

**In the Environment Court of New Zealand  
Wellington Registry**

**I Te Kooti Taiao O Aotearoa  
Te Whanganui-a-Tara Rohe**

**ENV-2024-WLG-**

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Under the Resource Management Act 1991 (the Act)

In the matter of an appeal under Clause 14(1) of the First Schedule of the Act

And in the matter of the decisions by Wellington Regional Council in respect of Change 1 to the Wellington Regional Policy Statement.

Between **Wellington Water Limited**  
Appellant

And **Wellington Regional Council**  
Respondent

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**Notice of Appeal by Wellington Water Limited against decisions on  
Proposed Change 1 to the Regional Policy Statement for the  
Wellington Region**

Dated 18 November 2024

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**To:** The Registrar  
Environment Court  
Wellington

- 1 Wellington Water Limited (**'Wellington Water'**) appeals against the decisions of the Wellington Regional Council (the **'Respondent'**) on Change 1 to the Wellington Regional Policy Statement (**'RPS'**).
- 2 Wellington Water made a submission (number S113) and further submission (number FS19) on Change 1 to the RPS.
- 3 Wellington Water is not a trade competitor for the purpose of section 308D of the Act.
- 4 Wellington Water received notice of the decision on 4 October 2024.
- 5 The decision was made by the Respondent.

**Provisions being appealed**

- 6 The decisions that Wellington Water is appealing are the Respondent's decisions on the RPS that relate to:
  - a The management of stormwater from existing, greenfields, and brownfields development, including both hydraulic neutrality and hydrological control requirements;
  - b Hydrological control requirements that may have implications on Proposed Change 1 to the Natural Resources Plan (**'PC1'**); and
  - a Aspects of the management of stormwater runoff that conflict with the Regional Standard for Water Services (**'Regional Standard'**).
- 7 In particular, Wellington Water appeals the Respondent's decisions on the following provisions:
  - a Definition of 'hydraulic neutrality';
  - b Definition of 'hydrological control';
  - c Definition of 'undeveloped state'; and
  - d Associated policies and methods, including New Policy FW.X.

### **General reasons for the appeal**

- 8 The general reasons for this appeal are that, in the absence of the relief sought, the Respondent's decisions:
- a Will not promote the sustainable management of resources, and will therefore not achieve the purpose of the Act, including by not meeting the reasonably foreseeable needs of future generations;
  - b Are contrary to Part 2 and other provisions of the RMA;
  - c Will not promote the efficient use and development of natural and physical resources;
  - d Will not achieve integrated management of the natural and physical resources of the whole region; and
  - e Do not represent the most appropriate way of exercising the Respondent's functions, having regard to the efficiency and effectiveness of other reasonable practicable options, and are therefore not appropriate in terms of section 32 and other provisions of the RMA.

### **Reasons for appeal of particular provisions**

- 9 Without limiting the generality of paragraph 8, Wellington Water's reasons for appealing the provisions listed above are:
- a Wellington Water manages the council-owned urban stormwater network that collects, conveys, and discharges stormwater on behalf of its client councils.
  - b Wellington Water has a 'Stage 1' global stormwater consent [WGN180027 [34920], and has recently applied for a replacement 'Stage 2' global stormwater consent under the Natural Resources Plan ('**NRP**').
  - c Wellington Water is a submitter on Plan Change 1 to the NRP ('**PC1**'), which among other matters contains directions on stormwater management, including in terms of hydraulic neutrality and hydrological controls. Relevant provisions will be considered in hearings to be held next year.
  - d Given the statutory requirement for PC1 to 'give effect' to the RPS, the provisions appealed have the potential to influence both Wellington Water's day to day management of stormwater, and the outcomes of its global stormwater consent application.

- e In light of the above, Wellington Water wishes to ensure that the definitions and associated provisions in the RPS are clear, workable, consistent, and well-integrated with the PC1 provisions. It anticipates that achieving this outcome will require further technical input, as well as clarification (from GWRC) as to the intended approach in PC1.
  
- f In terms of the detail of these provisions:
  - i The RPS definition of 'hydraulic neutrality' is inconsistent with the Regional Standard definition. The RPS requires management of post-development peak flows from a site so that they do not exceed the flows from the site "in an *undeveloped* state". The Regional Standard requires management of the post-development peak flows from a site so that they do not exceed the flows from the site in a "*pre-development*" state.<sup>1</sup>
  
  - ii Wellington Water supports the requirement for 'hydrological controls' for land uses that create new, or redevelop existing, impervious surfaces.<sup>2</sup> Wellington Water also supports a consistent definition for 'hydrological controls' between the NRP and the RPS. The PC1 definition of 'hydrological controls' appears to be broadly consistent with the new RPS definition, though somewhat more specific. Wellington Water considers this definition may be appropriate (subject to obtaining further technical advice), provided that more detailed guidance is provided by the NRP.
  
  - iii The RPS decisions version definition of 'undeveloped state' is unclear as to whether modelling includes the surrounding catchment as also being part of an undeveloped state<sup>3</sup> (or why, for greenfields sites, it is based on modelled rather than existing parameters).
  
  - iv The decisions version of new Policy FW.X in the RPS reads:
 

requires regional plans to provide for hydrological control of urban development in order to manage water quantity and water quality as a result of stormwater runoff from impervious surfaces resulting from urban development.

