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13 December 2023

Greater Wellington Regional Council
Environmental Policy
PO Box 11646
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Wellington 6142

Via email: regionalplan@gw.govt.nz

Submission on Proposed Change 1 to the Regional Policy Statement

1. Fulton Hogan welcomes the opportunity to comment on the draft changes that the Greater Wellington Regional Council is proposing as Plan Change 1 to the Natural Resources Regional Plan (PC1).

2. Fulton Hogan:
   a) could not gain an advantage in trade competition through this submission.
   b) is directly affected by an effect of the subject matter of the submission that—
      i. adversely affects the environment; and
      ii. does not relate to trade competition or the effects of trade competition.

   c) Fulton Hogan wishes to be heard in support of its submission.

<u>About us</u>

3. Fulton Hogan is one of New Zealand's largest roading and infrastructure construction companies, employing close to 4800 staff in New Zealand. We are proudly New Zealand owned and operated.

4. Fulton Hogan undertakes numerous activities throughout New Zealand including:

   - Gravel extraction, both within river beds and within land-based quarries/pits;
   - Aggregate processing and storage;
   - Infrastructure development and maintenance activities, either directly or on behalf of third parties (including roading contracts for the State Highway network on behalf of Waka Kotahi, and local roads on behalf of the territorial authority);
   - Asphalt and bitumen manufacture and bulk storage;
   - Pre-cast concrete manufacture and storage;
   - Hazardous substance use, transport and storage; and
   - Ancillary activities including workshops, transport depots, storage yards, staff offices, and supporting infrastructure (including wastewater, stormwater, and potable water).

5. Fulton Hogan's activities contribute to the ongoing function of New Zealand's infrastructure, from providing raw materials like aggregates and bitumen, through to physically maintaining the pipes, roads, and rail.

General submission points

6. Fulton Hogan works across all regions of New Zealand, and this means we have exposure to all of the Regional and District Plans. Because we work under a wide variety of plans, we really appreciate the value of consistent definitions and plan provisions where this is appropriate. The use of consistent provisions makes it much easier for our staff to understand and implement the plans.

7. Fulton Hogan has a strong commitment to upholding the values of the natural and cultural environment. We have strong ties to conservation through supporting the Department of Conservation Takahe Recovery Programme, Predator Free NZ and other conservation based activities. We are working with iwi to recognise and protect significant cultural values and sites of significance in a variety of regions, such as in Nelson where we have recently received awards for wetland restoration and planting in a riverside gravel extraction site. Overall, we support Greater Wellington Regional Council "raising the bar", and improving water quality and ecosystem outcomes through PC1, for example through Objective WH.O1, Objective WH.O2, WH.O3, and WH.O4.

8. However, we believe that there are some parts of PC1 that go too far, and do not provide sufficient flexibility for small scale day-to-day activities to be undertaken without a resource consent. We have made suggestions for making some of these rules more user friendly and practical, while still managing environmental effects.

9. We have provided our specific comments in the table appended to this letter.

Closing

10. Thank you for providing an opportunity to comment on PC1, and for taking the time to read this submission.

Yours sincerely

Helen Caley
National Resource Consents Planner

PC1 Provision	Support or oppose	Fulton Hogan comment	Relief requested (alterations from the proposed text indicated by underline or ~~strike through~~)
Definitions			
Earthworks: For Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua only: 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. For all other whaitua: 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. Earthworks do not include: (a) cultivation of the soil for the establishment of crops or pasture, and (b) the harvesting of crops, and (c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and (d) the construction, repair, upgrade or maintenance of: (i) pipelines, and (ii) electricity lines and their support structures, including the National Grid, and (iii) telecommunication structures or lines, and (iv) radio communication structures, and (v) firebreaks or fence lines, and (vi) a bore or geotechnical investigation bore, and (e) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, and (f) maintenance of orchards and shelterbelts, and (g) domestic gardening, and (h) repair, sealing or resealing of a road, footpath, driveway, and (i) discharge of cleanfill material to a cleanfill area	Oppose	We strongly believe that plans should be as simple and efficient to implement as possible. For this reason we strongly object to attempting to implement two different earthworks definitions in different parts of the region. This will create confusion and be difficult, particularly for lay people, to understand and implement. One straight forward definition should be used.	Earthworks: ~~For Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua only:~~ 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. ~~For all other whaitua:~~ ~~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. Earthworks do not include:~~ ~~(a) cultivation of the soil for the establishment of crops or pasture, and~~ ~~(b) the harvesting of crops, and~~ ~~(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and~~ ~~(d) the construction, repair, upgrade or maintenance of:~~ ~~(i) pipelines, and~~ ~~(ii) electricity lines and their support structures, including the National Grid, and~~ ~~(iii) telecommunication structures or lines, and~~ ~~(iv) radio communication structures, and~~ ~~(v) firebreaks or fence lines, and~~ ~~(vi) a bore or geotechnical investigation bore, and~~ ~~(e) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, and~~ ~~(f) maintenance of orchards and shelterbelts, and~~ ~~(g) domestic gardening, and~~ ~~(h) repair, sealing or resealing of a road, footpath, driveway, and~~ ~~(i) discharge of cleanfill material to a cleanfill area~~
Existing wastewater discharge: For Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua: Wastewater discharged into water or onto or into land in a manner that may enter surface water : (a) from a wastewater treatment plant that is already authorised by an existing resource consent at the time of application for a new resource consent (the replacement resource consent application may seek a different quality, and/or quantity, and/or discharge location within the same or a downstream waterbody), and/or (b) from a wastewater network catchment or sub-catchment that exists as of 30 October 2023 (date of notification). For all other whaitua: Wastewater discharged into fresh or coastal water from a wastewater treatment plant or a wastewater network that is: (a) already authorised by an existing resource consent at the time of application for a new resource consent (the replacement resource consent application may seek a different quality, and/or quantity, and/or discharge location within the same or a downstream waterbody), and/or	Oppose	We strongly believe that plans should be as simple and efficient to implement as possible. For this reason we strongly object to attempting to implement two different earthworks definitions in different parts of the region. This will create confusion and be difficult, particularly for lay people, to understand and implement. One straight forward definition should be used.	Existing wastewater discharge: For Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua: Wastewater discharged into water or onto or into land in a manner that may enter surface water : (a) from a wastewater treatment plant that is already authorised by an existing resource consent at the time of application for a new resource consent (the replacement resource consent application may seek a different quality, and/or quantity, and/or discharge location within the same or a downstream waterbody), and/or (b) from a wastewater network catchment or sub-catchment that exists as of 30 October 2023 (date of notification). ~~For all other whaitua:~~ ~~Wastewater discharged into fresh or coastal water from a wastewater treatment plant or a wastewater network that is:~~ ~~(a) already authorised by an existing resource consent at the time of application for a new resource consent (the replacement resource consent application may seek a different quality, and/or quantity, and/or discharge location within the same or a downstream waterbody), and/or~~ ~~(b) from a heavy rainfall event overflow from a wastewater network that has occurred prior to 31 October 2020~~

