for Freshwater Management (as set out below):<br>means a measurable conservation outcome resulting from actions that are intended to:<br>(b) redress any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and<br>(c) achieve no net loss, and preferably a net gain, in the extent and values of the wetland or river, where:<br>(i) no net loss means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland or river; and<br>(ii) net gain means that the measurable positive effects of actions exceed the point of no net loss |

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| 11. | | Amend | Winstone note that there is currently no definition for "aquatic compensation". The Natural Resources Plan currently defined "biodiversity compensation" which relates primarily to indigenous biodiversity. Both of those definitions are provided below:<br><br>**Biodiversity compensation**<br><br>Biodiversity compensation means a measurable positive environmental outcome resulting from actions that are designed to compensate for residual adverse biodiversity effects. The principles to be applied when proposing and considering biodiversity compensation are provided in Schedule G3 (biodiversity compensation).<br><br>Without a specific definition for aquatic compensation, there is risk that the definition for biodiversity compensation is inappropriately applied. Winstone consider that it would be inconsistent with the National Policy Statement for Freshwater Management (**NPS-FM**) to continue to omit the definition which is included as a defined term within the NPS-FM.<br><br>Winstone seek that the definition is inserted.<br><br>It is understood that consequential amendments may be required to objectives, policies and rules to reference this term. | **Insert new definition of "aquatic compensation" as follows:**<br>Aquatic compensation<br>Has the same meaning as in the National Policy Statement for Freshwater Management (as set out below):<br>means a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied |
| | | | Section 5.4.5 Uses of beds of lakes and rivers | |
| 12. | Rule R128: New structures – permitted activity<br>FW<br>The placement of a new ~~structure, including~~ sediment retention weir~~s~~, pipeline~~s~~ (such as a natural gas pipeline), duct~~s~~, cable~~s~~, hydrological and water quality monitoring equipment, fence~~s~~, ~~erosion protection structures,~~ debris arrestor structures or a ~~and~~ structures associated with vegetative bank edge protection ~~except a structure permitted by Rules R125, R126 and R127 and passive flap gates,~~ that is fixed in, on, under, or over the bed of any river or lake, ~~excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017* except general condition 5.4.4(n),~~ including any associated:<br><br>(a) disturbance of the river or lake bed, and | Oppose | Winstone oppose the proposed change to the rule.<br>This change removes the ability to construct minor structures within the bed of a river without need of a resource consent.<br>The changes would mean that the following structures would no longer be a permitted activity and will become a discretionary activity under R145:<br>- Intake structures,<br>- Outfall structures,<br>- Weirs (excluding those used for sediment retention)<br>- Fish screens,<br>- Fish passage devices,<br>- Navigational aid structure, and<br>- temporary structures.<br><br>The existing rule appropriately provides for minor structures (less than 10 $m^2$) which is provided through permitted conditions limiting the size of a structure. To require that a resource consent is sought for all of those activities as a discretionary activity is overly onerous, will result in unnecessary consenting costs and is not efficient nor effective. | **Changes are rejected and Rule R128 is retained as operative.** |

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| | (b) deposition on the river or lake bed, and<br><br>(c) diversion of water, and<br><br>(d) discharge of sediment to water, and<br><br>(e) temporary damming of water,<br><br>excluding activities regulated by the *Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017* except when general condition 5.4.4(n) applies, is a permitted activity, provided the following conditions are met:<br><br>(f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.4.4, and<br><br>(g) the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipelines or cables to an existing structure or providing for fish refuge, and<br><br>(h) the activity does not occur in or on any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), and<br><br>(i) the structure does not occupy a bed area any greater than 10m², except for where the structure is associated with **vegetative bank edge protection**, or a pipeline, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and<br><br>(j) the catchment upstream of any sediment retention weir is not greater than 200ha, and | | The Section 32 evaluation provided little explanation for the proposed change, other than the rule providing for a broad range of structures is inappropriate. There is no acknowledgement of the efficiency of requiring resource consent for all minor structures that are no longer permitted. | |

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| | (k) the height of any sediment retention weir from the upstream base to the crest of the weir at the time of construction shall be no more than 0.5m, and<br><br>(l) the placement of a weir other than a customary weir, in, on over or under the bed of any river or connected area must also comply with the following:<br><br>(i) the fall height of the weir must be no more than 0.5m, and<br><br>(ii) the slope of the weir must be no steeper than 1:30, and<br>(iii) the face of the weir must have roughness elements that are mixed grade rocks of 150 to 200mm diameter and irregularly spaced no more than 90mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins), and<br><br>(iv) the weir's lateral profile must be V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° and 10°, and<br><br>(m) for all new weirs (except customary weirs), non-passive flap gates, aprons and ramps, placed in rivers or connected areas, the information requirements of Regulations 62, 64, 65, and 68 as relevant for the structure, of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* shall | | | |

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| | be provided as set out in the regulations. | | | |
| | Section 5.4.5 Uses of beds of lakes and rivers | | | |
| 13. | Rule R151A: Ongoing diversion of a river – permitted activity<br>FW The diversion of a river as a result of:<br>(a) an existing permanent diversion, that is not associated with existing structures, that was lawfully established by way of a resource consent as at the date of this rule becoming operative, or<br>(b) a permanent diversion, that is not associated with existing structures, that has been lawfully established by way of a resource consent after the operative date of this rule,<br>is a **permitted** activity subject to the following conditions:<br>(c) the permanent diversion has been in place for at least 10 years, and<br>(d) all of the conditions of the resource consent to lawfully establish the diversion have been complied with.<br>*Note*<br>Diversion of water in association with existing structures is subject to permitted activity rule R122 (Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity). | Support | Winstone support the inclusion of this rule which will negate the requirement for long term river diversions where that diversion is permanent. | **Retain as notified.** |
| | Section 8.1 Whaitua Te Whanganui-a-Tara Objectives | | | |
| 14. | **Objective WH.O1**<br>CMA COASTAL The health of all freshwater bodies and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is wai ora by 2100. | Amend | Winstone support this long-term vision for Whaitua Te Whanganui-a-Tara. Winstone does however seek changes to the to ensure requirements are reasonably achievable which are discussed below. | **Amend Objective WH.O1 as follows:**<br>**Objective WH.O1** CMA COASTAL<br>The health of all freshwater bodies and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is wai ora by 2100. |

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| | *Note*<br>In the wai ora state:<br>• Āhua (**natural character**) is restored and freshwater bodies exhibit their natural quality, rhythms, range of flows, form, hydrology and character<br>• All freshwater bodies have planted margins<br>• All freshwater bodies and coastal waters have healthy functioning ecosystems and their water conditions and habitat support the presence, abundance, survival and recovery of At-risk and Threatened species and **taonga species**<br>• **Mahinga kai** and kaimoana species are healthy, plentiful enough for long term harvest and are safe to harvest and eat or use, including for manuhiri and to exercise manaakitanga<br>• **Mana whenua** are able to undertake customary practices at a range of places throughout the catchment. | | The first bullet point requires that Āhua (natural character) is restored. Restoration should only occur where natural character has been degraded. Without providing for this caveat, it sets an unrealistic requirement on what it is being restored and the baseline state.<br><br>The second bullet point requiring that the margins of freshwater bodies are planted will not be practicable in all instances. Inevitably there are freshwater bodies that cannot have planted margins for various reasons including being piped or being of a concrete channel. Seek that this clause is amended to be "as far as practicable", noting that the freshwater bodies captures all types of waterbodies and for some planting may not be possible or desirable. | *Note*<br>In the wai ora state:<br>• Āhua (**natural character**) is restored where it has been degraded and freshwater bodies exhibit their natural quality, rhythms, range of flows, form, hydrology and character<br>• ~~All~~ freshwater bodies have planted margins as far as practicable<br>• All freshwater bodies and coastal waters have healthy functioning ecosystems and their water conditions and habitat support the presence, abundance, survival and recovery of At-risk and Threatened species and **taonga species**<br>• **Mahinga kai** and kaimoana species are healthy, plentiful enough for long term harvest and are safe to harvest and eat or use, including for manuhiri and to exercise manaakitanga<br>• **Mana whenua** are able to undertake customary practices at a range of places throughout the catchment. |
| 15. | Objective WH.O6<br>FW<br>Groundwater flows and levels, and water quality, are maintained at levels that:<br>(a) ensure base flows or levels in **surface water bodies** and springs are supported and salt-water intrusion is avoided, and<br>(b) protect groundwater dependent ecosystems, and<br>(c) protect ecosystems in connected **surface water bodies**, and<br>(d) ensure that groundwater is of sufficient quality for human and stock drinking water, and<br>(e) ensure there is not a long-term decline in | Amend | Winstone generally support this objective, but seeks amendments as described below.<br><br>Clause (b) and (c) direct to protect groundwater dependent ecosystems and ecosystems in connected surface water bodies. Winstone note that this direction is inconsistent with the NPS-FM, which requires freshwater and freshwater ecosystems is "maintained" through Policy 5. It is noted that "protection" is only afforded to outstanding freshwater bodies and habitats of indigenous freshwater species through Policies 8 and 9 of the NPS-FM accordingly. Protection is a higher bar than maintain which could lead to perverse outcomes and an inability for reasonable development to occur.<br><br>Clause (f) requires avoidance of "aquifer consolidation". It is unclear what aquifer consolidation refers to and Winstone seek that this term is clarified. | **1. Clarify what is "aquifer consolidation", and**<br>**2. Amend Objective WH.O6 as follows:**<br>Objective WH.O6<br>FW<br>Groundwater flows and levels, and water quality, are maintained at levels that:<br>(a) ensure base flows or levels in **surface water bodies** and springs are supported and salt-water intrusion is avoided, and<br>(b) ~~protect~~ maintain groundwater dependent ecosystems, and<br>(c) ~~protect~~ maintain ecosystems in connected **surface water bodies**, and<br>(d) ensure that groundwater is of sufficient quality for human and |

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| | mean annual groundwater levels, including artesian pressures and<br><br>(f) avoid **aquifer** consolidation. | | | stock drinking water, and<br><br>(e) ensure there is not a long-term decline in mean annual groundwater levels, including artesian pressures and<br><br>(f) avoid **aquifer** consolidation. |
| 16. | Objective WH.O9<br><br>FW Water quality, habitats, water quantity and ecological processes of rivers are maintained or improved by ensuring that:<br><br>(a) where a target attribute state in Table 8.4 is not met, the state of that attribute is improved in all rivers and river reaches in the **part Freshwater Management Unit** so that the target attribute state is met within the timeframe indicated within Table 8.4, and<br><br>(b) where a target attribute state in Table 8.4 is met, the state of that attribute is at least maintained in all rivers within the **part Freshwater Management Unit**, and<br><br>(c) where any attribute in any river or river reach is in a better state than the target attribute state, that attribute is at least maintained at the better state in every river or river reach, and<br><br>(d) where a **huanga** of **mahinga kai** and **Māori customary use** for locations identified in Schedule B (**Ngā Taonga Nui a Kiwa**) and is not achieved, the state of the river or river reach is improved. | Amend | Winstone generally support the identification of target attribute states and seeking improvement in water quality where it is currently degraded.<br><br>Winstone does raise concern over whether improvements sought are too ambitious and unrealistic in the timeframe proposed (2040). Of note, the requirement to move from the existing D state to a B state for periphyron biomass and from the existing C state to an A state for E.Coli will require significant land use change.<br><br>Clause (c) is unrealistic and does not account for seasonal shifts in water quality and ecological condition. For instance, a river may experience a perceived improvement over the autumn months. To then require that this continues to be maintained over the winter and summer months could not be achieved due the climatic conditions. This also provides no certainty to the public for what the expectations are. | **1. Revise the improvement requirements of Table 8.4 or the timeframe to ensure that outcomes can be realistically achieved, and**<br>**2. Amend Objective WH.O9 as follows:**<br><br>Objective WH.O9<br><br>FW Water quality, habitats, water quantity and ecological processes of rivers are maintained or improved by ensuring that:<br><br>(a) where a target attribute state in Table 8.4 is not met, the state of that attribute is improved in all rivers and river reaches in the **part Freshwater Management Unit** so that the target attribute state is met within the timeframe indicated within Table 8.4, and<br><br>(b) where a target attribute state in Table 8.4 is met, the state of that attribute is at least maintained in all rivers within the **part Freshwater Management Unit**, and<br><br>~~(c) where any attribute in any river or river reach is in a better state than the target attribute state, that attribute is at least maintained at the better state in every river or river reach, and~~<br><br>(d) where a **huanga** of **mahinga kai** and **Māori customary use** for locations identified in Schedule B (**Ngā Taonga Nui a Kiwa**) and is not achieved, the |

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| | | | | state of the river or river reach is improved. |
| Section 8.2.1 Ecosystem health and water quality (Whaitua Te Whanganui-a-Tara) | | | | |
| 17. | Policy WH.P1: Improvement of aquatic ecosystem health<br><br>**Aquatic ecosystem health** will be improved by:<br><br>(a) progressively reducing the load or concentration of contaminants, particularly sediment, nutrients, pathogens and metals, entering water, and<br><br>(b) restoring habitats, and<br><br>(c) 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<br><br>(d) co-ordinating and prioritising work programmes in catchments that require changes to land use activities that impact on water. | Amend | Winstone seeks amendments to this policy as described below.<br><br>Clause (a) requires progressive reduction in the load and concentration of contaminants. It is understood that this is aligned with the required reductions in order to achieve improvements in water quality as required by Objective WH.O9. As drafted, the clause implies that this would apply to all water bodies, regardless of whether improvement is required or not. Changes are sought to clarify this.<br><br>As drafted, Clause (b) would be applied broadly to all habitats, including exotic. There is no requirement under the NPS-FM restore all habitats, rather it is limited to indigenous wetland habitat, and restoration should only be required where that habitat has been degraded. Changes are sought to clarify that restoration is limited to indigenous habitats and to caveat to where those habitats have been degraded.<br><br>It is not clear in Clause (d) what is being coordinated and prioritised. It is also unclear what "catchments that require changes to land use activities that impact water" means and who decides this or what those activities are. This clause should rather refer to enabling work programmes that provide for improvement. It is also noted that the clause is a method rather than a policy directive. Winstone suggest that consideration is given to whether this would be better suited as a method rather than a policy directive. | **Amend Policy WH.P1 as follows:**<br>Policy WH.P1: Improvement of aquatic ecosystem health<br><br>**Aquatic ecosystem health** will be improved by:<br><br>(a) progressively reducing the load or concentration of contaminants where improvement in water quality is required, particularly sediment, nutrients, pathogens and metals, entering water, and<br><br>(b) restoring indigenous habitats that have been degraded, and<br><br>(c) 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<br><br>(d) co-ordinating and ~~prioritising~~ enabling work programmes in catchments that seek to improve aquatic ecosystem health~~require changes to land use activities that impact on water~~. |
| 18. | Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives<br><br>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:<br><br>(a) 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 | Oppose / Amend | Winstone opposes the current drafting of this policy and seeks amendments to clause (a) of this policy as described below.<br><br>This clause currently prescribes the activity status of an activity, rather than being focused on an adverse effect. This direction also relates to "unplanned greenfield development" which may be applied generally given "greenfield development" is not defined meaning that any form of development within the area mapped as "unplanned" would be subject to this direction. As noted in submission point 9, it is understood that GWRC are focused primarily on unplanned urban development. Changes to this clause are sought to clarify this.<br><br>In addition, the clause also requires financial contributions to offset residual adverse effects from stormwater contaminants. | **Amend Policy WH.P2 as follows:**<br>Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives<br><br>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:<br><br>(a) ~~prohibiting unplanned greenfield development and for other greenfield developments~~ **minimising** the contaminants generated by **urban development**, and where there are more than minor residual adverse |

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| | (b) encouraging **redevelopment** activities within existing urban areas to reduce the existing urban contaminant load, and<br><br>(c) imposing **hydrological controls** on urban development and **stormwater** discharges to rivers<br><br>(d) requiring a reduction in contaminant loads from urban **wastewater** and **stormwater networks**, and<br><br>(e) **stabilising** stream banks by excluding **livestock** from waterbodies and planting riparian margins with indigenous vegetation, and<br><br>(f) requiring the active management of **earthworks**, forestry, **cultivation**, and **vegetation clearance** activities, and<br>(g) soil conservation treatment, including revegetation with woody vegetation, of land with **high erosion risk**, and<br><br>(h) requiring **farm environment plans** (including Freshwater Farm Plans) to improve **farm** practices that impact on freshwater. | | Winstone consider that this is inconsistent with the NPS-FM and limits the ability to implement the effects management hierarchy. Aquatic offsetting or aquatic compensation are required where there are more than minor residual adverse effects, rather than residual adverse effects generally. It is expected that there will be some residual adverse effect, which is appropriate, provided that effect is no more than minor. This clause also implies that financial contributions are the only form of offset that may be provided. Appendix 6 of the NPS-FM sets out principles that are to be applied when identifying an appropriate aquatic offset. It would be contrary to the NPS-FM to not allow for consideration against those principles. The clause also implies that only offsetting may be applied. The effects management hierarchy provides for aquatic compensation where aquatic offsetting is not able to be provided. Winstone accept that a financial contribution may be an appropriate form of aquatic offset, but seek that the policy does not frustrate the ability for other forms of aquatic offsetting or aquatic compensation to be undertaken.<br><br>Winstone support the direction of Clause (e), but note that the planting of riparian margins may not always be practicable. Changes are sought to recognise this. | effects caused by **stormwater** contaminants requiring **aquatic offsetting** in first instance, which may include a ~~requiring~~ financial contribution~~s~~ as ~~to~~ an **aquatic offset** ~~adverse effects from residual **stormwater** contaminants~~, and<br><br>(b) encouraging **redevelopment** activities within existing urban areas to reduce the existing urban contaminant load, and<br><br>(c) imposing **hydrological controls** on urban development and **stormwater** discharges to rivers<br><br>(d) requiring a reduction in contaminant loads from urban **wastewater** and **stormwater networks**, and<br><br>(e) **stabilising** stream banks by excluding **livestock** from waterbodies and planting riparian margins with indigenous vegetation where practicable, and<br><br>(f) requiring the active management of **earthworks**, forestry, **cultivation**, and **vegetation clearance** activities, and<br>(g) soil conservation treatment, including revegetation with woody vegetation, of land with **high erosion risk**, and<br><br>(h) requiring **farm environment plans** (including Freshwater Farm Plans) to improve **farm** practices that impact on freshwater. |
| 19. | Policy WH.P5: Localised adverse effects of point source discharge COASTAL 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:**<br><br>(a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or | Amend | Winstone generally support this policy to the extent that it seeks to limit potentially significant effects to a localised zone.<br><br>It is understood that this policy is looking align with s107 of the RMA but does not accurately reflect all of that section. However, as drafted the policy is unclear on its direction. The policy implies that clause (a) – (e) must be avoided even within the mixing zone. This is not a realistic requirement as any discharge can be expected to cause at least one of those effects at a localised level. | **Amend Policy WH.P5 as follows:**<br>Policy WH.P5: Localised adverse effects of point source discharge COASTAL The localised adverse effects of point source discharges to freshwater and coastal water are as far as practicable retained within ~~beyond~~ the **zone of reasonable mixing.** ~~are avoided or minimised~~ Significant adverse effects beyond the **zone of reasonable mixing** must be avoided, including by avoiding the following effects: |

