



15 December 2023

HIGGINS SUBMISSION TO GREATER WELLINGTON REGIONAL COUNCIL ON THE PROPOSED PLAN CHANGE 1 TO THE NATURAL RESOURCES PLAN

To: Greater Wellington Regional Council (GWRC)

Submitter: Higgins Contractors Limited

Contact: Orla Gallagher

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- I confirm that I am authorised on behalf of Higgins Contractors Limited (Higgins) to make this submission.
- Higgins **does not wish to be heard** in support of this submission.
- Higgins will not gain a trade competition advantage through this submission. Higgins will be directly affected by adverse effects that will result if proposed Plan Change 1 (pPC1) to the Natural Resources Plan (NRP) becomes operative in its current form. These adverse effects do not relate to trade competition or the effects of trade competition.

Introduction

Higgins Contractors Limited (Higgins) acknowledges the work that Greater Wellington Regional Council (GWRC) has undertaken in the development of proposed Plan Change 1 (pPC1) to the Natural Resources Plan (NRP).

Higgins operates a well-established civil construction business across multiple sites and projects in New Zealand and Fiji. In the wider Wellington Region this has recently included the Peka Peka to Otaki Expressway, the Manuwatū Gorge Slip, and the Dowse to Petone project. Higgins operates from a branch and workshop at Ngauranga and has undertaken asphalt activities at Horokiwi, and is presently seeking to establish a new asphalt plant at the Belmont Quarry site.

Higgins is part of Fletchers Construction, a NZ construction company and subsidiary of Fletcher Building.

Higgins is fortunate to have had the opportunity to consider the practical application of pPC1 rules via a Planning Assessment prepared for the Belmont Quarry site. This has been used in part to inform this submission and it is on this basis that Higgins support and oppose certain matters, which this submission presents.

This submission seeks to clarify several matters relating to policy and subsequent rule frameworks for:

- ✧ stormwater discharges to land and water,
- ✧ stormwater from impervious surfaces, and
- ✧ stormwater from high risk industrial or trade premises.

Higgins consider the proposed policies and rules predominantly relate to discharges from larger sites or activities, such as municipal, state highway, or large urban area discharges, and does not provide alternate pathways for discharges from other sites, including smaller or industrial sites.

Higgins consider the restriction of discharges entering the local authority network, to be a double-up of existing consenting requirements for local authorities via the Stormwater Management Strategies (Phase 1 and 2) under Schedule N of the NRP. Higgins consider there should be a permitted activity pathway for discharge from any site, including industrial sites, to enter the local authority network provided discharge quality criteria are met.

Higgins consider the impervious surface rules to be too restrictive with the 1,000m² limit, and provide onerous requirements of stormwater management plans and stormwater impact assessments for smaller impervious areas, and for any impervious surface on “high risk industrial” or “trade premise” sites.

Higgins seek clarification on the definition of High Risk Industrial or Trade Premises.

Higgins supports amendments to discharge rule WH.R1 and air discharge Rule R42.

Specific submission points are presented in Table 1 below.

Table 1: Submission for Higgins Contractors Limited on pPC1 of the NRP					
Submission #	Page Number	Provision	Support/ Oppose	Comments	Relief sought
Definitions					
1.	5	Definition – High Risk Industrial or Trade Premise	Oppose in part	<p>Higgins consider the definition of a high risk industrial or trade premise (HRITP) is too vague and could lead to misinterpretation.</p> <p>The definition provides a non-exhaustive list of activities which may occur at these premises. For activities not listed, the intent of the definition appears to be if there is risk of contaminants being entrained in stormwater, then the HRITP rules are relevant.</p> <p>This definition puts too much interpretation to the applicant, and a risk of non-compliance should GWRC interpret the risk of the proposed activity differently than applicants.</p>	<p>Amend the definition of HRITP to be more specific and clearer in the intent.</p> <p>Provide exceptions for HRITPs, for example where discharges are treated via an interceptor.</p>
Objectives and Policies					
2.	68 - 69	Policy WH.P2 – Management of activities to achieve target attribute state and coastal water objectives	Oppose in part	<p>Higgins is not opposed to Policy WH.P2 in principle, and supports improvements to fresh and coastal water quality, however Higgins opposes:</p> <ul style="list-style-type: none"> the methods of regulating discharges in this policy, including limb (c), which requires extensive hydrological controls for smaller site development. limb (d) which imposes onerous requirements for stormwater management strategies or stormwater impact assessments from any network, including those from small site development. 	<p>Remove the imposition of hydrological controls under (c), or amend wording to have regard to hydrological controls, rather than the imposition of such.</p> <p>Remove the requirement of a reduction in contaminant load from stormwater network, or amend to include provisions for small site development discharges.</p>

