Wellington City District Plan – Omnibus Plan Change

Three Waters provisions in the Three Waters and Subdivision Chapters

Scope of Proposed Change

To amend the Three Waters and Subdivision chapters to improve functionality, interpretation and implementation of the three waters provisions. Matters not specifically addressed in this report are outside the scope of the plan change.

Background

Review by the Council's District Planning Team, and feedback received the Resource Consents Team and Wellington Water Ltd (WWL), has identified a number of updates and improvements that are necessary to improve the three waters (THW) provisions in the 2024 District Plan.

The section 32 analysis in this report is further to the analysis in the following reports prepared for the notified 2022 Proposed District Plan:

Section 32 - Part 2 - Subdivision

Section 32 - Part 2 - Three Waters

Issue

This plan change addresses amendments to the Three Waters (THW) and Subdivision (SUB) chapters, including a new Appendix. Matters considered are:

1. Changing the structure of the Three Waters chapter
2. Moving the subdivision objective and policy directions from the Three Waters chapter to the Subdivision chapter
3. Updating references to the Wellington Water Regional Standard in the Plan
4. Three waters connection requirements for non-residential buildings
5. Exemptions and lower level requirements for minor and accessory buildings, and subdivisions where the land uses are not changing
6. Permeable surfaces and broader water-sensitive design assessment
7. Copper and zinc building materials
8. Three waters standards applying to subdivision
9. Minor ordering and phrasing edits

Hydraulic neutrality not included in this plan change

Any changes to the operative 2024 District Plan provisions for hydraulic neutrality are too complex for this plan change and are out of scope. There are a number of new and emerging directions on hydraulic neutrality that would affect District Plan content, including:

- The Wellington Regional Policy Statement Change 1 (RPS PC1) has a different definition and policy direction for territorial authorities for hydraulic neutrality, which may change through appeals.
- The government has announced a replacement National Policy Statement for Freshwater Management, which will account for amendments made in the government's Resource Management (Freshwater and Other Matters) Amendment Act 2024[1].
- The Local Government (Water Services) Bill proposes to set obligations on water service providers that are responsible for stormwater networks (including overland flow paths and

[1] https://www.beehive.govt.nz/release/government-takes-first-steps-towards-pragmatic-and-sensible-freshwater-rules

watercourses) that include stormwater network bylaws[2], which can cover hydraulic neutrality.

- Taumata Arowai is the national drinking water regulator, and also has a role in how certain stormwater networks are managed, regulated and perform. Taumata Arowai recently released proposed national wastewater environmental performance standards for feedback (feedback period closed 24 April 2025). It is starting to collect information on urban stormwater networks, and may provide measures, targets and standards for this area also[3].

The Council's preference is to defer District Plan changes on hydraulic neutrality until these various system and regulatory changes are established and clear.

The location and phrasing of the hydraulic neutrality provisions are changed to fit with the new Three Waters structure, but the directions and effect of these provisions are not changed.

General policy approach for three waters in the 2022 Proposed District Plan Evaluation Report

This plan change does not alter the general policy approaches for three waters introduced in the 2022 Proposed District Plan. This means the 2022 Section 32 Evaluation Report Part 2: Three Waters[4] is still relevant to the Three Waters chapter and changes, except as modified and expanded by this evaluation.

Issue 1: Structure of the Three Waters Chapter

The rules of the Three Waters chapter are currently structured as:

- Two rules for connections to three waters infrastructure
- A rule for copper and zinc building materials
- Four rules for stormwater management methods
- A rule for the Large Lot Residential Zone.

Issues identified with this approach:

- The rule titles and structure lead to confusion whether the rules apply only when connections, water-sensitive design methods etc are proposed, or whether these apply regardless of whether the applicant proposes them or not.
- It is confusing to have some rules in the chapter that are for an activity, some rules that are for standards, and one that is for a zone.

National direction, regional direction and local strategic direction

The National Planning Standards states that provisions relating to energy, infrastructure and transport that are not specific to the S*pecial purpose* zones chapter or sections must be located in one or more chapters under the *Energy, infrastructure and transport* heading. Three Waters is part of infrastructure, so must remain in this location.

There is no further relevant direction for the structure of the Three Waters Chapter.

Consideration of other District Plans

[2] https://www.dia.govt.nz/diawebsite.nsf/Files/Water-Services-Policy/$file/LWDW-Bill-3-factsheet-Local-Government-(Water-Services)-Bill-overview.pdf
[3] https://www.taumataarowai.govt.nz/for-stormwater-and-wastewater-operators.
[4] https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/whats-in-the-proposed-district-plan/section-32-reports

The Porirua City Council District Plan's Three Waters chapter[5] has five activity-based rules. Meeting parts of the Wellington Water Regional Standard for Water Services are conditions in some of these rules. Two standards for hydraulic neutrality follow these rules.

The Hutt City Proposed District Plan's Three Waters chapter has four activity-based rules, with parts of the Wellington Water Regional Standard for Water Services and other standards incorporated as conditions within the rules.

Consideration of Options

Relevant Options

For the purposes of this evaluation, the following options have been considered:

- **Option 1:** Retain the status quo
- **Option 2:** Re-write the rules so that they apply to specific activities (e.g. residential units), and the standards housing the requirements for connections to three waters infrastructure, limiting copper and zinc, and stormwater management. Then link the appropriate standards in the relevant activity rules.
- **Option 3:** Re-write the rules to be activity-based as per Option 2, but include all relevant standards within each of the rules themselves, for example in the Hutt City District Plan.

Cost/Benefit Assessment

The options are assessed below.

Option 1: Status Quo
Identified environmental, economic, social and cultural costs of this option are: • The rules and standards are difficult to interpret and apply. • Loopholes may emerge, such as THW-R4 only technically applying to a water sensitive design activity, rather than requiring water sensitive design for relevant activities. Identified environmental, economic, social and cultural benefits are: • None beyond those set out in the 2022 Evaluation Report for the Three Waters Chapter.
Option 2: Re-write the rules so that they apply to specific activities (e.g. residential units), and the standards housing the requirements for connections to three waters infrastructure, limiting copper and zinc, and stormwater management. Then link the appropriate standards in the relevant activity rules
Identified environmental, economic, social and cultural costs of this option are: • The time and resources for the Council and other plan users to re-learn how to read the chapter. • The risk that significant changes may inadvertently be made through this change that are unrelated to the other changes discussed in this evaluation report. Identified environmental, economic, social and cultural benefits are:

[5] https://eplan.poriruacity.govt.nz/districtplan/rules/0/218/0/0/0/175

- The rules and standards are easier to understand and apply consistently.
- As standards and requirements change over time, they will be easier to amend and view.

Option 3: Re-write the rules to be activity-based as per Option 2, but include all relevant standards within each of the rules themselves, for example in the Hutt City District Plan

Identified environmental, economic, social and cultural costs of this option are:

- The time and resources for the Council and other plan users to re-learn how to read the chapter.
- The risk that significant changes may inadvertently be made through this change that are unrelated to the other changes discussed in this evaluation report.
- The section becomes longer than needed as standards are duplicated across all relevant rules.
- Plan users may query whether the same standards are being applied consistently for all relevant activities

Identified environmental, economic, social and cultural benefits are:

- Plan users can see all relevant requirements in one location in the ePlan.

Effectiveness and efficiency

Option 2 is the most effective and efficient option. The differences between the activities which require Three Waters standards, and the standards themselves, are clearer to apply.

Recommended Option

Option 2 is the recommended option.

Risk of acting/not acting

If Option 1 (not acting – status quo) is used, the risks include:

- Legal challenge that the Three Waters requirements do not actually apply to relevant activities; and
- Regulatory gaps where standards apply in some zones or activities but not others, for no good resource management reasons.