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| | (b) any conspicuous change in colour or visual clarity, or<br><br>(c) any emission of objectionable odour, or<br><br>(d) the rendering of freshwater unsuitable for consumption by **farm** animals, or<br><br>(e) any significant adverse effects on aquatic life including through:<br><br>(i) change in temperature, or<br><br>(ii) reduced dissolved oxygen in **surface water bodies**, or<br><br>(iii) increased toxicity effects. | | Changes are sought to clarify the policy with policy the focus on limiting those effects to the mixing zone, and avoiding any significant adverse effects beyond the zone of reasonable mixing. | (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(b) any conspicuous change in colour or visual clarity, or<br><br>(c) any emission of objectionable odour, or<br><br>(d) the rendering of freshwater unsuitable for consumption by **farm** animals, or<br><br>(e) any significant adverse effects on aquatic life including through:<br><br>(i) change in temperature, or<br><br>(ii) reduced dissolved oxygen in **surface water bodies**, or<br><br>(iii) increased toxicity effects. |
| 20. | FW Policy WH.P7: Discharges to groundwater<br>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. | Amend | Winstone generally support the direction of this policy, but seek changes to clarify its intent.<br><br>The requirement that all discharges "shall not degrade" is not clear of directly measurable. Direction should be focused on "maintaining" groundwater quality based on its use e.g. human drinking water / stockwater. This would align with Policy 5 of the NPS-FM.<br><br>There is also no indication on what "degraded groundwater" means. This needs to be aligned with a limit depending on the use of the groundwater e.g. human drinking water / stockwater.<br><br>Changes are also sought split the policy into two sentences, rather than one long sentence to improve clarity. | **Amend Policy WH.P7 as follows:**<br>Policy WH.P7: Discharges to groundwater<br>All discharges to land that may enter groundwater, and discharges to groundwater, shall maintain ~~not degrade the quality of~~ groundwater quality to continue to provide for its existing and future use~~.~~ ~~and~~ ~~w~~Where the ~~quality of~~ groundwater quality is not meeting national guidelines~~is degraded~~, ~~existing~~ discharges shall be managed in a way that ~~to~~ improves groundwater quality. |
| | Section 8.2.2 Stormwater (Whaitua Te Whanganui-a-Tara) | | | |
| 21. | Policy WH.P10: Managing adverse effects of stormwater discharges<br><br>All stormwater discharges and associated land use activities shall be managed by:<br>(a) using source control to minimise contaminants in the stormwater discharge and maximise, to the extent | Oppose/ Amend | Winstone oppose this policy as it would apply to stormwater discharges from a quarry site and the direction is not practicable.<br><br>The policy as drafted is specifically directed toward urban activities. While these requirements are appropriate for urban | **Amend Policy WH.P10 as follows:**<br>Policy WH.P10: Managing adverse effects of stormwater discharges<br><br>All stormwater discharges from **greenfield development** and associated land use activities shall be managed by: |

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| | practicable, the removal of contaminants from stormwater, including through the use of water sensitive urban design measures, and<br>(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<br>(c) installing, where practicable, a stormwater treatment system for stormwater discharges from a property or properties taking into account:<br>(i) the treatment quality (load reduction factor), and<br>(ii) opportunities for the retention or detention of **stormwater** flows or volume, including any flood storage volume required, and<br>(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<br>(iv) inspections, monitoring and ongoing maintenance, including costs, to maintain functionality in terms of treatment quality and capacity, and<br>(v) existing or proposed communal stormwater treatment systems in the stormwater catchment or sub-catchment, or part Freshwater Management Unit. | | development, they cannot be practicably applied to non-urban activities, including at a quarry or while undertaking \ quarrying activities. Winstone seeks that the policy is amended to relate specifically to stormwater discharges from greenfield development as defined in submission point 7. | (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<br>(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<br>(c) installing, where practicable, a stormwater treatment system for stormwater discharges from a property or properties taking into account:<br>(i) the treatment quality (load reduction factor), and<br>(ii) opportunities for the retention or detention of **stormwater** flows or volume, including any flood storage volume required, and<br>(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<br>(iv) inspections, monitoring and ongoing maintenance, including costs, to maintain functionality in terms of treatment quality and capacity, and<br>(v) existing or proposed communal stormwater treatment systems in the stormwater catchment or sub-catchment, or part Freshwater Management Unit. |
| 22. | Policy WH.P11: Discharges of contaminants in stormwater from high risk industrial or trade premises<br>COASTAL The discharge of **stormwater** to water, including discharges via the **stormwater network**, from a **high risk industrial or trade premise** shall be managed by:<br>a) having procedures and equipment in place to contain any spillage of **hazardous substances** for storage or removal, and<br>b) avoiding contaminants or **hazardous substances** being entrained in **stormwater** and discharged to a **surface water** | Oppose / Amend | Winstone seek amendment to remove the general term "contaminants" from the policy. Both the title and clause (b) refer to the broad term. As discussed in Winstone's submission point 2, the term "contaminants" is all encompassing. The direction of clause (b) to avoid all contaminants is unachievable. The associated direction of clause (b) where avoidance is not practicable applies primarily to hazardous substances. If there is a specific contaminant of concern, that should be stated, otherwise, this direction should be limited to hazardous substances. | **Amend Policy WH.P11 as follows:**<br>Policy WH.P11: Discharges of ~~contaminants~~ hazardous substances in stormwater from high risk industrial or trade premises<br>COASTAL The discharge of **stormwater** to water, including discharges ~~via~~ from the **stormwater network**, from a **high risk industrial or trade premise** shall be managed by:<br>a) having procedures and equipment in place to contain any spillage of **hazardous substances** for storage or removal, |

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| | **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<br><br>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<br><br>d) avoiding or mitigating adverse effects of **stormwater** discharges on groundwater quality. | | Winstone also notes that the policy can only regulate discharges where they enter "water" in accordance with Section 15 of the RMA. The term water is defined in the RMA as:<br><br>***water***—<br><br>(d) means water in all its physical forms whether flowing or not and whether over or under the ground:<br><br>(e) includes fresh water, coastal water, and geothermal water:<br><br>(f) does not include water in any form while in any pipe, tank, or cistern<br><br>The policy (and associated rules) implies that "an existing or new stormwater network" is a receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered 'water' or subject to the Regional Councils jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects before this point. If reference is to be retained, this must be clarified as being "from" the stormwater network to ensure that the policy and associated rules are not *ultra vires*. | and<br>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<br><br>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<br><br>d) avoiding or mitigating adverse effects of **stormwater** discharges on groundwater quality. |
| 23. | Policy WH.P14: Stormwater discharges from new and redeveloped impervious surfaces<br><br>COASTAL 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:<br><br>(a) an on-site **stormwater treatment system** or an off-site communal **stormwater treatment system** that is designed to:<br><br>(i) receive at least 85% of the mean annual runoff volume **stormwater** generated from new and redeveloped **impervious surfaces** of the **property**, and<br><br>(ii) achieve copper and zinc load | Amend | Winstone seeks consequential amendments to the policy in line with the relief sought by Winstone's submission point 7. Those changes are to update reference to "greenfield development" to be a defined term, and to make direct reference to urban development as being the activity the policy relates. | **Amend Policy WH.P14 as follows:**<br>Policy WH.P14: Stormwater discharges from new and redeveloped impervious surfaces<br><br>COASTAL The adverse effects of **stormwater** discharges from new **greenfield development** shall be **minimised**, and adverse effects of **stormwater** discharges from existing urban areas caused by **urban development** reduced to the extent practicable, upon **redevelopment**, through implementing:<br><br>(a) an on-site **stormwater treatment system** or an off-site communal **stormwater treatment system** that is designed to:<br><br>(i) receive at least 85% of the mean annual runoff volume **stormwater** generated from new and redeveloped **impervious** |

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| | reductions factors equivalent to that of a raingarden/bioretention device, and<br><br>(b) where **stormwater** discharges will enter a river, **hydrological controls** either on-site, or off-site via a communal | | | **surfaces** of the **property**, and<br><br>(ii) achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretention device, and<br><br>(b) where **stormwater** discharges will enter a river, **hydrological controls** either on-site, or off-site via a communal |
| 24. | Policy WH.P15: Stormwater contaminant offsetting for new greenfield development<br><br>COASTAL The adverse effects of residual (post-treatment) **stormwater** contaminants from new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a **surface water body** or coastal water, including via an existing or new **stormwater network,** are to be **offset** by way of a financial contribution in accordance with Schedule 30 (financial contribution). | Amend | Winstone seeks multiples changes to this policy.<br><br>The policy requires financial contributions to offset residual adverse effects from stormwater contaminants. Winstone consider that this is inconsistent with the NPS-FM and limits the ability to implement the effects management hierarchy. Aquatic offsetting or aquatic compensation are required where there are more than minor residual adverse effects, rather than residual adverse effects generally. It is expected that there will be some residual adverse effect, which is appropriate, provided that effect is no more than minor. This clause also implies that financial contributions are the only form of offset that may be provided. Appendix 6 of the NPS-FM sets out principles that are to be applied when identifying an appropriate aquatic offset. It would be contrary to the NPS-FM to not allow for consideration against those principles. The clause also implies that only offsetting may be applied. The effects management hierarchy provides for aquatic compensation where aquatic offsetting is not able to be provided. Winstone accept that a financial contribution may be an appropriate form of aquatic offset, but seek that the policy does not frustrate the ability for other forms of aquatic offsetting or aquatic compensation to be undertaken.<br><br>Winstone also notes that the policy can only regulate discharges where they enter "water" in accordance with Section 15 of the RMA. The term water is defined in the RMA as:<br><br>***water***—<br><br>(g) means water in all its physical forms whether flowing or not and whether over or under the ground: | **Amend Policy WH.P15 as follows:**<br>Policy WH.P15: Stormwater contaminant offsetting for new greenfield development<br><br>COASTAL Where ~~T~~there are more than minor residual adverse effects ~~of residual~~ (post-treatment) caused by **stormwater** contaminants from new **greenfield development**, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a **surface water body** or coastal water, including ~~via~~ from an existing or new **stormwater network,** those effects must be managed by way of an **aquatic offset** or **aquatic compensation**, including through the following:<br><br>(a) ~~are to be~~ provide an **aquatic offset** by way of a financial contribution in accordance with Schedule 30 (financial contribution), or<br><br>(b) provide an **aquatic offset** in accordance with the principles for aquatic offsetting in Appendix 6 of the NPS-FM, and<br><br>(c) where more than minor residual adverse effects cannot be offset, **aquatic compensation** must be provided in accordance with the principles for **aquatic compensation** in Appendix 7 of the NPS-FM. |

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| | | | (h) includes fresh water, coastal water, and geothermal water:<br>(i) does not include water in any form while in any pipe, tank, or cistern<br><br>The policy (and associated rules) implies that "an existing or new stormwater network" is a receiving environment. Stormwater networks are piped and therefore any water within a stormwater network is not considered 'water' or subject to the Regional Councils jurisdiction. While the rule may apply to stormwater discharges to a surface waterbody from a stormwater network, it cannot manage effects before this point. If reference is to be retained, this must be clarified as being "from" the stormwater network to ensure that the policy and associated rules are not *ultra vires*.<br><br>As a last point, Winstone seek consequential amendments to account for the defined term of "greenfield development" as outlined in Winstone's submission point 7. | |
| 25. | Policy WH.P16: Stormwater discharges from new unplanned greenfield development<br><br>COASTAL Avoid all new **stormwater** discharges from **unplanned greenfield development** where the discharge will enter a **surface water body** or coastal water, including through an existing local authority **stormwater network.** | Oppose | Winstone oppose this policy in its entirety. There is little evidence provided through the Section 32 evaluation to justify this direction and to suggest that all new stormwater discharges from unplanned greenfield develop will cause significant effects. This direction is not based on an effect, rather land use which is inappropriate. | **Delete policy.** |
| 26. | | Amend | Complementary to relief sought through submission point 33, Winstone seek that a specific policy is inserted that relates to stormwater discharges from a quarry. The policy will ensure that there is clear direction that the rule aligns with and that decision makers can consider when determining a resource consent application. | **Insert new Policy WH.P12A as follows (or wording to similar effect):**<br>Policy WH.P12A: Stormwater discharges from **quarrying activities**<br>COASTAL<br>Provide for the discharge of stormwater, including where it is associated with new or **redevelopment** of **impervious surfaces** from a **quarry**, where:<br>(a) The **quarry** is a **significant mineral resource;** and<br>(b) The quarry is implementing good management practice including reducing contaminant volumes and concentrations as far as practicable, and applying measures, including containment, treatment, management procedures, and monitoring; and<br>(c) The discharge does not result in an inability to meet any target attribute state in Table 8.4. |
| Section 8.2.4 Rural land use and earthworks (Whaitua Te Whanganui-a-Tara) | | | | |

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| 27. | Policy WH.P25: Managing rural land use change<br>FW Manage the actual and potential adverse effects of changing land use from low to higher intensity rural land use by:<br>(a) controlling rural land use change that is greater than 4ha and associated diffuse discharge where there is a risk the diffuse discharges of nitrogen, phosphorus, sediment or *Escherichia coli* may increase, and<br>(b) only granting resource consent for such a change in land use when, in accordance with Policy P75, the diffuse discharge of nitrogen, phosphorus, sediment and *Escherichia coli* of the more intensive activity is demonstrated to be the same or less than the activities being replaced. | Amend | Winstone seeks an amendment to the policy to clarify that the direction relates to primary production and not other rural land use. As drafted, the policy could be applied to other land use activities undertaken in the rural environment, including quarrying activities. It is understood that this is not the intention of policy and therefore it is suggested that the term 'primary production' is used which better reflects the direction. | **Amend Policy WH.P25 as follows:**<br>Policy WH.P25: Managing rural land use change<br>FW Manage the actual and potential adverse effects of changing land use from low to higher intensity primary production ~~rural land use~~ by:<br>(a) controlling rural land use change that is greater than 4ha and associated diffuse discharge where there is a risk the diffuse discharges of nitrogen, phosphorus, sediment or *Escherichia coli* may increase, and<br>(b) only granting resource consent for such a change in land use when, in accordance with Policy P75, the diffuse discharge of nitrogen, phosphorus, sediment and *Escherichia coli* of the more intensive activity is demonstrated to be the same or less than the activities being replaced. |
| 28. | Policy WH.P27: Promoting stream shading<br>FW Contribute to the achievement of aquatic ecosystem health by promoting the progressive shading of streams where nutrient reductions alone will be insufficient to achieve the periphyton target attribute states in Table 8.4. | Support | Winstone support this policy.<br><br>While there are other methods of reducing periphyton, including reducing water temperature or increasing microinvertebrates, shading streams is the most accessible and practicable. That said, the use of the term "promoting" (rather than requiring) in the policy continues to enable other methods. | **Retain as notified.** |
| 29. | Policy WH.P29: Management of earthworks<br>COASTAL The risk of sediment discharges from **earthworks** shall be managed by:<br>(a) requiring retention of soil and sediment on the land using **good management practices** for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in | Amend | Winstone generally support this policy, but seek amendments to clarify its intent and practicability as described below.<br><br>The policy focuses on "risk" rather than the effect. While risk is relevant under the RMA, this is primarily associated with natural hazards rather than a potential discharge. Changes are sought to replace risk with "adverse effects" which is more aligned with Part 2 of the RMA.<br><br>Clause (a) of the policy currently refers to an outcome that is sought, rather than an activity or an effect. Changes are sought to needs to refer to the activity (earthworks). | **Amend Policy WH.P29 as follows:**<br>Policy WH.P29: Management of earthworks<br>COASTAL The ~~risk~~ adverse effects associated with ~~of~~ sediment discharges from **earthworks** shall be managed by:<br>(a) ~~requiring retention of soil and sediment on the land~~ undertaking earthworks in accordance with~~using~~ **good management practices** for erosion and |

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| | accordance with the GWRC *Erosion and Sediment Control Guideline for the Wellington Region (2021)*, for the duration of the land disturbance, and<br><br>(b) limiting the amount of land disturbed at any time, and<br><br>(c) designing and implementing **earthworks** with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and<br><br>(d) requiring erosion and sediment control measures to be installed prior to, and during **earthworks** and ensuring those controls remain in place and are maintained until the land is **stabilised** against erosion. | | Clause (b) directs to limit the amount of land disturbed. While this may be an appropriate or required from of mitigation in some instances, this is not always practicable. Changes are sought to provide some level of discretion. | sediment control measures that are appropriate to the scale and nature of the activity, and in general accordance with the GWRC *Erosion and Sediment Control Guideline for the Wellington Region (2021)*, ~~for the duration of the land disturbance~~, and<br><br>(b) where practicable, limiting the amount of land disturbed at any time, and<br><br>(c) designing and implementing **earthworks** with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and<br><br>(d) requiring erosion and sediment control measures to be installed prior to, and during **earthworks** and ensuring those controls remain in place and are maintained until the land is **stabilised** against erosion. |
| 30. | Policy WH.P30: Discharge standard for earthworks<br>COASTAL The discharge of sediment from **earthworks** over an area greater than 3,000m$^2$ shall:<br><br>(a) not exceed 100g/m$^3$ at the point of discharge where the discharge is to a **surface water body**, coastal water, **stormwater network** or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m$^3$, the discharge shall not, after the **zone of reasonable mixing**, | Oppose / amend | Winstone oppose the drafting of this policy seeks amendments to the policy as described below.<br><br>The policy refers to "an existing or new stormwater network" and "artificial watercourse" as a receiving environment. As noted in submission point 24, a water within a stormwater network is not subject to the Regional Councils jurisdiction. Similarly artificial watercourses can often be piped or within tanks (e.g. lined sediment retention pond) and therefore not subject to Section 15 of the RMA. Changes are sought to only refer to discharges to natural receiving waterbodies.<br><br>Clause (c) requires a "suitably qualified person" to monitor the discharge. This is not practicable in all circumstances and will | **Amend Policy WH.P30 as follows:**<br>Policy WH.P30: Discharge standard for earthworks<br>COASTAL The discharge of sediment from **earthworks** over an area greater than 3,000m$^2$ shall:<br><br>(a) not exceed 100g/m$^3$ at the point of discharge where the discharge is to a **surface water body**, or coastal water, ~~**stormwater network or to an artificial watercourse,**~~ except that when the discharge is to a river with background total suspended |