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(b) from a heavy rainfall event overflow from a wastewater network that has occurred prior to 31 October 2020			
Chapter 5.4 – Rules: Wetlands and beds of lakes and rivers			
Rule R133: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity ~~Destruction, damage~~ Excavation, deposition, or disturbance associated with gravel extraction for flood protection purposes or erosion mitigation inside a site or habitat identified in Schedule C (mana whenua) or Schedule F1 (rivers and lakes with significant indigenous ecosystems), ~~Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features)~~ in the bed of a lake or river, including any associated: ~~(a) deposition on the river or lake bed, and~~ (b) discharge of sediment to water, and (c) diversion of water is a discretionary activity.	Support in part	We support the principle of having a specific rule to provide for gravel extraction where this contributes to the management of flooding. However, this rule gives the same activity status as any other innominate activity, and therefore the rule does not encourage these activities. We suggest changing the activity status to restricted discretionary to signal that this type of activity is anticipated, and has benefits for properties that may be subject to flooding or erosion, and the broader region.	Change the activity status of Rule R133 to restricted discretionary
Rule R151A: Ongoing diversion of a river – permitted activity The diversion of a river as a result of: (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 (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, is a permitted activity subject to the following conditions: (c) the permanent diversion has been in place for at least 10 years, and (d) all of the conditions of the resource consent to lawfully establish the diversion have been complied with. Note 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	We agree it is sensible to provide for ongoing use of lawfully established activities as a permitted activity.	Retain Rule R151A as notified
Chapter 8 – Whaitua Te Whanganui-a-Tara			
Objective WH.O2 The health and wellbeing of Te Whanganui-a-Tara's groundwater, rivers and natural wetlands and their margins are on a trajectory of measurable improvement towards wai ora, such that by 2040: (a) water quality, habitats, water quantity and ecological processes are at a level where the state of aquatic life is maintained, or meaningful progress has been made towards improvement where degraded, and (b) the hydrology of rivers and erosion processes, including bank stability are improved and sources of sediment are reduced to a more natural level, and (c) the extent and condition of indigenous riparian vegetation is increased and improved, and (d) the diversity, abundance, composition, structure and condition of mahinga kai species and communities are increased, and (e) huanga of mahinga kai and Māori customary use for locations identified in Schedule B (Ngā Taonga Nui a Kiwa) are maintained or improved, and (f) mana whenua can safely connect with freshwater and enjoy a wider range of customary and cultural practices, including mahinga kai gathering, and (g) mana whenua and communities can safely connect with freshwater and enjoy a wider range of activities, including swimming and food gathering, and (h) freshwater of a suitable quality is available for the health needs of people.	Support	We support the concept of improving water quality in Te Whanganui-a-Tara and seeing measurable improvement by 2040. We suggest that clause (b) could be worded more clearly.	Retain as notified aside from clause (b). Modify clause (b) so that (b) the hydrology of rivers and erosion processes, including bank stability are improved and sources of sediment are reduced ~~to a more natural level~~ in comparison to the levels as at 1 November 2023, and
Policy WH.P6: Cumulative adverse effects of point source discharges	Oppose	Fulton Hogan strongly support the improvement of water quality and the	Make minor changes to Policy WH.P6 to make it clearer what the requirements for existing sites are.