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<sup>1</sup> Regional Standard for Water Services, section 2.2.2. Table 2-1 defines "hydraulic neutrality" as "Land development, including increased imperviousness, does not increase the peak design discharge (post development) to greater than the peak design discharge (pre-development) for all events up to and including the 1% AEP rainfall including the predicted impacts of climate change."

<sup>2</sup> Wellington Water Limited's Plan Change 1 submission (number 151), page 15.

<sup>3</sup> Refer to Wellington Water Limited's submission (number 113) on the proposed RPS, page 24. This interpretation would affect water flowing on to the site and water attenuation.

- v PC1 as notified requires hydrological controls for land uses that create new, or redevelop existing, impervious surfaces. Hydrological controls are also referred to in a broad way in Schedule 31 of PC1 (which contains direction as to the contents of a stormwater management strategy to accompany an application for stormwater discharge from a local authority network). Wellington Water considers that Policy FW.FX of the RPS and/or the PC1 provisions should provide clearer direction on the application of hydrological controls (i.e. to new development or redevelopment, rather than to existing 'urban development'<sup>4</sup>), their purpose (i.e. to also manage water *quality* or just water *quantity*), and the expected outcomes.

### Relief sought

- 10 Wellington Water seeks the following relief:
  - a Amendments to the specified and any related provisions in order to address the general reasons for the appeal and the reasons for appeal of particular provisions set out above;
  - b Amendments as required to ensure consistency with PC1 and any amended version of the NPS-FM, in order to ensure a workable and integrated regime for managing stormwater in the Wellington Region; and
  - c Such further, consequential or alternative relief, or ancillary changes, that give effect to the RMA and resolve the concerns set out in this appeal.
- 11 Wellington Water attaches the following documents to this notice of appeal:
  - a **Appendix A:** A copy of Wellington Water's submission and further submission on the RPS;
  - b **Appendix B:** A list of names and addresses of persons to be served with this notice of appeal; and
  - c **Appendix C:** A copy of the relevant parts of the decision.

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<sup>4</sup> The text 'urban development' is italicised in the RPS, indicating it is a defined term, but does not appear to be defined.

12 Wellington Water agrees to participate in mediation or other alternative dispute resolution mechanism.

**Dated** 18 November 2024



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**Ezekiel Hudspith**  
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## **Advice to recipients of copy of notice of appeal**

### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

### *How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the part of the decision appealed. These documents may be obtained, on request, from the appellant.

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

**Appendix A      Submission and further submission of Wellington  
Water on the RPS**



14 October 2022

Environmental Policy

Greater Wellington

Via email: [regionalplan@gw.govt.nz](mailto:regionalplan@gw.govt.nz)

Dear Matt,

Thank you for the opportunity to submit on Change 1 of Greater Wellington's Regional Policy Statement. As discussed with your officers, we are submitting on several provisions to continue effective delivery of our water services.

Our main submission points cover:

- Recognition of water scarcity as a regional issue resulting from climate change
- Better protection for drinking water sources
- More support for regionally significant infrastructure to support the urban development required by the NPS-UC
- More support for the regionally significant infrastructure necessary to deliver Te Mana o te Wai as required by the NPS-FM
- Provisions for indigenous biodiversity that reflect the national approach

Our full list of submission points is set out in Attachment A. Please note we have in many places expressed our position as one of support, subject to amendments being made to the relevant provisions. The corollary is that in the absence of those, or equivalent, amendments, our position is one of opposition. We have also been as explicit as possible about the potential solutions for the issues we have raised, but in addition to the explicit relief we have stated, we are seeking any alternative or consequential relief that may be necessary to address those issues.

We have discussed our submission points with several parties and are willing to attend meetings organised by GW to continue discussions. We appreciate the positive relationship between our environmental policy teams and hope that we can work together on the RPS Change 1 to implement Te Mana o te Wai across water services.



**Reduce your water footprint by only using what you need.**

Taps use around six litres of water per minute, so leaving the tap running for two minutes a day equates to 168 litres a fortnight!



[/wellingtonwater](https://www.facebook.com/wellingtonwater)



[@wgtnwaternz](https://twitter.com/wgtnwaternz) & [@wgtnwateroutage](https://twitter.com/wgtnwateroutage)



[@wellington\\_water](https://www.instagram.com/wellington_water)



We would like to be heard at the hearing and we will not have a trade advantage as a result of this submission.

Our contact for service is:

Angela Penfold

Email: [angela.penfold@wellingtonwater.co.nz](mailto:angela.penfold@wellingtonwater.co.nz).

Phone: 021556 824.

Yours sincerely

A handwritten signature in black ink that reads 'Paul Gardiner'.