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| | decrease the visual clarity in the receiving water by more than:<br><br>(i) 20% in **River class** 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br><br>(ii) 30% in any other river, and<br>(b) be managed using **good management practices** in accordance with the GWRC *Erosion and Sediment Control Guidelines for the Wellington Region (2021)*, to achieve the discharge standard in (a), and<br><br>(c) be monitored by a suitably qualified person, and the results reported to the Wellington Regional Council. | | result in unreasonable cost burden on consent holders. Winstone seeks that the clause is amended to provide some discretion and to also provide for a "suitably trained person" which is possibly more important than a qualified individual.<br><br>Winstone also note that the policy as drafted is particularly prescriptive and reflects conditions of a rule or a consent rather than a policy directive. This is not consistent within best practice policy drafting[14].<br><br>Winstone have submitted to amend the earthworks definition to recognise current exceptions to earthworks in the Operative NRP. This policy would apply to all earthworks (of any kinds and scale). It is noted that the difficulties and impracticalities of adopting a very broad definition of earthworks (with very few exceptions) including in where all land disturbance of any form is considered earthworks becomes evident through the Policy and Rule framework in terms of the level of actions needed to comply. In many cases this level of regulation isn't warranted or proportionate to the effects being managed. | solids that exceed 100g/m$^3$, the discharge shall not, after the **zone of reasonable mixing**, decrease the visual clarity in the receiving water by more than:<br><br>(i) 20% in **River class** 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br><br>(ii) 30% in any other river, and<br>(b) be managed using **good management practices** in accordance with the GWRC *Erosion and Sediment Control Guidelines for the Wellington Region (2021)*, to achieve the discharge standard in (a), and<br><br>(c) where required, be monitored by a suitably qualified or trained person, and the results reported to the Wellington Regional Council. |
| 31. | Policy WH.P31: Winter shut down of earthworks<br>COASTAL **Earthworks** over 3,000m$^2$ in area shall:<br><br>(a) be shut down from 1st June to 30th September each year, and<br><br>(b) prior to shut down, be **stabilised** against erosion and have sediment controls in place using **good management practices** in accordance with the GWRC *Erosion and Sediment Control Guideline for the Wellington Region (2021).* | Oppose | Winstone oppose this policy in its entirety. This policy does not reasonably anticipate activities that require earthworks year-round, including quarrying activities, and there is little evidence to support its direction. Shutting down earthworks for winter works within an active quarry will adversely impact on the Regions ability to have a secure and local source of quality and affordable aggregate and decreases the regions ability to respond to a natural disaster. The policy effectively requires a shutdown period over the winter months. There is little justification provided in the Section 32 Evaluation for this shut down period, other than the climatic characteristics of the winter months being more likely to cause increased sediment discharges. This is a poor assumption, noting the unpredictable rainfall events that would cause uncontrolled releases of sediment can occur at any time of the year, which will only | **Delete policy.** |

[14] https://www.qualityplanning.org.nz/node/610

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| | | | increase with the effects of climate change. Further, the receiving environments are typically less vulnerable during the winter months with water temperatures lower and flows higher. Winstone seek that the policy is removed and consider that there the risk associated with unpredictable weather events can be managed more effectively through existing provisions. | |
| | Section 8.3.1 Discharge of contaminants (Whaitua Te Whanganui-a-Tara) | | | |
| 32. | Rule WH.R1: Point source discharges of specific contaminants – prohibited activity<br><br>COASTAL The point source discharge of:<br><br>(a) chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or<br><br>(b) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or<br><br>(c) solvents including paint stripper, or<br><br>(d) 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<br><br>(e) radiator coolant, or<br><br>(f) cooking oil, or<br><br>(g) cement wash, cement slurry and concrete cutting waste, or<br><br>(h) drill cooling water<br><br>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. | Amend | Winstone seek an amendment the reference to 'stormwater network' to clarify that this is from rather than into for the reasons provided in submission point 24. | **Amend Rule WH.R1 as follows:**<br>Rule WH.R1: Point source discharges of specific contaminants – prohibited activity<br><br>COASTAL The point source discharge of:<br><br>(a) chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or<br><br>(b) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or<br><br>(c) solvents including paint stripper, or<br><br>(d) 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<br><br>(e) radiator coolant, or<br><br>(f) cooking oil, or<br><br>(g) cement wash, cement slurry and concrete cutting waste, or<br><br>(h) drill cooling water<br><br>into water or onto or into land, including ~~via~~ from a **stormwater network**,~~-~~where it may enter a **surface water body** or coastal water is a prohibited activity. |

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| 33. | | Oppose/Amend | The current rule framework categorises quarrying activities as a form of "high risk industrial or trade premise". This currently makes any quarrying activities subject to the following:<br>- Permitted Rule WH.R4 for any stormwater discharges from existing impervious surfaces,<br>- Discretionary Rule WH.R11 for any stormwater discharges from any new or redeveloped surfaces, and<br>- Non-complying activity rule WH.R12 where either of the above two rules are not met.<br><br>Winstone strongly oppose this current framework which will incur significant consenting implications to Winstone and provides little consenting path. As drafted, reasonable activities, such as replacement of a concrete pad, or roof, would require consent despite the scale of the activity or whether there was an associated discharge. Operational stormwater discharges form Winstone's Belmont site would also not meet the permitted rule and therefore would require consent as a non-complying activity.<br><br>There is no consideration of quarrying activities within the Section 32 Evaluation therefore it is unclear whether the framework is intended to apply as it does.<br><br>Winstone consider that the current approach is inconsistent with the Regional Policy Statement that directs recognise the benefits of the Regions mineral resources and seeks to enable the ongoing use of the resource[15]. Winstone is seeking further amendments to the RPS that may be implemented in the decisions version of the RPS in due course, and seeks to rely on any such amendments as part of this process.<br><br>Winstone seek two specific rule that relates to the quarrying activities associated with significant mineral resources:<br>- A permitted activity rule that applies to all stormwater discharges from a quarrying activity, and<br>- A restricted discretionary activity that applies where the permitted rule is not met and is subject to the stormwater discharge continuing to meet relevant target attribute states.<br><br>This is similar to the approach taken in Rules WH.R8, WH.R9 and WH.R10 to provide for airports and roading. | **Insert new Rule WH.R4A as follows (or wording to similar effect):**<br>Rule WH.R4A: Stormwater from **quarrying activities** – permitted activity<br><br>COASTAL The discharge of **stormwater** from a **quarrying activity** into water, or onto or into land where it may enter a **surface water body** or coastal water, including where it is associated with the use of land for the creation of new, or **redevelopment** of existing **impervious surfaces,** is a permitted activity, provided the following conditions are met:<br><br>(a) The **quarrying activity** is of **significant mineral resource**; and<br>(b) 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<br>(c) the discharge does not contain **wastewater**, and<br>(d) if the discharge is to land where it may enter groundwater,<br>(i) the discharge cannot cause or exacerbate the flooding of any other **property**, and<br>(ii) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply or stock water, and<br>(e) if the discharge is into a **surface water body** or into coastal water the concentration of total suspended solids in the discharge shall not exceed:<br>(i) 50g/m$^3$ where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 |

[15] Objective 31 and Policy 60

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| | | | | (rivers/lakes), Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or<br><br>(ii) 100g/m$^3$ where the discharge enters any other water,<br><br>(f) the discharge shall also not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and<br><br>(g) the discharge shall also not give rise to the following effects beyond the **zone of reasonable mixing**:<br><br>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(ii) any conspicuous change in the colour, or<br><br>(iii) a decrease in water clarity of more than<br>1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br>2. 30% in any other river, or<br><br>(iv) any emission of objectionable odour, or<br><br>(v) the freshwater is unsuitable for consumption by farm animals, or<br><br>(vi) any significant adverse effects on aquatic life. |

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| | | | | **Insert new Rule WH.R8A as follows (or wording to similar effect):**<br>Rule WH.R8A: Stormwater from a quarrying activity – restricted discretionary activity<br><br>COASTAL The discharge of **stormwater** from a **quarrying activity** associated with a **significant mineral resource** into water, or onto or into land where it may enter a **surface water body** or coastal water, including where it is associated with the use of land for the creation of new, or **redevelopment** of existing **impervious surfaces,** is a restricted discretionary activity where:<br>(a) The **quarrying activity** is of **significant mineral resource**; and<br>(b) Rule WH.R4A cannot be met, and<br>(c) the discharge does not result in an inability to meet any target attribute state in Table 8.4 is met for a relevant **part Freshwater Management Unit**, and<br>(d) the discharge does not result in an inability to meet any target attribute state in Table 8.1 is met for a relevant **coastal water management unit**.<br><br>*Matters for discretion*<br>1. The management of the adverse effects of **stormwater** capture and discharge, including on **aquatic ecosystem health** and **mahinga kai**, contact recreation and **Māori customary use**<br><br>2. The management of effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)<br>3. **Minimisation** of the adverse effects of **stormwater** discharges<br>4. Provision for **hydrological control** measures where discharges will enter a **surface water body** (including from an existing local authority **stormwater network**). |
| 34. | Rule WH.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity<br><br>COASTAL<br>The discharge of **stormwater** from an existing **high risk industrial or trade premise**, that is not a port or airport, into water, or onto or into | Oppose/ Amend | Winstone seek an amendment to this rule to:<br>(a) Amend references to 'stormwater network' to clarify that this is from rather than into for the reasons provided in submission point 24,<br>(b) Remove reference to contaminants in clause (d) for reasons provided in submission point 2, and<br>(c) a consequential amendment to refer to quarrying | **Amend Rule WH.R4 as follows:**<br>Rule WH.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity<br><br>COASTAL<br>The discharge of **stormwater** from an existing **high risk industrial or trade premise**, that is not a port, ~~or~~ airport or, |

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| | land where it may enter water, including via an existing local authority **stormwater network**, is a permitted activity, provided the following conditions are met:<br><br>(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<br><br>(b) the discharge does not contain **wastewater**, and<br>(c) if the discharge is to land where it may enter groundwater,<br><br>(i) the discharge cannot cause or exacerbate the flooding of any other **property**, and<br><br>(ii) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply or stock water, and<br><br>(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<br><br>(i) there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or<br><br>(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 | | activities to align with relief sought by submission point 33. | from a **quarrying activity**, into water, or onto or into land where it may enter water, including ~~via~~ from an existing local authority **stormwater network**, is a permitted activity, provided the following conditions are met:<br><br>(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<br><br>(b) the discharge does not contain **wastewater**, and<br>(c) if the discharge is to land where it may enter groundwater,<br><br>(i) the discharge cannot cause or exacerbate the flooding of any other **property**, and<br><br>(ii) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply or stock water, and<br><br>(d) any ~~contaminants~~ **hazardous substances** 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<br><br>(i) there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or<br><br>(ii) the **stormwater** contains no **hazardous** |

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| | more than 15 milligrams per litre of total petroleum hydrocarbons, and<br><br>(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:<br><br>(i) 50g/m$^3$ 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<br><br>(ii) 100g/m$^3$ where the discharge enters any other water,<br><br>and where the discharge is not via an existing local authority stormwater network the discharge shall also not:<br><br>(f) cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and<br><br>(g) give rise to the following effects beyond the **zone of reasonable mixing:**<br><br>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(ii) any conspicuous change in the | | | **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<br><br>(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:<br><br>(i) 50g/m$^3$ 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<br><br>(ii) 100g/m$^3$ where the discharge enters any other water,<br><br>and where the discharge is not via an existing local authority stormwater network the discharge shall also not:<br><br>(f) cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and |

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| | colour, or<br><br>(iii) a decrease in water clarity of more than<br>1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br>2. 30% in any other river, or<br><br>(iv) any emission of objectionable odour, or<br><br>(v) the freshwater is unsuitable for consumption by **farm** animals, or<br><br>(vi) any significant adverse effects on aquatic life. | | | (g) give rise to the following effects beyond the **zone of reasonable mixing:**<br><br>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(ii) any conspicuous change in the colour, or<br><br>(iii) a decrease in water clarity of more than<br>1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br>2. 30% in any other river, or<br><br>(iv) any emission of objectionable odour, or<br><br>(v) the freshwater is unsuitable for consumption by **farm** animals, or<br><br>(vi) any significant adverse effects on aquatic life. |
| 35. | Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity | Oppose/ Amend | Winstone seek several amendments to this rule as detailed below. | **Amend Rule WH.R5 as follows:**<br>Rule WH.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity |

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| | COASTAL 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:<br><br>(a) the proposal involves the creation of new, or **redevelopment** of existing impervious areas of less than 1,000m$^2$ (baseline property existing impervious area as at 30 October 2023) and<br><br>(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<br><br>(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**):<br><br>(i) for all impervious areas associated with a greenfield development, or<br><br>(ii) for all redeveloped and new impervious areas involving greater than 30m$^2$ of impervious area of a **redevelopment** (of an existing urbanised property), and<br><br>(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**, | | Condition (a) currently sets a threshold (1,000m$^2$) and baseline for any new or redeveloped impervious surfaces from 30 October 2023. It is understood that the intension of the baseline is to avoid the potential for staged developments to get around the rule. However, as drafted, the clause is not bound by time, therefore incremental development of a site could over time trigger the condition. For instance, if Winstone were to replace a 350 m$^2$ concrete pad three times over the course of 15 years, they would be non-compliant with the condition. As noted, it is understood that this is not the intention of the condition. Winstone seek that the condition is amended to specify a timeframe rather than a baseline. This would continue to manage the risk of staged developments, while ensuring long term development of sites is reasonably provided.<br><br>Amendments are sought to references to 'stormwater network' to clarify that this is from rather than into for the reasons provided in submission point 24.<br><br>A consequential amendment to refer to quarrying activities to align with relief sought by submission point 33. | COASTAL 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~~ from an existing or new local authority **stormwater network,** that is not a **high risk industrial or trade premise**, a quarrying activity or **unplanned greenfield development,** is a permitted activity, provided the following conditions are met:<br><br>(a) the proposal involves the creation of new, or **redevelopment** of existing impervious areas of less than 1,000m$^2$ over any 12-month period ~~(baselineproperty existing impervious area as at 30 October 2023)~~ and<br><br>(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<br><br>(c) the proposal provides **hydrological control** measures (for example rain tanks) onsite or offsite, where discharges will enter a **surface water body** (including ~~via~~ from an existing local authority **stormwater network**):<br><br>(i) for all impervious areas associated with a greenfield development, or<br><br>(ii) for all redeveloped and new impervious areas |

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| | and<br><br>(e) the discharge does not contain **wastewater**, and<br><br>(f) the concentration of total suspended solids in the discharge shall not exceed:<br><br>(i) 50g/m$^3$ 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<br><br>(ii) 100g/m$^3$ where the discharge enters any other water,<br><br>and where the discharge is not via an existing or new local authority **stormwater network**:<br><br>(g) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and<br><br>(h) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:<br><br>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(ii) any conspicuous change in the colour, or | | | involving greater than 30m$^2$ of impervious area of a **redevelopment** (of an existing urbanised property), and<br><br>(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<br><br>(e) the discharge does not contain **wastewater**, and<br><br>(f) the concentration of total suspended solids in the discharge shall not exceed:<br><br>(i) 50g/m$^3$ 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<br><br>(ii) 100g/m$^3$ where the discharge enters any other water,<br><br>and where the discharge is not ~~via~~ from an existing or new local authority **stormwater network**:<br><br>(g) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and |

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| | (iii) a decrease in water clarity of more than<br><br>1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br><br>2. 30% in any other river, or<br><br>(iv) any emission of objectionable odour, or<br><br>(v) the freshwater is unsuitable for consumption by **farm** animals, or<br><br>(vi) any significant adverse effects on aquatic life. | | | (h) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:<br><br>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(ii) any conspicuous change in the colour, or<br><br>(iii) a decrease in water clarity of more than<br><br>**1.** 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br><br>**2.** 30% in any other river, or<br><br>(iv) any emission of objectionable odour, or<br><br>(v) the freshwater is unsuitable for consumption by **farm** animals, or<br><br>(vi) any significant adverse effects on aquatic life. |
| 36. | Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity<br><br>COASTAL<br><br>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 | Oppose/Amend | Winstone seek an amendment to this rule to:<br>(a) Amend the chapeau and clause (d) to clarify that this is "from" rather to "through" a stormwater network for the reasons provided in submission point 24, and<br>(b) a consequential amendment to refer to quarrying activities to align with relief sought by submission point 33. | **Amend Rule WH.R6 as follows:**<br>Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity<br><br>COASTAL<br>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~~ from an existing local authority **stormwater network,** that is not a |

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| | local authority **stormwater network,** that is not a **high risk industrial or trade premise** or **unplanned greenfield development**, is a controlled activity, provided the following conditions are met:<br><br>(a) the proposal involves the creation of new **impervious surfaces** of between 1,000m$^2$ and 3,000m$^2$ (baseline property existing impervious area as at 30 October 2023)<br><br>**or,**<br><br>(b) the proposal involves the creation new **impervious surfaces** of less than 1,000m$^2$, but is not permitted under the conditions of Rule WH.R5,<br><br>**and,**<br><br>(c) a financial contribution is paid for the purpose of offsetting the adverse effects of residual **stormwater** contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and<br><br>(d) where **stormwater** directly or indirectly (through an existing local authority **stormwater network**) discharges to a river, **hydrological control** is provided either:<br><br>(i) on-site, or<br><br>(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 | | | **high risk industrial or trade premise**, a quarrying activity or **unplanned greenfield development**, is a controlled activity, provided the following conditions are met:<br><br>(a) the proposal involves the creation of new **impervious surfaces** of between 1,000m$^2$ and 3,000m$^2$ (baseline property existing impervious area as at 30 October 2023)<br><br>**or,**<br><br>(b) the proposal involves the creation new **impervious surfaces** of less than 1,000m$^2$, but is not permitted under the conditions of Rule WH.R5,<br><br>**and,**<br><br>(c) a financial contribution is paid for the purpose of offsetting the adverse effects of residual **stormwater** contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and<br><br>(d) where **stormwater** directly or indirectly (~~through~~ from an existing local authority **stormwater network**) discharges to a river, **hydrological control** is provided either:<br><br>(i) on-site, or<br><br>(ii) off-site through an existing local authority **stormwater network** or privately owned **stormwater** network that has been sized to accommodate the |

