

Wellington City Proposed District Plan

Hearing Stream 5 – Three Waters

Section 42A of the Resource Management Act 1991

Document Information

REPORT FOR:

Independent Hearings Commissioners:
Robert Schofield
Rawiri Faulkner
Jane Black
Lindsay Daysh

SUBJECT:

**Wellington City Proposed District Plan –
Three Waters**

PREPARED BY:

Maggie Cook

REPORT DATED:

3 July 2023

DATE OF HEARING:

1 August 2023

Executive Summary

1. This report considers submissions received by Wellington City Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Wellington City Proposed District Plan as they apply to Three Waters.
2. There were a number of submissions and further submissions received on Three Waters. The submissions received were diverse and sought a range of outcomes. The report outlines recommendations in response to the issues that have emerged from these submissions.
3. The following are considered to be the key issues in contention in the Three Waters chapter:
 - a. Hydraulic Neutrality;
 - b. Limiting Development based on infrastructure constraints;
 - c. Permeable surfaces; and
 - d. Water Sensitive Urban Design.
4. This report addresses each of these key issues, as well as any other relevant issues raised in the submissions.
5. The report includes recommendations to address matters raised in submissions as to whether the provisions in the Proposed District Plan relating to these matters should be retained as notified, amended, or deleted in full.
6. Appendix A of this report sets out the recommended changes to the Three Waters chapter in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
7. Appendix B of this report details officers' recommendations on submissions, and whether those submissions should be accepted or rejected. The body of this report should be consulted for reasoning.
8. Appendix C contains the 'Water Sensitive Urban Design Economic Assessment' conducted by GHD.
9. The Three Waters chapter is also subject to a number of consequential amendments arising from submissions to the whole of the Proposed District Plan and other chapters.
10. For the reasons set out in the Section 32AA evaluation included throughout this report, the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
 - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

Contents

| | |
|--|----|
| Document Information | 2 |
| Executive Summary | 3 |
| Interpretation | 6 |
| Table 1: Abbreviations..... | 6 |
| Table 2: Abbreviations of Submitters' Names | 7 |
| 1.0 Introduction..... | 8 |
| 1.1 Purpose..... | 8 |
| 1.2 Author and Qualifications..... | 8 |
| 1.3 Code of Conduct..... | 9 |
| 1.4 Supporting Evidence..... | 9 |
| 1.5 Key resource management issues in contention..... | 9 |
| 1.6 Procedural Matters..... | 9 |
| 2.0 Background and Statutory Considerations | 9 |
| 2.1 Resource Management Act 1991 | 9 |
| 2.2 Schedule 1 and ISPP..... | 10 |
| 2.3 Section 32AA..... | 11 |
| 2.4 Trade Competition..... | 12 |
| 3.0 Consideration of Submissions and Further Submissions | 12 |
| 3.1 Overview..... | 12 |
| 3.1.1 Report Structure..... | 12 |
| 3.1.2 Format for Consideration of Submissions | 13 |
| 3.2 Out of Scope matters..... | 13 |
| 3.3 General Submissions relating to the Three Waters chapter | 14 |
| 3.4 Definitions | 20 |
| 3.5 Introduction | 26 |
| 3.6 Objectives..... | 29 |
| THW-O1 | 29 |
| THW-O2 | 30 |
| THW-O3..... | 31 |
| 3.7 Policies..... | 32 |
| THW-P1 Water Sensitive Design | 33 |
| THW-P2 Building materials | 37 |
| THW-P3 Infrastructure-enabled urban development..... | 38 |
| THW-P4 Three waters infrastructure servicing..... | 39 |
| THW-P5 Hydraulic neutrality | 42 |
| New Policy..... | 45 |

| | | |
|-----|--|----|
| 3.8 | Rules | 47 |
| | THW-R1 Connection to existing three waters infrastructure – new residential buildings..... | 47 |
| | THW-R2 Connection to existing three waters infrastructure – four or more residential units and non-residential development | 50 |
| | THW-R4 Incorporation of water sensitive design methods – four or more residential units and non-residential activity..... | 52 |
| | THW-R5 Hydraulic neutrality – 1-3 residential units | 54 |
| | THW-R6 Hydraulic neutrality – four or more residential units and non-residential buildings..... | 56 |
| | New Rules..... | 58 |
| 4.0 | Amendments to chapter not in scope of submissions | 62 |
| 5.0 | Minor and inconsequential amendments..... | 64 |
| 6.0 | Conclusion | 65 |
| 7.0 | Recommendations | 65 |
| 8.0 | Appendices | 66 |
| | Appendix A: Recommended Amendments to the Three Waters Chapter | 66 |
| | Appendix B: Recommended Responses to Submissions and Further Submissions on Three Waters Chapter | 67 |
| | Appendix C: Economic assessment – Requirements for water sensitive design..... | 68 |

Interpretation

Table 1: Abbreviations

| Abbreviation | Means |
|------------------------|--|
| the Act / the RMA | Resource Management Act 1991 |
| the Enabling Act | Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 |
| the Council | Wellington City Council |
| the Operative Plan/ODP | Operative Wellington City District Plan |
| the Proposed Plan/PDP | Proposed Wellington City District Plan |
| GWRC | Greater Wellington Regional Council |
| MDRS | Medium Density Residential Standards |
| NES | National Environmental Standard |
| NES—SDW | National Environmental Standards for Sources of Human Drinking Water 2007 |
| NPS | National Policy Statement |
| NPS-FM | National Policy Statement for Freshwater Management 2020 |
| NPS-UD | National Policy Statement on Urban Development 2020 |
| PNRP | Proposed Natural Resources Plan (Appeals Version) 2022 |
| RPS | Operative Regional Policy Statement for the Wellington Region 2013 |
| Spatial Plan | Spatial Plan for Wellington City 2021 |
| S32 | Section 32 of the Resource Management Act 1991 |
| S32AA | Section 32AA of the Resource Management Act 1991 |
| S42A | Section 42A of the Resource Management Act 1991 |

Table 2: Abbreviations of Submitters' Names

| Abbreviation | Means |
|---------------------|--|
| DOC | Department of Conservation Te Papa Atawhai |
| FENZ | Fire and Emergency New Zealand |
| GWRC | Greater Wellington Regional Council |
| NZDF | New Zealand Defence Force |
| Oranga Tamariki | Oranga Tamariki – Ministry of Children |
| Survey+Spatial | Survey+Spatial New Zealand (Wellington Branch) |
| Transpower | Transpower New Zealand Ltd |
| Waka Kotahi | Waka Kotahi NZ Transport Agency |
| WCCERG | WCC Environmental Reference Group |
| WCC | Wellington City Council |
| WEL | Wellington Electricity Lines Limited |
| WWL | Wellington Water Limited |
| Woolworths | Woolworths New Zealand Limited |

In addition, references to submissions includes further submissions, unless otherwise stated.

1.0 Introduction

1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
 - a. Assist the Hearings Panel in their role as Independent Commissioners in making their recommendations on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
 - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
2. This report considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions as they apply to the Three Waters Chapter in the PDP.
3. This report discusses general issues, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
5. Council’s position regarding whether rules in the Three Waters chapter should be considered as a qualifying matter was considered within the s42A reports for Hearing Streams 1 and 2 and will not be discussed in this 42a report.
6. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.2 Author and Qualifications

7. My full name is Margaret (Maggie) Findlay Cook. I am a Planning Advisor in the District Plan Team at Wellington City Council (the **Council**).
8. My role in preparing this report is that of an expert in planning.
9. I hold the qualification of a Bachelor of Environmental Planning with a specialised major in Freshwater science from Waikato University. I am a Graduate Member of the New Zealand Planning Institute.
10. I have four years’ experience in planning and resource management. I have experience in both policy and resource consents with roles at Napier City Council and Environment Canterbury. In the positions I have been responsible for the implementation of national and local level planning policy and the subject matter expert for water consents in the Canterbury region.
11. Since joining the District Plan Team in June 2022, I have been involved with reviewing s32 reports and leading the Three Waters chapter through the submission and further submission period.

12. I am also the reporting officer for the Natural Environment, Outstanding Natural Features and Landscapes and Natural Character Chapters.

1.3 Code of Conduct

13. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court, which came into effect on 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
14. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
15. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

1.4 Supporting Evidence

16. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report is as follows:
 - a. Statement of Evidence by Nadia Nitsche (Wellington Water) on behalf of Wellington City Council;
 - b. Economic assessment: Requirements for water sensitive design for four-plus unit developments February 2023 (attached as Appendix C to this report).

1.5 Key resource management issues in contention

17. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention in the chapter:
 - a. Inclusion of a definition of Undeveloped State;
 - b. Inclusion of Permeable surfaces provisions;
 - c. Opposition or amendments to Hydraulic Neutrality;
 - d. Constraints for development based on infrastructure capacity;
 - e. Opposition or amendments to Water Sensitive Urban Design; and
 - f. The inclusion of Financial Contributions for stormwater management.

1.6 Procedural Matters

18. There are not considered to be any other procedural matters to note.

2.0 Background and Statutory Considerations

2.1 Resource Management Act 1991

19. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
 - Section 74 Matters to be considered by territorial authority; and
 - Section 75 Contents of district plans.

20. As set out in Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the Section 32 Evaluation Report for Three Waters.¹
21. Since public notification of the PDP and publishing of the related section 32 evaluation reports on 18th July 2022, the following relevant statutory considerations have changed/been introduced:
- a. The Spatial Planning Bill and Natural and Built Environment Bill were introduced to Parliament and have been referred to Select Committees (14.11.2022).
 - i These Bills are currently before the select committee and have no implications for the plan.
 - b. Plan Change 1 to the Wellington Regional Policy Statement (RPS) was notified (19.08.2022).
 - i A submission was received from the Greater Wellington Regional Council (GWRC) seeking amendments to the plan, in part to achieve alignment with its notified Plan Change. Submission points that relate to the Three Waters chapter and relevant matters are addressed in this s42a report. Other submission points from GWRC are addressed in the relevant s42 report.
 - ii In Hearing Stream 1 the WCC Reporting Officer confirmed that Plan Change 1 to the RPS (PC1) is to be had regard to but that it does not yet have a legal status that requires WCC to give any weighting to the PC1 direction when considering any changes to the PDP.
 - iii The PC1 hearings begin at the end of June 2023 and they will not finish until March 2024. Decisions on the relevant PC1 provisions will not be available until after the PC1 hearing closes, by which time the hearings for WCC Hearing Stream 5 will be complete (planned for August 2023).
 - c. National Policy Statement for Freshwater Management 2020 – Amended February 2023
 - i This version of the National Policy Statement incorporates amendments made by the Minister for the Environment under section 53(1) of the Resource Management Act 1991 and notified in the New Zealand Gazette on 8 December 2022 as the National Policy Statement for Freshwater Management 2020 Amendment No 1. The amendments take effect from 5 January 2023.
 - ii This version of the NPS-FM also incorporates minor amendments made by the Minister for the Environment under section 53(2)(a) of the Resource Management Act 1991, on 23 February 2023.

2.2 Schedule 1 and ISPP

22. As described in the section 42A Overview Report², the Council has chosen to use two plan review

¹ [Section 32 Evaluation Report Part 2: Three Waters](#)

² S42A Overview Report. Page 36.

processes:

- a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
 - b. For all other PDP provisions and content, Part 1 of Schedule 1 process is used. Part 1 Schedule 1 provisions can be appealed.
23. For this topic, all provisions fall under the Intensification Streamlined Planning Process (ISPP) and were notified on this basis.

2.3 Section 32AA

24. In accordance with s32AA I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

25. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii).
26. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated. No re-evaluation has been undertaken if the amendments have not altered the policy approach.
27. For changes that represent a significant departure from the PDP as notified, I have undertaken the s32AA evaluation in a consolidated manner following the assessment and recommendations on the relevant submissions.

2.4 Trade Competition

28. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
29. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

3.1 Overview

30. There were 45 submitters who collectively made 271 submission points on this topic. There were 14 further submitters who collectively made 66 further submission points.

3.1.1 Report Structure

31. Submissions on this topic raised a number of issues that have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submissions to which they relate.
32. In accordance with Clause 10(3) of the First Schedule of the RMA, the following evaluations have been undertaken for the purposes of this report:
 - a. An issues and provisions, versus submission by submission based evaluative approach, where a large number of similar submissions have been received; and
 - b. A submission-by-submission evaluative approach, where a small number of submissions have been received.
33. Further, the evaluation is organised to logically align with the layout of chapters of the plan as notified. For those provisions or matters where there are numerous submission points, the evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. However, the specific recommendations on each submission / further submission point are contained in Appendix B.
34. Recommended amendments are contained in the following appendices:
 - a. Appendix A – Recommended Amendments to the Three Waters Chapter
 - b. Appendix B – Recommended Responses to Submissions and Further Submissions on Three Waters Chapter
35. Additional information can also be obtained from the Summary of Submissions [Three Waters Chapter](#), the associated [Section 32 Report](#), and the overlays and maps on the ePlan.
36. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation

of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Three Waters chapter with recommended amendments in response to submissions as Appendix A.

37. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1 and the associated section 42A report.

3.1.2 Format for Consideration of Submissions

38. For each identified topic, the consideration of submissions has been undertaken in the following format:

- Matters raised by submitters;
- Assessment; and
- Summary of recommendations.

39. I note that no submissions were made on rule THW-R3, therefore the provision will be retained as notified.

40. The recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.

41. Where necessary, for example where I have recommended a significant departure from the notified PDP provisions, I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.

3.2 Out of Scope matters

Matters raised by submitters

42. Tyers Stream Group [221.3] seeks appropriate monitoring and maintenance of infrastructure to ensure retention of capacity, necessary upgrades, resilience, and avoidance of adverse environmental effects and seeks the addition of a requirement that piping of waterways other than short sections for access roads and tracks be non-complying [221.8].
43. Jim & Christine Seymour [262.1] seek that infrastructure - potable and sewer networks in particular - are upgraded before denser housing is implemented.
44. The Sustainability Society [339.5] seeks that Design Guidelines referenced in the Three Waters chapter address complexities with rainwater capture and storage and any required on-lot measures to prevent ongoing ecological impacts.
45. Peter Jack [450.2] considers that more catchment or reservoir storage be looked at for the future.

Assessment

46. The relief sought by the above submitters has not been considered as a part of the Three Waters chapter as they do not fall within scope of s31 (functions of Territorial Authorities) of the RMA, or within the scope of the RMA.

