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For the Attention of the Hearings Panels for Proposed Change 1 to the Natural Resources Plan for the Wellington Region

Hearing Stream 3 - Rural land use activities, Forestry including vegetation clearance and Earthworks

Hearing Statement for Horokiwi Quarries Limited (Submitter reference 002)

Horokiwi Quarries Limited (“Horokiwi”) writes in relation to Proposed Change 1 to the Natural Resource Plan (“NRP”) for the Wellington Region relating to Hearing Stream 3 - Rural land use activities, Forestry including vegetation clearance and Earthworks, commencing on 19 May 2025.

Horokiwi lodged a number of original submission points pertaining to Hearing Stream 3 on the topics of Earthworks and Vegetation clearance, the majority of which have been accepted in full or in part.

Given the favourable S42A Report recommendations, Horokiwi has not requested to be heard or filed evidence. That said, Horokiwi is available to respond to any questions the Hearings Panel may have. For completeness Horokiwi records its position in respect of the relevant matters in the attached table. All the recommendations are accepted or supported, but three confined amendments are sought to the officer recommended policies WH.P29 and WH.P30 and rule WH.R24 as follows (shown in blue text). The reasoning is provided further below within this statement:

Policy WH. P29

(e) minimising works required during the close down period (from 1st June to 30th September each year) managing earthworks during 1st June to 30th September in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021).

Policy WH. P30

(c) be monitored by a suitably qualified or trained person, and the results reported to the Wellington Regional Council.

Rule WH. R24

(b) Except for quarrying activities, earthworks shall not occur between 1st June and 30th September in any year where works are located within a Part Freshwater Management Unit where the target attribute state for suspended fine sediment in Table 8.4 is not met,

To assist the panel in understanding the nature of Horokiwi's submission points, the following provides a summary of the relief sought and the recommendations:

Earthworks

Definition of Earthworks (Submission point S002.009)

Although the submission point is rejected in the S42A Report, on the basis of other recommended changes (being changes to the policies and rules), the S42A recommendation is accepted.

Policy WH.P29: Management of earthworks (Submission point S002.025)

The majority of the S42A Report recommendation to amend the policy is accepted. However, notwithstanding the general acceptance, Horokiwi does not support the officer recommended new clause (e)¹ which refers to 'close down period' as that terminology is carried over from the notified provisions and infers an automatic shut down period which is not appropriate in context of the officer S42A recommended rule and policy framework. The GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021), which is referenced in clause (a) of the policy provides consideration of earthworks undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline). On this basis, clause (e) is not considered necessary. Horokiwi would support deletion of the clause (e) or amendment as follows:

(e) minimising works required during the close down period (from 1st June to 30th September each year) managing earthworks during 1st June to 30th September in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021).

Policy WH.P30: Discharge standard for earthworks (Submission point S002.026)

The S42A recommendation to amend clause a) is accepted. However, Horokiwi remains supportive of the sought amendment to clause c), noting that the clause is worded as a standard which is not appropriate within a policy. It is not clear what happens if the policy is not complied with. The sought change in wording from 'suitably qualified person' to 'suitably trained person' is not discussed in the S42A Report. The amended text sought is as follows:

(c) be monitored by a suitably qualified or trained person, and the results reported to the Wellington Regional Council.

Policy WH.P31: Winter shut down of Earthworks (Submission point S002.027)

The S42A recommended deletion of the winter shut down policy is supported.

Rule WH.R23: Earthworks – permitted activity (Submission point S002.037)

The S42A recommendation is supported and reflects the relief sought in the Horokiwi submission.

¹ *(e) minimising works required during the close down period (from 1st June to 30th September each year)*

Rule WH.R24: Earthworks – restricted discretionary activity (Submission point S002.038)

On the basis of the S42A recommended amendment for the change in activity status in WH.R25, the S42A recommendation on WH.R24 is largely supported and in part reflects the relief sought in the Horokiwi submission. However, an amendment is sought to condition (b) to recognise quarrying activities which by their nature, are unable to avoid earthworks in the winter months. Recommended wording (so relief to similar effect) is as follows (shown in blue text):

(b) Except for quarrying activities, earthworks shall not occur between 1st June and 30th September in any year where works are located within a Part Freshwater Management Unit where the target attribute state for suspended fine sediment in Table 8.4 is not met,

Rule WH.R25: Earthworks – non-complying activity (Submission point S002.039)

The S42A recommendation to amend the activity status from a non-complying activity to a discretionary activity is supported.

High erosion risk land and associated vegetation clearance rules

Definition of Highest erosion risk land (pasture), Highest erosion risk land (woody vegetation), Highest erosion risk land (plantation forestry) and associated maps (Submission point S002.011)

The S42A recommendation for the deletion of the three erosion risk land definitions (pasture, woody vegetation and plantation forestry) and associated maps, and retention of the operative definition of "erosion prone land" (being *Erosion prone land: The pre-existing slope of the land exceeds 20 degrees*), is supported as it will assist in providing plan certainty and interpretation clarity.

Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity (Submission point S002.034)

In combination with the recommendation to delete the mapping and various definitions of Erosion risk land, the S42A recommended replacement of WH.R17 with the operative NRP plan rule is supported.

Rule WH.R18: Vegetation clearance on highest erosion risk land – controlled activity (Submission point S002.035)

On the basis the S42A recommended rule framework reflects the operative NRP provisions, the recommended deletion of WH.R18 is supported.

Rule WH.R19: Vegetation clearance – discretionary activity (Submission point S002.036)

The S42A recommendation is supported noting the activity status or substance of the rule has not been amended, rather the recommended wording/framing of the rule reflects Rule 107 of the operative plan.

Horokiwi respectfully requests that this letter be tabled for the Panel's consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations.

