

15th December 2023

Greater Wellington Regional Council
Environmental Policy
PO Box 11646
Manners St
WELLINGTON 6142,

Attention: Hearings Advisor

SUBMISSION TO GWRC PLAN CHANGE 1 TO NATURAL RESOURCES PLAN

Form 5, Clause 6 of the First Schedule, RMA

Name of Submitter: Best Farm Ltd
Lincolnshire Farm Ltd
Hunters Hill Ltd
Stebbing's Farmlands Ltd

Address:



Attn: Rod Halliday

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Submission on: PC1 to Natural Resources Plan (by Email: regionalplan@gw.govt.nz)

The specific provisions of the plan change that Best Farm Ltd & others submission relates, along with the reasons and relief sought are as follows:

1. **Entire Document** – We are frustrated with the lack of consultation with the development community and key landholders and the time of the year in which this plan change has been notified. With submissions closing on the 15th December it is clear there is an agenda being pushed by GW ahead of any changes the new coalition government may make including the repealing of the NBEA, and potentially other National Policy Statements. We also believe there is little or no consideration given in the plan change to the NPS-Urban Development 2020 that has equal status in the

RMA plan hierarchy. We also see a disjoint between the outcomes being sought by the Territorial Authorities who are giving effect to the NPS-UD and are actively promoting new growth through both intensification of the existing urban area and green field areas such as the Lincolnshire Farm and Upper Stebbings Valley in Churton Park.

We oppose the plan change and seek therefore that the plan change be withdrawn or alternatively the hearing be suspended until the direction of the new government is clear. If this relief is not granted we make the following submission points on PC1.

Interpretation

2. Section 2 – Earthworks. The definition of earthworks has been expanded to include every imaginable activity with the exception of gardening, cultivation and installation of fence posts. This means opening a trench to install services would trigger the need for a resource consent if the area of disturbance exceeded 3000m².

We request that the original definition be retained or the definition be amended by adding activities such as service trenches and scraping a site for the purpose of determining site levels to the exclusions list.

3. Section 2 - Hydrological Control. This definition is vague and ambiguous as it refers to *'the management of a **range** of stormwater flows and volumes... .. in a way that **replicates** natural processes...'* The use of the word 'range' does not define what event or flow scenario must be attenuated or controlled and will be open to the interpretation of GW. The other requirement to 'replicate' natural processes is an overly onerous requirement and likely impossible to achieve. We request the following.
 - the definition is simplified to state the design event that must be controlled and
 - the words *' in a way that replicates natural processes'* be deleted.

Policies

4. Chapter 9.2.2 – Policy P.13. The new policy supports the associated rule that 85% of mean annual runoff volume from new impervious surfaces must be treated. This is considered to be excessive and unreasonable.

We request the policy be amended to a more reasonable volume such as 50%.

5. Chapter 9.2.2 – Policy P.14. The new policy supports the associated rule that residual stormwater contaminants must be offset with a financial contribution as per Schedule 30. This new tax is not supported and will contribute to increasing unaffordability of homes. The tax is considered to be excessive and unreasonable as discussed in our submission on Schedule 30. We request the Policy be deleted.

6. Chapter 9.2.4 – Policy P.15. The new policy seeks to avoid stormwater discharges from unplanned green field development. This policy is implemented through a new rule P.R12 that would make landowners unable to apply for a resource consent as such an activity is proposed to be prohibited. This draconian approach effectively ring-fences the City and provides an urban fence that could not be breached. Despite the statement in the policy a plan change could be sought, we consider it is very unlikely GWRC would ever support such an application. This approach flies in the face of the local authorities' responsibility to provide for their own growth. The policy is considered a back-door way of achieving a very specific and unreasonable stormwater management approach. As such we request the Policy be deleted.
7. Chapter 9.2.4 – Policy P.28. This policy relates to the discharge standards for earthworks sites and makes reference to discharge standard for turbidity to be measured using a new method of Total Suspended Solids. This test requires a laboratory to measure and cannot readily be done in the field. As such we request the Policy be amended to refer to an NTU standard.
8. Chapter 9.2.4 – Policy P.29. This policy relates to winter shutdown of earthworks. We have long argued against such a hard and fast approach to preventing earthworks during these months, as often with global warming and changes to seasons, it is entirely possible and reasonable to work into June or start in September after a dry winter. Such an approach has been in place for many years but does not work and unreasonably affects business operations. We request the policy be deleted or be amended to have more flexibility.

Rules

9. Chapter 9.3.1 – Rule P.R5 relates to new and redeveloped impervious surfaces and places an enormous and unfair burden on the reasonable use of land. The new rule is poorly written and will restrict every imaginable form of development in the City. The new rule focusses on improving water quality at any cost including the achievement of outcomes sought under other National Policy Statements, include the NPS-Urban Development that seeks to increase the supply of housing.

This rule in its current form will increase the cost of land and housing thereby resulting in a social impact for communities that GW have totally disregarded. The rule equates to another tax on development and will increase costs for everybody.

We do not support the rule and submit it should be deleted. However if it determined the rule should remain we believe it should exclude roads and the redevelopment of existing urbanised properties, and for all other activities captured there should be a higher threshold for permitted activities e.g. 4000m².