Summary of recommendations

47. HS5-THW-Rec1: That submission points above are accepted/rejected as detailed in Appendix B.

3.3 General Submissions relating to the Three Waters chapter

Matters raised by submitters

Retain as notified

48. Several submitters including Jill Ford [163.3], Restaurant Brands Limited [349.8], Wellington Youth Council [201.22] Inner City Wellington [352.71] and Taranaki Whānui 389.53] support the Three Waters chapter in general and seek that the chapter is retained as notified.
49. Wellington City Youth Council [201.24] supports hydraulic neutrality and considers it should inform a future-proof water management approach.
50. Wellington City Youth Council [201.23] seeks that the importance of Te mana o Te Wai is upheld as it is clear that the current system is failing and supports a strengthened focus on upholding the rights of mana whenua in relation to water.
 - a. Supported by Wellington City Council Environmental Reference Group [FS112.1] and Te Rūnanga o Toa Rangatira [FS138.19].
51. Te Rūnanga o Toa Rangatira [488.37 and 488.38] supports the inclusion of Te Mana o Te Wai and considers that the Three Waters chapter is a big step forward in improving the quality of freshwater impacted by land use activities and giving effect to NPS-FM. The submitter seeks that the reference to Te Mana o Te Wai in the Three Waters chapter is retained, and the chapter itself is retained as notified, subject to amendments.
 - a. Opposed by The Retirement Villages Association of New Zealand Incorporated [FS126.213] and Ryman Healthcare Limited [FS128.213].

Financial Contributions

52. Treliwick Park Group [168.2] seeks that the offsets requirements of sites, as suggested by the submitter, would need to be funded by the developer as a part of the consent.
53. Te Rūnanga o Toa Rangatira [488.39] considers that it is unclear how financial contributions can be used when stormwater treatment is needed offsite and how this can be incorporated into a Stormwater Management Plan and how costs can be determined.

Constraints on development based on infrastructure capacity

54. David Stevens [151.7] considers that the state of Three Waters infrastructure throughout the Broadmeadows to Crofton Downs corridor is inadequate to meet any significant or concentrated housing growth.
55. Aro Valley Community Council [87.29] considers that the PDP fails to recognise the constraints to building in Aro Valley including the groundwater levels on either side of the street are high

and require expensive foundations and that the existing three waters infrastructure will not support large increases in population in Aro Valley.

- a. Opposed by Generation Zero [FS54.33].
56. Jim & Christine Seymour [262.1] seek that infrastructure - potable and sewer networks in particular - are upgraded before denser housing is implemented.
 57. Tyers Stream Group [221.1] considers land use intensification and all development (e.g., residential growth) should only occur if there is a fully functional and resilient Three Waters Infrastructure in place prior to development, and there should be 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 and the catchment's biodiversity [221.2].
 58. Richard Murcott [322.14] seeks that population intensification in Thorndon be throttled back until infrastructure investment has been committed.
 - a. Supported by Thorndon Residents' Association Inc [FS69.48].
 59. Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.1] seeks that the Council undertake a suburb specific response to assessing the ability of Infrastructure to accommodate impacts on wastewater, water supply and stormwater.

Wastewater reuse

60. Wellington City Youth Council [201.25] and Tawa Community Board [294.7] seeks that council considers how it can better manage and use greywater to avoid inefficient use of our limited clean water resources.
 - a. 294.7 is supported by Wellington City Council Environmental Reference Group [FS112.2].

Permeable surfaces

61. Greater Wellington Regional Council [351.73] seeks for Wellington City Council to consider whether permeable surface requirements could be included in this chapter.
62. Greater Wellington Regional Council [351.74] seeks for WCC to consider whether permeable surface requirements for more than four units could be included in this chapter.
 - a. Supported by Wellington City Council Environmental Reference Group [FS112.3].

Other

63. Tyers Stream Group [221.7] seeks that all building developments, including infill housing, mandate at least neutral or lesser stormwater runoff, compared with pre-development.
64. Greater Wellington Regional Council [351.72] seeks to amend the PDP hydraulic neutrality provisions to have regard to Proposed RPS Change 1 in relation to hydrological controls and how they have been defined.

- a. Supported by Wellington City Council Environmental Reference Group [FS112.4].
65. Jane Szentivanyi [369.9] and Ben Briggs [269.10] seeks that provisions be made in the District Plan to provide a robust storm water and sewerage regime.
66. Survey & Spatial New Zealand Wellington Branch [439.9] notes that "Managing Stormwater Runoff" document is not listed in documents incorporated by reference.

Assessment

Financial Contributions

67. I do not agree with the Trelissick Park Group [168.2] and Te Rūnanga o Toa Rangatira [488.39] that a policy framework for financial contributions should be developed for offsite stormwater treatment and management. Financial contributions generally address the direct impacts of a particular development, and their purpose is to help pay for measures that will avoid, remedy or mitigate adverse effects on the environment, or offset adverse effects in some other way. The purpose of development contributions is to fund additional capacity in water supply, wastewater, stormwater, transport, reserves and community infrastructure and WCC already charges Development Contributions for Stormwater management, as set out in the [Development Contribution Policy 2022](#).
68. A financial contribution and development contribution (under the Local Government Act) **may** be charged for a single development, however the contributions must be for different purposes and there must not be an overlap in the reasons for charging a developer.³ Best practice is that councils should choose to apply development contributions or financial contributions, but not both, as this helps provide predictability for developers.⁴
69. Through the Three Waters chapter, WCC is requiring a higher level of on-site stormwater treatment than currently required through the implementation of Water Sensitive Urban Design and Hydraulic Neutrality and as set out in the s32 report. The intention of this policy framework is to mitigate the increasing future need for off-site treatment of stormwater.⁵ Because of this, in my opinion adding a requirement for financial contributions is not necessary.

Constraints for development based on infrastructure capacity

70. David Stevens [151.7], Tyers Stream Group [221.1 and 221,2], Richard Murcott [322.14] (supported by the Thorndon Residents' Association Inc [FS69.48]) and Claire Nolan et al [275.1] seek to limit development on a suburb-specific level or have three waters infrastructure capacity as a qualifying matter under the MDRS. As noted in the Introduction to this report, three waters as a qualifying matter has been addressed and resolved in both hearing streams 1 and 2.

3

[Guide: To developing and operating development contributions policies under the Local Government Act 2002](#). New Zealand Department of Internal Affairs 2021. Page 35.

4

[Guide: To developing and operating development contributions policies under the Local Government Act 2002](#). New Zealand Department of Internal Affairs 2021. Page 20.

⁵ S32 – Part 2; Three Waters, Page 8.

Additionally, the points relating to restrictions on development capacity based on three waters capacity, whether in Wellington generally or in specific suburbs, is consistent with the Policy direction set out in THW-O2 and THW-P4.

Wastewater reuse

71. I do not agree with Wellington City Youth Council [201.25] and Tawa Community Board [294.7] that a framework for wastewater (greywater) reuse is required. Without further national direction it is unclear whether the requirements for installing wastewater recycling systems falls within s31 Territorial Authority responsibilities under the RMA, and whether it is the most appropriate method for managing effects on drinking water networks and promoting the efficient use of water in Wellington City.
72. Wellington Water Limited (WWL) estimates show that on average 40% of the total amount of drinking water supplied in the Wellington Region is lost through leaks⁶. They advise there will likely be no measurable improvement in water demand by managing end use (including through recycling wastewater) until there is a reduction in water loss through improved infrastructure and the implementation of water metering, which will help pinpoint leaks in both public and private drinking water infrastructure. As set out in the [Mayoral Task force on the Three Waters Report for Wellington](#):

The aged network is also more susceptible to bursts and leakage, and the amount of water lost in the network has been increasing accordingly. This problem has been exacerbated through reduced funding being allocated to active leak management. Water loss across the city's water network is difficult to calculate due to the relatively limited extent of consumption metering, but the calculated mean water loss for the region is 19% of the total water taken from the environment.

At more than 200 litres per person per day, average household water consumption is also well in excess of national and international benchmarks. The experience from the installation of household water meters at Kāpiti suggests that a reasonable proportion of this high water use is likely to come from water leaks on private property, especially given the relatively older age of Wellington's housing stock.⁷

73. Based on the outcome of the WWL research, in my opinion including rules in the PDP is not the most effective or efficient means of achieving more efficient water use. There are existing programmes in place which are focused on managing this issue.

Permeable surfaces

74. I agree with Greater Wellington Regional Council [351.73] that the requirement for permeable surfaces should be relocated to the Three Waters Chapter. The requirements as notified, in the Residential chapters, do not include a requirement for a minimum permeable surfaces area for non-residential development within the PDP. This is a gap. In order to have a consistent rule

⁶ <https://www.wellingtonwater.co.nz/resources/topic/drinking-water/water-conservation/leaks/#:~:text=Current%20estimates%20show%20that%20on,network%20and%20on%20private%20properties.>

⁷ The Mayoral Taskforce on the Three Waters Report 2021. Page 23.

framework approach and to meet the intention of the Three Waters chapter, I have considered permeable surface requirements for non-residential development in conjunction with the requirements for four or more residential units below.

75. I agree with Greater Wellington Regional Council [351.74] that there is a need to have permeable surface requirements for four or more residential units. While there was no specific relief sought from GWRC about where they consider this should be included in the chapter, I have considered multiple options, to determine the best practicable approach to incorporate permeable surfaces for four or more residential units and non-residential development. These options include a new rule framework with a permitted minimum permeable area and associated restricted discretionary consent requirement, to include the four or more residential units in the rule framework for permeable surface framework for 1-3 residential units as discussed in paragraph 316 or include permeable surfaces as a matter of discretion in THW-R4 for Water Sensitive Urban Design.
76. Taking into consideration the current approach for stormwater management, in my opinion because including permeable surfaces in a development relates to water quality and quantity, the most appropriate place to have controls requiring minimum permeable surface areas is within the matters of discretion for THW-R4 (Incorporation of water sensitive design methods), as follows:

THW-R4 (Incorporation of water sensitive design methods – four or more residential units and non-residential activity):

Activity status: Restricted Discretionary

Where:

- a. It involves the construction of multi-unit housing, retirement villages, comprehensive development or a non-residential building.

Matters of discretion are:

1. The relevant sections of the Wellington Water Regional Standard for Water Services, v3.0, December 2021 and Wellington Water Limited's Water Sensitive Design for Stormwater: Treatment Device Design Guideline December 2019;
2. Design, location, efficiency and effectiveness of water sensitive design methods;
3. The maximum feasible area of permeable surfacing;
4. ~~3.~~ Adoption of best practicable option for stormwater retention and treatment;
5. ~~4.~~ Ownership, maintenance and operation arrangements; and
6. ~~5.~~ Any site constraints.

77. I consider this is more appropriate than applying the permeable surfaces rule framework as set out for 1-3 Residential Units as there are a greater variety of development types anticipated to be four or more residential units or non-residential buildings. The rigidity of requiring a minimum permeable surface area has the potential to discourage higher density buildings (e.g. apartments), whereas the intention of the chapter is to provide flexibility to allow for multiple types of use, subdivision or development.

78. The approach of having a maximum feasible area of permeable surfaces as a matter of discretion under rule THW-R4 is aligned with the outcomes sought in THW-P1.

Other

79. I agree with Tyers Stream Group [221.7] and consider their submission to be consistent with the notified policy framework for hydraulic neutrality insofar as it requires managing run-off to the pre-developed state.
80. I agree with Jane Szentivanyi and Ben Briggs [369.9] and [269.10] and consider their submissions are consistent with the current intent of the three waters chapter.
81. With regard to Survey & Spatial New Zealand Wellington Branch [439.9], the reference for managing stormwater is incorporated by reference however the link is no longer active and will be fixed.
82. I agree in part with Greater Wellington Regional Council [351.72] because I consider that WCC's policy framework has had regard for PC1 proposed policies 42 and FW.3 as notified and require methods to avoid adverse effects of runoff quantity (flows and volumes).

Summary of recommendations

83. HS5-THW-Rec2: That submission points relating to 'General Submissions' are accepted/rejected as detailed in Appendix B.
84. HS5-THW-Rec3: That rule THW-R4 be amended as set out below and detailed in Appendix A

THW-R4 (Incorporation of water sensitive design methods – four or more residential units and non-residential activity):

Activity status: Restricted Discretionary

Where:

- b. It involves the construction of multi-unit housing, retirement villages, comprehensive development or a non-residential building.

Matters of discretion are:

1. The relevant sections of the Wellington Water Regional Standard for Water Services, v3.0, December 2021 and Wellington Water Limited's Water Sensitive Design for Stormwater: Treatment Device Design Guideline December 2019;
2. Design, location, efficiency and effectiveness of water sensitive design methods;
3. The maximum feasible area of permeable surfaces;
4. ~~3.~~ Adoption of best practicable option for stormwater retention and treatment;
5. ~~4.~~ Ownership, maintenance and operation arrangements; and
6. ~~5.~~ Any site constraints.

3.4 Definitions

Matters raised by submitters

85. CentrePort Limited [402.29] seeks amendments to the definition of ‘three waters infrastructure’ to remove the list of agencies responsible for three waters infrastructure.

THREE WATERS INFRASTRUCTURE:

means network infrastructure for water supply, wastewater, or stormwater, ~~to the extent that it is controlled by Wellington City Council or Wellington Water Ltd.~~

Water Sensitive Design/Urban Design

86. Greater Wellington Regional Council [351.49] seeks that the definition of ‘Water Sensitive Urban Design’ is retained as notified.
87. The Sustainability Society [339.1] considers that a definition for ‘water sensitive design’ should be provided as this wording is using in the title of rule THW-R4.

Wetlands

88. WCC [266.49 and 266.52] considers that to provide greater clarification in relation to different types of wetlands – in particular to distinguish between “constructed wetland” and “natural wetland” a new definition should be added.
- a. 266.52 is supported by Greater Wellington Regional Council [FS84.1].

NATURAL WETLAND

has the same meaning as defined in the National Policy Statement for Freshwater Management 2020 means a wetland (as defined in the Act) that is not:

(a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or

(b) a geothermal wetland; or

(c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain derived water pooling.

CONSTRUCTED WETLAND:

Means an artificial wetland that can be designed for flood control in addition to be used for natural processes involving wetland vegetation, soils, and their associated microbial assemblages to treat domestic wastewater, industrial wastewater, greywater or stormwater runoff, to improve water quality.

First Flush

89. WCC [266.50] considers that a new definition should be added for first flush to provide clarity in association with amendments to THW-P1.

FIRST FLUSH

means the initial surface runoff from a storm event. Initial runoff from highly impervious areas typically has high concentrations of pollutants compared to the remainder of the storm.

