

Wellington City Proposed District Plan - submission form

Clause 6 of the First Schedule, Resource Management Act 1991.

How to make a submission

- online at eplan.wellington.govt.nz/proposed
- email your submission to: PDPsubmissions@wcc.govt.nz
- post this form to us (no stamp needed)
- drop your completed form off to Wellington City Council reception, Level 16, 113 The Terrace.

To make sure your submission can be accepted please lodge by 5pm Monday 12 September 2022.

Privacy statement - what we do with your personal information

All submissions (including name and contact details) are published and made available to elected members and to the public from our offices and on our website. Personal information will also be used for the administration of the notified Proposed Plan process.

All information collected will be held by Wellington City Council. You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. Please contact us at district.plan@wcc.govt.nz.

Your details

Name	
Postal address (including suburb)	
Phone/mobile	Email
I am making this submission: <input type="checkbox"/> as an individual <input type="checkbox"/> on behalf of an organisation. Organisation's name:	
I would like to be heard in support of my submission in person <input type="checkbox"/> Yes <input type="checkbox"/> No	
If others make a similar submission, I will consider presenting a joint case with them at a hearing. <input type="checkbox"/> Yes <input type="checkbox"/> No	

This is a submission on the Wellington City Proposed District Plan

<input type="checkbox"/> I could <input type="checkbox"/> I could not - gain an advantage in trade competition through this submission
If you could gain an advantage in trade competition through this submission answer the next question.
<input type="checkbox"/> I am <input type="checkbox"/> I am not - directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition. (Please tick relevant box if applicable) Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Multiple provisions can be commented on within the following section. Feel free to add more pages to your submission to provide a fuller response.

The specific provision of the plan that my submission relates to: Do you: <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Amend
What decision are you seeking from the Council? And why?

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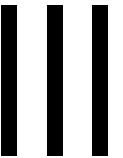
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Free Post Authority Number 2199

**Absolutely Positively
Wellington City Council**

Me Heke Ki Pōneke

Reply



FREEPOST 2199

District Plan Team (121)

PO Box 2199

Wellington 6140

Submission to Wellington City Council Proposed District Plan, 9th September 2022

From: Tyers Stream Group

- We wish to be heard in support of this submission
- Contact person Lynn Cadenhead 027 3371 830; email: lynn.cadenhead@xtra.co.nz

Introduction

The Tyers Stream Group (TSG) was formed in 2019 for the protection and restoration of Tyers Stream and its catchment, particularly that part in public ownership that provides regenerating native habitats. Tyers Stream Reserve and surrounds is an ecologically and historically significant, but inaccessible area in the heart of Khandallah.

The TSG has a Memorandum of Understanding (MOU) with WCC to undertake weed control and native habitat restoration planting in that part of the catchment managed by WCC, known as Tyers Stream Reserve. We are also interested, in due course, in improving walking access to parts of the stream and the reserve.

Tyers Stream Catchment

The catchment of Tyers Stream as shown in the map below includes much of Khandallah and some of Broadmeadows. The stream starts on the south-eastern side of Mt Kaukau, flows through Khandallah, then the Tyers Stream Reserve, before being piped under the lower Tyers Rd industrial area, joining the Waitohi Stream (the original name for Ngauranga Stream) and heads to the sea at the base of Ngauranga Gorge.