Issue 2: References to the Wellington Water Regional Standard in the District Plan

The THW chapter currently requires compliance with the Wellington Water Regional Standard for Water Services v3.0, December 2021:

- Wastewater: The level of service in Chapter 5, section 5.2.3
- Water supply: The level of service in Chapter 6, Tables 6.1 and 6.2
- Stormwater: The performance standard in Chapter 4.

The SUB chapter standards have the same compliance requirements to the same content in this Regional Standard.

Issues identified with this approach:

- The rules do not apply to buildings in the General Rural Zone or the Large Lot Residential Zone that may be connected to the water, wastewater or stormwater networks.
- The referenced document itself has been updated to version 3.1, dated December 2024. Council and WWL staff consider that the sections referenced are too narrow. There are many standards outside these sections that are necessary to ensure good connections with Three Waters services that are safe, reliable, and meet environmental standards.
- It is unclear whether specific provisions are *'level of service'* and therefore part of the District Plan rule, or not.

National direction, regional direction and local strategic direction

This direction is not relevant to this specific change.

Input from Wellington Water Limited

Wellington Water Limited (WWL) is the current water services provider for Wellington City. In its role, it updates regional minimum standards and specifications, and a list of approved products, in its Regional Standard. WWL revises these regularly to include changes in policy and best practice, referenced standards, and legislation. WWL recommends using the most recent version available.

Assessment of Options

Relevant Options

For the purposes of this evaluation, the following options have been considered:

- **Option 1:** Retaining the status quo
- **Option 2:** Amend the Wellington Water Regional Standard referenced document for three waters connections in the Subdivision and Three Waters chapters to the new Wellington Water Regional Standard for Water Services v3.1, December 2024
- **Option 3:** As per Option 2, but in the Three Waters chapter and/or Subdivision chapter, extend the content being referenced in the new Regional Standard to include all provisions relevant to the capacity of the network and level of service changes resulting from the development.
- **Option 4:** As per Option 2, but referenced sections extended further to include:
    - General: Chapter 3, excluding section 3.8
    - Stormwater: Chapter 4
    - Wastewater: Chapter 5
    - Water supply: Chapter 6
- **Option 5:** Include as an Appendix to the District Plan: APP17 Three Waters Connections, which contains in the District Plan itself the relevant standards that relate to level of service connection requirements.
- **Option 6:** As per options above, but also applying parts or all of the Regional Standard in the General Rural Zone and the Large Lot Residential Zone where the development is connected or is connecting to a Three Waters network.

Efficiency and effectiveness

The Regional Standard is an effective reference document as part of resource consents, less so for permitted activity standards.

The Wellington Water Regional Standard for Water Services version 3.1, December 2024 (the Regional Standard) is an extensive document at 141 pages, with around 100 pages in Chapters 3 to 6. It contains a mix of requirements, guidance, standards, and descriptions of when WWL will make site-specific assessments. This makes the Regional Standard suitable within matters of control and discretion under controlled and restricted discretionary activities. The consent authority can refer to the parts of the referenced Regional Standard that are suitable for each activity and consent application.

The Regional Standard is less suitable as a referenced document in conditions for permitted activities. The guidance and exercise of discretion by WWL within the Regional Standard create ambiguity and uncertainty for applications about whether their activity is permitted or requires resource consent.

The latest Regional Standard version is the most effective reference.

WWL recommends that when the Three Waters provisions in the District Plan are amended, the reference to the Regional Standard is updated to the most recent version available. This is more effective as it references the latest best practice and technical solutions available. It is efficient because the assessment and approvals under the District Plan and the Water Services bylaw are based on the same document, rather than the District Plan approvals being based on an earlier version of the Regional Standard.

Permitted standards for three waters are most effective in an Appendix.

In consultation meetings, WWL planning staff and Council planning staff agreed that where the District Plan has permitted activity standards that incorporate the relevant Three Waters connections standards from the Regional Standard, this is best done as a District Plan appendix. This ensures:

- the specific content that people must comply with is clear
- the phrasing of the standards can be edited where needed for District Plan purposes, for example removing third party discretion about how a standard is applied
- the content can be submitted on and modified more easily through the hearings process
- it will stand independent of changes that may happen to Wellington Water through the Government's Local Water Done Well plan[6].

District Plan rules using Regional Standards, or referencing it, are efficient where they reduce costs and risks for development.

The District Plan's Three Waters provisions are not the only requirement for developers. All connections to the Council's potable water, stormwater and wastewater networks must also get permission from WWL (or the future water service entity), under the Council's Water Services Bylaw 2024[7] section 7.1.a: "*Any person proposing to carry out permanent or temporary work on or in close proximity to, ear, or over (as defined in the Regional Standard for Water Services) Public Water Services Infrastructure, must obtain written approval from the Water Services Authority prior to any work being undertaken*."

This means that for new buildings and activities that the District Plan requires to connect to the Council's three water networks, WWL must approve this connection as being consistent (to their

[6] https://www.dia.govt.nz/Water-Services-Policy-and-Legislation
[7] https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws

satisfaction) with the relevant components of the Regional Standard. This is an overlapping regulatory requirement under the RMA and Local Government Act 2002. It is more efficient for WWL to deal with the technical requirements of new and altered three waters infrastructure: pipe sizes, valve layouts, seismic protections, etc. through its delegated bylaw approval rather than through the District Plan where these detailed infrastructure requirements would need to be justified under cost-benefit assessments relating to environmental outcomes and effects.

It would be inefficient for the District Plan to include (as a referenced document) all the requirements in the Regional Standard when this is also required, indirectly, through the Council's Water Services Bylaw. However, there are areas where it is efficient and effective to apply the Regional Standard provisions in the District Plan:

- When the **capacity** and **level of service** in the current networks of water, wastewater or stormwater is **insufficient** to cater for the additional flows required or produced by the development. In these cases it is more efficient to identify the situation at the resource consent stage, and either use consent conditions, development redesign or decline consent to resolve the issue *before* the applicant spends time and money on detailed design and construction preparation. The alternative is that the Council processes building and resource consents, with all the attendant timeframes and costs, only for WWL to inform the applicant that there is no capacity, and the development cannot connect to the network.
- When **subdivision** consent applications are likely to result in **demand for future connections**. As above, it is more efficient to address any capacity and level of service concerns at the beginning when the subdivision is happening, rather than approving a subdivision, the developer doing preparatory works, then being told that they can't connect or that expensive mitigation works are required.
- When the subdivision or development involves **construction of significant new three waters infrastructure**, for example new swales, wastewater pipes, water holding tanks. The Regional Standard needs to be considered in the assessment of these larger subdivisions and developments so the new infrastructure assets can be consistent and connected with the existing infrastructure network. If large, the potential impacts on the Council's discharge consents for wastewater and stormwater may be considered. It also ensures that if mitigation methods are needed, for example detention ponds or wastewater holding tanks, these can be assessed within the overall resource/subdivision consents. If done afterwards, the mitigation methods risks being contrary to consent conditions already issued.

Risk of acting/not acting

If Option 1 (not acting – status quo) is used, the risks include:

- Three waters connections may meet the current specific referenced standards but not others in the Regional Standard. The risk becomes that a connection is granted resource consent (or is deemed permitted), but WWL will still not approve the connection to their networks.
- Plan users find it more difficult to understand what standards their activity specifically needs to meet, and which are clear District Plan standards vs a WWL assessment.

Recommended Option

From the assessment above, a combination of Options 3, 4 and 5 are recommended:

- Three Waters connections standards drawn from the Regional Standard relating to network capacity and level of service, but not new infrastructure design or quality, should be in a new District Plan appendix: APP17. This includes the Rural Zone and Large Lot Residential Zone where connections are made to the relevant three waters network.
- Standards in permitted rules in the Three Waters and Subdivision chapters should reference the new APP17.

