Section 32 Evaluation Report

Part 2: Three Waters

Contents

Appendices

Table of acronyms

Abbreviation	Full term
DDP	Draft District Plan
GWRC	Greater Wellington Regional Council
NES	National Environmental Standards
NES-F	National Environmental Standards for Freshwater 2020
NPS	National Policy Statements
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement for Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative District Plan
PDP	Proposed District Plan
PNRP	Proposed Natural Resources Plan
RMA	Resource Management Act
RPS	Regional Policy Statement for the Wellington Region 2013
THW	Three Waters

1.0 Overview and Purpose

1.1 Introduction to the resource management issue/s

This section 32 evaluation report is focussed on three waters infrastructure. The purpose of the topic is to recognise the critical importance of three waters in supporting the city's growth and development and to ensure that new development is supported and serviced by appropriate three waters infrastructure and contributes to a well-functioning urban environment.

Three waters infrastructure refers to assets and network services that provide safe drinking water, protect communities and the environment from the hazardous effects of wastewater, reduce disruptions to our lives from wet weather events, and convey urban stormwater into the environment. Well-functioning three waters infrastructure is crucial to the health and wellbeing of Wellingtonians, the health and well-being of waterbodies and freshwater, and to supporting continued residential and business growth and development in the city.

The Council owns the majority of public three waters infrastructure in the city and is responsible for the effective and efficient conveyancing of waters. The Council-owned three waters network includes 67 reservoirs, 105 pumping stations, over 2,727 km of underground pipes, 165,000 fittings valves and hydrants, and 18 km of tunnels and stormwater network infrastructure. Its replacement value is over $3.9 billion. Wellington Water Ltd manages the city's three water assets and services on behalf of Council and is responsible for the provision of advice. Greater Wellington Regional Council (GWRC) is responsible for regulating and monitoring the amount of water taken from catchments (including for drinking water supply) and the quality of the 'receiving waters' for the discharges from the water services. GWRC is also responsible for the provision of bulk drinking water to the city.

Wellington City's three waters infrastructure is ageing with many parts of the network in poor condition and deteriorating, leading to increases in pipe breakages and increasing water loss and wastewater leakage. A significant portion of Wellington's three water infrastructure was constructed as part of the city's growth and development following the Second World War and will require replacement over the next 30 years; some pipe infrastructure is estimated to be in the order of 100 years old and requires more immediate attention. The network was designed for a much lower density development, with much higher areas of permeable surfaces, i.e. quarter acre sections where much of each site would be grass or gardens, compared to development that occurs now, which consists of smaller sections and higher areas of impermeable surface.

Since the installation of much of the city's three waters infrastructure, the city has grown and densified, and demand from new development on three waters has significantly increased. The upgrading of the city's three waters infrastructure has not kept up with this demand and levels of service within three waters networks have continued to reduce. While many parts of the three waters network have been upgraded, improved and replaced over time, there are a number of locations across the city where three waters infrastructure is near or at capacity. This is resulting in issues such as:

- Pipes leaking and bursting as a result of deterioration over time and damage (including earthquake damage)
- Aging pipes suffering from increased infiltration of both groundwater and salt water (in low lying areas) reducing their capacity to convey water
- Discharges/overflows of wastewater during sustained or heavy rainfall events into streams and coastal waters. This is exacerbated by stormwater inflow to the wastewater network (for example, from residential downpipes being directed into wastewater gully traps or from constructed overflows) contributing to large peaks in the wastewater network during rainfall events

- An increased number and severity of flooding events because of increased stormwater discharges and a lack of stormwater network capacity.

The historical design and construction of some of the city's three waters infrastructure exacerbates to these issues. For example, the wastewater system has 75 constructed overflows – these are sewers that are designed to overflow into the city's stormwater system. This results in wastewater contamination of stormwater[1] which negatively impacts stream and coastal water quality.

There is significant community awareness and growing expectations to improve the state of the city's three waters infrastructure, as well as improve the quality and ecological health of our water resources.

Water is also of great significance to Māori, reflecting the sustenance it provides and the shared identity Māori have with water. Water is special and is considered a taonga. Mana whenua of Te Whanganui-a-Tara (being Taranaki Whānui and Ngāti Toa Rangatira) have requested that Council makes a radical and meaningful shift in the way water is managed in the city; a change that would see the active kaitiakitanga / guardianship of the city's waterways led by mana whenua and the people of Wellington. Taranaki Whānui and Ngāti Toa Rangatira share a vision of – *"Kei te putake o te whaitua o te Whanganui-a-Tara tōna mauri mana motuhake hei oranga mō te katoa / the mauri of te Whanganui-a-Tara and the communities who live within it is nurtured, strengthened and able to flourish"*.[2]

Nationally, regionally and locally, the management and objectives of three water infrastructure are changing to have a much greater emphasis on reducing environmental impacts and on increasing water sensitive design[3], which in addition to ensuring environmental improvements, will also help cater for population growth and future climate pressures. Achieving this change will require significant investment and adaption away from traditional infrastructure approaches.

A range of policy changes at a national and regional government level are driving improved freshwater management and the introduction of more stringent planning controls for three waters. As a result, substantial investment will be necessary in coming years if Wellington City is to comply with the requirements of, for example, the Proposed Natural Resources Plan the Whaitua Te Whanganui-a-Tara, Te Awarua-o-Porirua Waitua, the National Policy Statement for Freshwater Management and the National Environmental Standards for Freshwater, as well as meet the aspirations of the Council's Spatial Plan and Te Atakura – First to Zero.

The city's anticipated population growth of 50,000-80,000 people over the next 30 years will place considerable pressure on existing three waters infrastructure, prompting the need for new and upgraded infrastructure in many locations. Growth also provides an opportunity to upgrade our current infrastructure to modern standards, increase capacity and incorporate environmentally sustainable methods to manage stormwater runoff, such as water sensitive design and greening initiatives around the city. It can also act as a catalyst to encourage the investment needed to safeguard the long-term resilience of our three waters infrastructure.

The scale of three waters infrastructure investment required to respond to higher environmental requirements and to support growth will be significant and will need to be addressed by sustained investment delivered through the Council's Long Term Plan. This investment will need to include essential upgrades to existing networks and assets to address

[1] This contamination occurs during rainfall events as well as dry weather events.

[2] The Mayoral Taskforce on the Three Waters Report 2020, page 10.

[3] Water sensitive design is the principle of incorporating the natural water cycle and the subsequent management of this into stormwater design and aims to improve resilience of cities and communities.

present constraints and levels of service, as well as new infrastructure specifically required to support growth and intensification. The scale of investment required across the city's three waters infrastructure means that investment will need to be staged over time to ensure it is affordable and deliverable. This may mean some city locations will not have capacity to accommodate growth until specific investment is made to upgrade infrastructural capacity.

While the Council's 2021-31 Long-Term Plan allocates some investment to improve the city's three waters infrastructure, continued investment will be required over future years. Specific investment needs/projects identified in future Long Term Plan's will be informed by detailed three waters growth assessments carried out by Wellington Water Limited over the next three to six years. The first focus of the assessments is on the growth area priorities for the next 10 years identified in the Spatial Plan (this includes the Central City, Te Aro, Adelaide Road, Newtown, Johnsonville and Tawa). It is noted that the likely transfer of responsibility for three waters infrastructure management from local government to a new Water Services Regulator - Taumata Arowai - could have a major bearing on future funding and service delivery.[4]

The Three Waters chapter sits alongside other methods to manage the demand on the three waters network, e.g. permeability standards for sites in urban areas; the renewal or replacement of the three waters network funded through rates, development contributions or developer agreements; information, guidance and incentives to reduce demand and encourage more efficient use of water; investigating and fixing leaks; investigating water meters for residential use, etc.

The provisions in the Three Waters chapter seek to ensure that new development is serviced by appropriate three waters infrastructure and that a suitable level of service within the three waters network is maintained. To achieve this, the use of on-site mitigation measures, such as stormwater detention tanks or other measures to manage stormwater flows and volumes, and wastewater detention tanks may be required in some situations. This is to ensure that in the short to medium term the level of service provided by the three waters network does not degrade further. In the longer term as new upgrades to the three waters network occurs, the level of service will improve, helping to reduce the number of discharges of wastewater into the local environment and reducing the peak discharge rates of stormwater from urban sites.

The Operative District Plan is light on provisions for three waters infrastructure, particularly stormwater management, which is mainly attributable to the Plan's age. The Operative District Plan does not have a three waters chapter for land use activities. Rather it addresses the three waters network and the associated demand throughout the various zone chapters at time of subdivision (i.e. not at the time of land use). This limits the ability for Council to consider three waters issues for resource consents for new development that do not involve subdivision.

Several chapters in the Operative District Plan contain broad environmental sustainability-based objectives and policies which seek to ensure efficient use of natural resources (which would include consideration of water resources) and low impact urban design as part of new development. However, there are limited rules and standards implementing these objectives and policies from a three waters perspective. The Residential chapter contains a policy seeking to minimise hard surfaces by encouraging residential development to increase opportunities for permeable open space areas. However, there are no specific rules or standards directly implementing this policy, rather guidance is provided via the Subdivision and Residential design guides, and permeability is achieved by proxy through standards relating to site coverage and ground level open space.

[4] Refer Central/Local Government Three Waters Reform Programme webpage on the Department of Internal Affairs website: https://www.dia.govt.nz/Three-Waters-Reform-Programme

Return to 'Infrastructure to support growth'

The Council requires compliance with the standards in the Council's Code of Practice for Land Development (which sits outside of the District Plan and covers road, sanitary, stormwater and water supply design and construction) to ensure new development can make appropriate connections to three waters services. The Code of Practice for Land Development is being reviewed as part of the District Plan review. It will focus on the design standards for development. Whilst the Code no longer includes a chapter on water sensitive design, it does confirm that Council is seeking to promote low impact design (a synonym for water sensitive design) to improve water quality and curb peak runoff volumes.

In terms of current design guidance, the Residential, Central Area and Centres design guides provide little guidance of direct relevance to stormwater management and water sensitive design. In contrast, the Subdivision Design Guide includes some guidance on stormwater management. There is also non-regulatory guidance on the use of water sensitive urban design concepts and devices within a Wellington city context for consent applicants provided within the Water Sensitive Urban Design Guide (which applicants are encouraged to read alongside the Code of Practice for Land Development).

As a result of the limited ability to consider three waters issues at the time of land use, Council also uses the building consent process to ensure new development can make appropriate connections to three waters services. If infrastructure is not designed to Council's satisfaction, or there is insufficient infrastructure capacity to service the new development, building consent can be declined and connection into existing Council infrastructure will not be authorised.

The proposed Three Waters chapter represents a significant improvement on the existing situation and significantly increases certainty for mana whenua, the community and developers in terms of three waters management and requirements for new development.

The Three Waters chapter will only apply to urban zones[5]. This is because development in these zones is serviced by the public three waters network. In non-urban zones, there is reduced reliance on the three waters network as the majority of properties in these locations have their own on-site services and are not connected to Council systems.

2.0 Reference to other evaluation reports

This report should also be read in conjunction with the following evaluation reports:

Report	Relationship to this topic
Strategic Direction	This chapter sets out high-level objectives for managing growth, land use and development in Wellington City. The Strategic City Assets and Infrastructure objectives recognise and reinforce the critical importance of infrastructure (including three waters infrastructure) to the ability of Wellington City to thrive and grow. They support a strategic and coordinated approach to infrastructure planning and investment to support growth, whilst recognising the requirements of the NPS-UD. This chapter also encourages the use of green infrastructure to manage the impacts of development on the City's infrastructure network and to create greater resilience. A high-level overview of the city's water quality is provided within the Natural Environment objectives. This includes an objective that future subdivision and design contributes to improvement of the quality of the city's water bodies.

[5] The urban zones are all zones other than the General Rural zone and the Large Lot Residential zone.

	These provisions are discussed in the associated s32 evaluation report (contained within the Part 1 Section 32 report).
Tangata Whenua	The Tangata Whenua chapter acknowledges and enables the relationship of tangata whenua to their ancestral land, sites, resources (including water) and traditions and articulates relevant and significant resource management matters. These provisions are discussed in the associated s32 evaluation report.
Residential zones	The High Density Residential and Medium Density Residential zone chapters contain provisions requiring minimum standards for the permeable surface area of a site subject to development to help reduce the rate and amount of storm water run-off, and these provisions are discussed in the associated s32 evaluation report.
Development Areas	These chapters contain provisions that set the framework for the development of the city's key Greenfield development areas (i.e. Lincolnshire Farm and Upper Stebbings), including ensuring that new development is supported by sufficient infrastructure, development achieves stormwater neutrality and meets permeable surface area requirements, and water sensitive design methods are used to benefit water quality and reduce impacts from runoff. These provisions are discussed in the associated s32 evaluation report.
Subdivision	This chapter contains provisions relating to the design of new subdivisions to ensure sustainability and resilience, and includes requirements for new urban allotments to be adequately serviced (i.e. connected to reticulated water supply, wastewater and stormwater management networks in accordance with the Council's Code of Practice for Land Development) and achieve stormwater neutrality. These provisions are discussed in the associated s32 evaluation report.
Natural Hazards	The approach to managing the effects of flooding is contained in the natural hazards chapter and is discussed in the associated s32 evaluation report (this is relevant for stormwater management).
Infrastructure	The provisions pertaining to the upgrading or construction of new three waters infrastructure as carried out by Infrastructure Providers are located in the Infrastructure chapter and are discussed in the associated s32 evaluation report.

3.0 Strategic Direction

The following objectives in the Strategic Direction chapter of the Proposed District Plan that are relevant to this issue/topic are:

Anga whakamua – Moving into the future	
AW-O3	*Mana whenua can exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori.*
AW-O4	*The development and design of the City reflects mana whenua and the contribution of their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance to the district's identity and sense of belonging.*
Capital City	

CC-O2	*Wellington City is a well-functioning Capital City where:* *1. A wide range of activities that have local, regional and national significance are able to establish and thrive.* *2. The social, cultural, economic and environmental wellbeing of current and future residents is supported.* *3. Mana whenua values and aspirations are visible, celebrated and an integral part of the City's identity.* *4. Urban intensification is delivered in appropriate locations and in a manner that supports future generations to meet their needs.* *5. Innovation and technology advances that support the social, cultural, economic and environmental wellbeing of existing and future residents are promoted.* *6. Values and characteristics that are an important part of the City's identity and sense of place are identified and protected.*
CC-O3	*Development is consistent with and supports the achievement of the following strategic City goals:* *1. Compact: Wellington builds on its existing urban form with quality development in the right locations.* *2. Resilient: Wellington's natural and built environments are healthy and robust, and we build physical and social resilience through good design.* *3. Vibrant and Prosperous: Wellington builds on its reputation as an economic hub and creative centre of excellence by welcoming and supporting innovation and investing strategically to maintain our thriving economy.* *4. Inclusive and Connected: Wellington recognises and fosters its identity by supporting social cohesion and cultural diversity, and has world-class movement systems with attractive and accessible public spaces and streets.* *5. Greener: Wellington is sustainable and its natural environment is protected, enhanced and integrated into the urban environment.* *6. Partnership with mana whenua: Wellington recognises the unique role of mana whenua within the city and advances a relationship based on active partnership.*
Natural Environment	
NE-02	*Future subdivision and development is designed to limit further degradation of the City's water bodies, and recognises mana whenua and their relationship to water (Te Mana o Te Wai).*
NE-O4	*Mana whenua are able to exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori in the protection and management of the natural environment.*
Strategic City Assets and Infrastructure	
SCA-O1	*Infrastructure is established, operated, maintained, and upgraded in Wellington City so that:* *1. The social, economic, cultural, and environmental benefits of this infrastructure are recognised;* *2. The City is able to function efficiently and effectively;* *3. The infrastructure network is resilient in the long term; and* *4. Future growth and development is enabled and can be sufficiently serviced.*
SCA-O2	*New urban development occurs in locations that are supported by sufficient development infrastructure capacity, or where this is not the case the development:* *1. can meet the development infrastructure costs associated with the development, and* *2. supports a significant increase in development capacity for the City.*
Sustainability, Resilience and Climate Change	

<table>
<tr><td>SRCC-O3</td><td>Development and land use activities:
1. Manage the risks associated with climate change and sea level rise effectively;
2. Support the City’s ability to adapt over time to the impacts of climate change and sea level rise; and
3. Support the natural functioning of ecosystems and processes to help build resilience into the natural and built environment.</td></tr>
<tr><td colspan="2">Urban Form and Development</td></tr>
<tr><td>UFD-O2</td><td>Urban development in identified greenfield areas:
1. Is environmentally and ecologically sensitive
2. Makes efficient use of land
3. Is well-connected to the public transport network, and
4. Reinforces the City's compact urban form.</td></tr>
<tr><td>UFD-O3</td><td>Medium to high density and assisted housing developments are located in areas that are:
1. Connected to the transport network and served by multi-modal transport options; or
2. Within or near a Centre Zone or other area with many employment opportunities; and
3. Served by public open space and other social infrastructure.</td></tr>
<tr><td>UFD-O4</td><td>In order to achieve sufficient, feasible land development capacity to meet expected housing demand, the following housing bottom lines below are to be met or exceeded in the short-medium and long term in Wellington City as contained in the Wellington Regional Housing and Business Capacity Assessment (Housing Update 2022).
<table>
<tr><td></td><td>2021-2024</td><td>2024-2031</td><td>2031-2051</td></tr>
<tr><td></td><td>Short</td><td>Medium</td><td>Long</td></tr>
<tr><td>Demand figures</td><td>4, 148</td><td>8, 426</td><td>18, 724</td></tr>
<tr><td>Competitiveness margin</td><td colspan="2">20%</td><td>15%</td></tr>
<tr><td>Housing bottom line</td><td colspan="2">15, 089</td><td>21, 532</td></tr>
</table></td></tr>
<tr><td>UFD-O5</td><td>Sufficient land development capacity is available to meet the short-, medium- and long-term business land needs of the City, as identified in the Wellington Regional Housing and Business Capacity Assessment.</td></tr>
<tr><td>UFD-O7</td><td>Development supports the creation of a liveable, well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and:
1. is accessible and well-designed
2. supports sustainable travel choices, including active and micromobility modes
3. is serviced by the necessary infrastructure appropriate to the intensity, scale and function of the development and urban environment
4. is socially inclusive
5. is ecologically sensitive
6. is respectful of the City’s historic heritage,
7. provides for community well-being; and
8. is adaptable over time and responsive to its evolving, more intensive surrounding context.</td></tr>
</table>

An evaluation of these objectives is contained in the companion Part 1 Section 32 Evaluation Overview Report.

4.0 Regulatory and policy direction

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management '*means managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while -*

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment'.

In achieving this purpose, all persons exercising functions and powers under the RMA also need to:

- Recognise and provide for the matters of national importance identified in s6
- Have particular regard to the range of other matters referred to in s7
- Take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi in s8.

4.1 Section 6

The s6 matters relevant to this topic are:

Section	Relevant Matter
Section 6(e)	*The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.* Stormwater systems historically have discharged into the nearest waterbody, which ultimately discharge to Wellington Harbour. In addition, the city's wastewater system has 75 constructed overflows (old sewers that are designed to overflow into the city's stormwater system). This results in wastewater contamination of stormwater which negatively impacts stream and coastal water quality. Compounding this is that many parts of the wastewater network are near or at capacity, and, in times of moderate and high rainfall, the network overflows with much of the overflow ending up in coastal water bodies including the Harbour. Freshwater and coastal water bodies in Wellington City are sites of cultural significance, making the relationship of Māori, their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga (s6(e)) relevant to the three waters topic.
Section 6(h)	*The management of significant risks from natural hazards.* As new development occurs, the rate of stormwater discharge from a site increases due to increased areas of impervious surfaces. Increased stormwater discharge rates have the potential to increase flooding downstream from a site. The management of risks from natural hazards (s6(h)) is therefore of relevance to the management of the three waters network.

4.2 Section 7

The s7 matters that are relevant to this topic are:

Section	Relevant Matter
Section 7(a)	*Kaitiakitanga* The NPS-FW and the introduction of the concept of Te Mana of te Wai recognises the fundamental importance of water and that protecting freshwater protects the health and well-being of the wider environment. Within the limits of its District Plan responsibilities under s31 of the Act, Council has a responsibility to be a kaitiaki of freshwater in Wellington City insofar as it can manage the effects of urban development on the health and well-being of water bodies and freshwater
Section 7(b)	*The efficient use and development of natural and physical resources.* When developing land and considering where to locate and how to manage three waters infrastructure it is important to consider the efficient use and development of the natural and physical resources.
Section 7(f)	*The maintenance and enhancement of the quality of the environment.* When three waters are managed poorly the effects can be adverse on the maintenance and enhancement of the quality of the environment, in particular downstream receiving environments.
Section 7(g)	*Any finite characteristics of natural and physical resources.* The management of three waters infrastructure is inherently achieved through recognising the finite characteristics of natural (water quality) and physical resources (capacity of three waters infrastructure).
Section 7(i)	*The effects of climate change* More frequent storm events of higher intensity, as a result of climate change, have significant implications for the stormwater network in particular – the network capacity impacts the ability to manage the volumes of water arising from these events and the potential for increased downstream flooding.

4.3 Section 8

Section 8 requires Council to work in partnership with Taranaki Whānui ki te Upoko o te Ika (Taranaki Whānui) and Ngāti Toa Rangatira to actively protect their interests. This is relevant for three waters infrastructure which, when poorly managed, has the potential to adversely affect cultural values and sites and areas of significance to Māori. As such, the Council and Taranaki Whānui and Ngāti Toa Rangatira have worked in partnership to develop appropriate provisions, including environmental and cultural overlays, to recognise and provide opportunities for tangata whenua to exercise kaitiakitanga and to recognise and protect sites and areas of significance.

4.4 Section 31

Section 31 sets out the Council's functions under the Act, including the following sub-sections with relevance to the Three Waters chapter:

Summary of responsibilities of territorial authorities under Section 31

Section	Relevant Matter
Section 31(1)(a)	*the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
Section 31(1)(aa)	*the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*
Section 31(1)(b)(i)	*the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—* *(i) the avoidance or mitigation of natural hazards; […]*

The management of three waters and the construction of three waters infrastructure are activities that can be controlled by territorial authorities as part of their functions under the Act. Section 31 also imposes an obligation on Council to provide housing and business development capacity, which includes the provision of adequate three waters infrastructure to support land development[6]. As such, capacity and the level of service required to support land use activities is an important consideration for urban development.

For completeness and to avoid duplication of regulation, the relevant functions of regional councils in respect to discharges of stormwater, water and wastewater, as contained in section 30 of the Act, are outlined below. The discharge of contaminants onto land or into waterbodies that would affect water quality and aquatic biodiversity are covered by these functions and are therefore regional council matters.

Summary of responsibilities of regional councils under Section 30

Section	Relevant Matter
Section 30(1)(a)	*the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:*
Section 30(1)(b)	*the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:*
Section 30(1)(c)	*the control of the use of land for the purpose of—* *(i) soil conservation:* *(ii) the maintenance and enhancement of the quality of water in water bodies and coastal water:* *(iii) the maintenance of the quantity of water in water bodies and coastal water:* *(iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water:* *(iv) the avoidance or mitigation of natural hazards:*

[6] Section 30(5) of the RMA

Section	Relevant Matter
Section 30(1)(f)	*the control of discharges of contaminants into or onto land, air, or water and discharges of water into water:*

4.5 Resource Management (Enabling Housing Supply and Other Matters) Amendment Act

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 20217 has introduced new requirements for Councils in relation to the permitted scale and form of future residential development. The primary purpose of the amendment is to unlock the development of more housing within New Zealand's growing cities.

Section 77F of the Act requires that Councils amend their District Plans to insert a prescribed set of Medium Density Residential Standards (MDRS) in every relevant residential zone, and that the Council gives effect to Policy 3 of the NPS-UD within these areas. The PDP includes these requirements in the Medium Density and High Density Residential Zone chapters.

Section 77G allows Councils to impose less enabling standards in these zones where 'qualifying matters' apply. This is the same approach as that provided for under the NPS-UD (Subpart 6, clause 3.33). Section 77H of the Act then specifies the requirements for assessing qualifying matters.

This Act is of high relevance to the Three Waters chapter as it means that all of the city's residential zones (excluding the Large Lot Residential Zone) must be enabled for medium density housing (up to 3 units of 3 storeys per site) as a permitted activity, except for where qualifying matters apply. New medium density development enabled by this Act will require water supply, wastewater and stormwater servicing and this may mean development occurs in locations not previously identified by Council as areas for new residential growth and three waters investment.

There are no permeability or hydraulic neutrality standards in the MDRS. However, via an Intensification Planning Instrument (see Section 80D(2)), District Plan provisions related to stormwater management (including permeability and hydraulic neutrality) can be included as part of an intensification planning instrument to support or as consequential to the Medium Density Residential Standards (MDRS).

4.6 National Direction

4.6.1 National Policy Statements

There are five National Policy Statements (NPS) currently in force:

- NPS for Electricity Transmission 2008
- New Zealand Coastal Policy Statement 2010
- NPS for Renewable Electricity Generation 2011
- NPS for Freshwater Management 2020
- NPS on Urban Development 2020

The NPS instruments relevant to this topic are:

- NPS on Urban Development 2020

[7] The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 was passed into law on 20 December 2021.

- NPS for Freshwater Management 2020
- New Zealand Coastal Policy Statement 2010

The relevant objective and policy provisions from each NPS are summarised in the tables in **Appendix 1**. A short overview of each NPS and its relevance to this chapter is provided below:

NPS on Urban Development 2020

The NPS-UD was gazetted in August 2020 and replaced the NPS-UDC (2016). The NPS-UD supports well-functioning urban environments that provide for current and future community well-being. Policy 2 of the NPS-UD requires the Council (being a tier 1 local authority) to at all times provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

'Sufficient development capacity' is further defined by Part 3 of the NPS-UD to mean that development capacity is both 'plan enabled' (i.e. via the district plan) and 'infrastructure-ready' (i.e. there is either existing capacity available, or investment to create capacity is identified in the Council's Long Term Plan or infrastructure strategy). [8] Therefore, alongside ensuring development capacity through enabling district plan settings, the NPS-UD seeks that local authority decisions on urban development that affect urban environments are integrated with infrastructure planning and funding decisions and that these decisions are strategic over the medium term and long term.

The NPS-UD is very relevant to the Three Waters chapter as it requires the provision of three waters infrastructure throughout the city to support sufficient development capacity to meet expected short, medium and long-term demand. Meeting these requirements presents a number of challenges for the Council given that many three waters services are already at maximum capacity or are nearing maximum capacity in many parts of the city, and the creation of additional capacity to support growth will require significant new investment. Therefore, whilst the Proposed District Plan enables significant 'plan enabled' capacity to meet our growth needs, ensuring there is adequate 'infrastructure ready' capacity to support growth will require significant and ongoing investment by Council through future Long Term Plans and infrastructure strategies, and this investment will need to be closely aligned with the locations where growth is planned for and is occurring[9].

To ensure that land use and infrastructure is planned in an integrated manner, Council is also required to work with infrastructure providers to achieve these aims and is encouraged to work with adjacent councils that share urban areas. The Wellington Region has created a joint housing and business capacity assessment, and the Council has worked closely with Wellington Water Limited in the development of the proposed Three Waters chapter.

NPS for Freshwater Management 2020

The NPS-FM directs regional councils to set objectives for the state of freshwater bodies in their regions and set limits on resource use to meet these objectives. However, the NPS-FM is also relevant for consideration for the district plan in regard to integrated management of land use and freshwater, particularly considering the effects of development and land use activities on the natural environment (which can include impacts of the quality of freshwater and coastal water). Councils are required to implement the NPS-FM in their policies and plans by 2025.