Hydraulic Neutrality and related terminology

90. Tawa Community Board [294.4] seeks that the definition of 'Hydraulic Neutrality' is retained as notified.
91. Rimu Architects Ltd [318.11] considers that the definition of 'Hydraulic Neutrality' should be amended because the proposed definition's use of 'site in an undeveloped state' does not equate to the 'pre-development' as used in guidance by WWL used here except for greenfield sites.
- a. Supported by Survey & Spatial New Zealand Wellington Branch [FS116.3].
92. Survey & Spatial New Zealand Wellington Branch [439.7] considers that the definition as proposed removes the existing use rights for any building to discharge stormwater from a site, by way of requiring the rate of stormwater discharge to be the same as that of an undeveloped site. They seek the following amendments.

HYDRAULIC NEUTRALITY:

Means managing stormwater runoff from subdivision, use and development through either on-site disposal or storage, so that peak stormwater flows and volumes are released from the site at a rate that does not exceed the modelled peak flows and volumes from the site in an ~~undeveloped~~ it's existing state prior to subdivision, use or development.

93. WCC [266.53] considers clarification is needed about the meaning of 'undeveloped state' as used in the Three Waters chapter.
- a. Supported by Greater Wellington Regional Council [FS84.2].
 - b. Opposed by Survey & Spatial New Zealand Wellington Branch [FS16.1]

Assessment

94. I do not agree with CentrePort Limited [402.29] that the definition of 'three waters infrastructure' should be amended, as the Council does not have any authority over privately owned infrastructure nor the connections to privately owned infrastructure. I have reached out to clarify the submission with Centreport numerous times but have not been able to get in contact with the submitter. If the submitter has additional reasoning for their submission, depending on what that is, it may be reasonable to change this position.

Water Sensitive Urban Design

95. The use of the phrase ‘water sensitive design’ in the title of THW-R4, as noted by The Sustainability Society [339.1] is an error. This should read ‘water sensitive urban design’. This has been corrected in section 5 ‘Minor and inconsequential amendments’. Therefore, as water sensitive urban design is already defined, there is no need for a new definition.

Wetlands

96. I agree with WCC [266.49 and 266.52] that in order to be consistent with the NPS-FM 2020 and NES-FM 2020, definitions of a ‘natural wetland’ and ‘constructed wetland’ should be added. It provides clarity in terms of when the NES-FM regulations do not apply to constructed wetlands, and will help avoid unintended regulatory consequences of applying WSUD.
97. However, since the submission period ended on 2 December 2022, the NPS-FM 2020 has been amended in February 2023 with an updated definition of a ‘Natural Wetland’ as follows:

NATURAL INLAND WETLAND:

(a) in the coastal marine area; or

(b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or

(c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or

(d) a geothermal wetland; or

(e) a wetland that:

(i) is within an area of pasture used for grazing; and

(ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless

(iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply

98. Therefore, I consider it appropriate to update the definition of a ‘Natural Wetland’ to be consistent with the NPS-FM 2020.

First Flush

99. I agree with WCC [266.50] and consider it appropriate to define the term ‘first flush’ as it is used in the introduction of the chapter. Therefore, I consider the definition proposed by WCC is appropriate as it is consistent with definitions used in District Plans throughout the country for stormwater management, and the definition will assist with plan interpretation and implementation.

Hydraulic Neutrality and related terminology

100. I note the concern of Survey & Spatial New Zealand Wellington Branch [439.11] and Rimu Architects Ltd [318.11] to the proposed Hydraulic Neutrality definition, including the concern that application of this definition would remove existing use rights. In my opinion, this would

not occur as a result of including the definition. Council cannot take away existing use rights as set out by s10 of the RMA, and the rule requiring hydraulic neutrality for new developments is no different from any other rule that imposes a new and more stringent requirement as compared to a previous district plan. To make an 'existing use rights' argument, the onus is on the applicant to prove they apply, and they only apply if the use was lawfully established before the proposed plan was notified and the effects are the same or similar in character, scale and intensity. The use of the phrase 'undeveloped state' within the definition will, however, limit an applicant's ability to use an existing environment argument in the resource consent process.

101. The purpose for requiring modelling to an undeveloped state within the hydraulic neutrality policy framework is to give effect to 3.5(4) of the NPS-FM 2020 which states:

'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.'

102. Requiring hydraulic neutrality for new development will assist with managing stormwater on site, and mitigate the effects that stormwater runoff can have on the stormwater network and the wider receiving environment. The inclusion of the phrase 'undeveloped state' is consistent with WWL's guidance document "Managing Stormwater Runoff – the use of approved solutions for hydraulic neutrality", which in paragraph 4.2 defines pre-development as the site before it was developed, (i.e. it is undeveloped).

103. I agree with Wellington City Council [266.53] that 'undeveloped state' needs to be defined as it is key to achieving consistent implementation of rules THW-R5 and THW-R6. Informal and without prejudice discussions have occurred between WCC, GWRC and WWL to determine an appropriate definition. This included considering matters of regional consistency and to ensure that the implementation of the modelling required by the definition is feasible.

104. Ms Nitsche's evidence outlines the proposed approach, including:

- a. That the modelled state should be consistent with the modelling required by Wellington Water [Quick Reference Guide for Design Storm Hydrology; Standardised Parameters for Hydrological Modelling, April 2019](#)
- b. That 'undeveloped state' is most appropriately defined as a grassed state.

105. Although I have already noted (in paragraph 21) that the PC1 provisions have little weight in the PDP process, in my opinion the notified definition of hydraulic neutrality and the proposed definition of undeveloped state are consistent with the relevant definitions in PC1.

106. 'Undeveloped state' has also been used by other Councils such as Auckland Council though it is

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| <p><u>UNDEVELOPED STATE:</u> <u>The modelled grassed (pastoral or urban open space) state of the site prior to urban development.</u></p> |
|---|

not defined in their guidance for [Stormwater Management Devices in the Auckland Region](#) and Waikato Regional Council used the term 'predevelopment' in the [Waikato stormwater management guideline](#) but clarified in the document that this is a pastoral state. Therefore, in order to be consistent with other District Plans but to have a clear, directive definition, I recommend the definition is as follows:

Summary of recommendations

107. HS5-THW-Rec4: That submission points relating to 'Definitions' are accepted/rejected as detailed in Appendix B.
108. HS5-THW-Rec5: That the definition be amended as set out below and detailed in Appendix A.

NATURAL INLAND WETLAND:

(a) in the coastal marine area; or

(b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or

(c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or

(d) a geothermal wetland; or

(e) a wetland that:

(i) is within an area of pasture used for grazing; and

(ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless

(iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply

109. HS5-THW-Rec6: That the definition be amended as set out below and detailed in Appendix A.

CONSTRUCTED WETLAND:

Means an artificial wetland that can be designed for flood control in addition to be used for natural processes involving wetland vegetation, soils, and their associated microbial assemblages to treat domestic wastewater, industrial wastewater, greywater or stormwater runoff, to improve water quality.

110. HS5-THW-Rec7: That the definition be amended as set out below and detailed in Appendix A.

UNDEVELOPED STATE:

The modelled grassed (pastoral or urban open space) state of the site prior to urban Development.

111. HS5-THW-Rec8: That the definition be amended as set out below and detailed in Appendix A.

FIRST FLUSH
means the initial surface runoff from a storm event. Initial runoff from highly impervious areas typically has high concentrations of pollutants compared to the remainder of the storm.

Section 32AA evaluation

112. I have undertaken a s32AA evaluation for the inclusion of new three waters definitions. I consider that:

- a. The changes will provide greater clarity for interpretation of the notified three water provisions and enable better implementation of the provisions;
- b. The Changes mean the PDP will better give effect to the NPS-FM 2020;
- c. They are more efficient and effective than the notified provisions in achieving the objectives of the District Plan; and
- d. They are consistent with the notified objectives of the PDP.

113. The environmental, economic, social and cultural effects of the recommended amendments are detailed below. The effects are loosely grouped into four categories for convenience but have some category overlap.

| | |
|---------------|---|
| Environmental | <p>There are unlikely to be any environmental costs compared to the notified provisions as set out in the Three Waters s32 report.</p> <p>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 infrastructure levels of service.</p> |
| Economic | <p>For some new developments there will be increased costs as a result of having to comply with the requirements, e.g. install systems to manage stormwater peak flows and volume.</p> <p>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.</p> |
| Social | <p>There are unlikely to be any social costs compared to the notified proposal.</p> |

| | |
|----------|---|
| | Provides additional capacity in the stormwater system to accommodate increased rainfall intensity and assist with climate change adaptation. |
| Cultural | <p>These benefits will be received by the community at large.</p> <p>Compared to the notified proposal, no cultural costs have been identified.</p> <p>Over time they will help reduce stormwater discharges and contaminants to the natural environment, which will enable increased use of coastal and freshwater bodies for recreation and food gathering.</p> |

3.5 Introduction

Matters raised by submitters

114. Wellington City Council [266.58] seeks amendments to the chapter Introduction to align with the wording of the NPS-FM:

| |
|--|
| <p>Three Waters introduction: (...) Te Mana o te Wai <u>is a hierarchal framework</u> that means that the health and wellbeing of water <u>bodies and freshwater ecosystems</u> must be prioritised <u>first</u>, followed by the health needs of people and then the ability for people and communities to provide for their social, economic and cultural well-being now and in the future. The Three Waters chapter in the District Plan has a role to play by promoting positive effects and avoiding, remedying or mitigating adverse effects of urban development on water in relation to three waters infrastructure, by including objectives, policies and rules which help to achieve these outcomes and contribute towards <u>gives effect to</u> Te Mana o te Wai.</p> <p>The projected increase in urban development in the city will put additional pressure on the existing stormwater network due to increased runoff, with this likely to be further exacerbated by future climate change-induced flooding events. To address this, all new subdivision and development will need to demonstrate that the discharge quantity, and flow rate of associated stormwater runoff generated is no greater than the peak runoff and volumes discharged from the site in an undeveloped state. New development will also need to include water sensitive design methods so that development contributes to promoting positive effects and avoids, remedies or mitigates adverse effects on the health and well-being of water.</p> <p>Degradation of water quality in urban freshwater ecosystems can occur when stormwater runoff from impervious surfaces is channelled directly into streams and rivers. The ‘first flush’ of stormwater during a rain event can include higher levels of contaminants. New development using copper or zinc building materials (two common contaminants) will need to treat these surfaces or the stormwater from these surfaces to avoid copper or zinc from entering stormwater. New development will also need to include water sensitive design methods so that development contributes to promotes positive effects and avoids, remedies or mitigates adverse effects on the health and well-being of <u>water bodies, freshwater ecosystems and receiving environments</u>. The adoption of stormwater capture and retention and water sensitive design techniques will assist in managing the environmental effects of the ‘first flush’ of stormwater as well as peak flows and volumes.</p> |
|--|

115. Survey & Spatial New Zealand Wellington Branch [439.8] considers the discussion in the Introduction about hydraulic neutrality is forcing developments (particularly multi-unit developments) to over-compensate for stormwater discharges. They are seeking the following amendments:

Three Waters introduction:

(...)

The projected increase in urban development in the city will put additional pressure on the existing stormwater network due to increased runoff, with this likely to be further exacerbated by future climate change-induced flooding events. To address this, all new subdivision and development will need to demonstrate that the discharge quantity, and flow rate of associated stormwater runoff generated is no greater than the peak runoff and volumes discharged from the site in ~~its current an undeveloped~~ state. New development will also need to include water sensitive design methods, where practical, so that development contributes to promoting positive effects and avoids, remedies or mitigates adverse effects on the health and well-being of water.

(...)

In response to these challenges, Council has a significant role, future growth and development in the city will be managed via Council's programmed upgrades and also through the District Plan to...

116. Taranaki Whānui ki te Upoko o te Ika [389.54] seeks amendment to mention the role of Taranaki Whānui, transitioning to Entity C and Three Waters reform within the introduction. Specific wording is not provided.
117. The Sustainability Society [339.2] considers that the Three Waters chapter introduction should be clarified to avoid confusion and ensure robust retention of stormwater can be achieved when mentioning peak runoff flowrates and overall stormwater volumes.

- a. Supported by Wellington City Council Environmental Reference Group [FS112.3].

Three Waters introduction:

(...)

"To address this, all new subdivision and development will need to demonstrate that the discharge quantity (volume), and flow rate of associated stormwater runoff generated is no greater than the pre developed volume and peak runoff flowrate and volumes discharged from the site in an undeveloped state."

118. Kāinga Ora Homes and Communities [391.92 and 391.93] state that the Three Waters chapter introduction is generally supported, but references to Natural Hazard Overlays should be replaced with Natural Hazard Area.

- a. Opposed by Greater Wellington Regional Council [FS84.56] and Toka Tū Ake EQC

Three Waters introduction:

(...)

Other relevant District Plan Provisions

...

- Natural Hazards - the Natural Hazards chapter addresses subdivision, use and development in the Natural Hazard ~~Overlays~~ areas.

[FS70.50].

Assessment

119. I agree with the WCC [266.58] that amendments are required to the Introduction to better align the Three Waters chapter with the NPS-FM 2020 requirements for Territorial Authorities under clause 3.5(4), and to add clarity by deleting repetitive wording.
120. I do not agree with the amendments requested by Survey & Spatial New Zealand Wellington Branch [439.8] as they would not be consistent with the purpose of the chapter, which in relation to stormwater is to require on-site management of stormwater to assist with managing network capacity, managing flows and volumes and contribute to water quality improvements.
121. While I acknowledge that the Council (and by extension WWL) play a role in expanding and upgrading three waters infrastructure, ensuring that the adverse effects of new development on the existing three waters infrastructure and water quality and quantity is managed at source is a key part in achieving better quality three water outcomes for Wellington City and giving effect to the NPS-FM.
122. I agree in part with the Sustainable Society [339.2] (supported by the WCCERG FS112.3) that adding 'volume' in the introduction adds clarity and recommend amending the introduction accordingly. I disagree that 'pre-developed' needs to be inserted as this would only 'double-up' on wording and add confusion with slightly different use of terminology.
123. I don't agree with Taranaki Whānui [389.54] that the chapter introduction should be amended to include a reference to the Three Waters reform as this is a separate legislative process, which is yet to reach a conclusion.
124. I do not agree with Kāinga Ora Homes and Communities [391.92 and 391.93] that a change to the terminology from 'overlay' to 'areas' is required, as the term 'overlay' is consistent with the rest of the District Plan and consistent with the terminology in the National Planning Standards.