Should you require clarification of any matter, please contact Pauline Whitney at Boffa Miskell Ltd (04 901 4290), or on the following email: pauline.whitney@boffamiskell.co.nz

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Whitney', with a large, stylized initial 'P'.

Pauline Whitney

Senior Planner/Senior Principal

BOFFA MISKELL LTD

Specific plan provision as notified	Sub Point	Horokiwi Submission – Relief sought and reasoning	S42A Report recommendation	Response to S42A recommendation
Section 2.2 Definitions				
Earthworks	S2.009	<p>Relief sought: Amend the definition of "Earthworks" as follows: Earthworks For Whaitua Te Whanganui-a-Tara and Te Awarua-oPorirua 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. Earthworks do not include: <u>(a) cultivation of the soil for the establishment of crops or pasture, or</u> <u>(b) the harvesting of crops, or</u> <u>(c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, or</u> <u>(d) the construction, repair, upgrade or maintenance of:</u> <u>(i) pipelines, or</u> <u>(ii) electricity lines and their support structures, including the National Grid, or</u> <u>(iii) telecommunication structures or lines, or</u> <u>(iv) radio communication structures, or</u> <u>(v) firebreaks or fence lines, or</u> <u>(vi) a bore or geotechnical investigation bore, or</u> <u>(e) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, or</u> <u>(f) maintenance of orchards and shelterbelts, or</u> <u>(g) domestic gardening, or</u> <u>(h) repair, sealing or resealing of a road, footpath, driveway, or</u> <u>(i) discharge of cleanfill material to a cleanfill area</u> 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 or (b) the harvesting of crops, and or (c) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and or (d) the construction, repair, upgrade or maintenance of: (vii) pipelines, and or (viii) electricity lines and their support structures, including the National Grid, and or (ix) telecommunication structures or lines, and or (x) radio communication structures, and or (xi) firebreaks or fence lines, and or (xii) a bore or geotechnical investigation bore, and or (e) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft, and or (f) maintenance of orchards and shelterbelts, and or (g) domestic gardening, and or (h) repair, sealing or resealing of a road, footpath, driveway, and or (i) discharge of cleanfill material to a cleanfill area Reasoning:</p>	<p>Recommendation: Reject Reasoning: 69. Submissions have identified that due to the removal of these exclusions from the earthworks definition, the following activities are now likely to require a resource consent to continue due to the linear nature of the activity, or requirement for regular maintenance: • repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft • repair, sealing or resealing of a road, footpath, driveways • thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance • the construction, repair, upgrade or maintenance of pipelines, electricity lines and their support structures, telecommunication structures or lines, radio communication structures. 72. I believe the incorporation of the earthwork's definition from the National Planning Standards has had an unintended impact on the ability for the above activities to be carried out as permitted activities. These activities are linear in nature and often expand over multiple properties, therefore are unlikely able to meet the permitted activity rule for earthworks within these Whaitua. 73. These submissions seek for the exclusions to be reinstated into the earthwork's definition. I believe the definition proposed in PC1 is suitable, and the result sought by these submissions can be addressed with the insertion of a new permitted activity rule to allow these activities to continue subject to conditions. I therefore recommend these submissions are accepted in part and the new permitted activity rule below is recommended to address these submissions. Amended Plan Provision: Insert new rules WH.R23A as follows: <u>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, associated with:</u> (a) <u>thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and</u> (b) <u>the construction, repair, upgrade or maintenance of:</u> (i) <u>pipelines, and</u> (ii) <u>electricity lines and their support structures, including the National Grid, and</u> (iii) <u>telecommunication structures or lines, and</u> (iv) <u>radio communication structures, and</u> (v) <u>firebreaks or fence lines, and</u> (c) <u>repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft;</u> <u>is a permitted activity provided the following conditions are met:</u> (a) <u>the earthworks shall not occur within 5m of a surface water body or the coastal marine area, and</u> (b) <u>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</u> (c) <u>the area of earthworks must be stabilised within six months after completion of the earthworks, and</u> (d) <u>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 erosion and sediment control measures</u></p>	<p>Although the submission point is rejected, on the basis of other recommended changes, the recommendation is accepted. Notwithstanding the support, it is proposed the 'and' at the end of clauses (a), and the sub clauses within (b) should be deleted to reflect the activities are not conjunctive.</p>