[8] Refer NPS-UD, Part 3: Implementation, subsections 3.2(2) and 3.3(2), pg.14

[9] Responsibilities for funding and investing in three waters infrastructure will change in the future as a result of the current Three Waters Reform programme.

NZCPS 2010

The NZCPS addresses coastal water quality. While this is a function that is managed by the Regional Council, it is recognised that discharges from stormwater and wastewater is one of a number of activities that can affect coastal water quality.

Tensions between National Policy Statements
It is noted that there are competing national directions currently with the different national policy statements. In particular there are tensions between the requirement in the NPS-FW for a territorial authority to avoid, remedy or mitigate adverse effects of urban development on the health and well-being of water bodies and freshwater ecosystems (which may require controls or limitations on development) and the NPS-UD which requires Councils to provide sufficient development capacity to meet the housing and business needs of people, communities and future generations in urban environments.

To manage this tension, this District Plan Three Waters chapter focuses on a two-pronged approach to managing the intersect between managing the effects of three waters infrastructure and the need to provide for additional urban development. Development is enabled in urban areas where there is either sufficient existing or planned Three Waters capacity and/or levels of service to accommodate new development or an appropriate alternative means of servicing can be provided.

4.6.2 Proposed National Policy Statements

In addition to the five NPSs currently in force there are also two proposed NPSs under development, noting that these are yet to be issued and have no legal effect:

- Proposed NPS for Highly Productive Land
- Proposed NPS for Indigenous Biodiversity

Neither are relevant to this topic.

4.6.3 National Environmental Standards

In addition to the NPSs there are nine National Environmental Standards (NES) currently in force:

- NES for Air Quality 2004
- NES for Sources of Human Drinking Water 2007
- NES for Electricity Transmission Activities 2009
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- NES for Telecommunication Facilities 2016
- NES for Plantation Forestry 2017
- NES for Freshwater 2020
- NES for Marine Aquaculture 2020
- NES for Storing Tyres Outdoors 2021

None of the standards are directly relevant to this topic.

4.6.4 National Planning Standards

The National Planning Standards require that any district plan provisions relating to energy, infrastructure and transport that are not specific to Special purpose zones, must be located in

Part 2 – District Wide Matters, under the 'Energy, infrastructure and transport' heading, in its own chapter or as part of another addressing energy, infrastructure or transport. Three waters are part of infrastructure and therefore the THW – Three Waters chapter is included under the 'Energy, infrastructure and transport' heading of the Proposed District Plan.

4.7 National Guidance Documents

There are no relevant national guidance documents.

4.8 Regional Policy and Plans

4.8.1 Regional Policy Statement for the Wellington Region 2013 (RPS)

The table below identifies the relevant RPS provisions for the THW – Three Waters chapter.

RPS – Relevant Objectives	
Section	***Relevant matters***
Objective 7	*The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.*
Objective 12	*The quantity and quality of fresh water:* *a) meet the range of uses and values for which water is required;* *b) safeguard the life supporting capacity of water bodies; and* *c) meet the reasonably foreseeable needs of future generations.*
Objective 26	*Mauri is sustained, particularly in relation to coastal and fresh waters.*
RPS – Relevant Policies	
Section	***Relevant matters***
Policy 40 R - Maintaining and enhancing aquatic ecosystem health in water bodies	*When considering a change, variation or review of a district plan, to give effect to this policy, territorial authorities could require setback distances between buildings and water bodies, limit impervious surfaces, require rooftop rainwater collection for gardens, require roadside swales, filter strips and 'rain gardens' for stormwater runoff instead of kerb and channelling, and encourage the treatment of stormwater at source in car parks and industrial yards.*
Policy 42 R – Minimising contamination in stormwater from development	*This policy requires that 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 run-off from subdivision and development shall be reduced by having particular regard to:* *a) limiting the area of new impervious surfaces in the stormwater catchment;* *b) using water permeable surfaces to reduce the volume of stormwater leaving a site;* *c) restricting zinc or copper roofing materials, or requiring their effects to be mitigated;* *d) collecting water from roofs for domestic or garden use while protecting public health;* *e) using soakpits for the disposal of stormwater;* *f) using roadside swales, filter strips and rain gardens;*

	g) using constructed wetland treatment areas; *h) using in situ treatment devices;* *i) using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges; and* *j) using educational signs, as conditions on resource consents, that promote the values of water bodies and methods to protect them from the effects of stormwater discharges.*
Policy 45 R - Using water efficiently	*This policy requires that when considering an application for a resource consent, or a change, variation or review of a district plan, particular regard shall be given to requiring water collection, water demand management options, and water reuse and/or water recycling measures, so that water is used efficiently.*
Policy 51 R - Minimising the risks and consequences of natural hazards	*This policy requires that when considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:* *a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;* *b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;* *c) whether the location of the development will foreseeably require hazard mitigation works in the future;* *d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;* *e) any risks and consequences beyond the development site;* *f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;* *g) avoiding inappropriate subdivision and development in areas at high risk from natural hazards;* *h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; and* *i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.*
Policy 58 R - Co-ordinating land use with development and operation of infrastructure	*This policy requires that when considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to:* *a) make efficient and safe use of existing infrastructure capacity; and/or* *b) coordinate with the development and operation of new infrastructure.*

R = policies to which <u>particular regard</u> must be had when varying a district plan

The following sections of the RPS are also of some relevance to three waters infrastructure:

- Section 3.2 Coastal Environment (Objectives 3 and 6 and Policies 6, 35 and 37)
- Section 3.3 Energy, infrastructure and waste (policies 7, 8 and 39)
- Section 3.4 Fresh water (policies 19 and 43)
- Section 3.8 Natural Hazards (Objectives 19 and Policy 51)
- Section 3.10 Resource Management with Tangata Whenua (Objectives 23, 24, 25, 26 and 28 and Policies 48 and 49).

Changes to the RPS are intended to be notified by Greater Wellington Regional Council in August 2022, which will include changes to give effect to the NPS-FW and NPS-UD and the Whaitua Implementation Programmes (WIP) as well as the addition of a new Climate Change chapter.

4.8.2 Regional Plans

There are currently five operative regional plans and one proposed regional plan for the Wellington region:

- Proposed Natural Resources Plan, appeals version 2022
- Regional Freshwater Plan for the Wellington Region, 1999
- Regional Coastal Plan for the Wellington Region, 2000
- Regional Air Quality Management Plan for the Wellington Region, 2000
- Regional Soil Plan for the Wellington Region, 2000
- Regional Plan for discharges to land, 1999

As the majority of provisions in the Proposed Natural Resources Plan (PNRP) are beyond challenge because provisions either weren't appealed or the appeals have been settled, the following paragraphs focus on the PNRP. The remaining appeals are close to resolution and they are in relation to agriculture.

Proposed Natural Resources Plan

The PNRP replaces the five operative regional plans, with provisions in this plan now largely operative with the exception of those that remain subject to appeal. The PNRP takes a strong approach to the maintenance and improvement of water quality. This includes management of stormwater quality from development. The table below identifies the relevant PNRP provisions as they relate to Three Waters.

Section	***Relevant matters***
Objective O3	*Mauri, particularly the mauri of fresh and coastal waters is sustained and, where it has been depleted, natural resources and processes are enhanced to replenish mauri.*
Objective O14	*The relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for, including: … (d) protecting sites with significant mana whenua values from use and development that will adversely affect their values and restoring those sites to a state where their characteristics and qualities sustain the identified values.*

Section	Relevant matters
Objective O20	*The hazard risk, and residual hazard risk, from natural hazards and adverse effects of climate change, on people, the community, the environment and infrastructure are acceptable.*
*Objective O23**	*The quality of groundwater, water in surface water bodies, and the coastal marine area is maintained or improved.*
Objective O31	*Outstanding water bodies identified in Schedule A (outstanding water bodies) and their significant values are protected and restored. Where the significant values relate to biodiversity, aquatic ecosystem health and mahinga kai, restoration is to a healthy functioning state including as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.*
*Objective O44**	*The adverse effects on soil and water from land use activities are minimised.*
Objective O48	*The adverse quality and quantity effects of stormwater discharges from the stormwater networks and urban land uses are reduced over time.*
Objective O50	*Discharges of wastewater to fresh water are progressively reduced.*
Policy P1 - Ki uta ki tai and integrated catchment management	*Air, land, fresh water bodies and the coastal marine area will be managed recognising ki uta ki tai by using the principles of integrated catchment management. These principles include:* *(a) decision-making using the catchment as the spatial unit, and* *(b) applying an adaptive management approach to take into account the dynamic nature and processes of catchments, and* *(c) coordinated management, with decisions based on best available information and improvements in technology and science, and* *(d) taking into account the connected nature of resources and natural processes within a catchment, and* *(e) recognising links between environmental, social, cultural and economic sustainability of the catchment*
Policy P10 – Contact recreation and Maori customary use	*Use and development shall avoid, remedy or mitigate any adverse effects on contact recreation and Maori customary use in fresh and coastal water, including by:* *(a) providing water quality and, in rivers, flows suitable for contact recreation and Māori customary use, and* *(b) managing activities to maintain or enhance contact recreation values in the beds of lakes and rivers, including by retaining existing swimming holes and maintaining access to existing contact recreation locations, and* *(c) encouraging improved access to suitable swimming and surfing locations, and* *(d) providing for the passive recreation and amenity values of fresh water bodies and the coastal marine area.*
Policy P17 – Mauri	*The mauri of fresh and coastal waters shall be recognised as being important to Māori and is sustained and enhanced, including by:* *(a) managing the individual and cumulative adverse effects of activities that may impact on mauri in the manner set out in the rest of the Plan, and (b) …*
Policy P31 – Biodiversity, aquatic ecosystem	*Manage the adverse effects of use and development on biodiversity, aquatic ecosystem health and mahinga kai to:* *Hydrology*

Section	Relevant matters
health and mahinga kai	*(a) maintain or where practicable restore natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands, and* *Water Quality* *(b) maintain or improve water quality including to assist with achieving the objectives in Tables 3.4, 3.5, 3.6, 3.7 and 3.8 of Objective O25 …*
Policy P38A – Restoring Te Awarua-o Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana*	*The ecological health and significant values of Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana will be restored including by:* *(a) managing activities, erosion-prone land, and riparian margins to reduce sedimentation rates and pollutant inputs, to meet the water quality, aquatic ecosystem health and mahinga kai objectives set out in Tables 3.4 to 3.8, and* *(b) undertaking planting and pest management programmes in harbour and lake habitats and ecosystems.*
Policy P62 – Promoting discharges to land	*The discharge of contaminants to land is promoted over direct discharges to water, particularly where there are adverse effects on:* *(a) aquatic ecosystem health, or* *(b) mahinga kai, or* *(c) contact recreation, or* *(d) Māori customary use.*
Policy P67 – Minimising discharges to water or land	*Discharges of contaminants to water or land will be minimised through the following hierarchy:* *(a) avoiding the production of the contaminant,* *(b) reducing the amount of contaminants, including by reusing, recovering or recycling contaminants,* *(c) minimising the volume or amount of the discharge,* *(d) discharging to land is promoted over discharging direct to water, including using land-based treatment, constructed wetlands or other systems to treat contaminants prior to discharge.* *Note: In determining if it is appropriate to discharge to land as required by clause (d), consideration must be given to the requirements of Policy P95.*
Policy P68 – Avoiding inappropriate discharges to water	*Discharges to fresh and coastal water of:* *(a) untreated wastewater, except as a result of heavy rainfall event overflows, and* *(b) animal effluent from an animal effluent storage facility or from an area where animals are confined, and* *(c) untreated industrial or trade waste, and* *(d) untreated organic waste or leachate from storage of organic material shall be avoided.*
Policy P73 – Minimising adverse effects of stormwater discharges	*The adverse effects of stormwater discharges shall be minimised to the smallest amount reasonably practicable, including by:* *(a) using good management practice, and* *(b) taking a source control and treatment train approach to new activities and land uses, and*

Section	Relevant matters
	(c) implementing water sensitive urban design in new subdivision and development, and *(d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade, and* *(e) managing localised adverse effects, including by addressing particular attributes appropriate to the receiving environment.*
Policy P76 – Minimising wastewater and stormwater interactions	*The adverse effects of wastewater and stormwater interactions on fresh and coastal water shall be minimised by:* *(a) avoiding wastewater contamination of stormwater from new wastewater networks or connections authorised after the date of 31 July 2015* *(b) removal of existing wastewater contamination of stormwater progressively, and as soon as reasonably practicable, and* *(c) progressively reducing stormwater and groundwater infiltration and inflow into the wastewater network.*
Policy P78 – Managing stormwater from a port or airport	*The adverse effects, including the effects on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use, of the discharge of stormwater from a port or airport, where the discharge will enter water, including through a local authority or state highway stormwater network, shall be minimised by:* *(a) identifying priorities for improvement, including methods and timeframes for improvement, in accordance with any relevant objectives identified in the Plan, and* *(a) having particular regard to protecting sites with identified significant or outstanding values, and* *(b) implementing good management practice, and* *(c) where required, progressively improving discharge quality over time.*
Policy P79 – Managing land use impacts on stormwater	*Land use, subdivision and development, including stormwater discharges, shall be managed so that runoff volumes and peak flows:* *(a) avoid or minimise scour and erosion of stream beds, banks and coastal margins, and* *(b) do not increase risk to human health or safety, or increase the risk of inundation, erosion or damage to property or infrastructure, including by retaining, as far as practicable, pre-development hydrological conditions in new subdivision and development.*
Policy P81 – Minimising and improving wastewater discharges	*The adverse effects of existing wastewater discharges to fresh water and coastal water shall be minimised, and:* *(a) in the case of existing wastewater discharges to fresh water from wastewater treatment plants, the quality of discharges shall be progressively improved and the quantity of discharges shall be progressively reduced, and* *(b) in the case of existing wastewater discharges to coastal water from wastewater treatment plants, the quality of discharges shall be progressively improved where the discharge contributes to an objective in table 3.3 of Objective O24 or Table 3.8 of Objective O25 not being met, and*

Section	Relevant matters
	(c) in the case of existing wastewater discharges to fresh water or coastal water from wastewater network overflows during or following rainfall events, the frequency and/or volume of discharges shall be progressively reduced. *Where improvement are required, these are undertaken within timeframes appropriate to the degree of improvement required and the level of effects of the discharge on the environment.*
Policy P84 – On-site domestic wastewater management	*The discharge of contaminants to land from on-site domestic wastewater treatment and discharge systems shall avoid adverse effects on mana whenua values, and not result in more than minor adverse effects on fresh water, including groundwater and coastal water. On-site domestic wastewater treatment and discharge systems shall be designed, operated and maintained in accordance with the New Zealand Standard AS/NZS 1547:2012 – On-site domestic wastewater management.*
Policy P101 – Management of riparian margins	*Maintain or restore water quality, aquatic ecosystem health, mahinga kai and natural character, and reduce the amount of contaminants entering surface water bodies, through the management of riparian margins including: … (b) set-back distances from surface water bodies for some land use activities including earthworks, vegetation clearance, cultivation and break-feeding, (c) …*

*Note that provisions of the Proposed Natural Resources Plan that remain under appeal are indicated with an asterix** [10]

4.9 Iwi Management Plan(s)

There are no Iwi Management Plans relevant to this topic. However, as a result of the GWRC Whaitua processes, both Taranaki Whānui and Ngāti Toa have produced Whaitua Implementation Plans (WIP).

Taranaki Whānui

Te Whaitua te Whangaui-a-Tara Implementation Programme is focused on returning mana to the harbour and freshwater bodies. The WIP identifies a number of issues in the Wellington urban catchment, including:

- Broken and leaking wastewater pipes
- Wastewater overflows
- Cross-connected stormwater and wastewater networks
- Hydrological effects of urban stormwater
- Management of urban development
- Metal contamination

Ngāti Toa

Te Awarua-o-Porirua Whaitua Implementation Programme recognises Ngāti Toa's aspirations for the harbour and its catchment and is focused on returning mana to freshwater bodies and to the Porirua harbour. The WIP references Ngāti Toa's desire to exercise its kaitiakitanga and

[10] Correct as at 3 May 2022

therefore play an important role in the ongoing protection of the harbour and its waterways. The WIP identifies a number of issues in the Porirua catchment, including:

- Impacts of increases in impervious surfaces
- Contaminant loads
- Aging wastewater and stormwater networks
- Need for additional urban development

While the Regional Plan is the primary RMA instrument to protect and restore freshwater and coastal water bodies, the District Plan can contribute to achieving this within the parameters of the Council's section 31 RMA functions, i.e. in relation to managing the effects of urban development.

Taranaki Whānui and Ngāti Toa also exercise kaitiakitanga through their relationships with the community and with Greater Wellington Regional Council, Porirua City Council, Wellington City Council and Wellington Water.

4.10 Relevant plans or strategies

The following plans / strategies are also relevant to this topic:

Plan / Strategy	Organisation	Relevant Provisions
Rautaki Hanganga o Aotearoa: New Zealand Infrastructure Strategy 2022-2052	*Te Waihanga, the New Zealand Infrastructure Commission*	*The Strategy sets out the actions New Zealand needs to take over the next 30 years to make sure our infrastructure system meets the challenges and opportunities that lie ahead.* *It sets out five objectives with supporting recommendations for action. The objectives are:* • ***Enabling a net-zero carbon emissions Aotearoa*** *through rapid development of clean energy and reducing the carbon emissions from infrastructure* • ***Supporting towns and regions to flourish*** *through better physical and digital connectivity and freight and supply chains* • ***Building attractive and inclusive cities*** *that respond to population growth, unaffordable housing and traffic congestion through better long-term planning, pricing and good public transport.* • ***Strengthening resilience to shocks and stresses*** *by taking a coordinated and planned approach to risks based on good-quality information* • ***Moving to a circular economy*** *by setting a national direction for waste* *The Strategy recognises the critical importance of the need for better planning for infrastructure to keep pace with population growth and to ensure enough quality, affordable housing in the right places, supported by well-functioning infrastructure. It identifies the need to take a long-term approach, allowing for different levels of*

		growth so we don't limit our future, and coordinating infrastructure planning with the planning we do for our homes and communities so that the two work together.
Wellington Regional Growth Framework 2021	*Joint collaboration between the Wellington region's councils, Horowhenua District Council, central government and māna whenua*	*The Framework is a spatial plan that describes a long-term vision for how the region will grow, change and respond to key urban development challenges and opportunities in a way that gets the best outcomes and maximises the benefits across the region.* *The objectives of the Framework include increasing housing supply, affordability and choice; enabling growth that protects and enhances the quality of the natural environment and accounts for a transition to a low/no carbon future; encouraging sustainable, resilient and affordable settlement patterns/urban forms that make efficient use of existing infrastructure and resources; build climate change resilience and avoid increasing the impacts and risks from natural hazards.* *As part of its growth approach, it seeks to ensure development includes water sensitive urban design features and promotes a holistic approach to planning for blue-green networks. It identifies Wāhi Toitū (areas to be protected) and Wāhi Toiora (areas to be carefully managed) across the region, including water resources. It also includes a specific section on three waters infrastructure.*
Our City Tomorrow – He Mahere Mokowā mō Pōneke - A Spatial Plan for Wellington City 2021	*Wellington City Council*	*The Spatial Plan is a non-RMA strategy that provides a vision for the growth and development of Wellington city over the next 30 years.* *It identifies the range of issues and challenges associated with ensuring the city's infrastructure can cope with expected growth. As part of this, it identifies growth priorities for the short-, medium- and longer-term and sets out a strategic approach to the investment required in supporting city infrastructure, including three waters.* *It also reinforces that water is a gift (Ngā wai tuku kiri) and is a key consideration in how future growth is accommodated. It states that Council will work alongside mana whenua and the community to:* • *Improve the mauri of water (mana tangata)* • *Ensure best practice frameworks, guidance and processes are developed and implemented to give effect to Te Mana o te Wai, the wellbeing of our water resources (mana kaunihera).*
Te Atakura - First to Zero, June 2019	*Wellington City Council*	*Te Atakura is the city's blueprint for a Zero Carbon Capital and aims to ensure that Wellington is a net zero emission city by 2050 with a commitment to*

		making the most significant cuts in the first 10 years. It is a key response to the State of Climate and Ecological Emergency declared by the Council in June 2019. *The strategy reinforces that the effects of climate change and sea level rise on the city's three waters infrastructure will be significant, particularly in low lying areas, and increased investment is required in responses such as green infrastructure and water sensitive design, and improving water measurement and management.*
Wellington Resilience Strategy 2017	*Wellington City Council*	*This strategy sets out a blueprint to enable Wellingtonians to better prepare for, respond to, and recover from disruptions. It is centred on 3 key goals and identifies a series of programmes to increase the city's resilience, including investing in water and wastewater resilience and awareness.* *Actions include promotion of grey water use and rainwater retention measures to help reduce demand for water from the mains network, reducing pressure on water supply, reducing costs of water treatment and pumping. This will also have a beneficial effect for stormwater management (Project 24), slowing down runoff during the flash floods expected as a consequence of climate change (Project 16).*
Wellington Region Natural Hazards Strategy 2019	*Greater Wellington Regional Council in conjunction with the Wellington region territorial authorities*	*The purpose of this document is to help create a region resilient to the impacts from natural hazard events through a focus on the reduction component of the 4 R's (reduction, readiness, response, recovery) of the Civil Defence Emergency Management Act. It provides a framework that allows councils, key stakeholders and the community to develop consistent responses to natural hazards (including sea level rise, flooding, storms). It encourages robust and consistent natural hazard policy approaches across district and regional plans and encourages a risk-based approach to enable progressive risk reduction over time.*
Wellington City Council Financial and Infrastructure Strategy 2021-51	*Wellington City Council*	*This is a 30-year strategy and supports the Council's 2021-31 Long Term Plan. Its purpose is to provide a decision-making framework that enables the Council to make informed, prudent and sustainable investment decisions that balance the funding of the city's:* • *strategic needs (the things we have to do to protect and enhance our infrastructure assets, to mitigate our risks, and to manage future growth) with* • *strategic wants (the changes and improvements we have to make in services, assets and outcomes for us to deliver our future vision for Wellington).*

		The Strategy identifies strategic issues and high-level investment needs for three waters infrastructure.
Three Waters Strategy - Wellington Metropolitan Region 2018	*Wellington Water Limited*	*This strategy sets out the high-level direction and approach required over the next fifty years to help achieve regional three waters networks that meet community needs, respond to growth, are resilient to future shocks and stresses, are sensitive to the environment, and are cost effective.*
Wellington Water Regional Standard for Water Services v3.0 (December 2021)	*Wellington Water Limited*	*This document was developed to consolidate the existing codes of practice for water services for the city councils in the Wellington metropolitan area (WCC, PCC, HCC and UHCC) in order to provide a regional consistency in terms of the design and implementation of water services.* *It provides a regionally consistent method of design and implementation of stormwater, wastewater and water supply services across the Wellington region to meet the outcomes of: safe and healthy water, respectful of the environment, and resilient networks support our economy. The document provides minimum standards for the design and construction of proposed three waters infrastructure that will be vested in Council, and to the maintenance, renewal, upgrade or decommissioning of existing public infrastructure.* *This document is to be used in conjunction with the Regional Specification for Water Services v3.0 (December 2021), see below.*
Regional Specification for Water Services v3.0 (December 2021)	*Wellington Water Limited*	*This document is intended to be read in parallel with the Regional Standard for Water Services (see above) and relates only to infrastructure for stormwater, wastewater and water supply networks.* *The Specifications for Water Services contain details for the types of pipes to be used for specific activities, and what principles to apply for various activities e.g. Stormwater Pumping Stations has its own section covering general guidelines, equipment requirements, pump requirements, pipe requirements etc.*
Water Sensitive Design for Stormwater: Treatment Device Design Guideline v1.1 (December 2019)	*Wellington Water Limited*	*This document is a best practice technical guideline for the design of stormwater treatment devices to reduce stormwater contamination.* *It outlines WWL's requirements for the design of stormwater treatment devices where these devices are going to be vested with councils and become publicly owned assets. It also provides best practice guidance for the design of stormwater treatment devices where devices are to remain privately owned.*

Code of Practice for Land Development, (under review as part of the District Plan Review process)	*Wellington City Council*	*The Code outlines the standards for new development and subdivision required by the Council. The Code sits outside of the District Plan.* *The Code provides strategic standards, engineering specifications and general guidance to ensure that infrastructure (road, sanitary, stormwater and water supply design and construction) to be constructed by applicants but proposed to become the responsibility of the Council, is constructed to the satisfaction of the Council. In these circumstances, applicants need to comply with the Council's requirements as set out in the Code, despite the Code not being incorporated into the District Plan. Otherwise the infrastructure will not be accepted by the Council and/or connection would not be authorised into existing Council infrastructure.*
Water Sensitive Urban Design Guide (~2012)	*Wellington City Council*	*This guidance states that it should be read in conjunction with the more technically oriented draft WSUD chapter the 2012 version of Wellington City's Code of Practice for Land Development (COPLD). The guide does not provide specific design advice but does provide guidance on WSUD concepts and devices in a Wellington city context.*

Whaitua Implementation Programmes (WIP) - Te Whanganui-a-Tara (2021) and Te Awarua o Porirua (2019)	*Greater Wellington Regional Council*	*These two Whaitua Implementation Programmes (WIP) for Te Whanganui-a-Tara and Te Awarua o Porirua set out a series of recommendations (actions to enhance Te Mana o te Wai), including for example, the need for stronger hydraulic neutrality and water sensitive design (WSD) standards, and mitigation of stormwater impacts on the surrounding environment.* *The WIP aim to ensure that all of our connections and values for freshwater and receiving coastal waters are sustained. The regulatory recommendations in the WIP will be included into the Natural Resources Plan by way of plan variations. The non-regulatory recommendations will be implemented over time by GWRC with mana whenua, Porirua City and Wellington City councils and other key organisations.* *There are companion documents that must be read and implemented in conjunction with the WIP as follows:* • *Te Mahere Wai is a Mana Whenua Whaitua Implementation Programme for Te Whanganui-a-Tara. It describes Mana Whenua values and establishes an assessment framework, called Te Oranga Wai, for the measurement and management of freshwater, receiving coastal waters and mahinga kai in the whaitua. It represents a Te Tiriti o Waitangi partnership response to enhance the voices of local Mana Whenua – Taranaki Whānui and Ngāti Toa Rangatira.* • *The Ngāti Toa Rangatira statement outlines the aspirations of Ngāti Toa Rangatira and explains their cultural, spiritual, historical and traditional associations with Te Awarua-o-Porirua and the wider catchment.*
Draft Wellington Water Wellington City Stormwater Strategy	*Wellington Water Limited*	*This strategy is in draft and may change. However, it is signalling a number of matters, including the adoption of Water Sensitive Design. It includes an evaluation of WSD and an identification of relevant documents and guidelines (Section 4). The draft strategy includes a useful diagram illustrating the range of preferred stormwater management options (Figure 4-1). The strategy also includes a list of preferred controls.*

4.11 Other relevant legislation or regulations

Management of the city's three waters infrastructure is influenced by a range of statutes and legislative instruments (including regulations) spanning governance, asset management, health and safety and protecting environmental values.