Paul Gardiner


## ATTACHMENT A: DETAILED SUBMISSION POINTS

Provision and Wellington Water position	Discussion	Outcome sought
<p>Chapter 3 Issues</p> <p>Support with changes</p>	<p>The list of overarching resource management issues for the region should include a 4<sup>th</sup> issue.</p> <p>Infrastructure, including regionally significant infrastructure is essential in supporting communities' resilience against the effects of climate change.</p> <p>Infrastructure is also vulnerable to the effects of climate change. Maintaining the functionality, integrity and adaptability of infrastructure will be key to achieving community resilience to the challenges of climate change. Enabling the upgrading, adaptation and relocation of regionally significant infrastructure will support community resilience.</p>	<p>Amend the list of issues to include:</p> <p><u>4. The region's environment, communities and infrastructure are vulnerable to future national and global challenges associated with climate change.</u></p> <p><u>Climate change is expected to exacerbate flood hazard, including coastal inundation, and drought conditions. The effects of climate change, including coastal and river flood inundation and erosion, are expected to damage or impair the operation of infrastructure (including regionally significant infrastructure). Community resilience to the effects of climate change will depend on the functionality, integrity and adaptability of infrastructure. Regionally significant infrastructure will need to be upgraded and adapted or relocated to maintain the necessary functionality and capacity to support community resilience.</u></p>
<p>Objective A</p>	<p>Wellington Water supports the clarity of intent of an overarching objective, however the notified version of Objective A:</p>	<p>Amend Objective A as follows:</p>

<p>Oppose or support with changes</p>	<ul style="list-style-type: none"> <li>• Fails to provide for the characteristics and qualities of well-functioning urban environments</li> <li>• Fails to provide for regionally significant infrastructure</li> <li>• Has some unclear drafting</li> <li>• Establishes Te Ao Māori as the pre-eminent concept for delivering integrated management with no guidance on how to achieve it. There are no supporting objectives, policies or methods about what integrated management guided by Te Ao Māori is.</li> </ul> <p>In addition, clauses (a) to (f) emphasise the importance of, and need to protect, the natural environment. The RPS needs to do more than just ‘recognise’ the dependence of humans on the natural environment. The RPS needs to provide guidance for the development of natural resources where development is necessary to sustain communities and support community resilience.</p>	<p><u>Objective A: Integrated management of the region’s natural and built environments is guided by Te Ao Māori and:</u></p> <p>(a) <u>is guided by Te Ao Māori and incorporates mātauranga Māori; and</u></p> <p>(b) <u>recognises ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and</u></p> <p>(c) <u>protects and enhances mana whenua / tangata whenua values, in particular mahinga kai and the life-supporting capacity of ecosystems; and</u></p> <p>(d) <u>protects and enhances the life-supporting capacity of ecosystems; and</u></p> <p>(e) <u>recognises the dependence of humans on a healthy natural environment</u></p> <p>(f) <u>recognises the role of natural and physical resources in providing for the provides for and enhances the characteristics and qualities of well-functioning urban environments, which are supported by both natural and physical resources, including regionally significant infrastructure; and</u></p>
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	<p>In addition to the above matters, our potential support for Objective A is contingent on several new methods to help give effect to this objective.</p>	<p>(g) <u>enables use and development of natural and physical resources to support the infrastructure (including regionally significant infrastructure) necessary to strengthen the resilience of communities to meet the future challenges associated with climate change; and</u></p> <p>(h) <u>responds effectively to the current and future pressures of climate change, population growth and development.</u></p> <p>Alternatively, amend Objective A as follows:</p> <p><u>Objective A: Integrated management of the region’s natural and built environments is guided by Te Ao Māori and by:</u></p> <p>(i) <u>incorporates mātauranga Māori; and</u></p> <p>(j) <u>recognises ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and</u></p> <p>(k) <u>protects and enhances mana whenua / tangata whenua values, in particular mahinga kai and the life-supporting capacity of ecosystems; and</u></p> <p>(l) <u>protects and enhances the life-supporting capacity of ecosystems; and</u></p>
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		<p>(m) — recognises the dependence of humans on a healthy natural environment</p> <p>(n) — recognises the role of natural and physical resources in <u>provided for the providing for and enhancing the characteristics and qualities of well-functioning urban environments, which are supported by both natural and physical resources, including regionally significant infrastructure; and</u></p> <p>(o) <u>enabling use and development of natural and physical resources to support the infrastructure (including regionally significant infrastructure) necessary to strengthen the resilience of communities to meet the future challenges associated with climate change; and</u></p> <p>(p) <u>responding effectively to the current and future pressures of climate change, population growth and development.</u></p> <p>In addition, we are seeking a number of new methods to help give effect to this Objective.</p>
Page 10 – regionally significant	The list of issues needs to include a 7 <sup>th</sup> issue – water security.	<p>Amend the list of regionally significant climate change issues to include:</p> <p><b><u>7 Climate change threatens our existing levels of water security.</u></b></p> <p><u>Water security is affected by climate change in two ways:</u></p>