Summary of recommendations

125. HS5-THW-Rec9: That submission points relating to 'Introduction' are accepted/rejected as detailed in Appendix B.

126. HS5-THW-Rec10: That the Introduction to the Three Waters Chapter be amended as set out below and detailed in Appendix A.

Three Waters introduction:

(...)

Te Mana o te Wai is a hierarchical framework that means that the health and wellbeing of water bodies and freshwater ecosystems must be prioritised first, followed by the health needs of people and then the ability for people and communities to provide for their social, economic and cultural well-being now and in the future. The Three Waters chapter in the District Plan has a role to play by promoting positive effects and avoiding, remedying or mitigating adverse effects of urban development on water in relation to three waters infrastructure, by including objectives, policies and rules which help to achieve these outcomes and ~~contribute towards~~ gives effect to Te Mana o te Wai.

The projected increase in urban development in the city will put additional pressure on the existing stormwater network due to increased runoff, with this likely to be further exacerbated by future climate change-induced flooding events. To address this, all new subdivision and development will need to demonstrate that the discharge quantity and flow rate of associated stormwater runoff generated is no greater than the peak runoff and volumes discharged from the site in an undeveloped state. ~~New development will also need to include water sensitive design methods so that development contributes to promoting positive effects and avoids, remedies or mitigates adverse effects on the health and well-being of water.~~

Degradation of water quality in urban freshwater ecosystems can occur when stormwater runoff from impervious surfaces is channelled directly into streams and rivers. The ‘first flush’ of stormwater during a rain event can include higher levels of contaminants. New development using copper or zinc building materials (two common contaminants) will need to treat these surfaces or the stormwater from these surfaces to avoid copper or zinc from entering stormwater. New development will also need to include water sensitive design methods so that development contributes to promotes positive effects and avoids, remedies or mitigates adverse effects on the health and well-being of water bodies, freshwater ecosystems and receiving environments. The adoption of stormwater capture and retention and water sensitive design techniques will assist in managing the environmental effects of the ‘first flush’ of stormwater as well as peak flows and volumes.

3.6 Objectives

THW-O1

Matters raised by submitters

127. Tyers Stream Group [221.9], Claire Nolan et al [275.9] and WCC Environmental Reference Group [277.6] support THW-O1 and seek that it be retained as notified.
128. Heidi Snelson, Aman Hunt, Chia Hunt, Ela Hunt [276.6] considers ‘Well functioning urban environment’ does not apply to THW-O1 because it does not comply with points d, f and g in the definition of Well functioning urban environment’ within the PDP.

Assessment

129. Heidi Snelson et al. [276.6] have not provided any details of specific relief sought. While well-functioning urban environment is not mentioned in the Three Waters chapter, having well-functioning three waters infrastructure is the goal of this chapter and will contribute to a ‘Well-functioning urban environment’. I do not recommend any changes to THW-O1 in response to

this submission.

Summary of recommendations

130. HS5-THW-REC11: That submissions on the 'THW-O1' are accepted/rejected as detailed in Appendix B.
131. HS5-THW-REC12: That THW-O1 is to be retained as notified.

THW-O2

Matters raised by submitters

132. Several submitters [221.10, 273.21, 350.22, 377.26 and 391.94] support THW-O2 and seek that it is retained as notified.
133. Heidi Snelson et al [276.7] considers 'Well functioning urban environment' does not apply to THW-O2 because it does not comply with points d, f and g in the definition of 'Well functioning urban environment' within the PDP.
134. Tyers Stream Group [221.10] seeks amendment to THW-O2 to require that sufficient capacity be in place before and subdivision, use or development takes place.
135. Survey & Spatial New Zealand Wellington Branch [439.10] considers the objective should also refer to Council's ability to fund infrastructure via development contributions.

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. Development contributions are levied for infrastructure upgrades; or
3. It can be satisfactorily serviced through an alternative means where existing three waters infrastructure capacity and/or level of service is insufficient.

Assessment

136. I reach the same conclusion in response to Heidi Snelson et al [276.7] in relation to Objective THW-O2 as I did for THW-O1. No changes are recommended to the objective wording.
137. Tyers Stream Group [221.10] submission point aligns with the general intent of the objective. However, in my opinion, by only allowing for subdivision, use or development where there is sufficient capacity, the opportunity for increased development to meet housing need and the requirements of the NPS-UD where there is an alternative means of servicing would be lost.
138. I do not agree with the relief sought by the Survey & Spatial New Zealand Wellington Branch [439.10]. The purpose of the objective is to enable development where there is existing or planned capacity or an alternative means of servicing. Whether or not development contributions are levied is immaterial and not the determinant of whether there is capacity in

the network – development contributions are a funding mechanism for infrastructure rather than a trigger or threshold for development. I would note that the 21-22 WCC Development Contributions Policy, which was adopted in May 2022, sets a city-wide development contribution of \$347 per Equivalent Household Unit (EHU) for stormwater. As described in the economic assessment in Appendix C of this report, Wellington faces a significant stormwater quality and quantity challenge and the estimates to upgrade the stormwater system only (to meet government-set quality standards) are between \$72,000 and \$124,000 per new dwelling – at least 200 times greater than the current contribution⁸.

Summary of recommendations

139. HS5-THW-REC13: That submissions on the 'THW-O2' are accepted/rejected as detailed in Appendix B.
140. HS5-THW-REC14: That THW-O2 is to be retained as notified.

THW-O3

Matters raised by submitters

141. Trelissick Park Group [168.4], Kāinga Ora Homes and communities [391.95] and Tyers Stream Group [221.12] supports THW-O3 and seeks that it be retained as notified.
142. Stratum Management Limited [249.1 and 249.3] and Retirement Villages Association of New Zealand Incorporated [350.28] seek to amend THW-O3 to support stormwater attenuation only where there are infrastructure constraints.
143. Stratum Management Limited [249.2] seeks to amend THW-O3 to remove its applicability to the City Centre zone.
144. Heidi Snelson et al [276.8] consider 'Well functioning urban environment' does not apply to THW-O3 because it does not comply with points d, f and g in the definition of 'Well functioning urban environment' within the PDP.
145. WCC Environmental Reference Group [377.27] seeks to amend THW-O3 to remove the reference to 'urban areas'.
146. Survey & Spatial New Zealand Wellington Branch [439.11] seeks to amend THW-O3 so the provision refers to the current disposition of a site.

THW-O3 (Hydraulic neutrality):

There is no increase in offsite stormwater peak flows and volumes from current levels as a result of subdivision, use and development in urban areas.

Assessment

147. I reach the same conclusion in response to Heidi Snelson et al [276.7] in relation to Objective

⁸ Executive Summary – page 1

THW-O3 as I did for THW-O1 (at paragraph 129). No changes are recommended to the objective wording.

148. I do not agree with Survey & Spatial New Zealand Wellington Branch [439.11] for the same reasons as set out in paragraph 100 in relation to amendments to the hydraulic neutrality definition. No changes are recommended in response to this relief.
149. I do not agree with WCC Environmental Reference Group [377.27] as the urban areas are where the reticulated stormwater network is located and hence where the opportunities are for managing quality and quantity from urban development. The expectation in non-urban areas is that there are significantly greater areas of permeable surfaces, which assist in managing peak flows and volumes through discharge to land rather than the piped network. No changes are therefore recommended in response to the relief sought.
150. I do not agree with Survey & Spatial New Zealand Wellington Branch [439.11] that the requirements for hydraulic neutrality should not apply to the City Centre Zone as that is not consistent with the intent of the chapter. The submitter provides no evidence or evaluation for this change. No changes are recommended in response to the relief sought.
151. I do not agree with the relief sought by Stratum Management Limited [249.1 and 249.3] and Retirement Villages Association of New Zealand Incorporated [350.28] as the provisions 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 are proposed. As set out in the s32 report⁹, 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.
152. As set out in my discussion of the definition of Hydraulic Neutrality, I do not agree with Survey & Spatial New Zealand Wellington Branch [439.11]. I note that the use of undeveloped state limits the ability to use an existing environment argument in the resource consent process. The intention of requiring modelling to an undeveloped state within the hydraulic neutrality policy framework is to manage onsite stormwater in order to mitigate the effects that stormwater runoff can have on the stormwater network, and the wider receiving environment (giving effect to 3.5(4) of the NPS-FM 2020).

Summary of recommendations

153. HS5-THW-REC15: That submissions on the 'THW-O3' are accepted/rejected as detailed in Appendix B.
154. HS5-THW-REC16: That THW-O3 is to be retained as notified.

3.7 Policies

⁹ Section 32 – Part 2 – Three Waters. Page 7.

THW-P1 Water Sensitive Design

Matters raised by submitters

155. Several submitters Trelissick Park Group [168.5], Kāinga Ora Homes and Communities [391.96], Tyers Stream Group [221.13], Mt Victoria Residents Association [342.20], Greater Wellington Regional Council [351.83], Woolworths New Zealand [359.23] and Te Rūnanga o Toa Rangatira [488.40] support THW-P1 and seek that the provision be retained as notified.
156. Stratum Management Limited [249.4] opposes THW-P1 and seeks the provision be deleted in its entirety.
157. Wellington City Council [266.62] seeks to amend THW-P1 to integrate 'first flush' measures into the policy.
- a. Supported by Greater Wellington Regional Council [FS84.7].

THW-P1 (Water sensitive design)

Water sensitive design methods are incorporated into new subdivision and development and they are designed, constructed and maintained to:

1. Improve the health and well-being of water bodies and freshwater ecosystems;
2. Avoid or mitigate off-site effects from surface water runoff;
- ~~3.~~ 3. Address the effects of first flush;
- ~~4.~~ 4. Demonstrate best practice approach to the management of stormwater quality and quantity;
- ~~4.~~ 5. Reduce demand on water supplies; and
- ~~5.~~ 6. Reduce wastewater overflows.

158. Heidi Snelson et al [276.9] consider 'Well functioning urban environment' does not apply to THW-P1 because it does not comply with points d, f and g in the definition of 'Well functioning urban environment' within the PDP.
159. Phillipa O'Connor [289.5] and Woolworths New Zealand [359.24] seek to amend THW-P1 to replace the wording 'incorporated into' with 'promoted in'.

THW-P1 (Water sensitive design):

Water sensitive design methods ~~are incorporated into~~ promoted in new subdivision and development and they are designed, constructed and maintained to:

- 1 Improve the health and well-being of water bodies and freshwater ecosystems;
2. Avoid or mitigate off-site effects from surface water runoff;
3. Demonstrate best practice approach to the management of stormwater quality and quantity;
4. Reduce demand on water supplies; and
5. Reduce wastewater overflows.

160. Retirement Villages Association of New Zealand Incorporated [350.29 and 350.30] seeks to remove parts of the policy that are not linked to the effects of the particular development. No specific amendment was identified.
161. Greater Wellington Regional Council [351.84] seeks to amend THW-P1 to include an additional sub-clause to also achieve other amenity, recreational, climate and cultural outcomes.

THW-P1 (Water sensitive design):

...

6. where feasible, provide for multiple uses including improving amenity, recreation, cultural, ecological and climate values.

162. Greater Wellington Regional Council [351.85] also seeks to amend THW-P1 to consider specifying the extent of reduction in wastewater overflows sought, including any necessary consequential amendments.
163. WCC Environmental Reference Group [377.28] seeks to amend THW-P1 to clarify if the provision is trying to reduce wastewater overflows city wide or reduce wastewater overflows in comparison to the status quo.

- a. Opposed by The Retirement Villages Association of New Zealand Incorporated [FS126.215] and Ryman Healthcare Limited [FS128.215].

THW-P1 (Water sensitive design):

...

5. Reduce Avoid wastewater overflows wherever practicable.

164. Survey & Spatial New Zealand Wellington Branch [439.12] seeks to amend THW-P1 to remove the sub-clause to reduce wastewater overflows.

THW-P1 (Water sensitive design):

Water sensitive design methods are incorporated into new subdivision and development and they are designed, constructed and maintained to:

1. Improve the health and well-being of water bodies and freshwater ecosystems;
2. Avoid or mitigate off-site effects from surface water runoff;
3. Demonstrate best practice approach to the management of stormwater quality and quantity; and
4. Reduce demand on water supplies.; ~~and~~
- ~~5. Reduce wastewater overflows~~

165. Te Rūnanga o Toa Rangatira [488.40 and 488.41] seeks to amend THW-P1 to add a reference to Te Whanganui a Tara and Porirua Whaitua Implementation.

THW-P1 (Water sensitive design):

...

5. Reduce wastewater overflows so that the objectives of Te Whanganui a Tara and Porirua Whaitua Implementation can be delivered.