The recommended changes for Issue 2 are provided in the amended THW and SUB chapters, and new APP17 – Three Waters Connections, appended to this report.

There are no consequential amendments for other parts of the District Plan.

Issue 3: Three waters connection requirements for residential and non-residential buildings

THW-R2 requires all non-residential buildings to meet the Regional Standard discussed above. Non-residential buildings include buildings from large office blocks down to sheds and bus shelters, even though many of the standards are not relevant to some non-residential buildings. For example, water and wastewater standards are not required where there is no internal plumbing.

THW-R1 and R2 also require connections to comply with three waters levels of service, regardless of the type of building.

Issue identified with this approach:

- It is unclear whether buildings that are not connecting to one or more 3 Waters network still have to comply with the levels of service standards. The current rules could be interpreted as only applying to new connections, or to all residential and non-residential buildings.
- Some connections may have a neutral or only a minor adverse effect on the level of service of the overall network.
- THW-R1 and THW-R2 only cover new buildings, and don't cover additions to buildings which may be significant, with new water, wastewater and stormwater connections.

National direction, regional direction and local strategic direction

No specific national or regional direction applies, as this is a more practical issue of what types of development should comply with three waters connections and levels of service requirements. The section 18A procedural principles of the RMA are relevant, where people must take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised. The options below consider how the District Plan regulations in this area can be made more efficient, consistent and cost-effective.

Assessment of Options

Relevant Options

For the purposes of this evaluation, the following options have been considered:

- **Option 1:** Retaining the status quo
- **Option 2:** Restrict compliance to the wastewater connection standards to new buildings that have sanitary plumbing.

- **Option 3:** Restrict compliance to the water connection standards to new buildings that have plumbing and are not accessory to an existing use on-site.
- **Option 4:** Restrict compliance to the stormwater connection standards to new buildings over 20 m^2 roof area.

Cost/Benefit Assessment

The options are assessed below.

Option 1: Retain the status quo
Identified environmental, economic, social and cultural costs of this option are: • Where buildings have no significant effect on water, wastewater or stormwater networks but are in areas where three waters services are constrained, the comparatively smaller developments (e.g. sheds, bus stops) will have to apply for resource consents and some site-specific assessments. The cost of this will vary, but may be around $5000-$10,000, which in some instances will be more expensive than the actual construction cost. Identified environmental, economic, social and cultural benefits are: • All potential impacts on the three waters network can be considered, whether minor or major, so the risk of cumulative adverse effects on the networks is limited.
Option 2: Limit compliance to the wastewater connection standards to new buildings that have sanitary plumbing
Identified environmental, economic, social and cultural costs of this option are: • Development may still be restricted where wastewater levels of service are insufficient. This may include additional costs for on-site holding tanks and pumps, or a prohibition on new connections until the network is upgraded. Identified environmental, economic, social and cultural benefits are: • Development of buildings that have no water connection, or have water but no wastewater connection e.g. an outdoor faucet, can have certainty that they will not need to consider the wastewater levels of service in the area. If the building later installs a wastewater connection, this connection will still need approval under the Water Services Bylaw.
Option 3: Limit compliance to the water connection standards to new buildings that are connecting to the public reticulated water supply network, and are not accessory to an existing use on-site with an existing water connection
Identified environmental, economic, social and cultural costs of this option are: • Accessory buildings that do not need to comply under this option, for example a minor residential unit, may still increase demand on the water supply network. This development may still be restricted if water supply is insufficient for a significant new draw on the network.

Identified environmental, economic, social and cultural benefits are:

- With *'granny flats'* and other accessory buildings becoming permitted under new government building and environmental standards, this option aligns with the expectation that accessory buildings should not have separate three waters requirements.

Option 4: Restrict compliance to the stormwater connection standards to new buildings over 20 m^2 roof area

Identified environmental, economic, social and cultural costs of this option are:

- None, because the Three Waters Chapter already has requirements for permeable surfaces and hydraulic neutrality, so the stormwater generated will still need to be mitigated so that post-development peak stormwater flows and volumes are the same or less than the current state. The connection requirements only relate to the level of service of the stormwater network, which are generally relevant for significant new roofed buildings that have piped connection to the network.

Identified environmental, economic, social and cultural benefits are:

- Excluding buildings with less than 20 m2 roof area reduces the costs of assessment of minor buildings on the stormwater network, and if resource consent is triggered, those costs which may be around $5000-$10,000, which in some instances will be more expensive than the actual construction cost. Excluding buildings with less than 20 m2 roof area is generally consistent with the consent exemptions in Part 1 of Schedule 1 of the Building Act for buildings under 10 m^2 – this alignment is not a key consideration but useful that it is not adding resource consent requirements or separate assessments for buildings already deemed minor under the Building Act.

Overall effectiveness and efficiency evaluation

Options 2, 3 and 4 all reduce costs and uncertainty while not significantly affecting the function of the three waters networks. These options are the most efficient.

Risk of acting/not acting

If Option 1 (not acting – status quo) is used, the risks include:

- Three Waters rules for non-residential buildings either being applied to activities where they weren't intended, costing unnecessary money and time, or adopting a '*common sense*' approach to the rule application that could be legally challenged.

Recommended Option

Following the assessment above, Options 2, 3, 4 are the preferred option.

The recommended changes for Issue 3 are provided in the amended THW and SUB chapters, and new APP17 – Three Waters Connections, appended to this report. There are no consequential amendments for other parts of the District Plan.

Issue 4: Water sensitive design methods and permeable surfaces

- The Three Waters Chapter has stormwater provisions that apply equally to small buildings such as sheds and shelters as to large buildings like houses and offices.
- THW-R1 and THW-R2 require all buildings to comply with the Chapter 4 Regional Stormwater Standards, or get a consent (addressed above in Issue 3, Option 4).
- THW-R4 requires construction of 4+ residential units and all non-residential buildings to get a restricted discretionary resource consent to evaluate water sensitive design methods, including permeable surfacing and stormwater retention and treatment. These activities can have very different stormwater effects, and the planning methods are not consistent between them.
- Currently, development of 1-3 residential units outside of the General Rural Zone and Large Lot Residential Zone is required to have at least 30% of the net site area as permeable surface. In the Large Lot Residential Zone this is increased to 60%, though the rule does not say what activities this standard applies to. Development of 4+ residential units or non-residential buildings outside of the General Rural Zone and Large Lot Residential Zone is instead required to install '*water sensitive design methods*' through assessment and conditions in a resource consent.
- A resource consent under THW-R4 for water sensitive design methods is precluded from being either publicly or limited notified, as are all the other Three Waters chapter rules – except for the rules for permeable surfaces, which have no preclusion. This exception for permeable surfaces does not appear to be justified compared to non-notification for the other three waters rules.

Issues identified with this approach:

- WWL and Council staff agree that these resource consent requirements are too onerous for small buildings with minimal or no effect on the stormwater network, while noting there may be a cumulative effects situation where lots of small buildings significantly increase stormwater.
- THW-R4 makes all non-residential buildings restricted discretionary activities, requiring resource consent assessment and conditions in matters of water sensitive design methods. This was not the intent of the notified rule. It was only meant to add matters of discretion where the buildings already require resource consent[8].
- The WWL-approved solutions for buildings are generally designed for stormwater from smaller housing developments (10 properties or less) and backyard add-ons[9].
- Risk for applicants that compliance with the permeable surface rule may not absolve resource consent obligations under the water-sensitive design rule. For example, if a residential development meets THW-R7 30% permeable surface requirement, but includes an attached commercial unit or separate leased garage, it must also be hydraulically neutral under THW-R6, but THW-R6 would not be needed if the site only has 1-3 residential units. This is an inconsistent and occasionally confusing application of rules to address environmental effects.
- It is unusual for permeable surface rules to have no notification preclusion when these rule activities are less significant than the other rules (hydraulic neutrality, water sensitive design) which have notification preclusions. The effects of breaching the permeable surface rules are cumulative across whole catchment stormwater networks, so notification of an individual resource consent would be unusual.