Specific plan provision as notified	Sub Point	Horokiwi Submission – Relief sought and reasoning	S42A Report recommendation	Response to S42A recommendation
		Requests the definition for Whaitua Te Whanganuia-Tara and Te Awarua-o-Porirua Whaitua include the full list of exemptions provided in the existing definition of earthworks, noting amendments are sought to clarify that the exclusions are disjunctivethrough the use of 'or'. Supports the clarification provided to exemption clause (i) of the existing definition.	<u>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.</u> Amended Plan Provision: No (in context of the relief sought in the submission)	
Highest erosion risk land (pasture) Highest erosion risk land (woody vegetation) Highest erosion risk land (plantation forestry)	S2.011	Relief sought: Update all the mapping (pasture, woody vegetation and plantation forestry) with accurate and evidence-based mapping, or delete definitions and retain existing definition of "erosion prone land" as shown below: Erosion prone land The pre-existing slope of the land exceeds 20 degrees. Should the definitions be retained, the submitter seeks that those definitions are subject to the Part 1 Schedule 1 Process and not the Freshwater Planning Process. Reasoning: Opposes the mapping associated with these definitions, and in particular the "high erosion risk land (woody vegetation)" which is referenced in rules. The submitter demonstrates how the mapping is applied to their site in the raw submission Concerned the mapping is too high level and has not been substantiated. States that it is unclear how this mapping has been based, or whether it has been trothed. For example, the mapping of "Highest erosion risk land (Woody vegetation)" includes many small areas of identified land that are incohesive (the size of each individual square identified in the maps is 5m by 5m). The submitter questions the value of regulating small, incohesive areas of woody vegetation, given that the controlled activity threshold for vegetation clearance is 200m2. To ensure that the maps (and the rules for vegetation removal) are efficient to administer and effective at achieving their intended outcome, the submitter considers that the maps should be amended to only identify cohesive areas of woody vegetation, and remove incohesive or isolated areas. For consistency with the rules, isolated areas smaller than 200m2 should be removed from the maps. The submitter appreciates that this approach seeks to nuance the existing definition of 'erosion-prone land' in the operative plan which simply is defined by the slope of the land. However, the submitter considers that until GWRC has undertaken a robust vegetation and land instability mapping exercise, the former approach should be retained. Opposes notifying these definitions as part of the Freshwater Planning Process as the definition and associated rules relate to soil conservation and not freshwater. The submitter also notes that this would be inconsistent with the approach taken to the overarching objective and policy (derived from S2 of the RMA) of the Proposed Change 1 Regional Policy Statement, which have been confirmed by GWRC officers as subject to the Schedule 1 Process.	Recommendation: Accept in part Reasoning: 309. 67 submission points and 62 further submission points are made on the approach to mapping/identifying erosion risk. 375.As I set out in section 3.9, I propose that the erosion maps be: a) simplified (so there is one consolidated map for each Whaitua and one 'level' of risk only identified), b) characterised (and renamed) as areas of potential erosion risk; and c) used as a guide for on-farm assessment (rather than be used in a strict pass/fail sense). 376.In that respect I agree with WFF that the definition should be deleted. However, I consider that a new definition of 'potential erosion risk land' be added as discussed below. Amended Plan Provision: Delete the definition of Highest erosion risk land (pasture), and Highest erosion risk land (woody vegetation) and Highest erosion risk land (plantation forestry) insert a new definition as follows: <u>Potential erosion risk land</u> <u>Land shown on Map 90 and Map 93 and as Potential erosion risk land (Pasture); Potential erosion risk land (Woody Vegetation); or Potential erosion risk land (Forestry)</u> Delete individual maps and combine into two maps 90 and 93 "Potential erosion risk land".	The deletion of the three definitions (and associated maps) are supported as it will assist in providing plan certainty and interpretation clarity. The S42A recommended definition of 'Potential erosion risk land' (and recommended new maps) will use the mapping as a trigger/guide to identify areas where more site-specific assessment might be necessary as part of a farm plan development process rather than to direct where a specific action is required. The maps and definitions will therefore have no application to quarry activities. This approach (and recommendation) is supported.
Section 8.2.4 Rural land use and earthworks (Whaitua Te Whanganui-a-Tara)				
Policy WH.P29: Management of earthworks	S2.025	Relief sought: Amend Policy WH.P29 as follows: Policy WH.P29: Management of earthworks The risk adverse effects of sediment discharges from earthworks shall be managed by: (a) requiring retention of soil and sediment on the land undertaking earthworks in accordance with using good management practices for erosion and sediment control measures that are appropriate to the scale and nature of the activity, and in general accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region(2021), for the duration of the land disturbance , and (b) limiting where practicable , 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 Reasoning: Supports in principle but seeks amendments to this policy to clarify its intent and practicability as described below.	Recommendation: Accept in part Reasoning: 121.I recommend that the "Management of Earthworks Sites" Policies WH.P29 and P.P27 are amended to refer to "uncontrolled" soil, to provide for any associated discharge of sediment in relation to earthworks activities and clarify that these policies refer to the uncontrolled loss of soil, and not those remaining in discharges following appropriate treatment via erosion sediment control devices. These amendments will also ensure that all discharges associated with earthworks activities are managed under the earthworks rule framework. 123.I also recommend that the word "risk" should be replaced with "adverse effects" in the chapeau in Policy WH.P29 and P.P27, on the basis that resource management policies should seek to manage actual and potential adverse effects of an activity, as opposed to risks generally. 125.I recommend amending policies Policy WH.P29 and P.P27 to manage discharges to surface water bodies including via "an existing or new stormwater network" to ensure that discharges are being regulated in accordance with S15 of the RMA. 166.I have also recommended amendments to the Management of earthworks policies WH.P29 and P.P27 to require that the adverse effects of sediment discharges from earthworks shall be managed by also 'minimising works required during the close-down period (from 1st June to 30th September each year)' to provide policy direction for the amendments to these rules.	The majority of the recommendation is accepted. However, notwithstanding the general acceptance, Horokiwi does not support the officer recommended new clause (e) which refers to 'close down period' as that terminology is carried over from the notified provisions and infers an automatic shutdown period which is not appropriate in context of the officer S42A recommended rule and policy framework. The GWRC Erosion and