<p>climate change issues</p> <p>Support with changes</p>	<p>Solutions to severe water shortages can have lasting environmental impacts, such as creation of dams. We would prefer other solutions and want to work constructively to achieve them.</p>	<ol style="list-style-type: none"> <li>1. <u>Increased potential and severity of drought reducing both ground and surface water supplies</u></li> <li>2. <u>Increased risk of saline intrusion into aquifers</u></li> </ol> <p><u>Water shortages can create public health crises and have long term impacts on economic viability of farms and businesses.</u></p> <p>Consequential changes throughout the document need to be included at objective, policy and method level, including in the climate change, natural hazard and Te Mana o te Wai provisions.</p>
<p>Objective CC.4</p> <p>Support with changes</p>	<p>Nature based solutions aren't always practicable in Wellington's constrained urban environments.</p>	<p>Amend Objective CC.4 as follows:</p> <p><b>Objective CC.4</b>  <b>FW</b></p> <p><u>Where practicable, Nature-based solutions are an integral part of climate change mitigation and adaptation, improving the health and resilience of people, biodiversity, and the natural environment.</u></p>
<p>Objective 12</p> <p>Support with changes</p>	<p>WWL supports Rangitāne o Wairarapa and Kahungunu ki Wairarapa expressing how effect will be given to Te Mana o te Wai in their respective rohe; but does not support the proposal to include the entirety of their statements of expression within Objective 12. While parts of the statements resemble material suitable for</p>	<p>If it is necessary to keep the iwi statements intact, then they should not sit within Objective 12. They should be housed elsewhere within the RPS in a manner that makes clear how their variety of content types (objectives, policies, statements of issues and so on) are to be applied relative to other parts of the RPS.</p>

	<p>objectives (both in content and in length), it is not clear how objectives within statements within objective 12 should be applied relative to objective 12 itself or other objectives elsewhere in the RPS.</p> <p>Further, the greater part of the statements contain material that is not suitable for objectives (either in content or in length), which more closely resembles other types of RPS content. This includes expressions of visions, issues, values, expectations, principles and so on. This far exceeds the requirements of 3.2(3) of the NPS-FM.</p> <p>For further context, it is not clear in the proposed drafting what the role is of policies that sit within statements that sit within an objective? How will applicants draft applications with confidence that they are giving effect to the RPS?</p>	<p>Alternatively, if the statements do not need to be kept intact, then the objective-type material could be retained within objective 12, and material of other types relocated like-with-like elsewhere within the RPS (i.e. placing policies with policies, explanations with explanations, issues with issues and so on).</p>
<p>Chapter 3.6 and associated policies, methods and definitions</p>	<p>The provisions for indigenous biodiversity do not create appropriate planning pathways to allow for the benefits of regionally significant infrastructure.</p>	<p>Either:</p> <ul style="list-style-type: none"> <li>• Delete this component of the RPS change</li> <li>• Update the RPS change to reflect the final gazetted version of the NPS-IB</li> </ul>



<p>Oppose or support with changes</p>	<p>‘Protect’ is a very strong term and we will struggle to achieve this in many locations. The provisions could lead to an increase in fatal flaws for our projects required to deliver Te Mana o te Wai and our services, so the provisions need to be nuanced to allow for the benefits of RSI.</p>	<ul style="list-style-type: none"> <li>• Reflect the provisions for specified infrastructure and associated benefits in the NPS-IB exposure draft in the RPS.</li> </ul> <p>Whichever provides the most appropriate pathways for delivering RSI and its benefits.</p>
<p>Objective 20 – Natural hazards</p> <p>Support with changes</p>	<p>Support general intention but the word ‘minimise’ is too strong unless it is defined as per the pNRP</p>	<p>Include a definition of minimise as per the pNRP</p>
<p>Introduction to Chapter 3.9 – regional form</p> <p>Oppose</p>	<p>It is unclear how Te Mana o te Wai and three waters infrastructure interacts with the ‘well-functioning urban environments’. This issue runs throughout this chapter. Given the upcoming investments that three waters infrastructure providers are considering in relation to both growth and water quality improvement, additional clarity would be helpful.</p> <p>Potential interactions include:</p> <ul style="list-style-type: none"> <li>Stormwater flooding</li> <li>Stormwater quality</li> </ul>	<p>Amend page 76 as follows:</p> <p><u>Well-functioning urban environments enable communities and businesses <del>are</del> to be more resilient to the effects of climate change, and the uptake of zero and low-carbon emission modes is supported throughout the region. Well-functioning urban environments have compact urban form and are well-designed and planned through the use of spatial and development strategies and use of design guidance. Well-functioning urban environments are low impact, support Te Mana o te Wai, incorporating water sensitive urban design, and managing the effects on other regionally significant values and features as identified in this RPS.</u></p>

	<p>Wastewater contamination</p> <p>Efficient use of water.</p> <p>The chapter also fails to recognise the importance of regionally significant infrastructure and its benefits.</p> <p>Consequential amendments may also be needed.</p>	<p>Amend page 79 as follows:</p> <p><u>Medium and high-density development that is enabled through national direction has the potential to result in poor urban design outcomes, in the absence of sufficient design guidance. Effective regionally significant infrastructure is necessary for a well functioning urban environment.</u></p> <p>Include an additional issue on page 80 as follows:</p> <p><u>AA Inadequate infrastructure</u></p> <p><u>There is a lack of supporting infrastructure to enable the development of sufficient housing and the provision of quality urban environments.</u></p>
<p>Objective 22(e)</p> <p>Oppose</p>	<p>The clause restates the RPS and is superfluous</p>	<p>Delete clause (e)</p>
<p>Policy CC.3</p> <p>Support with changes</p>	<p>Include a clause that District Plans will also enable infrastructure that gives effect to Te Mana o te Wai, or make suitable provision for this elsewhere in the RPS.</p>	<p>Amend the Policy as follows:</p> <p><u>By 30 June 2025, district plans shall include objectives, policies, rules and methods that enable infrastructure that:</u></p> <p>(a) <u>supports the uptake of zero and low-carbon multi modal transport that contribute to reducing greenhouse gas emissions and/or</u></p> <p>(b) <u>Gives effect to Te Mana o te Wai.</u></p>