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3.	71-72	Policy WH.P10 – Managing adverse effects of stormwater discharges	Oppose in part	Higgins is not opposed to WH.P10 in principle, and supports the management of adverse effects from stormwater discharges; however, Higgins opposes the methods of regulating these discharges, including hydrological control via limb (b) and the onerous requirements which flow into the rules for stormwater from impervious surfaces.	Amend the policy to have regard to matters (a) – (c).
4.	73-74	Policy WH.P13 – Managing stormwater network discharges through a stormwater management strategy	Oppose in part	Higgins supports the use of stormwater management strategies where they are relevant, i.e. municipal discharges, state highways, or large urban redevelopment; however, Higgins opposes stormwater management strategies and the imposition of the requirements of Schedule 31 for smaller site redevelopment, including where discharges from smaller sites temporarily enter the local authority network.	Amend Policy WH.P13 so that it relates to municipal discharges, state highway discharges, or large urban development only.
5.	74	Policy WH. P14 – Stormwater from new and redeveloped impervious surfaces	Oppose in part	Higgins support stormwater management from impervious surfaces in general; however, considers clarification is needed for Policy WH.P14. The policy text considers new or redeveloped impervious surfaces from greenfield and existing urban areas only; however, the rule framework from this policy includes all sites; thereby the intent of the policy and how this translates into the rule framework for small non-urban sites is unclear.	New policy relating to stormwater from new and impervious surfaces from industrial or commercial sites.

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Stormwater Discharge Rules					
6.	82	Rule WH.R1 – Point source discharge of contaminants: Prohibited Activity	Support	Higgins support the provision for discharge of specific contaminants, including liquid fuels, into water as a prohibited activity, unless these have been treated by an interceptor system.	No relief sought.
7.	82-83	Rule WH.R2 – Stormwater to Land: Permitted Activity	Oppose	Higgins supports the conditions for discharges to land; however, Higgins oppose the restrictions of this rule under limb (b), as discharges from smaller sites should be able to be discharged to land as a permitted activity where certain criteria is met, including via the local authority network under limb (b).	Limb (b) is removed, and that stormwater to land is permitted provided conditions (c) to (e) which ensure water quality are met.
8.	83-84	Rule WH.R3 – Stormwater from an existing individual property to surface water or coastal water: Permitted Activity	Oppose	The intent of WH.R3 is unclear. If the purpose of this rule is to improve surface water quality, then it is unclear why clause (c) limits stormwater discharges to a local stormwater network, instead of all discharges to surface water. Furthermore, it is unclear why it is a permitted activity to discharge directly to fresh or coastal water if certain water quality criteria is met, but not into these waters via the local authority network. Should stormwater discharge quality standards be met under WH.R3, Higgins consider the discharge should be allowed to enter	Limb (c) is removed, and that stormwater to water is permitted provided conditions (d) to (h) are met, which ensures the discharge does not contain contaminants, limits the concentration of suspended solid input, and achieves water quality standards to not cause listed effects beyond the zone of reasonable mixing. Higgins consider these discharges should be

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				<p>the receiving surface or coastal water via the local authority network.</p> <p>Higgins consider there should be exclusions in this rule for providing discharge to surface or coastal water which temporarily enters the local authority network.</p>	<p>permitted regardless of the method of discharge into the surface water body.</p> <p>Alternatively, the rule could be amended so that discharges which enter water via the local authority network be provided for as a permitted activity, subject to meeting the discharge quality conditions of the rule.</p>
9.	92-93	<p>Rule WH.R9 – Stormwater from a local authority or state highway network:</p> <p>Restricted Discretionary Activity</p>	Oppose	<p>The intent of Rule WH.R9 is unclear as the heading refers to stormwater from ‘local authority or state highway networks’; however, the rule text does not limit the activity to these discharges, and is inclusive of all stormwater discharges that are unable to meet WH.R2 or WH.R3.</p> <p>As WH.R9 requires a stormwater management strategy, this suggests it aligns with the discharges from a local authority or state highway network, rather than an individual stormwater discharge. The rule text appears to align to these discharges also, due to the referral to reductions in zinc and copper, elements largely associated with highways and urban municipal discharges.</p> <p>Conditions require extensive stormwater management strategies to be prepared (under Schedule 31), which we consider appropriate for large municipal or state highway discharges, but</p>	<p>Creation of a new rule to differentiate from Rule WH.R9 to manage discharges into water, which may enter the network, as a restricted discretionary activity subject to water quality conditions.</p> <p>The new RD rule should not require a stormwater management strategy, but appropriate information provided in the consent application, including monitoring, to show compliance with discharge quality limit conditions.</p>