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The cumulative adverse effects of point source discharges, excluding stormwater network and wastewater discharges, to water are avoided and: (a) any new discharge is inappropriate if contaminants in the discharge would cause the affected freshwater body to decline in relation to the target attribute state(s) for that part Freshwater Management Unit(s) and/or coastal water objective(s), and (b) all existing discharges in part Freshwater Management Uinits or coastal water management units where the target attribute states and/or coastal water objectives are met are only appropriate if: (i) at a minimum, an application for a resource consent includes a defined programme of work for upgrading the discharge, in accordance with good management practice, within the term of the resource consent, and (c) all existing discharges in part Freshwater Management Units or coastal water management units where the target attribute states and/or coastal water objectives are not met are only appropriate if: (i) the conditions on a resource consent require reduction of the adverse effects and improve the discharge at a level consistent with the degree of over allocation required to be reduced within that part Freshwater Management Unit and/or the coastal water management unit, and (ii) in determining the improvement to water quality required in (ii), and the timeframe in which it is to be achieved, consideration will be given to the discharge's contribution to the target attribute state(s) for that part Freshwater Management Unit and/or coastal water objective not being met.		recognition of cumulative effects. However, cumulative effects are notoriously difficult to identify and manage. For this reason we request that similar wording from policy WH.P5 be introduced into this policy, to allow for the effects to be managed, as well as avoided. We request that clause (b) be adapted to provide for instances where sites are already operating at "good management practice", to recognise and provide incentive for sites that are already operating at an appropriate standard. We request that clause (c) be updated to make it clear that this will apply at the stage of re-consenting.	Policy WH.P6: Cumulative adverse effects of point source discharges The cumulative adverse effects of point source discharges, excluding stormwater network and wastewater discharges, to water are avoided or minimised and: (a) any new discharge is inappropriate if contaminants in the discharge would cause the affected freshwater body to decline in relation to the target attribute state(s) for that part Freshwater Management Unit(s) and/or coastal water objective(s), and (b) all existing discharges in part Freshwater Management ~~Uinits~~ units or coastal water management units where the target attribute states and/or coastal water objectives are met are only appropriate if: (i) ~~at a minimum~~ Unless the site is already operating at good management practice, an application for a resource consent includes, at a minimum, a defined programme of work for upgrading the discharge, in accordance with good management practice, within the term of the resource consent, and (c) all re-consenting of existing discharges in part Freshwater Management Units or coastal water management units where the target attribute states and/or coastal water objectives are not met are only appropriate if: (i) the conditions on a resource consent require reduction of the adverse effects and improve the discharge at a level consistent with the degree of over allocation required to be reduced within that part Freshwater Management Unit and/or the coastal water management unit, and (ii) in determining the improvement to water quality required in ~~(ii)~~(i), and the timeframe in which it is to be achieved, consideration will be given to the discharge's contribution to the target attribute state(s) for that part Freshwater Management Unit and/or coastal water objective not being met
Policy WH.P8: Avoiding discharges of specific products and waste Avoid discharges to freshwater and coastal water, including where this is via the stormwater network, of: (a) chemical cleaning products, paint, solvents, fuels and coolant, oil, wet cement products and drill cooling water, or (b) animal effluent from an animal effluent storage facility or from an area where animals are confined, or (c) untreated industrial or trade waste, or (d) untreated organic waste or leachate from storage of organic material.	Support	Fulton Hogan agree this policy describes good environmental practice and we are supportive of this. For clarity, we suggest that the wording of clause (a) be updated to make it clear that washdown water from fresh concrete pours are included.	Policy WH.P8: Avoiding discharges of specific products and waste Avoid discharges to freshwater and coastal water, including where this is via the stormwater network, of: (a) chemical cleaning products, paint, solvents, fuels and coolant, oil, wet cement products including wash water and drill cooling water, or (b) animal effluent from an animal effluent storage facility or from an area where animals are confined, or (c) untreated industrial or trade waste, or (d) untreated organic waste or leachate from storage of organic material.
Policy WH.P11: Discharges of contaminants in stormwater from high risk industrial or trade premises The discharge of stormwater to water, including discharges via the stormwater network, from a high risk industrial or trade premise shall be managed by: (a) having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and (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 (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 (d) avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.	Support	Fulton Hogan supports this policy, which strikes a good balance between requiring good management for high risk industrial or trade premises, but also providing a pragmatic "best practicable option" approach for these types of sites, where it is not always possible to reach water quality standards despite best practice treatment. We note that clause (b) appears to refer to "avoiding" effects, where it has already been determined that avoidance is not practicable, and we suggest this clause could be simplified.	Make a minor change to clause (b) to simplify the phrasing: (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…

