

## Memorandum to the Panel – Greater Wellington Regional Council Natural Resources Plan - Plan Change 1 – Hearing Stream 3

1. This memorandum is provided to the panel in response to Hearing Stream 3 for Plan Change 1 (PC1) to the Greater Wellington Regional Council (GWRC) Natural Resources Plan (NRP).

Kāinga Ora submitted in opposition to a number of provisions, particularly in relation to earthworks.

2. Kāinga Ora, in its primary submission sought a change of activity status for winter earthworks to a restricted discretionary rule framework, as well as amendments to the earthworks rules to exclude certain activities from stated controls (refer to table of summary submissions below). Kāinga Ora sought changes to Chapter 8 and 9 namely the policies and standards across Whaitua Te-Whanganui-o-tara and Te Awarua-o-Porirua Whaitua to reflect a more enabling and practical consenting environment.

*Table 1: Summary of submission Kāinga Ora submission points in relation to earthworks.*

| Submission point | Provision     | Stance | Summary of submission   |
|------------------|---------------|--------|---|
| S257.024         | Policy WH.P29 | Amend  | Kāinga Ora sought amendments to the policy to reflect the GWRC Erosion and Sediment Control Guideline.          |
| S257.025         | Policy WH.P30 | Oppose | Kāinga Ora sought to oppose the TSS policy and queried where the 100g/m <sup>3</sup> came from.                 |
| S257.026         | Policy WH.P31 | Oppose | Kāinga Ora opposed this policy due to the non-complying framework for winter earthworks this created.           |
| S257.036         | Rule WH.R23   | Oppose | Kāinga Ora opposed the rule framework as it is not practicable to control all sediment discharge from the site. |
| S257.037         | Rule WH.R24   | Oppose | Kāinga Ora sought to oppose the TSS standard and queried where the 100g/m <sup>3</sup> came from.               |
| S257.038         | Rule WH.R25   | Oppose | Kāinga Ora opposed the non-complying rule framework for winter earthworks.                                      |
| S257.052         | Policy P.27   | Amend  | Kāinga Ora sought to amendment to the policy to reflect the GWRC Erosion and Sediment Control Guideline.        |
| S257.053         | Policy P.P28  | Amend  | Kāinga Ora sought to oppose the TSS standard and queried where the 100g/m <sup>3</sup> came from.               |
| S257.054         | Policy P.P29  | Oppose | Kāinga Ora opposed thstandard and the non-complying policy for winter earthworks                                |
| S257.064         | Rule P.R22    | Oppose | Kāinga Ora opposed the rule framework as it is not practicable to control all sediment discharge from the site. |
| S257.065         | Rule P.R23    | Oppose | Kāinga Ora sought to oppose the TSS standard and queried where the 100g/m <sup>3</sup> came from.               |

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| S257.066 | Rule P.R24 | Oppose | Kāinga Ora opposed the non-complying activity status for winter earthworks |
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3. Kāinga Ora lodged further submissions in support of other submissions in relation to the earthworks policies and rules introduced through PC1 to the NRP. Kāinga Ora supported Ara Poutama Aotearoa the Department of Corrections, Civil Contractors New Zealand, Cuttriss Consultant Ltd and Woodridge Holdings Ltd, whilst opposing submissions by the Environmental Defence Society, Forest and Bird, Wellington Fish and Game Regional Council. The submissions Kāinga Ora supported were generally in support of a more enabling and practical earthworks standards as per the Kāinga Ora primary submissions.
4. Appendix 3 of the Earthworks s.42A report identifies that a significant number of submissions similar to the matters raised by Kāinga Ora have also been raised by other submitters both in support and against the provisions of PC1.
5. Kāinga Ora support the recommendation of the Earthworks s.42A report (para.73) to adopt the definition for earthworks from the National Planning Standards and to add additional criteria to the earthworks standards to expand the scope of works able to be undertaken as a permitted activity. Kāinga Ora supports this proposed change providing flexibility to the earthworks standards.
6. Kāinga Ora, as identified in the Earthworks s.42A report (para.90), submitted in support of the stabilisation definition and supported the continuity for the retention of this provision. Kāinga Ora consider that the provision of a six-month stabilisation period provides for flexibility in practice and additional scope for development.
7. The Earthworks s.42A report (p.108) identifies that a number of submissions raised concern regarding the practicality of retaining all sediment on site. Kāinga Ora support the conclusion of the Earthworks s.42A report (para.110-118) which acknowledges the inherent impracticality of achieving 100% sediment control due to topography, rainfall events and inherent failure of sediment control devices during extreme weather events. Kāinga Ora support the conclusion of the Earthworks s.42A report identifying that this would cause an unintentional need for minor discharge consents for all earthworks and as such, support the proposed changes to allow for inevitable discharge associated with uncontrolled sediment.
8. Finally, the Earthworks s.42A report (para.154-158) considered the provisions in relation to winter earthworks and the winter earthworks shut down period. Kāinga Ora support the outcome for the

deletion of the winter earthworks policies across both Whaitua, as well as the amendment to change the activity status from a non-complying activity to a restricted discretionary activity status, which provides an enabling and practical consenting regime given that efficient mitigation measures can be put in place.

9. Kāinga Ora consider that the proposed amendments within the Earthworks s.42A report appropriately reflect the changes sought by Kāinga Ora. As such, Kāinga Ora do not consider the need to be heard at Hearing Stream 3 and therefore seek leave from the panel.

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