

Section 42A Officer's Report

Hearing Stream 6: Infrastructure

Subjects: Three Waters chapter

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Report Date: 24 August 2026

Date of Hearing: 14-16 and 20 October 2026

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2 Introduction

2.1 Purpose of this report

- (1) This report is an Officer's Report prepared under section 42A of the Resource Management Act 1991 (RMA) for Hearing Stream 6. It addresses submissions on the Three Waters chapter of the Proposed Lower Hutt District Plan (PDP) to:
 - a. Assist the Hearing Panel in making recommendations on submissions relating to the Three Waters chapter of the Proposed District Plan and associated strategic directions and definitions;
 - b. Evaluate the submission points received on the chapter and the extent to which changes are required; and
 - c. Provide submitters with an understanding of how their submissions have been assessed and the recommendations made in response.
- (2) Separate officer reports have been prepared for submissions on the Infrastructure (including Protection of Infrastructure), Transport and Renewable Electricity Generation chapters, which will also be addressed at Hearing Stream 6.
- (3) The report assesses the issues raised by submitters and concludes with recommendations on whether the notified provisions should be retained, amended, or rejected.
- (4) The Hearing Panel may accept, reject, or modify the recommendations contained within this report based on the evidence presented through the hearing process and any additional information made available to it.

2.2 Author – Cristal Bennett

Tēnā Koutou Katoa,

Ko Tokerau te Maunga i tu iho mai

Ko Orongo te Pā o Pūhi kaitiaki o Matātua waka, I moe mai i te awa o Takou

Ko Ngati Rehia me Ngati Hine nga hapū

Ko Ngāpuhi te iwi

Ko Cristal Bennett ahau.

- (5) My name is Cristal Bennett. I am employed by Hutt City Council as the Senior Pou Whakamahere Kaupapa Here and sit within the Te Tira Māori and Policy Planning Teams.
- (6) I hold a Masters in Planning Practice from the University of Auckland and a Master of Business Administration from the Auckland University of Technology. I am an intermediate member of the New Zealand Planning Institute.
- (7) With more than 15 years of experience in various resource consent planning (RMA) and Team Leadership roles within both local and regional councils, I have developed a specialisation in Te Ao Māori and tikanga. This enables me to translate government legislation for hapu/iwi and integrate cultural values and perspectives into my work. My interests encompass Māori Land governance, tribal politics and mātauranga Māori, with a strong focus on engaging with hapu/iwi. I am also committed to promoting the sustainability of freshwater resources and biodiversity.
- (8) I started working on the District Plan Review in March 2024, focusing on the Te Ao Māori chapters and Notable Trees chapter.
- (9) Additionally, I recently completed the RMA Making Good Decisions Course in 2025, which is offered by the Ministry for the Environment.
- (10) I was not involved in the preparation of the Three Waters chapter of the PDP prior to notification of the Plan, or with the preparation of the Section 32 Evaluation Report.

2.3 Code of Conduct

- (11) Although this is a Council hearing, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct when preparing my written report and I agree to comply with it when I give any oral evidence.
- (12) Other than where I state that I am relying on the advice of another person, this evidence is within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

- (13) 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 opinion. Where I have set out opinions in my evidence, I have given reasons for those opinions.

2.4 Supporting evidence

- (14) Other than the s32 evaluation reports for these chapters, there are no additional supporting documents or evidence for this report.

2.5 Procedural issues

- (15) At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings, or expert witness conferencing in relation to the Three Waters chapter.

2.5.1 Note on Wellington Water and Tiaki Wai

- (16) At the time of notification of the PDP and through the submission and further submission stage of the PDP process, Wellington Water Ltd was the council-controlled organisation responsible for providing water services for Porirua, Upper Hutt, Wellington and Hutt City Councils and South Wairarapa District Council.

- (17) Of note for the PDP:

- Wellington Water are a submitter and further submitter (#422 and #F36), and
- Several provisions of the Three Waters chapter incorporate the Wellington Water Regional Standard for Water Services and other Wellington Water documents by reference.

- (18) However, in response to the Government's Local Water Done Well policy, from 1 July 2026 Wellington Water Ltd was effectively replaced by Tiaki Wai Ltd as the water service entity for Porirua, Upper Hutt, Wellington and Hutt City Councils.

- (19) ***For clarity:***

- This report continues to refer to Wellington Water as the submitter/further submitter (as this is the name on the submission, further submission, Summary of Decisions Requested, and other s42A reports), and
- Rather than referring to the *Wellington Water* or *Tiaki Wai* Regional Standard for Water Services, this report simply refers to the Regional Standard for Water Services (a recommendation is made later in this report to amend any references to the standard to be to the *Regional Standard for Water Services*, deleting the words *Wellington Water*).
- In all other cases, this report refers to either Tiaki Wai or Wellington Water, based on the context.

2.6 Abbreviations

Term or abbreviation	Meaning
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society of New Zealand Inc.
The Fuel Companies	BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd and Z Energy Ltd
KiwiRail	KiwiRail Holdings Ltd
MPHRCIS	Manor Park and Haywards Residents Community Incorporated Society
ODP	Operative City of Lower Hutt District Plan
PDP	Proposed Lower Hutt District Plan
RMA or 'the Act'	Resource Management Act 1991
RPS	Regional Policy Statement for the Wellington Region
WRC	Wellington Regional Council

2.7 Relevance of the plan stop exemption for the Three Waters chapter

(20) In August 2025, the RMA was amended to introduce new plan stop provisions which required councils to stop proposed plan change processes which had not proceeded to hearings. Hutt City Council applied for and was granted an exemption to proceed with the PDP with the following parts withdrawn:

- Historical and Cultural Values chapters, schedules and overlays
- Natural Environmental Values chapters, schedules and overlays
- Non-hazard parts of the Coastal Environment chapter and associated schedules and overlays (including coastal natural character)
- Parts relating to Highly Productive Land.

(21) The Three Waters chapter is fully within the scope of Council's plan stop exemption.

(22) As Council's plan stop exemption does not cover all of the PDP, some parts of the Operative District Plan (ODP) will need to be retained (those parts that are equivalent to the parts of the PDP that are not within the scope of the plan stop exemption). Ultimately, this will require integration of the PDP with the parts of the ODP that are retained. However, this is expected to be a straight forward exercise for the Three Waters chapter and no issues are anticipated for this integration.