PC1 Provision	Support or oppose	Fulton Hogan comment	Relief requested (alterations from the proposed text indicated by underline or ~~strike through~~)
Policy WH.P15: Stormwater contaminant offsetting for new greenfield development 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).	Oppose	In principle, Fulton Hogan support the concept of improving water quality and providing more water quality treatment. However, this policy appears to be a blunt instrument and we are concerned that it will discourage investment in water quality treatment. If a company is investing in a new greenfields site there will already be a significant investment required to install a stormwater treatment system. Adding additional costs will disincentivise companies from treating stormwater above the minimum. The policy also does not take into account that all hardstand areas are not equal in terms of contaminant loading, and hardstand areas with low contaminant loads, for example roofs, tennis courts, are being treated the same as high contaminant loading surfaces. We note that it appears that the approach of requiring financial contributions would appear to make more sense in developed catchments where there is often not sufficient space to provide good quality retrofit solutions, and levels of existing treatment are typically low.	Reconsider the stormwater contribution approach.
Policy WH.P29: Management of earthworks The risk of sediment discharges from earthworks shall be managed by: (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 (b) limiting the amount of land disturbed at any time, and (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 (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.	Support	This policy refers to good management practice, and provides for the implementation of controls that are appropriate for the size and scale of the works.	Retain as notified
Policy WH.P31: Winter shut down of earthworks Earthworks over 3,000m^2 in area shall: (a) be shut down from 1st June to 30th September each year, and (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	We appreciate that the Council wishes to strongly advocate for improvements in water quality and reduce effects of earthworks. However, we are concerned that this policy is overly onerous and does not recognise that there may be works where it is necessary for them to be undertaken for project programme or other reasons, and it may be feasible for these earthworks to be undertaken while minimising effects, due to their location, soil types, site slope, etc. We request that this policy be altered to provide more flexibility where required, providing the activity is undertaken in accordance with the GWRC Erosion and Sediment Control Standard, and robustly managed and monitored.	Alter Policy WH.P31 to provide more flexibility for winter works, where these can be undertaken in a manner that appropriately manages or mitigates the effects of sedimentation, using the wording below or wording with similar intent. Policy WH.P31: Winter shut down of earthworks Earthworks over 3,000m^2 in area shall: (a) be shut down from 1st June to 30th September each year, unless they can be staged or otherwise undertaken in a manner that avoids adverse effects on water quality, and (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).
8.3.1 Discharges of contaminants Rule WH.R1:	Oppose	We agree that it is important that these types of contaminants are kept out of surface waterbodies, and we appreciate the approach	Amend Rule WH.R1 to provide additional flexibility, and allowance for incidental levels of contaminants, or low levels of contaminants following treatment, using the wording below or similar:

PC1 Provision	Support or oppose	Fulton Hogan comment	Relief requested (alterations from the proposed text indicated by underline or ~~strike through~~)
Point source discharges of specific contaminants – prohibited activity The point source discharge of: (a) chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or (b) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or (c) solvents including paint stripper, or (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 (e) radiator coolant, or (f) cooking oil, or (g) cement wash, cement slurry and concrete cutting waste, or (h) drill cooling water 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.		of writing a rule that makes it very clear that it is not acceptable to discharge chemicals to surface water without treatment. However, we are concerned that this rule does not provide any contingency for situations where these activities might be necessary as there are no feasible alternatives, and the discharge can be treated to an acceptable level, (but not completely removed). For example, there are sometimes situations where activities such as vehicle washing are necessary. Our preference is usually to connect to a trade waste network, however this is not available at all sites – we note that in some locations trade waste networks are in proximity, but there is no capacity to accept more waste. The other alternative would be do discharge into land, but this is not feasible at all sites. We request that more flexibility be written into this rule to avoid perverse outcomes.	Rule WH.R1: Point source discharges of specific contaminants – prohibited activity The point source discharge of more than incidental levels of: (a) chemical cleaning products including vehicle cleaning products and detergents unless these are biodegradable and non-ecotoxic, bleach and disinfectant, or (b) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or (c) solvents including paint stripper, or (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 (e) radiator coolant, or (f) cooking oil, or (g) cement slurry, or cement wash ~~cement slurry~~ and concrete cutting waste unless these have been captured and treated to achieve a pH required by the water quality standards for the receiving waterbody, or (h) drill cooling water 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.
Rule WH.R6: Stormwater from new greenfield impervious surfaces – controlled activity 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: (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) or, (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, and, (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 (d) where stormwater directly or indirectly (through an existing local authority stormwater network) discharges to a river, hydrological control is provided either: (i) on-site, or (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 (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: (i) on-site, or (ii) off-site through an existing local authority stormwater network or privately owned stormwater treatment system that has capacity to treat contaminant loads from the site. Matters of control	Oppose in part	Refer to comments above regarding the stormwater contribution approach on Policy WH.P15. We oppose clause c requiring financial contributions.	Remove clause c of Rule WH.R6.