National direction, regional direction and local strategic direction

[8] Refer to Section 32 – Part 2 – Three Waters page 52, third to last bullet.
[9] https://www.wellingtonwater.co.nz/assets/Contractors/Technical-information/Specifications-and-standards/Managing-Stormwater-Runoff-Version-5.pdf

The National Planning Standards defines *'green infrastructure'*, which is referenced in the RPS definition below.

Green infrastructure means a natural or semi-natural area, feature or process, including engineered systems that mimic natural processes, which are planned or managed to:

(a) Provide for aspects of ecosystem health or resilience, such as maintaining or improving the quality of water, air or soil, and habitats to promote biodiversity; and

(b) Provide services to people and communities, such as stormwater or flood management or climate change adaptation.

The RPS definition of water-sensitive urban design is:

The integration of planning, engineering design and water management to mimic or restore natural hydrological processes in order to address the quantitative and qualitative impacts of land use and development on land, water and biodiversity, and the community's aesthetic and recreational enjoyment of waterways and the coast. Water-sensitive urban design manages stormwater at its source as one of the tools to control runoff and water quality. The terms low impact design, low impact urban design and water-sensitive design are often used synonymously with water-sensitive urban design.

RPS Policy CC.4.c requires: *District Plans to include objectives, policies, rules and/or non-regulatory methods to, as appropriate to the scale and context of the activity, … increase water resilience, including harvesting of water at a domestic and/or community-scale for non-potable uses (for example by requiring rain tanks, rainwater reuse tanks, and setting targets for urban roof area rainwater collection.*

RPS Policy FW.3.f requires: *District Plans shall include objectives, policies, and methods including rules for urban development, that give effect to Te Mana o te Wai and section 3.5(4) of the National Policy Statement for Freshwater Management 2020, and in doing so must: … require that water sensitive urban design principles and methods are applied during consideration of subdivision, including the extent of impervious surfaces and stormwater infrastructure.*

The Wellington Natural Resources Plan Change 1 proposes to introduce a new rule for stormwater from new and redeveloped impervious surfaces (Rule WH.R5), which includes:
"a) the proposal involves the creation of new, or redevelopment of existing impervious areas of less than 1,000 m^2 (baseline property existing impervious area as at 30 October 2023)"
"c) the proposal provides hydrological control measures (for example rain tanks) onsite or offsite, where discharges will enter a surface water body (including via an existing local authority stormwater network):

i) For all impervious areas associated with a greenfield development, or

ii) For all redeveloped and new impervious areas involving greater than 30 m^2 of impervious area of a redevelopment (of an existing urbanised property)".

Ideally, there should not be two sets of different rules required to manage the same effect: reduction of runoff from impervious urban surfaces. The current RPS directions and Regional Plan rules place the District Plan in this awkward situation, requiring it to have rules that overlap with similar rules in the Regional Plan.

On 26 June 2025, Greater Wellington Regional Council (GWRC) voted to pause the hearings on Natural Resources Plan Change 1. To reduce the impact on consent applicants and address many implementation challenges—particularly around stormwater—GWRC also agreed that some PC1

provisions relating to financial contributions and discharges from impervious surfaces, are to be paused. The specifics are being finalised, with GWRC's CEO delegated to urgently prepare a variation to PC1. This will be sent to Minister Chris Bishop and the Chief Freshwater Commissioner in July 2025, with the variation expected to be publicly notified (and take effect) shortly after. GWRC's decision responds to the government's recent proposals to amend freshwater national direction.

WWL's guidance document *Managing Stormwater Runoff – Version 5*[10] has approved solutions that are referenced in THW-R5 as ways to meet the permitted activity rule. The approved solution #1 applies for house roof areas greater than 40 m^2. Approved solutions #2, #3, #4 applies for house roof areas 0 – 350 m^2.

Assessment of Options

Relevant options

For the purposes of this evaluation, the following options have been considered:

- **Option 1:** Retain the status quo
- **Option 2:** Connecting the permitted baseline of 30% permeable coverage in urban zones and 60% in Large Lot Residential Zone with the water-sensitive design methods restricted discretionary rule. This means that all developments must either meet the permeable coverage standard as a permitted activity, or incorporate water-sensitive design methods as a restricted discretionary activity. The hydraulic neutrality rules would remain the same.
- **Option 3:** Add public and limited notification preclusion clauses for the permeable surface rules.

Cost/Benefit Assessment

The options are assessed below.

Option 1: Status Quo

Identified environmental, economic, social and cultural costs of this option are:

- All non-residential building developments in urban areas, including small ones, require a resource consent even if the effects on stormwater are less than minor, or positive. This adds the time and cost of acquiring resource consents, which in some instances may be more than the actual construction costs.
- Development requiring resource consent for water-sensitive design matters could be discouraged due to perceived risk of people opposing the development and using water-sensitive design as leverage.
- The water-sensitive design rule's matters of discretion do not account for the economic costs and land use required for options such as wetlands, detention ponds, etc. These costs may be very high in dense urban areas within Wellington City, and much higher in aggregate than improving the stormwater treatments at a network level.
- Significant overlap of District Plan and Regional Plan rules managing stormwater runoff.

Identified environmental, economic, social and cultural benefits are:

[10] Ibid.

- Developments in urban areas, except for 1-3 residential units, will consider a range of water sensitive design methods to improve the flow and quality of stormwater off the site.
- Local residents and mana whenua organisations have identified that measures to improve stream water quality through on-site stormwater treatment have cultural benefits to them.

Option 2: Connecting the permitted baseline of 30% permeable coverage in urban zones and 60% in Large Lot Residential Zone with the water-sensitive design methods restricted discretionary rule

Identified environmental, economic, social and cultural costs of this option are:

- Developers may be attracted to the more certain option of providing permeable surfaces as a permitted standard even if other water-sensitive design methods may be more efficient or effective.

Identified environmental, economic, social and cultural benefits are:

- More permitted smaller-scale developments that do not require resource consent application costs where they meet permeable surface and hydraulic neutrality requirements.
- Standardised rules that apply to all activities consistently, and clear way to meet requirements (permeable surfaces and hydraulic neutrality), with a resource consent option for developments that are willing to build on-site or off-site stormwater treatment options in exchange for more economically or socially efficient use of the site.
- Less overlap with Regional Plan and District Plan rules controlling water sensitive urban design measures, though the regional policy statement methods make some overlaps unavoidable.

Option 3: Add public and limited notification preclusion clauses for the permeable surface rules

Identified environmental, economic, social and cultural costs of this option are:

- Community groups and mana whenua groups may want to comment on water sensitive design methods of a development to ensure it improves local stream water quality.

Identified environmental, economic, social and cultural benefits are:

- Greater certainty that water sensitive design options can be assessed independently on how they improve the health and wellbeing of water bodies and freshwater ecosystems, and reduced risk of this being used as an argument by people wanting to delay and stop the development for other reasons.

Risk of acting/not acting

If Option 1 (not acting – status quo) is used, the risks include:

- Unnecessary costs for acquiring resource consents for water sensitive design methods for minor activities.
- Inconsistent application of permeable surface standard across activities with similar effects on freshwater ecosystems.

Recommended Option

Following the assessment above, Options 2 and 3 are the preferred option.