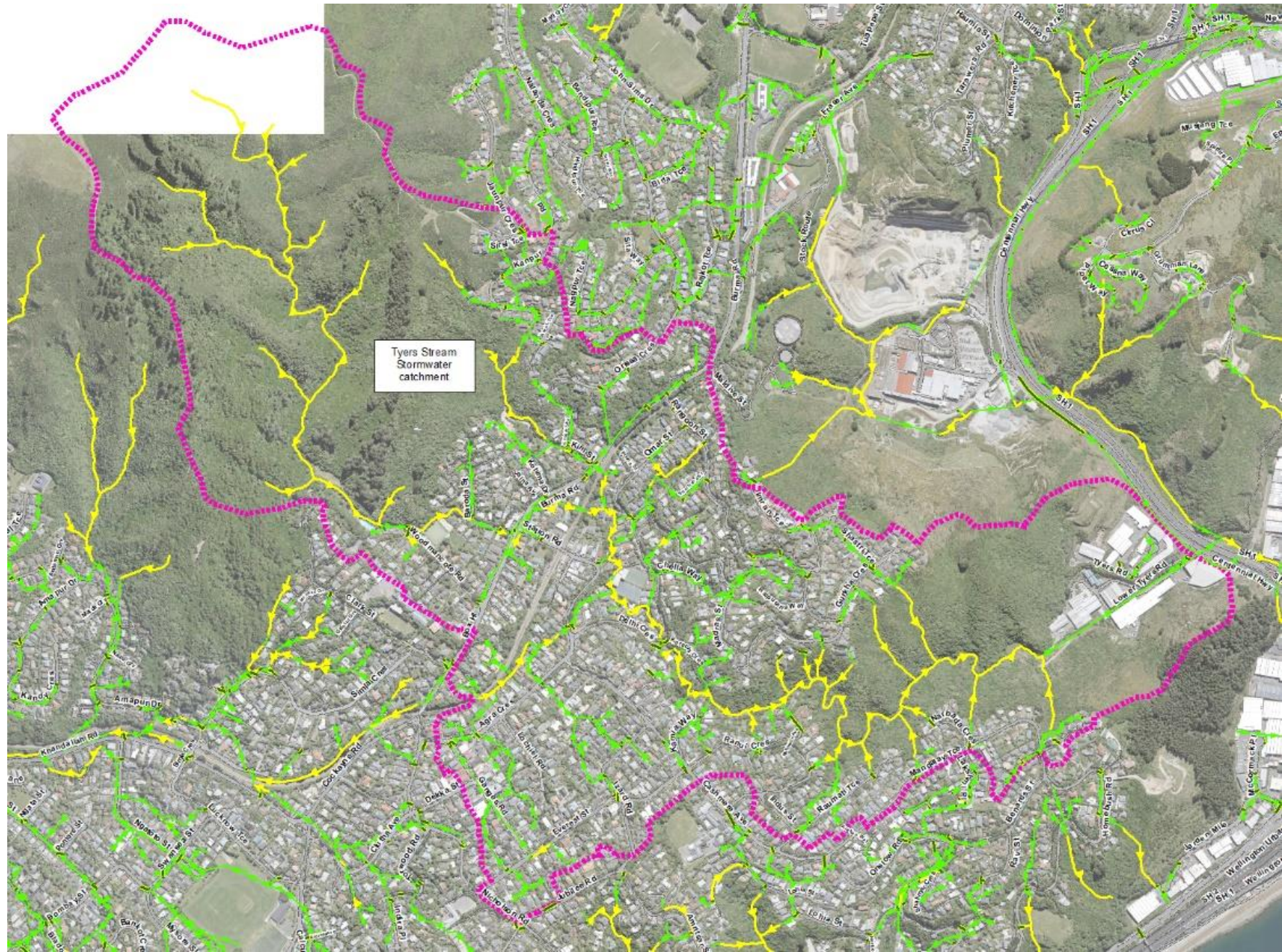
The upper catchment includes the ecologically and recreationally important slopes of Mt Kaukau, including WCC's Khandallah Park and Reserve. The middle catchment is largely residential. In its lower reaches, Tyers Stream itself (shown in the photos below) is deeply incised, with the immediately adjacent slopes supporting regenerating native forest. The catchment is significant habitat for a range of native birds, now including a sizeable resident population of Kaka.

Its lowermost section, near Tyers Road, contains the historic remains of an early water supply dam dating from the 1920s.

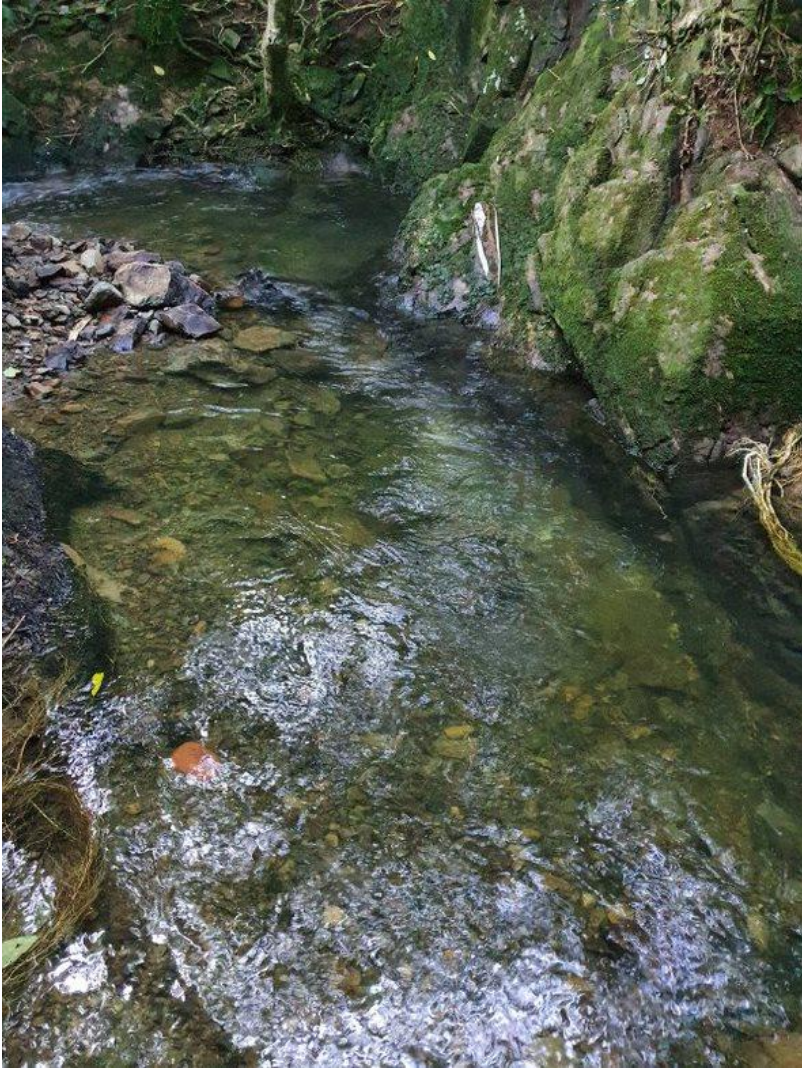
A major wastewater pipeline (WCC/Wellington Water) follows the stream alignment for most of its length; incidents of wastewater leakages are common, with associated discharges to the stream and air.