Assessment

166. I agree with Stratum Management Limited [249.4] that the policy will introduce a universal requirement for water sensitive urban design – this is the intent. When read with rule THW-R4 this applies to four or more residential units and non-residential activities. The proposed matters of discretion recognise that the extent to which this can be achieved will vary between sites. The onus is on the applicant to show how they've complied.
167. I also agree that there will be additional costs associated with meeting this requirement – this was evaluated in the s32 report, and the overall benefits were assessed as outweighing the economic, social, environmental and cultural costs. WCC commissioned an additional economic assessment subsequent to preparation of the s32 report (Appendix C). This report concluded that the net present value per dwelling for construction and maintenance as between \$20,900 and \$23,500 over a 50-year lifespan, based on two case studies¹⁰. There will also be benefits from this approach, including the potential to sell properties with WSUD features at a premium. The economic assessment estimates a value uplift of between \$15,400 and \$21,400 per dwelling – the denser the development typology the higher the value¹¹. These costs must be compared to the otherwise significant development contribution costs that would be required to upgrade the stormwater system to meet growth projects. These are estimated to, on average, be between \$72,000 and \$124,000 per dwelling.
168. I agree with WCC [266.62] (supported by GWRC [FS84.7]) that Policy THW-P1 should be amended as they have requested. 'First flush' is the initial surface runoff after a rainstorm. During this phase the water entering the stormwater network comes from areas with impervious surfaces that have likely accumulated pollutants such as heavy metals and sediment particles. I consider this to be addressed in subclause 1 and 2 of the policy as well as in the introduction of the chapter, and I therefore do not consider it necessary to add an additional explicit subclause.
169. I reach the same conclusion in response to Heidi Snelson et al [276.7] in relation to Policy THW-P1 as I did for THW-O1 (at paragraph 129). No changes are recommended to the policy wording.
170. I do not agree with Survey & Spatial New Zealand Wellington Branch [439.12], taking into consideration the guidance on the Council's website for Water Sensitive Urban Design. The historical design and construction of some of the city's three waters infrastructure exacerbates

¹⁰ GHD (2023) Economic assessment – Requirements for water sensitive design for four-plus unit developments – 8 February 2023 – sections 5.3.1 and 5.3.2

¹¹ Ibid - Section 5.4.2

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 particularly during high rainfall events. Greater Wellington Regional Council advises that people avoid swimming at beaches for at least two days following heavy rainfall. Wastewater overflows also occur in these instances and beaches are required to be closed due to pollution levels.¹² Therefore by managing stormwater quantity, there is a reduction in wet weather wastewater overflows caused by rainfall entering the wastewater network.¹³

171. However, wastewater overflows are also caused by events that are unrelated to stormwater management which the policy is intended to manage, and is difficult to quantify, therefore I do not agree with Greater Wellington Regional Council [351.85] and WCC Environmental Reference Group [377.28] that it would be beneficial to state the extent of reduction in wastewater overflows sought.
172. In response to Greater Wellington Regional Council [351.84], I consider that there will be unintended positive benefits of implementing water sensitive urban design, particularly for amenity. The relief sought is to be consistent with a proposed policy in the RPS which has little legal weighting, therefore I recommend rejecting it.
173. While aiming to reduce wastewater overflows will help achieve the objectives of Te Whanganui a Tara and Porirua Whaitua Implementation Plans, I do not agree with Te Rūnanga o Toa Rangatira [488.40 and 488.41] that the plans should be referenced in the policy, as it is not the only benefit of reducing stormwater overflows. Accordingly, I do not recommend changing the policy wording.
174. With regard to the relief sought by the Retirement Villages Association of New Zealand Incorporated [350.29 and 350.30], the inclusion of the subclause for water sensitive urban design to improve the health and well-being of water bodies and freshwater ecosystems comes directly from the NPS-FM 2020 clause 3.5(4) for the integrated management of water. I agree with the submitter that, to an extent, the existing issues we have with our three-waters infrastructure have been caused by historic development. However, as set out in the s32 report¹⁴, to continue to manage the network in an *ad hoc* manner will result in further decline of the network. I also disagree that there are aspects to the policy that are not linked to particular effects of development. I consider the purpose of the policy is to mitigate the effects of development on three waters infrastructure and the effects of development on the receiving environment.
175. I do not agree with Phillipa O’Connor [289.5]. Replacing ‘incorporated into’ with ‘promoted in’ will weaken the policy wording and undermine the intent of the policy for improved stormwater management outcomes, and for the PDP to give effect to 3.5(4) of the NPS-FM 2020. This policy and rule deliberately provide for flexibility and take into consideration site and other

¹² Wellington City Council. *Tō mātou mahere ngahuru tau. Our 10-Year Plan*. Retrieved December 15, 2022, from <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/plans-and-policies/longtermplan/2021-31/wcc-long-term-plan-2021-31-volume-1.pdf?la=en&hash=F2462CB9DAD2300511A9D2368DDFA13ECE09B67E>

¹³ <https://www.wellingtonwater.co.nz/resources/topic/wastewater/>

¹⁴ Section 32 Evaluation Report Part 2: Three Waters. Page 8.

development constraints, and do not conflict with other requirements. I do not consider that the policy framework conflicts with other policy requirements from the NPS-UD 2020, rather, the intention is to be complimentary to the intensification requirements in order to achieve a well-functioning urban environment.

Summary of recommendations

176. HS5-THW-Rec17: That submission points relating to 'THW-P1' are accepted/rejected as detailed in Appendix B.

177. HS5-THW-Rec18: That THW-P1 is retained as notified.

THW-P2 Building materials

Matters raised by submitters

178. Tyers Stream Group [221.14], WCC Environmental Reference Group [377.29] and Kāinga Ora Homes and Communities [391.97] support THW-P2 and seek that the provision be retained as notified.

179. Rimu Architects Ltd [318.14] seeks to amend THW-P2 to acknowledge that the use of copper roofing and downpipes enhances the safety of roof water when it is used as drinking water.

180. Kāinga Ora Homes and Communities [391.98] seeks to amend THW-P2 to match the rule wording, where it may be appropriate to use these building materials in some instances where there are no impacts on the stormwater system.

a. Opposed by Greater Wellington Regional Council [FS84.76].

THW-P2 (Building Materials):

The ~~use of copper and zinc building materials is avoided or the~~ effects of copper and zinc entering the stormwater system from the use as roofing and guttering materials are mitigated through the use of appropriate treatment.

Assessment

181. I agree in part with by Kāinga Ora [391.98] as the use of 'avoid' contradicts the intent of the policy framework. I consider that in order to achieve the intent of the policy, it would also need to apply to all building materials and have amended the wording as follows:

THW-P2 (Building Materials):

The ~~use of copper and zinc building materials is avoided or the~~ effects of copper and zinc entering the stormwater system from the use as roofing, guttering and building materials are mitigated through the use of appropriate treatment.

182. In response to Rimu Architects Ltd [318.14], this policy relates to managing the cumulative effects of the use of copper or zinc cladding and/or roofing materials on the stormwater network. Though the policy framework does not prevent copper roofing or downpipes being

used for drinking water, though acknowledging the use of piping material for drinking water safety is not within scope of the District Plan. I therefore recommend no changes be made based on this submission.

Summary of recommendations

183. HS5-THW-REC19: That submissions on the 'THW-P2' are accepted/rejected as detailed in Appendix B.
184. HS5-THW-REC20: That THW-P2 be amended as set out below and detailed in Appendix A.

THW-P2 (Building Materials):

The ~~use of copper and zinc building materials is avoided or the~~ effects of copper and zinc entering the stormwater system from their use as roofing, guttering and building materials are mitigated through the use of appropriate treatment.

THW-P3 Infrastructure-enabled urban development

Matters raised by submitters

185. Several submitters Tyers Stream Group [221.15], Fire and Emergency New Zealand [273.22], Claire Nolan et al. [275.10], Retirement Villages Association of New Zealand Incorporated [350.31], WCC Environmental Reference Group [377.30] and Kāinga Ora Homes and Communities [391.99] support THW-P3 and seek that the provision be retained as notified.
186. Tyers Stream Group [221.16] seeks that THW-P3 is amended to require that sufficient capacity be in place before subdivision, use or development takes place. No specific relief was sought.
187. The Retirement Villages Association of New Zealand Incorporated [350.32] seeks that THW-P3 be amended to remove overlap within THW-P4. No specific relief was sought.
188. The Survey & Spatial New Zealand Wellington Branch [439.13] seeks that WCC considers that enabling infrastructure should also refer to Council's ability to fund development via Development Contributions.

THW-P3 (Infrastructure enabled urban development):

New subdivision, use or development is enabled in urban areas that have existing or planned three waters infrastructure capacity, including via development contributions, to meet growth demand in the short to medium term

Assessment

189. I do not agree with Survey & Spatial New Zealand Wellington Branch [439.13]. Development Contributions are enabled under the Local Government Act 2002, and the WCC development contribution policy is set separately of the District Plan process. Planned capacity is demonstrated through projects identified in the LTP. Development contributions would go to

helping to fund those projects, but in and of themselves don't create the capacity nor the projects.

190. As there is no specific relief sought by Tyers Stream Group [221.16], I consider the submission to be consistent with the policy direction set out in THW-P3, therefore no changes are recommended.
191. I do not agree with the Retirement Villages Association of New Zealand Incorporated [350.32]. While there are similarities to the direction set out in THW-P3 and THW-P4, THW-P3 sets out guidance for the short to medium term and THW-P4 provides greater clarity for servicing and where development should be limited. Accordingly, I recommend that changes are not required to this policy.

Summary of recommendations

192. HS5-THW-REC21: That submissions on the 'THW-P3' are accepted/rejected as detailed in Appendix B.
193. HS5-THW-REC22: That THW-P3 is to be retained as notified.

THW-P4 Three waters infrastructure servicing

Matters raised by submitters

194. Tyers Stream Group [221.17], Greater Wellington Regional Council [351.86], Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.11], Fire and Emergency New Zealand [273.23] and Kāinga Ora Home and Communities [391.100] support THW-P4 and seeks that the provision be retained as notified.
195. Fire and Emergency New Zealand [273.24] seeks to amend THW-P4 to make reference to the FENZ Code of Practice.
196. Greater Wellington Regional Council [351.87] seeks that the Three Waters chapter provides for decentralised wastewater re-use and treatment (of grey and black water) and disposal using alternative wastewater systems (but not septic tanks, due to their existing issues with contamination and leaching) anywhere where there are constraints on the existing network capacity, as well as where connections are not available.
 - a. Supported by The Retirement Villages Association of New Zealand Incorporated [FS126.60] and Ryman Healthcare Limited [FS128.60].
197. Heidi Snelson et al [276.10] consider 'Well functioning urban environment' does not apply to THW-P4 because it does not comply with points d, f and g in the definition of 'Well functioning urban environment' within the PDP.
198. WCC Environmental Reference Group [377.3] seeks to amend THW-P4 to remove the reference to 'urban areas'.
199. Rimu Architects Ltd [318.15] seeks to amend THW-P4 to add a statement on upgrading

infrastructure to meet the level of service required to meet the requirements of permitted uses.

200. The Retirement Villages Association of New Zealand Incorporated [350.33 and 350.34] seeks to amend THW-P4 to remove overlap within THW-P3 (Infrastructure-enabled urban development) and ensure the policies provide for alternative servicing where there is not existing/planned capacity.
201. The Survey & Spatial New Zealand Wellington Branch [439.14] seeks to amend THW-P4 to remove references to limiting development unless there is sufficient infrastructure capacity or an alternative solution.

THW-P4 (Three water infrastructure servicing):

...

~~Limit For~~ subdivision and development in urban areas where existing three waters capacity and/or level of service is insufficient to service further development ~~unless~~ ensure:

1. It can be demonstrated there is an alternative solution to avoid or mitigate any adverse effects on the three waters infrastructure network and the health and wellbeing of water bodies and freshwater ecosystems.; ~~and~~

~~2. The additional demand generated will not necessitate additional unplanned public investment in, or expansion of, the three waters infrastructure network or compromise its ability to service other activities permitted within the zone.~~

202. The Thorndon Society [487.3] seeks to amend THW-P4 to change the wording.
- a. Supported by Thorndon Residents' Association Inc [FS69.85] and Historic Places Wellington Inc [FS111.76].

THW-P4 (Three water infrastructure servicing):

...

~~Limit subdivision and development in urban areas where existing three waters capacity and/or level of service is insufficient to service further development:~~ Where existing three waters capacity and/or level of service is insufficient to service further development then look at means of increasing capacity to enable subdivision and development in urban areas.

203. Kāinga Ora Homes and Communities [391.101] seeks to amend THW-P4 to recognise that development in urban areas may necessitate additional public investment in the expansion of the three waters infrastructure.

- a. Supported by Generation Zero [FS54.7], Stride Investment Management Limited [FS107.40] and Investore Property Limited [FS108.40].

THW-P4 (Three water infrastructure servicing):

...

~~Limit~~ Provide for subdivision and development in urban areas where existing three waters capacity and/or level of service is insufficient to service further development, including ~~and~~:

1. It can be demonstrated there is an alternative solution to avoid or mitigate any adverse effects on the three waters infrastructure network and the health and wellbeing of water bodies and freshwater ecosystems.; ~~and or~~

2. Additional public investment in three waters infrastructure is appropriate and possible to enable the planned urban built form of the underlying zone and achieve a compact urban form. ~~The additional demand generated will not necessitate additional unplanned public investment in, or expansion of, the three waters infrastructure network or compromise its ability to service other activities permitted within the zone~~

Assessment

204. I reach the same conclusion in response to Heidi Snelson et al [276.7] in relation to Policy THW-P4 as I did for THW-O1. No changes are recommended to the objective wording.
205. As identified in the Fire and Emergency New Zealand [273.24] submission, the Wellington Water Regional Standard for Water Services (WWRS) includes references to the New Zealand Firefighting Water Supplies Code of Practice. The WWRS is already referenced in rules THW-R1 and THW-R2. Accordingly, I do not consider it necessary to include a reference to the document directly into the policy framework, as the WWRS is incorporated by reference.
206. I do not agree with Greater Wellington Regional Council [351.87] that the chapter needs to provide for decentralised wastewater re-use and treatment for the same reasons set out in paragraph 71 of the general submission chapter.
207. With regard to Kāinga Ora Homes and Communities [391.101], Rimu Architects Ltd [318.15] and the Thorndon Society [487.3], I do not consider it within the scope of s30 of the RMA for district plan policy to direct public investment for three waters infrastructure as that sits within the Local Government Act 2002. As set out in the Introduction to the Three Waters chapter, Council funded expansion and upgrading of the three waters networks is a key component to improving levels of service, and this cannot be directed through the District Plan. I therefore recommend no change to the policy in response to this submission.
208. I do not agree with WCC Environmental Reference Group [377.3] as when there is development outside the boundaries of the reticulated three water infrastructure (the urban area), there are other measures for taking of drinking water (s14 of the RMA) and management of wastewater and stormwater discharges (s15 of the RMA), which fall within the regional council's jurisdiction and is managed by the PNRP. I recommend no change to the policy in response to this submission.

209. With regard to Survey & Spatial New Zealand Wellington Branch [439.14], I do not consider the policy is contrary to NPS-UD Policy 2, district-wide provisions of the PDP work together to provide sufficient 'plan enabled' capacity to meet expected demand for housing supply and business land in the short, medium and long term. This is set out in more detail in the [property economic assessment for WCC Character Areas](#).
210. The PDP forms part of an integrated approach by Council to the provision of development infrastructure to accommodate development over the life of the plan and beyond. In terms of development infrastructure, the provisions in the Three Waters Chapter (THW) require new development to provide additional three waters infrastructure capacity to adequately service the development, and avoid, remedy or mitigate the effects on the environment. These provisions do not work in isolation. The LTP proposes a total of \$2 billion to be invested in three waters infrastructure in the city to support development over this 10-year period¹⁵.
211. Applying the time frames from the NPS-UD, in terms of short-term investment to service growth (0 – 3 years), the LTP commits funding to infrastructure projects to service anticipated short-term demand. In the medium term (3 – 10-years), the investment required to service growth is identified although funding is not committed and will be reviewed and confirmed in the next iteration of the LTP (2024). The investment required to service growth in the long term (10 – 30-years) is identified in Council's Infrastructure Strategy and broadly set out in the LTP and will also be updated in the 2024 LTP.
212. With regard to the Retirement Villages Association of New Zealand Incorporated [350.33 and 350.34], I do not consider there is overlap between THW-P3 and THW-P4. While there are similarities to the direction set out in THW-P3 and THW-P4, THW-P3 sets out guidance for the short to medium term and THW-P4 provides greater clarity for servicing and where development should be limited. Accordingly, I recommend no change to the policy wording.