		Or amend another policy or introduce a separate policy (whichever is the most appropriate), to achieve the same policy outcome as the amendment proposed above.
Policy CC.4  Support with changes	The drafting is convoluted and should be simplified.	Amend the Policy as follows:  <u>District and regional plans shall include policies, rules and/or methods to <del>provide for</del> achieve climate-resilient urban areas by <del>providing enabling and promoting/encouraging the actions and initiatives described in Policy CC.14 which support delivering the characteristics and qualities of well-</del> functioning urban environments.</u>
Policy CC.7  Support with changes	Nature-based solutions are not always viable in Wellington due to its topography and spatially constrained urban environment	Amend the Policy as follows:  <u>District and regional plans shall include objectives, policies, rules and/or methods that provide for <i>nature-based solutions</i> to climate change to be part of development and infrastructure planning and design, where <u>practicable.</u></u>
Policy 7  Support with changes	Policy 7 requires additional clarity about how to recognise the benefits of regionally significant infrastructure. It will be very difficult for infrastructure providers to achieve Te Mana o te Wai, support growth, manage biodiversity, provide resilience for climate change and manage natural	Amend the Policy as follows:  District and regional plans shall include objectives, policies and/or methods that recognise:  (a) the social, economic, cultural and environmental benefits of <u>regionally significant infrastructure, and in particular, low and zero carbon regionally significant infrastructure,</u> including:

	<p>hazard risks if appropriate planning pathways are not provided in District and Regional Plans</p> <p>The reference to low or zero carbon infrastructure in clause (a) creates a third tier of infrastructure to the detriment of regionally significant infrastructure and should be deleted.</p> <p>Overall, the RPS needs to enable consideration of local and regional benefits, functional and operational need and adverse effects a case by case basis to determine what is appropriate in any particular circumstances.</p>	<ul style="list-style-type: none"> <li>(i) people and goods can travel to, from and around the region efficiently and safely <u>and in ways that support transitioning to low or zero carbon multi modal travel modes</u>;</li> <li>(ii) public health and safety is maintained through the provision of essential services: - supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;</li> <li>(iii) people have access to energy, <u>and preferably low or zero carbon energy</u>, so as to meet their needs; and</li> <li>(iv) people have access to telecommunication services; <u>including by providing appropriate planning pathways for delivering the benefits.</u></li> </ul> <p>(b) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources including:</p> <ul style="list-style-type: none"> <li>(i) security of supply and diversification of our energy sources;</li> <li>(ii) reducing dependency on imported energy resources; and</li> <li>(iii) reducing greenhouse gas <i>emissions</i>.</li> </ul>
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<p>Policy 14(j) Policy FW.3(m) Policy 42(k)  Support with changes</p>	<p>All three are reliant on the definition of hydrological controls, which is a very unclear definition. Clarity would be improved by adding the suggested wording to these three clauses. This may involve deletion of existing words/clauses.</p>	<p>Add the words, “Require hydrological controls to reduce the adverse effects of excess stormwater volume on stream bank scour and aquatic ecosystem health” and make such other consequential changes as are necessary.</p>
<p>Policy 14(k)  Oppose</p>	<p>‘Minimise’ and ‘maximise’ are too strong, unless defined consistently with the pNRP</p>	<p>Include definitions for minimise and maximise consistent with the pNRP</p>
<p>Policy 14, Policy 15, Policy FW.3 Policy FW.6, Policy 41 and other provisions addressing councils’ roles and functions for water quality  Support with changes</p>	<p>There is an overlap between GW and District and City Councils regarding the control of land use for water quality. Wellington Water supports this issue being addressed in Change 1 as it is critical for delivery of our upcoming stormwater consent application.</p> <p>Provisions addressing the overlap must be clear about the extent of mutual responsibilities, and avoid the risk of regional or territorial authorities individually taking less responsibility due to the mutuality.</p> <p>Increased specificity may resolve some of these issues.</p>	<p>Amend all relevant policies and other provisions that address councils’ roles and functions regarding water quality, to ensure the extent of mutual responsibilities is clear and the risk is avoided that individual councils may assume less responsibility where there are mutual obligations.</p>