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| | (e) **stormwater** contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a **stormwater treatment system** that treats in accordance with Schedule 28 (contaminant treatment) and is provided either:<br><br>(i) on-site, or 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.<br><br>*Matters of control*<br>1. The design and layout of the on-site **stormwater treatment system**, including the ongoing operational and management measures necessary to ensure that **stormwater** quality will meet the requirements of condition (e) of this rule<br><br>2. The adequacy of **hydrological control** measures either on-site or off- site, where **stormwater** will enter a river<br><br>3. Where an off-site (or a combination of on-site and off-site) **stormwater treatment system** is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into<br><br>4. The long-term operational, maintenance and ownership requirements of the **stormwater treatment system**<br><br>5. Whether sufficient use of **water sensitive urban design** measures have been applied to the site design and | | | proposed **stormwater** discharges, and<br><br>(e) **stormwater** contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a **stormwater treatment system** that treats in accordance with Schedule 28 (contaminant treatment) and is provided either:<br><br>(i) on-site, or 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.<br><br>*Matters of control*<br>1. The design and layout of the on-site **stormwater treatment system**, including the ongoing operational and management measures necessary to ensure that **stormwater** quality will meet the requirements of condition (e) of this rule<br><br>2. The adequacy of **hydrological control** measures either on-site or off- site, where **stormwater** will enter a river<br><br>3. Where an off-site (or a combination of on-site and off-site) **stormwater treatment system** is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into |

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| | layout<br><br>6. A financial contribution as required by Schedule 30 (financial contributions)<br><br>7. Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule<br><br>*Notification*<br>In respect of Rule WH.R6, applications are precluded from limited and public notification (unless special circumstances exist). | | | 4. The long-term operational, maintenance and ownership requirements of the **stormwater treatment system**<br><br>5. Whether sufficient use of **water sensitive urban design** measures have been applied to the site design and layout<br><br>6. A financial contribution as required by Schedule 30 (financial contributions)<br><br>7. Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule<br><br>*Notification*<br>In respect of Rule WH.R6, applications are precluded from limited and public notification (unless special circumstances exist). |
| 37. | Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity<br><br>COASTAL 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:<br>(a) the resource consent application includes a **Stormwater** Impact Assessment prepared in accordance with Schedule 29 (impact assessment), and | Amend | As a general point, Winstone note that as drafted, all new and redeveloped impervious surfaces within a high risk industrial or trade premise would trigger this rule. If the definition of 'high risk industrial or trade premise' was to apply to quarrying activities, this would raise significant impracticalities associated with the operation of Winstone's Belmont Quarry. For instance, a resource consent as a discretionary activity would be required for any resealing of a haul road, replacement of a concrete pad, construction of a storage shed ect, despite the minor nature of the activities. However, subject to the relief sought in submission point 33, Winstone is neutral to this rule.<br><br>Winstone seeks deletion of clause (b) in line with changes sought to Policy WH.P15 as outlined in submission point 24. While the clause could be amended to be "in accordance with Policy WH.P15, Winstone consider that this does not provide enough certainty as a condition. | **Amend Rule WH.R11 as follows:**<br>Rule WH.R11: Stormwater from new and redeveloped impervious surfaces – discretionary activity<br><br>COASTAL 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~~ from 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:<br>(a) the resource consent application includes a **Stormwater** Impact Assessment prepared in accordance with Schedule 29 |

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| | (b) if the proposal is for greenfield development a financial contribution is paid for the purpose of offsetting the adverse effects of residual **stormwater** contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions). | | | (impact assessment)~~, and~~<br>(b) ~~if the proposal is for greenfield development a financial contribution is paid for the purpose of offsetting the adverse effects of residual stormwater contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).~~ |
| 38. | Rule WH.R12: All other stormwater discharges – non-complying activity<br>The:<br>(a) discharge of **stormwater** onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule WH.R2, or<br>(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<br>(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<br>(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 | Amend | Winstone oppose this rule as notified which would require a non-complying activity rule for any stormwater discharges that do not comply with the permitted rule, and any new impervious surfaces that do not comply with the discretionary status. Winstone consider that there is insufficient evidence provided to support this activity status for what should be considered an anticipated activity. Subject to acceptance of submission point 33, Winstone would be neutral to this rule subject to changes to align with relief sought by submission point 33. | **Amend Rule WH.R12 as follows:**<br>Rule WH.R12: All other stormwater discharges – non-complying activity<br>The:<br>(a) discharge of **stormwater** onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule WH.R2, or<br>(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<br>(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<br>(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 |

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| | 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, | | | 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, or<br>(e) discharge of **stormwater** from a **quarrying activity** that is not permitted by Rule WH.R4A, does not meet restricted discretionary by Rule WH.R8A,. |
| 39. | Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity<br><br>COASTAL<br>The use of land and the associated discharge of **stormwater** from **impervious surfaces from unplanned greenfield development** direct into water, or onto or into land where it may enter a **surface water body** or coastal water, including through an existing or proposed **stormwater network,** is a prohibited activity.<br><br>*Note* Any **unplanned greenfield development** proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the *National Policy Statement for Freshwater Management 2020,* and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment. | Oppose / Amend | Winstone oppose this rule as notified which as drafted would significantly constrain the existing operation of the Belmont Quarry. Part of Winstone's Belmont Quarry is located within the General Rural Zone**.** There are existing consents that authorise quarrying activities over this land. However, this rule currently identifies this land as "unplanned greenfield development" and prohibits any discharge from an impervious surface. Creation of impervious surfaces within an active quarry is inevitable through need for concrete pads ect. To require a private plan change to the Natural Resources Plan to enable the continued operation of the quarry would result in a significant cost for what is an activity that should be anticipated.<br><br>Generally, Winstone does not support the use of prohibited activity, particularly where a less restrictive activity status would adequately assess and manage the effects. Either a discretionary or non-complying status could be used to effectively manage any effects, including cumulative effects. It would also continue to enable case-by-case assessment to ensure that there remains some discretion for appropriate activities to occur.<br><br>As drafted, the prohibited rule applies to any activity, regardless of scale, nature, or effect. Based on the Section 32 Evaluation, it is understood that the intention of this rule is to account for new greenfield urban development that was not previously planned. While intended, the rule as drafted applies to all development. Winstone note that if the intention of this rule was to account for all development, Winstone would consider that there is insufficient evidence, provided through the Section 32 Evaluation to justify this rule nor has there been sufficient evaluation against the efficiencies and effectiveness. Of particular interest to Winstone, there has been no evaluation of the costs and benefits of applying this framework to quarrying | **Either delete Rule WH.R13 in its entirety**<br><br>**or**<br><br>**Amend Rule WH.R13 as follows:**<br>Rule WH.R13: Stormwater from new unplanned greenfield development – prohibited activity<br><br>COASTAL<br>The use of land for new **urban development** and the associated discharge of **stormwater** from **impervious surfaces** from the **urban development** within **unplanned greenfield development** that directly enters ~~direct into~~ water, or enters onto or into land where it may enter a **surface water body** or coastal water, including ~~through~~ from an existing or proposed **stormwater network,** is a prohibited activity.<br><br>*Note* Any **urban development** within an area of **unplanned greenfield development** proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the *National Policy Statement for Freshwater Management 2020,* and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment. |

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| | | | activities, noting that the framework would prevent both the existing operation of local quarries, and the future ability for new quarrying activities to be established. This will directly impact building supplies and significantly increase the cost of construction.<br><br>If the intent of the rule is to target urban development, Winstone seek changes to clarify this.<br><br>If the intent of the rule is to account for all development, Winstone seek that the rule is deleted in its entirety. | |
| Section 8.3.4 Land uses (Whaitua Te Whanganui-a-Tara) | | | | |
| 40. | Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity<br><br>FW **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:<br><br>(a) the **vegetation clearance** is:<br><br>(i) to implement an action in the **erosion risk treatment plan** for the farm, or<br><br>(ii) for the control of pest plants, and<br><br>(b) debris from the **vegetation clearance** is not placed where it can enter a **surface water body.** | Oppose / Amend | Winstone oppose the mapping associated with the definition of "high erosion risk land (woody vegetation)" as outlined in Winstone's submission points 3 - 5.<br><br>Should the definition and mapping be retained, Winstone consider that the rule is limiting in that it does not allow for any vegetation clearance of the specified land for most land uses. Winstone consider that the existing approach of managing erosion prone land under Rule R104 -R107 of the Natural Resources Plan is more fit for purpose. Based on the Section 32 Evaluation, there also looks to be no implementation issues associated with the existing rule framework. Winstone's preference is that the existing rules of the operative plan are retained. Should the proposed rules remain, Winstone seek that the permitted rule provides for additional clearance of up to 200 $m^2$. This seems to be a missing link currently with any clearance greater than 200 $m^2$ a controlled activity.<br><br>Winstone oppose that the rule is subject to the Freshwater Planning Process. The rule relates to erosion and soil conservation, rather than specifically freshwater. This is also inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considering those under the Schedule 1 process. | 1. **Review mapping and definition of "erosion prone land".**<br>2. **Consider Rule WH.R17 under a Part 1 Schedule 1 process.**<br>3. **Amend Rule WH.R17 as follows:**<br><br>Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity<br><br>**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:<br><br>(a) the **vegetation clearance** is:<br><br>(i) to implement an action in the **erosion risk treatment plan** for the farm, or<br><br>(ii) for the control of pest plants, or<br><br>(iii) no more than 200 $m^2$ per property of vegetation clearance on highest erosion risk land (woody vegetation) in any consecutive 12-month period, and<br><br>(b) debris from the **vegetation clearance** is not placed where it can enter a **surface water body.** |

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| 41. | Rule WH.R18: Vegetation clearance on highest erosion risk land – controlled activity<br>FW<br>**Vegetation clearance on highest erosion risk land (woody vegetation)**, of more than a total area of 200m$^2$ per property in any consecutive 12-month period, and any associated discharge of sediment to a **surface water body** 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.<br><br>*Matters of control*<br>1. The content of the **erosion and sediment management plan**, including the actions, management practices and mitigation measures necessary to ensure that discharge of sediment will not exceed that which occurred from the land prior to the **vegetation clearance** occurring<br>2. The area, location and method of **vegetation clearance**<br>3. **Stabilisation** and rehabilitation of the area cleared<br>4. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and the **erosion and sediment management plan**<br>5. The timing, frequency and requirements for review, audit and amendment of the **erosion and** | Neutral | Winstone oppose the mapping associated with the definition of "high erosion risk land (woody vegetation)" as outlined in Winstone's submission points 3 - 5.<br><br>Notwithstanding Winstone's position on the associated definition, Winstone support this rule which provides reasonable certainty to landowners that consent will be granted. This rule could also be anticipated to capture the majority of vegetation clearance application sought, where the permitted rule is not met.<br><br>Winstone oppose that the rule is subject to the Freshwater Planning Process. The rule relates to erosion and soil conservation, rather than specifically freshwater. This is also inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considering those under the Schedule 1 process. | 1. **Review mapping and definition of "erosion prone land".**<br>2. **Consider Rule WH.R18 under a Part 1 Schedule 1 process.**<br>3. **Retain a controlled activity rule for vegetation clearance greater than 200 m$^2$ over high erosion risk land.** |

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| | **sediment management plan**<br><br>6. The time and circumstances under which the resource consent conditions may be reviewed. | | | |
| 42. | Rule WH.R19: Vegetation clearance – discretionary activity<br>FW **Vegetation clearance on highest erosion risk land (woody vegetation)** and any associated discharge of sediment to a **surface water body** that does not comply with one or more of the conditions of Rule WH.R17 or Rule WH.R18 is a discretionary activity.<br><br>*Note*<br>Rules WH.R20, WH.R21 and WH.R22 prevail over the following Regulations of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*: | Amend | Winstone is neutral to this rule, noting their support to the Controlled Activity Rule WH.R18 (see Submission point 41) which is anticipated to capture most vegetation clearance that does not meet the permitted rule.<br><br>Winstone oppose that the rule is subject to the Freshwater Planning Process. The rule relates to erosion and soil conservation, rather than specifically freshwater. This is also inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considering those under the Schedule 1 process. | 1. **Review mapping and definition of "erosion prone land".**<br>2. **Consider Rule WH.R18 under a Part 1 Schedule 1 process.** |
| | Section 8.3.5 Earthworks (Whaitua Te Whanganui-a-Tara) | | | |
| 43. | Rule WH.R23: Earthworks – permitted activity<br>**Earthworks** is a permitted activity, provided the following conditions are met:<br><br>FW (a) the **earthworks** are to implement an action in the **erosion risk treatment plan** for the **farm**, or<br><br>(b) the **earthworks** are to implement an action in the **farm environment plan** for the **farm**, and<br><br>(c) the area of **earthworks** does not exceed 3,000m$^2$ per property in any consecutive 12-month period, and<br><br>(d) the **earthworks** shall not occur within 5m of a **surface water body** or the coastal marine area, except for **earthworks** undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and<br><br>(e) soil or debris from **earthworks** is not | Amend | Winstone note that the rule as notified, the proposed rules only permit earthworks to implement an action in an erosion risk treatment plan or a farm environment plan for a farm. In all other cases resource consent is currently required as either a restricted discretionary activity, or non-complying activity, regardless of its scale or effect. It is understood that the conjunctive requirement in clause (b) was an error and should have been an "or". This error has since been corrected in accordance with Clause 16 of the RMA. For completeness, Winstone have based this submission on the previous version of the rule and have included the correction in their relief sought.<br><br>While this might be the case, the rule currently has legal effect and have significant repercussions for all non-primary production land uses. If the error were corrected, Winstone would be neutral to the rule.<br><br>Winstone also note that the rule currently only relates to earthworks and not the associated discharge to water. It would appear this may also have been an error given the associated restricted discretionary and non-complying rules refer to the associated discharge. However, Condition (g) also specifically requires no discharge to water, including to land in a manner that may enter water. As drafted, this would likely create an inability for any earthworks to meet the rule given any exposed sediment would result in a discharge onto land where it may | 1. **Consider Rule WH.R23 under a Part 1 Schedule 1 process.**<br>2. **Amend Rule WH.R23 as follows:**<br><br>Rule WH.R23: Earthworks – permitted activity<br>**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 from a **stormwater network**, is a permitted activity, provided the following conditions are met:<br><br>(a) the **earthworks** are to implement an action in the **erosion risk treatment plan** for the **farm**, or<br><br>(b) the **earthworks** are to implement an action in the **farm environment plan** for the **farm**, ~~and~~ or<br><br>(c) the area of **earthworks** does not exceed 3,000m$^2$ per property in any consecutive 12-month |

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| | placed where it can enter a **surface water body** or the coastal marine area, including via a **stormwater network**, and<br><br>(f) the area of **earthworks** must be **stabilised** within six months after completion of the **earthworks**, and<br><br>(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<br><br>(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**.<br><br>*Note*<br>**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).* | | enter a surface water body. Changes are sought to clarify that the rule also covers the associated discharge and to remove Condition (g). It is noted that this rule would continue apply along side the minor discharges rule (Rule R91) which specifies further discharge parameters.<br><br>Winstone oppose that the rules are subject to the Freshwater Planning Process. The rules relate to erosion and soil conservation, rather than specifically freshwater. This is also inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considering those under the Schedule 1 process. | period, and<br><br>(d) the **earthworks** shall not occur within 5m of a **surface water body** or the coastal marine area, except for **earthworks** undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and<br><br>(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<br><br>(f) the area of **earthworks** must be **stabilised** within six months after completion of the **earthworks**, and<br><br>(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~~<br><br>(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**.<br><br>*Note*<br>**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).* |

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| 44. | Rule WH.R24: Earthworks – restricted discretionary activity<br><br>COASTAL **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:<br>(a) the concentration of total suspended solids in the discharge from the **earthworks** shall not exceed 100g/m$^3$, 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$^3$, the discharge shall not, after the **zone of reasonable mixing**, decrease the visual clarity in the receiving water by more than:<br>(i) 20% in **River class** 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br>(ii) 30% in any other river, and<br>(b) **earthworks** shall not occur between 1st June and 30th September in any year.<br><br>*Matters for discretion*<br>1. The location, area, scale, volume, duration and staging and timing of works<br>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** | Amend | As outlined in Winstone's submission point 31 in relation to policy WH.P31, Winstone opposes direction to avoid earthworks over the winter months. This rule, in conjunction with WH.R25 and proposed policy WH.P31 effectively prohibits earthworks over the winter months. This directly is not supported by evidence, nor is reasonable to expect earthworks to cease over this period, particularly activities that are required year-round such as quarrying. Winstone consider that the intent of the policy direction (to minimise the risk of an uncontrolled discharge) can continue to be appropriately managed through matter of discretion – specifically matter 1. For those reasons, Winstone seek that clause (b) and matter of discretion 8 are deleted. | **Amend Rule WH.R24 as follows:**<br>Rule WH.R24: Earthworks – restricted discretionary activity<br><br>COASTAL **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:<br>(a) the concentration of total suspended solids in the discharge from the **earthworks** shall not exceed 100g/m$^3$, 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$^3$, the discharge shall not, after the **zone of reasonable mixing**, decrease the visual clarity in the receiving water by more than:<br>(i) 20% in **River class** 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br>(ii) 30% in any other river~~, and~~<br>~~(b) earthworks shall not occur between 1st June and 30th September in any year.~~<br><br>*Matters for discretion*<br>1. The location, area, scale, volume, duration and staging and timing of works<br>2. The design and suitability of |

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| | 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<br><br>4. The proportion of unstabilised land in the catchment<br><br>5. The adequacy and efficiency of **stabilisation** devices for sediment control<br><br>6. Any adverse effects on:<br><br>(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)<br>(ii) group drinking water supplies and community drinking water supplies<br>(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 critical life cycle periods for indigenous aquatic species | | | 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**<br><br>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<br><br>4. The proportion of unstabilised land in the catchment<br><br>5. The adequacy and efficiency of **stabilisation** devices for sediment control<br><br>6. Any adverse effects on:<br><br>(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)<br>(ii) group drinking water supplies and community drinking water supplies<br>~~(iii)~~ **mauri**, water quality (including water quality |

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| | (iv) the **natural character** of lakes, rivers, **natural wetlands** and their margins and the coastal environment<br><br>(v) natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers<br><br>7. Duration of the consent<br><br>8. Preparation required for the close-down period (from 1st June to 30th September each year) and any maintenance activities required during this period<br><br>9. Monitoring and reporting requirements | | | in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous ~~biodiversity values, **mahinga kai** and critical life cycle periods for indigenous aquatic species~~<br><br>~~(iv) the **natural character** of lakes, rivers, **natural wetlands** and their margins and the coastal environment~~<br><br>~~(v) natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers~~<br><br>~~7. Duration of the consent~~<br><br>~~8. Preparation required for the close-down period (from 1st June to 30th September each year) and any maintenance activities required during this period~~<br><br>~~9. Monitoring and reporting requirements~~ |
| 45. | Rule WH.R25: Earthworks – non-complying activity<br><br>COASTAL **Earthworks**, and the associated discharge of sediment into a **surface water body** or coastal water or onto or into land where it may enter a **surface water body** or coastal water from **earthworks**, including via a **stormwater network**, that does not comply with Rule WH.R24 is a non-complying activity. | Oppose / amend | Winstone oppose the non-complying status of this rule. As noted in submission point 44, this rule, in conjunction with the associated policy (WH.P31) effectively prohibits any earthworks occurring during the winter months due to the difficulties of meeting the gateway test with such a directive policy. Winstone also consider that there is little evidence basis to justify this direction, nor does it recognise any activities that are required year-round. Subject to the changes sought by submission point 33, Winstone seek that this rule is amended to a discretionary status. Discretionary status continues to enable the Council to | **Amend Rule WH.R25 as follows:**<br>Rule WH.R25: Earthworks – ~~non-complying~~ discretionary activity<br><br>COASTAL **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 |