3 Chapter summary

- (23) The Three Waters chapter includes a comprehensive review of how water supply, wastewater, and stormwater (Three Waters) are managed through the District Plan, primarily in urban zones, and aims to ensure new development is adequately serviced by infrastructure. It also aims to maintain acceptable levels of service across the network, reflecting current engineering and infrastructure standards.
- (24) Growth and development in Lower Hutt have increased demand on three waters infrastructure. Parts of the existing network are ageing, deteriorating, and have limited capacity. Reliable three waters infrastructure is essential for:
- Community health and wellbeing,
 - Environmental protection, and
 - Supporting residential and business growth.

3.1 Statutory and Policy Context

- (25) As set out in the Section 32 Evaluation Report for the Three Waters chapter, there are several higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail in the Section 32 Evaluation Report, but are summarised below.

Resource Management Act 1991 (RMA):

- (26) The RMA is the primary legislation governing land use and development. For this chapter, the most relevant provisions include s5, which sets the purpose of sustainable management; s6, which identifies matters of national importance to be recognised and provided for, including the preservation of natural character and protection of significant indigenous vegetation and habitats; s7, which identifies other matters particular regard is to be given to, including efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and quality of the

environment and the effects of climate change; and s8, which requires the principles of Te Tiriti o Waitangi to be taken into account.

- (27) Sections 30 and 31 distinguish regional and territorial authority functions, meaning that the PDP is appropriately focused on land use, buildings, servicing and urban development effects, while regional plans primarily manage water takes, discharges, beds of rivers and lakes, groundwater and wider freshwater limits.
- (28) Sections 74 and 75 require the District Plan to give effect to national policy statements and the Regional Policy Statement (RPS), and to not be inconsistent with regional plans. This statutory framework supports the Three Waters chapter as a district plan method for managing land use effects associated with development, infrastructure capacity, stormwater runoff, hydraulic neutrality and water sensitive design.

National Policy Statement for Freshwater Management 2020 (NPS-FM).

- (29) The NPS-FM is the primary national policy statement relevant to freshwater and stormwater effects. It requires freshwater to be managed in a way that gives effect to Te Mana o te Wai, including the hierarchy of obligations that prioritises the health and wellbeing of water bodies and freshwater ecosystems, then the health needs of people, including drinking water, and then the ability of people and communities to provide for their social, economic and cultural wellbeing. It is relevant to the Three Waters chapter because stormwater from urban development can affect freshwater quality, hydrological regimes, stream health, groundwater and receiving environments.
- (30) The chapter's hydraulic neutrality and water sensitive design provisions assist in giving effect to this national direction at the district plan level by managing the land use component of stormwater effects before discharges enter the regional consenting framework.

National Policy Statement on Urban Development 2020 (NPS-UD)

- (31) The NPS-UD is relevant for the Three Waters chapter because it requires planning decisions to enable well-functioning urban environments and sufficient development capacity, while recognising the need to integrate land use with infrastructure planning. In the Three Waters context, this supports provisions that enable growth where adequate water supply, wastewater and

stormwater servicing is available or can be provided, and ensures effects of intensification on constrained networks, flood risk and receiving environments are managed.

National Environmental Standards for Sources of Human Drinking Water 2007 (NES-DW):

- (32) The NES-DW provides national direction for protecting sources of human drinking water. It requires consent authorities, particularly regional councils, to consider whether activities may adversely affect registered drinking water supplies and to avoid granting water or discharge permits that would make drinking water unsafe following existing treatment.
- (33) However, because the NES-DW mainly operates through regional plan and consent functions, it supports rather than replaces the PDP's role.

Regional Policy Statement for the Wellington Region (RPS)

- (34) The RPS is the key regional policy document that the PDP must give effect to. The freshwater components of Proposed Change 1 became operative on 22 April 2025. This is important to regional context because it strengthens alignment with the NPS-FM and freshwater outcomes.

Natural Resources Plan for the Wellington Region (NRP)

- (35) The NRP is the operative regional plan for the Wellington Region and is directly relevant to matters that sit outside, but interface with, the PDP. It manages regional council functions under section 30 of the RMA, including discharges to land and water, water takes and use, stormwater discharges, works in beds of rivers and lakes, wetlands, groundwater and aquifer protection, and regional freshwater objectives, limits and policies.

3.2 Key changes since notification of the PDP

- (36) The recent national direction relating to infrastructure, freshwater management, urban development and natural hazard resilience are relevant to the three waters provisions.
- (37) The provisions will enable the operation, maintenance and upgrading and development of essential three waters infrastructure, while ensuring that infrastructure and growth are appropriately integrated with network capacity, freshwater outcomes, stormwater management and natural hazard risk.

- (38) The national direction does not however, require the PDP to replicate water-services governance arrangements or detailed engineering standards.

4 Submissions

- (39) Council received 47 submission points for the Three Waters chapter, from 11 submitters.
- (40) There are 15 further submission points that relate to submissions on the Three Waters chapter, from four further submitters, primarily opposing submission points of original submitters (these are identified in the assessments below).

4.1 Key resource management issues

- (41) The key resource management issues that are raised in submissions are:
- **Hydraulic neutrality:**

The key issue is whether the notified hydraulic neutrality provisions remain an appropriate method for managing the stormwater effects of urban development.

Some submitters also wish to extend permitted activity status to small-scale non-residential buildings (<200m²), citing that small-scale non-residential buildings should be permitted if they don't increase pre-development peak flows.
 - **Water-sensitive design:**

The key issue is whether the notified water sensitive design provisions remain an appropriate method for managing stormwater quality and quantity effects associated with urban development.

Some submitters want Council to consider more flexibility for small-scale development because of the challenges to implementing water sensitive design cost-effectively for some developments.
 - **Three waters infrastructure servicing:**

The key issue is whether the Three Waters chapter should continue to rely on incorporated technical documents and standards, or whether additional flexibility should be introduced to automatically recognise future approved methods.

Some submitters seek to amend cross-references to Regional Standards for Water Services, instead requesting the PDP to specify minimum requirements directly in plan.

- (42) These key issues, as well as other issues raised in submissions, are addressed in the following sections of this report in relation to specific provisions of the Three Waters chapter.

4.2 Discussion of submissions and recommendations

- (43) This section is a discussion of the submission points on the Three Waters chapter, with my recommendations on decisions requested by submitters on this topic.

4.2.1 Provisions not in contention

- (44) While submissions were received on all provisions of the Three Waters chapter, submissions were only received in support of some provisions. These provisions are identified in Table 2, below.
- (45) I recommend that these submission points be accepted, and that the provisions be retained as notified.

Table 2: Provisions of the Three Waters chapter that only received submissions in support.	
Provisions	Submissions in support
Introduction	The Fuel Companies (471.121)
THW-O1: Infrastructure-enabled urban development	FENZ (374.27) ¹ Kāinga Ora (386.2) WRC (452.43) Te Rūnanganui O Te Āti Awa (503.31)

¹ Submission point 374.27 of FENZ also supports policy THW-P1. However, as that policy is in contention, that part of this submission point is addressed later in this report.