Summary of recommendations

213. HS5-THW-REC23: That submissions on the 'THW-P4' are accepted/rejected as detailed in Appendix B.
214. HS5-THW-REC24: That THW-P4 is to be retained as notified.

THW-P5 Hydraulic neutrality

Matters raised by submitters

215. Trelissick Park Group [168.5], Tyers Stream Group [221.18], WCC Environmental Reference Group [377.32], Michelle Rush [436.11] and Retirement Villages Association of New Zealand Incorporated [350.35] support THW-P5 and seeks that the provision be retained as notified.

¹⁵ Wellington City Council. Long Term Plan, page 18. <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/plans-and-policies/longtermplan/2021-31/wcc-long-term-plan-2021-31-volume-1.pdf?la=en&hash=F2462CB9DAD2300511A9D2368DDFA13ECE09B67E>

216. Heidi Snelson et al [276.11] considers ‘Well functioning urban environment’ does not apply to THW-P1 because it does not comply with points d, f and g in the definition of ‘Well functioning urban environment’ within the PDP.
217. Rod Halliday [25.19] seeks to amend THW-P5 to note that some areas of the city can achieve the intent of this policy due to the presence of the Stebbings Dam and Seton Nossiter Detention Structures.
- a. Opposed by Glenside Progressive Association (GPA) [FS4.1] and Heidi Snelson [FS24.5].
218. Stratum Management Limited [249.5] seeks to amend THW-P5 to apply in situations of insufficient infrastructure capacity.
219. The Retirement Villages Association of New Zealand Incorporated [350.36] seeks to amend THW-P5 so that hydraulic neutrality is not required (but is encouraged) where there is sufficient capacity in the downstream system and/or the effects of increased water flows can be managed effectively.
220. Stratum Management Limited [249.7] seeks to amend THW-P5 to exclude the City Centre Zone.
221. Stratum Management Limited [249.6] seeks to amend THW-P5 to continue to recognise the existing environment.
222. Phillippa O’Connor [289.6], Woolsworths New Zealand [359.25] and the Survey & Spatial New Zealand Wellington Branch [439.15] seek to amend THW-P5 to remove the reference to an ‘undeveloped state’ and replace with pre-developed state or current state.
- a. Supported by Stride Investment Management Limited [FS107.3] and Investore Property Limited [FS108.3].

Amend THW-P5 (Hydraulic neutrality) as follows:

Require new subdivision and development to be designed, constructed and maintained to sustainably manage the volume and rate of discharge of stormwater to the receiving environment so that the rate of offsite stormwater discharge is reduced as far as practicable to be at or below the modelled peak flow and volume for each site in an ~~undeveloped state~~ pre-developed state.

Assessment

223. I reach the same conclusion in response to Heidi Snelson et al [276.7] in relation to Policy THW-P5 as I did for objective THW-O1 (at paragraph 129). No changes are recommended to the policy wording.
224. I do not agree with Stratum Management Limited [249.6]. As discussed above, Council isn’t taking away existing use rights as set out by s10 of the RMA – the rule requirement is no different from any other rule that imposes a new and more stringent requirement as compared to a previous district plan. I do note that the use of ‘undeveloped state’ limits the ability to use an

existing environment argument in the resource consent process. The intention of requiring modelling to an 'undeveloped state' within the hydraulic neutrality policy framework is to manage onsite stormwater in order to mitigate the effects that stormwater runoff can have on the stormwater network, and the wider receiving environment (giving effect to 3.5(4) of the NPS-FM 2020).

225. I do not agree with Stratum Management Limited [249.5] and The Retirement Villages Association of New Zealand Incorporated [350.36] requesting hydraulic neutrality to apply in situations of insufficient infrastructure capacity. The provisions 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.¹⁶ Therefore, I recommend no changes be made.
226. I do not agree with Survey & Spatial New Zealand Wellington Branch [439.11] that the requirements for hydraulic neutrality should not apply to the City Centre Zone. This is not consistent with the intent of the chapter as set out in the Three Waters s32 report to achieve comprehensive on-site stormwater management. The submitter has also not provided a s32AA evaluation or any evidence beyond not wanting THW-P5 to apply to the City Centre Zone to substantiate this submission point.
227. I do not agree with Rod Halliday [25.19]. As discussed above, the provisions 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. As set out in the s32 report, the Operative District Plan is largely silent on Three Waters matters and continuing in an *Ad Hoc* manner would not achieve good stormwater management.¹⁷ While the dam may have capacity, as set out in the s32 for the subdivision chapter, Wellington Water provided the following advice:

"In order to exempt development from providing hydraulic neutrality WWL would need evidence that the Dam design had made detention allowance for the level of development proposed under the draft district plan for storm events of up to 1 in 100 years with climate change. WWL does not currently have that evidence and it would require significant work (both in terms of time and costs) to get this information."¹⁸

Summary of recommendations

228. HS5-THW-REC25: That submissions on the 'THW-P5' are accepted/rejected as detailed in Appendix B.

¹⁶ Three Waters s32 Report, Page 8.

¹⁷ Three Waters s32 Report, Page 7.

¹⁸ Subdivision s32 Report, Page 55.

229. HS5-THW-REC26: That THW-P5 is to be retained as notified.

New Policy

Matters raised by submitters

230. Wellington City Council [266.59] seeks to add a new policy for permeable surfaces.

- a. Supported by Greater Wellington Regional Council [FS84.3 and FS84.4] and Wellington City Council Environmental Reference Group [FS112.12].
- b. Opposed by The Retirement Villages Association of New Zealand Incorporated [FS126.238] and Ryman Healthcare Limited [FS128.238].

THW-P6 Permeable surface

Require development to provide a minimum level of permeable surface to assist with reducing the rate and amount of storm water run-off and improve water quality.

231. Greater Wellington Regional Council [351.76] seeks a new policy regarding financial contributions to be paid where stormwater treatment and management is provided offsite under a Stormwater Management Plan.

- a. Opposed by The Retirement Villages Association of New Zealand Incorporated [FS126.56] and Ryman Healthcare Limited [FS128.56].

232. Greater Wellington Regional Council [351.81] also seeks to add a new policy requiring new development to ensure there is an adequate available water supply, including consideration of how climate change may affect existing supplies and the need to develop further water supply sources as a result.

233. Greater Wellington Regional Council [351.82] also seeks to add a new policy to encourage water use efficiency, and for development design to manage water demand.

Assessment

234. I agree with Wellington City Council [266.59] that it is most appropriate to have the policies for the permeable surfaces in the Three Waters chapter as this chapter addresses management of stormwater. In order to be consistent with the Three Waters chapter and to support the inclusion of permeable surfaces in the matters of discretion of rule THW-R4, I have removed the reference of 'minimum level'.

THW-P6 Permeable surface

Require development to provide permeable surfaces to assist with reducing the rate and volume of storm water run-off and improve water quality.

235. I do not agree with Greater Wellington Regional Council [351.82] that a new policy regarding financial contributions should be added for the same reasons as set out in paragraph 67 of the assessment of general submission points.

236. I question whether having end use demand solutions as submitted by Greater Wellington Regional Council [351.82] is within the scope of the District Plan. Greater Wellington is responsible for managing the region's water supply and WWL manages the connections. However, in my opinion, if WCC was to adopt a solution for water demand management, the best practicable approach for Wellington City also sits outside the scope of the District Plan. WWL estimates show that on average 40% of the total amount of drinking water supplied is lost through leaks¹⁹ and there will likely be no measurable improvement in water demand by managing end use until there is a reduction in water loss through infrastructure and implementation of metering for water use, which will help identify leaks in both the public and private water supply networks. As set out in the [Mayoral Task force on the Three Waters Report](#):

The aged network is also more susceptible to bursts and leakage, and the amount of water lost in the network has been increasing accordingly. This problem has been exacerbated through reduced funding being allocated to active leak management. Water loss across the city's water network is difficult to calculate due to the relatively limited extent of consumption metering, but the calculated mean water loss for the region is 19% of the total water taken from the environment.

At more than 200 litres per person per day, average household water consumption is also well in excess of national and international benchmarks. The experience from the installation of household water meters at Kāpiti suggests that a reasonable proportion of this high water use is likely to come from water leaks on private property, especially given the relatively older age of Wellington's housing stock.²⁰

237. Both of these solutions for infrastructure upgrading and expansion, and the installation of household water metering, are managed through processes outside of the RMA.

Summary of recommendations

238. HS5-THW-REC27: That submissions on the 'New Policy' are accepted/rejected as detailed in Appendix B.

239. HS5-THW-REC28: That THW chapter is amended as set out below and detailed in Appendix A.

[THW-P6 Permeable surfaces](#)

[Require development to provide permeable surfaces to assist with reducing the rate and volume of storm water run-off and improve water quality.](#)

¹⁹ <https://www.wellingtonwater.co.nz/resources/topic/drinking-water/water-conservation/leaks/#:~:text=Current%20estimates%20show%20that%20on,network%20and%20on%20private%20properties.>

²⁰ The Mayoral Taskforce on the Three Waters Report 2021. Page 23.

Section 32AA evaluation

240. I have undertaken a s32AA evaluation for the inclusion of a new three waters policy with respect to permeable surfaces. I consider that:

- a. The new policy assists in giving effect to the NPS-FM 2020 and NPS-UD 2020 through the PDP;
- b. The change is considered more efficient and effective than the notified provisions in achieving the objectives of the District Plan; and
- c. It is consistent with the notified objectives of the PDP

241. The environmental, economic, social and cultural effects of the recommended amendments are detailed below.

| | |
|---------------|--|
| Environmental | There are unlikely to be any environmental costs compared to the notified provisions. There is potential for less environmental damage during storm events due to more capacity and resilience in the stormwater network. |
| Economic | There are unlikely to be any economic costs compared to the notified proposal. |
| Social | There are unlikely to be any social costs compared to the notified proposal. |
| Cultural | These benefits will be received by the community at large. Compared to the notified proposal, no cultural costs have been identified. |

3.8 Rules

THW-R1 Connection to existing three waters infrastructure – new residential buildings

Matters raised by submitters

242. Trelissick Park Group [168.7], Tyers Stream Group [221.19], Fire and Emergency New Zealand [273.25] and WCC Environmental Reference Group [377.33] support THW-R1 and seek that the provision be retained as notified.

243. Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.12] oppose THW-R1 as they consider that what is permissible needs more current analysis (given climate change pressures) and should be more localised.

244. Trelissick Park Group [168.8] seeks to amend THW-R1 to only refer to wastewater and water supply.

THW-R1.2 (Connection to existing three waters infrastructure – new residential buildings):

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with any of the requirements of THW-R1.1 [for Wastewater and Water supply](#) cannot be achieved.

245. Tyers Stream Group [221.30] seeks to amend THW-R1 to include a requirement to comply with the current status of the 3 waters infrastructure to be a permitted activity as per THW-R2.
246. Fire and Emergency New Zealand [273.26] seeks to amend THW-R1 to include a requirement for provision of a firefighting water supply in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 within the permitted activity standards and matters of discretion.
247. The Survey & Spatial New Zealand Wellington Branch [439.16] seeks to amend THW-R1 to remove reference to the Regional Standard for Water Services.

Assessment

248. As identified in the Fire and Emergency New Zealand [273.26] submission, the Wellington Water Regional Standard for Water Services (WWRS) includes references to the New Zealand Firefighting Water Supplies Code of Practice. The WWRS is already referenced in rules THW-R1 and THW-R2. Accordingly, I do not consider it necessary to include a reference to the document directly into the policy framework, as the WWRS is incorporated by reference.
249. In regard to Claire Nolan et al [275.12], the intent of the rule framework is that the state of local infrastructure be taken into consideration in the assessment, as set out by the WWRS.
250. After having further discussions with the Trelissick Park Group [168.8] to clarify their submission, I confirm that the submitter meant ‘prohibited’ activity status rather than ‘deleted’, as their submission stated “It is essential that all building developments, including infill housing, mandate at least neutral or lesser stormwater runoff, compared with pre-development.” If the rule framework excludes mention to stormwater supply as requested, this would mean that all activity related to stormwater connectivity would be assumed permitted under s9 of the RMA which states:

*(3) No person may use land in a manner that contravenes a district rule unless the use—
(a) is expressly allowed by a resource consent; or*

...

251. With the prohibited framework that is being requested, I do not agree having this approach as having such restrictive requirements as that approach to stormwater management is inconsistent with the NPS-UD 2020 as this would likely have an impact on development capacity. I consider that the general intent of the chapter as written is consistent with outcomes sought

by Trellisick Park Group to try and achieve neutral or lesser stormwater runoff, compared with pre-development and using the rule framework, if this cannot be achieved then the usage of alternative solutions is required as a part of the Hydraulic Neutrality and Water Sensitive Urban Design policy framework. I recommend that this rule is not amended.

252. I do not agree with Tyers Stream Group [221.30]. 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 3²¹ of the NPS-UD within these areas. As three waters infrastructure capacity is not considered a qualifying matter under s77G of the RMA, WCC cannot impose less enabling standards in these zones including the consideration of infrastructure capacity to potentially limit development capacity. Therefore, this was intentionally left out of the matters of discretion for 1-3 residential units, where the MDRS are applicable. I recommend that this rule is not amended.
253. I do not agree with Survey & Spatial New Zealand Wellington Branch [439.16] that THW-R1 should not refer to the WSRS. Reference to external documents to meet permitted activity standards is addressed at a general level in the Plan-wide section 42A report²². As noted in that report, the RMA specifically provides for incorporating material by reference in a district plan under section 75(5) and Part 3 of Schedule 1. Specifically, clause 30(c) of Schedule 1 of the Act states that “any other written material that deals with technical matters and is too large or impractical to include in, or print as part of, the plan or proposed plan” may be incorporated by reference in a proposed plan. As it relates to the WRWS, this document is over 120 pages long, and contains objectives, performance criteria, design methods and general specifications for stormwater, wastewater and water supply infrastructure. Therefore, I consider that the document meets the criteria in clause 30(c) of Schedule 1 of the RMA and amendments are not required to this rule.

Summary of recommendations

254. HS5-THW-REC29: That submissions on the ‘THW-R1’ are accepted/rejected as detailed in Appendix B.
255. HS5-THW-REC30: That THW-R1 is to be retained as notified.