<p>Policy 18 (c), (d) &amp; (h)</p> <p>Oppose</p>	<p>Clause (c) should be deleted because 3.22 and 3.24 of the NPS-FM set out a reasonably long list of specific <i>exceptions</i> to the policy direction – none of which is carried over into Policy 18. This may confuse Regional Plans, as they <i>must</i> give effect to the NPS-FM <i>and</i> the RPS.</p> <p>The intent of clauses (d) and (h) lacks clarity . Efficient allocation of water results in 100% of the water available for allocation being allocated, so a more suitable goal is appropriate, rather than efficient allocation. We agree water should be efficiently used.</p>	<p>Amend the Policy as follows:</p> <p>Regional plans shall include policies, rules and/or methods that <u>protect and restore the ecological health of water bodies, including:</u></p> <ul style="list-style-type: none"> <li>(a) <u>managing freshwater in a way that gives effect to <i>Te Mana o te Wai</i>;</u></li> <li>(b) <u>actively involve mana whenua / tangata whenua in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for;</u></li> <li>(c) <u><del>there is no further loss of extent of natural inland wetlands and coastal wetlands, their values are protected, and their restoration is promoted;</del></u></li> <li>(d) <u>take limits for both allocation and minimum flows achieving environmental outcomes, target attribute states and environmental flows and levels with appropriate variability</u></li> <li>(e) <u>freshwater is appropriately allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided</u></li> <li>(e) <u>avoiding the loss of river extent and values;</u></li> <li>(f) <u>protecting the significant values of outstanding water bodies;</u></li> <li>(g) <u>protecting the habitats of indigenous freshwater species are protected;</u></li> </ul>
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		<p><del>(h) — freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided</del></p> <p>....</p>
<p>Policy FW.1 and FW.2</p> <p>Neutral</p>	<p>For the explanations of both policies, GW may wish to align their language with other GW documents and provide aligned definitions.</p> <p>We also note that Taumata Arowai uses the terms Small, Medium and Large Networked Supplies. Group Supplies as defined in the pNRP aligns with Small and Medium, while Community Supplies and Large Networked Supplies also align.</p> <p>Finally, we propose some extra wording to FW.1(d) for clarity.</p>	<p>Amend as follows:</p> <p><u>Regional plans shall include policies, rules and/or methods to reduce demand of water from registered water suppliers and users, including:</u></p> <p>(a) <u>provisions addressing public and private water losses, including leaks;</u></p> <p>(b) <u>provisions requiring efficient end use of water for new developments;</u></p> <p>(c) <u>provisions addressing alternate water supplies for non-potable uses, particularly in the summer months; and</u></p> <p>(d) <u>provisions requiring water conservation measures, particularly in the summer months.</u></p> <p><b>Explanation</b></p> <p><u>Policy FW.1 requires regional plans to address the reduction of demand in community or group municipal-water supplies.</u></p>
<p>Policy FW.3 (h)</p> <p>Support with changes</p>	<p>Developments need to also consider the expectations of the stormwater management strategy and plan</p>	<p>Amend clause (h) as follows:</p>

		(h) <u>Consider the use and development of land in relation to target attribute states and any limits set in a regional plan and the outcomes sought in an approved stormwater management strategy or plan:</u>
Policy 29 (d)  Support with changes	Not all activities can avoid high risk areas. For example, anywhere wet is considered high risk under the pNRP but many Wellington Water activities need to occur in wet locations.	Amend clause (d) as follows:  <u>(d) include objectives, polices and rules to avoid subdivision, use or development and <i>hazard sensitive activities</i> where the hazards and risks are assessed as high to extreme or to appropriately manage the risk for regionally significant infrastructure.</u>
Policy CC.14(c)  Oppose or Support with changes	Clause (c) should be simplified for clarity and be clear that any water in urban areas that is not provided by Wellington Water should only be used for non-potable uses to ensure good public health outcomes.  Also, it is unclear what ‘community scale’ means. If this involves creation of an additional network for vesting, Wellington Water may oppose the clause in its entirety.	Amend clause (c) as follows:  (c) <del>capturing, storing and recycling</del> <u>harvesting</u> water at a community-scale <u>for non-potable uses</u> (for example by requiring rain tanks, and setting targets for urban roof area rainwater collection)  Or, delete the clause in its entirety.
Policy 39(a)  Oppose	The addition in clause (a) creates a third tier of infrastructure to the detriment of regionally significant infrastructure and should be deleted.	Amend clause (a) as follows:  (a) the social, economic, cultural, and environmental benefits of energy generated from renewable energy resources and/or



		<p><i>regionally significant infrastructure, <u>in particular where it contributes to reducing greenhouse gas emissions</u>; and</i></p> <p>....</p>
<p>Policy 40 (f), (g) &amp; (i)</p> <p>Oppose</p>	<p>Clauses (f) and (i) lack clarity.</p> <p>Clause (g) refers to significant recreational values in Table 15 of Schedule 1. Table 15 of Schedule 1 and Schedule H of the pNRP are inconsistent. .</p>	<p>Amend clauses (f) and (i) as follows:</p> <p>(f) Minimising the effect of <del>the</del> <u>proposals such as gravel extraction, exploratory drilling, flood protection and works in the beds of lakes and rivers</u> on groundwater recharge areas that are connected to surface water bodies</p> <p>....</p> <p>(i) <del>Maintaining natural</del> <u>flushing</u> flow regimes required to support aquatic ecosystem health</p> <p>Update Table 15 of Schedule 1 to align with Schedule H of the pNRP.</p>
<p>Policy 42</p> <p>Oppose</p>	<p>The linking between the stem and subclauses of the policy need different wording eg ‘must have particular regard to (a) <u>adopting</u> an integrated approach...’</p> <p>Minimise and maximise are only appropriate if defined in accordance with the pNRP (clause (l))</p>	<p>Amend links for grammatical consistency.</p> <p>Retain “minimise” and “maximise” in clause (l) only if defined in accordance with the pNRP.</p> <p>Amend clause (r) as follows:</p>