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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 2. The adequacy of hydrological control measures either on-site or offsite, where stormwater will enter a river 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 4. The long-term operational, maintenance and ownership requirements of the stormwater treatment system 5. Whether sufficient use of water sensitive urban design measures have been applied to the site design and layout 6. A financial contribution as required by Schedule 30 (financial contributions) 7. Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule			
8.3.5 Earthworks Rule WH.R23: Earthworks – permitted activity Earthworks is a permitted activity, provided the following conditions are met: (a) the earthworks are to implement an action in the erosion risk treatment plan for the farm, or (b) the earthworks are to implement an action in the farm environment plan for the farm, and or (c) the area of earthworks does not exceed 3,000m^2 per property in any consecutive 12-month period, and (id) 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 (iie) 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 (iiif) the area of earthworks must be stabilised within six months after completion of the earthworks, and (ivg) 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 (vh) 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. Rule WH.R24: Earthworks – restricted discretionary activity Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule WH.R23 is a restricted discretionary activity, provided the following conditions are met: (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:	Oppose	Based on our experience with developments and construction we believe that there are many instances where earthworks can be undertaken without adverse effects during the winter months. We also note that Fulton Hogan generally undertake at least one small scale road maintenance project per day in the Te Whanganui-a-Tara catchment on behalf of clients like Hutt City Council. These projects would all require "earthworks" as per the proposed definition, and would therefore trigger this rule. It would not be feasible to undertake these outside the winter months, or to completely avoid sediment run-off. While there is a permitted activity rule provided (WH.R23) it requires that there be no discharge of sediment. This standard is almost impossible to meet for constrained sites with hard surfaces surrounding them like roading maintenance, although the level of discharge would be very low. We consider that the constraints on day-to-day activities, and the consenting burden, are unreasonable. We also note that this rule appears to be out of step with the direction provided by Policy WH.P31. Policy WH.P31 relates to earthworks over 3,000m^2, and this is also included in Rule WH.R23, whereas Rule WH.R24 relates to all earthworks, no matter the scale. Because the earthworks definition for the Whaitua Te Whanganui-a-Tara removes the exclusions that apply in the rest of the region, this will result in a very large number of earthworks during the winter months requiring a resource consent, even very small scale ones. This appears to be much more stringent than the policy directs, and will have significant cost implications and consent processing burden	Alter Rules WH.R23, WH.R24 and WH.R25 to provide for low level activities, rather than requiring a non-complying activity status consent for all earthworks between 1 June and 30 September where any run-off occurs. This could be provided alongside additional oversight and control of erosion and sediment control plans by Council so that Council has additional certainty over the measures and mitigation proposed. Rule WH.R23: Earthworks – permitted activity Earthworks and the associated discharge of sediment and/or flocculant is a permitted activity, provided the following conditions are met: (a) the earthworks are to implement an action in the erosion risk treatment plan for the farm, or (b) the earthworks are to implement an action in the farm environment plan for the farm, and or (c) the area of earthworks does not exceed 3,000m^2 per property in any consecutive 12-month period, and (i) the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and (ii) 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 (iii) the area of earthworks must be stabilised within six months after completion of the earthworks, and (iv) there is no discharge of sediment from earthworks and/or flocculant from areas greater than 25 m^2 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 (v) 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. Rule WH.R24: Earthworks – restricted discretionary activity Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule WH.R23 is a restricted discretionary activity, provided the following conditions are met: (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:

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(i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or (ii) 30% in any other river, and (b) earthworks shall not occur between 1st June and 30th September in any year. And Rule WH.R25: Earthworks – non-complying activity 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.		for Council, while in many cases the environmental gains will be trivial. Finally, we consider that the non-complying activity status of Rule WH.R25 is too stringent, particularly in light of the number of activities (including small scale works) that will be captured by Rule WH.R25.	(i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or (ii) 30% in any other river, and (b) (i) earthworks with less than 3,000 m^2 of disturbed area at any one time which intend to work between 1st June and 30th September in any year must prepare a site specific winter earthworks plan, which shall be provided to Greater Wellington Regional Council as part of this application for resource consent; (ii) earthworks which exceed 3,000 m^2 of disturbed area at any one time shall not occur between 1st June and 30th September in any year.
Chapter 9 Te Awarua-o-Porirua Whaitua			
Objective P.O2 Te Awarua-o-Porirua's groundwater, rivers, lakes and natural wetlands, and their margins are on a trajectory of measurable improvement towards wai ora, such that by 2040: (a) water quality, habitats, water quantity and ecological processes are at a level where the state of aquatic life is meaningfully improved, and (b) erosion processes, including bank stability, are improved to significantly reduce the sedimentation rate in the harbour to a more natural level, and (c) the extent and condition of indigenous riparian vegetation is increased and improved, and (d) the diversity, abundance and condition of mahinga kai are increased so that mana whenua are able to harvest healthy mahinga kai for their people, and (e) huanga of mahinga kai and Māori customary use for locations identified in Schedule B (Ngā Taonga Nui a Kiwa) are maintained or improved, and (f) mana whenua are able to safely connect with freshwater and are able to practice their customary and cultural practices, including mahinga kai gathering, and (g) mana whenua and communities can safely connect with waterbodies and enjoy a wider range of activities, including swimming, paddling and food gathering, and the freshwater environmental outcomes must contribute to the: (h) maintenance and improvement of the health and wellbeing of estuaries, harbours and open coastal areas, and (i) protection and restoration of sites within significant values	Support	We support the concept of improving water quality in Te Awarua-o-Porirua, and seeing measurable improvement by 2040. We suggest that clause (b) could be worded more clearly.	Retain as notified aside from clause (b). Modify clause (b) so that (b) erosion processes, including bank stability, are improved to significantly reduce the sedimentation rate in the harbour ~~to a more natural level~~ in comparison to the levels as at 1 November 2023, and
Policy P.P6: Point source discharges The cumulative adverse effects of point source discharges, excluding stormwater network and wastewater discharges, to water are avoided and: (a) any new discharge is inappropriate if contaminants in the discharge would cause the affected freshwater body to decline in relation to the target attribute state(s) for that part Freshwater Management Unit(s) and/or coastal water objective(s), and (b) all existing discharges in part Freshwater Management Units or coastal water management units where the target attribute state(s) and/or coastal water objective(s) are met are only appropriate if (i) at a minimum, an application for a resource consent includes a defined programme of work for upgrading the discharge, in accordance with good management practice, within the term of the resource consent, and	Oppose	Fulton Hogan strongly support the improvement of water quality and the recognition of cumulative effects. However, cumulative effects are notoriously difficult to identify and manage. For this reason we request that similar wording from policy WH.P5 be introduced into this policy, to allow for the effects to be managed, as well as avoided. We request that clause (b) be adapted to provide for instances where sites are already operating at "good management practice", to recognise and provide incentive for sites that are already operating at an appropriate standard.	Make minor changes to Policy P.P6 to make it clearer what the requirements for existing sites are. Policy WH.P6: Cumulative adverse effects of point source discharges The cumulative adverse effects of point source discharges, excluding stormwater network and wastewater discharges, to water are avoided or minimised and: (a) any new discharge is inappropriate if contaminants in the discharge would cause the affected freshwater body to decline in relation to the target attribute state(s) for that part Freshwater Management Unit(s) and/or coastal water objective(s), and (b) all existing discharges in part Freshwater Management Units or coastal water management units where the target attribute states and/or coastal water objectives are met are only appropriate if: (i) ~~at a minimum~~ Unless the site is already operating at good management practice, an application for a resource consent includes, at a minimum, a defined programme of work for