²¹ 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 at 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;
- (d) and within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

²² Section 42A: Overview Report, page 9.

THW-R2 Connection to existing three waters infrastructure – four or more residential units and non-residential development

Matters raised by submitters

256. Trelissick Park Group [168.9], Fire and Emergency New Zealand [273.27], Retirement Villages Association of New Zealand Incorporated [350.37], WCC Environmental Reference Group [377.34] and Kāinga Ora Homes and Communities [391.102] support THW-R2 and seek that the provision be retained as notified.
257. Trelissick Park Group [168.10] seeks to amend THW-R2 to only refer to Wastewater and water supply.
- THW-R2.2 (Connection to existing three waters infrastructure – four or more residential units and non-residential development):

2. Activity status: Restricted Discretionary

Where:

a. Compliance with any of the requirements of THW-R1.1 [for Wastewater and Water supply](#) cannot be
258. Avryl Bramley [202.10] seeks to amend the THW-R2.1 activity status from ‘permitted’ to ‘restricted discretionary’ as we may not retain water ownership.
259. Tyers Stream Group [221.21] seeks to amend THW-R2.2 as the submitter is concerned that loose wording of matters of discretion such as ‘site constraints’ will mean that the intent will not be achieved given the prevalence of site constraints such as steep slopes across the city.
260. Fire and Emergency New Zealand [273.26] seeks to amend THW-R2 to include a requirement for the provision of a firefighting water supply in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 within the permitted activity standards and matters of discretion.
261. Claire Nolan et al [275.12] oppose THW-R2 as they consider that what is permissible needs more current analysis (given climate change pressures) and should be more localised.
262. The Survey & Spatial New Zealand Wellington Branch [439.17] seeks to amend THW-R2 to remove reference to three waters capacity and add minimum requirements for new connections into the District Plan as required by the Regional Standard for Water Services.
263. The Thorndon Society Inc [487.4 and 487.5] seeks to amend THW-R2.1 to remove the reference to non-residential buildings as they are concerned about non-residential buildings in residential areas.

- a. Supported by Thorndon Residents' Association Inc [FS69.86 and FS69.87] and Historic Places Wellington Inc [FS111.77 and FS111.78].

Amend THW-R2.1 (Connection to existing three waters infrastructure – four or more residential units and non-residential development) as follows:

1. Activity status: Permitted

Where:

a. It involves the construction of multi-unit housing, retirement villages, comprehensive development ~~or a non-residential building;~~

Assessment

264. I do not agree with the Thorndon Society Inc [487.4 and 487.5] as I note that rule THW-R2 applies to both residential and non-residential zones (except for General Rural Zone and Large Lot Residential Zone), as rules relating to non-residential buildings in residential zones are located in the residential zones. The intention of the rule is to address the effects of non-residential and larger residential developments on three waters infrastructure regardless of the zoning.
265. As identified in Fire and Emergency New Zealand [273.26], the WWRS includes references to the New Zealand Firefighting Water Supplies Code of Practice. The WWRS is already referenced in rules THW-R1 and THW-R2. Accordingly, I do not consider it necessary to include a reference to the document directly into the policy framework, as the WWRS is incorporated by reference.
266. I do not agree with Trelissick Park Group [168.10] for the same reasons as set out in paragraph 248. I recommend that this rule is not amended.
267. With regard to the relief sought by Claire Nolan et al [275.12], the intent of the rule framework is that the state of local infrastructure be taken into consideration in the assessment as set out by the WWRS.
268. I do not agree with Survey and Spatial New Zealand Wellington Branch [439.17] that THW-R2.1 should not refer to the WSRS. References to external documents to meet permitted activity standards is addressed at a general level in the Plan-wide section 42A report. As noted in that report, the RMA specifically provides for incorporating material by reference in a district plan under section 75(5) and Part 3 of Schedule 1. Specifically, clause 30(c) of Schedule 1 states that 'any other written material that deals with technical matters and is too large or impractical to include in, or print as part of, the plan or proposed plan' may be incorporated by reference in a proposed plan. This document is over 120 pages long, and contains objectives, performance criteria, design methods and general specifications for stormwater, wastewater and water supply infrastructure. The document applies to water infrastructure in both private developments as well as the maintenance, renewal and upgrades of existing council infrastructure. As such, I consider that the document meets the criteria in clause 30(c) of Schedule 1 of the RMA.
269. In response to Avryl Bramley [202.10] the matter of water ownership is not relevant for the PDP process. I recommend no change in response to this submission.

270. In regards to Tyers Stream Group [221.21] I do not agree that the use of the word 'site constraints' is 'loose wording'. The matter of discretion has been worded deliberately to allow for greater flexibility and a range of potential design solutions that can be adopted that are most appropriate for the site.

Summary of recommendations

4 HS5-THW-REC31: That submissions on the 'THW-R2' are accepted/rejected as detailed in Appendix B.

5 HS5-THW-REC32: That THW-R2 is to be retained as notified.

THW-R4 Incorporation of water sensitive design methods – four or more residential units and non-residential activity

Matters raised by submitters

271. The Trelissick Park Group [168.11] and WCC Environmental Reference Group [377.36] support THW-R4 and seeks that the provision be retained as notified.

272. The Trelissick Park Group [168.12], Phillippa O'Connor [289.7], Woolworths New Zealand and Retirement Villages Association of New Zealand Incorporated [350.38] seeks that THW-R4 is deleted in its entirety.

a. 350.38 is supported by Stride Investment Management Limited [FS107.4] and Ryman Healthcare Limited [FS128.60].

273. Stratum Management Limited [249.8 and 249.9] seeks to amend THW-R4 to exclude the City Centre Zone or seeks that the provision is deleted in its entirety.

274. Phillippa O'Connor [289.8] seeks to amend the activity status of THW-R4 to permitted activity rule or controlled activity.

275. The Tyers Stream Group [221.23] seeks to amend THW-R4 to change the loose wording of matters of discretion such as 'site constraints'.

276. The Survey & Spatial New Zealand Wellington Branch [439.18] seeks to amend THW-R4 to remove the incorporated reference to Wellington Water guidance and the requirement to adopt

"Amend the matters of discretion for THW-R4 (Incorporation of water sensitive design methods – four or more residential units and non-residential activity) to:

Matters of discretion are:

~~1. The relevant sections of the Wellington Water Regional Standard for Water Services, v3.0, December 2021 and Wellington Water Limited's Water Sensitive Design for Stormwater: Treatment Device Design Guideline December 2019;~~

2. Design, location, efficiency and effectiveness of water sensitive design methods;

~~3. Adoption of best practicable option for stormwater retention and treatment;~~

4. Ownership, maintenance and operation arrangements; and

5. Any site constraints"

the best practicable option for stormwater retention and treatment in the matters of discretion.

Assessment

277. I do not agree with Trelissick Park Group [168.12], Phillippa O'Connor [289.7], Woolworths New Zealand [359.26] and the Retirement Villages Association of New Zealand Incorporated [350.38] that the rule should be deleted in its entirety. I note the submitters have not provided sufficient evidence or s32aa evaluations to justify their provision. As set out in the S32 report the use of Water Sensitive Urban Design not only allows for better stormwater management but ensures that the District Plan is consistent with NSP-FM 3.4(5) and the RPS provisions that are both operative and proposed.
278. With regard to the Tyers Stream Group [221.23] I do not agree that the use of the word 'site constraints' is 'loose wording' as for 4+ residential units and non-residential developments is this likely to have a large variety of type of development types (apartment, factories, townhouses etc.) and it is intended to allow for greater flexibility, range of potential design solutions that can be adopted that is most appropriate for the site.
279. I do not agree Phillippa O'Connor [289.8] that a permitted or controlled activity status would be appropriate for the requirement for developments to incorporate water sensitive design methods. In my opinion, the most appropriate activity status is Restricted Discretionary Activity. This enables WCC to decline a resource consent application where needed, but also limits the Council's discretion. The rule status is reflective of the scale of adverse effect that could occur from development on three waters infrastructure and the wider environment.
280. I do not agree with Survey and Spatial New Zealand Wellington Branch [439.18] that THW-R4.1 should not refer to the WSRS. References to external documents to meet permitted activity standards is addressed at a general level in the Plan-wide section 42A report. As noted in that report, the RMA specifically provides for incorporating material by reference in a district plan under section 75(5) and Part 3 of Schedule 1. Specifically, clause 30(c) of Schedule 1 states that 'any other written material that deals with technical matters and is too large or impractical to include in, or print as part of, the plan or proposed plan' may be incorporated by reference in a proposed plan. This document is over 120 pages long, and contains objectives, performance criteria, design methods and general specifications for stormwater, wastewater and water supply infrastructure. The document applies to water infrastructure in both private developments as well as the maintenance, renewal and upgrades of existing council infrastructure. As such, I consider that the document meets the criteria in clause 30(c) of Schedule 1 of the RMA.

Summary of recommendations

281. HS5-THW-Rec33: That submission points relating to 'THW-R4' are accepted/rejected as detailed in Appendix B.
282. HS5-THW-Rec34: That THW-R4 be amended as set out below and detailed in Appendix A.

THW-R4 (Incorporation of water sensitive design methods – four or more residential units and non-residential activity):

Activity status: Restricted Discretionary

Where:

- c. It involves the construction of multi-unit housing, retirement villages, comprehensive development or a non-residential building.

Matters of discretion are:

7. The relevant sections of the Wellington Water Regional Standard for Water Services, v3.0, December 2021 and Wellington Water Limited's Water Sensitive Design for Stormwater: Treatment Device Design Guideline December 2019;
8. Design, location, efficiency and effectiveness of water sensitive design methods;
9. The maximum feasible area of permeable surfacing;
10. ~~3.~~ Adoption of best practicable option for stormwater retention and treatment;
11. ~~4.~~ Ownership, maintenance and operation arrangements; and
12. ~~5.~~ Any site constraints.

THW-R5 Hydraulic neutrality – 1-3 residential units

Matters raised by submitters

283. The Trelissick Park Group [168.13], Wellington City Youth Council [201.26] and WCC Environmental Reference Group [377.37] support THW-R5 and seek that the provision be retained as notified.
284. Trelissick Park Group [168.14] and Stratum Management Limited [249.11] seeks that THW-R5 is deleted in its entirety.
285. The Tyers Stream Group [221.25] considers that it is unclear whether these standards apply to both the short-term site development and the subsequent long-term effects of that development and consider that both need to be considered.
286. Stratum Management Limited [249.11] seeks to amend THW-R5 to provide appropriate certainty, including limiting the requirement to apply only where existing infrastructure is under-capacity.

THW-R5 (Hydraulic neutrality – 1-3 residential units):

1. Activity status: Permitted

Where:

- a. It involves the construction of 1-3 residential units; and
- b. A Wellington Water Limited approved solution for managing volume and rate of stormwater runoff is installed as part of the development; or
- c. Stormwater management measures are incorporated which achieve post development peak stormwater flows and volumes which are the same or less than the modelled peak flows and volumes for the site in its current state."

287. The Survey & Spatial New Zealand Wellington Branch [439.19] seeks to amend THW-P5 so that the stormwater solutions are not limited to two pre-approved detention systems, and that there are other solutions available that should be permitted.
288. Rod Halliday [25.20] seeks to amend THW-R5 to include an exemption that when 1-3 units are proposed in areas of the City situated within the catchments of the Stebbings and Seton Nossiter Detention structures, then THW-R5 will not apply.
- a. Opposed by Glenside Progressive Association (GPA) [FS4.2] and Heidi Snelson [FS24.6].

Assessment

289. I do not agree with Trelissick Park Group [168.11] for the same reasons as set out in paragraph 248. I recommend that this rule is not amended.
290. In response to the Tyers Stream Group [221.25], I consider the rule framework already considers the short-term site development and the subsequent long-term effects of that development as much as possible. I therefore recommend no change in response to this submission.
291. I do not agree with Rod Halliday [25.20] as the provisions 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. As set out in the s32 report, the Operative District Plan is largely silent on Three Waters matters and continuing in an *Ad Hoc* manner would not achieve good stormwater management.²³ While the dam may have capacity, as set out in the s32 for the subdivision chapter Wellington Water provided the following advice:
- “In order to exempt development from providing hydraulic neutrality WWL would need evidence that the Dam design had made detention allowance for the level of development proposed under the draft district plan for storm events of up to 1 in 100 years with climate change. WWL does not currently have that evidence and it would require significant work (both in terms of time and costs) to get this information.”²⁴*
292. With regard to the point raised by Survey & Spatial New Zealand Wellington Branch [439.19], I consider the proposed amendment is subjective and too vague for a permitted activity standard, noting the outcome sought is already enabled through THW-R5.2. The intention of the rule is to enable the MDRS required development by providing certainty to developers of 1-3 units. Also, the approved solution is defined in the note to the rule – this can’t change as the document is incorporated by reference. I therefore recommend no change in response to this submission.
293. I do not agree with Stratum Management Limited [249.11] as the provisions seek to ensure that new development is serviced by appropriate three waters infrastructure, and that a suitable

²³ Three Waters s32 Report, Page 7.

²⁴ Subdivision s32 Report, Page 55.

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, 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. I recommend no change in response to this submission.

Summary of recommendations

294. HS5-THW-REC35: That submissions on the 'THW-R5' are accepted/rejected as detailed in Appendix B.
295. HS5-THW-REC36: That THW-R5 is to be retained as notified.

THW-R6 Hydraulic neutrality – four or more residential units and non-residential buildings

Matters raised by submitters

296. The Trelissick Park Group [168.15] and Wellington City Youth Council [201.27] support THW-R6 and seek that the provision be retained as notified.
297. Philippa O'Connor [289.10] and Woolworths New Zealand [359.27] support the notification preclusions for THW-R6.2.
- a. 359.27 is supported by Stride Investment Management Limited [FS107.5] and Investore Property Limited [FS108.5].
298. The Trelissick Park Group [168.11] and Stratum Management Limited [249.10] seeks that THW-R6 is deleted in its entirety.
299. Philippa O'Connor [289.9], Woolworths New Zealand [359.28] and Survey & Spatial New Zealand Wellington Branch [439.20] seek to amend THW-R6 to remove the reference to undeveloped state and replace it with a reference to the current state of the site.
- a. 359.28 is supported by Stride Investment Management Limited [FS107.6] and Investore Property Limited [FS108.6].