	<p>Clauses (p) and (q) should also apply to District Plans. New policy 42A below provides drafting.</p> <p>Clause (r) should be redrafted as integrated management is a very broad term and a catchment approach is more appropriate in this context.</p>	<p>(r) <u>applying a catchment approach (ki uta ki tai) an integrated management approach</u> to managing wastewater networks including <u>partnering with mana whenua as kaitiaki</u>, allowance for <u>appropriately designed overflow points where necessary to support growth and consideration of different approaches to wastewater management to resolve overflows.</u></p>
<p>NEW POLICY 42A</p>	<p>Consideration of the matters in clauses (p) and (q) of Policy 42 should also apply to District Plans as they control the form of development and are more commonly used than regional plans. This means that developers can be made aware of source water protection area risks earlier in their process, increasing the potential for a good outcome.</p>	<p>Insert new Policy 42A as follows:</p> <p><u>Effects on freshwater from urban development – district plans</u></p> <p><u>District plans shall include policies and methods to:</u></p> <p>(a) <u>Support and achieve efficient end use of reticulated water, and alternate water supplies for non-potable uses</u></p> <p>(b) <u>Where appropriate, protect drinking water sources from inappropriate use and development by use of policies and overlays advising of the restrictions in the Regional Plans and recommending early engagement with GW. This is supported by a non-regulatory method that District and City council staff will advise of the drinking water protections in the regional plan via LIMs and PIMs, responses to public enquiries and preapplication meetings.</u></p>
<p>Policy 44 (d) &amp; (h)</p>	<p>Clause (d) should reflect the variation in waterbody flow levels across the seasons. This will encourage</p>	<p>Amend clauses (d) and (h) as follows:</p> <p><u>(d) Take limits (minimum flows and allocation limits) are achieved that provide for flow or level variability, safeguard ecosystem health, reflect</u></p>

<p>Support with changes</p>	<p>water providers to take more water when it is readily available.</p> <p>Clause (h) should be altered for clarity and public health outcomes</p>	<p><u>annual and seasonal water cycles, provide for the life cycle needs of aquatic life, and take into account environmental outcomes;</u></p> <p>...</p> <p>(h) <u>There is consideration of alternate water supplies (only non-potable in urban areas) such as <del>storage or capture</del> harvesting of rainwater for use during the drier summer months</u></p>
<p>Policy FW.5</p> <p>Support with changes</p>	<p>Clause (a) needs to reflect the potential for saline intrusion into the aquifer</p> <p>Clause (d) needs to reflect ki uta ki tai for protection of water sources</p> <p>A new clause should be added to support the importance of water demand management in achieving Te Mana o te Wai.</p>	<p>Amend the Policy as follows:</p> <p><u>When considering a change, variation or review of a regional or district plan particular regard shall be given to:</u></p> <p>(a) <u>climate change impacts on water supply, including water availability and demand, including the potential for saline intrusion into the aquifer;</u></p> <p>(b) <u>demand from future population projections;</u></p> <p>(c) <u>development of future water sources, storage, treatment and reticulation; and</u></p> <p>(d) <u>protection of existing and future water sources identified in Source Water Risk Management Plans and including by via a catchment approach (ki uta ki tai).</u></p> <p>(e) <u>The benefits from, and implications for, water demand management.</u></p>

		....
Policy 51  Support with changes	Clause (f)  'Minimise' is only appropriate if defined in accordance with the pNRP definition  Add a new clause, as clause (g) doesn't recognise that some regionally significant infrastructure must locate in high hazard locations	Retain "minimising" only if defined in accordance with the pNRP.  Insert new clause:  recognising that it may not always be practicable for regionally significant infrastructure to avoid high to extreme hazard areas and providing appropriate management regimes
Policy 58 (b)  Support with changes	Clause (b) fails to recognise the importance of infrastructure for achieving Te Mana o te Wai	Amend clause (b) as follows:  <u>(b) all infrastructure required to serve new development, including low or zero carbon, multi modal, and public transport infrastructure and Te Mana o te Wai infrastructure, is available, or is consented, designated or programmed to be available prior to development occurring.</u>
Policy FW.7 (b)  Support with changes	Clause (b) should be amended to support public health outcomes	Amend clause (b) as follows:  <u>(b) built solutions including storage at community, farm, and domestic (rain tanks) scales, groundwater augmentation, built retention (wetlands, bunds), while ensuring appropriate consideration of public health outcomes.</u>

<p>Method 34</p> <p>Support with changes</p>	<p>Wellington Water supports the concept of a regional water supply strategy, with changes.</p>	<p>Amend Method 34 to:</p> <ul style="list-style-type: none"> <li>• Align with Taumata Arowai guidance as they are also regulating in this space</li> <li>• Refer to use of water, rather than allocation, in clause (a)</li> <li>• Update the method to reflect the potential for water reform</li> <li>• Address whether (and/or how) the strategy will still be relevant if water reform occurs</li> <li>• Reflect public health concerns regarding alternate water supplies in urban areas</li> <li>• Address water scarcity, operational resilience, growth and Te Mana o te Wai as part of clause (d)</li> <li>• Give effect to water safety plans and other requirements of Taumata Arowai as appropriate</li> <li>• Apply ki uta ki tai to source protection</li> </ul>
<p>Method 48</p> <p>Support with changes</p>	<p>The method lacks clarity, appears to have clauses with similar intents and does not have an overarching purpose. Questions and comments include:</p> <ul style="list-style-type: none"> <li>• Clause (a) should refer to appropriate allocation rather than efficient allocation</li> <li>• Are (c) and (d) duplicates?</li> </ul>	<p>Amend Method 48 to address the issues raised by our questions and comments.</p>