THW-O2: Hydraulic neutrality and stormwater management	KiwiRail (442.56) WRC (452.44) The Fuel Companies (471.122) Te Rūnanganui O Te Āti Awa (503.31)
THW-P3: Hydraulic neutrality	KiwiRail (442.57) WRC (452.47) The Fuel Companies (471.125)
THW-P5: Water supply	WRC (452.49) Te Rūnanganui O Te Āti Awa (503.30a)
THW-R4: Residential Units/Retirement Villages	WRC (452.53) Te Rūnanganui O Te Āti Awa (503.30b)
Definition – Stormwater	The Fuel Companies (471.51)
Definition – Three waters network / Three waters	The Fuel Companies (471.53)
Definition – Wastewater	The Fuel Companies (471.55)
Definition – Water sensitive design	WRC (452.14) The Fuel Companies (471.56)

4.2.2 General – Whole chapter

Submission

- (46) WRC (452.42) supports the entire Three Waters chapter as a key framework for managing the impacts of urban development on freshwater and ensuring the appropriate system capacity to support urban development.

Recommendation

- (47) I recommend that submission point (452.42) is accepted in part, subject to amendments recommended in response to other submission points.

4.2.3 General – Hydraulic neutrality

Submission

- (48) Friends of Waiwhetū Stream (302.1) support the requirements of the Three Waters chapter for hydraulic neutrality.

Recommendation

- (49) I recommend that submission point (302.1) is accepted, as I recommend that the PDP approach to hydraulic neutrality is largely retained. However, I note that other submitters recommend amendments to specific provisions on hydraulic neutrality, and later in this section I recommended that those amendments be accepted.

4.2.4 General – Water sensitive design

Submission

- (50) Friends of Waiwhetū Stream (302.2) support the requirements of the Three Waters chapter for water sensitive design, subject to amendments recommended in response to other submission points on specific provisions that relate to water sensitive design.

Recommendation

- (51) I recommend that submission point (302.2) is accepted, as I recommend that the PDP approach to water sensitive design is largely retained. However, I note that other submitters recommend amendments to specific provisions on

water sensitive design, which are discussed below in relation to those specific provisions.

4.2.5 General – References to external documents

Submission

- (52) Go Architecture (331.4), opposed by Wellington Water (F36.402) support in part the entire Three Waters chapter, but request that references to external documents also state "or in accordance with any approved methods that may be added in subsequent revisions of these documents."

Assessment

- (53) The following external documents are referred to in the Three Waters chapter:
- Wellington Water Regional Standard for Water Services, December 2021, Version 3.0 (in policies THW-P1 and THW-P2 and rules THW-R1, THW-R2 and THW-R3)
 - Wellington Water Managing Stormwater Runoff – The Use of Approved Solutions for Hydraulic Neutrality, March 2024, Version 5 (in rule THW-R2)
 - Wellington Water Reference Guide for Design Storm Hydrology; Standardised Parameters for Hydrological Modelling, April 2019, Version 7 (referred to in rule THW-R2)
 - Wellington Water – Water Sensitive Design for Stormwater: Treatment Device Design Guideline, December 2019, Version 1.1 (in rule THW-R3)
 - Wellington Water Regional Specification for Water Services December 2021, Version 3 (in rule THW-R4)
- (54) These documents have been incorporated into the PDP by reference as they include detailed engineering and other guidance that would be impractical to reproduce in the PDP.
- (55) The submitter seeks to reflect future revisions of these external technical documents in the PDP. However, Clause 31 of Schedule 1 requires a variation or plan change for an amendment to an externally referenced document to have effect through the plan.

- (56) Requiring a plan change or variation enables public input and full assessment through this process, to ensure any updated document remains suitable for use in a District Plan. This also provides certainty to plan users that technical standards are not subject to change unless this process is followed and enables Council to make decisions on whether revised versions are appropriate for reference in the District Plan, rather than Tiaki Wai, who could update these documents without any oversight or approval from the Council.

Recommendation

- (57) I recommend that the submission point of Go Architecture (331.4) is rejected, and that no amendments are made to refer to subsequent revisions of the documents incorporated by reference in the Three Waters chapter.

4.2.6 General – Retention tanks for non-potable water

Submissions

- (58) Friends of Waiwhetū Stream (302.3), opposed by Kāinga Ora (F26.6) and Wellington Water (F36.401), request that rainwater retention tanks be compulsory for all new developments to help manage non-potable water needs.

Assessment

- (59) I generally agree that retention tanks are a good way to preserve non-potable water for use on a site. However, I do not consider it appropriate to require rainwater retention tanks for all new developments through the Three Waters chapter, noting the additional cost associated with providing the retention tanks (which may be in addition to rainwater detention tanks) and potential impacts on development.
- (60) The Three Waters chapter provides for stormwater management through hydraulic neutrality and water sensitive design provisions, supported by Wellington Water guidance and approved solutions. Those documents recognise rainwater detention tanks as one possible method for managing stormwater discharges from a site, but do not require them in every case as other options may be more appropriate for some developments. While rainwater detention tanks for stormwater management are generally required to be empty except during rainfall events, these tanks can include an

additional reservoir to retain water for some outdoor water use (although this is not always the case).

Recommendation

- (61) I recommend that submission point of the Friends of Waiwhetū Stream (302.3) is rejected.

4.2.7 Introduction

Submission

- (62) The Fuel Companies (471.121) support the Introduction section of the Three Waters chapter.

Recommendation

- (63) I recommend accepting submission (471.121) and that the Introduction section is retained as notified.

4.2.8 New objective – Protecting the Waiwhetū Aquifer

Submission

- (64) Wellington Water (422.12) request the following new objective:

“Protect the Waiwhetū aquifer from the adverse effects of urban development and adverse effects of existing infrastructure.”

Assessment

- (65) I acknowledge the strategic importance of the Waiwhetū Aquifer as a drinking water source for Lower Hutt and the wider Wellington metropolitan area. However, the assessment must consider whether a district plan objective is the most appropriate method for achieving source water protection, having regard to the respective functions of territorial authorities and regional councils under the RMA, and the separate drinking water safety framework under the Water Services Act 2021.
- (66) Wellington Water considers that the importance of the Waiwhetū Aquifer should be recognised through a new objective, rather than only being referred to in the introduction. The relief sought would provide a district plan objective enabling Council to consider potential water source risks through

resource consent applications for urban development and infrastructure-related activities.