Specific plan provision as notified	Sub Point	Horokiwi Submission – Relief sought and reasoning	S42A Report recommendation	Response to S42A recommendation
		<p>Firstly, Horokiwi considers the word “risk” should be replaced with “adverse effects” in the chapeau, on the basis that resource management policies should seek to manage actual or potential adverse effects of an activity, rather than risks generally.</p> <p>Secondly, the requirement to retain soil and sediment on site under clause (a) does not recognise that soil and sediment may need to be removed from site in a controlled manner (for example, to a cleanfill area). Thirdly, Horokiwi considers that clause (b) should be qualified with “where practicable” to recognise that any limits placed on land disturbance should be reasonable and proportionate, particularly in the context of the good management practices already required by clause (a).</p>	<p>Amended Plan Provision: The risk <u>adverse effects</u> of sediment discharges from earthworks shall be managed by:</p> <ul style="list-style-type: none"> (a) requiring retention of <u>uncontrolled</u> 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., <u>and</u> (e) <u>minimising works required during the close down period (from 1st June to 30th September each year)</u> 	<p>Sediment Control Guideline for the Wellington Region (2021), which is referenced in clause (a) of the policy provides consideration of earthworks undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline). On this basis, clause (e) is not considered necessary. Horokiwi would support deletion of the clause (e) or amendment as follows: (e) <u>minimising works required during the close down period (from 1st June to 30th September each year) managing earthworks during 1st June to 30th September in accordance with the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021).</u></p>
<p>Policy WH.P30: Discharge standard for earthworks</p>	<p>S2.026</p>	<p>Relief sought: Amend Policy WH.P30 as follows: Policy WH.P30: Discharge standard for earthworks The discharge of sediment from earthworks over an area greater than 3,000m² shall: (a) not exceed 100g/m³ at the point of discharge where the discharge is to a surface water body, or coastal water, stormwater network or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m³, 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) be managed using good management practices in accordance with the GWRC Erosion and Sediment Control Guidelines for the Wellington Region (2021), to achieve the discharge standard in (a), and (c) <u>where required</u>, be monitored by a suitably qualified <u>or trained person</u>, and the results reported to the Wellington Regional Council. Reasoning: Requests policy is changed to refer to discharges to natural receiving waterbodies rather than to “an existing or new stormwater network” and “artificial watercourse”. Considers the requirement under clause (c) to have a “suitably qualified person” monitor the discharge is not practicable in all circumstances and will result in an unreasonable cost burden on consent holders. Seeks that the clause is amended to provide some discretion and to also provide for a “suitably trained person” rather than a qualified individual.</p>	<p>Recommendation: Reject Reasoning: 118.I also acknowledge the submissions by Winstone Aggregates [S206.075] which raises concern regarding the wording of policies and WH.P30 and P.P28 which refers to discharges to “an existing or new stormwater network” and “artificial watercourse” as a receiving environment. The submitted considers the policy can only regulate discharges where they enter “water”, in accordance with RMA s15, and that water within a stormwater network is not subject to Regional Council jurisdiction and therefore seeks for this to be deleted from the policies. This policy should refer to discharges ‘via’ an existing or new stormwater network”. I have recommended changes to the policy to reflect this. I therefor recommend accepting these submissions in part. 150.I recommend that Policies WH.P30 and P.P28 are amended to provide a discharge standard with NTU as a unit of measure to ensure the policy is implementable to those undertaking such activities. There is no discussion regarding the relief sought to clause c). Amended Plan Provision: Policy WH.P30: Discharge standard for earthworks The discharge of sediment from earthworks over an area greater than 3,000m² shall: (a) not exceed 100g/m³ <u>170 Nephelometric Turbidity Units (NTU)</u> at the point of discharge where the discharge is to a surface water body, coastal water, <u>(including via a stormwater network)</u> or to an artificial watercourse, except that when the discharge is to a river with background total suspended solids that exceed 100g/m³, 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</p>	<p>The recommendation to amend clause a) is accepted. Horokiwi remains supportive of the sought amendment to cause c), noting that the clause is worded as a standard which is not appropriate within a policy. It is not clear what happens if the policy is not complied with. The sought change in wording from ‘suitably qualified person’ to ‘suitably trained person’ is not discussed in the S42A Report. The amended text sought is as follows: (c) <u>be monitored by a suitably qualified or trained person, and the results reported to the Wellington Regional Council.</u></p>