Access to Tyers Stream Reserve

Current public access to the Reserve is limited, both by private landownership and physical constraints. The lower reaches are accessible from Tyers Road off Ngauranga Gorge, at the rear of industrial premises. There are three other points where the Reserve abuts public roads in Khandallah – Mandalay Terrace, Raumati Cres, and Madras St. There is currently no formed access at any of these points, and at some, there is evidence of illegal rubbish dumping.



1 Map of Tyers Stream Catchment, delineated by the purple line. Yellow lines are open channels, with green lines being piped. Mt Kaukau is to the top left and Tyers Stream Reserve the right.



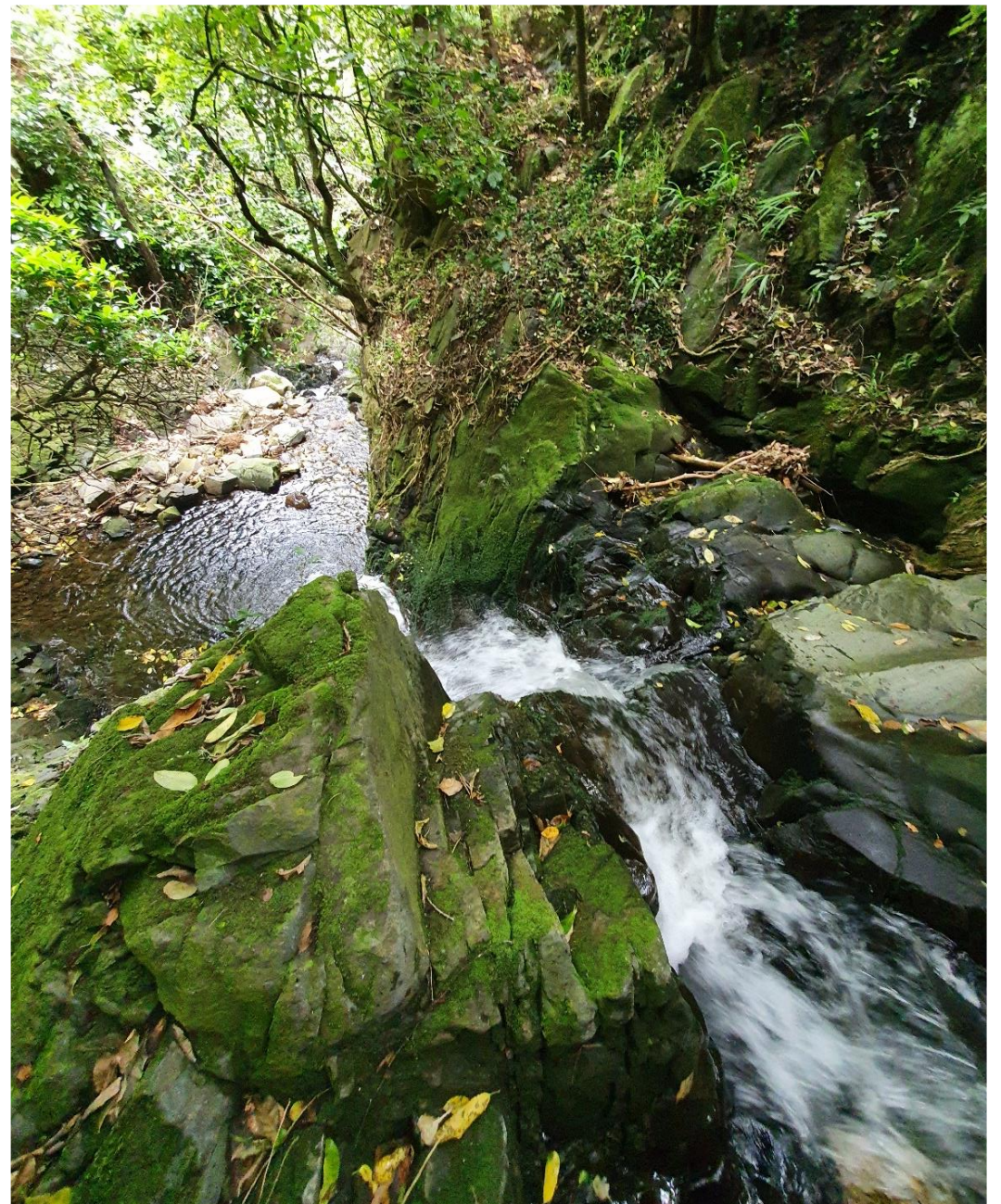
2 Tyers Stream in Khandallah



3 Tyers Stream in the upper part of the Reserve



4 Waterfall in Tyers Stream Reserve



5 Above waterfall in Tyers Stream Reserve



6 Tyers Stream Dam



7 Tyers Stream Dam

Status of Tyers Reserve in Proposed District Plan

The TSG **supports** the Plan recognising Tyers Stream Reserve as a Significant Natural Area (SNA). The description of the SNA includes the significance of the Tyers Stream Reserve SNA for both land and instream flora and fauna.

The TSG strongly **opposes** the removal of SNAs from all residential zoned properties. We submit that the SNAs on residential private property adjoining Tyers Stream and Tyers Stream Reserve should be reinstated as they protect the increasingly important habitat and biodiversity of the Wellington area. This would then enable those residents and the community to be supported in efforts to enhance those values. The Reserve and those parts of the SNA on private land adjoining the reserve and stream, form an important part of the ecological corridor from Wellington Harbour to Khandallah Park, and beyond including Huntleigh Park, Otari/Wilton's Bush and Zealandia. They add to the protection afforded to the upper catchment on Mt Kaukau, particularly as the legal status of the main Tyers Stream Reserve serve does not appear consistent on different maps. Habitat protection also supports flattening of peaks and troughs in stream flows (including protecting adjacent properties during high rainfall events), and protects water quality by temperature control and filtering of contaminants from runoff. The SNAs on private property also provide an ecological buffer and increase the area of continuous vegetation thereby increasing the biological carrying capacity of the area and its biodiversity potential.

Three Waters Context

As noted above, Tyers Stream is affected by the 'three waters' as follows:

- It receives stormwater runoff from a large residential area, including any unplanned discharges from water supply pipelines as well as frequent unauthorised domestic discharges.
- It is the route for a major wastewater pipeline, with associated (unplanned) discharges to water and air.

As clearly demonstrated in *The Mayoral Taskforce on the Three Waters Report* and in the *Wellington City Council - Spatial Plan Three Waters Assessment - Growth Catchments Mahi Table and Cost Estimates March 2021* the TSG notes there is no capacity for residential growth due to the current state of the current three waters infrastructure in the Tyers Stream catchment.

As shown on the following pages, the existing three waters infrastructure in the area has suffered from lack of maintenance and renewals, and shows signs of significant failure, causing ongoing and significant contamination (water and air), erosion events and other problems in Tyers Stream. The TSG opposes further development and intensification in the catchment until significant upgrading of three waters capacity can be ensured and is put in place.

The Spatial Plan has phasing for the upgrading of the three waters infrastructure. However, the Proposed District Plan does not adequately reflect this phasing approach towards development. It has no mechanism to direct development into areas where upgrades have already occurred or to phase in development as the upgrades to the three waters are planned for the next 10 years. It is not practical for many developments, especially on the steep topography of most of the Tyers Stream catchment, to store and release wastewater at off peak times and stormwater at low flow times as an interim

measure. It is also unreasonable to add these requirements to developments at the building permit phase if the development does not require a resource consent.

Linkage is also required between objectives, policies and rules affecting the Council's reserves contributions, connections to existing reserves, riparian land and public access to and along water bodies and between reserves. There is a positive synergy between provision of riparian protection, public access via riparian or other areas and improved suburban landscape and liveability. This is especially important if suburbs are to accept a significant increase in the numbers of residents.

The TSG is not opposed to densification or growth in principle, but wishes to ensure there is adequate provision for infrastructure and protection of environmental values *before* development commences, in part so that development recognises and addresses the effect to ensure the area retains and enhances its liveability.