- (67) However, the ability to consider this desired outcome would be limited by the activity status of the relevant activity, and for restricted discretionary activities (a commonly adopted activity status in the PDP), the matters of discretion.
- (68) In addition, I note that no policies have been proposed to implement this objective, and if there were a policy, what rules would implement that policy, noting that under ss75(1)(b) and (c) of the RMA, a district plan must state the policies to implement the objectives [for the district] and the rules (if any) to implement those policies.
- (69) The Water Services Act 2021 establishes the drinking water safety framework and places obligations on drinking water suppliers to identify, manage and report risks to source water. Those obligations sit alongside the regulatory role of Taumata Arowai and the regional council's RMA functions for water, discharges, groundwater and aquifer protection.
- (70) Under the RMA, the management of water quality, water takes, discharges to land and water, groundwater, and activities affecting aquifers is primarily a regional council function under section 30. The Natural Resources Plan for the Wellington Region contains the operative regional planning framework for managing these matters, including activities over or near the Waiwhetū Aquifer. By contrast, the District Plan's role is focused on territorial authority functions under section 31, including managing the effects of land use, buildings, development, infrastructure servicing and stormwater runoff.
- (71) I do not consider a separate Three Waters objective is necessary or efficient. A new objective focused specifically on the Waiwhetū Aquifer could create uncertainty about the extent of Council's district plan role and may duplicate or overlap with existing regional council's and drinking water supplier responsibilities. It may also imply that the District Plan provides a mechanism for source water protection, when the detailed controls for groundwater, discharges, water takes and aquifer protection sit firmly within the regional and drinking water regulatory frameworks.

Recommendation

- (72) I recommend that the submission point of Wellington Water (422.12) is rejected.

4.2.9 THW-P1: Three waters infrastructure servicing

Submissions

- (73) FENZ (374.27), WRC (452.45) and The Fuel Companies (471.123) support policy THW-P1.
- (74) Kāinga Ora (386.3), opposed by Wellington Water (F36.392) and WRC (F38.21), support policy THW-P1 in part, and request the following amendment:

“Enable use and development in urban areas that is serviced by existing three waters infrastructure which:

- ~~1. —Meets the requirements of the Wellington Water Limited Regional Standard for Water Services, December 2021, Version 3.0;~~
2. *Has sufficient capacity to accommodate the use, or development, and*
3. *Either exists prior to the commencement of construction or is proposed to be installed in conjunction with the proposed development.”*

- (75) Wellington Water (422.13) supports policy THW-P1 in part, and requests that the reference to the Regional Standard for Water Services, December 2021, Version 3.0 be updated to refer to Version 3.1.

Assessment

- (76) In their submission, Kāinga Ora states that they consider clause 1 of policy THW-P1 (which refers to the Regional Standard for Water Services) is already provided for in a more appropriate manner in policy THW-P2. However, while there may be some overlap in the direction in THW-P1 and THW-P2 by both policies referring to the Regional Standard for Water Services, in my opinion the direction for three waters infrastructure servicing in THW-P1 is clearer with the reference to the Regional Standard.
- (77) I support Kāinga Ora’s requested amendment to add “proposed to be” to clause 3. As notified, the policy could be read as requiring the relevant infrastructure to already exist before a development commences. The requested wording better recognises common development scenarios where

infrastructure upgrades, extensions or connections form part of the development proposal and are secured through resource consent conditions, engineering approval or other implementation mechanisms. In my view, the amendment provides useful flexibility while retaining the core requirement that development must be adequately serviced. It does not weaken THW-P1 because the infrastructure must still be installed in conjunction with the proposed development and have sufficient capacity to accommodate the use or development.

- (78) I support Wellington Water's request to update the reference from Version 3.0 to Version 3.1 of the Wellington Water Limited Regional Standard for Water Services. This is a technical update that improves accuracy and consistency across the chapter without changing the policy intent.²

Recommendation

- (79) I recommend that the submission points of FENZ (374.27), WRC (452.45) and The Fuel Companies (471.123) in support of policy THW-P1 be accepted, subject to the amendments recommended in response to the submissions of Kāinga Ora and Wellington Water.
- (80) I recommend the submission by Kāinga Ora (386.3) is both accepted and rejected in part, insofar as I recommend that "proposed to be" should be added to clause 3 of THW-P1, but that clause 1 of the policy should be retained.
- (81) I recommend the submission by Wellington Water (422.13) is accepted and that references to the Wellington Water Limited Regional Standard for Water Services are updated to Version 3.1.
- (82) In summary, I recommend that Policy THW-P1 is amended to:

"Enable use and development in urban areas that is serviced by existing three waters infrastructure which:

² In section 6 of this report I recommend that references to the *Wellington Water Regional Standard for Water Services* are corrected, as a minor amendment, to simply refer to the *Regional Standard for Water Services*. While not shown here, this recommendation is incorporated in the tracked changes version of the Three Waters chapter in Appendix 1 of this report.

1. *Meets the requirements of the Wellington Water Limited Regional Standard for Water Services, December 2021, Version [3.01](#).*
2. *Has sufficient capacity to accommodate the use, or development, and*
3. *Either exists prior to the commencement of construction or is [proposed to be](#) installed in conjunction with the proposed development."*

4.2.10 THW-P2: Three waters infrastructure capacity

Submissions

- (83) FENZ (374.28), WRC (452.46) and The Fuel Companies (471.124) support policy THW-P2.
- (84) Kāinga Ora (386.4), opposed by Wellington Water (F36.393), supports policy THW-P2 in part, and requests the following amendment:
- "Only allow for use, and development in urban areas with insufficient existing three waters capacity and/or level of service where:*
1. *The required three waters network is constructed prior to or in conjunction with the proposed development, or*
 2. *It can be demonstrated there is an acceptable alternative solution that:*
 - a. *Provides a comparable level of service to the use or development as outlined in [the relevant](#) Wellington Water Limited Regional Standard for Water Services, December 2021, Version 3.0,*
 - b. *Does not result in increased flood risk, increased wastewater overflows or reduced water pressure in the reticulated water network, and*
 - c. *Will not generate any additional demand that compromises the ability of the network to service other permitted or established activities within the immediate area."*
- (85) Wellington Water (422.13) requests that the reference to the Wellington Water Limited Regional Standard for Water Services, December 2021, Version 3.0 be updated to refer to Version 3.1.