	<ul style="list-style-type: none"> <li>• How do transferable permits relate to improved water allocation?</li> <li>• What alternatives to first in, first served will be considered?</li> <li>• Are clauses (f) and (g) duplicates?</li> <li>• Clause (h) should be specific to water allocation rather than climate change</li> <li>• Clauses (i) and (j) seem redundant.</li> </ul> <p>Once we understand the overarching intent of the method we are keen to work with GW to resolve our concerns</p>	
<p>NEW METHOD 57</p> <p>Oppose Objective A unless this is included</p>	<p>Increased urban development is required by the NPS-UD. This has implications for water quality which need to be addressed under the NPS-FM. The proposed method is a first step in reconciling the two NPS outcomes for wastewater.</p>	<p><u>Develop and implement a wastewater management strategy, in partnership with mana whenua/tangata whenua and in collaboration with territorial authorities and water infrastructure providers. The strategy shall:</u></p> <ul style="list-style-type: none"> <li>• <u>Recognise the 100 year journey to improve water quality</u></li> <li>• <u>Set out how to achieve Te Mana o te Wai when managing wastewater</u></li> </ul>

		<ul style="list-style-type: none"> <li>• <u>Recognise that the journey may look different in different whaitua or for different mana whenua groups</u></li> <li>• <u>Be informed by the WIPs and associated documents from mana whenua groups (eg Te Mahere Wai or iwi statements)</u></li> <li>• <u>Create a framework of priorities and recognise that those priorities will change on the 100 year journey</u></li> <li>• <u>Result in a planning framework that both implements the NPS-FM and provides appropriate levels of flexibility for this early stage of the 100 year journey</u></li> </ul>
<p>NEW METHOD 58</p> <p>Oppose Objective A unless this is included</p>	<p>Te Mana o te Wai is reliant on consistent application of the principles listed in the NPS-FM.</p> <p>The provision of water services in Wellington is subject to increasing regulation and additional regulators. As well as a public health and environmental regulator, an economic regulator is expected to be established by 2025.</p>	<p><u>Engage with Taumata Arowai and the water services economic regulator (when established) to ensure a consistent approach to Te Mana o te Wai, including consideration of limits, measures, targets and relationships, particularly where there are overlaps in functions and roles.</u></p>

	Wellington Water considers it would be beneficial for water services regulators to work together in an integrated manner.	
NEW METHOD 59  Oppose Objective A unless this is included	We consider that Objective A represents a significant change from existing resource management practice. Rather than constantly referring to mana whenua for guidance on Te Ao Māori (and potentially creating further resourcing implications for mana whenua), the planning industry needs regular opportunities to upskill. As GW is driving this change in approach, GW should facilitate the upskilling.	<u>GW will run a regular series of workshops/training opportunities about how to deliver integrated management that is guided by Te Ao Māori in Wellington Region.</u>
Definition: hydrological controls  Oppose	The purpose of the definition is unclear. The intent might be better served by creation of a policy, rather than a definition. Either way, the following issues need to be addressed: <ul style="list-style-type: none"> <li>• The definition refers to annual means rather than annual peaks</li> <li>• The practicability test for brownfield and infill developments may be better served with a more specific target</li> <li>• It is unclear whether the modelling is based on an undeveloped state or the surrounding</li> </ul>	Such amendments as are necessary to address the issues identified.



	<p>catchment also being in an undeveloped state? This would affect water flowing onto the site and water attenuation</p> <ul style="list-style-type: none"> <li>• It is unclear what purpose the (a) clauses serve. The (b) clauses re to address stream scour that adversely impacts aquatic ecosystem health. If the (a) clauses are trying to achieve a different outcome to the (b) clauses, then this should be reflected in the policies. Currently the policies are only referring to one outcome, related to stream form.</li> </ul>	
<p>Definition: nature based solutions</p> <p>Oppose</p>	<p>The definition doesn't give effect to the NPS-FM and would benefit from the addition of an additional example.</p>	<p>Amend the definition to state:</p> <p><u>Actions to protect, enhance, or restore natural ecosystems, and the incorporation of natural elements into built environments, to reduce greenhouse gas emissions or give effect to Te Mana o te Wai and/or strengthen the resilience of humans, indigenous biodiversity and the natural environment to the effects of climate change.</u></p> <p><u>Examples include:</u></p>

		<p><u>Reducing greenhouse gas emissions (climate change mitigation):</u></p> <ul style="list-style-type: none"> <li>• <u>planting forests to sequester carbon</u></li> <li>• <u>protecting peatland to retain carbon stores</u></li> <li>• <u>application of wastewater sludge to land rather than landfills</u></li> </ul> <p>...</p>
<p>Definition: Regionally significant infrastructure  Oppose</p>	<p>Fails to give effect to the NPS-FM</p>	<p>Amend the definition as follows:</p> <p>...</p> <ul style="list-style-type: none"> <li>• <u>the local authority wastewater and stormwater networks and systems, including treatment plants, storage and discharge facilities and any infrastructure, assets or interventions to give effect to Te Mana o te Wai</u></li> </ul> <p>...</p>