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(c) all existing discharges in part Freshwater Management Units or coastal water management units where the target attribute states and/or coastal water objectives are not met are only appropriate if: (i) the conditions on a resource consent require reduction of the adverse effects and improve the discharge at a level consistent with the degree of over allocation required to be reduced within that part Freshwater Management Unit and/or the coastal water management unit, and (ii) in determining the improvement to water quality required in (i), and the timeframe in which it is to be achieved, consideration will be given to the discharge's contribution to the target attribute state(s) for that part Freshwater Management Unit and/or coastal water objective not being met.		We request that clause (c) be updated to make it clear that this will apply at the stage of re-consenting.	upgrading the discharge, in accordance with good management practice, within the term of the resource consent, and (c) all re-consenting of existing discharges in part Freshwater Management Units or coastal water management units where the target attribute states and/or coastal water objectives are not met are only appropriate if: (i) the conditions on a resource consent require reduction of the adverse effects and improve the discharge at a level consistent with the degree of over allocation required to be reduced within that part Freshwater Management Unit and/or the coastal water management unit, and (ii) in determining the improvement to water quality required in (i), and the timeframe in which it is to be achieved, consideration will be given to the discharge's contribution to the target attribute state(s) for that part Freshwater Management Unit and/or coastal water objective not being met
Policy P.P8: Avoiding discharges of specific products and waste Avoid discharges to freshwater and coastal water, including where this is via the stormwater network, of: (a) chemical cleaning products, paint, solvents, fuels and coolant, oil, wet cement products and drill cooling water, or (b) animal effluent from an animal effluent storage facility or from an area where animals are confined, or (c) untreated industrial or trade waste, or (d) untreated organic waste or leachate from storage of organic material.	Support	Fulton Hogan agree this policy describes good environmental practice and we are supportive of this. For clarity, we suggest that the wording of clause (a) be updated to make it clear that washdown water from fresh concrete pours are included.	Policy P.P8: Avoiding discharges of specific products and waste Avoid discharges to freshwater and coastal water, including where this is via the stormwater network, of: (a) chemical cleaning products, paint, solvents, fuels and coolant, oil, wet cement products including wash water and drill cooling water, or (b) animal effluent from an animal effluent storage facility or from an area where animals are confined, or (c) untreated industrial or trade waste, or (d) untreated organic waste or leachate from storage of organic material.
Policy P.P11: Discharges of contaminants in stormwater from high risk industrial or trade premises The discharge of stormwater to water from a high risk industrial or trade premise shall be managed by: (a) having procedures and equipment in place to contain any spillage of hazardous substances for storage or removal, and (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 (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 (d) avoiding or mitigating adverse effects of stormwater discharges on groundwater quality.	Support	Fulton Hogan supports this policy, which strikes a good balance between requiring good management for high risk industrial or trade premises, but also providing a pragmatic "best practicable option" approach for these types of sites, where it is not always possible to reach water quality standards despite best practice treatment. We note that clause (b) appears to refer to "avoiding" effects, where it has already been determined that avoidance is not practicable, and we suggest this clause could be simplified.	Make a minor change to clause (b) to simplify the phrasing: (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…
Policy P.P14: Stormwater contaminant offsetting for new greenfield development 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).	Oppose	In principle, Fulton Hogan support the concept of improving water quality and providing more water quality treatment. However, this policy appears to be a blunt instrument and we are concerned that it will discourage investment in water quality treatment. If a company is investing in a new greenfields site there will already be a significant investment required to install a stormwater treatment system. Adding additional costs will disincentivise companies from treating stormwater above the minimum. The policy also does not take into account that all hardstand areas are not equal in terms of contaminant loading, and hardstand areas	Reconsider the stormwater contribution approach.