Assessment

- (86) Kāinga Ora supports the policy in relation to acceptable alternative solutions to enable use and development in urban areas with insufficient existing three waters capacity. However, Kāinga Ora considers it is appropriate to refer to “relevant” requirements (in Clause a) as some requirements may relate to other regulatory processes or not be relevant.
- (87) I understand that some requirements may not be directly relevant to this policy depending on the situation. I am of the view that this policy ensures the main regional ‘standard’ is applied in the first instance. I do not support referring to the word ‘relevant’, as this may create ambiguity for plan users and I view the current wording of the policy provides sufficient clarity.
- (88) I support Wellington Water’s request to update the reference from Version 3.0 to Version 3.1 of the Wellington Water Limited Regional Standard for Water Services. This is a technical update that improves accuracy and consistency across the chapter without changing the policy intent.

Recommendation

- (89) I recommend that the submission points of FENZ (374.28), WRC (452.46) and The Fuel Companies (471.124) in support of policy THW-P2 be accepted, subject to the amendments recommended in response to the submission of Wellington Water.
- (90) I recommend that the submission point of Kāinga Ora (386.4) is rejected.
- (91) I recommend that the submission point of Wellington Water (422.13) is accepted, and that policy THW-P2 is amended to refer to Version 3.1 of the Regional Standard for Water Services.

4.2.11 THW-P4: Water sensitive design

Submissions

- (92) WRC (452.48) and The Fuel Companies (471.126) support policy THW-P4.
- (93) Te Rūnanganui O Te Āti Awa (503.32) support policy THW-P4 in part, but request consideration for more flexibility in how this is applied by Council for small-scale development.
- (94) Kāinga Ora (386.5), opposed by Wellington Water (F36.394) and WRC (F38.22), oppose policy THW-P4 in part, and request the following amendment:

~~“Require Encourage and promote~~ new development in urban areas (except for commercial and mixed use zones) to incorporate water sensitive design methods and to be designed, constructed and maintained to:

1. ~~Manage activities to Avoid and where that is not possible, or~~ mitigate off-site effects from surface water runoff, and
2. Be in accordance with best practice solutions for the management of stormwater quality and quantity from the development.”

Assessment

- (95) Te Rūnanganui O Te Āti Awa requests consideration for more flexibility in how this policy is applied for small-scale development. Reasons for this include that it has been challenging to implement in a cost-effective way for small-scale developments, and the submitter would support more flexibility in how this is applied by Council.
- (96) Under Rule THW-R3, water sensitive design requirements apply to developments for four or more residential units, or non-residential buildings with a building footprint of more than 200m² only.
- (97) As an example, a small scale four-unit development in Lower Hutt, with a compliant water sensitive design package, might include:
- Rainwater tanks on each unit
 - Permeable paving instead of concrete
 - A rain garden for roof runoff
 - Reduced impervious area
 - Native planting and landscaping
- (98) The *Wellington Water – Water Sensitive Design for Stormwater: Treatment Device Design Guideline, December 2019, version 1.1* provides for Water Sensitive Design (WSD) with structured and targeted flexibility in device selection and site integration. Rather than mandating a single rigid response, developers can mix and adapt devices to match the site’s ecology, layout, and stormwater management needs. The framework allows selecting options based on return on investment, spatial availability, and local water quality goals. In my opinion there is an acceptable amount of flexibility.

- (99) Regarding Kāinga Ora's submission point, I consider THW-P4 seeks to support water sensitive design as a required part of a new urban development, rather than something that is to be encouraged and promoted. This is reflected in the rule framework where water sensitive design is required for development of four or more units, retirement villages or non-residential buildings with a building footprint over 200m².
- (100) The policy aims to ensure new development is designed so that stormwater is managed on-site and as part of the overall site design. It ensures there is policy direction for water sensitive design in order to:
- Reduce off-site stormwater effects, such as extra runoff, flooding, erosion, or pressure on the stormwater network.
 - Manage both stormwater quantity and quality, so development does not worsen downstream effects.
 - Use water sensitive design methods, such as rain gardens, permeable paving, rainwater tanks, reduced impervious surfaces, planting, and other treatment/attenuation measures.
 - Support better environmental outcomes, particularly for freshwater and receiving environments.
 - Embed water management early in site layout and design, rather than treating it as an engineering add-on later.
- (101) Kāinga Ora's requested wording would soften that requirement by altering it to "encourage and promote," which could weaken the policy direction.

Recommendation

- (102) I recommend the submission points by WRC (452.48) and The Fuel Companies (471.126) in support of policy THW-P4 are accepted.
- (103) I recommend the submission by Te Rūnanganui O Te Āti Awa (503.32) is rejected.
- (104) I recommend that the submission by Kāinga Ora (386.5) is rejected.

4.2.12 THW-R1: New buildings (excluding accessory buildings) and conversions of existing buildings in an Urban Zone – Connections to the Reticulated Network

Submissions

(105) WRC (452.50) supports rule THW-R1.

(106) The Fuel Companies (471.127), supported by Wellington Water (F36.395), support rule THW-R1 in part, and request the following amendments:

1. **Activity status:** *Permitted*

Where:

a. *Connection to the existing three water infrastructure achieves compliance with:*

...

iii. *For stormwater: The performance standard criteria in Chapter 4, section 4.2 of the Wellington Water Limited Regional Standard for Water Services, December 2021, Version 3.0¹*

(107) Wellington Water (422.13) requests that the reference to the Wellington Water Limited Regional Standard for Water Services, December 2021, Version 3.0 be updated to refer to Version 3.1.

(108) FENZ (374.29) supports rule THW-R1 in part and requests the following amendments to Rules THW-R1.1 and THW-R1.2:

“1. **Activity status:** *Permitted*

Where:

a. *Connection to the existing three water infrastructure achieves compliance with:*

....

ii. *For water supply: The level of service in Chapter 6, Tables 6.1 and 6.2 of the Wellington Water Limited Regional Standard for Water Services, December 2021, Version 3.0, and comply with water supply*

requirements in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

2. **Activity status:** *Restricted discretionary*

...

Matters of discretion are restricted to:

...

5. The extent to which the proposed water supply, including for firefighting purposes, is sufficient for the development or activity it services."

(109) The Policy Planning team of HCC (440.25) request the following amendment to rule THW-R1.2:

"2. **Activity status:** *Restricted discretionary*

Where:

a. Compliance ~~with any of the requirements of~~ is not achieved with THW-R1.1 ~~cannot be achieved."~~

...

(110) Survey and Spatial New Zealand (466.1), opposed by Wellington Water (F36.396), oppose rule THW-R1 in part, and request that cross-references to the Regional Standard for Water Services 2021 are removed, and that minimum requirements for new connections are specified.

Assessment

(111) With regard to the decision requested by The Fuel Companies, I agree that it is more appropriate to refer to the performance criteria in section 4.2 of Chapter 4 of the Regional Standard for Water Services in rule THW-R1. Section 4.2 of Chapter 4 of the Regional Standard includes a suite of 'performance criteria', and referring to criteria rather standards aligns better with the language used in the Regional Standard. In addition, as Chapter 4 of the Regional Standard includes a range of other provisions (outside section 4.2) that are separate from the performance criteria, referring specifically to section 4.2 will ensure plan users are directed to the relevant parts of the Regional Standard.