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			<p>(b) be managed using good management practices in accordance with the GWRC Erosion and Sediment Control Guidelines for the Wellington Region (2021), to achieve the discharge standard in (a), and</p> <p>(c) be monitored by a suitably qualified person, and the results reported to the Wellington Regional Council.</p>	
<p>Policy WH.P31: Winter shut down of Earthworks</p>	<p>S2.027</p>	<p>Relief sought: Delete the policy. Earthworks over 3,000m² 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). Reasoning: Opposes policy in its entirety. Considers the requirement for all earthworks over 3,000m² to be shut down over the winter months is inappropriate, as it does not recognise circumstances where earthworks need to occur over those months, including quarrying activities, and is not supported by sufficient evidence Considers that in instances where earthworks are unavoidable during winter, careful management can be undertaken in a manner that avoids, remedies, or mitigates adverse effects on land stability and runoff. Considers that as the GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021) provides a pathway for earthworks to be undertaken during the winter months subject to careful management (refer specifically to section G5.0 of the guideline), a pathway should remain available to applicants through the consent process. Considers Section 32 Evaluation justification to be very limited, other than the climatic characteristics of the winter months being more likely to cause increased sediment discharges. Questions this assumption as rainfall events that would cause uncontrolled releases of sediment can occur at any time of the year, and will only increase with the effects of climate change.</p>	<p>Recommendation: Accept Reasoning: 159.I also acknowledge the submissions of Horokiwi Quarries Limited [S2.038] and Winstone Aggregates [S206.060] which consider that Policies WH.P31 and P.P29 (Winter Shut down of Earthworks) and Rules WH.R24 and P.R23 do not account for quarrying activities which are required to undertake earthworks year round to enable them to operate. Both Submitters seek a discretionary activity status for works undertaken outside of the winter shut down period. 160.PC1 as notified, requires any earthworks over 3000m² being undertaken between 1 st June to 30th September to obtain resource consent as a non-complying activity under WH.R25 and P.R24 “Earthworks – non complying”. This activity status indicates that earthworks undertaken outside of this period are considered to have a high level of potential adverse effects. 161.I am of the opinion that earthworks activities that are unable to meet the requirements of the Rules WH.R24 and P.R23, may still be managed in a way in which the effects are less than minor, particularly through a winter works certification process such as that currently used to manage earthworks activities during this period under the NRP, where necessary. I consider a discretionary activity status is more appropriate for earthworks unable to meet the restricted discretionary rule than non-complying activity status and therefore recommend accepting this submissions and relief sought by Winstone Aggregates and Horokiwi Quarries Limited. Amended Plan Provision: Policy WH.P31 is deleted. Earthworks over 3,000m² 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).</p>	<p>The recommendation to delete the policy is supported and reflects the relief sought in the Horokiwi submission. A policy requiring all earthworks over 3,000m² to be shut down over the winter months is inappropriate, as it does not recognise that there may be circumstances where earthworks need to occur over those months, including quarrying activities, and there is little evidence to support its direction. The GWRC Erosion and Sediment Control Guideline for the Wellington Region (2021), which is referred to in the policy, provides a pathway for earthworks to be undertaken during the winter months subject to careful management.</p>
<p>Section 8.3.4 Land uses (Whaitua Te Whanganui-a-Tara)</p>				
<p>Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity.</p>	<p>S2.034</p>	<p>Relief sought: Review mapping and definition of "erosion prone land". Consider Rule WH.R17 under a Part 1 Schedule 1 process. Amend Rule WH.R17 as follows: Rule WH.R17: Vegetation clearance on highest erosion risk land – permitted activity Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body is a permitted activity provided the following conditions are met: (a) the vegetation clearance is: (i) to implement an action in the erosion risk treatment plan for the farm, or (ii) (ii) for the control of pest plants, <u>or</u> (iii) <u>no more than 200 m² per property of vegetation clearance on highest erosion risk land (woody vegetation) in any consecutive 12-month period, and</u> (b) debris from the vegetation clearance is not placed where it can enter a surface water body. Reasoning: Should the definition and mapping be retained, the submitter considers that the rule is limiting in that it does not allow for any vegetation clearance of the specified land for most land uses.</p>	<p>Recommendation: Accept in part Reasoning: 84. Ara Poutama38 , Transpower39, Horokiwi Quarries 40, Winstone Aggregates41 , Cannon Point42 , Kāinga Ora43 and Forest & Bird44 seek changes to rules WH.R17 and/or P.R16 to provide a clear threshold for vegetation clearance that can occur as a permitted activity and to avoid vegetation clearance less than that threshold becoming an innominate activity (activity without a specific rule) and therefore discretionary. Transpower also consider that it is unclear how the area of vegetation clearance is to be calculated. Based on Rules WH.R18 and P.R17 requiring vegetation clearance over 200m² to be considered a controlled activity, some of these submitters have assessed that WH.R17 and P.R16 allows for vegetation clearance up to 200m² as a permitted activity and if this is the case Winstone Aggregates, Cannon Point and Best Farm & Others 45 consider the threshold of 200m² is too low. 85. In response to concerns about the area threshold that applies to WH.R17 and P.R16, my understanding from Council officers is that the intent of these rules was that vegetation clearance associated with implementing an action in an erosion risk treatment plan for the farm or for pest plant control were to have no area restrictions applied to them. This was because of the generally small scale of these activities and the benefits of clearance in these circumstances being seen to outweigh the potential adverse effects of the vegetation clearance. I also understand the intent of making vegetation clearance to implement an action in the erosion risk treatment plan for the farm a permitted activity in PC1 was to mirror Rule R105 of the NRP, which provided for vegetation clearance as a permitted activity</p>	<p>In combination with the recommendation to delete the mapping and various definition of Erosion risk land, the replacement of WH.R17 with the operative NRP plan rule is supported. Based on the Section 32 Evaluation, there are no apparent implementation issues associated with the operative rule framework.</p>