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		with low contaminant loads, for example roofs, tennis courts, are being treated the same as high contaminant loading surfaces. We note that it appears that the approach of requiring financial contributions would appear to make more sense in developed catchments where there is often not sufficient space to provide good quality retrofit solutions, and levels of existing treatment are typically low.	
Policy P.P27: Management of earthworks The risk of sediment discharges from earthworks shall be managed by: (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 (b) limiting the amount of land disturbed at any time, and (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 (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.	Support	This policy refers to good management practice, and provides for the implementation of controls that are appropriate for the size and scale of the works.	Retain as notified
Policy P.P28: Winter shut down of earthworks Earthworks over 3,000m^2 in area shall: (a) be shut down from 1st June to 30th September each year, and (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	We appreciate that the Council wishes to strongly advocate for improvements in water quality and reduce effects of earthworks. However, we are concerned that this policy is overly onerous and does not recognise that there may be works where it is necessary for them to be undertaken for project programme or other reasons, and it may be feasible for these earthworks to be undertaken while minimising effects, due to their location, soil types, site slope, etc. We request that this policy be altered to provide more flexibility.	Alter Policy WH.P31 to provide more flexibility for winter works, where these can be undertaken in a manner that appropriately manages or mitigates the effects of sedimentation, using the wording below or wording with similar intent. Policy WH.P31: Winter shut down of earthworks Earthworks over 3,000m^2 in area shall: (a) be shut down from 1st June to 30th September each year, unless they can be staged or otherwise undertaken in a manner that avoids adverse effects on water quality, and (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).
9.3.1 Discharges of contaminants Rule P.R1: Point source discharges of specific contaminants – prohibited activity The point source discharge of: (a) chemical cleaning products including vehicle cleaning products, detergents, bleach and disinfectant, or (b) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or (c) solvents including paint stripper, or (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 (e) radiator coolant, or (f) cooking oil, or (g) cement wash, cement slurry and concrete cutting waste, or (h) drill cooling water 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.	Oppose	We agree that it is important that these types of contaminants are kept out of surface waterbodies, and we appreciate the approach of writing a rule that makes it very clear that it is not acceptable to discharge chemicals to surface water without treatment. However, we are concerned that this rule does not provide any contingency for situations where these activities might be necessary as there are no feasible alternatives, and the discharge can be treated to an acceptable level, (but not completely removed). For example, there are sometimes situations where activities such as vehicle washing are necessary. Our preference is usually to connect to a trade waste network, however this is not available at all sites – we note that in some locations trade waste networks are in proximity, but there is no capacity to accept more waste. The other alternative would be do	Amend Rule P.R1 to provide additional flexibility, and allowance for incidental levels of contaminants, or low levels of contaminants following treatment, using the wording below or similar: Rule P.R1: Point source discharges of specific contaminants – prohibited activity The point source discharge of more than incidental levels of: (a) chemical cleaning products including vehicle cleaning products and detergents unless these are biodegradable and non-ecotoxic, bleach and disinfectant, or (b) paint and other substances used for the purpose of protecting surfaces (including stain and paint wash), or (c) solvents including paint stripper, or (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 (e) radiator coolant, or (f) cooking oil, or (g) cement slurry, or cement wash ~~cement slurry~~ and concrete cutting waste unless these have been captured and treated to achieve a pH required by the water quality standards for the receiving waterbody, or (h) drill cooling water

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		discharge into land, but this is not feasible at all sites. We request that more flexibility be written into this rule to avoid unintended consequences.	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.
Rule P.R6: Stormwater from new greenfield impervious surfaces – controlled activity 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: (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) or, (b) the proposal involves the creation new impervious surfaces of less than 1,000m^2, but is not permitted under the conditions of Rule P.R6, and, (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 (d) where stormwater directly or indirectly (through an existing local authority stormwater network) discharges to a river, hydrological control is provided either: (i) on-site, or (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 (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: (i) on-site, or (ii) off-site through an existing local authority stormwater network or privately owned stormwater treatment system that has capacity to treat contaminant loads from the site. Matters of control 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 2. The adequacy of hydrological control measures either on-site or offsite, where stormwater will enter a river 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 4. The long-term operational, maintenance and ownership requirements of the stormwater treatment system 5. Whether sufficient use of water sensitive urban design measures have been applied to the site design and layout 6. A financial contribution as required by Schedule 30 (financial contributions) 7. Condition of consent to demonstrate and/or monitor compliance with conditions (d) and (e) of this rule	Oppose in part	Refer to comments above regarding the stormwater contribution approach on Policy P.P15. We oppose clause c requiring financial contributions.	Remove clause c of Rule P.R6.
9.3.5 Earthworks	Oppose	Based on our experience with developments and construction we believe that there are	Alter Rules P.R22, P.R23 and P.R24 to provide for low level activities, rather than requiring a non-complying activity status consent for all earthworks between 1 June and 30 September