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| | | | consider all relevant effects while accepting that not all earthworks sought under the rule will be contrary to the Natural Resources Plan. | does not comply with Rule WH.R24 is a ~~non-complying~~ discretionary activity. |
| | | | Section 9.1 Whaitua Te Awarua-o-Porirua Objectives | |
| 46. | Objective P.O6<br>FW<br>Water quality, habitats, water quantity and ecological processes of rivers are maintained or improved by ensuring that:<br>(a) where a target attribute state in Table 9.2 is not met, the state of that attribute is improved in all rivers and river reaches in the **part Freshwater Management Unit** so that the target attribute state is met within the timeframe indicated within Table 9.2, and<br>(b) where a target attribute state in Table 9.2 is met, the state of that attribute is at least maintained in all rivers within the **part Freshwater Management Unit**, and<br>(c) where any attribute in any river or river reach is in a better state than the target attribute state, that attribute is at least maintained at the better state in every river or river reach, and<br>(d) where a **huanga** of **mahinga kai** and **Māori customary use** for locations identified in Schedule B (**Ngā Taonga Nui a Kiwa**) and is not achieved, the state of the river or river reach is improved. | Amend | Winstone generally support the identification of target attribute states and seeking improvement in water quality where it is currently degraded.<br><br>Winstone does raise concern over whether improvements sought are too ambitious and unrealistic in the timeframe proposed (2040). Of note, the requirement to move from the existing D state to a B state for periphyron biomass and from the existing E state to an B state for E.Coli will require significant land use change.<br><br>Clause (c) is unrealistic and does not account for seasonal shifts in water quality and ecological condition. For instance, a river may experience a perceived improvement over the autumn months. To then require that this continues to be maintained over the winter and summer months could not be achieved due the climatic conditions. This also provides no certainty to the public for what the expectations are. | **3. Revise the improvement requirements of Table 9.2 or the timeframe to ensure that outcomes can be realistically achieved, and**<br>**4. Amend Objective P.O6 as follows:**<br><br>Objective P.O6<br>FW<br>Water quality, habitats, water quantity and ecological processes of rivers are maintained or improved by ensuring that:<br>(a) where a target attribute state in Table 9.2 is not met, the state of that attribute is improved in all rivers and river reaches in the **part Freshwater Management Unit** so that the target attribute state is met within the timeframe indicated within Table 9.2, and<br>(b) where a target attribute state in Table 9.2 is met, the state of that attribute is at least maintained in all rivers within the **part Freshwater Management Unit**, and<br>~~(c) where any attribute in any river or river reach is in a better state than the target attribute state, that attribute is at least maintained at the better state in every river or river reach, and~~<br>(d) where a **huanga** of **mahinga kai** and **Māori customary use** for locations identified in Schedule B (**Ngā Taonga Nui a Kiwa**) and is not achieved, the state of the river or river reach is improved. |
| | | | Section 9.2.1 Ecosystem health and water quality policies (Whaitua Te Awarua-o-Porirua) | |

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| 47. | Policy P.P1: Improvement of aquatic ecosystem health<br><br>COASTAL Aquatic ecosystem health will be improved by:<br><br>(a) progressively reducing the load or concentration of contaminants, particularly sediment, nutrients, pathogens and metals, entering water, and<br><br>(b) restoring habitats, and<br><br>(c) 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<br><br>(d) co-ordinating and prioritising work programmes in catchments that require changes to land use activities that impact on water. | Amend | Winstone seeks amendments to this policy as described below.<br><br>Clause (a) requires progressive reduction in the load and concentration of contaminants. It is understood that this is aligned with the required reductions in order to achieve improvements in water quality as required by Objective WH.O9. As drafted, the clause implies that this would apply to all water bodies, regardless of whether improvement is required or not. Changes are sought to clarify this.<br><br>As drafted, Clause (b) would be applied broadly to all habitats, including exotic. There is no requirement under the NPS-FM restore all habitats, rather it is limited to indigenous wetland habitat, and restoration should only be required where that habitat has been degraded. Changes are sought to clarify that restoration is limited to indigenous habitats and to caveat to where those habitats have been degraded.<br><br>It is not clear in Clause (d) what is being coordinated and prioritised. It is also unclear what "catchments that require changes to land use activities that impact water" means and who decides this or what those activities are. This clause should rather refer to enabling work programmes that provide for improvement. It is also noted that the clause is a method rather than a policy directive. Winstone suggest that consideration is given to whether this would be better suited as a method rather than a policy directive. | **Amend Policy P.P1 as follows:**<br>Policy P.P1: Improvement of aquatic ecosystem health<br><br>COASTAL Aquatic ecosystem health will be improved by:<br><br>(a) progressively reducing the load or concentration of contaminants where improvement in water quality is required, particularly sediment, nutrients, pathogens and metals, entering water, and<br><br>(b) restoring indigenous habitats that have been degraded, and<br><br>(c) 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<br><br>(d) co-ordinating and ~~prioritising~~ enabling work programmes in catchments that seek to improve aquatic ecosystem health~~require changes to land use activities that impact on water~~. |
| 48. | Policy P.P2 Management of activities to achieve target attribute states and coastal water objectives<br><br>COASTAL 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:<br><br>(a) 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<br><br>(b) encouraging **redevelopment** activities within existing urban areas to reduce the existing urban contaminant load, and | Oppose Amend | Winstone opposes the current drafting of this policy and seeks amendments to clause (a) of this policy as described below.<br><br>This clause currently prescribes the activity status of an activity, rather than being focused on an adverse effect. This direction also relates to "unplanned greenfield development" which may be applied generally given "greenfield development" is not defined meaning that any form of development within the area mapped as "unplanned" would be subject to this direction. As noted in submission point 9, it is understood that GWRC are focused primarily on unplanned urban development. Changes to this clause are sought to clarify this.<br><br>In addition, the clause also requires financial contributions to offset residual adverse effects from stormwater contaminants. Winstone consider that this is inconsistent with the NPS-FM and limits the ability to implement the effects management hierarchy. Aquatic offsetting or aquatic compensation are required where there are more than minor residual adverse | **Amend Policy P.P2 as follows:**<br>Policy P.P2 Management of activities to achieve target attribute states and coastal water objectives<br><br>COASTAL 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:<br><br>(a) ~~prohibiting unplanned greenfield development and for other greenfield developments~~ **minimising** the contaminants generated by **urban development**, and where there are more than minor residual adverse effects caused by **stormwater** contaminants requiring **aquatic offsetting** in first instance, which may include a ~~requiring~~ financial contribution~~s~~ as ~~to~~ an **aquatic offset** ~~adverse effects from residual stormwater~~ |

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| | (c) imposing **hydrological controls** on urban development and **stormwater** discharges to rivers<br><br>(d) requiring a reduction in contaminant loads from urban **wastewater** and **stormwater networks**, and<br><br>(e) **stabilising** stream banks by excluding **livestock** from waterbodies and planting riparian margins with indigenous vegetation, and<br><br>(f) requiring the active management of **earthworks**, forestry, **cultivation**, and **vegetation clearance** activities, and<br>(g) soil conservation treatment, including revegetation with woody vegetation, of land with **high erosion risk**, and<br><br>(h) requiring **farm environment plans** (including Freshwater Farm Plans) to improve **farm** practices that impact on freshwater. | | effects, rather than residual adverse effects generally. It is expected that there will be some residual adverse effect, which is appropriate, provided that effect is no more than minor. This clause also implies that financial contributions are the only form of offset that may be provided. Appendix 6 of the NPS-FM sets out principles that are to be applied when identifying an appropriate aquatic offset. It would be contrary to the NPS-FM to not allow for consideration against those principles. The clause also implies that only offsetting may be applied. The effects management hierarchy provides for aquatic compensation where aquatic offsetting is not able to be provided. Winstone accept that a financial contribution may be an appropriate form of aquatic offset, but seek that the policy does not frustrate the ability for other forms of aquatic offsetting or aquatic compensation to be undertaken.<br><br>Winstone support the direction of Clause (e), but note that the planting of riparian margins may not always be practicable. Changes are sought to recognise this. | ~~contaminants~~, and<br><br>(b) encouraging **redevelopment** activities within existing urban areas to reduce the existing urban contaminant load, and<br><br>(c) imposing **hydrological controls** on urban development and **stormwater** discharges to rivers<br><br>(d) requiring a reduction in contaminant loads from urban **wastewater** and **stormwater networks**, and<br><br>(e) **stabilising** stream banks by excluding **livestock** from waterbodies and planting riparian margins with indigenous vegetation where practicable, and<br><br>(f) requiring the active management of **earthworks**, forestry, **cultivation**, and **vegetation clearance** activities, and<br>(g) soil conservation treatment, including revegetation with woody vegetation, of land with **high erosion risk**, and<br><br>(h) requiring **farm environment plans** (including Freshwater Farm Plans) to improve **farm** practices that impact on freshwater. |
| 49. | Policy P.P5: Localised adverse effects of point source discharge<br>COASTAL 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:**<br><br>(a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(b) any conspicuous change in colour or visual clarity, or<br><br>(c) any emission of objectionable odour, or | Amend | Winstone generally support this policy to the extent that it seeks to limit potentially significant effects to a localised zone.<br><br>It is understood that this policy is looking align with s107 of the RMA. However, as drafted the policy is unclear on its direction. The policy implies that clause (a) – (e) must be avoided even within the mixing zone. This is not a realistic requirement as any discharge can be expected to cause at least one of those effects at a localised level.<br><br>Changes are sought to clarify the policy with policy the focus on limiting those effects to the mixing zone, and avoiding any significant adverse effects beyond the zone of reasonable mixing. | **Amend Policy P.P5 as follows:**<br>Policy P.P5: Localised adverse effects of point source discharge<br>COASTAL The localised adverse effects of point source discharges to freshwater and coastal water are as far as practicable retained within ~~beyond~~ the **zone of reasonable mixing. ~~are avoided or minimised~~** Significant adverse effects beyond the **zone of reasonable mixing** must be avoided, including by avoiding the following effects:<br><br>(a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or |

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| | (d) the rendering of freshwater unsuitable for consumption by **farm** animals, or<br><br>(e) any significant adverse effects on aquatic life including through:<br><br>(i) change in temperature, or<br><br>(ii) reduced dissolved oxygen in **surface water bodies**, or<br><br>(iii) increased toxicity effects. | | | (b) any conspicuous change in colour or visual clarity, or<br><br>(c) any emission of objectionable odour, or<br><br>(d) the rendering of freshwater unsuitable for consumption by **farm** animals, or<br><br>(e) any significant adverse effects on aquatic life including through:<br><br>(i) change in temperature, or<br><br>(ii) reduced dissolved oxygen in **surface water bodies**, or<br><br>(iii) increased toxicity effects. |
| 50. | FW Policy P.P7: Discharges to groundwater<br>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. | Amend | Winstone generally support the direction of this policy, but seek changes to clarify its intent.<br><br>The requirement that all discharges "shall not degrade" is not clear of directly measurable. Direction should be focused on "maintaining" groundwater quality based on its use e.g. human drinking water / stockwater. This would align with Policy 5 of the NPS-FM.<br><br>There is also no indication on what "degraded groundwater" means. This needs to be aligned with a limit depending on the use of the groundwater e.g. human drinking water / stockwater. | **Amend Policy P.P7 as follows:**<br>Policy P.P7: Discharges to groundwater<br>All discharges to land that may enter groundwater, and discharges to groundwater, shall maintain ~~not degrade the quality of~~ groundwater quality to continue to provide for its existing and future use, and where the ~~quality of~~ groundwater quality is not meeting national guidelines~~is degraded~~, ~~existing~~ discharges shall be managed in a way that ~~to~~ improves groundwater quality. |
| Section 9.2.2 Stormwater policies (Whaitua Te Awarua-o-Porirua) | | | | |
| 51. | Policy P.P10: Managing adverse effects of stormwater discharges<br><br>All stormwater discharges and associated land use activities shall be managed by:<br>(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<br>(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<br>(c) installing, where practicable, a stormwater treatment system | Amend | Winstone oppose this policy as it would apply to stormwater discharges from a quarry site and the direction is not practicable.<br><br>The policy as drafted is specifically directed toward urban activities. While these requirements are appropriate for urban development, they cannot be practicably applied to non-urban activities, including quarrying activities. Winstone seeks that the policy is amended to relate specifically to stormwater discharges from greenfield development as defined in submission point 7. | **Amend Policy P.P10 as follows:**<br>Policy P.P10: Managing adverse effects of stormwater discharges<br><br>All stormwater discharges from new greenfield development and associated land use activities shall be managed by:<br>(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<br>(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 |

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| | for stormwater discharges from a property or properties taking into account:<br><br>(i) the treatment quality (load reduction factor), and<br><br>(ii) opportunities for the retention or detention of **stormwater** flows or volume, including any flood storage volume required, and<br><br>(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<br><br>(iv) inspections, monitoring and ongoing maintenance, including costs, to maintain functionality in terms of treatment quality and capacity, and<br><br>(v) existing or proposed communal stormwater treatment systems in the stormwater catchment or sub-catchment, or part Freshwater Management Unit. | | | (c) installing, where practicable, a stormwater treatment system for stormwater discharges from a property or properties taking into account:<br><br>(i) the treatment quality (load reduction factor), and<br><br>(ii) opportunities for the retention or detention of **stormwater** flows or volume, including any flood storage volume required, and<br><br>(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<br><br>(iv) inspections, monitoring and ongoing maintenance, including costs, to maintain functionality in terms of treatment quality and capacity, and<br><br>(v) existing or proposed communal stormwater treatment systems in the stormwater catchment or sub-catchment, or part Freshwater Management Unit. |
| 52. | Policy P.P11: Discharges of contaminants in stormwater from high risk industrial or trade premises<br><br>COASTAL The discharge of **stormwater** to water, including discharges via the **stormwater network**, from a **high risk industrial or trade premise** shall be managed by:<br><br>(a) having procedures and equipment in place to contain any spillage of **hazardous substances** for storage or removal, and<br>(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<br><br>(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 | Amend | Winstone seek amendment to remove the general term "contaminants" from the policy. Both the title and clause (b) refer to the broad term. As discussed in Winstone's submission point 2, the term "contaminants" is all encompassing. The direction of clause (b) to avoid all contaminants is unachievable. The associated direction of clause (b) where avoidance is not practicable applies primarily to hazardous substances. If there is a specific contaminant of concern, that should be stated, otherwise, this direction should be limited to hazardous substances.<br><br>The policy currently implies that it captures any discharges into a stormwater network. Winstone seek that the reference to 'stormwater network' is clarified that this is from rather than into for the reasons provided in submission point 24. | **Amend Policy WH.P11 as follows:**<br>Policy P.P11: Discharges of ~~contaminants~~ hazardous substances in stormwater from high risk industrial or trade premises<br><br>COASTAL The discharge of **stormwater** to water, including discharges ~~via~~ from the **stormwater network**, from a **high risk industrial or trade premise** shall be managed by:<br><br>(a) having procedures and equipment in place to contain any spillage of **hazardous substances** for storage or removal, and<br>(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 |

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| | (d) avoiding or mitigating adverse effects of **stormwater** discharges on groundwater quality. | | | (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<br><br>(d) avoiding or mitigating adverse effects of **stormwater** discharges on groundwater quality. |
| 53. | Policy P.P13: Stormwater discharges from new and redeveloped impervious surfaces<br><br>COASTAL 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:<br><br>(a) an on-site **stormwater treatment system** or an off-site communal **stormwater treatment system** that is designed to:<br><br>(i) receive at least 85% of the mean annual runoff volume **stormwater** generated from new and redeveloped **impervious surfaces** of the **property**, and<br><br>(ii) achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretention device, and<br><br>(b) where **stormwater** discharges will enter a river, **hydrological controls** either on-site, or off-site via a communal | Amend | Winstone seeks consequential amendments to the policy in line with the relief sought by Winstone's submission point 2. Those changes are to update reference to "greenfield development" to be a defined term, and to make direct reference to urban development as being the activity the policy relates. | **Amend Policy P.P13 as follows:**<br>Policy P.P13: Stormwater discharges from new and redeveloped impervious surfaces<br><br>COASTAL The adverse effects of **stormwater** discharges from new greenfield development shall be **minimised**, and adverse effects of **stormwater** discharges from existing urban areas caused by urban development reduced to the extent practicable, upon **redevelopment**, through implementing:<br><br>(a) an on-site **stormwater treatment system** or an off-site communal **stormwater treatment system** that is designed to:<br><br>(i) receive at least 85% of the mean annual runoff volume **stormwater** generated from new and redeveloped **impervious surfaces** of the **property**, and<br><br>(ii) achieve copper and zinc load reductions factors equivalent to that of a raingarden/bioretention device, and<br><br>(b) where **stormwater** discharges will enter a river, **hydrological controls** either on-site, or off-site via a communal |
| 54. | Policy P.P14: Stormwater contaminant offsetting for new greenfield development | Amend | Winstone seeks multiples changes to this policy.<br><br>The policy requires financial contributions to offset residual | **Amend Policy P.P14 as follows:**<br>Policy P.P14: Stormwater contaminant offsetting for new greenfield development |