Amend THW-R6 (Hydraulic neutrality – four or more residential units and non-residential buildings) as follows:

1. Activity status: Permitted

Where:

- a. It involves the construction of multi-unit housing, retirement villages, comprehensive development or a non-residential building; and
- b. Stormwater management measures are incorporated which achieve post development peak stormwater flows and volumes which are the same or less than the modelled peak flows and volumes for the site in an ~~undeveloped state~~, pre-developed state.

300. Stratum Management Limited [249.12] seeks to amend THW-R6 to exclude the City Centre Zone.
301. Tyers Stream Group [221.26] considers that it is unclear whether these standards apply to both the short-term site development and the subsequent long-term effects of that development.
302. Rod Halliday [25.21] seeks to amend THW-R6 to include an exemption that when three or more units are proposed in areas of the City situated within the catchments of the Stebbings and Seton Nossiter Detention structures, then THW-R5 will not apply.
- a. Opposed by Glenside Progressive Association (GPA) [FS4.3] and Heidi Snelson [FS24.7].

Assessment

303. I do not agree with Trelissick Park Group [168.11] for the same reasons as set out in paragraph 248. I recommend that this rule is not amended
304. I do not agree with Rod Halliday [25.21] as discussed above, the provisions 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, may be required in some situations.
305. As set out in the s32 report, the Operative District Plan is largely silent on Three Waters matters and continuing in an *Ad Hoc* manner would not achieve good stormwater management.²⁵ While the Dam may have capacity, as set out in the s32 for the subdivision chapter Wellington Water provided the following advice:
- “In order to exempt development from providing hydraulic neutrality WWL would need evidence that the Dam design had made detention allowance for the level of development proposed under the draft district plan for storm events of up to 1 in 100 years with climate change. WWL does not currently have that evidence and it would require significant work (both in terms of time and costs) to get this information.”²⁶*
306. I do not agree with Tyers Stream Group [221.26] for the same reasons as set out in paragraph 289. I recommend that this rule is not amended.
307. I do not agree with Phillippa O'Connor [289.9], Woolworths New Zealand [359.28] and Survey & Spatial New Zealand Wellington Branch [439.20]. By modelling the current state would not achieve any improvements in stormwater management. The intent of requiring modelling to an undeveloped state within the hydraulic neutrality policy framework is to manage onsite stormwater in order to mitigate the effects that stormwater runoff can have on the stormwater network and the wider receiving environment. This gives effect to clause 3.5(4) of the NPS-FM

²⁵ Three Waters s32 Report, Page 7.

²⁶ Subdivision s32 Report, Page 55.

2020.

308. I also consider that the wording in THW-R6 is consistent with WWL as their guidance document [Managing Stormwater Runoff – the use of approved solutions for hydraulic neutrality](#) defines pre-development as the site before it was developed, (i.e. it is undeveloped) (paragraph 4.2).
309. I do not agree with Stratum Management Limited [249.12] that the requirements for hydraulic neutrality should not apply to the City Centre Zone as that is not consistent with the intent of the chapter as set out in the s32 report for three waters to get comprehensive on-site stormwater management. The submission point is also not supported by a s32AA evaluation or any evidence beyond simply not wanting THW-P5 to apply to the City Centre Zone.

Summary of recommendations

310. HS5-THW-REC37: That submissions on the 'THW-R6' are accepted/rejected as detailed in Appendix B.
311. HS5-THW-REC38: That THW-R6 is to be retained as notified.

New Rules

Matters raised by submitters

312. Wellington City Council [266.60] seeks to add new permeable surface rules for 1-3 residential units to apply to the Medium Density and High-Density Residential Zones.
- a. Supported by Greater Wellington Regional Council [FS84.5] and Wellington City Council Environmental Reference Group [FS112.13].
 - b. Opposed by The Retirement Villages Association of New Zealand Incorporated [FS126.239] and Ryman Healthcare Limited [FS128.239].

THW-R7 Permeable Surface 1-3 residential units

1. Activity status: Permitted

Where:

- a. A minimum of 30% of the net site area is permeable surface.

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with the requirements of THW-R7.1.a cannot be achieved.

Matters of discretion are:

1. Any measures used to mitigate stormwater runoff;
2. The capacity of, and effects on, the stormwater network; and
3. The matters in THW-P6.

313. Wellington City Council [266.61] seeks to add new permeable surface rules for the Large Lot Residential Zone.

- a. Supported by Greater Wellington Regional Council [FS84.6] and Wellington City Council Environmental Reference Group [FS112.14].
- b. Opposed by The Retirement Villages Association of New Zealand Incorporated [FS126.240] and Ryman Healthcare Limited [FS128.240].

THW-R8 Large Lot Residential Zone

1. Activity status: Permitted Where:

- a. A minimum of 60% of the net site area is permeable surface.

2. Activity status: Restricted Discretionary

Where:

- a. Compliance with the requirements of THWR8.1.a cannot be achieved.

Matters of discretion are:

- 1. Any measures used to mitigate stormwater runoff;
- 2. The capacity of, and effects on, the stormwater network; and
- 3. The matters in THW-P6.

314. The Sustainability Society [339.3] seeks to add a rule requiring retention depths for future developments.

315. The Sustainability Society [339.4] seeks to add a rule mandating water quality management and limits for future development.

316. Greater Wellington Regional Council [351.77 and 351.78] seeks to add new rules with an associated permitted standard, matter of control or matter of discretion (if necessary) that requires payment of the financial contribution.

- a. Opposed by The Retirement Villages Association of New Zealand Incorporated [FS126.57 and FS126.58] and Ryman Healthcare Limited [FS128.57 and FS128.58].

317. Greater Wellington Regional Council [351.79] seeks to add a method for determining the costs of the contribution may need to be a schedule or appendix.

- a. Opposed by The Retirement Villages Association of New Zealand Incorporated [FS126.59] and Ryman Healthcare Limited [FS128.57 and FS128.59].

Assessment

318. I agree with Wellington City Council [266.60 and 266.61] that permeable surfaces are not a building provision, but a three waters matter and it is more logical to locate these rules in the Three Waters chapter. However, as the permeable provisions were originally a standard, to be consistent with the rule framework, I consider the requirement to consider the capacity of, and effects on, the stormwater network needs to be removed from the matters of discretion as it is inconsistent with the NPS-UD 2020 and the MDRS. There is no other requirement in policy THW-P6 other than to have a minimum area of permeable surfaces, therefore I do not consider it necessary to have it as a matter of discretion. I also consider it appropriate in the matters of discretion to consider the degree of non-compliance with the net site area to set clear direction for the scale and intensity required in the assessment of environmental effects to allow for more site-specific assessments. Therefore, I recommend amending the wording of the proposed rules as followed:

THW-R7 Permeable Surface 1-3 residential units

1. Activity status: Permitted

Where:

a. A minimum of 30% of the net site area is permeable surface.

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of THW-R7.1.a cannot be achieved.

Matters of discretion are:

1. The degree of non-compliance with rule THW-R7.1
2. Any other measures used to mitigate stormwater runoff;

THW-R8 Large Lot Residential Zone

1. Activity status: Permitted Where:

a. A minimum of 60% of the net site area is permeable surface.

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of THWR8.1.a cannot be achieved.

Matters of discretion are:

1. The degree of non-compliance with rule THW-R8.1
2. Any other measures used to mitigate stormwater runoff;

319. While I do not necessarily disagree with the Sustainability Society [339.4], I note that water quality management is a responsibility of regional councils as set out in s30(c)(ii) of the RMA and should be implemented through the Regional Planning Framework. I recommend no change in response to this submission.

320. I do not agree with Greater Wellington Regional Council [351.77, 351.78 and 351.79] that rules

or methods should be added for financial contributions for the same reasons as set out in paragraph 67 of the assessment of general submission points.

321. I do not agree with The Sustainability Society [339.3] for the reasons set out in the evidence provided by Ms Nitsche (Wellington Water).

Summary of recommendations

322. HS5-THW-Rec39: That submission points relating to new rules are accepted/rejected as detailed in Appendix B.

323. HS5-THW-Rec40: That the three waters chapter be amended as set out below and detailed in Appendix A.

THW-R7 Permeable Surface 1-3 residential units

1. Activity status: Permitted

Where:

a. A minimum of 30% of the net site area is permeable surface.

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of THW-R7.1.a cannot be achieved.

Matters of discretion are:

1. The degree of non-compliance with rule THW-R7.1
2. Any other measures used to mitigate stormwater runoff;

324. HS5-THW-Rec41: That the three waters chapter be amended as set out below and detailed in Appendix A

THW-R8 Large Lot Residential Zone

1. Activity status: Permitted Where:

a. A minimum of 60% of the net site area is permeable surface.

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of THWR8.1.a cannot be achieved.

Matters of discretion are:

3. The degree of non-compliance with rule THW-R8.1
4. Any other measures used to mitigate stormwater runoff;

Section 32AA evaluation

325. In my opinion, the amendments to the three waters chapter are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- a. The changes proposed to relocate permeable surfaces rules from the Residential to the Three Waters chapter are not materially different from the assessment set out in s32-Residential Zones;
- b. The changes will provide better clarity to the three water provisions and enable better implementation of the provisions;
- c. The changes allow the PDP to give effect to the NPS-FM 2020;
- d. The changes are considered more efficient and effective than the notified provisions in achieving the objectives of the District Plan;
- e. They are not inconsistent with the notified objectives of the PDP; and
- f. The environmental, economic, social and cultural effects of the recommended amendments are detailed below.

326. The environmental, economic, social and cultural effects of the recommended amendments are detailed below.

| | |
|---------------|--|
| Environmental | <p>There are unlikely to be any environmental costs compared to the notified provisions.</p> <p>The proposals will also have a range of positive effects as improvements are made to the three waters network.</p> |
| Economic | <p>For some new developments there will be increased costs as a result of having to comply with the requirements. These costs will fall on owners of buildings.</p> |
| Social | <p>There are unlikely to be any social costs compared to the notified proposal.</p> |
| Cultural | <p>These benefits will be received by the community at large.</p> <p>Compared to the notified proposal, no cultural costs have been identified.</p> |

4.0 Amendments to chapter not in scope of submissions

327. Pursuant to Schedule 1, clause 99 (2)(b) of the RMA, the recommendations made by the independent hearings panel are not limited to being within the scope of submissions made on the IPI. Therefore, I recommend the following changes to the Three Waters chapter in order for consistency and to improve the quality of the chapter.

328. The definition of ‘multi-unit housing’ in the Wellington PDP is as follows:

means any development that will result in four or more residential units on a site, excluding residential development within the Oriental Bay Precinct Area.

329. As this term is used in THW-R2, THW-R4 and THW-R6 for rules relating to ‘four or more residential units and non-residential activity’, these rules apply to the construction of multi-unit housing, retirement villages, comprehensive development or a non-residential building. Due to the definition used for ‘multi-unit housing’ there is an unintended consequence that the Three Waters provisions do not apply to the Oriental Bay Precinct Area if the development is four or more residential units or a non-residential activity, which is an unintended ‘gap’ in the district plan.

330. This is demonstrated in the Three Waters s32 report where it states:

“The Three Waters chapter will only apply to urban zones (The urban zones are all zones other than the General Rural zone and the Large Lot Residential zone). 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.”²⁷

331. Therefore, in order to ensure that the Three Waters chapter is applied as intended, I recommend the following changes to THW-R2, THW-R4 and THW-R6:

...

Where:

a. It involves the construction of multi-unit housing, retirement villages, comprehensive development, or a non-residential building; ~~and~~ or

b. For the construction of four or more residential units or non-residential building in the Oriental Bay Precinct Area; and

...

Section 32AA evaluation

332. In my opinion, the amendments to the Three Waters chapter are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- a. All matters set out in the original s32 report for three waters are applicable in this s32aa evaluation;
- b. The changes will allow for greater clarity of the three waters provisions and enable better implementation of the provisions;
- c. The changes fix the unintended gap in the drafting of the rules;
- d. The changes are considered more efficient and effective than the notified provisions in

²⁷ Three waters s32 report. Page 8.

achieving the objectives of the District Plan; and

e. They are consistent with the notified objectives of the PDP

333. The environmental, economic, social and cultural effects of the recommended amendments are detailed below.

| | |
|---------------|--|
| Environmental | <p>There are unlikely to be any environmental costs compared to the notified provisions.</p> <p>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.</p> |
| Economic | <p>For some new developments there will be increased costs as a result of having to comply with the requirements.</p> <p>These costs will fall on owners of buildings.</p> |
| Social | <p>There are unlikely to be any social costs compared to the notified proposal.</p> |
| Cultural | <p>These benefits will be received by the community at large.</p> <p>Compared to the notified proposal, no cultural costs have been identified.</p> |

5.0 Minor and inconsequential amendments

334. Pursuant to Schedule 1, clause 16(2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

335. HS5-THW-Rec42: The following minor and inconsequential amendments relevant to this report are identified below and will be corrected:

- a. The title to THW-P1 has the following typographical error in present and should be corrected:
 - i Water sensitive urban design
- b. The title to THW-R4 has the following typographical error in present and should be corrected:
 - i Incorporation of water sensitive urban design methods – four or more residential units and non-residential activity
 - ...
- c. THW-R2 and THW-R4 have the following typographical error in present and should be corrected for consistency with the title of the rule:
 - i THW-R2(Connection to existing three waters infrastructure – four or more residential units and non-residential ~~development buildings~~):
 - ...

- ii THW-R4 (Incorporation of water sensitive design methods – four or more residential units and non-residential ~~activity-buildings~~):
 - ...
- d. THW-R6 has the following typographical error in present and should be corrected for consistency with the terminology used within the rest of the chapter and is not material due to WWL usage of the term interchangeably:
 - i ...
 - The extent to which the development incorporates stormwater management techniques or controls to mitigate any increase in ~~pre-development~~ undeveloped state peak stormwater runoff
 - ...
 - e. The reference to the Residential zone chapters in the ‘other relevant District Plan provisions as those standards have been incorporated into the three waters chapter, therefore no longer need the reference:
 - ...
 - † ~~Residential zone chapters — the High Density Residential and Medium Density Residential zone chapters include a requirement for minimum areas of permeable surfacing for sites subject to new development.~~
 - ...

336. The recommended amendments are set out in Appendix A.

6.0 Conclusion

337. Submissions have been received both in support and opposition of the chapters, schedules and appendices addressed in this report.
338. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

7.0 Recommendations

339. I recommend that:
- a. The Independent Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
 - b. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

8.0 Appendices

Appendix A: Recommended Amendments to the Three Waters Chapter

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

Appendix B: Recommended Responses to Submissions and Further Submissions on Three Waters Chapter

Appendix C: Economic assessment – Requirements for water sensitive design