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				<p>onerous for sites with smaller discharges that meet permitted discharge quality conditions.</p> <p>Should a stormwater management strategy not be provided (no matter how small the discharge into the network), this defaults to a non-complying activity under Rule WH.R12 for all other stormwater discharges. This provides a very restrictive framework for stormwater discharges to water, and may lead to more applications sought as non-complying activities which appears unproportionally restrictive relative to the risk from small stormwater discharges. It may also lead to applicants applying for non-complying activities which avoid the requirement for a stormwater management strategy which seems counter-intuitive to outcomes intended to be sought.</p> <p>The elements of a stormwater impact assessment appear overly onerous for small site developments which subsequently require smaller resource consent applications and supporting information. Under Schedule 29 (2), a catchment evaluation is required, and under (3), stormwater discharge calculations, which is too onerous a task for smaller site developments.</p>	Amendment of WH.R9 so that it only relates to large urban area or state highways discharges.
10.	86 - 88	Rule WH.R5 - Stormwater from new or redeveloped	Oppose	Higgins has concerns with the restrictions for impervious surfacing for individual sites, being limited to 1,000m ² as a permitted activity. Higgins consider the existing rule requirements (Rules R48/R49) for stormwater management and the 3,000m ² permitted area, is a more appropriate trigger level for consent. Higgins	Increase the amount of impervious surface area as a permitted activity, subject to discharge water quality standards as conditions.

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		impervious surfaces: Permitted Activity		consider the permitted limit of impervious surfacing should increase to 3,000m ² , or be calculated as a percentage of impervious area relative to the size of the site. This will allow for larger sites to undertake impervious surfacing on a relative scale to smaller sites. Higgins consider impervious surfaces can provide positive outcomes, for example paving an area of contaminated land to ensure contaminants do not become entrained in stormwater.	Or amend the condition to provide for a percentage of impervious area relative to the total site size, as a permitted activity.
11.	89 - 91	Rule WH.R7 - Stormwater from new or redeveloped impervious surfaces: Controlled Activity	Oppose	Higgins consider the application of this rule as a controlled activity of <u>urbanised properties</u> only, is too narrow and consider the rule should allow for impervious surfaces on any site as a controlled activity, if between 1,000 – 3,000 m ² , and subject to conditions (i.e. not from a high risk industrial trade premise).	Removed 'urbanised property' from the rule to account for impervious area between 1,000m ² – 3,000m ² as a controlled activity on any site. Higgins request a definition for 'existing urbanised area' in the NRP.
12.	93 - 94	Rule WH.R11 – Stormwater from new or redeveloped impervious surfaces:	Oppose	Higgins consider the requirement of a full stormwater impact assessment is too onerous for discharges from sites greater than 1,000 m ² , that is not an urbanised property and consider there should be allowance for a controlled or restricted discretionary activity for impervious surfaces between 1,000 – 3,000 m ² .	Create new rule to provide for discharges from new or impervious areas, other than urbanised areas, as a controlled or restricted discretionary activity, which does not require the preparation of a stormwater impact assessment.

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		Discretionary Activity			
13.	84 – 86 93 -94	Rule WH.R4 - Stormwater from an existing HRITP: Permitted Activity WH.R11: Discretionary Activity	Oppose	<p>Higgins oppose the rule pathway which leads any HRITP (WH.R4) to Rule WH.R11 as a discretionary activity, should any new impervious area be created, regardless of the area of impervious surface. The requirement to prepare a stormwater management strategy under Rule WH.R11 for any impervious surface on a HRITP is too onerous.</p> <p>The rule only provides for existing HRITP. It is unclear whether new HRITP activities would fall under this rule.</p> <p>Higgins note that impervious surfaces can often be used on HRITP to control contaminants becoming entrained in stormwater i.e. undertaking activities on contaminated land.</p>	<p>That rule WH.R4 be amended to provide for discharges from new or redeveloped impervious surfaces for a specified area, i.e. up to 3,000 m², or a new rule created as a controlled or restricted discretionary activity for new or redeveloped impervious surfaces on a HRITP.</p> <p>Clarity on new HRITP sites in this rule.</p>
Air Discharge Rules					
14.	41	Rule R42 – All other discharges:	Support	Higgins support the changes to Rule R42, as the proposed rule provides more clarity than the existing rule.	No relief sought.

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Schedules					
15.	259 - 260	Schedule 29 – Stormwater Impact Assessment	Oppose in part	Higgins support the requirement for stormwater impact assessments for large scale developments, municipal discharges, state highways, and other high risk facilities. Higgins oppose the requirements of schedule 29 for smaller site development.	That Schedule 29 be amended to only relate to large urban developments, municipal discharges, or discharges from state highway, rather than for small site development or discharges from any impervious area on a HRITP.
16.	264 - 267	Schedule 31 – Stormwater Management Strategy	Oppose in part	Higgins support stormwater quality standards; however, consider the requirements of a stormwater management plan are too onerous for smaller sites where discharge quality conditions can be met.	That schedule 31 is amended to only relate to large urban developments, municipal discharges, or discharges from state highway.

Limitations

This report has been prepared by PDP on the specific instructions of Higgins Contractors Limited for the limited purposes described in the report. PDP & Higgins accept no liability if the report is used for a different purpose or if it is used or relied on by any other person. Any such use or reliance will be solely at their own risk.

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Yours faithfully

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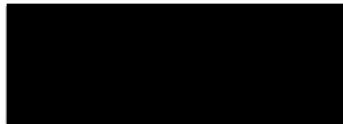
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