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| | COASTAL The adverse effects of residual (post-treatment) **stormwater** contaminants from new greenfield development, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a **surface water body** or coastal water, including via an existing or new **stormwater network,** are to be **offset** by way of a financial contribution in accordance with Schedule 30 (financial contribution). | | adverse effects from stormwater contaminants. Winstone consider that this is inconsistent with the NPS-FM and limits the ability to implement the effects management hierarchy. Aquatic offsetting or aquatic compensation are required where there are more than minor residual adverse effects, rather than residual adverse effects generally. It is expected that there will be some residual adverse effect, which is appropriate, provided that effect is no more than minor. This clause also implies that financial contributions are the only form of offset that may be provided. Appendix 6 of the NPS-FM sets out principles that are to be applied when identifying an appropriate aquatic offset. It would be contrary to the NPS-FM to not allow for consideration against those principles. The clause also implies that only offsetting may be applied. The effects management hierarchy provides for aquatic compensation where aquatic offsetting is not able to be provided. Winstone accept that a financial contribution may be an appropriate form of aquatic offset, but seek that the policy does not frustrate the ability for other forms of aquatic offsetting or aquatic compensation to be undertaken.<br><br>The policy currently implies that it captures any discharges into a stormwater network. Winstone seek that the reference to 'stormwater network' is clarified that this is from rather than into for the reasons provided in submission point 24.<br><br>As a last point, Winstone seek consequential amendments to account for the defined term of "greenfield development" as outlined in Winstone's submission point 7. | COASTAL Where ~~T~~there are more than minor residual adverse effects ~~of residual~~ (post-treatment) caused by **stormwater** contaminants from new **greenfield development**, roads (not already captured as part of a greenfield development) and state highways where the discharge will enter a **surface water body** or coastal water, including ~~via~~ from an existing or new **stormwater network,** those effects must be managed by way of an **aquatic offset** or **aquatic compensation**, including through the following:<br>(a) ~~are to be~~ provide an **aquatic offset** by way of a financial contribution in accordance with Schedule 30 (financial contribution), or<br>(b) provide an **aquatic offset** in accordance with the principles for aquatic offsetting in Appendix 6 of the NPS-FM, and<br>(c) where more than minor residual adverse effects cannot be offset, **aquatic compensation** must be provided in accordance with the principles for **aquatic compensation** in Appendix 7 of the NPS-FM. |
| 55. | Policy P.P15: Stormwater discharges from new unplanned greenfield development<br><br>COASTAL Avoid all new **stormwater** discharges from **unplanned greenfield development** where the discharge will enter a **surface water body** or coastal water, including through an existing local authority **stormwater network.** | Oppose | Winstone oppose this policy in its entirety. There is little evidence provided through the Section 32 evaluation to justify this direction and to suggest that all new stormwater discharges from unplanned greenfield develop will cause significant effects. This direction is not based on an effect, rather land use. | **Delete policy.** |
| 56. | | Amend | Complementary to relief sought through submission point 63, Winstone seek that a specific policy is inserted that relates to stormwater discharges from a quarry. The policy will ensure that there is clear direction that the rule aligns with and that decision makers can consider when determining a resource consent application. | **Insert new Policy WH.P12A as follows:**<br>Policy P.P12A: Stormwater discharges from **quarrying activities**<br>COASTAL<br>Provide for the discharge of stormwater, including where it is associated with new or **redevelopment** of **impervious surfaces** from a **quarry**, where:<br>(a) The **quarry** is a **significant mineral resource;** and<br>(b) The quarry is implementing good management practice including reducing contaminant volumes and |

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| | | | | concentrations as far as practicable, and applying measures, including containment, treatment, management procedures, and monitoring; and<br>(c) The discharge does not result in an inability to meet any target attribute state in Table 8.4. |
| | Section 9.2.4 Rural land use and earthworks policies (Te Awarua-o-Porirua Whaitua) | | | |
| 57. | Policy P.P24: Managing rural land use change<br>FW Manage the actual and potential adverse effects of changing land use from low to higher intensity rural land use by:<br>(a) controlling rural land use change that is greater than 4ha and associated diffuse discharge where there is a risk the diffuse discharges of nitrogen, phosphorus, sediment or *Escherichia coli* may increase, and<br>(b) only granting resource consent for such a change in land use when, in accordance with Policy P75, the diffuse discharge of nitrogen, phosphorus, sediment and *Escherichia coli* of the more intensive activity is demonstrated to be the same or less than the activities being replaced. | Amend | Winstone seeks an amendment to the policy to clarify that the direction relates to primary production and not other rural land use. As drafted, the policy could be applied to other land use activities undertaken in the rural environment, including quarrying activities. It is understood that this is not the intention of policy and therefore it is suggested that the term 'primary production' is used which better reflects the direction. | **Amend Policy P.P24 as follows:**<br>Policy P.P24: Managing rural land use change<br>FW Manage the actual and potential adverse effects of changing land use from low to higher intensity primary production ~~rural land use~~ by:<br>(a) controlling rural land use change that is greater than 4ha and associated diffuse discharge where there is a risk the diffuse discharges of nitrogen, phosphorus, sediment or *Escherichia coli* may increase, and<br>(b) only granting resource consent for such a change in land use when, in accordance with Policy P75, the diffuse discharge of nitrogen, phosphorus, sediment and *Escherichia coli* of the more intensive activity is demonstrated to be the same or less than the activities being replaced. |
| 58. | Policy P.P24: Promoting stream shading<br>FW Contribute to the achievement of aquatic ecosystem health by promoting the progressive shading of streams where nutrient reductions alone will be insufficient to achieve the periphyton target attribute states in Table 8.4. | Support | Winstone support this policy.<br><br>While there are other methods of reducing periphyton, including reducing water temperature or increasing microinvertebrates, shading streams is the most accessible and practicable. That said, the use of the term "promoting" (rather than requiring) in the policy continues to enable other methods. | **Retain as notified.** |
| 59. | Policy P.P27: Management of earthworks<br><br>COASTAL The risk of sediment discharges from **earthworks** shall be managed by: | Amend | Winstone generally support this policy, but seek amendments to clarify its intent and practicability as described below.<br><br>The policy focuses on "risk" rather than the effect. While risk is relevant under the RMA, this is primarily associated with natural | **Amend Policy P.P27 as follows:**<br>Policy P.P27: Management of earthworks<br><br>COASTAL The ~~risk~~ adverse effects associated with ~~of~~ sediment discharges from **earthworks** shall be managed by: |

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| | (a) requiring retention of soil and sediment on the land using **good management practices** for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in accordance with the GWRC *Erosion and Sediment Control Guideline for the Wellington Region (2021)*, for the duration of the land disturbance, and<br><br>(b) limiting the amount of land disturbed at any time, and<br><br>(c) designing and implementing **earthworks** with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and<br><br>(d) requiring erosion and sediment control measures to be installed prior to, and during **earthworks** and ensuring those controls remain in place and are maintained until the land is **stabilised** against erosion. | | hazards rather than a potential discharge. Changes are sought to replace risk with "adverse effects" which is more aligned with Part 2 of the RMA.<br><br>Clause (a) of the policy currently refers to an outcome that is sought, rather than an activity or an effect. Changes are sought to needs to refer to the activity (earthworks).<br><br>Clause (b) directs to limit the amount of land disturbed. While this may be an appropriate or required from of mitigation in some instances, this is not always practicable. Changes are sought to provide some level of discretion. | (a) ~~requiring retention of soil and sediment on the land~~ undertaking earthworks in accordance with~~using~~ **good management practices** for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in general accordance with the GWRC *Erosion and Sediment Control Guideline for the Wellington Region (2021)*~~, for the duration of the land disturbance~~, and<br><br>(b) where practicable, limiting the amount of land disturbed at any time, and<br><br>(c) designing and implementing **earthworks** with knowledge of the existing environmental site constraints, specific engineering requirements and implementation of controls to limit the discharge of sediment to receiving environments, and<br><br>(d) requiring erosion and sediment control measures to be installed prior to, and during **earthworks** and ensuring those controls remain in place and are maintained until the land is **stabilised** against erosion. |
| 60. | Policy P.P28: Discharge standard for earthworks<br>COASTAL The discharge of sediment from **earthworks** over an area greater than 3,000m$^2$ shall:<br><br>(a) not exceed 100g/m$^3$ at the point of discharge where the discharge is to a **surface water body**, coastal water, | Amend | Winstone seeks amendments to the policy as described below.<br><br>The policy refers to "an existing or new stormwater network" and "artificial watercourse" as a receiving environment. As noted in submission point 24, a water within a stormwater network is not subject to the Regional Councils jurisdiction. Similarly artificial watercourses can often be piped or within tanks (e.g. lined sediment retention pond) and therefore not | **Amend Policy P.P28 as follows:**<br>Policy P.P28: Discharge standard for earthworks<br>COASTAL The discharge of sediment from **earthworks** over an area greater than 3,000m$^2$ shall:<br><br>(a) not exceed 100g/m$^3$ at the point of discharge where the discharge |

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| | **stormwater network** or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m$^3$, the discharge shall not, after the **zone of reasonable mixing**, decrease the visual clarity in the receiving water by more than:<br><br>(i) 20% in **River class** 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br><br>(ii) 30% in any other river, and<br>(b) be managed using **good management practices** in accordance with the GWRC *Erosion and Sediment Control Guidelines for the Wellington Region (2021)*, to achieve the discharge standard in (a), and<br><br>(c) be monitored by a suitably qualified person, and the results reported to the Wellington Regional Council. | | subject to Section 15 of the RMA. Changes are sought to only refer to discharges to natural receiving waterbodies.<br><br>Clause (c) requires a "suitably qualified person" to monitor the discharge. This is not practicable in all circumstances and will result in unreasonable cost burden on consent holders. Winstone seeks that the clause is amended to provide some discretion and to also provide for a "suitably trained person" which is possibly more important than a qualified individual.<br><br>Winstone also note that the policy as drafted is particularly prescriptive and reflects conditions of a rule or a consent rather than a policy directive. This is not consistent within best practice policy drafting[16]. | is to a **surface water body**, or coastal water, ~~**stormwater network** or to an artificial watercourse,~~ except that when the discharge is to a river with background total suspended solids that exceed 100g/m$^3$, the discharge shall not, after the **zone of reasonable mixing**, decrease the visual clarity in the receiving water by more than:<br><br>(i) 20% in **River class** 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br><br>(ii) 30% in any other river, and<br>(b) be managed using **good management practices** in accordance with the GWRC *Erosion and Sediment Control Guidelines for the Wellington Region (2021)*, to achieve the discharge standard in (a), and<br><br>(c) where required, be monitored by a suitably qualified or trained person, and the results reported to the Wellington Regional Council. |
| 61. | Policy P.P29: Winter shut down of earthworks<br>COASTAL **Earthworks** over 3,000m$^2$ in area shall:<br><br>(a) be shut down from 1st June to 30th September each year, and<br><br>(b) prior to shut down, be **stabilised** against erosion and have sediment | Oppose | Winstone oppose this policy in its entirety. This policy does not reasonably anticipate activities that require earthworks year-round, including quarrying activities, and there is little evidence to support its direction. Shutting down earthworks for winter works within an active quarry will adversely impact on the Regions ability to have a secure and local source of quality and affordable aggregate and decreases the regions ability to respond to a natural disaster. The policy effectively requires a shutdown period over the winter months. There is little | **Delete policy.** |

[16] https://www.qualityplanning.org.nz/node/610

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| | controls in place using **good management practices** in accordance with the GWRC *Erosion and Sediment Control Guideline for the Wellington Region (2021).* | | justification provided in the Section 32 Evaluation for this shut down period, other than the climatic characteristics of the winter months being more likely to cause increased sediment discharges. This is a poor assumption, noting the unpredictable rainfall events that would cause uncontrolled releases of sediment can occur at any time of the year, which will only increase with the effects of climate change. Further, the receiving environments are typically less vulnerable during the winter months with water temperatures lower and flows higher. Winstone seek that the policy is removed and consider that there the risk associated with unpredictable weather events can be managed more effectively through existing provisions. | |
| Section 9.3.1 Discharge of contaminants rules (Whaitua Te Awarua-o-Porirua) | | | | |
| 62. | Rule P.R1: Point source discharges of specific contaminants – prohibited activity<br><br>COASTAL The point source discharge of:<br><br>(a) chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or<br><br>(b) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or<br><br>(c) solvents including paint stripper, or<br><br>(d) 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<br><br>(e) radiator coolant, or<br><br>(f) cooking oil, or<br><br>(g) cement wash, cement slurry and concrete cutting waste, or | Amend | Winstone seek an amendment the reference to 'stormwater network' to clarify that this is from rather than into for the reasons provided in submission point 24. | **Amend Rule P.R1 as follows:**<br>Rule P.R1: Point source discharges of specific contaminants – prohibited activity<br><br>COASTAL The point source discharge of:<br><br>(a) chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or<br><br>(b) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or<br><br>(c) solvents including paint stripper, or<br><br>(d) 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<br><br>(e) radiator coolant, or<br><br>(f) cooking oil, or |

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| | (h) drill cooling water<br><br>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. | | | (g) cement wash, cement slurry and concrete cutting waste, or<br><br>(h) drill cooling water<br><br>into water or onto or into land, including ~~via~~ from a **stormwater network**,-where it may enter a **surface water body** or coastal water is a prohibited activity. |
| 63. | | Amend | Winstone seek changes consistent with relief sought under submission point 33. While Winstone does not have any existing quarries in the Te Awarua-o-Porirua Whaitua, the same issues exist for the rule framework which mirrors the Te Whanganui a Tara Whaitua. | **Insert new Rule P.R4A as follows:**<br>Rule P.R4A: Stormwater from **quarrying activities** – permitted activity<br><br>COASTAL<br>The discharge of **stormwater** from a **quarrying activity** into water, or onto or into land where it may enter a **surface water body** or coastal water, including where it is associated with the use of land for the creation of new, or **redevelopment** of existing **impervious surfaces**, is a permitted activity, provided the following conditions are met:<br><br>(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<br><br>(b) the discharge does not contain **wastewater**, and<br>(c) if the discharge is to land where it may enter groundwater,<br><br>(i) the discharge cannot cause or exacerbate the flooding of any other **property**, and<br><br>(ii) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply or stock water, and<br><br>(d) if the discharge is into a **surface water body** or into coastal water the concentration of total suspended |

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| | | | | solids in the discharge shall not exceed:<br><br>(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<br><br>(ii) 100g/m³ where the discharge enters any other water,<br><br>(e) the discharge shall also not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and<br><br>(f) the discharge shall also not give rise to the following effects beyond the **zone of reasonable mixing**:<br><br>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(ii) any conspicuous change in the colour, or<br><br>(iii) a decrease in water clarity of more than<br>1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br>2. 30% in any other river, or<br><br>(iv) any emission of objectionable odour, |

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| | | | | or<br><br>(v) the freshwater is unsuitable for consumption by **farm** animals, or<br><br>(vi) any significant adverse effects on aquatic life. |
| | | | | **Insert new Rule P.R8A as follows:**<br>Rule P.R8A: Stormwater from a quarrying activity – restricted discretionary activity<br><br>COASTAL<br>The discharge of **stormwater** from a **quarrying activity** into water, or onto or into land where it may enter a **surface water body** or coastal water, including where it is associated with the use of land for the creation of new, or **redevelopment** of existing **impervious surfaces,** is a restricted discretionary activity where:<br>(a) Rule P.R4A cannot be met, and<br>(b) the discharge does not result in an inability to meet any target attribute state in Table 9.4 is met for a relevant **part Freshwater Management Unit**, and<br>(c) the discharge does not result in an inability to meet any target attribute state in Table 9.1 is met for a relevant **coastal water management unit**.<br><br>*Matters for discretion*<br>(d) The management of the adverse effects of **stormwater** capture and discharge, including on **aquatic ecosystem health** and **mahinga kai**, contact recreation and **Māori customary use**<br><br>(e) The management of effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)<br>(f) **Minimisation** of the adverse effects of **stormwater** discharges<br>(g) Provision for **hydrological control** measures where discharges will enter a **surface water body** (including from an existing local authority **stormwater network**). |

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| 62. | Rule P.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity<br><br>COASTAL<br><br>The discharge of **stormwater** from an existing **high risk industrial or trade premise**, that is not a port or airport, into water, or onto or into land where it may enter water, including via an existing local authority **stormwater network**, is a permitted activity, provided the following conditions are met:<br><br>(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<br><br>(b) the discharge does not contain **wastewater**, and<br><br>(c) if the discharge is to land where it may enter groundwater,<br><br>(i) the discharge cannot cause or exacerbate the flooding of any other **property**, and<br><br>(ii) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply or stock water, and<br><br>(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<br><br>(i) there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or<br><br>(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 | Amend | Winstone seek an amendment to this rule to:<br>(a) Amend references to 'stormwater network' to clarify that this is from rather than into for the reasons provided in submission point 24,<br>(b) Remove reference to contaminants in clause (d) for reasons provided in submission point 2, and<br>(c) A consequential amendment to refer to quarrying activities to align with relief sought by submission points 33 and 63. | **Amend Rule P.R4 as follows:**<br>Rule P.R4: Stormwater from an existing high risk industrial or trade premise – permitted activity<br><br>COASTAL The discharge of **stormwater** from an existing **high risk industrial or trade premise**, that is not a port, ~~or~~ airport or from quarrying activities, into water, or onto or into land where it may enter water, including ~~via~~ from an existing local authority **stormwater network**, is a permitted activity, provided the following conditions are met:<br><br>(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<br><br>(b) the discharge does not contain **wastewater**, and<br>(c) if the discharge is to land where it may enter groundwater,<br><br>(i) the discharge cannot cause or exacerbate the flooding of any other **property**, and<br><br>(ii) the discharge is not located within 20m of a **bore** used for water abstraction for potable supply or stock water, and<br><br>(d) any ~~contaminants~~ **hazardous substances** 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<br><br>(i) there is a containment system in place to intercept and contain any spillage of hazardous substances for storage and removal, or<br><br>(ii) the **stormwater** contains no **hazardous substances** |

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| | per litre of total petroleum hydrocarbons, and<br><br>(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:<br><br>(i) 50g/m$^3$ 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<br><br>(ii) 100g/m$^3$ where the discharge enters any other water,<br><br>and where the discharge is not via an existing local authority stormwater network the discharge shall also not:<br><br>(f) cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and<br><br>(g) give rise to the following effects beyond the **zone of reasonable mixing**:<br><br>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(ii) any conspicuous change in the colour, or<br><br>(iii) a decrease in water clarity of more than<br>1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in | | | 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<br><br>(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:<br><br>(i) 50g/m$^3$ 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<br><br>(ii) 100g/m$^3$ where the discharge enters any other water,<br><br>and where the discharge is not via an existing local authority stormwater network the discharge shall also not:<br><br>(f) cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and<br><br>(g) give rise to the following effects beyond the **zone of reasonable mixing**:<br><br>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or |