Specific plan provision as notified	Sub Point	Horokiwi Submission – Relief sought and reasoning	S42A Report recommendation	Response to S42A recommendation
		<p>Considers the existing approach of managing erosion-prone land under Rule R104 -R107 of the NRP is more fit for purpose. Also, based on the Section 32 Evaluation, there are no apparent implementation issues associated with the existing rule framework.</p> <p>While the submitter's preference is that the existing rules of the operative plan are retained, should the proposed rules remain, they seek that the permitted rule provides for additional clearance of up to 200 m2 to avoid clearance of less than 200m2 becoming an innominate activity (and therefore discretionary).</p> <p>Opposes that the rule is subject to the Freshwater Planning Process as the rule relates to erosion and soil conservation, rather than specifically freshwater. Considers this to be inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considered those under the Schedule 1 process.</p>	<p>where it was expressly allowed by a certified Freshwater Farm Plan under s217G of the RMA, in recognition that Freshwater Farm Plans may take a different form in future. Subject to my recommended amendments to Rules WH.R17 and P.R16, to clarify the situations in which no restriction on the area of vegetation clearance for pest plant control would be appropriate, I agree with the intent of having no area restriction for these activities. My recommended amendments make it clear what activities are covered by the permitted activity rules and the area thresholds that apply and therefore I recommend these submissions be accepted in part. Concerns about the appropriateness of the vegetation clearance thresholds for activities that do not fall within the scope of the permitted activity rules are discussed in my analysis on Rules WH.R18 and P.R17.</p> <p>Amended Plan Provision: Delete rule WH.R17 and replace with the permitted rules 105 and 105 from the operative NPR, as follows: <u>The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from vegetation clearance on erosion prone land is a permitted activity where:</u> <u>(a) The vegetation clearance does not exceed a total area of 2ha per property per 12 month period on erosion prone land; and</u> <u>i. any soil or debris from the vegetation clearance is not placed where it can enter a surface water body or the coastal marine area, and</u> <u>ii. any soil disturbances associated with the vegetation clearance shall not after the zone of reasonable mixing, result in any of the following effects in receiving waters:</u> <u>1) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or</u> <u>2) any conspicuous change in colour or visual clarity, or</u> <u>3) any emission of objectionable odour, or</u> <u>4) the rendering of fresh water unsuitable for consumption by animals, or</u> <u>5) any significant effect on aquatic life, and iii. vegetation clearance shall not occur within 5m of a surface water body except for vegetation clearance undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139.</u> <u>Or</u> <u>(b) The vegetation clearance is to implement an action in the erosion risk treatment plan for the farm, where no area limit shall apply, or</u> <u>(c) The vegetation clearance is for the control of pest plants (as listed in Table 1 and Appendix 2 of the Greater Wellington Regional Pest Management Strategy 2019- 2039) or removal of plants and plant material infected by unwanted organisms, carried out as directed by a person authorised under the Biosecurity Act 1993, where no area limit shall apply.</u> <u>And in the case of (b) and (c):</u> <u>(d) debris from the vegetation clearance is not placed where it can enter a surface water body.</u></p>	
<p>Rule WH.R18: Vegetation clearance on highest erosion risk land – controlled activity</p>	<p>S2.035</p>	<p>Relief sought: Review mapping and definition of "erosion prone land". Consider Rule WH.R18 under a Part 1 Schedule 1 process. Retain a controlled activity rule for vegetation clearance greater than 200 m2 over high erosion risk land. Clarify how the 200m2 will be calculated.</p> <p>Reasoning: Supports Rule WH.R18 in principle but considers this rule could be anticipated to capture the majority of vegetation clearance applications sought, where the permitted rule is not met. Clarification is sought as to how the 200m2 is calculated - is it the actual and cumulative area of identified woody vegetation or on a site that contains an area of woody vegetation? Opposes subjecting the rule to the Freshwater Planning Process as the rule relates to erosion and soil conservation, rather than specifically freshwater. Considers this to be inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considered those under the Schedule 1 process.</p>	<p>Recommendation: Accept in part Reasoning: 104.Horokiwi Quarries⁷⁰ and Winstone Aggregates⁷¹ generally support controlled activity status for vegetation clearance that does not comply with the permitted activity conditions and seek controlled activity status is retained. I am effectively recommending reinstatement of the operative NRP rules by re-writing them into PC1, which means the default activity status where vegetation clearance cannot meet permitted activity standards will be discretionary, unless the vegetation clearance is associated with a renewable energy generation activity, where it will be restricted discretionary. I recommend these submissions be accepted in part, noting the relief sought by these submitters is broader than just this matter.</p> <p>Amended Plan Provision: Delete WH.R18 and P.R17 and replace with R105 (Freshwater Mgt plans) and R106 (REG) from the Operative NRP.</p>	<p>The deletion of the controlled rule and placement with the operative NRP rule for REG means that any activity not able to comply with WH.R.17 becomes a discretionary activity under WH.R19. On the basis the recommended rule framework reflects that in the operative NRP provisions, the recommendation is supported.</p>

Specific plan provision as notified	Sub Point	Horokiwi Submission – Relief sought and reasoning	S42A Report recommendation	Response to S42A recommendation
Rule WH.R19: Vegetation clearance – discretionary activity	S2.036	<p>Relief sought: Review mapping and definition of "erosion prone land". Consider Rule WH.R19 under a Part 1 Schedule 1 process.</p> <p>Reasoning: Depending on the outcome of other submission points, the submitter is neutral on rule WH.R19. Opposes subjecting the rule to the Freshwater Planning Process as the rule relates to erosion and soil conservation, rather than specifically freshwater. Considers this to be inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considered those under the Schedule 1 process.</p>	<p>Recommendation: Accept in part</p> <p>Reasoning: 126. Transpower⁹⁹, Horokiwi Quarries¹⁰⁰ and Winstone Aggregates¹⁰¹ are neutral on Rules WH.R19 and P.R18, and Cannon Point¹⁰² supports WH.R19, subject to their relief sought for permitted and controlled vegetation clearance rules being granted. WFF¹⁰³ seek the deletion of Rules WH.R19 and P.R18 and retention of the operative NRP rules. 127. I have considered the submissions and the relief sought by the above submitters alongside the evidence of Dr Greer and the best available information. For the reasons I have outlined in paragraphs 111 to 115, I recommend amendments to Rules WH.R19 and P.R18, to mirror Rule R107 of the NRP, insofar as it applies to vegetation clearance. Accordingly, I recommend the submissions from WFF be accepted and the submissions from Transpower, Horokiwi Quarries, Winstone Aggregates and Cannon Point be accepted in part, as my recommended amendments at least partially achieve the relief sought by these submitters.</p> <p>Amended Plan Provision: Amend the rule as follows: Rule WH.R19: Vegetation clearance – discretionary activity Vegetation clearance on highest erosion risk land (woody vegetation) and any associated discharge of sediment to a surface water body that does not comply with one or more of the conditions of Rule WH.R17 or Rule WH.R18 is a discretionary activity. The use of land, and the associated discharge of sediment into water or onto or into land where it may enter water from vegetation clearance on erosion prone land that is not permitted by Rule WH.R17 and not restricted discretionary under Rule WH.R18 is a discretionary activity.</p>	<p>The submission point is accepted noting the activity status or substance of the rule has not been amended, rather the recommended wording/framing of the rule reflects Rule 107 of the operative plan.</p>
Section 8.2.5 Earthworks (Whaitua Te Whanganui-a-Tara)				
Rule WH.R23: Earthworks – permitted activity	S2.037	<p>Relief sought: Consider Rule WH.R23 under a Part 1 Schedule 1 process. Amend Rule WH.R23 as follows: Rule WH.R23: Earthworks - permitted 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 waterbody or coastal water, including from a stormwater network, 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 3,000m² per property in any consecutive 12-month period, and (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 (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 (f) the area of earthworks must be stabilised within six months after completion of the earthworks, and (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 (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.</p> <p>Note Earthworks management guidance is available within the Greater Wellington Regional Council, Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region (2021).</p> <p>Reasoning: Considers the use of "and" at the end of condition (b) excludes all earthworks that are not related to implementing farm erosion risk treatment plans or farm environmental plans from the permitted activity rule. As a result, all other earthworks, regardless of size or whether they meet conditions (c) to (h) will be a restricted discretionary activity under rule WH.R24.</p>	<p>Recommendation: Accept in part</p> <p>Reasoning: 111. As a consequence of not allowing any discharge from earthworks activities undertaken as a permitted activity, the inevitable discharges of sediment associated with earthworks are unintendedly assessed under R91 of the NRP (Minor Discharges). This rule permits 100g/m³ of suspended solids to freshwater. I note that this is an unintended consequence of the PC1 provisions, as they were drafted intentionally to disallow any discharges from small earthworks sites as a mechanism for reducing total suspended sediment from entering surface water bodies. 112. I recommend accepting these submissions and relief sought by inserting the wording "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" into the chapeau of rules WH.R23 and P.R22.</p> <p>Amended Plan Provision: Amend Rule WH.R23: Earthworks – permitted activity as follows: 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, 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 3,000m² 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</p>	<p>The recommendation is supported and reflects the relief sought in the Horokiwi submission.</p> <ul style="list-style-type: none"> It is noted the numbering and the and/or at the end of clause (b), has been changed through the Clause 16 correction to the notified version.