The recommended changes for Issue 4 are provided in the amended THW and SUB chapters, and new APP17 – Three Waters Connections, appended to this report.

There are no consequential amendments for other parts of the District Plan.

Issue 5: Copper and zinc building materials

Currently, THW-R3 requires all copper and zinc cladding and roofing materials to be sealed or otherwise finished to prevent water runoff carrying the zinc, or that it be collected and treated in accordance with a WWL guideline, or else be assessed through resource consent.

The 2022 Proposed District Plan section 32 report noted that the Proposed RPS (Policy 42) required stormwater from subdivision and development shall restrict zinc or copper roofing materials, or require their effects to be mitigated. This RPS policy was amended in its operative version to delete that direction. Also, Policy 42 was changed from a District Plan requirement to be a more general regional resource consent requirement, with an equivalent more general District Plan direction with respect to management of contaminants resulting from development and building materials in a separate Policy FW.3(f).

Issues identified with this approach are:

- Whether this requirement should also apply to General Rural Zone and Large Lot Residential Zone if the stormwater is piped into a water body or a stormwater network, as it will equally affect water quality.
- Whether permitted activity status gives too much discretion to sealing the copper/zinc or using a stormwater treatment device – could this be replaced with a controlled activity to allow assessment of whether the treatment option is appropriate.
- Whether the rule is required at all, given the RPS says this should be managed as a regional discharge issue, and the Wellington Natural Resources Plan Change 1 introduces a rule for stormwater discharges from zinc and copper roofing, cladding and spouting.

National direction, regional direction and local strategic direction

The high and toxic levels of copper and zinc in Wellington City's stormwater and streams, and its sources from building materials, is in *Stormwater contaminants in urban streams in the Wellington Region* June 2008[11].

At a national level, the Ministry for the Environment has published: *Acute copper and zinc water quality guideline values for Aotearoa: Technical report of the derivation including bioavailability model evaluation* January 2025[12].

The Wellington RPS Proposed Change 1 had a direction in Policy 42 that included: *"When considering an application for a resource consent, notice of requirement, or a change, variation or review of a District Plan, the adverse effects of stormwater runoff from subdivision and development shall be reduced by having particular regard to … c) restricting zinc or copper roofing materials, or requiring their effects to be mitigated;"*
This has been replaced in the RPS Change 1 Decisions Version by Policy 42, which is a more general RPS direction for the regional council to identify target attributes for each catchment, Regional Plan

[11] https://www.gw.govt.nz/assets/Documents/2022/05/Stormwater-Contaminants-in-Urban-Streams-in-the-Wellington-Region.pdf
[12] https://environment.govt.nz/publications/acute-copper-and-zinc-water-quality-guideline-values-for-aotearoa-technical-report-of-the-derivation-including-bioavailability-model-evaluation/

limits, and how urban development can protect and enhance the health and wellbeing of waterways. Zinc and copper discharges are no longer mentioned specifically.

RPS Change 1 Decisions Version also introduces Policy FW.3(k): *"District Plans shall include objectives, policies, and methods including rules for urban development, that give effect to Te Mana o te Wai and section 3.5(4) of the National Policy Statement for Freshwater Management 2020, and in doing so must: (k) manage land use and development in a way that will minimise the generation of contaminants, including in relation to the choice of building materials."*

The Wellington Natural Resources Plan Change 1 proposes new policy to manage copper and zinc discharges within stormwater (Policies WH.P9, WH.P13, WH.P14). This may place restrictions on the Council's discharges of stormwater from the urban environment into waterways.

The Wellington Natural Resources Plan Change 1 also introduces a new Rule WH.R5: Stormwater from new and redeveloped impervious surfaces. This rule applies to discharges of stormwater (including where through a local authority stormwater network) and includes a permitted condition: *"b) all new building materials associated with the development shall not include exposed zinc (including galvanised steel) or copper roof, cladding and spouting materials."*

It is uncertain whether this proposed regional rule WH.R5 will be retained in its current form, because it will be difficult for GWRC to practically implement and enforce the rule and because it would duplicate the District Plan rule that GWRC is asking for in early consultation. Information about building materials is usually provided with building consents, which the Council can then check against District Plan controls and if needed add conditions to avoid or reduce the risk of zinc and copper contamination. GWRC on the other hand currently have no processes to monitor and regulate this use of these building materials. This could be established but it would add duplication of process and costs. It is safer to retain a District Plan rule controlling zinc and copper building materials even if duplication is an unfortunate result, because of the significant existing pollution of copper and zinc in Wellington City's waterways and the Council's consenting processes being the most efficient way to check and add conditions on the use of these building materials.

The 2000 District Plan did not include source-control requirements for copper and zinc building materials.

Assessment of Options

Relevant Options

For the purposes of this evaluation, the following options have been considered:

- **Option 1:** Retain the status quo
- **Option 2:** Delete THW-P2, THW-R3, and associated text in the Introduction section of the THW chapter.
- **Option 3:** Amend THW-R3 to be clearer on only applying to exterior cladding and roofing, and amend THW-R3.1.b to form a new controlled activity rule that enables an assessment and conditions to be imposed
- **Option 4:** As per Option 1 or Option 3, but extended to the General Rural Zone and Large Lot Residential Zone if the stormwater is piped into a water body or a stormwater network.

Cost/Benefit Assessment

The options are assessed below.

Option 1: Retain the status quo

Identified environmental, economic, social and cultural costs of this option are:

- The permitted activity standard for stormwater from copper and zinc surfaces to be treated in accordance with a 2019 Guideline is uncertain, and difficult to monitor, so is less likely to be effective.
- The new Regional Plan rule WH.R5 will duplicate regulatory requirements and monitoring between the city and regional council, and will be inconsistent with the RPS direction that this is a regional council function.

Identified environmental, economic, social and cultural benefits are:

- Developers will be encouraged to seal or finish building materials, or treat contaminants to prevent copper or zinc discharges to waterways.

Option 2: Delete THW-R3

Identified environmental, economic, social and cultural costs of this option are:

- Existing high concentrations of copper and zinc in Wellington's streams and stormwater discharges may remain at high levels if current use of this in building materials remain and if developers are unaware of the new requirements in the Regional Plan.

Identified environmental, economic, social and cultural benefits are:

- No obligation for the Council to monitor and enforce the treatment of zinc and copper roofing and cladding
- Only one regulation applies for exposed zinc and copper surfaces and one set of regulatory processes, making the process less costly and more efficient.

Option 3: Amend THW-R3 to be clearer on only applying to exterior cladding and roofing, and amend THW-R3.1.b to form a new controlled activity rule that enables an assessment and conditions to be imposed

Identified environmental, economic, social and cultural costs of this option are:

- The new proposed Regional Plan rule WH.R5 will duplicate regulatory requirements and monitoring between the city and regional council.
- A controlled rule does not provide the ability to decline an application.

Identified environmental, economic, social and cultural benefits are:

- When the use of copper or zinc building materials is assessed under the District Plan, developers may have more certainty that the cladding that is not sealed or treated can be installed under a controlled activity rule.
- Appropriate treatment and maintenance conditions can be imposed as part of a resource consent for a controlled activity.

Option 4: As per Option 1 or Option 3, but extended to the General Rural Zone and Large Lot Residential Zone if the stormwater is piped into a water body or a stormwater network

Identified environmental, economic, social and cultural costs of this option are:

- Same as Option 3, but with additional costs for developers in these zones who have copper and zinc surfaces that now need sealing. The new proposed Regional Plan rule WH.R5 does not include buildings in rural areas.

Identified environmental, economic, social and cultural benefits are:

- Same as Option 3, but with minor reductions in copper and zinc discharges from these cladding in areas that has rain runoff entering streams or the Council's stormwater network in the General Rural Zone and Large Lot Residential Zone.