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| | Schedule F1 (rivers/lakes), or<br><br>2. 30% in any other river, or<br><br>(iv) any emission of objectionable odour, or<br><br>(v) the freshwater is unsuitable for consumption by farm animals, or<br><br>(vi) any significant adverse effects on aquatic life. | | | (ii) any conspicuous change in the colour, or<br><br>(iii) a decrease in water clarity of more than<br>1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br><br>2. 30% in any other river, or<br><br>(iv) any emission of objectionable odour, or<br><br>(v) the freshwater is unsuitable for consumption by farm animals, or<br><br>(vi) any significant adverse effects on aquatic life. |
| 64. | Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity<br><br>COASTAL 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:<br><br>(a) the proposal involves the creation of new, or **redevelopment** of existing impervious areas of less than 1,000m$^2$ (baseline property existing impervious area as at 30 October | Amend | Winstone seek several amendments to this rule as detailed below.<br><br>Condition (a) currently sets a threshold (1,000m$^2$) and baseline for any new or redeveloped impervious surfaces from 30 October 2023. It is understood that the intension of the baseline is to avoid the potential for staged developments to get around the rule. However, as drafted, the clause is not bound by time, therefore incremental development of a site could over time trigger the condition. For instance, if Winstone were to replace a 350 m$^2$ concrete pad three times over the course of 15 years, they would be non-compliant with the condition. As noted, it is understood that this is not the intention of the condition. Winstone seek that the condition is amended to specify a timeframe rather than a baseline. This would continue to manage the risk of staged developments, while ensuring long term development of sites is reasonably provided. | **Amend Rule P.R5 as follows:**<br>Rule P.R5: Stormwater from new and redeveloped impervious surfaces – permitted activity<br><br>COASTAL 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~~ from an existing or new local authority **stormwater network,** that is not a **high risk industrial or trade premise**, a quarrying activity or **unplanned greenfield development,** is a permitted activity, provided the following conditions are met:<br><br>(a) the proposal involves the |

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| | 2023) and<br><br>(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<br><br>(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**):<br><br>(i) for all impervious areas associated with a greenfield development, or<br><br>(ii) for all redeveloped and new impervious areas involving greater than 30m$^2$ of impervious area of a **redevelopment** (of an existing urbanised property), and<br><br>(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<br><br>(e) the discharge does not contain **wastewater**, and<br><br>(f) the concentration of total suspended solids in the discharge shall not exceed:<br><br>(i) 50g/m$^3$ where the discharge enters a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), | | Condition (a) currently sets a threshold (1,000m$^2$) and baseline for any new or redeveloped impervious surfaces from 30 October 2023. It is understood that the intension of the baseline is to avoid the potential for staged developments to get around the rule. However, as drafted, the clause is not bound by time, therefore incremental development of a site could over time trigger the condition. For instance, if Winstone were to replace a 350 m$^2$ concrete pad three times over the course of 15 years, they would be non-compliant with the condition. As noted, it is understood that this is not the intention of the condition. Winstone seek that the condition is amended to specify a timeframe rather than a baseline. This would continue to manage the risk of staged developments, while ensuring long term development of sites is reasonably provided.<br><br>Amendments are sought to references to 'stormwater network' to clarify that this is from rather than into for the reasons provided in submission point 24.<br><br>A consequential amendment to refer to quarrying activities to align with relief sought by submission point 63. | creation of new, or **redevelopment** of existing impervious areas of less than 1,000m$^2$ ~~(baseline property existing impervious area as at 30 October 2023)~~ and<br><br>(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<br><br>(c) the proposal provides **hydrological control** measures (for example rain tanks) onsite or offsite, where discharges will enter a **surface water body** (including ~~via~~ from an existing local authority **stormwater network**):<br><br>(i) for all impervious areas associated with a greenfield development, or<br><br>(ii) for all redeveloped and new impervious areas involving greater than 30m$^2$ of impervious area of a **redevelopment** (of an existing urbanised property), and<br><br>(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<br><br>(e) the discharge does not contain **wastewater**, and<br><br>(f) the concentration of total |

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| | Schedule F3 (identified natural wetlands), Schedule F4 (coastal sites), or Schedule H1 (contact recreation), or<br><br>(ii) 100g/m$^3$ where the discharge enters any other water,<br><br>and where the discharge is not via an existing or new local authority stormwater network:<br><br>(g) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and<br><br>(h) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:<br><br>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(vii) any conspicuous change in the colour, or<br><br>(viii) a decrease in water clarity of more than<br><br>1. 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br><br>2. 30% in any other river, or | | | suspended solids in the discharge shall not exceed:<br><br>(i) 50g/m$^3$ 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<br><br>(ii) 100g/m$^3$ where the discharge enters any other water,<br><br>and where the discharge is not ~~via~~ from an existing or new local authority stormwater network:<br><br>(g) the discharge shall not cause any erosion of the channel or banks of the receiving water body or the coastal marine area, and<br><br>(h) the discharge shall not give rise to the following effects beyond the zone of reasonable mixing:<br><br>(i) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or<br><br>(vii) any conspicuous change in the colour, or<br><br>(viii) a decrease in water clarity of |

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| | (ix) any emission of objectionable odour, or<br><br>(x) the freshwater is unsuitable for consumption by **farm** animals, or<br><br>(xi) any significant adverse effects on aquatic life. | | | more than<br><br>**1.** 20% in a River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br><br>**2.** 30% in any other river, or<br><br>(ix) any emission of objectionable odour, or<br><br>(x) the freshwater is unsuitable for consumption by **farm** animals, or<br><br>(xi) any significant adverse effects on aquatic life. |
| 65. | Rule P.R6: Stormwater from new greenfield impervious surfaces – controlled activity<br><br>COASTAL The use of land for the creation of new **impervious surfaces** for greenfield development and the associated discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, including through an existing local authority **stormwater network,** that is not a **high risk industrial or trade premise** or **unplanned greenfield development**, is a controlled activity, provided the following conditions are met:<br><br>(a) the proposal involves the creation of new **impervious surfaces** of between 1,000m$^2$ and 3,000m$^2$ (baseline property existing impervious area as at 30 October 2023)<br><br>**or,**<br><br>(b) the proposal involves the creation new **impervious surfaces** of less than 1,000m$^2$, but is not permitted under the conditions of Rule WH.R5, | Amend | Winstone seek an amendment to this rule to:<br>(c) Amend the chapeau and clause (d) to clarify that this is "from" rather to "through" a stormwater network for the reasons provided in submission point 24, and<br>(d) a consequential amendment to refer to quarrying activities to align with relief sought by submission points 33 and 63. | **Amend Rule P.R6 as follows:**<br>Rule P.R6: Stormwater from new greenfield impervious surfaces – controlled activity<br><br>COASTAL 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~~ from an existing local authority **stormwater network,** that is not a **high risk industrial or trade premise**, a quarrying activity or **unplanned greenfield development**, is a controlled activity, provided the following conditions are met:<br><br>(a) the proposal involves the creation of new **impervious surfaces** of between 1,000m$^2$ and 3,000m$^2$ (baseline property existing impervious area as at 30 October 2023)<br><br>**or,**<br><br>(b) the proposal involves the creation |

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| | **and,**<br><br>(c) a financial contribution is paid for the purpose of offsetting the adverse effects of residual **stormwater** contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and<br><br>(d) where **stormwater** directly or indirectly (through an existing local authority **stormwater network**) discharges to a river, **hydrological control** is provided either:<br><br>(i) on-site, or<br><br>(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<br><br>(e) **stormwater** contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a **stormwater treatment system** that treats in accordance with Schedule 28 (contaminant treatment) and is provided either:<br><br>(i) on-site, or 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.<br><br>*Matters of control* | | | new **impervious surfaces** of less than 1,000m$^2$, but is not permitted under the conditions of Rule WH.R5,<br><br>**and,**<br><br>(c) a financial contribution is paid for the purpose of offsetting the adverse effects of residual **stormwater** contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions), and<br><br>(d) where **stormwater** directly or indirectly (~~through~~ from an existing local authority **stormwater network**) discharges to a river, **hydrological control** is provided either:<br><br>(i) on-site, or<br><br>(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<br><br>(e) **stormwater** contaminant treatment is provided that captures 85% of the mean annual runoff and directs it to a **stormwater treatment system** that treats in accordance with Schedule 28 (contaminant treatment) and is provided either:<br><br>(i) on-site, or off-site through an existing local |

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| | 1. The design and layout of the on-site **stormwater treatment system**, including the ongoing operational and management measures necessary to ensure that **stormwater** quality will meet the requirements of condition (e) of this rule<br><br>2. The adequacy of **hydrological control** measures either on-site or off- site, where **stormwater** will enter a river<br><br>3. Where an off-site (or a combination of on-site and off-site) **stormwater treatment system** is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into<br><br>4. The long-term operational, maintenance and ownership requirements of the **stormwater treatment system**<br><br>5. Whether sufficient use of **water sensitive urban design** measures have been applied to the site design and layout<br><br>6. A financial contribution as required by Schedule 30 (financial contributions)<br><br>7. Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule<br><br>*Notification*<br>In respect of Rule WH.R6, applications are precluded from limited and public notification (unless special circumstances exist). | | | authority **stormwater network** or privately owned **stormwater** treatment system that has capacity to treat contaminant loads from the site.<br><br>*Matters of control*<br>1. The design and layout of the on-site **stormwater treatment system**, including the ongoing operational and management measures necessary to ensure that **stormwater** quality will meet the requirements of condition (e) of this rule<br><br>2. The adequacy of **hydrological control** measures either on-site or off- site, where **stormwater** will enter a river<br><br>3. Where an off-site (or a combination of on-site and off-site) **stormwater treatment system** is utilised, whether this has capacity, availability (timing) and appropriate authorisations to connect into<br><br>4. The long-term operational, maintenance and ownership requirements of the **stormwater treatment system**<br><br>5. Whether sufficient use of **water sensitive urban design** measures have been applied to the site design and layout<br><br>6. A financial contribution as required by Schedule 30 (financial contributions) |

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| | | | | 7. Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule<br><br>*Notification*<br>In respect of Rule WH.R6, applications are precluded from limited and public notification (unless special circumstances exist). |
| 66. | Rule P.R10: Stormwater from new and redeveloped impervious surfaces – discretionary activity<br><br>COASTAL The use of land for the creation of new or **redevelopment** of existing **impervious surfaces** (including greenfield development and **redevelopment** of existing urbanised property) and the associated discharge of **stormwater** into water, or onto or into land where it may enter a **surface water body** or coastal water, including via an existing local authority **stormwater network,** that is not permitted by Rule P.R5, or a controlled activity under Rule P.R6 or Rule P.R7, or prohibited under P.R12 is a discretionary activity provided the following conditions are met:<br>(a) the resource consent application includes a **Stormwater** Impact Assessment prepared in accordance with Schedule 29 (impact assessment), and<br><br>(b) if the proposal is for greenfield development a financial contribution is paid for the purpose of offsetting the adverse effects of residual **stormwater** contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions). | Amend | Winstone seeks deletion of clause (b) in line with changes sought to Policy P.P15 as outlined in submission point 54. While the clause could be amended to be "in accordance with Policy P.P15, Winstone consider that this does not provide enough certainty as a condition. | **Amend Rule P.R10 as follows:**<br>Rule P.R10: Stormwater from new and redeveloped impervious surfaces – discretionary activity<br><br>COASTAL 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~~ from 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:<br>(a) the resource consent application includes a **Stormwater** Impact Assessment prepared in accordance with Schedule 29 (impact assessment)~~, and~~<br>(b) ~~if the proposal is for greenfield development a financial contribution is paid for the purpose of offsetting the adverse effects of residual **stormwater** contaminants. The level of contribution and when it is required is set out in Schedule 30 (financial contributions).~~ |
| 67. | Rule P.R11: All other stormwater discharges – non-complying activity<br>The:<br>COASTAL | Amend | Winstone oppose this rule as notified which would require a non-complying activity rule for any stormwater discharges that do not comply with the permitted rule, and any new impervious surfaces that do not comply with the discretionary status. | **Amend Rule P.R11 as follows:** |

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| | (a) discharge of **stormwater** onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule P.R2, or<br><br>(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 P.R3, or a restricted discretionary activity under Rules P.R8, or<br><br>(c) discharge of **stormwater** from a **high risk industrial or trade premise** that is not permitted by Rule P.R4, or the use of land for the creation of new or **redevelopment** of existing **impervious surfaces** and the associated discharge of **stormwater** from a **high risk industrial or trade premise** that does not meet the conditions of Rule P.R10, or<br><br>(d) use of land for the creation of new or **redevelopment** of existing **impervious surfaces** and the associated discharge of **stormwater** water or onto or into land where it may enter water, that is not permitted by Rule P.R5, or a controlled activity under Rules P.R6 or P.R7, or a discretionary activity under Rule P.R9, or a prohibited activity under Rule P.R12, | | Winstone consider that there is insufficient evidence provided to support this activity status for what should be considered an anticipated activity. Subject to acceptance of submission point 33 and 63, Winstone would be neutral to this rule subject to changes to align with relief sought by submission points 33 and 63. | Rule P.R11: All other stormwater discharges – non-complying activity<br><br>The:<br><br>(a) discharge of **stormwater** onto or into land, including where contaminants may enter groundwater, that is not permitted by Rule P.R2, or<br><br>(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 P.R3, or a restricted discretionary activity under Rules P.R8, or<br><br>(c) discharge of **stormwater** from a **high risk industrial or trade premise** that is not permitted by Rule P.R4, or the use of land for the creation of new or **redevelopment** of existing **impervious surfaces** and the associated discharge of **stormwater** from a **high risk industrial or trade premise** that does not meet the conditions of Rule P.R10, or<br><br>(d) use of land for the creation of new or **redevelopment** of existing **impervious surfaces** and the associated discharge of **stormwater** water or onto or into land where it may enter water, that is not permitted by Rule P.R5, or a controlled activity under Rules P.R6 or P.R7, or a discretionary activity under Rule P.R9, or a prohibited activity under Rule P.R12, or<br><br>(e) discharge of **stormwater** from a |

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| | | | | **quarrying activity** that is not permitted by Rule WH.R4A, does not meet restricted discretionary by Rule WH.R8A,. |
| 68. | Rule P.R11: Stormwater from new unplanned greenfield development – prohibited activity<br><br>COASTAL<br>The use of land and the associated discharge of **stormwater** from **impervious surfaces** from **unplanned greenfield development** direct into water, or onto or into land where it may enter a **surface water body** or coastal water, including through an existing or proposed **stormwater network,** is a prohibited activity.<br><br>*Note* Any **unplanned greenfield development** proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the *National Policy Statement for Freshwater Management 2020,* and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment. | Oppose / Amend | Winstone oppose this rule as notified which as drafted would significantly constrain the existing operation of the Belmont Quarry. Part of Winstone's Belmont Quarry is located within the General Rural Zone**.** There are existing consents that authorise quarrying activities over this land, and it is expected that that the Quarry Zone will be extended to reflect this land in the proposed Hutt City District Plan. However, this rule currently identifies this land as "unplanned greenfield development" and prohibits any discharge from an impervious surface. Creation of impervious surfaces within an active quarry is inevitable through need for concrete pads ect. To require a private plan change to the Natural Resources Plan to enable the continued operation of the quarry would result in a significant cost for what is an activity that should be anticipated. Based on the Section 32 Evaluation, it is understood that the intention of this rule is to account for new greenfield urban development that was not previously planned. While intended, the rule as drafted applies to all development. Winstone note that if the intention of this rule was to account for all development, Winstone would consider that there is insufficient evidence provided through the Section 32 Evaluation to justify this rule nor has there been sufficient evaluation against the efficiencies and effectiveness.<br><br>If the intent of the rule is to target urban development, Winstone seek changes to clarify this.<br><br>If the intent of the rule is to account for all development, Winstone seek that the rule is deleted in its entirety. | **Either delete Rule P.R11 in its entirety**<br><br>**or**<br><br>**Amend Rule P.R11 as follows:**<br>Rule P.R13: Stormwater from new unplanned greenfield development – prohibited activity<br><br>COASTAL<br>The use of land for new **urban development** and the associated discharge of **stormwater** from **impervious surfaces** from the **urban development** within **unplanned greenfield development** that directly enters ~~direct into~~ water, or enters onto or into land where it may enter a **surface water body** or coastal water, including ~~through~~ from an existing or proposed **stormwater network,** is a prohibited activity.<br><br>*Note* Any **urban development** within an area of **unplanned greenfield development** proposals will require a plan change to the relevant map (Map 86, 87, 88 or 89) to allow consideration of the suitability of the site and receiving catchment(s) for accommodating the water quality requirements of the *National Policy Statement for Freshwater Management 2020,* and the relevant freshwater and coastal water quality objectives of this Plan. Any plan change process should be considered concurrent with any associated change to the relevant district plan, to support integrated planning and assessment. |
| Section 9.3.4 Land use rules (Whaitua Te Awarua-o-Porirua) | | | | |
| 69. | Rule P.R16: Vegetation clearance on highest erosion risk land – permitted activity<br>FW<br>**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:<br><br>(a) the **vegetation clearance** is: | Oppose / Amend | Winstone oppose the mapping associated with the definition of "high erosion risk land (woody vegetation)" as outlined in Winstone's submission points 3 - 5.<br><br>Should the definition and mapping be retained, Winstone consider that the rule is limiting in that it does not allow for any vegetation clearance of the specified land for most land uses. Winstone consider that the existing approach of managing erosion prone land under Rule R104 -R107 of the Natural Resources Plan is more fit for purpose. Based on the Section 32 Evaluation, there also looks to be no implementation issues | **1. Review mapping and definition of "erosion prone land".**<br>**2. Consider Rule P.R16 under a Part 1 Schedule 1 process.**<br>**3. Amend Rule P.R16 as follows:**<br>Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity<br>**Vegetation clearance** on **highest erosion risk land (woody vegetation)** and any associated discharge of sediment to a |

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| | (i) to implement an action in the **erosion risk treatment plan** for the farm, or<br><br>(ii) for the control of pest plants, and<br><br>(b) debris from the **vegetation clearance** is not placed where it can enter a **surface water body.** | | associated with the existing rule framework. Winstone's preference is that the existing rules of the operative plan are retained. Should the proposed rules remain, Winstone seek that the permitted rule provides for additional clearance of up to 200 $m^2$. This seems to be a missing link currently with any clearance greater than 200 $m^2$ a controlled activity.<br><br>Winstone oppose that the rule is subject to the Freshwater Planning Process. The rule relates to erosion and soil conservation, rather than specifically freshwater. This is also inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considering those under the Schedule 1 process. | **surface water body** is a permitted activity provided the following conditions are met:<br><br>(a) the **vegetation clearance** is:<br><br>(i) to implement an action in the **erosion risk treatment plan** for the farm, or<br><br>(ii) for the control of pest plants, or<br><br>(iii) no more than 200 $m^2$ per property of vegetation clearance on highest erosion risk land (woody vegetation) in any consecutive 12-month period, and<br><br>(b) debris from the **vegetation clearance** is not placed where it can enter a **surface water body.** |
| 70. | Rule P.R17: Vegetation clearance on highest erosion risk land – controlled activity<br>FW<br>**Vegetation clearance** on **highest erosion risk land (woody vegetation),** of more than a total area of 200$m^2$ per property in any consecutive 12-month period, and any associated discharge of sediment to a **surface water body** 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.<br><br>*Matters of control*<br><br>1. The content of the **erosion and sediment management plan,** including the actions, management practices and mitigation measures necessary to ensure that discharge of sediment will not exceed that which occurred from the land prior to the | Neutral | Winstone oppose the mapping associated with the definition of "high erosion risk land (woody vegetation)" as outlined in Winstone's submission points 3 - 5.<br><br>Notwithstanding Winstone's position on the associated definition, Winstone support this rule which provides reasonable certainty to landowners that consent will be granted. This rule could also be anticipated to capture the majority of vegetation clearance application sought, where the permitted rule is not met.<br><br>Winstone oppose that the rule is subject to the Freshwater Planning Process. The rule relates to erosion and soil conservation, rather than specifically freshwater. This is also inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considering those under the Schedule 1 process. | **1. Review mapping and definition of "erosion prone land".**<br>**2. Consider Rule P.R17 under a Part 1 Schedule 1 process.**<br>**3. Retain a controlled activity rule for vegetation clearance greater than 200 $m^2$ over high erosion risk land.** |