Overview of changes requested and provisions supported

The TSG seeks that the Council, in its Proposed District Plan, makes the following changes and/or provides for the following matters:

- Retention of SNA status for Tyers Reserve and gazettal of the reserve if this has not already occurred so as to ensure its ongoing protection.
- SNAs on residential private property adjoining Tyers Stream and Tyers Stream Reserve should be reinstated to the Proposed District Plan provisions.
- Land use intensification and all development (e.g., residential growth) to only occur if there is a fully functional and resilient Three Waters Infrastructure in place prior to development.
- No urban intensification in the Tyers Stream catchment until the Three Waters Infrastructure has the capacity, the upgrades, the resilience, and appropriate monitoring and maintenance to manage the growth, without causing damage to, and contamination of the stream, the catchment's biodiversity, and its airshed.
- Appropriate monitoring and maintenance of infrastructure to ensure retention of capacity, necessary upgrades, resilience, and avoidance of adverse environmental effects.
- Improvement in the management of stormwater entering the Tyers Stream catchment. It is essential that all building developments, including infill housing, mandate at least neutral or lesser stormwater runoff, compared with pre-development.
- Any piping of waterways other than short sections for access roads and tracks to be non-complying.
 - Pipes can block, causing up and downstream flooding.
 - There is an ongoing cost to keep pipe entrances clear.
 - Pipes remove instream habitat and can impede fish passage, reducing access to suitable habitat.
 - Pipes destroy the natural character of riparian margins.
 - Piping separates people from the streams running through their neighbourhoods, and increases the likelihood of people not knowing about or respecting their waterways.

- Appropriate esplanade provision be made along the margins of Tyers Stream, and other waterways, whenever subdivision occurs (as is required by the RMA) to create better linkages and facilitate more liveable spaces and lower energy/runoff intensity use of areas, especially if these are to have larger populations. While the Introduction to PA-Public Access says “... there are no large freshwater bodies such as lakes and rivers within Wellington”, the RMA definition of river as below clearly applies to streams. There are also waterways in Wellington with an annual flow bed width that is more than 3m wide, including Tyers Stream downstream from approximately the junction of Delhi and Karachi Crescents.

NOTE in the RMA: *river means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).*

- Public access to, along and within Tyers Stream Reserve be developed by WCC in line with its policies on public access. The TSG has been in contact with other community bodies which have explained how they can assist in development and provision of walking access, but only where this can be identified and connected through Council action. At present, the Tyers Stream Reserve is not adequately connected to residential Khandallah.
- Stricter management of rules to restrict buildings and infrastructure in areas covered by the Stream Corridor Overlay, the Overland Flow Path Overlay and the Ponding Overlay.
- Building on unbuilt or built legal roads providing access to Reserves including Tyers Stream Reserve should be non-complying.
- We wish the Tyers Stream dam be listed in the Proposed District Plan as an Historical Structure.
- We support the Iwi’s wish that Tyers Stream (Waitohi Steam) become a “Line of Significance” to Māori.

Detailed Comments on provisions in the Proposed District Plan

PART 2 – DISTRICT-WIDE MATTERS / Energy, Infrastructure, and Transport / Three Waters

- We strongly agree with Objectives THW-O1, O2, O3. However, we submit that THW-O2 be amended to require that sufficient capacity be in place ***Before*** and subdivision, use or development takes place.
- We strongly agree with Policies THW-P1 to P5 below, with the addition to THW-P3 reflecting the amendment required to Objective THW-O2 noted above. This would fit with the requirements of THW-P4.
- THW-R1. This PA rule needs to include compliance with the current status of the 3 waters infrastructure to be a permitted activity as per THW-R2.
- THW R2-R5. We support the intent of water sensitive urban design, but read these conditions to mean that subdivision and new development may be permitted or approved which would collectively have the cumulative effects of increasing stream flow during storm events, due to matters such as 'site constraints'. Such loose wording means that the planning intent could be avoided, as many of the remaining potential development sites in suburbs such as Khandallah are subject to major constraints, such as steep slopes and limited water holding capacity.
- THW R5 and 6. It is unclear whether these standards apply to both the short-term site development and the subsequent long-term effects of that development. Both matters need to be addressed if there is to be significant suburban intensification.

PART 2 – DISTRICT-WIDE MATTERS / Natural Environment Values / Ecosystems and Indigenous Biodiversity

TSG strongly opposes the removal of SNAs from all residential zoned properties. We submit that these SNAs should be reinstated as they protect Tyers Stream Reserve and Tyers Stream by providing an ecological and stormwater buffer. They also provide an ecological corridor towards the SNA around Mt Kaukau thereby increasing the biodiversity potential of both Tyers Reserve and the Mt Kaukau SNA. In addition, they increase the area of continuous vegetation thereby increasing the biological carrying capacity of the area.