In addition to the legislative and regulatory requirements identified in the previous sections, the following additional legislative / regulatory requirements are also relevant to this topic:

Legislation / Regulation	Relevant Provisions
NZS 4404:2010 Land development and subdivision infrastructure (Standards NZ)	*This standard provides criteria for design and construction of land development addressing a range of topics including requirements for roads, stormwater, wastewater, water supply, landscaping and network utilities.*
Building Act 2004	*Section 17 of the Building Act requires all building work to comply with the building code, which includes requirements for buildings to have appropriate water, wastewater and stormwater connections or approved solutions. The building consent process manages potential effects resulting from the building activities for both new and existing buildings. Building consent applications must include provisions for disposing of stormwater and wastewater, or identifying where they are if existing. Building consent can be declined if appropriate connections or solutions cannot be provided.*
Local Government Act 2002 (LGA)	*This Act sets out the purpose, role and powers of local government. Section10(1)(b) includes good quality infrastructure and services to meet current and future needs of communities (in a cost-effective way) as a purpose of local government. The provision of good quality (defined as effective, efficient and appropriate to present and anticipated future circumstances) water, stormwater and wastewater networks is a required function of local authorities.* *Under the Act, councils must prepare a long term plan which is a ten year strategic planning document covering all local authority functions (including public infrastructure provision). Long term plans must be reviewed every three years.* *Section 101B of the Act requires councils to prepare and adopt an infrastructure strategy (alongside a financial strategy) as part of its long-term plan which covers a period of at least 30 consecutive financial years. The purpose of the infrastructure strategy is to:* *(a) identify significant infrastructure issues for the local authority over the period covered by the strategy; and* *(b) identify the principal options for managing those issues and the implications of those options.* *The infrastructure strategy must outline how the local authority intends to manage its infrastructure assets, taking into account the need to—* *(a) renew or replace existing assets; and* *(b) respond to growth or decline in the demand for services reliant on those assets; and* *(c) allow for planned increases or decreases in levels of service provided through those assets; and* *(d) maintain or improve public health and environmental outcomes or mitigate adverse effects on them; and*

	(e) provide for the resilience of infrastructure assets by identifying and managing risks relating to natural hazards and by making appropriate financial provision for those risks. *Subpart 5 of Part 8 of the Act enables territorial authorities to require development contributions to contribute towards the cost of upgrading existing and providing new infrastructure required for growth.*
Health Act 1956 and Health (Drinking Water) Amendment Act (2007)	*The Health Act sets out the duties and functions of the Ministry of Health and other agencies under the act including local authorities. Every local authority must improve, promote and protect public health within its district (s23), including the provision of sanitary works (which includes drainage works, sewerage works and works for the disposal of sewage (s25(1)(a)). Therefore, the provision of effective water, stormwater and wastewater networks are a requirement for Council under the Health Act.* *S70(1)(k) For the purposes of preventing the outbreak or spread of any infectious disease, a medical officer of health may…forbid the discharge of sewage, drainage, or insanitary matter of any description into any watercourse, stream, lake, or source of water supply.* *Under Section 69O(1) of the Health Act 1956, the Minister of Health has issued Drinking-Water Standards for New Zealand 2005 (Revised 2018). The Drinking-Water Standards for New Zealand provide requirements for drinking-water safety by specifying the:* • *maximum amounts of substances or organisms or contaminants or residues that may be present in drinking-water* • *criteria for demonstrating compliance with the Standard* • *remedial action to be taken in the event of non-compliance with the different aspects of the Standards*
Land Drainage Act 1908	*This Act sets out when Board may drain land, in public or private ownership, as well as the requirements of Local Authorities in regard to land drainage – this includes maintaining all watercourses and drains vested in or under their management to be kept free of nuisances or risk to health and maintained in proper order.*
Wellington Consolidated Bylaw 2008 – Part 8: Water Services	*This Council Bylaw (operative from 29 August 2012) relates to the management and protection of water supplies, wastewater, drainage and sanitation. The bylaw states that the need for a bylaw covering these matters is founded upon addressing perceived problems that are not effectively controlled by statute or regulation.* *The bylaw states that no new connection to the water supply, or replacement or alteration of existing connections, or changes of use, shall be made without the prior written approval of the Council. It requires that new connections, including all pipes, fittings and any other equipment, up to the point of supply, shall only be installed by Council approved contractors and shall be at the cost of the applicant.* *The bylaw contains provisions relating to the point of supply of water services, responsibilities for maintenance, ordinary and extra-ordinary water supply, restricted flow supply, continuity of supply including the imposition of demand management measures and emergency*

	restrictions, fire protection connection, backflow prevention, meters and flow restrictors, and customer responsibilities etc.
Wellington Trade Waste Bylaw 2016	*The purpose of this Council Bylaw is to control trade waste discharges into the wastewater system to:* *(i) Protect the wastewater system* *(ii) Promote cleaner production* *(iii) Protect the stormwater system* *(iv) Protect workers operating in or with the wastewater system* *(v) Protect the environment by ensuring compliance with the Resource Management Act 1991 - in particular, ensuring the necessary resource consent requirements for the wastewater system are met.* *It provides a basis for:* • *Consenting and monitoring discharges from industry and trade premises;* • *Charging trade waste users of the wastewater system to cover the cost of conveying, treating and disposing of or reusing their wastes; and* • *Ensures that the costs of treatment and disposal are shared fairly between trade waste and domestic wastewater dischargers.*

5.0 Resource Management Issues Analysis

5.1 Background

Subdivision and development within the city's urban zones are serviced by the following three waters networks:

- Reticulated water supply
- Reticulated wastewater; and
- Stormwater management systems

As development has increased in areas across the city, the demand on these three waters services has also increased. Wellington City's three waters infrastructure is ageing with many parts of the network in poor condition and deteriorating. Some pipe infrastructure in the city is estimated to be 100 years old and requires immediate/urgent attention. As identified by the Mayoral Taskforce, around 30% of the city's drinking water networks and 20% of wastewater networks have already passed their expected useful economic life, and 50-60% of pipeline assets will require replacement in the next 30 years. The network was designed for a much lower density development, with much higher areas of permeable surfaces, i.e. ¼ acre sections where much of each site would be grass or gardens than occurs now.

Overtime, the city's three waters network has been upgraded and renewed. However, this renewal has not kept pace with development and as a result many parts of the network now have limited capacity and regularly perform at a sub-optimal level of service resulting in overflows and discharges into the natural environment.

Coinciding with the three waters network systems having increasing demands placed on them, there has been increased awareness and community and cultural non-acceptance of the natural environment being impacted by overflows and discharges. There are also growing community expectations about improving the state of the city's three waters infrastructure and

to improve the quality of ecological health of our water resources. At both the national, regional and local level there has been a significant tightening of rules around wastewater and stormwater discharge into the natural environment (though these are largely controlled through regional council plan/rule provisions). Wellington City Council holds resource consents from the Regional Council for discharges from its stormwater and wastewater networks.

The need for development and communities to be appropriately serviced by the three waters network is recognised both at a national level (NPS-UD) and in the RPS. The provision of three waters infrastructure for the city is large scale and complex, and as such, requires a long term and intergenerational equity approach. By managing future development to ensure that it does not significantly adversely impact on the three waters network, this proposed chapter also ensures that the instances of overflows or discharges into the natural environment reduce over time, thereby responding to the community and cultural concerns around the resulting impacts on the natural environment.

Water is also of great significance to Māori, reflecting the sustenance it provides and the shared identity Māori have with water. Water is special and is considered a taonga. Mana whenua of Te Whanganui-a-Tara (being Taranaki Whānui and Ngāti Toa Rangatira) have requested that Council makes a radical and meaningful shift in the way water is managed in the city; a change that would see the active kaitiakitanga / guardianship of the city's waterways led by mana whenua and the people of Wellington. Taranaki Whānui and Ngāti Toa Rangatira share a vision of – *"Kei te uptake o te whaitua o te Whanganui-a-Tara tōna mauri mana motuhake hei oranga mō te katoa / the mauri of te Whanganui-a-Tara and the communities who live within it is nurtured, strengthened and able to flourish"*.[11]

A range of policy changes at a national and regional government level are driving improved freshwater management and the introduction of more stringent planning controls for three waters. As a result, substantial investment will be necessary in coming years if Wellington City is to comply with the requirements of, for example, the Proposed Natural Resources Plan, the Whaitua Te Whanganui-a-Tara, Te Awarua-o-Porirua Waitua, the National Policy Statement for Freshwater Management and the National Environmental Standards for Freshwater, as well as meet the aspirations of the Council's Spatial Plan and Te Atakura – First to Zero.

5.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

The Council has reviewed the operative District Plan, commissioned technical advice and assistance from various internal and external experts and utilised this, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	Author	Brief synopsis
Planning for Growth Issues and Opportunities Report	Wellington City Council	This report provides a background of the overall growth issues facing Wellington City and outlines some of the key challenges and decisions ahead for Planning for Growth. The report highlights the various other topics that that are relevant to Planning for Growth and notes how they overlap

[11] The Mayoral Taskforce on the Three Waters Report 2020, page 10.

Title	Author	Brief synopsis
		and are related. Three waters infrastructure forms one of the topic areas covered.
Wellington Water - Three Waters Assessment - Preferred Growth Scenario 2019	Wellington Water Limited	This document provides an understanding of the long-term growth demands of the Council's preferred growth scenario (July 2019) on three waters infrastructure. It provides a high-level assessment of the potential demands on three waters infrastructure within 22 city suburbs identified for future growth. It identifies that enabling the growth anticipated over the next 30 years will require significant investment in both existing and new three waters infrastructure. It recommends further detailed investigations be completed to determine viable options, feasibility, and design of specific three waters infrastructure upgrades. It also identifies that further work is required to identify the proportion of cost allocation between levels of service for the existing population versus what is required to support future populations (i.e. growth).
Wellington Water - Three Waters Assessment - Addendum Report - Outer Suburbs (March 2020)	Wellington Water Limited	This document is an addendum to the 2019 WCC Preferred Growth Scenario study (above). It accounts for further work undertaken by Council in late 2019 to identify the extent of medium to high density growth for the Wellington City outer suburbs. It provides prefeasibility level cost assessments of three waters infrastructure investment needs for the previous 22 growth suburbs plus two additional outer suburbs of Churton Park and Hataitai.
WCC Spatial Plan - Three Waters Assessment - Growth Catchments Mahi Table and Cost Estimates (March 2021)	Wellington Water Limited	This document summarises the existing three-water network constraints, infrastructure upgrades and environmental considerations to support growth. The report builds on the earlier WWL three waters work completed to inform the Council's planning for growth/spatial plan work programme and provides: • Updated population assessed cost-estimates presented per new dwelling by suburb for comparative purposes • A "Mahi" table illustrating how much work/effort is anticipated for three-waters infrastructure upgrades in each growth suburb • 3-waters growth mahi catchment map showing opportunities for synergies in investment/planning at a catchment level, and • 3-waters upgrades map indicating major infrastructure required to enable growth

Title	Author	Brief synopsis
Mayoral Taskforce on Three Waters Report (2020)	Wellington City Council	This report was produced by the Mayoral Taskforce that was established in February 2020 to investigate the condition, funding and management of the city's three waters network and to develop recommendations for its future. It identifies that around 30% of the city's drinking water networks and 20% of wastewater networks have already passed their expected useful economic life, and 50-60% of pipeline assets will require replacement in the next 30 years. Much of the network is already operating at or close to its design capacity. As a result there will need to be well targeted but extensive investment in new infrastructure to align with urban planning for future population growth. The report provides 48 recommendations for the Council spanning stormwater, drinking water and wastewater planning, management and investment, and includes actions to improve resilience and reduce carbon.
Wellington Regional Housing and Business Development Capacity Assessment 2019	Wellington City Council in conjunction with Greater Wellington Regional Council, UHCC, HCC, PCC and KCDC	The 2019 Capacity Assessment was prepared as a requirement of the then National Policy Statement on Urban Development Capacity. This document models the operative District Plan enabled capacity for housing and business development within the city. It also includes a high-level assessment completed by Wellington Water Ltd of three waters infrastructure capacity to support growth (see below). The HBA informed the District Plan Review and the development capacity settings in the Draft District Plan.
NPS-UDC Three Waters Infrastructure Enabled Development Capacity Wellington City Council 2019	Wellington Water Limited	This report was prepared as an input into and forms an appendix to the Wellington Regional Housing and Business Development Capacity Assessment report prepared in 2019 by the region's councils. The report identifies the ability for development to be enabled under the NPS-UDC taking into account known restrictions within the three waters network in 2018.
Wellington Regional Housing and Business Development Capacity Assessment-Housing update May 2022	Wellington City Council in conjunction with Greater Wellington Regional Council, UHCC, HCC, PCC and KCDC	This report provides an update to the 2019 regional development capacity assessment specifically for housing as required by National Policy Statement on Urban Development 2020. The Wellington City Council chapter of this document was prepared prior to the Draft District Plan being drafted so it still models the Operative District Plan enabled capacity for development within the city. It includes an updated high-level assessment of three waters infrastructure capacity to support growth prepared by Wellington Water.

Title	Author	Brief synopsis
		Consistent with the NPS-UD, the next HBA is required to be prepared to inform the 2024-34 LTP and this will be based on the Proposed District Plan.
Wellington Regional Three Waters Capacity Assessment 2021	Wellington Water Limited	This report is an input into and forms an appendix to the Wellington Regional Housing and Business Development Capacity Assessment housing update report May 2022 (above) prepared by the region's councils. The report provides an updated infrastructure-ready capacity assessment of the three-waters network for the region's tier 1 councils. The assessment has been completed using information available from existing modelling, growth studies and council-led 30-year infrastructure investment strategies. It has been undertaken at a network level and is not aimed at assessing specific developments which require case by case assessments during consenting, as local network constraints need detailed assessment at a site-specific level. The assessment reconfirms that growth across the Wellington region, including Wellington City, will place increasing demand on three-waters network infrastructure. The existing networks are generally in poor condition, with significant capacity constraints. Much of the three-waters network has limited capacity for widespread growth and requires coordinated and considered investment to provide for new developments (greenfield, brownfield-infill and redevelopment). However development and growth across the region also offer an opportunity to address existing deficits or shortfalls in levels of service and to bring about innovation and change as the network expands and is updated to new standards.
Wellington City Commercially Feasible Residential Capacity Assessment 2022	Property Economics	This report provides an update on the 2021-22 HBA housing assessment modelling and it assesses how much housing could realistically be developed under the Draft District Plan settings (which implement the NPS-UD intensification requirements) and it also includes the impact of the Government's new Medium Density Residential Standards (enacted as part of the RMA). It considers the combined impact of planning controls/zoning, limitations (such as natural hazards), and what is commercially viable to develop. It also assesses how different/changing economic and market conditions affect realisable development capacity. The assessment has not taken into consideration infrastructure constraints.
Whaitua te Whanganui-a-Tara:	James Blyth, Taylor	This report forms one of the technical reports prepared for the Whaitua te Whanganui-a-Tara

Title	Author	Brief synopsis
An overview of the Wellington City, Hutt Valley and Wainuiomata Wastewater and Stormwater networks and considerations of scenarios that were assessed to improve water quality (June 2020)	Collaborations and Greater Wellington Regional Council	Committee using information collated from various sources, including Wellington Water, local councils (within the Whaitua) and national and international data. The report provides the Committee with an overview of the stormwater and wastewater networks to help guide recommendations and objective setting as part of the Whaitua te Whanganui-a-Tara development. Cost assessments were undertaken on two modelled scenarios considered by an expert panel; Improved, and Water Sensitive. These looked at increasing amounts of rural and urban mitigations (including wastewater pipe repair and water sensitive design) to improve water quality and ecological health.
Overview of the Wellington metropolitan water supply network and consideration of future pressures on infrastructure (July 2020)	James Blyth, Taylor Collaborations and Greater Wellington Regional Council	This report forms one of the technical reports prepared for the Whaitua te Whanganui-a-Tara Committee using information collated from various sources, including Wellington Water, local councils (within the Whaitua) and national and international data. The report addresses: • Pressure on infrastructure from population increase and climate change • Infrastructure constraints associated with eco-hydrological scenarios (such as changes to minimum flows or greater abstraction) • Options to help meet future water demands
Managing Infrastructure – NPS UD Context (see Appendix 3 to this section 32 report)	Wellington City Council	The WCC NPS-UD Context document identifies four challenges related to required scale of three waters infrastructure investment in WCC: • Renewing and replacing aging infrastructure, particularly three waters infrastructure. • Increasing our infrastructural resilience to cope with the impacts of natural hazards and climate change. • Increasing existing capacity and providing sufficient new infrastructural capacity to accommodate anticipated growth. • Phasing investment in existing and new infrastructure in a way that balances affordability (both now and in the future) with servicing future growth needs. The report notes that as a result, the sequencing of growth and development in the District Plan needs to be carefully managed. There is a tension between providing sufficient development capacity and making sure this is infrastructure-ready, and how this is reflected in relevant District Plan

Title	Author	Brief synopsis
		provisions. The current approach is to zone the required area with new development needing a Restricted Discretionary Activity consent and an assessment of the availability of and connection to development infrastructure.
Wellington Water Managing Stormwater Runoff Version 3 (August 2020)	Wellington Water Limited	This document explains the impact development may have on stormwater runoff and consequent flooding, and what WWL are doing about it. The focus is on smaller residential developments of 10 units or less or small intensification of existing properties. It describes two approved solutions to assist in managing the effects of stormwater runoff where developers are required to achieve hydraulic neutrality. The approved solutions are: • Rainwater tanks, and • Diversion of stormwater into modular tanks installed under hard ground surfaces such as driveways, paved areas or decks This report also provides a description of what hydraulically neutral means.
Reference Guide for Design Storm Hydrology Standardised Parameters for Hydrological Modelling (April 2019)	Wellington Water Limited	This document is a technical guideline for stormwater modelling professionals and land developers, outlining the steps involved in estimating flood hydrology for small ungauged urban catchments in regions managed by Wellington Water.
Te Ao Māori & Water Sensitive Urban Design	Landcare Research New Zealand	This report was created as part of the 'Activating Water Sensitive Urban Design (WSUD) for healthy, resilient communities' commissioned by the Building Better Homes Towns and Cities National Science Challenge (BBHTC) in 2019. The report identifies how WSUD in Aotearoa values, recognises and provides for Te Ao Māori and how it could improve on this. The research found that there could be increased explicit recognition of Te Ao Māori in WSUD, although progress is being made via the NPS-FM and Te Mana o te Wai. Further hui with Māori in the WSUD community of practice, collaboration with academic research institutes, and review of terminology used for WSUD in Aotearoa are among the recommendations of this report.
Assessing the Full Benefits of WSUD	Landcare Research New Zealand	This report is part of the 'Activating Water Sensitive Urban Design (WSUD) for healthy, resilient communities' commissioned by the Building Better Homes Towns and Cities National Science Challenge (BBHTC) in 2019.

Title	Author	Brief synopsis
		The report identifies a number of environmental, economic and social benefits associated with implementation of WSUD.
Understanding Costs and Maintenance of WSUD in New Zealand	Landcare Research New Zealand	This report is part of the 'Activating Water Sensitive Urban Design (WSUD) for healthy, resilient communities' research commissioned by the Building Better Homes Towns and Cities National Science Challenge (BBHTC) in 2019. In response to the growing use of WSUD as a solution to address the effects of stormwater discharges, this report identifies obstacles to implementation of WSUD in New Zealand, particularly the costs associated with installation and maintenance. New cost data was collected for a range of green infrastructure practices and updated cost analysis was conducted for life-cycle costing of WSUD, WSUD subdivisions, and maintenance at different levels of frequency. A functional level of maintenance was found to be most cost effective. Findings indicate that designing for maintenance is the most effective method to reduce maintenance costs over the life-cycle of the green infrastructure. As part of the research, a series of costing and maintenance tools have been developed for use by stormwater professionals, as well as checklists and guidance for ongoing maintenance of WSUD.

In addition to the material listed in the table above, the Council has also gathered the following information and advice that is relevant to this topic:

- An assessment of the NPS-UD's requirements for intensification-related infrastructure delivery – this work, undertaken by officers, built on the direction provided by the approved Spatial Plan in relation to the scale of investment required to support growth and need for the strategic phasing of this investment to support growth priorities and looked at the specific requirements for plan-enabled and infrastructure-ready development capacity in NPS-UD's objectives, policies and implementation clauses. This assessment is attached as Appendix 3 to this section 32 report.

  In summary, this work emphasises that the NPS-UD requires councils to provide sufficient development capacity to meet expected short, medium- and long-term demand that is both 'plan enabled' and 'infrastructure-ready'. Consequently, the nature, timing and location of infrastructure investment required to support anticipated growth needs to be carefully planned and coordinated. The Proposed District Plan implements the intensification requirements of the NPS-UD and the RMA's Medium Density Residential Standards. In doing this, its provisions enable significant development capacity to meet housing and business needs over the short to medium term (i.e. next 10 years, being the life of the District Plan) as well as ensuring longer

term capacity. Alongside plan-enabled capacity, the NPS-UD requires infrastructure-ready capacity. This means that there should be adequate existing capacity to support housing and business development in the short term (next 3 years), and there is either adequate existing capacity or funding identified in a long term plan to provide capacity in the medium term (3-10 years), and long term capacity (10-30 years) is either identified in the long term plan and/or the 30-year infrastructure strategy.

- A review of a sample selection of Tier 1 and 2 Council responses to managing intensification-related infrastructure delivery – this work looked at the plan provisions relating to three waters infrastructure services of Auckland, Hamilton, Tauranga, Christchurch, Dunedin, Porirua, Upper Hutt, Palmerston North and Queenstown district/city councils. This assessment is attached as Appendix 4 to this report.

5.2.1 Analysis of Operative District Plan provisions relevant to this topic

The Operative District Plan is light on provisions related to three waters infrastructure, particularly objective, policy and rule provisions related to stormwater management, which is mainly attributable to the Operative District Plan's age.

The Operative District Plan does not have a three waters chapter for land use activities. Rather it addresses the three waters network and the associated demand throughout the various zone chapters at time of subdivision (i.e. not at the time of land use).

The outcomes sought in relation to the three waters network for Wellington City Council are situated within the Council's Code of Practice for Land Development. The level of service outcomes as outlined in the Code of Practice are often imposed on subdivision consents and are confirmed as part of an engineering approval process, following the granting of resource consent. The Code of Practice sits outside of the District Plan and details specific standards for the design and construction of roads as well as sanitary, stormwater and water supply services. While this approach addresses the additional demand resulting from subdivision, it does not address additional demand resulting from land use activities where no subdivision is involved.

Wellington Water Ltd is asked by Council to provide comments on all new developments that trigger the need for resource consent. This process identifies issues in relation to three waters capacity that developers must address as part of the development proposal and will usually form part of resource consent conditions.

The building consent process is also used to ensure new developments can make appropriate connections to three waters services. If infrastructure is not designed to Council's satisfaction, or there is insufficient infrastructure capacity to service the new development, building consent can be declined and connection into existing Council infrastructure will not be authorised. Relying on this approach to manage demand on three waters networks is not optimal, particularly if a development has already received resource consent.

The Operative District Plan doesn't include any requirements for water sensitive design, management of stormwater peak flows and volumes, minimum areas of permeable surfaces or source-control requirements for copper and zinc building materials.

For the purposes of this report, key provisions in the Operative Wellington City District Plan of relevance to this topic are summarised in the below table.

Topic	Summary of relevant provisions
Chapter 4 Residential Areas	The Residential Areas chapter maintains a policy of containment and general intensification of suburban development. The Plan anticipates that the majority of residential growth will be located within the existing urban area, with only limited provision for new 'greenfield' residential development. There are three residential areas/zones: Medium Density Residential Areas, Inner Residential and the Outer Residential Areas. As per the Operative Plan's structure, objectives, policies, rules and standards relating to residential land use activities and buildings, as well as signs, subdivision, earthworks, heritage, utilities and contaminated sites in residential areas, are all co-located within the zone chapter. There are a number of objectives which broadly seek to ensure quality residential areas with high levels of residential character and amenity. These objectives are implemented by a framework of supporting policies. The chapter contains the following broad sustainability objective and policy which seek to ensure efficient use of natural resources (which would include water resources) and low impact urban design as part of new development: • **Objective 4.2.5 To encourage the energy efficiency and sustainability of buildings and subdivisions in Residential Areas** • **Policy 4.2.5.1 To promote a sustainable built environment in the Residential Area that:** o **Utilises principles of low impact urban design; and** o **Provides for the efficient end use of energy (and other natural and physical resources), especially in the design and use of new buildings and structures.** There are no specific objectives or policies pertaining to land use activities and their respective demand on the three waters network. Demand on the three waters network is instead addressed in the subdivision provisions (see below extracts). In terms of stormwater, there is a policy seeking to minimise hard surfaces by encouraging residential development to increase opportunities for permeable open space areas. There is also a policy seeking on-site ground level open space provision as part of new residential development. These policies are as follows: • **Policy 4.2.3.5 Require on-site, ground level open space to be provided as part of new residential developments to enhance visual amenity and assist with the integration of new developments into the existing residential environment.** *(NB: the policy explanation recognises that open space areas can help to increase soil permeability, reducing stormwater)* • **Policy 4.2.3.6 Minimise hard surfaces by encouraging residential development that increases opportunities for permeable open space areas.** *(NB: the policy explanation notes that infill housing and multi-unit development can compromise soil permeability due to the amount of the site taken up with buildings and parking/manoeuvring space, therefore Council seeks to ensure hard surfacing is kept to a minimum)*

<table>
<tr><th>Topic</th><th>Summary of relevant provisions</th></tr>
<tr><td></td><td>
There are no specific rules or standards directly implementing the policy seeking permeability, rather it is implemented through the Subdivision and Residential design guides, and it is achieved by proxy through standards relating to site coverage and ground level open space.

• 4.2.10.3 Ensure that buildings and structures in Residential Areas do not exacerbate natural hazards, particularly flood events, or cause adverse impacts on natural coastal processes.
(new building development within flood prone areas is controlled to ensure it does not impede the flow of flood waters or increase the flood hazard)

Key activity and building and structure rule and standards provisions include:

• The residential zone rule provisions include maximum site coverage and ground level open space requirements for new residential development (see below extracts), but there is no explicit requirement for permeability or hydraulic neutrality etc.