Effectiveness and efficiency

While it is not necessarily efficient to have rules within the District Plan and Regional Plan managing the same effects on the environment, in this case it is considered that retention of a rule within the District Plan is the most effective approach to managing the potential for zinc and copper discharges from roofing and cladding as this can (and does) occur as part of the assessment of building consent applications against the District Plan.

On this basis, it is considered that retention of the rule, with the removal of the exclusions for the General Rural Zone and Large Lot Residential zones (Option 4) is the most effective option to achieve the objective and policies of the District Plan.

Risk of acting/not acting

If Option 1 (not acting – status quo) is used, the risks include:

- Duplicating regulatory measures across district and Regional Plans.

Recommended Option

Following the assessment above, Option 4 is the recommended option.

The recommended changes for Issue 4 are provided in the amended THW and SUB chapters, and new APP17 – Three Waters Connections, appended to this report.

There are no consequential amendments for other parts of the District Plan.

Issue 6: Three waters standards applying to subdivision

SUB-P8 requires all subdivided allotments to be adequately serviced, including suitable connections to water supply, wastewater and stormwater in accordance with the Council's Code of Practice for Land Development[13]. The rules for subdivision and their standards generally require connection of new vacant freehold allotments and residential units to reticulated water, wastewater and stormwater, and to meet the Wellington Water Regional Standard for Water Services.

Issues identified with this approach are:

- *'Freehold allotments'* does not allow consideration of cross-lease and unit title subdivision.

[13] Currently the Code of Practice for Land Development 2012.

- Subdivision around existing residential units are currently being required to comply with the Wellington Water Regional Standard for Water Services. However, upgrading existing connections to meet all new Regional Standard requirements can be cost prohibitive when there are no or minimal changes to existing structures and buildings. In many cases, the existing buildings are protected under section 10 of the RMA with existing use rights. In other cases, a similar existing use baseline should apply unless there are significant functional or environmental problems.
- Rule standards should ideally be clear and without discretion so the developer/applicant and Council understand what the requirement is and whether it can be met. The current standards require compliance with levels of service in the Wellington Water Regional Standard, which include matters of discretion and consideration by Wellington Water. This can lead to debates about whether a developer has to comply with level of service requirements as interpreted by Wellington Water or the Council.
- The wastewater disposal standard SUB-S3 when reticulated wastewater is not available requires allotments to be provided with on-site wastewater networks or other approved alternatives. Firstly, some new allotments may stay vacant for years, or may be used for activities that don't generate domestic wastewater, such as farming. Secondly, as above, the *'approved alternative'* in the standard adds discretion, which can lead to uncertainty between the Council and an applicant/developer about whether the standard is complied with or not.
- The stormwater management standard SUB-S4 requires that stormwater not be disposed to an area subject to inundation. Often a suitable stormwater disposal area will become subject to inundation during heavy rainfall events, such as a retention or detention pond. This is how the disposal functions. Other times, the stormwater may flow into an existing inundation area that is designed for that purpose, such as a gully with a culvert to mitigate peak storm flow. The standard should instead focus on not increasing natural hazard risk to people and property.
- As discussed in the heading below, the Three Waters chapter has an objective and policies that include *'subdivision'*, but that chapter does not have any rules or standards for subdivision. All subdivision provisions in this District Plan should be in the Subdivision chapter.

<u>National direction, regional direction and local strategic direction</u>

The National Planning Standards' District-wide Standard directs that '*Subdivision provisions must be located in one or more chapters under the Subdivision heading'*. There is no equivalent direction for Three Waters provisions, so three waters requirements for subdivision consents must be in this chapter.

No regional directions apply directly to which three waters connections standards should apply to subdivision.

Assessment of Options

Relevant Options

For the purposes of this evaluation, the following options have been considered to respond to the issues identified:

- **Option 1:** Retain the status quo
- **Option 2:** Add reference to a new APP17 – Three Waters Connections instead of referring to the Code of Practice, for three waters-related standards.

- **Option 3:** Water levels of service requirements (now in APP17) to only apply to new vacant allotments (not just freehold). New allotments around existing buildings or residential units to only require an independent water supply connection.
- **Option 4:** Wastewater levels of service requirements (now in APP17) to only apply to new vacant allotments (not just freehold). New allotments around existing buildings or residential units to only require an existing functional wastewater connection. Lots without reticulated wastewater to just have an area sufficient to meet Regional Plan on-site treatment requirements, not provided with a system at the time of subdivision.
- **Option 5:** Stormwater levels of service requirements (now in APP17) to only apply to new vacant allotments (not just freehold). Stormwater cannot enter wastewater network. Stormwater can be disposed in inundation areas where this is not an identified natural hazard area.

Cost/Benefit Assessment

The options are assessed below.

Option 1: Retain the status quo

Identified environmental, economic, social and cultural costs of this option are:

- Ongoing uncertainty about whether levels of service standards apply to different types of development.
- Higher costs where existing development is forced to retrofit upgraded three waters connection infrastructure even though there is no change in land use.
- Vacant lots without wastewater connections, and no need for wastewater treatment, must pay for an on-site wastewater treatment system.
- Expense of a resource consent assessment and expert opinion on stormwater options that meet best practice standards for stormwater treatment and disposal.

Identified environmental, economic, social and cultural benefits are:

- Increased flexibility for the Council and water service provider to improve water quality services through subdivision applications.

Option 2: Add reference to a new APP17 – Three Waters Connections instead of referring to the Code of Practice, for three waters-related standards

Identified environmental, economic, social and cultural costs of this option are:

- Less flexibility to address concerns that are outside the level of service standards in APP17, which instead must be managed through the water service provider's consideration under the Water Services Bylaw.

Identified environmental, economic, social and cultural benefits are:

- More certainty to landowners, developers, the Council and Wellington Water about the level of service standards that must be met for an activity to be permitted, and whether a subdivision is likely to meet this standard or not.
- Where level of service standards are not met, the unique circumstances are considered through resource consent with the attendant rights of appeal if the resource consent decision is incorrect or not favourable.

Option 3: Water levels of service requirements (now in APP17) to only apply to new vacant allotments (not just freehold). New allotments around existing buildings or residential units to only require an independent water supply connection

Identified environmental, economic, social and cultural costs of this option are:

- The water connections for these sites are upgraded more slowly, based on water service provider requirements, rather than a upgrades through subdivision consent.

Identified environmental, economic, social and cultural benefits are:

- The requirement for an independent water supply connection allows for separate measures of water use via water meters, which based on experience in other parts of New Zealand helps reduce water consumption by 20% to 30% on average. This reduces water infrastructure and water storage costs, enables more urban development, and reduces environmental effects of water takes.
- Subdivision that does not affect the actual land use or water take does not have to pay for extensive retrofitting of water connections to meet updated water connection standards used for new land uses and vacant sections.

Option 4: Wastewater levels of service requirements (now in APP17) to only apply to new vacant allotments (not just freehold). New allotments around existing buildings or residential units to only require an existing functional wastewater connection

Identified environmental, economic, social and cultural costs of this option are:

- The wastewater connections for these sites are upgraded more slowly, based on water service provider requirements, rather than a upgrades through subdivision consent.

Identified environmental, economic, social and cultural benefits are:

- Wastewater connections are checked through the subdivision that there are not cross-connections or other faults that are polluting natural waterways, with fixes made through the subdivision. Likewise that the wastewater connections are not being infiltrated by stormwater flows or leaks. These connection checks are extended to unit title and cross-lease subdivisions as well.
- Subdivision that does not affect the actual land use or wastewater discharge does not have to pay for extensive retrofitting of wastewater connections to meet updated water connection standards used for new land uses and vacant sections, provided the current connection has a functional connection without leaks, overflows or incorrect connections.
- New lots that are not in the Council wastewater reticulation area do not have to pay for an on-site wastewater system until it is needed by a land use on the site.