- (112) With regard to the decision requested by Wellington Water (422.13), I agree it is more appropriate to refer to Version 3.1 of the Regional Standard for Water Services in rule THW-R1 as this is the most up to date version of the Standard.
- (113) With regard to the decision requested by FENZ (374.29) to refer to the Code of Practice SNZ PAS 4509:2008 (the Code of Practice), I do not think it is appropriate to refer to an additional external standard in this rule. The Code of Practice is a relatively lengthy document (77 pages) of standards, some of which may be relevant for the application of clause 1.a.ii of rule THW-R1, but much of which may not be. For example, the Code of Practice includes sections on Fire Service vehicle access to water sources, and while I accept this is important, I do not think it is relevant for the application of rule THW-R1, which relates specifically to connection to reticulated three waters networks.
- (114) The Code of Practice also includes standards on firefighting flows and pressures, which are relevant considerations for connections to the reticulated water supply network. However, section 6.2.4(e) of the Regional Water Services Standard (version 3.1) already gives direction for these flows and pressures to comply with SNZ PAS 4509, which I consider to be appropriate.
- (115) In addition, the Code of Practice does not appear to be freely available to plan users, and while it is not uncommon for district plans to incorporate external standards by reference that need to be purchased, I do not consider it to be good planning practice where that standard is required to demonstrate whether an activity is permitted or not. This is as opposed to the Regional Water Services Standard is freely available (through the Tiaki Wai website). While the Regional Water Services Standard refers to the Code of Practice, it refers to a relatively narrow part of it, and between Council and Tiaki Wai, advice would be able to be provided to plan users to ensure they can determine whether they meet the relevant parts of the Code of Practice without needing to purchase it.
- (116) However, FENZ also request an additional matter of discretion for rule THW-R1.2, on "The extent to which the proposed water supply, including for firefighting purposes, is sufficient for the development or activity it services." I agree that this is an appropriate matter of discretion. While the matter is arguably covered through the reference in the matters of discretion to policy THW-P2, the matter of discretion improves clarity of the matters of discretion,

and ensures there is consideration of the suitability of water supply for firefighting purposes.

- (117) With regard to the decision requested by the Policy Planning team of HCC (440.25), I consider that the requested amendment is appropriate because *“Compliance is not achieved with THW-R1.1”* will be clearer and more consistent rule drafting.
- (118) With regard to the decision requested by Survey and Spatial New Zealand, I do not consider it appropriate to remove the references to the Regional Water Services Standard because the Standard provides necessary technical detail for connections to reticulated three waters networks, and given the level of detail, it is better to retain the detail in the external standard rather than reproduce it in the District Plan.

Recommendation

- (119) I recommend that the submission point of WRC (452.50) in support of rule THW-R1 is accepted, subject to recommendations in response to other submission points below.
- (120) I recommend that the submission point of The Fuel Companies (471.127) is accepted, and that clause 1.a.iii of rule THW-R1 is amended to refer to the performance criteria of Chapter 4, section 4.2 of the Regional Standard for Water Services.
- (121) I recommend that the submission point of Wellington Water (422.13) be accepted, and that references in rule THW-R1 to the Regional Standard for Water Services be amended to Version 3.1 of the Standard.
- (122) I recommend that the submission point of FENZ (374.29) be accepted in part and rejected in part, in that I recommend that a reference to the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 is not added to clause 1.a.ii of rule THW-R1, but that a matter of discretion is added to rule THW-R1.2 for *“The extent to which the proposed water supply, including for firefighting purposes, is sufficient for the development or activity it services.”*
- (123) I recommend that the submission point of the Policy Planning team of HCC (440.25) be accepted.

- (124) I recommend that the submission point of Survey and Spatial New Zealand (466.1) is rejected.

4.2.13 THW-R2: New buildings (excluding accessory buildings) in an Urban Zone – Hydraulic neutrality

Submissions

- (125) WRC (452.51) supports rule THW-R2.
- (126) Wellington Water (422.13) requests that the reference to the Wellington Water Limited Regional Standard for Water Services, December 2021, Version 3.0 be updated to refer to Version 3.1.
- (127) The Fuel Companies (471.128), opposed by Wellington Water (F36.398), support rule THW-R2 in part and request the following amendments to Rule THW-R2.1:

*"1. **Activity status:** Permitted*

Where:

- a. *For development of ~~no more than three residential units~~ one to three residential units or a non-residential building with a building footprint of less than 200m²:*
 - i. *~~The development incorporates a~~ A Wellington Water Limited approved solution for managing the rate of stormwater runoff is incorporated, or*
 - ii. *The rate of stormwater released from the site does not exceed the modelled peak flows and volumes prior to the development.*
- b. *For development of four or more residential units, a retirement village, or a non-residential building with a building footprint of more than 200m²:*
 - i. *~~Stormwater management measures are incorporated which achieve post-development peak stormwater flows which are the same or less than the modelled peak flows for the site before the commencement of the development.~~ Stormwater management measures are incorporated so that the rate of stormwater released*

from the site does not exceed the modelled peak flows and volumes prior to the development.

Notes:

1. ~~At~~ A Wellington Water Limited approved solution is one which meets the requirements of the Wellington Water Limited Managing Stormwater Runoff – The Use of Approved Solutions for Hydraulic Neutrality, March 2024, Version 5.

...

4. For residential development of less than 10 residential units which meet the impervious area requirements of the Wellington Water Limited approved solution, or a non-residential building with a building footprint of less than 200m², a Wellington Water Limited approved solution for managing volume and rate of stormwater runoff installed on each unit can be used to achieve compliance with this rule."

(128) Survey and Spatial New Zealand (466.2), opposed by Wellington Water (F36.397), oppose Rule THW-R2 in part, as request the following amendment to Rule THW-R2.1:

"1. **Activity status:** Permitted

Where:

~~For development of no more than three residential units:~~

~~1—The development incorporates a Wellington Water Limited approved solution for managing the rate of stormwater runoff.~~

~~2—For development of four or more residential units, a retirement village, or a non-residential building:~~

i Stormwater management measures are incorporated which achieve post development peak stormwater flows which are the same or less than the modelled peak flows for the site before commencement of the development."