5.6.2.3 Ground Level Open Space
5.6.2.3.1 Ground level open space must comply with the standards in Table 4 below:
Table 4 - Ground Level Open Space per Unit (minimum dimension)
<table>
<tr><td>Medium Density Residential Areas (exception listed below)</td><td>No requirement</td></tr>
<tr><td>Medium Density Residential Area 2 – Johnsonville</td><td>20 sq.m per unit (minimum dimension 3 metres)</td></tr>
<tr><td>Inner Residential Area (exception listed below)</td><td>35 sq.m per unit (minimum dimension 3 metres)</td></tr>
<tr><td>IR5 – Oriental Bay Height Area</td><td>No requirement</td></tr>
<tr><td>Outer Residential Area</td><td>50 sq.m per unit (minimum dimension 4 metres)</td></tr>
</table>
5.6.2.4 Site Coverage
5.6.2.4.1 Site coverage must comply with the maximum standards listed in Table 5 below.
Table 5 – Site Coverage
<table>
<tr><td>Medium Density Residential Areas</td><td>50%</td></tr>
<tr><td>Inner Residential Area (exceptions listed below)</td><td>50%</td></tr>
<tr><td>IR 3 – Aro Valley</td><td>40%</td></tr>
<tr><td>IR 5 – Oriental Bay Height Area</td><td>No requirement</td></tr>
<tr><td>Outer Residential Area (exceptions listed below)</td><td>35% (this may be increased to 40% if the extra site coverage comprises only uncovered decks over 1 metre in height)</td></tr>
<tr><td>OR 3 – Roseneath</td><td>45%</td></tr>
<tr><td rowspan="3">OR 4 – Mitchell Town/Holloway Road (see Appendix 5)</td><td>Area 1 = 40%</td></tr>
<tr><td>Area 2 = 30%</td></tr>
<tr><td>Area 3 = 20%</td></tr>
</table>
</td></tr>
</table>

Topic	Summary of relevant provisions
	• All new multi-unit developments require resource consent (as a restricted discretionary activity) and are assessed against the Residential Design Guide. However, this design guide does not contain guidance of specific relevance to stormwater management or water sensitivity. In terms of the residential subdivision objectives and policies, the following are of specific relevance to three waters: • **Objective 4.2.6 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.** • **Policy 4.2.6.1 Encourage subdivision design and housing development that optimises resource and energy use and accessibility.** • **Policy 4.2.6.2 Ensure the sound design, development and servicing of all subdivisions.** *This policy is implemented by a rule provision requiring compliance with the Code of Practice for Urban Land Development.* • **4.2.6.5 Control greenfield subdivision to ensure that adverse effects are avoided, remedied or mitigated and that neighbourhoods are created which have a high amenity standard and which are adequately integrated with existing and planned infrastructure.** The requirement for adequate water service connections (water, wastewater and stormwater) for new development forms part of the chapter's subdivision provisions. **Rule 5.2.2** provides for subdivision as a controlled activity in respect of: *5.2.2.1 site design, frontage and area* *5.2.2.2 standard, construction and location of vehicular access, and parking* *5.2.2.3 road design and construction* *5.2.2.4 landscaping* *5.2.2.5 utility and/or services provision* *5.2.2.6 protection of any special amenity feature.* To encourage the sound design, development and appropriate servicing of subdivisions, subdivision activities are assessed against the Subdivision Design Guide and Council's Code of Practice for Land Development.
Chapter 12 Central Area	The Central Area zone chapter seeks to manage development in Wellington City's most intensive urban area to make it a premium centre for working, living, and playing. The Central Area provisions are based on eight principles that guide future development. One of these seeks to enhance the sustainability of the Central Area to reduce the consumption of natural and physical resources. Innovative design and construction of buildings exhibiting new principles of environmental sustainability are encouraged. Specific rules deal with the siting, design and appearance of new buildings so that the existing urban form is preserved and enhanced. The focus is on managing building mass and ensuring good design. Other rules protect important public views, ensure sunlight reaches public spaces, and control excessive wind around buildings.

Topic	Summary of relevant provisions
	There is no explicit recognition of three waters demand issues or stormwater management in the Central Area provisions. Like other chapters of the plan, demand on the three waters network is addressed in the subdivision provisions (there is no recognition within the land use and building provisions). Objectives and policies with some relevance include: • **Objective 2.2.1 To enhance the Central Area's natural containment, accessibility, and highly urbanised environment by promoting the efficient use and development of natural and physical resources.** • **Policy 12.2.1.2 Contain Central Area activities and development within the Central Area.** *(the policy explanation notes that Council recognises the importance of the existing investment and infrastructure in the Central Area and encourages its efficient use via containment)* • **Objective 12.2.2 To facilitate a vibrant, dynamic Central Area by enabling a wide range of activities to occur, provided that adverse effects are avoided, remedied or mitigated.** • **Policy 12.2.2.2 Ensure that activities are managed to avoid, remedy or mitigate adverse effects in the Central Area or on properties in nearby Residential Areas.** *(the adverse effects noted in the policy explanation are focused on matters such as building height/scale/mass on adjoining activities, wind, noise, light spill, sunlight, etc; effects on three waters demand and stormwater management are not specifically mentioned)* • **Objective 12.2.5 Encourage the development of new buildings within the Central Area provided that any potential adverse effects can be avoided, remedied or mitigated.** • **Policy 12.2.5.5 Require design excellence for any building that is higher than the height standard specified for the Central Area.** *(the provision for design excellence provides opportunity for new building development to demonstrate good environmental and sustainability practices that minimise resource use etc. However, impacts on three waters and ensuring water sensitive design is not specifically mentioned in the relevant policies or explanation)* • **Policy 12.2.6.2 Require high quality building design within the Central Area that acknowledges, and responds to, the context of the site and the surrounding environment.** *(the explanation notes that when considering a development proposal Council will assess whether the new building, or external additions and alterations to an existing building, exhibits quality design. However, there is no specific recognition of three waters or water sensitive design forming part of this)* • **Objective 12.2.7 To promote energy efficiency and environmental sustainability in new building design.**

Topic	Summary of relevant provisions
	• **12.2.7.1 Promote a sustainable built environment in the Central Area, involving the efficient end use of energy and other natural and physical resources and the use of renewable energy, especially in the design and use of new buildings and structures.** *(the explanation states that opportunities to incorporate sustainable building design features and to use sustainable building methods will be encouraged to minimise potential adverse environmental effects. A development that proposes an environmentally sustainable designed building will be viewed as having a positive effect of the proposal on the environment).* • **Objective 12.2.13 To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.** • **Policy 12.2.13.1 Identify those hazards that pose a significant threat to Wellington, to ensure that areas of significant potential hazard are not occupied or developed for vulnerable uses or activities.** All new building development in the Central Area requires resource consent and is assessed against the Central Area Design Guide. Relevant Central Area subdivision provisions include: • **Objective 12.2.11 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.** • **Policy 12.2.11.1 Ensure the sound design, development and servicing of all subdivisions.** Matters to consider in assessment subdivision activities within the Central Area include compliance with the relevant city bylaws and Council's Code of Practice for Land Development, and consistency with the Subdivision Design Guide and Central Area Design Guide.
Chapter 6 Centres	The Centres chapter provides for the development of the city's range of sub-regional, town, district and neighbourhood centres. Similar to other chapters, the Centres chapter includes objectives and policies encouraging environmental sustainability to be incorporated into new building design. This includes the efficient end use of energy and other natural and physical resources (which could include consideration of water resources, but there is no reference to specific water sensitive measures etc). • **Objective 6.2.4 To promote energy efficiency and environmental sustainability in new building design.** • **Policy 6.2.4.1 Promote a sustainable built environment in Centres, involving the efficient end use of energy and other natural and physical resources and the use of renewable energy, especially in the design and use of new buildings and structures.**

Topic	Summary of relevant provisions
	• **Objective 6.2.8 To avoid or mitigate the adverse effects of natural and technological hazards on people, property and the environment.** • **Policy 6.2.8.5 Ensure that buildings and structures do not exacerbate natural hazards, particularly flood events.** *(Development involving buildings and structures will be controlled to ensure that they do not increase the risk of flooding by blocking flood water flow paths and culverts, and diverting flood waters to other sites… Flood water detention volumes should not be reduced by future development and Council will consider whether any new development should provide on-site compensatory flood water storage capacity)* There are specific rule requirements/considerations for stormwater management in the Churton Park District Centre and the displacement of flood waters in the Tawa flood hazard area. Like other chapters of the plan, demand on the three waters network is addressed in the subdivision objective, policy and rule provisions (there is no recognition within the land use and building provisions) – these include the following objective and policy: • **Objective 6.2.7 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.** • **Policy 6.2.7.1 Ensure the sound design, development and appropriate servicing of all subdivisions.** Every allotment must have services provided in compliance with City Bylaws or if applicable the Council's Code of Practice for Land Development. Matters to consider in assessment subdivision activities within Centres include consistency with the Subdivision Design Guide and Centres Design Guide. The **standards** for activities in Centres include the following recognition of contaminant discharges: • **7.6.1.11 Discharge of Contaminants** *Note, the discharge of contaminants to land, air or water is a Regional Council responsibility and activities causing discharges may need to obtain a relevant consent from the Regional Council. However, every person has a general duty under Section 17 of the Act to avoid, remedy or mitigate the adverse effects of activities. Where adverse effects are generated the Council will use its enforcement powers as appropriate to protect the environment.*

5.2.2 Analysis of other District Plan provisions relevant to this topic

As noted in section 5.2.1 , the District Plans of several tier 1 and 2 councils were reviewed in terms of their specific provisions for managing three waters capacity and servicing constraints – this assessment is provided in Appendix 4 to this report.

The table in Appendix 5 summarises the output of a broader review of current District Plan practice in relation to management of three waters infrastructure. These plans were selected because:

- They have been subject to recent plan changes/plan reviews that have addressed issues relating to three waters management; and/or
- They are subject to the same regional planning framework for three waters and the same asset management framework (Porirua City); and/or
- The associated Councils are of a similar scale to Wellington City and/or are confronting similar issues relating to this topic.

Note: at the time of writing this s32 report, the Porirua PDP is one of the few district plans to have been prepared in accordance with the National Planning Standards. The Porirua PDP was however notified just prior to the NPS-UD being gazetted so it does not (yet) implement its intensification objectives and policies (a variation is due to be notified in August 2022). A variation is also required to implement the NPS-FW requirements.

A summary of the key findings of this review identified that:

- All councils consider the impact of subdivision on the three waters network.
- Several councils also consider the impact of land use activities on the capacity of the three waters network. However, this is not uniform through the reviewed plans.
- Where capacity of the three waters network is a relevant land use matter, this is commonly identified in the zone chapter as opposed to a stand-alone three waters chapter. The exception is the Porirua PDP, as this was prepared to be consistent with the requirements of the National Planning Standards. The Hamilton City Plan provides a Three Waters section as part of the City-Wide chapter, to the same effect.
- Councils commonly rely on development contributions to assist with funding catchment-wide solutions to three waters network constraints. However, there is still a reliance on rules within the District Plan to control demand on the three waters network.
- A number of councils use subdivision guidance documents as a means of achieving matters of control or discretion.
- Stormwater outcomes are largely managed through provisions requiring hydraulic neutrality or water retention measures such as rainwater tanks. Auckland's Unitary Plan relies significantly on standards for impervious surface area dictated by zone.
- The majority of councils consider the impact of stormwater on water quality and three waters infrastructure capacities.

5.2.3 Advice received from Taranaki Whānui and Ngāti Toa Rangatira

Under Clause 4A of Schedule 1 of the RMA local authorities are required to:

- Provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
- Allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
- Have particular regard to any advice received before notifying the plan.

As an extension of this s32(4A) requires evaluation reports prepared in relation to a proposed plan to include a summary of:

- All advice received from iwi authorities concerning the proposal; and
- The response to that advice, including any proposed provisions intended to give effect to the advice.

The District Plan Review has included significant engagement with our mana whenua partners - Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira. This has included over 100 hui and wānanga attended by Council officers over the last 12 months. This has provided a much greater understanding of mana whenua values and aspirations as they relate to the PDP.

The PDP elevates the consideration of mana whenua values in resource management processes, including:

- A new Tangata Whenua chapter which provides context and clarity about who mana whenua are and what environmental outcomes they are seeking.
- A new Sites and Areas of Significance to Māori chapter that provides greater protection for sites and areas of significance than the current District Plan.
- Integrating mana whenua values across the remainder of the plan where relevant.

This is consistent with both the City Goal of 'Partnership with mana whenua' in the Spatial Plan; and the recently signed Tākai Here (2022), which is the new partnership agreement between the Council and our mana whenua partners, Rūnanga o Toa Rangatira, Taranaki Whānui ki Te Upoko o Te Ika and Te Rūnanganui o Te Āti Awa.

A full copy of the advice received is attached as an addendum to the complete suite of Section 32 reports as Addendum A – Advice received from Taranaki Whānui and Ngāti Toa Rangatira.

The following is a summary of the advice received from Taranaki Whānui specific to the proposed provisions evaluated within this report. Column 3 of the table below describes Council's response to the advice, either by giving full or partial effect through the amendment/addition of provisions or by discounting the advice.

Topic	Advice Received	Response
Feedback on water sensitive design:		
Aspiration to capture the names of traditional streams, awa, waterbodies	• Taranaki Whānui provided information of all streams including their traditional Māori names and would like this information updated and reinstated into the Plan. • The aspiration is for these waterbodies to be identified and given protections as sites of significance.	• All streams added into the Sites and Areas of Significance to Māori (SASM) chapter
Water quality	• Aspirations for improved water quality to the state of waimāori. There have been and continue to be significant concerns for pollution into the	• Inclusion of objectives, policies and rules in the Three Waters chapter which require implementation of water sensitive design methods for

Topic	Advice Received	Response
	lagoon (Whairepo) and harbour. • The waterfront area is significant in that many culturally important streams enter the harbour at this point.	developments of Four or more houses and non-residential activity.
Health and safety and pollution	• What about cultural practices during pollution events? This would cover water activities and the ability for mana whenua including kuia to perform rituals at Whairepo lagoon.	• Water quality matters are primarily regulated by Greater Wellington Regional Council (GW) and they in turn communicate and direct how communication should occur.
Safety to carry out cultural rituals and practices	• What is being done to ensure water sensitive design is applied? The lagoon is polluted and yet it is common to have youth swim and use these bodies of waters as areas of water recreation.	• Inclusion of objectives, policies and rules in the Three Waters chapter which require implementation of water sensitive design methods for developments of four or more houses and non-residential activity.
Council communication during water events	• Mana whenua provided examples at Whairepo Lagoon where there was a water pollution event and they were not alerted to this fact. What communication methods are there at Council to alert mana whenua to such events?	• Water quality matters are primarily regulated by Greater Wellington Regional Council (GW) and they in turn communicate and direct how communication should occur.
Suggestions in relation to water sensitive design:		
Proposed Objectives for Discussion	• Mana Whenua values, including mauri, are acknowledged in the allocation and use of water. • The mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this natural resource by Mana Whenua.	• Recognition of mana whenua values in the Three Waters chapter introduction • Inclusion of objectives, policies and rules which require implementation of water sensitive design methods for most development, which will result in water quality improvements • Inclusion of rules requiring source-control for copper and zinc building materials
Proposed Policies for Discussion	• Require that the take or use of water from a waterway or	• No specific changes to the Three Waters chapter, as this

Topic	Advice Received	Response
	body maintains Mana Whenua values. • Develop catchment specific limits for freshwater quantity with Mana Whenua, through community engagement, scientific research and mātauranga Māori. • Avoid the discharge of wastewater to the coastal marine area and to freshwater, unless Mana Whenua have been consulted in accordance with tikanga Māori and due weight has been given to section 6, section 7 and section 8 of the Resource Management Act 1991. • Require proposals for on-site wastewater treatment and disposal to land or water to demonstrate that adverse effects on Mana Whenua values will be avoided. • Only allow the discharge of treated wastewater to water where the effects on Mana Whenua values have been addressed. • Avoid, or where avoidance is impossible, remedy or mitigate, adverse effects of activities in, on, under or over the beds of lakes, rivers, streams and wetlands on: a. the mauri of the freshwater environment; and b. Mana Whenua values in relation to the freshwater environment. • Encourage the incorporation of Mana Whenua mātauranga, values and tikanga in any planting in, on, or under the bed of a lake, river, stream or wetland.	advice relates to Greater Wellington Regional Council's s30 role and hence is outside the scope of the District Plan.

Advice was also received from Ngāti Toa Rangatira in response to provision of an updated draft Three Waters chapter, a summary of which follows:

Topic	Advice Received	Response
Mana whenua's kaitiaki role over three waters	• No explicit mention in the Three Waters chapter	• No change to the Three Waters chapter as this is not a standalone chapter. Mana whenua's kaitiaki role is recognised in the Tangata Whenua chapter of the District Plan.
Wording of objectives and policies	• Support reference to 'improvement' in THW-O1 and wants to see this reflect in the rules framework • Concerned that policy wording would restrict re-using and re-purposing stormwater for non-drinking water uses • Questions who decides about network capacity and incorporation of documents by reference • Unclear about difference between identified development areas in the District and other development	• Remove 'to manage stormwater' from THW-P1 to ensure requirement for water sensitive design is not limited to managing stormwater only. • No changes required regarding network capacity and reference documents. WWL will advise on network capacity/level of service as they do currently. • Wording of THW-O2 and PHW-P3 clarified to apply to all urban development.
Rules framework	• THW-R3 does not address cross connection pollution • THW-R4 won't capture the majority of WSD opportunities • Rules framework doesn't address future redevelopment • Unclear about the split between 3 and 4 residential units • Failure to meet connections requirements should be non-complying	• No change to THW-R3 – this is intentionally limited to source-control of copper and zinc building materials. • No change to THW-R4 – this applies to all development with the exception of development permitted by the Medium Density Residential Standards (1-3 residential units) and non-residential buildings consistent with permitted activity exceptions across the Proposed District Plan. • The WSD provisions will apply to future development so no change proposed. • No change regarding the split between 3 and 4 residential units as this is determined by

Topic	Advice Received	Response
		the Medium Density Residential Standards. • No change to activity status – RDA is considered appropriate where permitted activity standards can't be met.

A full copy of the advice received is attached as Appendix 2.

5.2.4 *Consultation undertaken to date*

The following is a summary of the primary consultation undertaken in respect of this topic. Additional detail concerning the wider consultation undertaken in preparing the Proposed District Plan is contained in the companion Section 32 Evaluation Overview Report.

Who	What	When	Relevant Issues Raised
General Public	Feedback on growth scenario engagement for the Spatial Plan	April-May 2019	• Concerns raised over the exacerbation of existing three waters capacity issues if growth is focused on intensification. Emphasis that this should be a key part of strategy for Scenario 1 and 2. • Alternatively, there was concern over the costs of expanding three waters infrastructure under the greenfield development growth scenarios. • 88% of respondents strongly agreed/agreed that they support more development around suburban centres and public transport routes, even if it means more investment in existing water, transport and social infrastructure (Scenario 2). • People want high quality, efficient, forward-thinking infrastructure.
Mayor and Councillors	Draft District Plan workshops	Throughout 2020-22	• Concern about the impacts of population growth and development on existing capacity and how this will be addressed (particularly in terms of the additional growth required to be enabled in response to the NPS-UD and MDRS).

Who	What	When	Relevant Issues Raised
			• Some councillors want positive stormwater outcomes to be investigated and brought into the district plan.
Environmental Reference Group	Meetings	Throughout 2020-22	• Concerns about the impacts of growth on water quantity and quality. • Stronger provisions sought for stormwater and hydraulic neutrality/ positivity. • Explicit requirements for water sensitive design sought.
Landowners and developers	Meetings	Throughout 2020-22	• Concerns about the state of existing three waters infrastructure and constraints on growth. • Concerns about who will have to pay for the costs of growth and the impacts of this on already high housing prices.

A summary of specific feedback on the Three Waters chapter received during consultation on the Draft District Plan is contained in Appendix 6, including how it has been responded to in the Proposed District Plan. Additional detail concerning the wider consultation undertaken in preparing the Proposed District Plan is contained in the companion Section 32 Evaluation Overview Report.

In summary, the key findings arising from the consultation undertaken on this topic are:

- There is a good level of support for having specific three waters infrastructure provisions within the District Plan, both in relation to land use and subdivision development.
- There is a high level of concern about the poor current state of the city's three waters infrastructure and its capacity and ability to cope with current residents let alone the demands of expected population growth of 50,000-80,000 more people.
- There is general agreement that to cope with growth there needs to be significant investment in addressing environmental issues and creating three waters infrastructure capacity.
- Some submissions expressed concern about specific parts of the city's three waters infrastructure. For example, several submissions commented that Karori's sewerage system is already at full capacity and requires urgent upgrades prior to any additional housing developments being consented.
- There is a need to have clear rules or guidance on freshwater outcomes within a district plan context.

- There is a general desire for stormwater to be much better managed. For example, stormwater should be treated as a taonga and retained to be used on the whenua as much as possible, for example through the use of permeable paving and roading.
- Explicit recognition of Te Mana o te Wai within the three waters chapter is required – this would align with the Plan's high-level strategic directions.
- There should be stronger and more explicit recognition and requirements for water sensitive design, particularly considering climate change and its effects on the city.
- There is quite significant concern about increased flooding risk from the proposed intensification of the city, with this leading to larger volumes of water draining down impermeable surfaces and hills worsening flooding issues.
- While there is support for the District Plan to include requirements for hydraulic neutrality as part of new development, there are also some calls for positive stormwater outcomes to be delivered.

5.3 Summary of Relevant Resource Management Issues

Based on the research, analysis and consultation outlined above the following issues have been identified:

Issue	Comment	Response
Issue 1: The three waters network needs to be able to accommodate future growth	• The existing three waters network is under pressure and in some areas is at capacity and/or there is insufficient capacity to support growth. Further development that does not consider the capacity of the three waters network would continue to place strain and would result in unwanted outcomes including: • Insufficient volumes and water pressure for human health needs and firefighting • Discharge of wastewater in rainfall events into the coastal waters and streams due to undersized capacity • Increased flooding as a result of increased imperviousness from buildings, roads and other hard surfaces. • Decreased river, stream and harbour water quality as a result of stormwater contaminants washing off of roads and other urban surfaces • Policy 2 of the NPS-UD requires the Council to at all times provide	• The creation of a Three Waters Chapter that introduces a set of clear objectives, policies, rules and standards that respond to the demand that new development (both new and intensified land uses/buildings and subdivision) places on the city's three waters network. • The three waters provisions require compliance with the Wellington Water Regional Standard for Water Services which sets a regionally consistent approach to levels of service for the three water provisions and details on how the networks are to be constructed at the time of development. • An update of the Code of Practice for Land Development which refers to the Regional Standard for Water Services. • The Council's Development Contributions Policy is regularly reviewed and updated to ensure that development pays a portion of costs associated with

Issue	Comment	Response
	at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term. Under the NPS-UD, 'sufficient development capacity' means that development capacity is both 'plan enabled' (i.e. via the district plan) and 'infrastructure-ready' (i.e. there is either existing capacity available, or investment in capacity is identified in the Long Term Plan and/or infrastructure strategy). • Infrastructure upgrades are expensive and the Council has constrained funding options to finance the scale of investment required to be made across the city's three waters network to ensure it can support growth. As such, new development cannot continue to place increased demand on the three waters network without ensuring it appropriately contributes to the cost of infrastructure provision, and that alternative capacity solutions and mitigation measures are considered if and where appropriate.	upgrading and providing for new three waters networks that create capacity for growth.
Issue 2: The District Plan approach to three waters needs to recognise Te Mana o te Wai and the NPS-FW	• The NPS-FW requires local authorities to actively involve tangata whenua, including identifying Māori freshwater values and giving effect to Te Mana o te Wai. • The NPS-FW sets out a hierarchy of values when considering new regulation and it requires WCC to include provisions in its district plan to promote positive effects and avoid, remedy or mitigate adverse effects of urban development on the health and well-being of water bodies,	• Explicit recognition in the chapter introduction • Inclusion of objectives, policies and rules in the Three Waters chapter which give effect to Te Mana o te Wai and the NPS-FW • Identification of Sites of Significance to Māori identified in the District Plan

Issue	Comment	Response
	freshwater ecosystems and receiving environments. • Policy 49 of the RPS requires that mauri, kaitiakitanga, mahinga kai and other culturally significant sites are recognised and provided for in district plans. The RPS is being reviewed to give effect to the NPS-FW and the Whaitua Implementation Programmes.	
Issue 3: The role of the District Plan in managing stormwater (and its requirements for new development) needs to be clear	• Council's functions under s31 RMA include achieving the "integrated management of the effects of the use, development, … of land" and "the control of any actual or potential effects of the use, development, … of land". • The NPS-FW requires that local authorities manage land use and development in an integrated way, to avoid, remedy or mitigate adverse effects on the health and well-being of water bodies, freshwater ecosystems and receiving environments. This includes a requirement for WCC to include objectives, policies and methods in its district plan to avoid, remedy or mitigate the adverse effects (including cumulative effects) of urban development on the health and well-being of waterbodies, freshwater ecosystems and receiving environments". • GWRC's expectation is that district plans include land use controls which will contribute to improved water quality, focused on where land development occurs and the form of development. The types of devices would be managed by GW through the NRP. Plan Change 1 to the PNRP will introduce contaminant limits for zinc and copper.	• Inclusion of objectives, policies and rules in the Three Waters chapter which give effect to Te Mana o te Wai and the NPS-FW • Inclusion of objectives, policies and rules in the Three Waters chapter which require hydraulic neutrality, adoption of water sensitive design approaches and management of copper and zinc building materials. • Inclusion of rules in the Residential, Large Lot Residential and Development Area zones requiring a minimum area of permeable surfacing.

Issue	Comment	Response
	• WWL's expectation is that Council includes minimum stormwater quality requirements in the District Plan, to assist GWRC to meet its requirements, which in turn require WWL to manage/address effects on the receiving environment in a way that was not previously required.	
Issue 4: Growth in the city needs to recognise and respond to flooding hazard risk and the impacts of climate change	• New urban development has the potential to increase the risks from natural hazards, particularly in relation to upstream or downstream flooding. Developments that do not manage their peak stormwater flows and volumes have the potential to increase additional stormwater into flooded environments during high rainfall events. • The reticulated existing stormwater system is sized for lower density development without consideration of climate change impacts. Development must not be at risk of flooding nor increase flooding for others or impede overland flow paths.	• The creation of a Three Waters Chapter that introduces a range of objectives, policies and rules that ensure new developments manage stormwater peak flows and volumes so that the volume and rate of offsite stormwater discharge is reduced to at or below the modelled undeveloped flows and volumes, so that they do not increase downstream flooding impacts.

6.0 Evaluation of the Proposal

This section of the report evaluates the objectives of the proposal to determine whether they are the most appropriate means to achieve the purpose of the RMA, as well as the associated policies, rules and standards relative to these objectives. It also assesses the level of detail required for the purposes of this evaluation, including the nature and extent to which the benefits and costs of the proposal have been quantified.

6.1 Scale and Significance

Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

The level of detail undertaken for this evaluation has been determined by assessing the scale and significance of the environmental, economic, social and cultural effects anticipated through introducing and implementing the proposed provisions (i.e. objectives, policies and rules) relative to a series of key criteria.

Based on this the scale and significance of anticipated effects associated with this proposal are identified below:

Criteria	***Scale/Significance***			***Comment***
	Low	***Medium***	***High***	
Basis for change			✓	• Wellington City's three waters infrastructure is aging/deteriorating and requires significant investment to support growth. • There is insufficient capacity in the existing three water system to accommodate all projected growth. • The Operative District Plan has significant gaps in its current approach. • Gives effect to higher level RMA documents including NPS-UD, NPS-FW, Wellington RPS, Natural Resources Plan. • Implements key Council non-statutory planning initiatives – including the Wellington City Spatial Plan (Our City Tomorrow), Te Ata Kura. • Responds to a strong call for change in current management approach from the community and mana whenua.
Addresses a resource management issue			✓	• The existing three waters network is struggling with the demand that is being placed upon it. This is resulting in a level of the service from the three waters network that is below optimal in many places and as a result there are impacts on the surrounding environment from stormwater discharges and wastewater overflows. • The NPS-UD requires the Council to ensure there is sufficient plan-enabled and infrastructure ready development capacity over the short, medium and long term to meet housing and business demand. • The NPS-FW requires the Council to promote the positive effects and avoid, remedy or mitigate adverse effects of urban development on the health and well-being of water bodies and freshwater ecosystems. This includes stormwater and wastewater.