TSG supports the intent of objectives ECO-O1 to O4. However, we seek deletion of the word 'inappropriate' from ECO-O1, so that it reads: *Significant Natural Areas are protected from subdivision, use and development, and where appropriate, restored*":

TSG supports policies ECO- P1 toP7.

TSG supports rules R1 toR4.

TSG supports standards S1 to S4.

PART 2 – DISTRICT-WIDE MATTERS / Natural Environment Values / Natural Character

TSG supports objectives NATC-O1 and NATC-O2

Policies and Rules

TSG seeks alterations to the following provisions, as shown in track changes below

<p>NATC-P1</p>	<p>Appropriate use and development</p> <p>Provide for<u>Protect natural character, avoid natural hazards and provide for biodiversity and public access to and along water bodies by only allowing</u> use and development within riparian margins whic<u>here</u>:</p> <ol style="list-style-type: none"> 1. Pit<u>protects</u> the natural character and integrates with the landform <u>AND</u>; 2. Pit<u>provides for</u> planned natural hazard mitigation works where undertaken by Wellington City Council, Greater Wellington Regional Council or their nominated agents <u>AND</u>; 3. Hit<u>has a functional or operational need to be located within the riparian margin; and</u> 4. It does not limit or prevent<u>Improves practical</u> public access to, along or adjacent to waterbodies. 	<p>Amend as shown</p> <p>These matters should be provided for, rather than their non-provision be avoided. In other words, matters such as good riparian management and public access to and along water bodies should be an active duty in development, not something to avoid adverse effects to. This is not achieving, for example section 6(d) of the RMA or the Council’s own objective PA – 01.</p>
<p>NATC-P2 NATC-P3</p>	<p>TSG supports policies NATC-P2 and NATC-P3</p>	
<p>NATC -R1</p>	<p>Activities within riparian margins</p> <ol style="list-style-type: none"> 1. Activity status: Permitted <p>Where:</p>	<p>This rule needs to be amended to meet the submitted requirements of NATC-P1</p>

	a. Compliance is achieved with the rules and standards for activities in the underlying zone.	
NATC-R2 NATC-R3 NATC-R4 NATC-R5	TSG supports rules NATC-R2, NATC-R3, NATC-R4 and NATC-R5	

PART 2 – DISTRICT-WIDE MATTERS / Natural Environment Values / Public Access

TSG supports Objectives PA-O1 and O2 and PA-P1, P2 and P3 with the proviso that Policy PA-P1 be amended to clearly deliver the enhancement required by Objective PA-01. In particular, it appears unclear whether Tyers Stream would be a ‘waterbody’ for the purpose of those provisions. We submit that Tyers Stream from the junction of Delhi and Karachi Crescents is a ‘waterbody’ under the RMA definition.

We also submit that PA-P2(3) should include setbacks from both existing and potential public access corridors to ensure linkages are made or enabled.

TSG submits that WCC should, in its Proposed District Plan and elsewhere, specifically provide for public access to and within areas for which they have jurisdiction, including Tyers Stream Reserve. TSG considers that public access can lead to greater cognisance and care of areas by the public, and in the case of Tyers Stream Reserve result in greater restoration of natural biodiversity and reduction of damaging events, in line with the Reserve’s SNA status.

PART 2 – DISTRICT-WIDE MATTERS / Hazards and Risks / Natural Hazards

We support the provisions in PART 2 – DISTRICT-WIDE MATTERS / Hazards and Risks / Natural Hazards that apply to Tyers Stream and its catchment.

PART 2 – DISTRICT-WIDE MATTERS / Historical and Cultural Values / Sites and Areas of Significance to Māori

We strongly support the provisions in PART 2 – DISTRICT-WIDE MATTERS / Historical and Cultural Values / Sites and Areas of Significance to Māori that apply to Tyers Stream and its catchment.

Part 2 – DISTRICT-WIDE MATTERS/Subdivision/Subdivision

SUB-P15 and P16

The main issue with SUB -P15 and P16 is that this has no effect in the absence of any SNAs on private residential land. Arguably it doesn't meet the RMA requirements of s 6(d). [recognise and provide for 'significant areas of indigenous vegetation and significant habitats of indigenous fauna']

Avoid is a high bar for subdivision to cross, except for the 'where practicable'. The effects management hierarchy is very similar to that proposed in the NPSIB. Some kind of accounting is necessary if offsetting and compensation is contemplated. This could be by putting resources into a fund to deliver more or better biodiversity elsewhere, on a 'net gain' basis.

SUB-S4

SUB-S4 is OK except that provision of a connection to the water reticulation network does not fund the upgrade needed for that network to cope with extra capacity required for the series of new subdivision. Contributions from the subdivider are needed to any upgrades, in proportion to the extent of upgrade required from the subdivision.