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| | **vegetation clearance** occurring<br><br>2. The area, location and method of **vegetation clearance**<br><br>3. **Stabilisation** and rehabilitation of the area cleared<br><br>4. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent (including auditing of information) to demonstrate and/or monitor compliance with the resource consent and the **erosion and sediment management plan**<br><br>5. The timing, frequency and requirements for review, audit and amendment of the **erosion and sediment management plan**<br><br>6. The time and circumstances under which the resource consent conditions may be reviewed. | | | |
| 71. | Rule WH.R18: Vegetation clearance – discretionary activity<br>FW<br>**Vegetation clearance on highest erosion risk land (woody vegetation)** and any associated discharge of sediment to a **surface water body** that does not comply with one or more of the conditions of Rule P.R16 or Rule P.R17 is a discretionary activity.<br><br>*Note*<br>Rules P.R19, P.R20 and P.R21 prevail over the following Regulations of the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*: | Amend | Winstone is neutral to this rule, noting their support to the Controlled Activity Rule P.R17 (see Submission point 70) which is anticipated to capture most vegetation clearance that does not meet the permitted rule.<br><br>Winstone oppose that the rule is subject to the Freshwater Planning Process. The rule relates to erosion and soil conservation, rather than specifically freshwater. This is also inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considering those under the Schedule 1 process. | **1. Review mapping and definition of "erosion prone land".**<br>**2. Consider Rule P.R18 under a Part 1 Schedule 1 process.** |
| | Section 9.3.5 Earthworks (Whaitua Te Awarua-o-Porirua) | | | |
| 72. | Rule P.R22: Earthworks – permitted activity<br>FW<br>**Earthworks** is a permitted activity, provided the following conditions are met: | Amend | Winstone note that the rule as drafted only permits earthworks to implement an action in an erosion risk treatment plan or a farm environment plan for a farm. In all other cases resource consent is currently required as either a restricted discretionary activity, or non-complying activity, regardless of its scale or effect. It is understood that the conjunctive requirement in | **1. Consider Rule P.R22 under a Part 1 Schedule 1 process.**<br>**2. Amend Rule P.R22 as follows:**<br><br>Rule P.R22: Earthworks – permitted activity |

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| | (a) the **earthworks** are to implement an action in the **erosion risk treatment plan** for the **farm**, or<br><br>(b) the **earthworks** are to implement an action in the **farm environment plan** for the **farm**, and<br><br>(c) the area of **earthworks** does not exceed 3,000m$^2$ per property in any consecutive 12-month period, and<br><br>(d) the **earthworks** shall not occur within 5m of a **surface water body** or the coastal marine area, except for **earthworks** undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and<br><br>(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<br><br>(f) the area of **earthworks** must be **stabilised** within six months after completion of the **earthworks**, and<br><br>(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<br><br>(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 | | clause (b) was an error and should have been an "or"[17]. While this might be the case, the rule currently has legal effect and have significant repercussions for all non-primary production land uses. If the error were corrected, Winstone would be neutral to the rule.<br><br>Winstone also note that the rule currently only relates to earthworks and not the associated discharge to water. It would appear this may also have been an error given the associated restricted discretionary and non-complying rules refer to the associated discharge. However, Condition (g) also specifically requires no discharge to water, including to land in a manner that may enter water. As drafted, this would likely create an inability for any earthworks to meet the rule given any exposed sediment would result in a discharge onto land where it may enter a surface water body. Changes are sought to clarify that the rule also covers the associated discharge and to remove Condition (g). It is noted that this rule would continue apply along side the minor discharges rule (Rule R91) which specifies further discharge parameters.<br><br>Winstone oppose that the rules are subject to the Freshwater Planning Process. The rules relate to erosion and soil conservation, rather than specifically freshwater. This is also inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considering those under the Schedule 1 process. | **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 from a **stormwater network**, is a permitted activity, provided the following conditions are met:<br><br>(a) the **earthworks** are to implement an action in the **erosion risk treatment plan** for the **farm**, or<br><br>(b) the **earthworks** are to implement an action in the **farm environment plan** for the **farm**, ~~and~~ or<br><br>(c) the area of **earthworks** does not exceed 3,000m$^2$ per property in any consecutive 12-month period, and<br><br>(d) the **earthworks** shall not occur within 5m of a **surface water body** or the coastal marine area, except for **earthworks** undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and<br><br>(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<br><br>(f) the area of **earthworks** must be **stabilised** within six months after completion of the **earthworks**, and<br><br>~~(g) there is no discharge of sediment from **earthworks** and/or~~ |

[17] Based on response from Council officers during "Getting to grips with Natural Resources Plan Change 1" webinar on 15 November 2023.

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| | **stormwater network.**<br><br>*Note*<br>**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).* | | | ~~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~~<br><br>(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.**<br><br>*Note*<br>**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).* |
| 73. | Rule P.R23: Earthworks – restricted discretionary activity<br>COASTAL **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:<br>(a) the concentration of total suspended solids in the discharge from the **earthworks** shall not exceed 100g/$m^3$, 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/$m^3$, the discharge shall not, after the **zone of reasonable mixing**, decrease the visual clarity in the receiving water by more than:<br>(i) 20% in **River class** 1 and in any river identified as having high macroinvertebrate | Amend | As outlined in Winstone's submission point 61 in relation to policy P.P29, Winstone opposes direction to avoid earthworks over the winter months. This rule, in conjunction with P.R24 and proposed policy P.P29 effectively prohibits earthworks over the winter months. This directly is not supported by evidence, nor is reasonable to expect earthworks to cease over this period, particularly activities that are required year-round such as quarrying. Winstone consider that the intent of the policy direction (to minimise the risk of an uncontrolled discharge) can continue to be appropriately managed through matter of discretion – specifically matter 1. For those reasons, Winstone seek that clause (b) and matter of discretion 8 are deleted. | **Amend Rule P.R23 as follows:**<br>Rule P.R23: Earthworks – restricted discretionary activity<br><br>COASTAL **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:<br>(a) the concentration of total suspended solids in the discharge from the **earthworks** shall not exceed 100g/$m^3$, 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/$m^3$, the discharge shall not, after the **zone of reasonable mixing**, decrease the visual clarity in the receiving water by more than: |

| Sub. Point | Provision | Position | Comments | Relief sought |
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| | community health in Schedule F1 (rivers/lakes), or<br><br>(ii) 30% in any other river, and<br><br>(b) **earthworks** shall not occur between 1st June and 30th September in any year.<br><br>*Matters for discretion*<br>1. The location, area, scale, volume, duration and staging and timing of works<br><br>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**<br><br>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<br><br>4. The proportion of unstabilised land in the catchment<br><br>5. The adequacy and efficiency of **stabilisation** devices for sediment control<br><br>6. Any adverse effects on:<br><br>(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), | | | (i) 20% in **River class** 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or<br><br>(ii) 30% in any other river~~, and~~<br><br>~~(b) **earthworks** shall not occur between 1st June and 30th September in any year.~~<br><br>*Matters for discretion*<br>1. The location, area, scale, volume, duration and staging and timing of works<br><br>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**<br><br>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<br><br>4. The proportion of unstabilised land in the catchment<br><br>5. The adequacy and efficiency of **stabilisation** devices for sediment control<br><br>6. Any adverse effects on:<br><br>(i) groundwater, **surface water bodies** and their |

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| | 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)<br>(ii) group drinking water supplies and community drinking water supplies<br>(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 critical life cycle periods for indigenous aquatic species<br>(iv) the **natural character** of lakes, rivers, **natural wetlands** and their margins and the coastal environment<br>(v) natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers<br>7. Duration of the consent<br>8. Preparation required for the close-down period (from 1st June to 30th September each year) and any maintenance activities required during this period<br>9. Monitoring and reporting requirements | | | 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)<br>(ii) group drinking water supplies and community drinking water supplies<br>(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 critical life cycle periods for indigenous aquatic species<br>(iv) the **natural character** of lakes, rivers, **natural wetlands** and their margins and the coastal environment<br>(v) natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers |

| Sub. Point | Provision | Position | Comments | Relief sought |
|---|---|---|---|---|
| | | | | 7. Duration of the consent<br><br>~~8. Preparation required for the close-down period (from 1st June to 30th September each year) and any maintenance activities required during this period~~<br><br>9. Monitoring and reporting requirements |
| 74. | Rule P.R24: Earthworks – non-complying activity<br><br>**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. | Oppose / amend | Winstone oppose the non-complying status of this rule. As noted in submission point 73, this rule, in conjunction with the associated policy (P.P29) effectively prohibits any earthworks occurring during the winter months due to the difficulties of meeting the gateway test with such a directive policy. Winstone also consider that there is little evidence basis to justify this direction, nor does it recognise any activities that are required year-round. Subject to the changes sought by submission points 33 and 63. Winstone seek that this rule is amended to a discretionary status. Discretionary status continues to enable the Council to consider all relevant effects while accepting that not all earthworks sought under the rule will be contrary to the Natural Resources Plan. | **Amend Rule P.R24 as follows:**<br>Rule P.R24: Earthworks – ~~non-complying~~ discretionary activity<br><br>**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.R24 is a ~~non-complying~~ discretionary activity. |
| | | | Schedules | |
| 75. | Schedule 29: Stormwater Impact Assessments | Neutral | Winstone generally support Schedule 29 which seeks to promote best practice in the preparation of stormwater impact assessments. It is understood that this schedule, and the associated rule, is directed at new urban development. Winstone would oppose this Schedule if it applied to quarrying activities as it would be fit for purpose. Should relief sought by Winstone's submission point 33 and 63 be accepted, this schedule would not apply to quarrying activities and Winstone would be neutural to this policy. | **Neutral subject to acceptance of submission point 33.** |
| 76. | Schedule 30: Financial Contributions | Neutral | As noted in submission point 24, requiring a financial contribution as an offset may only be applied where it is optional along with other forms of aquatic offsetting. Subject to the changes sought by submission points 24 and 37, Winstone is neutral to this Schedule.<br><br>Winstone notes that the section 32 report (Part D, page 43) notes that a financial contribution cannot "double-dip" with a development contribution collected under the Local Government | **Neutral subject to acceptance of submission points 24 and 37.** |

| Sub. Point | Provision | Position | Comments | Relief sought |
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| | | | Act 2002. The report considers there is no double-dipping because development contributions collected by territorial authorities are for the installation and maintenance of stormwater conveyance infrastructure (pipes), whereas financial contributions collected by GWRC are to be for water quality improvements. However, it is unclear how GWRC and the relevant local authorities will be able to quarantine the use of collected funds that are distributed to a stormwater network utility operator. | |
| 77. | Schedule 33: Vegetation Clearance Erosion and Sediment Management Plan | Amend | Winstone generally support this Schedule which is understood to align with Controlled Activity Rule WH.R18. Winstone consider that objective (d) under part B of the Schedule is not practicable. This objective requires that land is restored and revegetated with appropriate species. Restoring and revegetating is not always practicable, particularly for activities such as quarrying where surfaces must remain exposed.<br><br>Winstone oppose the allocation of schedule as being subject to the Freshwater Planning Process. This schedule directly relates to erosion and soil conservation, rather than freshwater. This is also inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considering those under the Schedule 1 process. | **1. Consider Schedule 33 under a Part 1 Schedule 1 process.**<br>**2. Amend Part B of Schedule 33 as follows:**<br>**A Management objectives**<br>**The Erosion and Sediment Management Plan must demonstrate that the measures adopted to address the identified risks will:**<br>(a) **minimise sediment loss from the vegetation clearance by adopting, as a minimum, good management practice, and**<br>(b) **avoid an increase in risk of loss of sediment to water relative to the risk of loss that exists from the land in a natural state, and**<br>(c) **minimise the discharge of water and sediment resulting from the vegetation clearance into a surface water body, and**<br>(d) **where appropriate, provide for the land to be restored and revegetated with appropriate species.** |
| | Chapter 13: Maps | | | |
| 78. | Map 89: Unplanned Greenfield Area – Hutt City Council | Oppose | Winstone is concerned that the Map 89 identifies part of their Belmont Quarry site as "unplanned greenfield development". While relief sought through Winstone's Submission Point 9 would ensure that quarrying activities is not captured by the definition of unplanned greenfield development, Winstone seek that the mapping is updated to ensure that no part of Winstone's sites are captured as unplanned greenfield development. This will avoid any misinterpretation. | **Amend Map 89 to exclude Winstone's sites as unplanned greenfield development being parcels legally described as:**<br>• **Part Lot 1 Deposited Plan 22561,**<br>• **Lot 1 Deposited Plan 60552,**<br>• **Lot 5 Deposited Plan 322126,**<br>• **Lot 4 Deposited Plan 322126,**<br>• **Lot 100 Deposited Plan 322126, and**<br>• **Lot 1 Deposited Plan 28205** |
| 79. | Map 94: Highest erosion risk land (Woody vegetation) – Whaitua Te Whanganui-a-Tara | Oppose | As outlined in Winstone's submission points 3- 5, Winstone raises concern over the accuracy of mapping proposed for highest erosion risk land. Winstone is particularly concerned over the proposed highest erosion risk land (woody vegetation) which currently includes land within the active Belmont Quarry | **Update mapping with accurate and evidence-based mapping, or delete definitions and retain existing definition of "erosion prone land" as shown below:**<br>**Erosion prone land**<br>The pre-existing slope of the land exceeds 20 degrees. |

| Sub. Point | Provision | Position | Comments | Relief sought |
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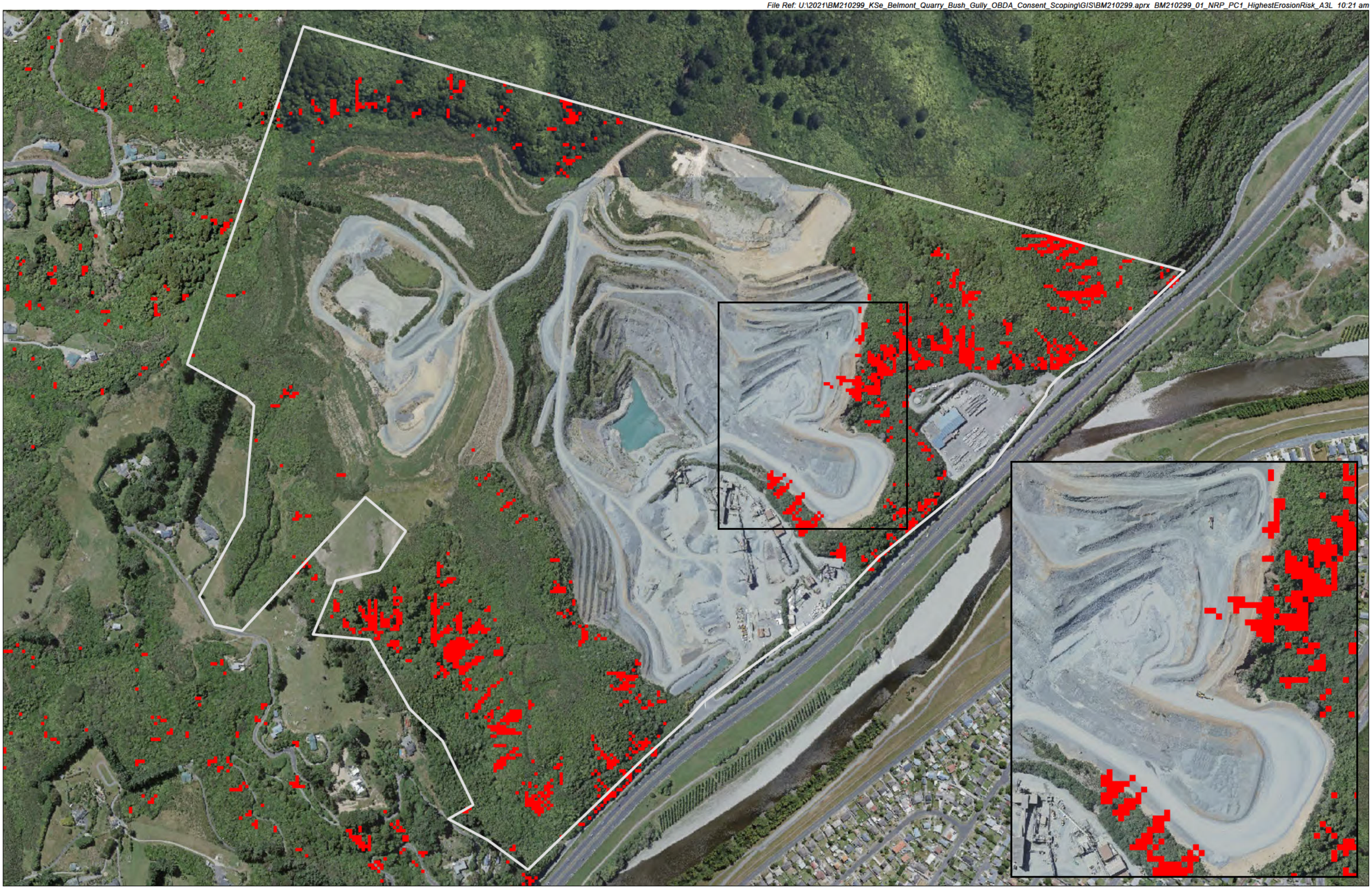
| | | | as shown in **Appendix 2**. Winstone seek that either the mapping is further revised, or it is removed entirely. | |

# Appendix 2: High Erosion Risk Land Mapping



Boffa Miskell

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DRAFT

*Data Sources:* Greater Wellington Regional Council, Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors

*Projection:* NZGD 2000 New Zealand Transverse Mercator

LEGEND

Site Boundary

Highest erosion risk land (Woody vegetation)

**PPC1 WINSTONE SUBMISSION**

# NRP Plan Change 1 - Highest Erosion Risk Land

**Date: 15 December 2023 | Revision: 1**

Plan prepared by Boffa Miskell Limited

Project Manager: Ca herine.Clarke@boffamiskell.co.nz | Drawn: HHu | Checked: CHo

**Figure 1**