Criteria	*Scale/Significance*			*Comment*
	Low	*Medium*	*High*	
Degree of shift from the status quo		✓		• The proposal represents a moderate shift from the existing District Plan provisions. Specifically, the proposed provisions will require: o Three waters provision to be considered as part of any new development (land use and subdivision) o Management of stormwater peak flows and volumes to at or below undeveloped flows o Implementation of water sensitive design techniques to contribute to management of stormwater quantity and quality o Source controls for copper and zinc building materials o An explicit/clear policy and rule pathway to consider the impacts of additional demand from new development on three waters infrastructure and a clearer requirement to consider the need to implement alternative solutions or mitigation measures to address constraint issues, where they exist. o A clear performance standard that three waters provision needs to meet through the requirement for new development to meet the standards outlined in the Wellington Water Regional Standard for Water Services December 2021. • This is a change from the existing situation, where the Operative District Plan does not include these as requirements, rather it is left to the Code of Practice and Subdivision Design Guide at the time of subdivision to address any constraint issues that may exist.
Who and how many will be affected/ geographical scale of effect/s			✓	• The proposed changes will affect every property in the urban zones and will require a specific consideration of three waters capacity, level of service, Te Mana o te Wai and environmental

Criteria	*Scale/Significance*			*Comment*
	Low	*Medium*	*High*	
				outcomes as part of the vast majority of new developments within the city. • While for many developments there are no resulting impact or changes needed as a result of having to consider the three waters provisions, for those medium to larger scale developments where constraint issues are identified (four dwellings and greater and non-residential activity above a prescribed floor area), the potential for consideration of impacts may be needed, with alternative solutions and/or mitigation measures having to be incorporated into the overall development. • All developments regardless of size will be required to incorporate stormwater peak flow and volume management measures.
Degree of impact on or interest from iwi/ Māori			✓	• There is significant interest from Ngāti Toa and Taranaki Whānui in relation to three waters. This reflects the special significance of water and the impact that overflows from the wastewater and discharged from the stormwater networks have on the mauri of freshwater and coastal water bodies (including Te Whanganui-a-Tara and Awarua-o-Porirua). • The impacts of these overflows and discharges inhibit mana whenua from being able to undertake cultural practices. • The Whaitua recommendations are setting more stringent requirements and expectations for o Managing wastewater overflows o Managing stormwater discharges o Reducing water demand
Timing and duration of effect/s		✓		• The effects of the three water provisions will be ongoing from the time they become operative.
Type of effect/s			✓	• For some new developments there will be increased costs as a result of having

Criteria	Scale/Significance			Comment
	Low	Medium	High	
				to comply with the requirements, e.g. install systems to manage stormwater peak flows and volumes, meet permeability standards and/or adopt water sensitive design techniques. Additional costs may also be required if there is insufficient capacity in the water and/or wastewater network, which would require the installation of alternative solutions, which could include wastewater retention tanks. These costs would be associated with engineers having to design the systems as well as the installation and ongoing maintenance of the systems. • The proposals will also have a range of positive effects. As improvements are made to the three waters network, there will be improved environmental outcomes and levels of service, which will have significant environmental and cultural benefits and could allow for additional yields from land/sites to be realised. • Requiring stormwater peak flows and volumes to be reduced to at or below the modelled peak flows and volumes for each site in an undeveloped site will make a significant positive contribution to managing downstream flooding effects and stormwater network capacity. This will also reduce long term costs. • Requiring water sensitive design methods to be incorporated into new subdivision and development will make a significant positive contribution to managing water flows and contribute towards improving stormwater quality, as will source controls on copper and zinc building materials. • There may be instances where land or sites in particular locations are unable to be developed or intensified due to the insufficient capacity of the network, and the inability to provide alternative solutions or appropriate mitigation

Criteria	*Scale/Significance*			*Comment*
	Low	*Medium*	*High*	
				measures that can address the capacity issues. These examples would be largely addressed through current practices such as pre-application meetings and contacting Wellington Water Limited for capacity information at the start of project planning.
Degree of risk and uncertainty	✓			• The degree of risk and uncertainty is considered to be low. • There is significant community and mana whenua expectation to improve the existing three waters situation. Developers also want more certainty in relation to three waters infrastructure provision and Council's requirements for new development. • The Wellington Water Regional Standard for Water Services is already a commonly used document within the Wellington Region, setting a regionally consistent approach to levels of service for the three water provisions. As three waters infrastructure asset management, Wellington Water Limited already provides advice to Council's consenting teams about three waters capacity and design. • The Council currently sends land use and subdivision applications to WWL to advise on three waters capacity and any other specific three waters requirements. As such the outcomes sought by the new provisions are already being implemented into a number of developments (albeit through a less explicit/clear approach than what is proposed). • Source control requirements for copper and zinc are already included as conditions of consent for developments. • There is a considerable body of information available to support the design and implementation of stormwater management and water sensitive design methods, including in

Criteria	Scale/Significance			Comment
	Low	Medium	High	
				relation to costs. This includes WWL and Auckland Council guidance.

Overall, the scale and significance of the proposed provisions are considered to be high for the following reasons:

- The requirement for the Proposed District Plan to implement key national directions, particularly the directions of the NPS-UD and NPS-FW
- The requirement for the Proposed District Plan to not be inconsistent with the Wellington RPS and the Proposed Natural Resources Plan
- The change in approach/more directive approach being proposed from that in the existing District Plan (i.e. the proposed provisions represent a significant raising of the bar)
- The significant spatial extent and the large number of properties/sites that the new provisions will apply to
- The high level of interest in three waters matters from mana whenua, developers, landowners and the wider community

Consequently, a detailed evaluation of these provisions has been identified as appropriate for the purposes of this report.

6.2 Quantification of Benefits and Costs

Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified.

Specific quantification of the benefits and costs beyond the information and evidence outlined in section 5.2 of this report is neither practicable nor readily available. However, a qualitative assessment of identifiable costs and benefits associated with this proposal is provided below and, where relevant, in the assessment of policies, rules and other methods contained in section 9 of this report. The table below provides some quantification of the costs associated with the proposed provisions. Within the Three Waters chapter, the proposed provisions represent a partial transfer of costs from the public (who have traditionally paid for the upgrading of the Three Waters network), to the developer. While the proposed provisions will represent a new cost on development, some of these costs are small or not significant for the following reasons:

- With management of stormwater peak flows and volumes, the percentage of cost to add a stormwater tank to a dwelling is less than 1% of the cost to construct a dwelling
- Hydraulic neutrality for new development has been standard industry practice for the last several years. The proposed rule framework is, to an extent, standardising existing practice
- Many developments already incorporate wastewater and water supply mitigation measures because of existing capacity constraints. For example, in Karori wastewater holding tanks are required for new development of more than three units on a site because of the significant capacity limitations in this part of the three waters network.

PDP Approach	Qualitative assessment of costs and benefits	Quantifiable	Rating
Requiring hydraulic neutrality for new developments	Ensuring new development does not increase net stormwater runoff as compared to modelled undeveloped runoff from a site has a significant social and economic benefit in terms of reducing the risk of flood damage to private property and public assets, and reducing the likelihood and severity of erosion. It also eases pressure on under-capacity public stormwater networks and the potential need for publicly funded upgrades of stormwater infrastructure, and will help reduce stormwater infiltration into the public wastewater network. For development to achieve the required level of stormwater management, this requires a range of potential interventions. For most new houses and residential developments this will typically be on-site rainwater tanks and permeable surfacing. For larger developments this could include additional measures such as water sensitive infrastructure such as wetlands and bio-retention devices, the price of which will vary depending on scale. By placing the cost of achieving management of stormwater peak flows and volumes on developers this essentially means a transfer of the cost of stormwater management from public to private interests, in accordance with a user pays principle. Operation and maintenance of public infrastructure will remain publicly funded.	Yes, to an extent. A slimline rainwater tank for a medium sized house will cost between ~$1,500 - $4000 installed. There is existing WWL guidance to support decision-making about the appropriate choice of devices. WWL research to support the Te Whanganui-a-Tara Whaitua process, includes areas outside Wellington City considered the Life Cycle Costs of two scenarios for existing and new dwellings in urban areas – for the use of WSD (Water Sensitive Design) treatments in an Improved Scenario and a full WSD scenario. The scenarios considered a range of interventions including rainwater tanks, bioretention of road runoff and off commercial surfaces, constructed wetlands, permeable paving and replacing zinc roofs. The lifecycle assessments incorporate annual maintenance over a 50 year period for existing and new residential builds. Taking into account uncertainty and variance in cost estimates, the proportioned LCC is: • Between $83 and $114 per dwelling per year for the Improved scenario • Between $255 and $380 per dwelling per year for the WSD scenario This information does not assess the costs to developers of installing WSD methods, including for stormwater management. The costs are for ratepayers only. The assessment	Benefits outweigh the costs

PDP Approach	Qualitative assessment of costs and benefits	Quantifiable	Rating
		considers that costs would likely be less if commercial and industrial business contributions were incorporated. It is also more likely that costs would fall on new builds.	
Requiring developments to provide additional drinking water and wastewater network capacity where there is insufficient capacity	Based on a Wellington Water assessment of the capacity of the reticulated water supply (drinking water) and wastewater networks in Wellington, many areas are at or near capacity. Costly capacity upgrades will be required to accommodate future growth and to maintain and improve levels of service with respect to social, cultural and environmental outcomes. To offset the cost to ratepayers of increasing the capacity of water networks to accommodate growth, the PDP will require new development of a certain scale to appropriately mitigate effects on existing networks. This includes the ability to request improvements to network infrastructure as well as on-site infrastructure. For large developments in areas with near or at capacity water supply and wastewater networks, costs could be significant. Similar to the requirement to manage stormwater peak flows and volumes, placing the cost of increased capacity on developers means a transfer of the cost from public to private interests, in accordance with a user pays principle. The PDP provisions are also just one component of a multi-faceted approach by Council aimed at improving	Yes to an extent. As part of WCC's Spatial Planning process, Wellington Water prepared 3-waters assessments summarising the existing three-water network constraints, infrastructure upgrades and environmental considerations to support growth. This work included high-level population assessed 3 waters cost upgrade estimates per new dwelling by suburb. Costs included level of service deficits combined with additional infrastructure to service anticipated growth. Cost estimates are pre-feasibility and were prepared for scale and comparative purposes only.	Benefits outweigh the costs

PDP Approach	Qualitative assessment of costs and benefits	Quantifiable	Rating
	the capacity and performance of three water networks to achieve improved environmental outcomes and accommodate future urban growth. The Long-Term Plan, which is funded by general rates, developer contributions and debt funding, sets out the three waters investment that will be made to help achieve these outcomes. This is guided by Council's Infrastructure Strategy, which sets out Council's long-term vision with respect to the provision of infrastructure.		
Requiring new developments to include water sensitive design methods	Requiring the inclusion of water sensitive design methods has significant social, environmental and economic benefits including retaining and restoring natural drainage systems, better water quality, reduced built environment footprint, more system resilience to climate change, increased life of service, increased biodiversity and the opportunity to acknowledge and include mātauranga Māori in design. It also reduces the burden on existing under-capacity public networks, and the potential need for publicly funded upgrades of three waters infrastructure. The cost of incorporating WSD will largely fall on the developer and this essentially means a transfer of cost from public to private interests. Costs will include design and construction costs and ongoing maintenance and operation costs.	Yes, to an extent. The high-level upgrade costs provided by WWL in the documents supporting the Spatial Plan/ Planning for Growth work include provision of stormwater runoff treatment especially in medium and high density growth areas. WWL research to support the Te Whanganui-a-Tara Whaitua process, includes areas outside Wellington City, considered the Life Cycle Costs of two scenarios for existing and new dwellings in urban areas – for the use of WSD treatments in an Improved Scenario and a full WSD scenario. The scenarios considered a range of interventions including rainwater tanks, bioretention of road runoff and off commercial surfaces, constructed wetlands, permeable paving and replacing zinc roofs. The lifecycle assessments incorporate annual maintenance over a 50 year period for existing and new residential builds. Taking into account uncertainty and	Benefits outweigh the costs

PDP Approach	Qualitative assessment of costs and benefits	Quantifiable	Rating
		variance in cost estimates, the proportioned LCC is: • Between $83 and $114 per dwelling per year for the Improved scenario • Between $255 and $380 per dwelling per year for the WSD scenario This information does not assess the costs to developers of installing WSD methods, including for stormwater management. The costs are for ratepayers only. The assessment considers that costs would likely be less if commercial and industrial business contributions were incorporated. It is also more likely that costs would fall on new builds.	
Requiring new development to either avoid the use of copper and zinc building materials or to treat the material or the runoff	The benefits are focused on the removal of copper and zinc from stormwater, which reduces the amount of copper and zinc in the receiving environment and hence reduces contaminant levels in sediment and flora and fauna. The cost of meeting this requirement will fall on developers.	Yes, to an extent. Stormwater treatment costs will vary depending on the system design. There are a variety of options available from multiple suppliers in NZ, which are suitable for different scales of development.	Benefits outweigh the costs

7.0 Overview of Proposal/s

The proposed provisions relevant to this topic are set out in detail in the Proposed District Plan ePlan and should be referenced to in conjunction with this evaluation report.

In summary, the proposed provisions include:

- Definitions
  - A new definition for Water Sensitive Design
- Three objectives that address:
  - Protection of water bodies and freshwater ecosystems
  - Infrastructure-enabled land use and development
  - Hydraulic neutrality
- Four policies that address:
  - Water sensitive design

    - Infrastructure-enabled development
    - Three Waters infrastructure servicing
    - Hydraulic neutrality
- A rule framework that manages land use and building and structure activities as follows:
    - Building and structure activities
        - Connection to existing three waters infrastructure – Permitted, RDA
        - Managing stormwater quality – Permitted, RDA
        - Water sensitive design – RDA
        - Hydraulic neutrality – Permitted, RDA

8.0 Evaluation of Proposed Objective/s

8.1 Introduction

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to promote the sustainable management of natural and physical resources.

An examination of the proposed objectives along with reasonable alternatives is included below, with the relative extent of their appropriateness based on an assessment against the following criteria:

1. Relevance (i.e. Is the objective related to addressing resource management issues and will it achieve one or more aspects of the purpose and principles of the RMA?)
2. Usefulness (i.e. Will the objective guide decision-making? Does it meet sound principles for writing objectives (i.e. does it clearly state the anticipated outcome?)
3. Reasonableness (i.e. What is the extent of the regulatory impact imposed on individuals, businesses or the wider community? Is it consistent with identified tangata whenua and community outcomes?)
4. Achievability (i.e. Can the objective be achieved with tools and resources available, or likely to be available, to the Council?)

8.2 Evaluation of Objective THW-O1 – Protecting water bodies and freshwater ecosystems

While not specifically required under s32, it is appropriate to also consider alternative objectives to those currently included in the Proposed District Plan, so as to ensure that the proposed objective(s) are the most appropriate to achieve the purpose of the RMA.

For the purposes of this evaluation, the Council has considered two potential objectives:

1. The proposed objective
2. The Status Quo – no objective relating to the health and wellbeing of water bodies and freshwater ecosystems

Proposed objective **THW-O1 – Protecting water bodies and freshwater ecosystems:** Subdivision and development contributes to an improvement in the health and wellbeing of water bodies and freshwater ecosystems.		
General intent:		
The intent of this objective is Te Mana o te Wai – the integrated well-being of water		
Other potential objectives		
Status quo: There are no status quo objectives relating to this matter		
	Preferred objective	Status quo
Relevance:		
Addresses a relevant resource management issue	**Achieves.** The preferred objective responds to Issue 2 identified in section 5.3 of this report. Council has an obligation under the NPS-FW to manage the effects of urban development on the well-being of water.	**Fails to achieve.** There are no equivalent or comparable objectives in the Operative District Plan
Assists the Council to undertake its functions under s31 RMA	**Achieves.** Section 31(1)(a) requires Councils to control the effects of use, development or protection of land.	**Fails to achieve.** There are no equivalent or comparable objectives in the Operative District Plan
Gives effect to higher level documents	**Achieves.** The proposed objective assists the Council with achieving sustainable management under Section 5 of the Act and matters section 6(e), sections 7(a), (d) and (f). The proposed objective will assist the Council with meeting its requirements under Section 6(e) of the RMA. Ngāti Toa Rangatira and Taranaki Whānui have a strong cultural connection and cultural values with the waters and land in Wellington City. These connections are being significantly impacted, particularly in relation to the discharge of wastewater into the natural environment. The proposed objective will shift focus to the well-being of water. This objective will assist Council in having regard to kaitiakitanga (section 7(a), intrinsic values of ecosystems (section 7(d), and maintenance and enhancement of environmental quality by focusing managing the effects	**Fails to achieve.** The Operative District Plan is silent on this matter and hence does not give effect to the NPS-FW.

	of subdivision and development on the well-being of water. This objective gives effect to the NPS-FW and the obligation for Council to include objectives to promote positive effects and avoid, remedy or mitigate adverse effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environments. The proposed objective gives effect to the RPS, particularly Objective O3 (enhancing and replenishing the mauri of water), Objective 44 (adverse effects of land use on water is minimised), Objectives 48 and 50 (relating to the effects of discharges to stormwater and wastewater), Policy P1 (Ki uta ki tai – integrated management of water) and Policies 73, 76 and 79 (managing wastewater and stormwater impacts and interactions).	
Usefulness:		
Guides decision-making	**Achieves.** The proposed objective is clear in its goal and its applicability. It accordingly provides clarity for decision makers.	**Fails to achieve.** The absence of specific objectives creates an absence of decision-making guidance.
Meets best practice for objectives	**Achieves.** The objective provides a clear outcome statement required of an objective.	N/A as there is no objective
Reasonableness:		
Will not impose unjustifiably high costs on the community/parts of the community	**Achieves.** The objective will not impose unjustifiably high costs on the community. Whilst the objective will generate additional costs these are relatively moderate when compared to the cost of a development. It is also recognised that some developments are already being constructed within consideration of the impact on the well-being of water. This is occurring as a result of changing practices. The proposed objective will formalise this approach.	**Neutral**. The existing approach is resulting in some high costs by a limited number of people in the community. As there is on direction in the Operative District Plan about the well-being of water, this is no requirement to manage the effects of urban development. This is resulting in significant costs being borne by the community and the environment through the status quo. The status quo is resulting in additional demand on the existing three waters systems. In several areas these systems are at, or over, capacity. This is resulting in discharges into the natural environment, which in

	The proposed objective will ensure that the well-being of water is considered as part of urban development.	turn impact ecological, recreation, cultural and social values associated with the natural environment. With wastewater discharges there are also potential health and safety impacts from contaminated water, particularly if people swim or recreate in the water or ingest the water.
Acceptable level of uncertainty and risk	**Achieves.** The objective is clear, with little uncertainty. It clearly directs that subdivision, use and development must contribute to an improvement in the well-being of water.	**Fails to achieve.** The level of uncertainty created by the absences of specific provisions is unacceptable.
Achievability:		
Consistent with identified tangata whenua and community outcomes	**Achieves.** The Whaitua Implementation Plans for Te Whanganui-a-Tara and Te Awarua o Porirua set clear expectations about improving the mauri of water within Wellington city.	**Fails to achieve.** Mana whenua have significant concerns has significant concerns about the impact of urban development on the mauri of water within Wellington City. The lack of an objective, because the NPS-FW was not in effect at the time, means the Operative District Plan does not respond to these concerns.
Realistically able to be achieved within the Council's powers, skills and resources	**Achieves.** The proposed objective is achievable within Council's powers under the RMA.	N/A
Summary		
It is considered that the proposed objective is the most appropriate way to achieve the purpose of the Act and to give effect to higher order direction. The proposed objective ensures the well-being of water is a front and centre when considering the effects of subdivision and development. The proposed objective builds on the strategic directions AW-04, UFD-02, UFD-O7 and NE-O4. It is considered that the status quo does not achieve the same consistency with higher order direction or the strategic directions as the proposed objective. As such the status quo is not considered to be the most appropriate option to achieve the purpose of the Act.		

8.3 Evaluation of Objective THW-O2 – Infrastructure-enabled urban development

While not specifically required under s32, it is appropriate to also consider alternative objectives to those currently included in the Proposed District Plan, so as to ensure that the proposed objective(s) are the most appropriate to achieve the purpose of the RMA.

For the purposes of this evaluation, the Council has considered two potential objectives:

1. The proposed objective
2. The Status Quo – no objective relating to the integration of urban development and the three waters infrastructure network.

<table>
<tr><td colspan="3">Proposed objective THW-O2: Infrastructure-enabled urban development

Enable subdivision, use or development in urban areas where:

1. Sufficient existing or planned Three Waters infrastructure capacity and/or level of service is, or will be, available to service the use or development; or

2. It can be satisfactorily serviced through an alternative means where existing Three Waters infrastructure capacity and/or level of service is insufficient.</td></tr>
<tr><td colspan="3">General intent:</td></tr>
<tr><td colspan="3">To ensure that new subdivision, use and development is able to be served by the reticulated water supply, reticulated wastewater and stormwater management networks where there is sufficient capacity, and that an appropriate alternative means of servicing development is provided where there isn’t capacity.</td></tr>
<tr><td colspan="3">Other potential objectives</td></tr>
<tr><td colspan="3">Status quo: There are no status quo objectives relating to this matter.</td></tr>
<tr><td></td><td>Preferred objective</td><td>Status quo</td></tr>
<tr><td colspan="3">Relevance:</td></tr>
<tr><td>Addresses a relevant resource management issue</td><td>Achieves. The preferred objective responds to Issue 1 identified in Section 5.3 of this report.

The proposed objective seeks to ensure that the three waters network has sufficient capacity and/or level of service to accommodate the demand that a development will generate. If not, an appropriate alternative means of servicing is required. This will ensure that development does not result in increasingly frequent overflows and discharges into the natural environment or reduced levels of service for existing users.</td><td>Fails to achieve. The Operative District Plan is largely silent on the capacity and/or level of service for the three waters network. The operative objectives are focused on avoiding, remedying or mitigating the adverse effects of subdivision, which could include effects on three waters infrastructure. The operative objectives don’t include a consideration of buildings other than in the Central Area. The lack of specific objectives on this matter means that a relevant resource management issue is not being addressed by the current District Plan.</td></tr>
<tr><td>Assists the Council to undertake its functions under s31 RMA</td><td>Achieves. Section 31(1)(a) requires Council to control the effects of use, development or protection of land. The proposed objective allows the Council to manage the</td><td>Fails to achieve. Section 31(1)(a) requires Council to control the effects of use, development or protection of land. The status quo does not allow for that in relation to</td></tr>
</table>

	effects from development connecting into the reticulated water, wastewater and stormwater systems and ensuring these that these systems are able to accommodate the demand generated by a development.	the impact of the majority of the development on the three waters network.
Gives effect to higher level documents	**Achieves.** The proposed objective assists the Council with achieving sustainable management under Section 5 of the Act. It does this through seeking to ensure that wastewater discharges into the local environment do not increase, and with time will decrease as infrastructure upgrades are made. This will assist those communities who use and rely on waterbodies to increasingly provide for their social, economic, and cultural wellbeing as well as improve their health and safety. The proposed objective will assist the Council with meeting its requirements under Section 6(e) of the RMA. Ngāti Toa Rangatira and Taranaki Whānui have a strong cultural connection to the waters and land in Wellington City. The proposed objective will assist with the Council reducing the number of wastewater discharges in time and will allow for these cultural values and connections to improve with time. The proposed objective gives effect to the NPS-UDC through allowing for land development and the resulting impacts on the three waters network to be considered. This allows for an integrated approach to land development and infrastructure capacity. The proposed objective gives effect to the RPS, particularly Policy 58 which requires co-ordinating land use with development and operation of infrastructure. The proposed policy seeks to ensure this outcome is undertaken for development and the three waters network and to ensure that the capacity is present within this	**Fails to achieve**. The status quo is resulting in impacts which may mean the Council is not achieving sustainable management under Section 5 of the Act. In particular, the discharge of wastewater into the natural environment as a result of the reticulated wastewater network being over capacity means there are direct impacts on the social, cultural and economic wellbeing of those communities that rely on water bodies (particularly the coastal environment) as well as their health and safety as a result of coming into contact with contaminated water. The status quo does not give effect to Section 6(e) of the Act. The current status quo has allowed for increased demand on the three waters network. This has resulted in downstream effects such as increased peak stormwater runoff and increases in discharge of wastewater into the natural environment. This has significantly impacted on Ngāti Toa Rangatira and Taranaki Whānui's cultural values and the ability to undertake cultural practices. The status quo does not give effect to Objective 1 of the NPS-UD. In particular, by being silent on the three waters network and its associated capacity it allows for effects to occur which means that development and development infrastructure is not integrated and the efficiency of the urban environment to provide for the social and economic wellbeing of the community is reduced. These effects can include (but not be limited to) discharge of wastewater into the local environment (especially during rainfall events), contamination of

	network to accommodate the increased demand from the development.	stormwater from wastewater (which can impact peoples properties and dwellings if it enters), and reduced performance of private facilities (such as toilets or sinks being slow to drain in high rainfall events, or reduced water pressure).
Usefulness:		
Guides decision-making	**Achieves**. The proposed objective is clear in its goal and its applicability. It accordingly provides clarity for decision makers	**Fails to achieve**. The lack of an objective around the three waters networks means that the outcomes sought in relation to this matter are unclear.
Meets best practice for objectives	**Achieves**. The objective provides a clear outcome statement required of an objective.	N/A
Reasonableness:		
Will not impose unjustifiably high costs on the community/parts of the community	**Achieves**. The proposed objective will not impose unjustifiably high costs on the community. While the objective will generate some additional costs (particularly when mitigation measures are required due to a capacity constraint within the three waters network), these are relatively moderate when compared to the cost of a development. It is also recognised that many developments are already being constructed with consideration to the impact on the three waters network. This is occurring as a result of changing practices, the involvement of Wellington Water Limited and the proposed objective will formalise this existing approach. As such, many of the costs incurred by this objective are already being realised by the development community and this objective will not add to these costs. The proposed objective will ensure that the demand on the three waters network is considered as part of developments.	**Fails to achieve**. The existing approach is resulting in some high costs by a limited number of people in the community. As there is very little direction in the Operative District Plan around the consideration of capacity constraints within the three waters networks, people are purchasing properties with the intent for development. However, due to current resource consent practices, they may find that at the time of lodging an application, mitigation measures are needed to address a constraint with the three waters network. This is could result in unexpected development costs due to the lack of transparency in the Operative District Plan and changing practices. There are also significant costs being borne by the community and the environment through the status quo. The status quo is resulting in additional demand on the existing three waters systems. In several areas these systems are at, or over, capacity. This is resulting in discharges into the natural environment, which in turn impact ecological, recreation, cultural and social values associated with the natural environment. With

		wastewater discharges there are also potential health and safety impacts from contaminated water, particularly if people swim or recreate in the water or ingest the water.
Acceptable level of uncertainty and risk	**Achieves**. The objective is clear, with little uncertainty. The proposed objective directs developments in urban areas to be connected to the three water networks where there is capacity.	**Fails to achieve**. The level of uncertainty caused by the lack of specific provisions is unacceptable.
Achievability:		
Consistent with identified tangata whenua and community outcomes	**Achieves**. The proposed objective specifically allows for the capacity of the three waters network to be considered for the majority of developments. This will assist with reducing the occurrences of: • Insufficient volumes and water pressure for human health needs and firefighting • Discharge of wastewater in rainfall events into the coastal waters and streams due to undersized capacity • Increased flooding as a result of increased imperviousness from buildings, roads and other hard surfaces. • Decreased river, stream and harbour water quality as a result of stormwater contaminants washing off of roads and other urban surfaces This will assist with improving the mauri of the natural environment and will allow for increased uptake of cultural practices. It further elaborates on the strategic objectives which have been well consulted on with the community.	**Fails to achieve**. The existing provisions are resulting in the capacity and/or level of service of the three waters network being continuingly reduced with time. These outcomes are occurring as a result of the demand on the three water network and this is having a significant impact on a number of community and cultural outcomes including, but not limited to: • Ability to collect food • Swim within the coastal waters and streams • Undertake cultural practices; and • Undertake recreational activities such as swimming, sailing, waka ama etc.
Realistically able to be achieved within the	**Achieves**. Some resource consent applications are currently being assessed for their impact on the three	N/A

Council's powers, skills and resources	waters network, albeit in the absence of any direction from the Operative District Plan. The proposed objective provides formal direction in relation to this matter. Given Wellington Water already considers this matter, it is considered that the outcomes sought in the objective are able to be achieved within the Council's powers, skills and resources.	
Summary		
It is considered that the proposed objective is the most appropriate way to achieve the purpose of the Act and to give effect to higher order direction. The proposed objective ensures that future development needs to ensure that there is the capacity within the three waters network to accommodate its associated demand. Where the reticulated three waters network does not have the capacity to accommodate the demand then on-site mitigation measures will be required. This will ensure that the continuing reduction in the levels of service provided by the three waters network does not continue to reduce with time. As upgrades to existing infrastructure and new infrastructure are undertaken under the Local Government Act overtime (through investment identified in the Long Term Plan) the proposed objective should result in an improvement in the levels of service provided by the three waters network. The proposed objective builds on the strategic directions CC-O2, CC-O3, SCA-O1, SCA-O2, UFD-O3 and UFD-O7. In particular, the proposed objective would assist with improving the capacity of the three waters network overtime (particularly as upgrades and new infrastructure come on-line). It is considered that the status quo does not achieve the same consistency with higher order direction or the strategic directions as the proposed objective. As such the status quo is not considered to be the most appropriate option to achieve the purpose of the Act.		