Option 5: Stormwater levels of service requirements (now in APP17) to only apply to new vacant allotments (not just freehold). Stormwater cannot enter wastewater network. Stormwater can be disposed in inundation areas where this is not an identified natural hazard area

Identified environmental, economic, social and cultural costs of this option are:

- The stormwater connections for these sites are upgraded more slowly, based on water service provider requirements, rather than a upgrades through subdivision consent.

Identified environmental, economic, social and cultural benefits are:

- Stormwater connections for effective treatment and discharges are considered for all new vacant allotments, not just freehold ones.
- Cross-contamination of stormwater by wastewater is picked up and corrected more often, reducing environmental contamination.
- Greater flexibility for stormwater discharge to use existing and new ponding areas, without increasing natural hazard risk, which may be more affordable in instances where natural processes (e.g. sedimentation, denitrification, absorption) can treat and discharge stormwater runoff.

Effectiveness and efficiency

The combination of Options 2 to 5 makes improvements that increase the effectiveness and efficiency of three water requirements through subdivision.

Overall evaluation

Following the assessment above, Options 2, 3, 4, 5 are the preferred option.

The recommended changes are provided in the amended THW and SUB chapters, and new APP17 – Three Waters Connections, appended to this report.

There are no consequential amendments for other parts of the District Plan.

Risk of acting/not acting

If Option 1 (not acting – status quo) is used, the risks include:

- Developments being encumbered by high administrative costs with minimal environmental benefits.
- Confusion on whether or how the subdivision rules apply to residential units.

Recommended Option

Following the assessment above, the combination of Options 2, 3, 4 and 5 is the recommended option.

The recommended changes for Issue 7 are provided in the amended THW and SUB chapters, and new APP17 – Three Waters Connections, appended to this report.

There are no consequential amendments for other parts of the District Plan.

Issue 7: Minor edits and changes

A number of minor changes are required to improve the efficiency and effectiveness of the THW chapter and the three waters parts of the SUB chapter. These are shown in the table below.

Change	Reason

In SUB-S4, allow for stormwater to be disposed to ground in an inundation area, as long as it is not an existing natural hazard inundation area (permitted activity) or does not increase natural hazard risk (restricted discretionary activity).	Some methods to dispose stormwater will create inundation areas, such as retention/detention ponds, as part of the method. In other instances use of existing inundation areas may be appropriate, for example into a gully that has culvert controls for peak flows, however this is likely to need a resource consent check that this method does not increase natural hazard risk.
Relocate three waters policy for subdivision currently in the Three Waters Chapter to the Subdivision Chapter, and delete references to "residential units" from three waters subdivision standards.	The THW chapter has no rules for subdivision, so the THW subdivision policy is not implemented through those rules. All provisions relating to subdivision should be in the Subdivision chapter, according to the National Planning Standard. There are overlaps between subdivision policy in the THW chapter and parts of the SUB chapter. SUB rules do not manage development of residential units, so references to them can be deleted from the subdivision standards without affecting the operation of the rules.
Remove content in new APP17 – Three Waters Connections that relates to subdivision and new lots.	The subdivision rules refer to the WWL Regional Standard as a referenced document. The rules that refer to APP17 – Three Waters Connections do not include new subdivided lots.
Replace the phrase *'Adequately service the catchment including all current and future lots ultimately possible under the operative District Plan'* with *'Adequately service the catchment including all current and future lots indicated as likely to be developed in the Wellington City Housing and Business Development Capacity Assessment'*. Make similar replacements where the District Plan's theoretical capacity is referenced.	Under new planning regulation including the National Policy Statement on Urban Development 2020 and the 2024 District Plan policy approach, the District Plan's theoretically possible lots will usually far exceed the future lots that are likely to be created and developed. This is because the District Plan gives increased development potential across the City, to allow landowners commercial markets to decide where and when to develop with more competitive land options. The Housing and Business Development Capacity Assessment evaluates future development demand and capacity over 30 years, so is the more useful reference point for this standard.
In the APP17 Table 6 on residential development population density, replace: • *'CBD'* with *'City Centre Zone'.* • *'Residential'* with *'General Residential Zone'* or *'Medium Density Residential Zone'.* • 'Inner city' with 'High Density Residential Zone'. • *'Suburban Centre'* with *'Metropolitan Centre Zone', 'Local Centre Zone'* or *'Neighbourhood Centre Zone'.* • *'Maximum building height and coverage as per District Plan'* with *'Building height thresholds in CCZ-S1, and 80% site coverage'*.	Alignment with the Planning Standards zones used in the District Plan. General Residential Zone is not currently used, but future rezonings could introduce it. This adds more certainty for applicants rather than trying to work out where the *'CBD'* boundary is, and what is *'inner city'*. The City Centre Zone does not have maximum building heights and coverage anymore. The height thresholds in CCZ-S1 are reasonable indications from the Wellington City Spatial Plan 2021 about the typical sorts of heights anticipated in different parts of the City Centre Zone, although a few buildings will be higher than this. 80% site coverage anticipates that while some buildings will use the whole site, the site area often does not extend up to all floors. In other sites, public

	spaces, alleys, service areas etc are included. 80% becomes a conservative estimate for new City Centre Zone development overall.
Replace water/wastewater/stormwater *'system'* with *'network'*.	*'Network '*is the most consistent term used for public reticulation in other District Plans, and better reflects the structures that the new building/subdivision will be connecting to. *'System'* is too broad a category.
In THW-R2, apply the same rules for General Rural Zone and Large Lot Residential Zone to the Natural Open Space Zone, Open Space Zone, and Wellington Town Belt Zone	The Natural Open Space Zone, Open Space Zone, and Wellington Town Belt Zone have low levels of building coverage, which is likely to continue with maximum building coverage of 5%, 10% and 5% respectively. With rain runoff being easily absorbed on-site hydraulic neutrality does not need to be a consideration. Many more of the buildings in these zones will not need connections for three waters, so are in the same category of three water connection considerations as the General Rural Zone. We considered whether the Waterfront Zone, Quarry Zone and Sport and Active Recreation Zone should also be moved to THW-R2.3/4, but decided to retain the status quo for these zones because: • The Waterfront Zone has large areas of impermeable surface, including the Harbour Quays and Post Office Square, with hydraulic neutrality and three water connection concerns being similar to the City Centre Zone. • The Quarry Zone, while usually having few buildings, is very enabling of new buildings with no site coverage requirements. If quarrying work ends and land is used for other industrial or commercial buildings, three waters connections and stormwater runoff may be issues to address. • The Sport and Active Recreation Zone has similar site and building coverage standards to the Large Lot Residential Zone, however the City has a few existing Sport and Active Recreation Zone sites with extensive buildings, car parks, roofing and other impermeable areas with three waters and stormwater effects.

Summary of Recommendations

A summary of the recommended options is provided in the table below.