PART 3 – AREA-SPECIFIC MATTERS – Zones – Residential/ Medium Density Residential Zone

MRZ-P9. The level of permeable surface should be proportionate to the extent of hard surface increase from the development.

MRZ-P10. New 'landscaping' should be required, not just 'sought'.

PART 3 – AREA-SPECIFIC MATTERS – Zones / Residential / High Density Residential Zone

HRZ-P9. The level of permeable surface should be proportionate to the extent of hard surface increase from the development.

HRZ-P10. New 'landscaping' should be required, not just 'sought'.

PART 3 – AREA-SPECIFIC MATTERS – Zones / Residential / Large Lot Residential Zone

LLRZ-S8 and S9. 60% permeable surface is too vague. Stipulate neutral or lesser stormwater runoff, compared with pre-development. Delete all words in right-hand column concerning infringement as development must not occur if rules cannot be followed.

Prepared by:

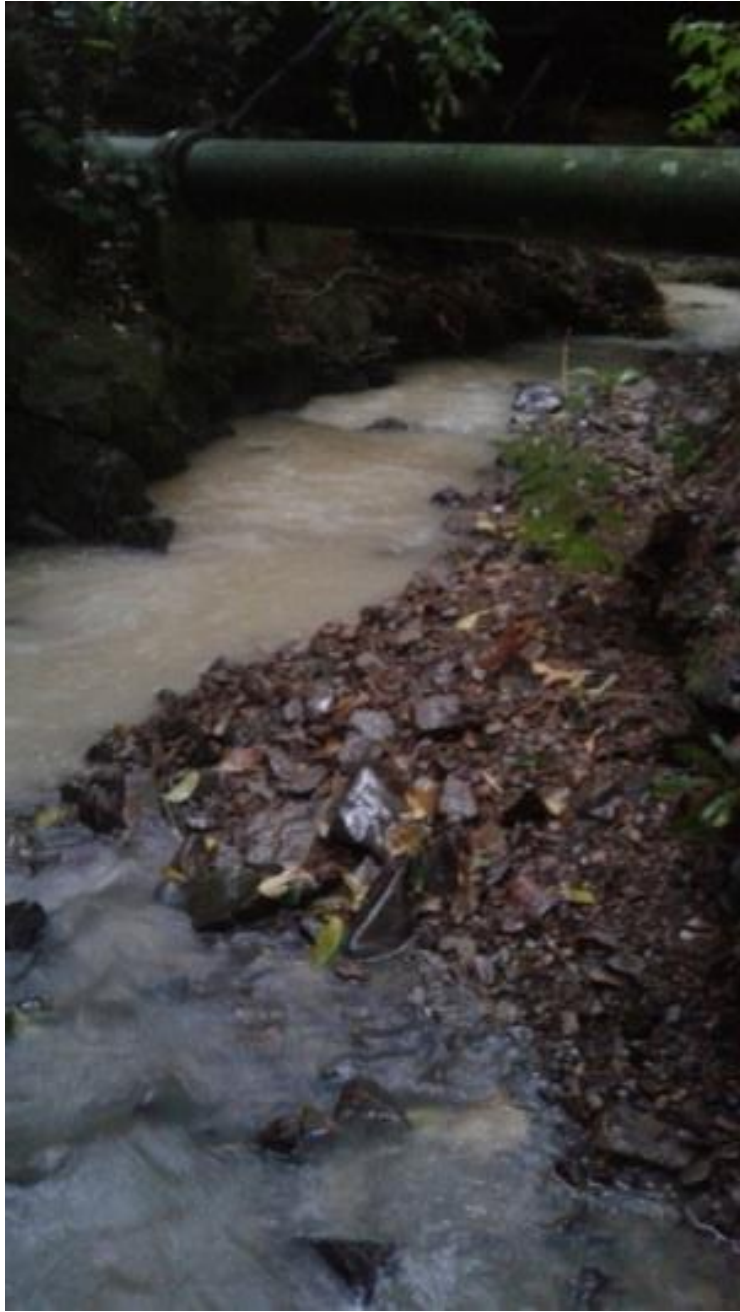
Neil Deans, Sally Marx, Lynn Cadenhead and Michael Crozier in consultation with and on behalf of the Tyers Stream Group

Appendix 1: Examples of Three Waters Infrastructure Failures and Problems in the Catchment of Tyers Stream

1. Drinking water infrastructure failure



Burst water mains create cause significant adverse effects on natural streams, through entrainment of sediment underlying asphalt, entrainment of surface contaminants from roads and developments/property, and altered water chemistry (treated/potable water). This burst water main on Agra Cres Khandallah illustrated (05/09/2019) caused the contamination of Tyers Stream shown in the photos below. Note that this occurred under otherwise low flow conditions, resulting in severe effects on the instream biota.