8.4 Evaluation of Objective THW-O3 – Hydraulic Neutrality

While not specifically required under s32, it is appropriate to also consider alternative objectives to those currently included in the Proposed District Plan, so as to ensure that the proposed objective(s) are the most appropriate to achieve the purpose of the RMA.

For the purposes of this evaluation, the Council has considered two potential objectives:

1. The proposed objective
2. The Status Quo – there are no relevant provisions related to this matter.

Proposed objective **THW-O3: Hydraulic Neutrality**

There is no increase in offsite stormwater peak flows and volumes as a result of subdivision, use and development in urban areas.		
General intent:		
To achieve an outcome where future subdivision, use and development manages stormwater flows and volumes so that future development does not impact downstream flooding.		
Other potential objectives		
Status quo: There are no status quo objectives relating to this matter		
	Preferred objective	Status quo
Relevance:		
Addresses a relevant resource management issue	**Achieves.** The preferred objectives responds to Issues 3 and 4 identified in Section 5.3 of this report. The outcome of ensuring that developments are hydraulically neutral is an important factor in ensuring flood hazard impacts do not increase as a result of development.	**Fails to achieve.** The Operative District Plan is largely silent on management of stormwater peak flows and volumes for all subdivision, use and development, other than in the Churton Park District Centre and the Tawa flood hazard area. The lack of an objective on this matter means that a relevant resource management issue relating to natural hazards and climate change are not being addressed by the current District Plan.
Assists the Council to undertake its functions under s31 RMA	**Achieves.** Section 31(1)(a) requires Council to control the effects of use, development or protection of land. The proposed objective allows the Council to manage the effects from stormwater runoff on downstream flooding.	**Fails to achieve.** Section 31(1)(a) requires Council to control the effects of use, development or protection of land. The status quo does not allow for that in relation to stormwater impacts as there is no outcome sought in relation to hydraulic neutrality. This means that development of land can occur, without the necessary direction around ensuring development does not increase downstream flooding impacts as a result of increased water runoff.
Gives effect to higher level documents	**Achieves.** Section 6(h) of the RMA requires significant natural hazard risk to be managed. Section 7(i) requires that particular regard is given to the effects of climate change. The proposed objective seeks to ensure these matters are addressed in relation to flooding by ensuring there is no increase in peak stormwater flows and volumes from sites. This will ensure that new development does not increase the risk of flooding to downstream properties.	**Fails to achieve.** The status quo does not address Sections 6(h) and 7(i) of the Act. The status quo also does not give effect to Objective 1 of the NPS-UD.

	The proposed objective gives effect Objective 1 of the NPS-UDC: • Objective 1: New Zealand has well-functioning urban environments that enable all people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing, and for their health and safey, now and into the future. The requirement to ensure that developments are hydraulically neutral assists with ensuring that the impacts of subdivision, use and development on three waters infrastructure are considered and that the impacts do not worsen as a result of development occurring. This also assists with maintaining the efficiency of the urban environment to provide for the social and economic wellbeing of the community it serves. The proposed objective gives effect to the RPS, particularly Policy 51 which requires that the risks and consequences of natural hazards are minimised.	
Usefulness:		
Guides decision-making	**Achieves.** The proposed objective is clear in its goal and its applicability. It accordingly provides clarity for decision makers.	**Fails to achieve.** The lack of an objective around hydraulic neutrality means that the outcomes sought in relation to this matter are unclear.
Meets best practice for objectives	**Achieves.** The objective provides a clear outcome statement required of an objective.	N/A as there is no objective
Reasonableness:		
Will not impose unjustifiably high costs on the community/parts of the community	**Achieves.** The proposed objective will not impose unjustifiably high costs on the community. The requirement to manage stormwater peak flows and volumes so they are at or below modelled flows and volumes from the site in an undeveloped state will result in additional costs. However, these are not	**Fails to achieve.** The status quo is resulting in high costs of the community in the following ways: • Costs associated with responding to downstream flooding events • The cost of upgrading stormwater infrastructure to accommodate more stormwater as a result of climate

	significant when compared to the cost of a development. It is also recognised that many developments are already being constructed to be hydraulically neutral. This is occurring as a result of changing practices and the proposed objective will formalise this existing approach. As such, many of the costs incurred by this objective are already being realised by the development community and this objective will not add to these costs.	change and faster flows as a result of infill development is being passed onto the community through rates increases • Development contributions could keep increasing as more development occurs due to the need for greater infrastructure upgrades.
Acceptable level of uncertainty and risk	**Achieves.** The objective is clear, with little uncertainty. The proposed objective clearly directs that stormwater peak flows and volumes are to be managed for subdivision, use and development.	**Fails to achieve.** There is currently significant uncertainty associated with the status quo. The lack of direction in the Operative District Plan on this matter means that there is no clarity for applicants or Council on the outcomes on when hydraulic neutrality devices are required that they are seeking to achieve. This in turn results in significant uncertainty and risk for all parties at the time of resource consent application and determination. It is also recognised that there are currently no hydraulic neutrality provisions pertaining to developments in the non-residential zones. Within these zones, it is possible for significant areas of impervious surface to be installed as a permitted activity, with no consideration of the downstream flood effects.
Achievability:		
Consistent with identified tangata whenua and community outcomes	**Achieves.** The Whaitua Implementation Plans for Te Whanganui-a-Tara and Te Awarua o Porirua set clear expectations for the management of stormwater, including for hydraulic neutrality. Feedback on the draft District Plan also set a clear expectation for hydraulic neutrality.	**Fails to achieve.** The community has significant concerns around the impacts of flooding within their communities. The lack of an objective on hydraulic neutrality means there is no direction in the Operative District Plan in relation to the impact of future development on downstream flooding. As such, the Operative District Plan does not respond to these community outcomes sought.
Realistically able to be achieved within the	**Achieves.** As previous stated some developments are already required to be hydraulically neutral, albeit	N/A

Council's powers, skills and resources	in the absence of any concrete direction from the Operative District Plan. The proposed objective provides formal direction in relation to this matter. Given Wellington Water Limited already considers this matter as part of the Council process, it is considered that the outcomes sought in the objective are able to be achieved within the Council's powers, skills and resources.	
Summary		
It is considered that the proposed objective is the most appropriate way to achieve the purpose of the Act and to give effect to higher order direction. The proposed objective requires all new subdivision, use and development to ensure there is no increase in offsite stormwater peak flows and volumes. This is an effective means of managing peak stormwater discharge rates from a site to ensure that a development does not increase downstream flooding risks. This also achieves a secondary outcome of assisting with retaining capacity in the stormwater network by providing onsite attenuation which contributes to reducing the 'peaky' nature of stormwater discharges. The proposed objective builds on the Strategic Direction objectives NE-O2, UFD-06 and SRCC-03 by setting an outcome that subdivision, use and development needs to meet in order to give effect to these strategic directions. This objective complements Natural Hazard Objective NH-O1 as way to not increase the risk from natural hazard events. In this regard the proposed objective supports Council with ensuring that the District Plan provisions are considered with its responsibilities under Section 6(h) of the RMA and the RPS. The objective also supports the Council to carry out its functions under s31(1)(a) and s31(1)(aa) of the Act It is considered that the status quo does not achieve the same consistency with higher order direction or the strategic directions as the proposed objective. As such the status quo is not considered to be the most appropriate option to give achieve the purpose of the Act.		

9.0 Evaluation of Reasonably Practicable Options and Associated Provisions

9.1 Introduction

Under s32(1)(b) of the RMA, reasonably practicable options to achieve the objective/s associated with this proposal need to be identified and examined. This section of the report evaluates the proposed policies and rules, as they relate to the associated objective(s).

The technical and consultation input used to inform this process is outlined in section 5 of this report.

9.2 Evaluation method

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 5 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s).

This evaluation is contained in the following sections.

9.3 Provisions to achieve Objectives THW-O1, THW-O2 and THW-O3

For the purpose of this evaluation, the Council has considered the following potential options:

1. The proposed provisions
2. The status quo

Objectives THW-O1, THW-O2 and THW-O3: The three objectives address the purpose of subdivision and development improving the health and well-being of water, development occurring where there is sufficient capacity or an alternate means of servicing and management of stormwater peak flows and volumes.			
Option 1: Proposed approach (recommended)	**Costs**	**Benefits**	**Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions**
<u>Policies:</u> THW-P1 Water Sensitive Design THW-P2 Building Materials THW-P3 Infrastructure-enabled urban development THW-P4 Three Waters Infrastructure Servicing THW-P5 – Hydraulic Neutrality **<u>Rules:</u>** THW-R1 Connection to existing Three Waters Infrastructure – 1-3 Residential buildings - Permitted THW-R2 – Connection to existing Three Waters Infrastructure – Four or more residential buildings and Non-residential development – Permitted/Restricted Discretionary THW-R3 – Copper and Zinc Building Materials – Permitted/ Restricted Discretionary THW-R4 – Water Sensitive Design – Four or more residential units and Non-residential buildings –	***Environmental*** No direct or indirect environmental costs have been identified. ***Economic*** • Potential for increased design and construction costs to development as a result of the need to provide onsite capacity and water sensitive design/stormwater management measures. These costs may not be significant in the context of the overall development as the methods to achieve water sensitive design can also achieve some or all of the required stormwater management requirements and the requirement for permeable paving in Residential zones. The type of WSD methods adopted for a development will also influence the cost. • Potential for ongoing maintenance and/or compliance costs to ensure infrastructure remains effective. • Consenting costs associated with going through the resource consent process to demonstrate how requirements will be incorporated into a development. • Potential for increased maintenance costs to WWL. • The proposed provisions are not expected to impact on employment opportunities or economic growth. ***Social*** No direct or indirect social costs have been identified. ***Cultural*** No direct or indirect cultural costs have been identified.	***Environmental*** • Retention or restoration of natural drainage systems - runoff volumes, stream peak flows, time-to-peak, low flows and flow variability are more similar to those in an undeveloped catchment than is the case with a conventional development approach. • Better water quality – reduced concentrations of contaminants such as suspended solids and metals, including copper and zinc. • Provides residents and visitors access to green space within larger developments • Ecological benefits, including reducing bank scour, erosion, improved stream habitat quality and connectivity through riparian planting • Reduced built environment footprint as a result of lower use of hard infrastructure. • More resilient three waters network, as less reliance on pipes and other hard infrastructure. • Potential to avoid need for future environmental remediation because WSD assists in filtering stormwater • Less environmental damage during storm events due to more resilience in the water system. • Better integration of stormwater management and landuse. • Potential for reduced wastewater discharges if WSD includes water efficiency/water conservation measures and source control to help management stormwater discharges into wastewater systems. ***Economic*** • Increased service life for existing three waters networks	It is considered that there is certain and sufficient information on which to base the proposed policies and methods as: • The expert assessments (see the Three Waters Strategy, Three Waters Assessment, and Wellington HBA Appendices) provided to support this chapter show that the three waters network is at or nearing capacity. Existing development is having an impact on upstream and downstream flooding, water quality as a result of wastewater overflows and contaminants in stormwater and on stream ecology as a result of bank scour and erosion. • Higher order documents (section 6e) of the Act, the NPS-FW, and the RPS provide direction about managing water in an integrated way, recognising and providing for the relation of mana whenua with water. The proposed provisions are consistent with this higher order direction. • Higher order documents (NPS-UDC and RPS) require that development is able to be appropriately serviced by the three waters networks and the proposed policies and rules ensures that this outcome is achieved whilst mitigating impacts on the network. • The proposed provisions allow Council to undertake its functions under s.31(1) (a), s31(a)(aa) and s.31(b)(i) of the RMA • The Operative District Plan provisions are resulting in an increase in demand on the three waters networks and this is reducing its capacity with time. This reduction in capacity would continue under the existing provisions.

Permitted/Restricted Discretionary Activity THW-R5 – Hydraulic neutrality – 1–3 Residential Units – Permitted/Restricted Discretionary THW-R6 – Hydraulic neutrality – Four or more residential units and Non-residential buildings – Permitted/Restricted Discretionary **<u>Other Methods:</u>** • Residential zones chapters (including large lot residential) - requirement for minimum permeable surface • Subdivision Chapter objectives, policies and rules • District Plan Design Guides • Code of Practice for Land Development (under review) • Development Contributions Policy • Annual Plan/Long Term Plan - infrastructure investment		• Providing on-site mitigation for capacity and/or level of service constraints enables development within Wellington City to continue. • Reduced damage from flooding, reduced clean-up costs and faster community recovery • Increased property values due to proximity to greenspace • Depending on the WSD design, lower maintenance and operation costs • Reduction in hard infrastructure costs, i.e. pipes, catchpits and kerbs. • Reduced building material consumption through adoption of efficient designs and limited use of concrete and asphalt. • No employment of economic growth opportunities ***Social*** • WSD street design (i.e. narrower road widths, traffic calming and sightlines) promotes pedestrian and cyclist safety and better urban spaces. • Reduced surface flooding allowing peak flows to be spread out with lower energy. • Provides additional capacity in the stormwater system to accommodate increased rainfall intensity and assist with climate change adaptation. • Increased biodiversity and ecological aquatic ecosystem health, improved physiological health of people by being more physically active due to additional greenspace provision. • Increased infrastructure resilience, providing for operational reliability in a wider variety of circumstances, including natural hazards and climate change. • Over time reduced discharges to the natural environment, which will enable increased use of coastal and freshwater bodies for recreation and food gathering. ***Cultural*** • Recognition and involvement of mana whenua in decision-making and planning processes • Recognition of Te Ao Māori in design • Opportunity to acknowledge and include mātauranga Māori into, research, design and operation of WSD systems • Opportunity to improve/restore the mauri of fresh and coastal waters. • Opportunity to avoid mixing of waters from different catchments	

		• Opportunity to use indigenous planting and incorporating traditional varieties to enable cultural harvesting.	
Effectiveness and efficiency	***Effectiveness*** The proposed provisions are considered to be effective in achieving the proposed objectives because: • They give effect to higher order direction • They directly implement the proposed objectives; and • The proposed provisions are clear.	***Efficiency*** The proposed provisions are considered to be effective in achieving the proposed objectives because: • They give effect to higher order direction (Section 6(h) and RPS) through a clear, transparent and consistent framework that is located within the District Plan. • While the proposed provisions will result in some additional economic costs, it is considered that the resulting benefits to future occupants of the City outweigh these costs. It is also noted that the additional costs to a development to incorporate mitigation measures into the design are often considerably less than the costs that result from damage (or repeated damage) from flooding events. • The proposed provisions reflect existing practice (which is accepted by the development community) in relation to a number of land developments that are occurring within the City (and the wider region) and the proposed provisions formalise this approach. • The proposed provisions would assist with the transfer of costs for addressing stormwater runoff and increased flooding risk from private property owners and local and regional government onto developers at the time the developments are undertaken.	
Option 2: Status Quo	**Costs**	**Benefits**	**Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions**
Policies: Policies 4.6.5.1, 4.2.3.5, 4.2.3.6, 4.2.10.3, 4.2.6.1, 4.2.6.2, 4.2.6.5, 6.2.4.1, 6.2.8.5, 6.2.7.1, 12.2.2.2, 12.2.7.1 and 12.2.11.1 **Rules:** 5.2.2, 5.6.2.3, 5.6.2.4, 7.2.2, 7.3.6.10, 7.3.13.5, 7.6.1.11, 7.6.4, 13.1.4, 13.2.4, 13.2.10 and 13.6.5. **Other Methods:** • Annual Plan/Long Term Plan – infrastructure investment • Code of Practice for Land Development (under review) • Development Contributions Policy	***Environmental*** • Peak stormwater rates are not being controlled and as a result this increasing scour, erosion and flushing of streams and water ways; • There is increased flooding from increased stormwater runoff rates, which impact natural systems due to the contaminants contained within the stormwater; and • Increased discharges and overflows from the wastewater and stormwater networks which is degrading the environment. • Contaminants such as copper and zinc are entrained in stormwater, which ultimately flows out to into the harbour and increases sediment contaminant levels. ***Economic*** • The need to fund three waters network upgrades to accommodate the demand generated by new development and to reduce discharges or to improve performance of the three waters networks to meet the minimum capacity required. This represents a direct	***Environmental*** • The only direct environmental benefits are in the Churton Park District Centre and the Tawa flood hazard area where stormwater and floodwater displacement are being managed. ***Economic*** • No costs to developers associated with having to build mitigation measures into developments to address the demand on the three waters networks. • The existing provisions allow for sites to be intensified, without having to explicitly consider whether the three waters networks can accommodate the demand. This allows land owners to realise greater economic value from their properties. For some individual properties there realised benefits could be significant due to the value of land (several hundred thousand of dollars). • No costs to developers associated with the treatment of copper or zinc building materials. ***Social***	It is considered that there is certain and sufficient information on three waters. It is considered the risk of not acting and retaining the status quo are significant for the following reasons: • The research undertaken to inform the Spatial Plan, District Plan Review and Three Waters chapter shows that the three waters networks in Wellington City are at or nearing capacity and there are areas where the demand is resulting in the level of service being below what has been identified as acceptable by WWL. The current provisions do not address, consistently and across the plan, improvement of the well-being of water, management of stormwater and opportunities associated with water sensitive design methods. • There will be increased community disruption and economic costs borne by affected properties owners and communities from the increased likelihood of future flooding events. • There will be continued transfer of economic gain from developers onto economic and social costs on future property owners, and to local government from increased likelihood of future flooding events. This has the potential for wider economic costs borne by the residents? through increased insurance premiums and rates (to pay for hazard mitigation works and repairs after hazard events). • The District Plan provisions would remain inconsistent with higher order direction (Section 6(e) Sections 7(a), 7(b), 7(f) and 7(i), NPS-UDC, the NPS-FW and the RPS), as the level of service provided by the three waters networks would continue to reduce, resulting in more

	cost through rates increases and through development contributions having to be increased; • Potential lost development opportunities on some sites due to the three waters networks being so constrained that sites cannot accommodate any further growth, even with mitigation measures incorporated on a site. • More individual property owners likely being impacted by flooding as a result of increased development occurring which is not controlling peak stormwater discharge. If flooding impacts are increasing then there are costs associated with recovering, repairing damage, replacing furnishings and rebuilding as a result of damage from a natural hazard event; • Increased insurance premiums or loss of insurance for properties that are regularly being flooded. • There could be some employment and economic costs if existing high water and trade waste users were unable to use the three waters networks efficiency due to supply or capacity constraints. These costs would be difficult to quantify though. ***Social*** • Increased social costs associated with the time for people and communities to recover from flooding. • As the capacity of the three waters networks is reduced, incidences of discharges into the natural environment are increasing. This is preventing people and communities from being able to undertake activities that provide for their well-being, including the ability to: o Collect food; o Swim within the coastal waters and streams; o Undertake cultural practices; and o Undertake recreational activities such as swimming, sailing, waka ama etc. • In high rainfall events, the stormwater is becoming contaminated with wastewater. When this enters people's properties and homes it increases the social costs associated with the time for people and communities to recover from flooding events. This includes stress, strain on mental health, illness and loss of work days due to repairing damage. This cost is potentially increasing as capacity in the three waters networks continues to fall. ***Cultural*** • Discharge of wastewater in rainfall events into the coastal waters and streams; and • Pipes leaking as a result of damage over time and then contaminating coastal waters and streams. • The existing provisions are resulting in increased stormwater runoff into the waterways. This increased runoff is resulting in erosion and souring of the	• The existing provisions are permissive and allow for intensification of existing properties, without necessarily considering the impacts on the three waters network having to be considered. • Benefit in the Churton Park District Centre and the Tawa flood hazard area associated with management of effects. ***Cultural*** • No direct or indirect cultural benefits	discharges to the environment, reduced level of service for existing users, and potentially constraining development. • The existing provisions would require the existing three waters networks to be upgraded at a faster pace to allow for more development. This results in significant increases in costs for the wider community as this is funded through rates. As such there would be a continued transfer of costs from private developers onto the wider community. • There would continue to be a reliance on good faith discussions at the time of subdivision consent to ensure developers incorporate mitigation measures to address the demand from their development on the three waters networks. The policy and rule framework for this is not strong within the Operative District Plan and could be open to challenge.

	waterways and is introducing contaminants which are reducing the mauri of these environments.		
Effectiveness and efficiency	***Effectiveness*** The operative provisions (policies and rules) are considered to be ineffective for the following reasons: • They do not give effect to higher order direction. • The existing provisions only apply at the time of subdivision and do not apply to land use developments. • The existing provisions have assisted with contributing to the existing issues that are being experienced by the three waters networks and it is expected these issues would continue to increase and worsen under the status quo.	***Efficiency*** The status quo is considered to be inefficient for the following reasons: • They do not give effect to higher order direction • The existing approach means that land use developments are being consent without always having the consideration to the impact on the three waters networks, thereby further reducing capacity and performance of this network. • There is a desire within the existing provisions and the resource consent process to use the Wellington Water Regional Standard for Water Services 2021 to guide new development. However, as the Operative District Plan does not reference this document, it makes the resource consent process inefficient and there is potential for considerable debate around consent conditions and the outcomes sought under the Wellington Water Regional Standard for Water Services 2021 vs the District Plan outcomes sought.	

9.4 Overall evaluation

Having considered the proposed provisions and the status quo it is considered that the proposed provisions are the most appropriate way to achieve the objectives. The proposed provisions:

- Ensure that the health and well-being of water is improved to the extent feasible as a result of urban development.
- Ensure that the majority of the development form within the urban zones are required to manage stormwater peak flows and volumes, thereby not increasing peak stormwater discharges from the site.
- The proposed provisions give effect to high order direction and provide a clear framework for the implementation.
- The proposed provisions have a number of economic, and social benefits which are considered to outweigh the resulting costs.

The status quo is considered to be ineffective and inefficient at giving effect to higher order direction. The existing provisions allow for a number of developments to occur without the need to improve the health and well-being of water, manage stormwater peak flows and volumes or manage the source control of contaminants such as copper and zinc. It is therefore considered that the status quo is not appropriate to achieve the outcome of the proposed objectives.

10.0 Conclusion

This evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The evaluation demonstrates that this proposal is the most appropriate option as it:

- Best gives effect to higher order documents; and
- Is the most effective and efficient way to achieve the purpose of the Act and the PDP's strategic objectives.

Appendix 1: Relevant objectives and policies from relevant National Policy Statements

National Policy Statement on Urban Development 2020

NPS - UD - Relevant Objectives / Policies
Objective 1: *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.* ***Objective 5:*** *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).* ***Objective 6:*** *Local authority decisions on urban development that affect urban environments are:* *(a) integrated with infrastructure planning and funding decisions; and* *(b) strategic over the medium term and long term; and* *(c) responsive, particularly in relation to proposals that would supply significant development capacity.* ***Objective 8:*** *New Zealand's urban environments:* *(a) support reductions in greenhouse gas emissions; and* *(b) are resilient to the current and future effects of climate change.*
Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:* *(a) have or enable a variety of homes that:* *(i) meet the needs, in terms of type, price, and location, of different households; and* *(ii) enable Māori to express their cultural traditions and norms; and* *(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and* *(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and* *(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and* *(e) support reductions in greenhouse gas emissions; and* *(f) are resilient to the likely current and future effects of climate change.*
Policy 2: *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*
Policy 3: *In relation to tier 1 urban environments, regional policy statements and district plans enable:* *(a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and* *(b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and* *(c) building heights of least 6 storeys within at least a walkable catchment of the following:* *(i) existing and planned rapid transit stops*

(ii) the edge of city centre zones
(iii) the edge of metropolitan centre zones; and

(d) *in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:*
(i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
(ii) relative demand for housing and business use in that location.

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

(a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
(b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect

(c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
(d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
(e) *the likely current and future effects of climate change*

Policy 8: *Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

(a) *unanticipated by RMA planning documents; or*
(b) *out-of-sequence with planned land release.*

Policy 9: *Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:*

(a) *involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
(b) *when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and*
(c) *provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*
(d) *operate in a way that is consistent with iwi participation legislation.*

Policy 10: *Tier 1, 2, and 3 local authorities:*

(a) *that share jurisdiction over urban environments work together when implementing this National Policy Statement; and*
(b) *engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and*

(c) engage with the development sector to identify significant opportunities for urban development.

National Policy Statement for Freshwater Management 2020

NPS-FW - Relevant Objectives / Policies
Objective: *(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:* *(a) first, the health and well-being of water bodies and freshwater ecosystems* *(b) second, the health needs of people (such as drinking water)* *(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*
***Policy 1:** Freshwater is managed in a way that gives effect to Te Mana o te Wai.*
***Policy 2:** Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.*
***Policy 3:** Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*
***Policy 4:** Freshwater is managed as part of New Zealand's integrated response to climate change*
***Policy 5:** Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.*
***Policy 15:** Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.*
Implementation clauses: ***3.4(1)** Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management (including decision-making processes).* ***3.5(1)(c)** Local authorities must … manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; …* ***3.5(4)** Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.*

National Coastal Policy Statement 2010

NZCPS - Relevant Objectives / Policies
Objective 1: *To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:* • *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;* • *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and* • *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

Appendix 2: Advice Received from Taranaki Whānui and Ngāti Toa Rangatira

(see separate attachment)

Appendix 3: Analysis of the NPS-UD's requirements for intensification-related infrastructure delivery

Intensification-related Infrastructure Delivery – the NPS-UD 'Infrastructure Ready' Conundrum

Background

Our City Tomorrow – A Spatial Plan for Wellington provides non-statutory direction on where and how projected population growth over the next 30 years (i.e. an increase of 50,000-80,000) will be accommodated in the city. In doing so it:

- Offers developers and infrastructure providers (including Council) a greater degree of certainty about the city's future growth
- Enables infrastructure providers to more effectively target where major investment is needed to support growth

This is particularly important in the Wellington context as the scale of infrastructure investment required to address current network issues and capacity constraints to support projected population increase in several identified growth areas is substantial, especially in terms of 'three waters' (i.e. wastewater, stormwater, water supply) delivery.[1] The challenges presented include:

- Renewing and replacing aging infrastructure, particularly three waters infrastructure.
- Increasing our infrastructural resilience to cope with the impacts of natural hazards and climate change.
- Increasing existing capacity and providing sufficient new infrastructural capacity to accommodate anticipated growth.
- Phasing investment in existing and new infrastructure in a way that balances affordability (both now and in the future) with servicing future growth needs.