Specific plan provision as notified	Sub Point	Horokiwi Submission – Relief sought and reasoning	S42A Report recommendation	Response to S42A recommendation
		<p>Considers it is not efficient or effective to require resource consent for all earthworks, regardless of scale. Nor does it appear to be consistent with policies WH.P30 and WH.P31, which emphasise controlling earthworks over 3,000m2.</p> <p>The submitter notes that the inclusion of associated discharges to water is necessary to ensure the rule relates to a regional function. Without doing so, this rule would simply be regulating land use which is a territorial authority function.</p> <p>Considers clause (g) should not be included in Rule WH.R23 as discharges associated with earthworks are managed under rule R91). Considers clause (g) is inappropriate as it's not consistent with the minor discharges rule, which permits a minor discharge of suspended solids to surface water bodies or coastal water.</p> <p>Opposes the rule being included within the freshwater planning instrument as the purpose of the rule is to manage land use for soil conservation. Given that the rule does not provide for discharges associated with earthworks, there is no justification for including it in the freshwater planning instrument. The submitter seeks that it be reallocated to the Part 1 Schedule 1 planning instrument.</p>	<p>(iv) 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</p> <p>(v)</p>	
<p>Rule WH.R24: Earthworks – restricted discretionary activity.</p>	<p>S2.038</p>	<p>Relief sought: Amend Rule WH.R24 as follows: 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/m3, 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/m3, 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. Matters for discretion 1. The location, area, scale, volume, duration and staging and timing of works 2. The design and suitability of erosion of sediment control measures including consideration of hazard mitigation and the risk of accelerated soil erosion associated the staging of works and progressive stabilisation 3. The placement and treatment of stockpiled materials on the site, including requirements to remove material if it is not to be reused on the site 4. The proportion of unstabilised land in the catchment 5. The adequacy and efficiency of stabilisation devices for sediment control 6. Any adverse effects on: (i) groundwater, surface water bodies and their margins, particularly surface water bodies within sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga Nui a Kiwa), Schedule C (mana whenua), Schedule F (ecosystems and habitats with indigenous biodiversity), schedule H (contact recreation and Māori customary use) or Schedule I (important trout fishery rivers and spawning waters) (ii) group drinking water supplies and community drinking water supplies (iii) mauri, water quality (including water quality in the coastal marine area), aquatic and marine ecosystem health, aquatic and riparian habitat quality, indigenous biodiversity values, mahinga kai and critical life cycle periods for indigenous aquatic species (iv) the natural character of lakes, rivers, natural wetlands and their margins and the coastal environment (v) natural hazards, land stability, soil erosion, sedimentation and flood hazard management including the use of natural buffers 7. Duration of the consent 8. Preparation required for the close down period (from 1st June to 30th September each year) and any maintenance activities required during this period 9. Monitoring and reporting requirements Reasoning: Opposes the direction to avoid earthworks over the winter months.</p>	<p>Recommendation: Accept in part Reasoning: 159.I also acknowledge the submissions of Horokiwi Quarries Limited [S2.038] and Winstone Aggregates [S206.060] which consider that Policies WH.P31 and P.P29 (Winter Shut down of Earthworks) and Rules WH.R24 and P.R23 do not account for quarrying activities which are required to undertake earthworks year round to enable them to operate. Both Submitters seek a discretionary activity status for works undertaken outside of the winter shut down period. 160.PC1 as notified, requires any earthworks over 3000m2 being undertaken between 1 st June to 30th September to obtain resource consent as a non-complying activity under WH.R25 and P.R24 “Earthworks – non complying”. This activity status indicates that earthworks undertaken outside of this period are considered to have a high level of potential adverse effects. 161.I am of the opinion that earthworks activities that are unable to meet the requirements of the Rules WH.R24 and P.R23, may still be managed in a way in which the effects are less than minor, particularly through a winter works certification process such as that currently used to manage earthworks activities during this period under the NRP, where necessary. I consider a discretionary activity status is more appropriate for earthworks unable to meet the restricted discretionary rule than non-complying activity status and therefore recommend accepting this submissions and relief sought by Winstone Aggregates and Horokiwi Quarries Limited. 165.I recommend that the conditions of ‘Earthworks - Restricted Discretionary’ Rules WH.R24 and P.R23 are amended to provide an opportunity for earthworks located within freshwater management units where target attribute states for total suspended solids are met, to be undertaken during the winter period as a restricted discretionary activity, subject to conditions imposed during the consenting process. Amended Plan Provision: Rule WH.R24: Earthworks – Restricted Discretionary 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 water quality concentration of total suspended solids in the discharge from the earthworks shall not exceed <u>170 Nephelometric Turbidity Units (NTU) 100g/m3</u> except that, <u>where the discharge is to freshwater</u>, if at the time of the discharge the concentration of total suspended solid the water quality in the receiving water at or about the point of discharge exceeds <u>100g/m3 170 Nephelometric Turbidity Units (NTU)</u>, 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</p>	<p>The recommendation is largely accepted. However an amendment is sought to condition (b) to recognise quarrying activities which by their nature, are unable to avoid earthworks in the winter months. Recommended wording (so relief to similar effect) is as follows (shown in blue text): (b) <u>Except for quarrying activities, earthworks shall not occur between 1st June and 30th September in any year where works are located within a Part Freshwater Management Unit where the target attribute state for suspended fine sediment in Table 8.4 is not met.</u></p>

