

Further detail on the proposed variation to Plan Change 1

Since notification of Plan Change 1, we have identified a number of implementation issues relating to stormwater provisions as currently drafted. Most of these can be resolved or partially resolved through the creation of guidance documents. However, there are two issues that cannot be resolved other than through a variation, namely:

- Permitted activity rules P.R5 and WH.R5 (Stormwater from new and redeveloped impervious surfaces; and
- The collection of financial contributions

The Council decision on 26 June to pause the PC1 hearings process until there is enough confidence to proceed keeps the above notified provisions in effect for longer and prolongs these issues.

We have done our best to keep the scope of the variation as limited as possible, so as to not weaken the notified version of the plan. The variation would only be temporary in nature and will be overridden by the decisions version of the plan once that becomes operative.

The reason for this variation is purely for implementation purposes. We are getting push back regularly from plan users detailing how difficult they are and how they aren't necessarily achieving the intended outcomes.

We recognise the conditions of support (Appendix 1) for the pause of PC1 provided by Taranaki Whānui at the council meeting on 26 June and have kept these at the forefront while navigating the pause and variation. Ngāti Toa presented with Taranaki Whānui and therefore we have recognised that the conditions are from both Iwi.

We have had a hui with Ngāti Toa to go over the reasons for the variation and proposed changes to provisions and the Rūnanga were supportive of the variation. We have sent the details of the variation as well as the background context to Taranaki Whānui.

The below information provides more detail on the proposed variation:

Stormwater from new and redeveloped impervious surfaces – In the notified PC1, it is a permitted activity to discharge stormwater from new or redeveloped sites smaller than 1000m² provided the proposal has “hydrological control” measures onsite or offsite, where discharges will enter a surface waterbody (including via an existing local authority stormwater network). Hydrological control measures are defined in PC1 –

<u>Hydrological control*</u>	<u>The management of a range of stormwater flows and volumes, and the frequency and timing of those flows and volumes, from a site or sites into rivers, lakes, wetlands, springs, riparian margins, and other receiving environments in a way that replicates natural processes for the purpose of reducing bank erosion, slumping, or scour, to protect freshwater ecosystem health and well-being.</u>
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Hydrological controls required under PC1 aim to achieve water quality and ecological health objectives by using retention to replicate the natural loss of water from evaporation and transpiration.

Since notification of PC1, a number of developments ranging from 30-1000m² in impervious area are having difficulty designing to provide for hydrological control and are therefore unable to meet the permitted activity conditions and required to obtain a resource consent. This has significantly increased the number of consents being sought for small areas of redevelopment. The below situations are examples where resource consent has been required purely due to the fact that hydrological control is not possible on such small sites.

- **A retaining wall** required resource consent because the development of 44m² of new impervious surface was unable to provide for hydrological control. Note that the intent of these rules is to minimise contaminant runoff from pervious surfaces into waterbodies, and to prevent scouring and erosion of banks from high stream flows. This site was constrained by steep topography, and general nature of the activity was intended to prevent further erosion and provide hazard mitigation, there was no practicable solution to design for hydrological control.
- **A sleepout** required resource consent as it involved the creation of 47m² of impervious surfaces and the associated discharge of stormwater. The sleepout was an addition to an existing property, where the discharge of stormwater to ground or soakage was not an option due to geological constraints. The sleepout was being constructed on a steep site, where it would be impracticable to build any form of raingarden/soakage module to provide for hydrological control, and it would be impractical to require the applicant to provide for hydrological control via reuse as it would require significant replumbing of an existing house system, imposing a financial cost for very little environmental benefit.
- **Carparks:** To meet permitted activity standards, carparks exceeding 30m² to support a multiunit townhouse are required to provide hydrological control. There have been instances where infiltration/soakage is not an option due to ground conditions and therefore resource consents have been sought as other options for hydrological control (eg: raingardens and soakage modules) have not been practical given space constraints.
- **Developments with resource/building consents lodged with Territorial Authorities prior to PC1 Notification:** A significant number of consents have been through a lengthy process with territorial authorities or have been designed and lodged with territorial authorities but construction has not yet commenced. During the design phase for these projects, hydrological control for development of this scale was not required by regional council, it was not considered or provided for. These sites now require resource consent from regional council, largely because there would be significant financial cost if the applicant were to redesign and pursue/obtain variations/changes to conditions on the land use/building consents granted by the territorial authorities.
- **Petrol stations:** Petrol stations often contain 100% impervious area. The redevelopment of these surfaces requires hydrological control measures to be implemented for the discharges from the site to remain permitted. In these circumstances, reuse is not an option due to contamination, and due to poor soakage rates/infiltration across Te Whanganui a Tara, the only possible solution to provide for hydrological control at these sites would be to reduce the level of impervious surface, and design raingardens to encourage evapotranspiration. However, to enable full