The size of the investment required to meet the city's current and future infrastructure needs means it would be financially challenging for all the identified growth areas in the spatial plan to be simultaneously serviced. It would also be unrealistic given the variability in the growth pressures likely to be experienced across these areas.

Consequently, the nature, timing and location of infrastructure investment required to support anticipated growth needs to be carefully planned and coordinated. This includes consideration of such factors as preliminary technical investigations, business case development and planning and consenting processes.

The sequencing of growth and development through zoning and associated subdivision and land use provisions in the District Plan also needs to be carefully managed to ensure that development expectations are matched by the capacity of the infrastructure network to deliver. This is a crucial consideration as the National Policy Statement on Urban Development (NPS-UD) requires Councils to provide sufficient development capacity to meet expected short, medium- and long-term demand that is both 'plan enabled' and 'infrastructure-ready'.[2]

‘Infrastructure Ready’ – What does the NPS-UD Require?

Part 2: Objectives and policies

Objective 1 of the NPS-UD sets out the broad, national context for future urban development and seeks the following:

‘New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future’.

‘Well-functioning urban environments’ are defined as ones’ that, at a minimum:[3]

a. ‘have or enable a variety of homes that:
    i. meet the needs, in terms of type, price, and location, of different households; and
    ii. enable Māori to express their cultural traditions and norms; and
b. have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
c. have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
d. support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
e. support reductions in greenhouse gas emissions; and
f. are resilient to the likely current and future effects of climate change’.

In concert with this objective the NPS-UD also seeks, amongst other matters, that ‘local authority decisions on urban development that affect urban environments are:

a. integrated with infrastructure planning and funding decisions; and
b. strategic over the medium term and long term; and
c. responsive, particularly in relation to proposals that would supply significant development capacity.’[4]

To realise these objectives Policy 2 requires that ‘tier 1, 2 and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term’.[5]

‘Development capacity’ is defined as ‘the capacity of land to be developed for housing or for business use, based on:

a. the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and
b. the provision of adequate development infrastructure to support the development of land for housing or business use’,[6]

with ‘development infrastructure’ further defined as:[7]

a. ‘network infrastructure for water supply, wastewater, or stormwater
b. land transport (as defined in section 5 of the Land Transport Management Act 2003)’

To ensure that land use and infrastructure is planned in an integrated manner Policy 10 also requires tier 1, 2 and 3 local authorities to engage with development infrastructure providers.[8]

Part 3: Implementation

In addition to outlining specific objectives and policies relating to future urban development the NPS also sets out a non-exhaustive list of things that local authorities must do to ensure they are given effect to. Of relevance from an infrastructure perspective are clauses 3.2, 3.3, 3.4 and 3.7.

To meet expected demand for housing and business land 'every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district'.[9] Development capacity is considered 'sufficient' to meet expected demand where it is:[10]

a. 'plan-enabled;[11] and
b. infrastructure-ready; and
c. feasible and reasonably expected to be realised;[12] or
d. suitable[13] to meet the demands of different business sectors; and
e. for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin'.[14]

It is also considered 'infrastructure ready' where:[15]

a. 'in relation to the short term (next 3 years), there is adequate existing development infrastructure to support the development of the land
b. in relation to the medium term (3-10 years), either paragraph (a) applies, or funding for adequate infrastructure to support development of the land is identified in a long-term plan (LTP)
c. in relation to the long term (10-30 years), either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy (as required as part of its LTP).

Where any insufficiency in development capacity is identified by a local authority over the short, medium, or long term it needs to:[16]

a. 'immediately notify the Minister for the Environment; and
b. if the insufficiency is wholly or partly a result of RMA planning documents, change those documents to increase development capacity for housing or business land (as applicable) as soon as practicable, and update any other relevant plan or strategy (including any FDS); and
c. consider other options for:
    i. increasing development capacity; and
    ii. otherwise enabling development'.

What does this mean for WCC?

The policy intent underlying Policy 2 and supporting clauses 3.2, 3.3, and 3.4 is to create conditions that enable the market to respond to growth through providing plenty of opportunities in RMA plans to facilitate development.[17] To this end the settings direct that plans provide development capacity this is:

- sufficient to meet or exceed projected demand over the short, medium and long term; and
- feasible and reasonably expected to be realised.

Consequently, there is clear expectation that the draft District Plan currently being prepared by Council will act as a vehicle to accommodate the growth identified through the housing and business capacity assessment process and reflected in *Our City Tomorrow – A Spatial Plan for Wellington*. The challenge, however, is enabling realisation of this growth through the plan in the face of the current infrastructure deficit evident in several of the identified growth areas, coupled with the logistics and size of the investment needed to address this and future infrastructure requirements.

A key consideration, therefore, relates to the interpretation of, and interplay between, Policy 2, implementation clauses 3.2, 3.3 and 3.4 and the associated definitions of development capacity and development infrastructure.

To satisfy these requirements provision is currently being made in the draft plan to ensure that the development capacity needed to meet the city's projected short-medium term demand for housing and business land is 'plan-enabled' – this is to be realised via appropriately tailored zones

(eg. medium density residential) and supporting activity and notification settings. However, the companion element needed to ensure sufficient development capacity is released – that it is 'infrastructure-ready' – is more problematic for the reasons outlined above.

Of note in considering the respective wording of implementation clauses 3.2(2) and 3.3(2) and definition of development capacity is the conjunctive nature of the relationship between the planning and infrastructure requirements needed to realise sufficient development capacity. These are:

- 'plan-enabled' and 'infrastructure-ready'
- 'zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents' and 'the provision of adequate development infrastructure to support the development of land for housing or business use'

This, in turn, poses an interesting interpretive conundrum as there are potentially two alternative avenues available:

a. That the directives in Policy 2 and associated implementation clauses 3.2(1) and 3.3(1) are tempered by the degree to which the conjunctive requirements in clauses 3.2(2) and 3.3(2), supplemented by the definition of development capacity, can be satisfied
b. That the directives in Policy 2 and associated implementation clauses 3.2(1) and 3.3(1) necessitate the conjunctive requirements in clauses 3.2(2) and 3.3(2) to be satisfied

If a) were to apply this could present Council with an opportunity to explore the development of a staged approach to rezoning and releasing land to meet projected housing and business demand that coincides with either the impending provision or confirmed funding (through the Long Term Plan) of supporting development infrastructure. Conversely, if b) were to apply Council would need to ensure that the spatial extent of the land required to meet projected housing and business demand is appropriately zoned (and enabled through associated plan provisions) and adequately serviced by supporting development infrastructure.

The infrastructure conundrum – Potential options

Depending on where the interpretive determination of the relevant NPS-UD settings falls, briefly outlined below are some initial, non-exhaustive options for consideration. These are set out along a continuum - from enabling sufficient development capacity in the draft District Plan to meet expected demand irrespective of known infrastructure constraints through to a more targeted approach that aligns upzoning of land to meet projected demand to either the impending provision or confirmed funding of supporting development infrastructure:

a. Upzone the full spatial extent of land in the draft District Plan needed to meet projected housing and business demand, with any new development assessed as a Restricted Discretionary Activity and availability and connection to development infrastructure an associated matter of discretion (proposed draft District Plan approach)

b. Upzone the full spatial extent of land in the draft District Plan needed to meet projected housing and business demand, with any new development assessed as a Restricted Discretionary Activity but infrastructure considerations decoupled from the plan and reliant on mechanisms outside the plan (eg. development contributions/development agreements under the Local Government Act, special purpose vehicle to finance infrastructure under the Infrastructure Funding and Financing Act)[18]

c. Upzone the full spatial extent of land in the draft District Plan needed to meet projected housing and business demand and identify areas with known infrastructure constraints via an overlay, with any new development within these areas assessed as a Restricted Discretionary

Activity and effects on efficiency and affordability of development infrastructure an associated matter of discretion (Proposed Dunedin District Plan approach)

d. Phase the upzone of land in the draft District Plan to meet projected housing and business demand, with the initial spatial extent focussed on land that is either adequately serviced by existing development infrastructure or funding to support development is identified in the LTP; any new development assessed as a Restricted Discretionary Activity and availability and connection to development infrastructure included as an associated matter of discretion

Appendix 4: Managing Intensification-related Infrastructure Delivery - Review of sample Tier 1 and 2 Councils NPS-UD-related plan provisions

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
Auckland (T1)	Auckland Plan 2050 – Development Strategy	Planning and investment targeted to areas where the greatest development capacity is taken up and infrastructure coordinated with growth. Identified areas for future growth and development are sequenced. In the existing urban area this is done through: • Nodes (eg. City Centre, Albany, Westgate, Manakau, Pukekohe) • Development areas (approx. 18 including Takapuna/Northcote, Avondale/New Lynn, Greenlane/ Ellerslie, Sylvia Park, Mangere) • Balance urban areas In greenfield areas, it is done through identified future urban areas (eg. Warkworth, Helensville, Takanini. Nodes and development areas are likely to undergo significant growth and experience a	N/A

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		scale of localised redevelopment requiring substantial infrastructure and service investment. The sequencing of infrastructure investment in nodes is over a 30yr time horizon while a 3 phase approach is applied to development areas: • 1-3yrs = areas identified through previous planning and subject to current project/programme commitments • 4-10yrs = areas generally reliant on the outcomes of significant infrastructure projects/investment • 11+yrs – areas where large scale growth is less certain Most growth is anticipated to occur incrementally over the balance urban area and to generally be accommodated through existing infrastructure capacity or ongoing infrastructure renewal. The sequencing of investment in future urban areas spans 30yrs with phasing informed by such factors as the existence of 'live zoned' areas, existence/level of understanding of	

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		physical or hazard constraints (eg. geotechnical, flooding) and the level of new/upgraded infrastructure required to service individual areas	
	Auckland Unitary Plan: Terrace Housing & Apartment Buildings Zone	N/A	H6.4.1(A3) Dwellings (RD) H6.8.1(2)(c) MoD – Infrastructure & servicing H6.8.2(2)(j) Assessment criteria i. Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. ii. Where adequate network capacity is not available, whether adequate mitigation is proposed.
	Auckland Unitary Plan: Subdivision	E38.3 Infrastructure (19) Require subdivision to provide servicing: a. to be coordinated, integrated and compatible with the existing infrastructure network; b. to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development; and c. to enable electricity and telecommunications services to be	E38.4.2(A14) Residential subdivision (RD) E38.12.2(7) Assessment criteria b. the effect of infrastructure provision and management of effects of stormwater i. whether there is appropriate provision of and adequate access to existing and new infrastructure, and provision of appropriate management of effects of stormwater.

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		reticulated underground to each site wherever practicable. (20) Require sites capable of containing a building, in areas where service connections are available to a public reticulated network, to connect to the following networks: a. wastewater; b. stormwater; and c. potable water. (21) Require sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for: a. the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding; b. management of wastewater via: i. an on-site wastewater treatment system, or ii. approval to connect to a private wastewater network; and c. potable water.	ii. the extent to which drainage reserves are integrated into the layout of the subdivision and neighbourhood.

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
Hamilton (T1)	Hamilton District Plan: Development Suitability (City-wide) (Note: Where a developer wishes to pursue development ahead of Council's infrastructure programme a development agreement needs to be entered into to ensure that the infrastructure is provided in a safe, efficient way from a network perspective. Due to Council's inability to fund growth related infrastructure all at once it is anticipated that developers will bear the full cost of this infrastructure provision)	25.1.2.1b Development Suitability New development shall be adequately serviced by suitable telecommunication, electricity, Three Waters and transport infrastructure. 25.1.2.1c Development Suitability Urban development will not be allowed unless appropriate infrastructure is available, or is made available by the developer, and the servicing of this land does not compromise the safety, efficiency and sustainability of planned infrastructure.	N/A
	Hamilton District Plan: Residential Intensification Zone	4.2.2a Efficient Use of Land & Infrastructure Residential development shall use land and infrastructure efficiently by: i. Delivering target yields from housing development in both greenfield growth	4.3.1(b) & (g) Apartment Buildings/Duplex Dwellings (RD) Appendix 1.3.3(J) Three Waters Capacity and Techniques - Assessment Criteria J1 The extent to which the proposal:

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		areas and intensification areas, as indicated by rules or Structure Plans. ii. Staging and sequencing the development as indicated by rules or Structure Plans.	a. Can be adequately serviced by capacity within existing Three Waters infrastructure, including access to and use of an appropriate and sustainable water source. b. Can dispose of stormwater and wastewater without adversely affecting the surrounding environment. J2 Whether the servicing needs of the proposal would necessitate additional public investment in Three Waters infrastructure, services or amenities.
Tauranga (T1)	Tauranga District Plan: Plan Change 26 - Housing Choice *NPS-UD Policy 3 response* (Note: modelling has shown that the existing trunk network can accommodate the level of development expected as an outcome of the plan change or otherwise supported by already planned trunk network upgrades. Some further	14A.1.2.1 Residential Diversity and Densities Encourage a range of residential development types by: a. Identifying areas suitable for high density, medium density and low density residential development taking into account the planned residential character and amenity of these areas and the capacity of existing and planned infrastructure.	14D.4.2.14 Comprehensively Designed Development: City Living Zone + Te Papa Housing Overlay – MoD (RD) k. Infrastructure - Whether the proposal can address any adverse effects of the development on local water supply capacity, wastewater systems, and the local road network capacity and how those effects can be adequately avoided, remedied or mitigated.

Council	Planning Instrument	Planning Response Direction/Policy	Planning Response Rule/Standard/Assessment Matters
	assessment will need to be required through the resource consent process to ensure local network capacity exists at the development site level for a comprehensively designed) development (more than two dwellings on a site)).		
Upper Hutt (T1)	Upper Hutt District Plan: Plan Change 50 - Rural & Residential Chapters Review (Subdivision Infrastructure + Medium and High Density Residential Zones)	SUB-INF-P2– Network utility capacity Ensure that the network utilities have capacity to service the demand generated by urban development. SUB-INF-P3 – Three waters services Require all new residential and non-residential buildings in residential zones to be serviced with reticulated water and waste water supply, and adopt a stormwater management design that: a. Meets the regional standard [quote relevant standard at notification]; b. Has capacity to accommodate the development, incorporating measures to not adversely impact the level of	Subdivision: 3 or more residential units in Medium/High Density Residential Zones (CON) - MoC 8. Ensuring infrastructure meets Council standards and has the capacity to accommodate the development or anticipated future development in accordance with the purpose of the zone, and is in place at the time of allotment creation (HDRZ). 9. Requiring reticulated wastewater, reticulated water and stormwater management systems to meet the performance criteria of the Wellington Water's Regional Water Standard [relevant edition at time of notification] (MDRZ/HDRZ).

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		service provided by the three waters network; and c. Be established at the time of building.	Development: 3 or more residential units in Medium/High Density Residential Zones (RD) - MoD 11. Ensuring infrastructure meets Council standards and has the capacity to accommodate the development (MDRZ/HDRZ)
Porirua (T1)	Proposed Porirua District Plan: Three Waters	THWT-P2 Integration with the Three Waters Network Require all new residential and non-residential buildings in Urban Zones and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by the Three Waters Network to: 1. Be serviced by reticulated water supply, reticulated wastewater and stormwater management networks that: a. Meet the Council standards; b. Have the capacity to accommodate the development or anticipated future development of the site in accordance with the anticipated purpose of the zone; and c. Is in place at the time of building construction; and:	THWT-R5 (1) Connection of non-residential buildings, retirement villages, papakāinga, and multi-unit housing to the Three Waters Network - Residential, Māori Purpose (Hongoeka), Settlement Zones (PER) 1. Where: a. The building(s) is connected to the reticulated water supply, reticulated wastewater and stormwater management networks; and b. Compliance is achieved with the following: i. For stormwater — The level of service in Chapter 4 Stormwater Table 4.1, Table 4.2 and 4.3 of the Wellington Water Regional Standard for Water Services May 2019; ii. For wastewater — The level of service in Chapter 5, section 5.2.3

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		2. Be connected to a water metering device when connecting to the reticulated water network, unless it can be demonstrated that: a. There are physical constraints that prevent a meter to be provided; or b. The water demand generated is so low that a meter is not warranted. THWT-P3 Three Waters Network capacity Where the level of service of the reticulated water supply, reticulated wastewater and stormwater management networks is insufficient to service the number of residential units proposed, or is insufficient to service the size of the building and associated activity proposed, only allow use and development when it can be demonstrated that: 1. It incorporates measures that appropriately mitigate any adverse effects on the Three Waters Network and meet the performance criteria of the Wellington Water Regional	of the Wellington Water Regional Standard for Water Services May 2019; and iii. For water supply — The level of service in Chapter 6, Tables 6.1 and 6.2 of the Wellington Water Regional Standard for Water Services May 2019. THWT-R5 (2) Connection of non-residential buildings, retirement villages, papakāinga, and multi-unit housing to the Three Waters Network - Residential, Māori Purpose (Hongoeka), Settlement Zones (RD) Where: a. Compliance is not achieved with THWT-R5-1.a or THWT-R5-1.b. Matters of discretion are restricted to: 1. The matters in THWT-P3. These matters include: 1. It incorporates measures that appropriately mitigate any adverse effects on the Three

Council	Planning Instrument	Planning Response Direction/Policy	Planning Response Rule/Standard/Assessment Matters
		Standard for Water Services May 2019; and 2. The additional demand generated can be accommodated by the Three Waters Network, without resulting in increased flood risk, increased wastewater overflows or reduced pressure in the reticulated water network.	Waters Network and meet the performance criteria of the Wellington Water Regional Standard for Water Services May 2019; and 2. The additional demand generated can be accommodated by the Three Waters Network, without resulting in increased flood risk, increased wastewater overflows or reduced pressure in the reticulated water network.
Christchurch (T1)	Christchurch District Plan – Residential Medium Density Zone	14.2.1.2 Establishment of new medium density residential areas b. Avoid establishment of new residential medium density development in: iii. areas that are not able to be efficiently serviced by Council-owned stormwater, wastewater and water supply networks.	14.5.1.3 Multi-unit development (RD) a. The erection of new buildings and alterations or additions to existing buildings including all accessory buildings, fences and walls associated with that development, that result in: i. three or more residential units b. Except (until date of completion of the infrastructure work) on any site located within the Riccarton Wastewater Interceptor Overlay.
	Christchurch District Plan – Subdivision, Development & Earthworks	8.2.2.6 Integration and connectivity a. Ensure effective integration within and between developments and existing areas, including in relation to public	8.8.6 Servicing – MoD (CON/RD) a. Whether each allotment has appropriate servicing and connections to water supply, wastewater disposal, stormwater management systems and other services,

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		open space networks, infrastructure, and movement networks. <u>8.2.3.1 Identification of infrastructure constraints</u> a. Areas subject to infrastructure capacity constraints will be identified by the Council to assist public understanding and decision-making regarding network capacity available to service subdivision and subsequent land use. <u>8.2.3.2 Availability, provision and design of, and connections to, infrastructure</u> a. Manage the subdivision of land to ensure development resulting from the creation of additional allotments: i. does not occur in areas where infrastructure is not performing, serviceable or functional; and ii. will be appropriately connected to and adequately serviced by infrastructure, including through any required upgrade to existing infrastructure.	whether it is necessary to provide or upgrade services or utilities to enable the site to be served, and whether the design, location, capacity, type and construction of services and infrastructure, including the suitability of the proposed water supply for fire-fighting purposes, and any required infrastructure upgrades, are acceptable to the Council.

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
Dunedin (T2)	Proposed Dunedin District Plan: Variation 2 – Additional Housing Capacity (Strategic Directions) *NPS-UD Policy 5 response* (Note: Additional infrastructure required to support the growth enabled through Variation 2 has been calculated as part of preparing the variation, incorporated into relevant work programmes and funding signalled in the LTP)	2.6.2.3 Adequate Urban Land Supply Identify areas for new medium density zoning based on the following criteria: b. rezoning is unlikely to lead to pressure for unfunded public infrastructure upgrades, unless either an agreement between the infrastructure provider and the developer on the method, timing, and funding of any necessary public infrastructure provision is in place, or an infrastructure wastewater constraint mapped area or a stormwater constraint mapped area is applied	N/A
	Proposed Dunedin District Plan: Variation 2 – Additional Housing Capacity (Public Health & Safety)	9.2.1.1 Development Activities Outside the Wastewater Serviced Area Only allow land use or subdivision activities that may result in land use or development activities outside the wastewater serviced area, where: a. it will not lead to future pressure for unplanned expansion of wastewater public that infrastructure; or b. an unplanned extension (and any necessary upgrade) to the public	9.5.3 Performance standard contraventions – MoD (RD) 3. Density - standard residential in General Residential 2 Zone wastewater constraint mapped area a. Effects on efficiency and affordability of infrastructure (wastewater). 11. Maximum building site coverage and impermeable surfaces

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC. <u>9.2.1.1A Development Activities Within a Wastewater Serviced Area</u> Only allow land use or subdivision activities that may result in land use or development activities in a wastewater serviced area where: a. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or b. for controlled and restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or c. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC.	a. Effects on efficiency and affordability of infrastructure (stormwater). b. Effects of stormwater from future development. <u>9.6.2 Infrastructure – MoD (RD)</u> 1. All RD activities that have 'effects on efficiency and affordability of infrastructure' as a matter of discretion a. Effects on efficiency and affordability of infrastructure (wastewater and water supply). 2. New buildings or additions and alterations to buildings that result in a multi-unit development a. Effects on efficiency and affordability of infrastructure (stormwater).

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		9.2.1.Z Stormwater Management Only allow multi-unit development; supported living facilities; subdivision; or development that contravenes the impermeable surfaces performance standard, where: a. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through DCC stormwater public infrastructure at any point: i. there is adequate capacity in the stormwater public infrastructure; or ii. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and b. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through a private, Otago Regional Council, or natural/informal stormwater system at any point, that stormwater system has the capacity to absorb the additional stormwater with no more than minor	

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		adverse effects on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding. <u>9.2.1.4 Development Activities in an Area with Public Water Supply</u> Only allow land use or subdivision activities that may result in land use or development activities in an area with public water supply where: a. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or b. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC. <u>9.2.1.4A Development Activities in an Area without Public Water Supply</u>	

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		Only allow land use or subdivision activities that may result in land use or development activities in an area without public water supply where: a. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or b. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC.	
	Proposed Dunedin District Plan: Variation 2 – Additional Housing Capacity (Residential Transition Overlay Zone) (Note: The RTZ is used to provide for future residential zoning on the fringe of the city where land has been identified as appropriate for growth and where infrastructure servicing is not planned in the medium term (out to 10 years). It enables these areas to	12.2.1.1 Residential Transition Overlay Zone In the Residential Transition Overlay Zone (RTZ) provide for land to transition to residential zoned land through a certification process by the Chief Executive Officer or their delegate when: a. water supply, wastewater and stormwater infrastructure capacity is sufficient to support the additional residential development; and b. an agreement between the DCC and the developer on the method, timing and funding of any necessary transportation infrastructure is in place.	12.3.1 Release of land in the Residential Transition Overlay Zone (RTZ) i. In a RTZ, the provisions of the specified future residential zone will apply to any part of that zone that is "released" by the Chief Executive Officer or their delegate certifying that the requirements in Rule 12.3.1.2 (a) and (b) are met. ii. The Chief Executive Officer or their delegate must certify to release land in a RTZ following receipt of an application demonstrating that: a. the DCC has published a statement on its website that: i. further development within the Residential

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
	transition to full residential once infrastructure servicing is available (existing constraints are resolved)).		Transition Overlay Zone will meet the following criteria, demonstrated by modelling using accepted industry practice: • fire flows within the piped treated water network servicing the RTZ meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ 4509:2008); • water pressure within the piped treated water network servicing the RTZ is maintained between 300-900 kPa; and • surcharge of pipes and flooding out of manholes will not occur during a design rainfall event (10% AEP) within the wastewater network necessary for the servicing of potential

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
			development that is being released; or ii. a contract has been awarded that will ensure any necessary infrastructure upgrades required to meet the tests in Rule 12.3.1.2.b.i are completed within three years; and b. an agreement between the DCC and the developer on the method, timing and funding of any necessary transportation infrastructure is in place.
Queenstown (T2)	Proposed Queenstown Lakes District Plan – Medium Density Residential Zone (Note: the MDRZ provides for an increased density of housing in locations that are supported by adequate existing or planned infrastructure)	8.2.5.2 Existing Infrastructure Networks Ensure development is designed consistent with the capacity of existing infrastructure networks and where practicable incorporates low impact approaches to stormwater management and efficient use of potable water.	8.5.7 Landscaped permeable surface – MoD (RD) a. stormwater related effects including flooding and water nuisance.

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
	Proposed Queenstown Lakes District Plan – High Density Residential Zone	9.2.1.2 High Density Housing Promote high density development close to town centres to reduce private vehicle movements, maximise walking, cycling and public transport patronage and reduce the need for capital expenditure on infrastructure. 9.2.6.4 Existing Infrastructure Networks Require the site layout and design of development provides low impact approaches to stormwater management through providing permeable surface areas on site and the use of a variety of stormwater management measures.	N/A
Palmerston North (T2)	Palmerston North District Plan – Residential Zone	10.1.4 Network Infrastructure and Services To ensure network infrastructure and services are available to support residential development and intensification. 10.1.5 Pacific Drive Extension Area To ensure that residential development in the Pacific Drive Extension area does not proceed in the absence of a water supply with sufficient	10.6.1.1(j) Pacific Drive Extension Area Water Supply Requirements (PER) New dwellings within the Pacific Drive Extension Area shall be provided with connections to a water system which is able to supply a flow and pressure able to meet the required peak hourly flow for domestic consumption for the area served and: i. Be able to supply a flow not less than that required for firefighting in a residential area; and

Council	Planning Instrument	Planning Response	
		Direction/Policy	Rule/Standard/Assessment Matters
		capacity and pressure to meet the need of all development in the Pacific Drive and Pacific Drive Extension areas.	ii. Be capable of receiving and maintaining a supply that meets the needs of the Drinking Water Standard for New Zealand, Department of Health (2000). <u>10.6.3.3 Multi-unit residential development in multi-unit housing areas – Assessment criteria (RD)</u> 5. Infrastructure and Servicing The extent to which: a. site and building design mitigates any increase in peak stormwater run-off and peak stormwater flow due to the reduction in permeable surfaces. b. the development is consistent with relevant engineering requirements.