Issue 1	**Structure of the Three Waters chapter**
Option 2: Re-write the rules so that they apply to specific activities (e.g. residential units), and the standards housing the requirements for connections to three waters infrastructure, limiting copper and zinc, and stormwater management. Then link the appropriate standards in the relevant activity rules.	
Issue 2	**References to the Wellington Water Regional Standard in the District Plan**
Combination of Options 3, 4 and 5: • Amend the Wellington Water Regional Standard referenced document for three waters connections in the Subdivision and Three Waters chapters to the new Wellington Water Regional Standard for Water Services v3.1, December 2024; and in the Three Waters chapter and/or Subdivision chapter, extend the content being referenced in the new Regional Standard to include all provisions relevant to the capacity of the network and level of service changes resulting from the development. • Three Waters connections standards drawn from the Regional Standard relating to network capacity and level of service, but not new infrastructure design or quality, should be in a new District Plan appendix: APP17 – Three Waters Connections. • Standards in permitted rules in the Three Waters and Subdivision chapters should reference the new APP17. • Consequential amendment to LLRZ-S8.1.	
Issue 3	**Three waters connection requirements for residential and non-residential buildings**
Combination of Options 2, 3 and 4: • Restrict compliance to the wastewater connection standards to new buildings that have sanitary plumbing. • Restrict compliance to the water connection standards to new buildings that have plumbing and are not accessory to an existing use on-site. • Restrict compliance to the stormwater connection standards to new buildings over 20 m^2 roof area.	
Issue 4	**Water-sensitive design assessment and permeable surfaces**
Combination of Options 2 and 3: • Connecting the permitted baseline of 30% permeable coverage in urban zones and 60% in Large Lot Residential Zone with the water-sensitive design methods restricted discretionary rule. This means that all developments must either meet the permeable coverage standard as a permitted activity, or incorporate water-sensitive design methods as a restricted discretionary activity. The hydraulic neutrality rules would remain the same. • Add public and limited notification preclusion clauses for the permeable surface rules.	
Issue 5	**Copper and zinc building materials**
Option 4: Delete THW-P2, THW-R3, and associated text in the Introduction section of the THW chapter; amend THW-R3 to be clearer on only applying to exterior cladding and roofing, and amend THW-R3.1.b to form a new controlled activity rule that enables an assessment and conditions to be imposed; and extend to the General Rural Zone and Large Lot Residential Zone if the stormwater is piped into a water body or a stormwater network.	
Issue 6	**Three waters standards applying to subdivision**
Combination of Options 2, 3, 4 and 5: • Add reference to a new APP17 – Three Waters Connections instead of referring to the Code of Practice, for three waters-related standards. • Water levels of service requirements (now in APP17) to only apply to new vacant allotments (not just freehold). New allotments around existing buildings or residential units to only require an independent water supply connection.	

• Wastewater levels of service requirements (now in APP17) to only apply to new vacant allotments (not just freehold). New allotments around existing buildings or residential units to only require an existing functional wastewater connection. Lots without reticulated wastewater to just have an area sufficient to meet Regional Plan on-site treatment requirements, not provided with a system at the time of subdivision. • Stormwater levels of service requirements (now in APP17) to only apply to new vacant allotments (not just freehold). Stormwater cannot enter wastewater network. Stormwater can be disposed in inundation areas where this is not an identified natural hazard area.	
Issue 7	**Minor ordering and phrasing edits**
Adopt minor amendments and phrasing edits within the THW chapter.	

Consultation

The recommended changes have been circulated to planners in the Council's Resource Consent Team, to Wellington Water Ltd, and to iwi authorities. The Wellington Regional Standard for Water Services was also notified as a referenced document for comments before the Proposed Plan Change 1 was notified. Feedback was given on this referenced document as well.

Feedback received, as detailed below, has informed this section 32 evaluation report.

Resource Consents Team	Bill Stevens, Team Leader Resource Consents, has assessed the planning and real-world application of the Three Waters provisions as part of this assessment of options. His advice is incorporated throughout this section 32 evaluation report.
Wellington Water Ltd	Bradley Blucher and Angela Penfold from WWL met with Council officers on 19 December 2024 and 9 January 2025 to discuss the proposed changes to the Three Waters provisions. A more detailed discussion with Bradley was on 24 June 2025. WWL provided two sets of written feedback and advice on the Three Waters provisions and proposed changes. Through this and phone conversations WWL has given detailed feedback. The main areas of comment include, but are not limited to: • Hydraulic neutrality being focused on peak flow rather than overall quantity. • Ensuring a greater degree of control when developers are building new three waters infrastructure which the Council will be vesting and incorporating into existing systems and networks. • Support for more clarity about standards in the District Plan being focused on connections and three waters capacity, and making them clearer whether or not the standards are met. • Consideration how water sensitive design is managed in the District Plan and regional plan, and the overlaps/conflicts. • Lack of stormwater solutions for small structures less than 40 m2, but concern around cumulative stormwater effects from multiple structures. • Support for District Plan provisions to be practical and efficient for both developers and WWL, focusing on addressing significant environmental and level of service risks. On 23 July 2025, Bradley Blucher from WWL provided comments and changes on the final draft of changes to THW, SUB and APP17, both in writing and via phone conversations. Most changes were incorporated into the proposed version, however a few specific recommended changes were too complex to resolve in full between Council and WWL before this plan change is tabled with Council. These matters may be reconsidered through a Council submission on the plan change. However, any Council-submitted amendments are likely to be minor and should not change the substantive direction that others will submit on.

Wellington International Airport Limited	Wellington International Airport Limited (WIAL) supports changes to the District Plan that provide clarity around the implementation of the Three Waters chapter. WIAL seeks to ensure that water sensitive design does not become a mandatory requirement where there are operational or function requirements, or health and safety issues, that would preclude such design options from being implemented, such as biosecurity, bird strike issues, spatial constraints. The WIAL designation does not cover all airport activities. WIAL seeks some flexibility in the requirements for water sensitive design. Three Waters chapter should avoid inefficient consenting of WIAL (and other) global stormwater discharge consents that do not use Council or WWL networks. The chapeau of the rules needs to be clearly articulated to ensure it is clear when the rules are triggered. Consideration should be given to the use of bullet points, as per the approach used in other chapters of the 2024 District Plan. For example, it is not clear if THW-R1 applies only to new residential buildings, or all buildings.
Spencer Holmes Limited	The inclusion of Council's own documents by reference is not appropriate – particularly where the document sets a permitted standard. The majority of documents currently incorporated by reference are for the purposes of policy overview or for assessment criteria purposes. Where other referenced documents are used to set a permitted standard, the document is a recognised national standard from Standards New Zealand or a NZTA standard. These national documents have been subject to a formal process to consider and adopt the standard. The Code of Practice for Land Development (2025 version) and the Regional Standard have not been subject to any rigorous submission and decision process. The Code of Practice for Land Development and the Regional Standard are not written to be applicable as permitted standards for a District Plan as they have more general language and therefore require a degree of 'discretion' to interpret them as a standard for compliance. Consequently, these documents should be limited to use in the District Plan as guidance material for assessment criteria. Any relevant standard(s) to be applied from the Regional Standard should be written directly into the District Plan. In that way, the *'standard'* can be subject to appropriate consideration via the Schedule 1 submission and decision process.
Greater Wellington Regional Council	GWRC supports the extension of THW requirements to the General Rural Zone and Large Lot Residential Zone. With the exception of retaining the greater area of permeable surface for large-lot residential properties as currently required by rule THW-R8. GWRC supports retention of the Restricted Discretionary activity status. The Restricted Discretionary rule could be utilised to protect sensitive receiving environments such as surface water bodies or coastal areas from exposure to zinc and copper contaminants as there may be circumstances where non-compliance with the PA conditions of THW-R3 warrants a decline in consent. This relief is directed by Policy FW.3 (k) of the RPS Change 1: manage land use and development in a way that will minimise the generation of contaminants, including in relation to the choice of building materials. GWRC supports the application of permeable surface and water-sensitive design rules and standards across different zones and activities in line with Policy FW.3(f) of the RPS Change 1. GWRC seeks that any changes to the application of permeable surface and water sensitive design rules will maximize the application of these

		requirements. GWRC notes that permeable surfaces are a mechanism of water-sensitive urban design principles. GWRC recommends that the District Plan includes an understanding that permeable surfaces are water sensitive design.