hydrological control, the size of these raingardens would take up significant space, an impracticable request for an existing service station with existing stormwater treatment infrastructure in place.

Quite often in these applications the consenting team have found that the effect is so minimal that it almost cannot be considered and therefore makes it very difficult to impose resource consent conditions on the activities. In many instances, the implementation of this permitted activity rule is requiring plan users to go through expensive consenting processes for little to no gain for the environment.

The variation would be to insert “*from the date the Decisions on Submissions to Proposed Plan Change 1 for the Natural Resources Plan for the Wellington Region (2023) is publicly notified*” into the rule so that this aspect is not applied until the issue has been worked through at a future hearing and when the decisions version of the plan has come into effect. **Noting that all other conditions of these rules would still be required to be met, including stormwater contaminant treatment.**

Financial contributions:

PC1 requires consent holders creating new impervious surfaces to pay financial contributions to offset the residual adverse effects of stormwater contaminants. A financial contribution (FC) is required for all greenfield development, new roads and state highways requiring a resource consent to offset residual contaminant load from stormwater discharges entering freshwater and coastal water receiving environments to ensure the maintenance or improvement of water quality within the affected whaitua.

FCs collected will be utilised to fund and construct new, or upgrade existing, catchment scale stormwater treatment systems serving existing urban development.

The imposition of FCs has caused significant concern from the industry, and multiple consents have been issued, and will continue to be issued with consent conditions requiring financial contributions to be paid while PC1 is implemented. The Regulation team have faced difficulty implementing FCs as intended due to errors and lack of detail within the PC1 Schedule (30) supporting financial contributions, leaving plan users navigating significant uncertainty regarding consenting cost.

The level of contribution and when it is required to be paid is set out in Schedule 30 (financial contributions). Schedule 30, which states “*Financial contributions shall be imposed as a condition of consent and will be collected prior to the consent being given effect to*”.

More work is still required for GW to manage and administer FCs, including setting up new consenting and compliance measures, developing procedures to distribute funds and ensuring there is appropriate guidance in place to support resource users to understand the new obligations.

Therefore, we are proposing that FCs **still be required to be paid for developments of this nature, however the payment would be delayed until the issues have been worked through at a future hearing and when the decisions version of the plan has come into effect.** The variation is intended to provide plan users with certainty regarding the amount payable, but still

ensure financial contributions are collected and distributed to a relevant stormwater network utility operator to undertake capital expenditure projects.

The following wording is proposed to be used in the variation to allow time for the financial contributions aspect of stormwater consenting to be worked through at a future hearing.

Financial contributions shall be imposed as a condition of consent. Financial contributions imposed via conditions of consent during the period of 23 October 2023 and 1 June 2027 shall be paid no earlier than 1 June 2027, and no later than 31 December 2027. Financial Contributions imposed via a condition of consent from 02 June 2027 must be paid in accordance with the timeframes detailed within the consent condition. and will be collected prior to the consent being given effect to.