Appendix 5: Review of relevant district plan three waters provisions - Summary

Plan	Local Authority	Description of approach
Proposed Second Generation Dunedin City District Plan (2GP) *Decisions were notified on 7 November 2018. The period for lodging an appeal closed on 19 December 2018. Appeals are still being worked through.*	Dunedin City Council	Contains a strong objective and policy framework that provides clear direction on: • Ensuring future development is cost effective and efficient and does not result in unplanned expansion • Providing for alternatives to connecting to the reticulated network, where appropriate • The use of development contributions and conditions of consent to fund new infrastructure • Minimising the impact of network infrastructure on the amenity and character of the different zones • Ensuring that where located in an overlay zone, scheduled site or mapped area, the provision of network infrastructure meets the relevant objectives and policies for those areas • The health and safety of people is not adversely affected by the operation of network utilities. Cross referencing throughout the plan ensures that relevant objectives, policies, rules and assessment criteria are highlighted.
Christchurch District Plan (2017) *Operative (noting that the coastal hazard provisions of the Christchurch City Plan 2005 continue to apply)*	Christchurch City Council	The District Plan acknowledges ensuring servicing by infrastructure is cost-effective and an important issue for both greenfield development and the subdivision of already developed land, due to the significant damage to public infrastructure caused by the earthquakes of 2010 and 2011. As a result, parts of the City have limited ability to service new development, pending further capital investment on improvements. One method of dealing with these

Plan	Local Authority	Description of approach
		servicing issues is by levying of development contributions for any subdivision that generates additional demand on infrastructure. In relation to wastewater disposal, Council offers a certification process for applicants to demonstrate that the wastewater system has adequate capacity for the anticipated resultant land uses. Matters of control for subdivision (8.7.4.3(g)) also provides for Council to reduce the lapsing period of a subdivision consent outside of the Central City area where capacity is reaching its limit, to enable the available capacity to be utilised by others. A number of subdivision guidance documents are provided as a means of achieving matters of control or discretion, including: • Infrastructure design standard • Construction standards specifications • Stormwater management plans • Waterways, wetlands and drainage guide.
Auckland Unitary Plan *Operative in part (some appeals to resolve)*	Auckland Council	Wastewater, stormwater and water infrastructure is primarily managed under the Auckland wide infrastructure provisions, with additional provisions found in the subdivision chapter and specific zone chapters. The provisions are generally permissive of upgrading and alterations to existing infrastructure, including any associated small- scale earthworks required. Subdivision in the urban area is required to provide service connections. Subdivision in rural areas is required to connect to a public reticulated network where available, otherwise these services need to be provided on-site.
Proposed Porirua District Plan *Hearings on the three waters chapter were completed in early 2022*	Porirua City Council	The Proposed Porirua District Plan was notified on 28 August 2020 and has been prepared in accordance with the National Planning Standards. It partially implements the NPS-UD (being notified just after the NPS-UD was gazetted

Plan	Local Authority	Description of approach
		in July 2020). The plan was notified before the NPS-FM was in force (from 3 September 2020). The Proposed Plan contains a specific THWT-Three Waters chapter. It contains specific objectives, policies, rules and standards seeking to manage three waters demand. The rules and standards require new development to either be able to connect to existing three waters services with capacity to support the development or to provide an acceptable alternative. The rules also require a water meter to be installed where a new building is connected to the reticulated water network. The Three Waters chapter also requires hydraulic neutrality to be achieved and requires compliance with the standards in the Wellington Water Regional Standard for Water Services May 2019. It recognises that in order to achieve the requirement for hydraulic neutrality or standards within the Regional Standard for Water Services (RSWS), developments may need to incorporate additional mitigation such as detention tanks. While the THWT-Three Waters chapter does not explicitly require water sensitive design, this is promoted through the requirements for hydraulic neutrality and compliance with the Wellington Water Regional Standard for Water Services May 2019. The three waters provisions also support water supply resilience by enabling rainwater tanks as permitted activities where these are less than 5,000 litres within Residential Zones.
Kāpiti Coast Operative District Plan 2021 *Fully operative as of June 30 2021*	Kāpiti Coast District Council	Kāpiti Coast District Plan (KCDP) was made operative in 2021 and gives effect to the National Planning Standards. The KCDP includes an Infrastructure chapter with two sections of policies and rules – 'Providing Network Utilities' and 'Managing Effects on Network Utilities'. The Infrastructure chapter includes a policy for achieving hydraulic

Plan	Local Authority	Description of approach
		neutrality (INF-MENU-P17) in subdivision and development. This policy is stated to give effect to the Regional Policy Statement for the Wellington Region. Other hydraulic neutrality provisions apply for development in the Natural Hazards chapter Flooding overlay, in the Subdivision chapter, and in the General Residential Zone and Local Centre Zone chapters.
Upper Hutt Operative District Plan 2004 *Operative plan updated 2021 to align with NPS*	Upper Hutt City Council	The Upper Hutt City Plan (UHCP) has been operative since 2004 but has been updated as of 2021 to align with the National Planning Standards. The UHCP defines hydraulic neutrality as: *"the principle of managing stormwater runoff from all new allotment or development areas through disposal or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development or subdivision situation."* All hydraulic neutrality provisions under the UHCP apply only to the Pinehaven Catchment Overlay, for example, buildings in the specified area required to achieve hydraulic neutrality as a rule (NH-R9) and a standard (NH-S8). The Network Utilities chapter recognises the need for continued operation of network utilities through extreme weather including flood hazard extents.
Hutt City Operative District Plan *Operative 2016, under review to align with NPS-UD*	Hutt City Council	The Hutt City Operative District Plan (HCODP) is under review to align with the National Planning Standards. As part of the permitted building activities in the General Residential, Medium Density Residential and Suburban Mixed Use Areas rainwater tanks are required. The HCODP does not include a Three Waters chapter.

Plan	Local Authority	Description of approach
		The Natural Hazards chapter acknowledges Flooding as a key hazard to people and property and sets out areas that are inappropriate for significant building activities due to unacceptable risk. Residential provisions seek to concentrate development in areas where services, including three waters systems, are already in place.
Hamilton District Plan *Operative since 2017*	Hamilton City Council	The Hamilton District Plan includes a Three Waters section as part of the City-Wide chapter, with objectives, policies and rules seeking the integrated provision of sustainable Three Waters infrastructure working in conjunction with development. The provisions seek efficient water resource use and protection of water resources from adverse effects relating to subdivision and development. This includes that water-sensitive techniques be employed to reduce demand on three waters infrastructure, and that subdivision and development may only occur where the infrastructure exists to service it. A Water Impact Assessment is required for larger developments, including development or subdivision involving four or more units or allotments. Three Waters infrastructure is subject to Integrated Catchment Management Plans, including a requirement for an ICMP for every new greenfield development.

Appendix 6: Feedback on Draft District Plan 2021

Who	Feedback Received	Response
Kainga Ora	*Generally supportive of objectives. Seeks that THW-P3 is deleted and replaced to better recognise alternative means of servicing development.* *Seeks amendment of THW-R2 to increase the number of residential units the rule applies to.*	**Changes made for the following reason/s:** • *THW-P4 (previously THW-P2) provides for alternative solutions for servicing development where there is insufficient capacity and/or levels of services in the existing network.* • *THW-R1 has been amended to 1-3 units and THW-R2 has been increased to four or more units, to reflect the MDRS*
Greater Wellington Regional Council	*Seeks amendment of THW-P1, THW-P2, THW-P3, THW-01, THW-02, SCA-O2 to include capacity to remove contaminants and reduce frequency of wastewater overflows.* *Seeks change to definition of hydraulic neutrality to be consistent with Policy P79 of the PNRP*	**Changes made for the following reason/s:** • *New objective THW-O1 and new policy THW-P1 focused on protecting water quality to give effect to NPS-FW* • *New policy THW-P2 to reduce contaminants in stormwater* • *Change to definition of hydraulic neutrality to align with PNRP Policy P79.*
WCC Environmental Group, general public, Zealandia – Sanctuary to Sea Kia Mouriora te Kaiwharawhara project, Tresslick Park Group	*Seeks that hydraulic neutrality will be achieved in advance of construction/development - construction and development will not impact capacity after the fact. Hydraulic neutrality should be achieved in every area/zone.* *Seeks that the outcomes would go further to improve status of waterways through WSD and hydraulic neutrality for all developments.* *Seeks that the provisions regarding hydraulic neutrality requirement be stronger (THW-R3) if this is an objective.*	**Changes made for the following reason/s:** • *THW-O3 amended to apply to peak flows and volumes. This applies across all urban areas of Wellington, including reserves.* • *THW-P4 combines previous THW-P1, THW-P2 and THW-P3, including the requirement that three waters infrastructure is in place prior to construction of commencement* • *THW-R5 and THW-R6 - requirement for reducing stormwater peak flows and volumes to at or below modelled flows from the site in an undeveloped state applies to all development in all zones with three waters infrastructure connections.* • *THW-R4 – WSD required for four or more residential units and all non-*

		residential development other than already permitted in the plan.
WCC Environmental Group, Greater Brooklyn Residents Association, Wellington City Youth Council, general public, Tawa Business Group	*Concerned about stormwater capacity. Amends policies to change sequencing that infrastructure capacity is in place prior to construction beginning. Capacity should not be impacted by development as it will be secured in advance of construction.*	**Changes made for the following reason/s:** • *THW-O2 (previously THW-O1) amended to reflect requirement for either sufficient existing or planned capacity or servicing by an alternative means* • *THW-P4 (previously THW-P2) already requires that infrastructure is in place prior to construction commencing.* **No changes made for the following reason/s:** • *THW-P4 (previously THW-P2) already requires that infrastructure is in place prior to construction commencing.* • *The NPS-UD requires Council to provide for growth and to provide infrastructure-enabled development*
Fire and Emergency New Zealand	*Supportive of THW-O2, THW-P2, and THW-R1.* *Concern with THW-R2 and that it means the required firefighter flows and flow pressure will not be reached.*	**No changes made for the following reason/s:** • *THW-R2 – compliance with the Regional Standard for Water Services includes provision of the firefighting flows and pressures in compliance with SNZ PAS 4509.*
COR Associates Ltd.	*Supports the Council's adoption of the Three Waters Infrastructure. Seeks amendment to have stormwater treated as Taonga, and to encourage measures to retain stormwater on the whenua (land) as much as possible - supports permeable surface minimums and rainwater harvesting.*	**Changes made for the following reason/s:** • *Introduction of THW-R4 requiring incorporation of water sensitive design methods could include rainwater harvesting.*
WCC Environmental Group	*Amendment given to introduction to include "directing growth to areas where infrastructure upgrades/renewals are planned for as in the Spatial Plan in the next 10 years"* *Amends THW-O1 and THW-P1 to change the sequencing that*	**No changes made for the following reason/s:** • *Existing wording in the introduction reflects the NPS-UD requirements.* • *THW-P4 (previously THW-P2) already requires that infrastructure is in place prior to construction commencing.*

	infrastructure capacity is in place prior to construction beginning. *Seeks amendment to THW-O3 to expand the scope of hydraulic neutrality assessment to include reserves and rural areas.* *Amends THW-P3 to include an additional requirement that developers and the community are aware of alternative infrastructure solutions to achieve servicing requirements.* *Adds clarity to THW-P4 that resource consent assessment will be the point at which hydraulic neutrality must be demonstrated.* *Amends THW-R1 so that application is extended to include permitted development.* *Amends THW-R2 to remove non-notification clause for resource consents. Removes non-notification clause for resource consents for hydraulic neutrality noncompliance in THW-R3.* *Amends wording to "This is particularly important as significant investment in Three Water…"* *Deletes "more intensive forms of" in provision "The projected increase in urban development in the city…"* *Amends MRZ-P7 requiring all development to be hydraulically neutral.* *Amends GRZ-P2 to combine hydraulic neutrality into non-residential activities and buildings policy.* *Amends GRZ-P3 to integrate hydraulic neutrality.* *Amends GRZ-P7 to require hydraulic neutrality.*	• *THW-O3 is focused on areas which are serviced by the three waters infrastructure network* • *THW-R1 applies to permitted development so no change is required.* • *THW-R2 & THW-R3– notification is not warranted for these activities.* • *No reference in THW-P5 (previously THW-P4) to resource consents or building permits. Rules already require a resource consent, which is the mechanism for demonstrating the policy intent is met.* ***Changes made for the following reasons:*** • *THW-P4 (previously THW-P2) has been amended to require that any alternative servicing solutions avoid or mitigate adverse effects on Three Waters infrastructure.* • *Minor changes to the introduction to reflect requested wording* • *THW-R1 amended to include capacity standard as 1-3 units still have the potential to overload network where there isn't capacity.*

	Amends GRZ-S9 to add another requirement for stormwater neutrality.	
Zealandia – Sanctuary to Sea Kia Mouriora te Kaiwharawhara project, general public, The Sustainability Society	*Possibility of negatively impacting waterways through development needs to be eliminated. Seeks the prevention of loading runoff onto the environment.* *Seeks clarification of THW-P3, as it is unclear if it includes natural and modified waterways.* *Seeks protection of trees adjacent to waterways as they remove excess water and surface run off.*	**No changes requested**
Property Council New Zealand, members of general public	*Supports current investment to upgrade existing networks.*	**No changes requested**
Greater Brooklyn Residents Association, Victoria Mews Body Corp, Tawa Community Board, Tawa Business Group, Onslow Residents Association, Ngaio Crofton Downs Residents Association, Wellington City Youth Council, general public, Tyres Stream Facebook Group, Friends of Khandallah, Hay St Residents	*Concerned with current three waters infrastructure meeting service needs of projected development.*	**No changes requested** but a number of amendments have been made to the Three Waters chapter to strengthen and ensure clarity of the requirements for new subdivision and development to be able to be serviced by existing capacity or for an appropriate alternative solution to be provided as part of the development.

From:	Onur Oktem Lewis
To:	Lee Hunter; Sarah Jenkin; caroline.horrox@wellingtonwater.co.nz; Richard.Williams@wellingtonwater.co.nz; Matthew Lillis; Alastair.Smaill@gw.govt.nz; Mika Zollner; Jade Wikaira; Farzad.Zamani@wcc.govt.nz; Bill Stevens (InTouch); Zac Jordan
Cc:	Sherilyn Hinton; Ellie Heal
Subject:	RE: WCC draft District Plan - Three Waters chapter
Date:	Friday, 22 April 2022 2:42:36 pm
Attachments:	image006.png image007.png image008.png image009.png image010.png image011.png Draft DP Three Waters Chapter - Onur Oktem Lewis 20 April 2022.docx
Importance:	High

Kia ora koutou and ngā mihi Sarah for opportunity to kōrero on this chapter.

I have provided comments and suggestions of including / addressing some issues identified by Mana Whenua and Te Mahere Wai o Te Kāhui Taiao. Attached.

I also have posed technical planning questions, which I would appreciate some clarification.

I have stripped all the content and looking at all the Obs – Pols – Rules below, and what they will achieve , below are some questions:

- TW-R6 is less restrictive than TW-R5?
- TW-R4 won't be able to capture a majority of WSD opportunities in the city at all and would be more of the same.
- TW-R3 is not talking about how to address cross connection pollution (sewage cross contamination) which is a common occurrence now in Pōneke everywhere in the city.
- Rule framework (or the policy framework) does not address existing development being relooked and rebuilt in the future.
- Again, there is a split-up threshold for managing peak flows for multi units over 4 and under 4 – I would be keen to see the analysis behind this.
- Servicing and infrastructure being enabled in TW-P2 and TW-P3 , did you separate the development areas ? Is this to mean the areas ringfenced for big development? Are we talking about greenfield?
- No mention of greenfield development delivering water quality outcomes and using WSUD in the full sense not just the stormwater quality.
- I must admit I am unsure of the rule and policy hierarchy of the below and would appreciate a diagram of the rule cascade for activities.

Most importantly:

- I made specific comments in the attached, but the chapter has no reference and issue identification to Mana Whenua's kaitiaki role over the three waters and the impact that is has on whenua.

Objectives:

TW-O1 Water Quality
TW-O2 Infrastructure enabled use and development
TW-O3 Managing Stormwater Peak Flows and volumes

Policies:

TW-P1 Water quality
TW-P2 Infrastructure enabled in development areas
TW-P3 Three waters infrastructure servicing
TW-P4 Managing Stormwater Peak Flows and volumes

Rules:

TW-R1 Connection to Existing Three Waters infrastructure – New Residential Buildings
TW-R2 Connection to Existing Three waters infrastructure – Four or more residential units and Non-residential Development
TW-R3 Stormwater quality – all residential and non-residential development
TW-R4 Water Sensitive Design – Four or more Residential Units and Non-residential activity
TW-R5 Managing stormwater peak flows and volumes – 1-3 Residential Units
TW-R6 Managing stormwater peak flows and volumes – Four or more Residential Units and Non-Residential Buildings

Onur Oktem-Lewis (PhD)
Principal Resource Management Advisor – Treaty & Strategic Relationships
Principal Planner – Land Development and Policy

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TE RŪNANGA O TOA RANGATIRA

From: Lee Hunter <Lee@portnicholson.org.nz>
Sent: Wednesday, 13 April 2022 10:48 AM
To: Sarah Jenkin <Sarah.Jenkin@ghd.com>; caroline.horrox@wellingtonwater.co.nz; Richard.Williams@wellingtonwater.co.nz; Matthew Lillis <matthew.lillis@wellingtonwater.co.nz>; Alastair.Smaill@gw.govt.nz; Mika Zollner <mika.zollner@gw.govt.nz>; Onur Oktem <Onur.Oktem@ngatitoa.iwi.nz>; Jade Wikaira <jade@wikairaconsulting.co.nz>; Farzad.Zamani@wcc.govt.nz; Bill Stevens (InTouch) <bill.stevens@wcc.govt.nz>; Zac Jordan <zac.jordan@wcc.govt.nz>
Cc: Sherilyn Hinton <sherilyn.hinton@wcc.govt.nz>; Ellie Heal <Eleanor.Heal@ghd.com>
Subject: RE: WCC draft District Plan - Three Waters chapter

Kia Ora Sarah, my three cents worth, thank you.
Lee

From: Sarah Jenkin <Sarah.Jenkin@ghd.com>
Sent: Wednesday, 13 April 2022 10:31 am
To: caroline.horrox@wellingtonwater.co.nz; Richard.Williams@wellingtonwater.co.nz; Matthew Lillis <matthew.lillis@wellingtonwater.co.nz>; Alastair.Smaill@gw.govt.nz; Mika Zollner <mika.zollner@gw.govt.nz>; onur.oktem@ngatitoa.iwi.nz; Jade Wikaira <jade@wikairaconsulting.co.nz>; Lee Hunter <Lee@portnicholson.org.nz>; Farzad.Zamani@wcc.govt.nz; Bill Stevens (InTouch) <bill.stevens@wcc.govt.nz>; Zac Jordan <zac.jordan@wcc.govt.nz>
Cc: Sherilyn Hinton <sherilyn.hinton@wcc.govt.nz>; Ellie Heal <Eleanor.Heal@ghd.com>
Subject: WCC draft District Plan - Three Waters chapter

Kia ora koutou

Thank you for your time and input to date on this chapter – much appreciated. Taking into account the conversations we've had, the workshop and my review of previous work, please find attach the proposed draft changes to the Three Waters chapter. In summary:

- Three objectives – for water quality, connection/capacity, stormwater peak flows and volumes
- Requirement for water sensitive design for all development
- Requirement to manage stormwater peak flows and volumes for all development – a change from referring to hydraulic neutrality because the current general definition isn't broad enough. The proposed language/approach is intended to be consistent with direction from GW about where they are heading with higher order documents.
- Inclusion of rules for zinc and copper runoff from building materials
- Inclusion of references to WWL guidance documents

I would appreciate your thoughts by Friday 22 April at the latest.

Ngā mihi nui

SJ

SARAH JENKIN (she/her), **MNZPI** | GHD ASSOCIATE
BREP (Hons)
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Memo

Date	Insert Date
From	Jade Wikaira, Consultant, Mana Whenua Chapter Lead
To	Kate Pascall, Sherilyn Hinton
cc	Onur Oktem
Project	Wellington City Council District Plan Project
Re	**[subject]**

Purpose

The purpose of this file note is to provide an update on Tangata Whenua matters arising from integration in relation to the *Part 2 District Wide: Energy, Infrastructure and Transport* chapters. The structure of this memo includes:

- An outline of current draft Tangata Whenua objectives
- General Comments
- Specific Chapter comments in relation to the INFRASTRUCTURE, RENEWABLE ELECTRICITY GENERATION, TRANSPORT AND WATER SENSITIVE DESIGN draft chapters
- Recommendations for additional objective or policy wording where appropriate.
- Specific comments made with tracked changes to each chapter and are attached to this email.

Current Draft Objectives in Tangata Whenua Chapter

Objectives		Drafting Notes
TW-01	**Te Tiriti o Waitangi** Te Tiriti o Waitangi and its principles are recognised through authentic Partnership arrangements with Tangata Whenua. **OR** SD / TW-O1 [Mana/Tangata whenua actively participate in resource management processes in a way that recognises Te Tiriti o Waitangi and its principles.]	Still to confirm final language but this responds to aspirations for partnership and current section 8 matters to take into account principles of the Treaty / Te Tiriti.

TW-02	The relationship of Tangata Whenua with their Lands and Traditions is acknowledged and maintained in a way that is consistent with their culture, traditions, social and economic aspirations.	Responds to section 6e and mana whenua kaupapa to recognise the relationship of tangata whenua with their lands and traditions
TW-03	Tangata whenua are able to protect, use and develop Māori Land and Treaty Settlement Land that is consistent with their cultural, social, commercial, and economic activities.	Responds to relationship with ancestral lands…. Section 6
TW-04	Kaitiakitanga, Mātauranga and tikanga as well as traditional and cultural uses and values are recognised and provided for in resource management processes.	Responds to kaitiakitanga aspirations; section 7
TW-05	The use, development and expansion of the Treaty settlement land and any land that is subject to Deed of Settlement provisions relating to RFR land, is enabled in a manner that recognises it's commercial redress purposes and provides for Tangata Whenua social, economic, commercial and cultural aspirations for that land.	Responds to future development opportunities (to be discussed)
TW-06	Development and design located in current and future Precincts, is undertaken in a manner which is directed by Tangata Whenua that reflects their Land and Traditions as well as provide for Tangata Whenua social, economic, commercial and cultural aspirations for that Precinct. **OR** *TW-XX Recognise the contribution that tangata whenua and their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance make to the City's identity and sense of belonging.*	
TW-07	*Reflect additional objective about land bought by Ngāti Toa*	*Not yet progressed*
Draft Objectives for Strategic Directions		
HC-03	The cultural, spiritual and/or historical values associated with sites and areas of significance to Māori are protected.	Recognises sites of significance and the need to protect them.

HC-04	Recognise that only mana whenua can identify impacts on their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga/sites of significance to Māori.	Recognises that only mana whenua can identify sites of significance and the impacts of development and activities on their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga/sites of significance to Māori.
TW-O1	Mana/Tangata whenua **actively participate** in resource management processes in a way that recognises Te Tiriti o Waitangi and its principles.	Recognises Te Tiriti O Waitangi partnership aspirations; part 2, section 8
TW-O2	Recognise the contribution that tangata whenua and their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance make to the district's identity and sense of belonging.	Recognises section 6 and spatial plan partnership goal
NE-O4	Mana/Tangata whenua are able to exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori in the protection and management of the natural environment	Recognises section 7 and kaitiakitanga responsibilities in the natural environment

General Comment

Mana whenua support the provisions under energy, infrastructure and transport chapters and provide specific comment below. Water is a special topic and considered a taonga. The quality and state of the water requires careful and focused attention. The Water Sensitive Design chapter requires input from mana whenua in terms of identification of special water bodies, streams and awa and require additional protections where this is appropriate.

Specific Comment

Infrastructure Chapter

- Mana Whenua note the definition of Infrastructure in the RMA includes "structures for transport on land by cycleways, rail, roads, walkways, or any other means" including

provisions for the operation, maintenance, repair and renewal, upgrading and development of the transport network and connections to the transport network.

- Ensure cumulative effects for infrastructure provision are noted, acknowledged and understood. Comment made that Three-waters is an example where that whole project should look to stop discharging to the harbour due to the high toxic concentration in the water.

Renewable Electricity Generation Chapter

- Support for the chapter and support advancements in renewable electricity generation. Sites of significance also need to be protected, managed, and not further hindered.

- For new builds, what is the opportunity of renewable energy vs diesel and what are the incentives for new homeowners and businesses in the new builds to be more energy efficient.

Transport Chapter

- The Transport Chapter contains provisions for on-site transport facilities and the effects of high vehicle trip-generating use and development. For mana whenua, the transport opportunities relate to providing for the wellbeing of Māori and Pacifica when travelling across the City. This relates to access and affordability of transport options.

- In terms of transport, we (as mana whenua and Māori) do not travel alone. We are likely to travel in packs as a collective. It is unlikely that we will have low transport occupancy rates, we are likely to travel in vans and larger vehicles. **Key Question: How is the transport chapter able to respond to these issues, concerns and opportunities?**
- Currently, around our cultural spaces i.e., Pipitea Marae and Te Papa the parking meters are covered when there are events demonstrating the respect for culturally significant events and gatherings. As mana whenua and hosts of the city how do we accommodate visiting iwi when they come to the city i.e., at Te Raukura, Te Papa.

- How do we provide transport opportunities to places of significance? What are the opportunities to support mana whenua to support and welcome others? **Key Question: What transport provisions (objectives, policies) are there to accommodate and support cultural practices or gatherings?** Mana whenua consider a policy be drafted to provide for these practices.

Water Sensitive Design Chapter

Refer to Sites of Significance to Māori.

<u>Aspiration to capture the names of traditional streams, awa, waterbodies</u>

- Taranaki Whānui provided information of all streams including their traditional Māori names and would like this information updated and reinstated into the Plan.
- The aspiration is for these waterbodies to be identified and given protections as sites of significance.

<u>Concerns about water quality</u>

- Aspirations for improved water quality to the state of waimāori. There have been and continue to be significant concerns for pollution into the lagoon (Whairepo) and harbour.
- The waterfront area is significant in that many culturally important streams enter the harbour at this point.

Concerns about health and safety and pollution

- What about our cultural practices during pollution events? This would cover water activities and the ability for mana whenua including kuia to perform rituals at Whairepo lagoon.

Concerns about safety to carry out cultural rituals and practices

- What is being done to ensure water sensitive design is applied? The lagoon is polluted and yet it is common to have youth swim and use these bodies of waters as areas of water recreation.

Concerns about Council communication during water events

- Mana whenua provided examples at Whairepo Lagoon where there was water pollution event and they were not alerted to this fact. **Key Question: What communication methods are there at Council to alert mana whenua to**

Recommendations

Suggestions in relation to renewable energy:

1. Include mana whenua in the management of renewable energy if it involves the use of their natural resources.
2. Ensure that any development or land use activity associated with renewable energy does not adversely affect Mana Whenua's significant sites, waterways, natural resources, and associated values and relationships.

Suggestions in relation water sensitive design:

Proposed Objectives for Discussion

3. Mana Whenua values, including mauri, are acknowledged in the allocation and use of water.
4. The mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this natural resource by Mana Whenua.

Proposed Policies for Discussion

5. Require that the take or use of water from a waterway or body maintains Mana Whenua values.
6. Develop catchment specific limits for freshwater quantity with Mana Whenua, through community engagement, scientific research and mātauranga Māori.

7. Avoid the discharge of wastewater to the coastal marine area and to freshwater, unless Mana Whenua have been consulted in accordance with tikanga Māori and due weight has been given to section 6, section 7 and section 8 of the Resource Management Act 1991.

8. Require proposals for on-site wastewater treatment and disposal to land or water to demonstrate that adverse effects on Mana Whenua values will be avoided.

9. Only allow the discharge of treated wastewater to water where the effects on Mana Whenua values have been addressed.

10. Avoid, or where avoidance is impossible, remedy or mitigate, adverse effects of activities in, on, under or over the beds of lakes, rivers, streams and wetlands on:

    a. the mauri of the freshwater environment; and
    b. Mana Whenua values in relation to the freshwater environment.
    Encourage the incorporation of Mana Whenua mātauranga, values and tikanga in any planting in, on, or under the bed of a lake, river, stream or wetland.