Assessment

(129) Rule THW-R2 attempts to achieve hydraulic neutrality for new buildings in urban zones and to make sure that new development does not increase the rate or volume of stormwater runoff leaving the site compared with the pre-

development situation. This matters because extra runoff can worsen flooding, overload the stormwater network, and increase downstream effects on waterways. I would describe THW-R2 as doing three key things:

- Giving effect to THW-O2 and THW-P3:
THW-O2 sets the objective for hydraulic neutrality and stormwater management, and THW-P3 provides the policy direction. THW-R2 is the rule that makes those outcomes operational.
- Providing a permitted activity pathway:
Smaller developments can proceed as permitted activities if they use an approved hydraulic neutrality solution or otherwise demonstrate that stormwater runoff does not increase.
- Creating a consent pathway where neutrality is not demonstrated:
If the permitted standards are not met, resource consent is required so Council can assess stormwater effects, flood risk, network capacity, and the adequacy of proposed mitigation.

(130) With regard to the decisions requested by The Fuel Companies (471.128), the submitter requests a suite of changes. For clarity, I summarise these as:

- i. Amending clause 1.a to replace the reference to “no more than three residential units” to “one to three residential units”.
- ii. Amending clauses 1.a and 1.b so that non-residential buildings with a building footprint less than 200m² are covered by the less onerous clause 1.a.
- iii. A minor rephrasing of clause 1.a.i for clarity.
- iv. An additional clause 1.a.ii in order to permit developments of one to three residential units and non-residential buildings with a building footprint of less than 200m² where the rate of stormwater released from the site does not exceed the modelled peak flows and volumes prior to the development.
- v. Rewording clause 1.b.i so that developments of four or more residential units, retirement villages and non-residential buildings with a building footprint of more than 200m² would be permitted if *“Stormwater management measures are incorporated so that the rate of*

stormwater released from the site does not exceed the modelled peak flows and volumes prior to the development."

- vi. Amending Note 1 of the rule to specifically refer to "Wellington Water Limited approved" solutions."
- vii. Amending Note 4 of the rule to refer to non-residential buildings *with a building footprint of less than 200m²*, rather than non-residential buildings less than 200m².

- (131) Firstly, **I consider that points i, iii and vii** are relatively minor amendments that I support as they improve the readability of the rules, particularly when clauses 1.a and 1.b are read together. In addition, **while the request in point v** is a more substantial rewrite of the clause, it is for the purpose of improving clarity of the clause, rather than changing its effect, which I support.
- (132) **For point ii** (providing for non-residential buildings with a building footprint of less than 200m² in clause 1.a), I consider that The Fuel Companies' request has merit to the extent it clarifies that small non-residential buildings under 200m² should have a practical permitted pathway, provided hydraulic neutrality is still achieved.
- (133) **For point iv** (adding a pathway to clause 1.a to permit developments where the rate of stormwater released from the site does not exceed the modelled peak flows and volumes prior to the development), this is effectively ensuring that the pathway that is available for larger scale developments under clause 1.b is also available for smaller scale developments under clause 1.a. I agree that this is appropriate.
- (134) **For point vi** (adding specific reference to Wellington Water Limited approved solutions), if Wellington Water was still the relevant entity for three waters infrastructure in Lower Hutt, I would consider this a useful amendment as it more clearly links Note 1 with clause 1.a.i. However, as Wellington Water no longer exists as an organisation, an alternative amendment should be adopted.
- (135) I recommend the alternative approach of replacing the references to "a Wellington Water Limited approved solution" in clause 1.a.i and Note 1 with "An approved Hydraulic Neutrality solution", to be complemented with a new definition of the term that effectively replicates Note 1. While this relief isn't

sought by any submitters, I believe there is scope given the decision requested by The Fuel Companies.

- (136) With regard to the decision requested by Wellington Water (422.13), I agree that rule THW-R2 should be amended to refer to Version 3.1 of the Regional Water Services Standard.
- (137) With regard to the decision requested by Survey and Spatial New Zealand (466.2) request to remove clause 1.a of rule THW-R2, this would remove the distinction between small-scale approved solutions and larger development requiring site-specific stormwater management. In my opinion, it is useful to have the specific pathway for smaller scale development in clause 1.a.

Additional assessment on notification provisions

- (138) In addition to the issues raised in submissions that are discussed above, an additional issue has been identified in the notification provisions for rule THW-R2.
- (139) For all other rules in the Three Waters chapter, both public and limited notification are precluded. However, for rule THW-R2 only public notification is precluded.
- (140) This is a drafting error that has only been identified in preparation for the Infrastructure hearing, and should be corrected under clause 16(1) of Schedule 1 of the RMA.
- (141) Of particular relevance for this issue, under s77G of the RMA the PDP is required to incorporate the Medium Density Residential Standards (the MDRS) listed in Schedule 3A of the RMA for relevant residential zones, which would make the notification provisions of rule THW-R2 as notified unlawful to the extent that they apply to residential zones.

Recommendation

- (142) I recommend that the submission point of WRC (452.51) be accepted, subject to amendments recommended in response to other submissions.
- (143) I recommend that the submission point of Wellington Water (422.13) be accepted, and that rule THW-R2 be amended to refer to Version 3.1 of the Regional Water Services Standard.

- (144) I recommend that the submission point of The Fuel Companies (471.128) be accepted in part, and that rule THW-R2 be amended in accordance with the amendments requested by the submitter.
- (145) However, instead of amending Note 1 of rule THW-R2 to refer to Wellington Water Limited approved solutions (as requested by the submitter) I recommend an alternative solution of:
- Amending clause 1.a.i and Note 1 of rule THW-R2 to refer to “Approved Hydraulic Neutrality solutions”, and
 - Adding a new definition to the Definitions chapter of the PDP for “Approved Hydraulic Neutrality solution”, to be defined as “A solution that meets the requirements of the **Managing Stormwater Runoff – The Use of Approved Solutions for Hydraulic Neutrality**, March 2024, Version 5.”
- (146) I recommend that the submission point of Survey and Spatial New Zealand (466.2) be rejected.
- (147) I recommend that the notification provisions of rule THW-R2 be corrected (under clause 16(1) of Schedule 1 of the RMA) to preclude both public notification and limited notification.

4.2.14 THW-R3: New buildings (excluding accessory buildings) in an Urban Zone – Water Sensitive Design

Submissions

- (148) WRC (452.52) and The Fuel Companies (471.129) support rule THW-R3.
- (149) Kāinga Ora (386.6), opposed by Wellington Water (F36.399), supports Rule THW-R3 in part and requests the following addition (eight) to the matters of discretion of rule THW-R3.3:

“Matters of discretion are restricted to:

...

8. Any alternative engineering solutions that mitigate any adverse effects of stormwater discharge from the site.

Note: An approved solution is one which meets the requirements of one of the acceptable solutions in the Wellington Water Limited Managing Stormwater Runoff – The Use of Approved Solutions for Hydraulic Neutrality.”