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Rule P.R22: Earthworks – permitted activity Earthworks is a permitted activity, provided the following conditions are met: (a) the earthworks are to implement an action in the erosion risk treatment plan for the farm, or (b) the earthworks are to implement an action in the farm environment plan for the farm, or (c) the area of earthworks does not exceed 3,000m^2 per property in any consecutive 12-month period, and (i~~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 (ii~~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 (iii~~f~~) the area of earthworks must be stabilised within six months after completion of the earthworks, and (iv~~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 (v~~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. Rule P.R23: Earthworks – restricted discretionary activity Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule P.R22 is a restricted discretionary activity, provided the following conditions are met: (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: (i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or (ii) 30% in any other river, and (b) earthworks shall not occur between 1st June and 30th September in any year. And Rule WH.R24: Earthworks – non-complying activity Earthworks, and the associated discharge of sediment into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule P.R23 is a non-complying activity.		many instances where earthworks can be undertaken without adverse effects during the winter months. We also note that Fulton Hogan undertake a large number of small scale road maintenance type activities on behalf of clients, and these generally cannot be delayed or undertaken outside the winter months. Therefore we consider that clause (b) of Rule P.R24 does not provide sufficient flexibility for works to be undertaken over the winter months. While there is a permitted activity rule provided (P.R22) it requires that there be no discharge of sediment. This standard is almost impossible to meet for constrained sites with hard surfaces surrounding them like roading maintenance, although the level of discharge would be very low. We consider that the constraints on day-to-day activities, and the consenting burden, are unreasonable. We also note that this rule appears to be out of step with the direction provided by Policy P.P28. Policy P.P28 relates to earthworks over 3,000m^2, whereas Rule P.R24 relates to all earthworks. Because the earthworks definition for the Whaitua Te Whanganui-a-Tara removes the exclusions that apply in the rest of the region, this will result in a large number earthworks during the winter months requiring a resource consent, even very small scale ones. This appears to be much more stringent than the policy directs, and will have significant cost implications and consent processing burden for Council, while in many cases the environmental gains will be trivial. Finally, we consider that the non-complying activity status of Rule P.R24 is too stringent for small scale earthworks, particularly in light of the number of activities (including small scale works) that will be captured by Rule P.R25.	where any run-off occurs. This could be provided alongside additional oversight and control of erosion and sediment control plans by Council so that Council has additional certainty over the measures and mitigation proposed. Rule P.R22: Earthworks – permitted activity Earthworks and the associated discharge of sediment and/or flocculant is a permitted activity, provided the following conditions are met: (a) the earthworks are to implement an action in the erosion risk treatment plan for the farm, or (b) the earthworks are to implement an action in the farm environment plan for the farm, and or (c) the area of earthworks does not exceed 3,000m^2 per property in any consecutive 12-month period, and (i) the earthworks shall not occur within 5m of a surface water body or the coastal marine area, except for earthworks undertaken in association with Rules R122, R124, R130, R131, R134, R135, and R137, and (ii) 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 (iii) the area of earthworks must be stabilised within six months after completion of the earthworks, and (iv) there is no discharge of sediment from earthworks and/or flocculant from areas greater than 25 m^2 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 (v) 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. Rule WH.R24: Earthworks – restricted discretionary activity Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water, or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, that does not comply with Rule WH.R23 is a restricted discretionary activity, provided the following conditions are met: (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: (i) 20% in River class 1 and in any river identified as having high macroinvertebrate community health in Schedule F1 (rivers/lakes), or (ii) 30% in any other river, and (b) (i) earthworks with less than 3,000 m^2 of disturbed area at any one time which intend to work between 1st June and 30th September in any year must prepare a site specific winter earthworks plan, which shall be provided to Greater Wellington Regional Council as part of this application for resource consent; (ii) earthworks which exceed 3,000 m^2 of disturbed area at any one time shall not occur between 1st June and 30th September in any year.

Once you have completed your feedback, please email to regionalplan@gw.govt.nz

Please enter your details below	
***Submitter Name:** Full name, or Name of Organisation / Company	Fulton Hogan Limited
Contact person for submission: (If different to above)	Helen Caley
Telephone no: (*Not required*)	027 224 5409
***Address for service:** (Email, or physical address) Please note, an email address is the preferred method	PO Box 39185, Christchurch 8545
***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
***I could gain an advantage in trade competition through this submission**	No
Only answer this question if you answered 'yes' to the above question. **I am directly affected by an effect of the subject matter of the submission that:** **A) adversely affects the environment; and** **B) does not relate to trade competition or the effects of trade competition**	Select A or B
In providing a submission to Greater Wellington, I agree to having read and understood the terms and procees outlined in this Information Statement	
If providing a submission on behalf of a company / organisation **I confirm that I have authority to do so:**	Signature
Date:	13/12/2023

Please enter your feedback in the next worksheet "**2) Feedback on Provisions**". All of the provisions in the proposed change have been included so please place your comments in the correponding cells.

If you have questions on how to use this submission form please vist our **Submitter User Help Guide** or email one of our friendly team at regionalplan@gw.govt.nz