Specific plan provision as notified	Sub Point	Horokiwi Submission – Relief sought and reasoning	S42A Report recommendation	Response to S42A recommendation
		<p>Considers prohibiting earthworks over the winter months is not supported by evidence and is not reasonable, particularly for activities that are required year-round such as quarrying.</p> <p>Considers the intent of the policy direction (to minimise the risk of an uncontrolled discharge) can continue to be appropriately managed through matters of discretion - specifically matter 1. Therefore it is requested clause (b) and matter of discretion 8 be deleted.</p>	<p>(b) earthworks shall not occur between 1st June and 30th September in any year <u>where works are located within a Part Freshwater Management Unit where the target attribute state for suspended fine sediment in Table 8.4 is not met,</u></p> <p>Matters for Discretion: ... <u>4. The proportion of unstaibilised land in the catchment</u></p>	
<p>Rule WH.R25: Earthworks – non-complying activity</p>	<p>S2.039</p>	<p>Relief sought: Amend Rule WH.R25 as follows: Rule WH.R25: Earthworks - non-complying discretionary 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 discretionary activity Reasoning: Considers that the non-complying activity rule is not sufficiently justified in the section 32 evaluation and does not appropriately provide for activities that do not meet restricted discretionary activity conditions, but which can otherwise be managed through consent conditions as a discretionary activity.</p>	<p>Recommendation: Accept Reasoning: 163.I recommend that the activity status of Rules WH.R25 “Earthworks” is changed from ‘non-complying’ to ‘discretionary’. This is reflective of the risk activities of this nature pose to the environment, a discretionary activity status recognises that the activity is capable of generating a wide range of effects and will still provide the Council the ability to decline consent or to impose consent conditions to manage any potential adverse effects. Amended Plan Provision: Amend WH.R25 as follows: Rule WH.R25 Earthworks - non-complying activity discretionary 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 discretionary activity.</p>	<p>The recommendation to amend the activity status for WH.R25 is supported. The recommendation and reasoning reflects that in the Horokiwi submission. The reasoning provided in the S42A Report is supported. A discretionary activity status recognises that the activity is capable of generating a wide range of effects and provides the Council the ability to decline consent or to impose consent conditions to manage any potential adverse effects.</p>
<p>Schedule 33: Vegetation Clearance Erosion and Sediment Management Plan.</p>				
<p>Schedule 33: Vegetation Clearance Erosion and Sediment Management Plan.</p>	<p>S2.042</p>	<p>Relief sought: Consider Schedule 33 under a Part 1 Schedule 1 process. Amend Part B of Schedule 33 as follows: A Management objectives The Erosion and Sediment Management Plan must demonstrate that the measures adopted to address the identified risks will: (a) minimise sediment loss from the vegetation clearance by adopting, as a minimum, good management practice, and (b) avoid an increase in risk of loss of sediment to water relative to the risk of loss that exists from the land in a natural state, and (c) minimise the discharge of water and sediment resulting from the vegetation clearance into a surface water body, and (d) <u>where appropriate</u>, provide for the land to be restored and revegetated with appropriate species. Reasoning: Opposes the schedule being included within the freshwater planning instrument, as the purpose of the schedule is to manage land use for soil conservation. Considers this to be inconsistent with the approach taken to the overarching objective and policy of the RPS Change 1 which considered those under the Schedule 1 process. The schedule is generally supported subject to an amendment to clause (d) to recognise that restoring and revegetating is not always practicable, particularly for activities such as quarrying where surfaces must remain exposed.</p>	<p>Recommendation: Accept in part Reasoning: 146.I have considered the submissions and the relief sought by the above submitters on Schedule 33 generally and the specific sections of Schedule 33. In my opinion, Schedule 33 is unnecessary as the effects intended to be managed through Schedule 33 appear more focused on soil disturbance rather than vegetation clearance. Relying on the Statement of Evidence of Dr Greer140, the effects of vegetation clearance activities not involving earthworks are expected to be limited to decay of roots over time and an increase in surficial erosion due to loss of canopy coverage. I do not consider Schedule 33 provides any relevant direction related to managing these effects, with the requirements of Schedule 33 focused on managing effects of sediment loss from land disturbance (earthworks). Soil disturbance and management of activities which disturb soil are more relevantly covered by earthworks provisions in PC1 and the Erosion and Sediment Control Guidelines for the Wellington Region (2021). 147.Following my recommended amendments, in the event permitted activity rules for vegetation clearance cannot be met the activity will become fully discretionary (unless the vegetation clearance is associated with a renewable energy generation activity) and Council will have the discretion to request any information they require to understand the actual and potential effects of the activity and therefore, in my opinion, Schedule 33 is unnecessary. Amended Plan Provision: The entire schedule is recommended to be deleted.</p>	<p>On the basis the schedule is recommended to be deleted, the submission point is supported.</p>