2. Stormwater

Increased runoff from impermeable surfaces associated with development of housing and other buildings, access roads and driveways, paved courtyards and paths leads to an increase in storm peak flows and dry weather troughs/low flows.



July 2021 high flows in Tyers Stream resulted in the overtopping of the wastewater pipeline, left-hand photo, resulting in increased long-term vulnerability, and streambank erosion. leading to increased sediment and debris entering the stream, and undermining of riparian vegetation in the Reserve. Instream habitats are also damaged.



Debris accumulation on the wastewater pipeline increases stresses on the integrity of pipeline; the clearance between the water level and pipeline is no longer adequate for the safe passage of flows from increased impermeable areas and the projected increases in extreme rainfall events as a result of human-induced climate change.



Stormwater grills blocked after severe rainfall event, leading to an increase in downstream flooding and blocking of fish passage to the sea.



Climate change causing greater storm events exacerbates the situation. This flooding was caused by a blocked pipe and a storm event.



Erosion in the Kim Street tributary of Tyers Stream after new buildings in the upper catchment with stormwater discharge directly into the stream.



Low flows lead to an increase in water temperature and water that is very shallow. This eel is partly out of the water due to low flows.

3. Wastewater

TSG is aware of five wastewater discharge events in Tyers Stream catchment in October and November 2021 alone and there have been many more since. The map and caption below are from a report by Wellington Water Ltd, entitled “Investigation Report, Tyers Stream, Khandallah(undated)”, on one of the events in October, received by TSG 14/10/2021.



Figure 1. Sampling location and results. The results are measured in Faecal coliforms in cfu/100mL

Based in the sampling results there was clearly high levels of contamination in the stream. This prompted immediate surveys to locate the probable source of the pollution.

Figure 1 above shows the bacterial level was 300,000 faecal coliforms per 100 ml at site 4.

For comparison, the table below from The Ministry for the Environment report, “Swimming Categories for E. coli in the clean water package” shows the bacterial levels and classifications required to meet swimming categories.

Table 3: The statistical measures for swimming categories

Category	Percentage of exceedances over 540 <i>E. coli</i> per 100 ml	Median: <i>E. coli</i> per 100 ml	95th percentile: <i>E. coli</i> per 100 ml	Percentage of samples above 260 <i>E. coli</i> per 100 ml
What it means	<i>How often the river exceeds the acceptable threshold for swimming</i>	<i>The mid-point (ie, half the time E. coli is lower than this, half the time it is higher)</i>	<i>E. coli only rarely goes past this point (only 5% of the time)</i>	<i>How often the river goes over the point where additional monitoring is needed</i>
Excellent (Blue)	Less than 5 per cent	130 or less	540 or less	Less than 20 per cent
Good (Green)	5-10 per cent	130 or less	1000 or less	20-30 per cent
Fair (Yellow)	10-20 per cent	130 or less	1200 or less	20-34 per cent
Intermittent (Orange)	20-30 per cent	More than 130	More than 1200	More than 34 per cent
Poor (Red)	More than 30 per cent	More than 260	More than 1200	More than 50 per cent

The figure below from the report by Wellington Water Ltd, entitled “Investigation Report, Tyers Stream, Khandallah”, shows the cause of the wastewater/sewer overflow.



Further Investigations



Figure 2. 29 Burma Rd. has a sewer main right next to an open stream. Highlighted are the blocked sewer main the manhole overflow point.

Inquiries revealed a sewer overflow located inside the property of 28 Burma Rd, Khandallah. This property, as seen in figure 2, has both wastewater and stormwater (open channel) assets and runs underneath the railway. It is believed that this blocked section of sewer pipe caused the overflow that introduced wastewater into the stream and caused the spike in indicator bacterial levels.



Wastewater flowing into a stormwater sump near Tyers Stream (March 2021) leading to sewage fungi growing on rocks in the stream; evidence of severe and ongoing organic pollution. This discharge from failing sewage infrastructure would be sufficient to deoxygenate the stream and kill instream life, as well as creating a danger to human health.

Wastewater contamination leads to:

- Removal of oxygen from the water which kills instream life
- A danger to human health
- Contaminated shell fish
- Changes in the ecological cycles in estuarine and inshore environments



Waste water pipe in Tyers Stream Reserve exposed due to erosion. If it fails it would be difficult to fix rapidly due to poor access and unstable slopes



Seepage out of a cast iron waste water pipe over Tyers Stream



Leaking wastewater pipe collar over Tyers Stream, leaking on and off since April 2021.

Prepared by:

Neil Deans, Sally Marx, Lynn Cadenhead and Michael Crozier on behalf of the Tyers Stream Group