10. Chapter 9.3.1 – Rule P.R6 relates to stormwater from new green field impervious surfaces – controlled activity. See above submission points on area threshold. We consider these threshold to be too low and arbitrary. We also object to the introduction of a financial contribution to offset residual effects. This new provision

are not supported and represent an additional tax on land that will contribute to housing unaffordability. Developers already pay development contributions to local authorities for every dwelling/allotment created that uses the public stormwater system. In Lincolnshire Farm the contribution per EHU is \$19,357 and an additional tax is proposed by GWRC to the tune of \$4,599. We note the schedule also requires this tax will be based on the number of EHU's expected to be delivered which is impossible if the application relates simply to earthworks. Who will be charged with calculating this and what happens if any future development delivers less than what was calculated? Further, the tax is to be collected prior to the consent being given effect to which is unreasonable.

We therefore request this rule be deleted.

11. Chapter 9.3.1 – Rule P.R7 relates to stormwater from new and redeveloped impervious surfaces of existing urbanised areas and we submit above that this runoff should be excluded from the impervious surface rules. As such we do support the continuation of the rule through to controlled status. The relief we seek is that the rule be deleted.
12. Chapter 9.3.1 – Rule P.R10 relates to stormwater from new and redeveloped impervious surfaces of existing urbanised areas not meeting permitted or controlled standards (discretionary). We submit above that this runoff should be excluded from the impervious surface rules. As such we do support the continuation of the rule through to discretionary status. The relief we seek is that the rule be deleted.
13. Chapter 9.3.1 – Rule P.R12 relates to stormwater discharges from unplanned green field development as a prohibited activity and gives effect to Policy 15. As noted above we do not support this approach and the introduction of prohibited activity status. It is a heavy handed and one-sided approach that seeks to promote the outcomes sought by the NPS-FM and ignores the outcomes sought by the NPS-UD. In fact there is no reference whatsoever in Plan Change 1 to this NPS. We oppose prohibited activity status and consider there should always be an ability to seek a regional council consent for discharge, particularly where TA's are supporting a development in their City. We therefore seek the rule R12 be a Non-Complying Activity.
14. Chapter 9.3.4 – Rule P.R16/R17. Vegetation clearance on highest erosion risk land. We have two issues with this rule. The first is the area considered to be highest erosion risk and how these were mapped and it appears the maps were drawn based on a desktop assessment of what is probably LIDAR data and aerial photographs. For this reason it is unreliable and unsuitable for a regional plan. We request the Map be deleted. The second issue is it appears there is no limit on area so long as you are clearing pest plants. However, there is no definition of this. Clearance of non-pest plants is limited to 200m² to be a controlled activity under R17. We consider this to be too low given earthwork are permitted up to 3000m² as a permitted activity. We seek that the threshold for controlled activity status be increased to 3000m².

15. Chapter 9.3.5 – Rule P.R22 – Earthworks Permitted Activity. This rule stipulates, among other criteria, that to be a permitted activity ‘there is no discharge of sediment from earthworks’. This is a physical impossibility and we note sediment is discharged off all natural landscapes during rain as a natural process. Yet, this rule requires none. Similarly, condition (v) requires the use of ESC devices to prevent a discharge however it is impossible to achieve this and the GWRC ESC guidelines do not stipulate this outcome. We therefore seek this requirement (g) be deleted.
16. Chapter 9.3.5 – Rule P.R23 – Earthworks Restricted Discretionary. This rule gives effect to Policy 28 and makes reference to discharge standard for turbidity to be measured using a new method of Total Suspended Solids (Clause a). This test requires a laboratory to measure and cannot readily be done in the field. As such we request the rule be amended to refer to an NTU standard. The rule also refers to winter shutdown periods (Clause b) promoted through Policy 29 that we do not support as noted above. We have long argued against such a hard and fast approach to preventing earthworks during these months, as often with global warming and changes to seasons, it is entirely possible and reasonable to work into June or start in September after a dry winter. Such an approach has been in place for many years but does not work and unreasonably affects business operations. We request the policy be deleted or be amended to have more flexibility.

Schedules and Maps

17. Schedule 30 - Financial Contributions. These new provisions are not supported and represent an additional tax on land that will inevitably flow through to house prices and contribute further to unaffordability. Developers already pay development contributions to local authorities for every dwelling/allotment created that uses the public stormwater system. In Lincolnshire Farm the contribution per EHU is \$19,357 and an additional tax is proposed by GWRC to the tune of \$4,599. We note the schedule also requires this tax will be based on the number of EHU's expected to be delivered which is impossible if the application relates simply to earthworks. Who will be charged with calculating this and what happens if any future development delivers less than what was calculated? Further, the tax is to be collected prior to the consent being given effect to which is unreasonable.

We therefore request this schedule be deleted.

18. Map 87 – Unplanned Greenfield Areas – WCC. We object to the ring fencing of Wellington City and requiring any other suitable areas in the City to go through a plan change with both GWRC (to amend this map) and WCC before being able to lodge a Resource consent. It is clear the writers of the plan change have no awareness of development economics and what this Map along with Policy P.15 and Rule P.R12 will do to land values and house prices. It is simply absurd to produce such a map and include it in a public plan change. We request this map and associated policy and rule be deleted.

19. Map 91 - Highest Erosion Prone Land – We object to the inclusion of this map as it has far reaching implications and is based on a desktop assessment of what is probably LIDAR data and aerial photographs. For this reason it is unreliable and unsuitable for a regional plan. We request the Map be deleted.

We wish to speak at the hearing in support of our submission:

We would consider presenting a joint submission at the hearing with others who make a similar submission.

Yours faithfully

Best Farm Ltd & Others



Rod Halliday

Resource Management Planner

Date: 15th December 2023