- (150) The Policy Planning team of HCC (440.26) oppose Rule THW-R3 in part and request the following amendment to rule THW-R3.3:

*“3. **Activity status:** Restricted discretionary*

Where:

~~*a. The development is for:*~~

~~*i. four or more residential units, or*~~

~~*ii. a retirement village, or*~~

~~*iii. a non-residential building with a building footprint over 200m² (excluding accessory buildings).*~~

a. Compliance is not achieved with THW-R3.2.”

- (151) Survey and Spatial New Zealand (466.3), opposed by Wellington Water (F36.400), oppose Rule THW-R3 in part and request the following amendment to the matters of discretion of Rule THW-R3.3:

Matters of discretion are restricted to:

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

2. The relevant matters in THW-P4: Water sensitive design;

3. The design, location, efficiency and effectiveness of water sensitive design methods;

4. The ~~ownership~~, maintenance and operation arrangements for the water sensitive design methods from the site;

~~*5. The inclusion of stormwater retention to reduce, as far as reasonably practicable, the increase in stormwater runoff volume post development...”*~~

Assessment

- (152) Rule THW-R3 provides a mechanism for requiring new development in urban areas to incorporate water sensitive design. The rule primarily implements policy THW-P4.
- (153) With regard to the submission point of Kāinga Ora (386.6) the submitter seeks:
- Greater flexibility where resource consent is required under rule THW3.3 through the addition of a matter of discretion relating to alternative engineering solutions that mitigate adverse effects from stormwater discharges, and
 - An additional advice note to clarify the meaning of “an approved solution”.
- (154) I acknowledge that there may be circumstances where alternative engineering solutions can achieve outcomes equivalent to, or better than, traditional water sensitive design approaches, and I support this submission in part as it would enable Council to consider alternative solutions that achieve equivalent stormwater management outcomes without undermining the overall policy direction of THW-P4. However, I do not support the advice note proposed by the submitter. As the term “an approved solution” is not used in rule THW-R3, the advice note would not aid implementation of the rule.
- (155) With regard to the submission point of the Policy Planning team (440.26), I consider that the wording “*Compliance is not achieved with THW-R3.2*”, as requested by the submitter, is clearer, more concise, and more consistent with drafting used elsewhere in the PDP.
- (156) With regard to the submission point of Survey and Spatial New Zealand (466.3), including the request to remove the references to external technical documents, this submitter considers that the *Wellington Water Limited’s Water Sensitive Design for Stormwater, Treatment Device Design Guideline December 2019* is aimed at larger greenfield subdivision developments and is not suitable for infill multi-unit developments.
- (157) I do not support Survey and Spatial New Zealand’s view. The stormwater guidelines are not exclusively aimed at greenfield subdivisions, nor are they

unsuitable for multi-unit developments. I agree that there is a distinct difference in how water sensitive design is applied across those two contexts and acknowledge this can create issues during development design and consenting. However, I consider that water sensitive design principles should apply across both types of developments.

(158) Survey and Spatial New Zealand's request to remove references to external technical documents and associated matters of discretion is not feasible. I consider these documents provide important guidance and assessment criteria, that assist both applicants and Council in determining whether proposed water sensitive design measures are effective. Removing these references would reduce certainty and could weaken Council's ability to assess stormwater management outcomes.

(159) Overall, I consider THW-R3 is an efficient and effective method for implementing THW-P4 and achieving the objectives of the Three Waters chapter.

Recommendation

(160) I recommend that the submission points of WRC (452.52) and The Fuel Companies (471.129) are accepted.

(161) I recommend that the submission point of Kāinga Ora (386.6) is accepted in part and rejected in part, in that I recommend that rule THW-R3.3 be amended as requested, but that the advice note requested by the submitter is rejected.

(162) I recommend that the submission point of the Policy Planning team of HCC (440.26) be accepted.

(163) I recommend that the Survey and Spatial New Zealand's (466.3) submission is rejected.

4.2.15 THW-R4: New residential units and retirement villages that are connected to the reticulated water system

Submissions

- (164) WRC (452.53) and Te Rūnanganui O Te Āti Awa (503.30b) support rule THW-R4.
- (165) Wellington Water (422.13) requests that the reference to the Wellington Water Limited Regional Standard for Water Services, December 2021, Version 3.0 be updated to refer to Version 3.1.

Assessment

- (166) I agree with the decision requested by Wellington Water (422.13), that rule THW-R4 should be amended to refer to Version 3.1 of the Regional Water Services Standard as this is the most recent version of the standard. This is a relatively minor amendment that does not alter the intent or effectiveness of the rule.

Recommendation

- (167) I recommend that the submission points of WRC (452.53) and Te Rūnanganui O Te Āti Awa (503.30b) are accepted.
- (168) I recommend that the submission point of Wellington Water (422.13) is accepted and that rule THW-R4 be amended to refer to Version 3.1 of the Regional Water Services Standard.

4.2.16 New rule – THW-Rxxx: New buildings (except accessory buildings), conversions of existing buildings and new allotments – Rural Zones

Submission

- (169) FENZ (374.30), opposed by Federated Farmers of New Zealand (F22.6), request the following new rule:

"THW-RX New buildings (except accessory buildings), conversions of existing buildings and new allotments – Rural Zones

1. Activity status: Permitted

a) Where a connection to a publicly owned reticulated water supply systems is available, all new allotments must:

i. Be provided with a water supply connection at the allotment boundary, that meets the requirements of the Wellington Water Regional Standard for Water Services December 2021 (Chapter 6, Tables 6.1 and 6.2), and

ii. Comply with water supply requirements in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

b) Where a connection to a publicly owned reticulated water supply systems is not available, all allotments must:

i. Be provided with access to a self-sufficient potable water supply with a minimum volume of 10,000L, and

ii. Comply with the water supply requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Matters of discretion:

1. The extent to which the proposed water supply is sufficient for the development or activity it serves.

2. The suitability of the proposed water supply for fire-fighting purposes, including effects on people's health and safety, and on property.

3. Where a publicly owned reticulated system is not immediately available, but is likely to be in the near future, the appropriateness of temporary systems.

4. Whether any site constraints make compliance impracticable.

5. Any resulting changes to the level of service provided to other properties in that part of the network."

Assessment

(170) In their submission, FENZ makes the points that:

- The rules of the Three Waters chapter do not apply to rural areas,
- The Regional Standard for Water Services does not include provisions for unreticulated firefighting water supplies, and
- There is an absence of rules in the District Plan to require suitable firefighting water supply in rural zones where subdivision is not involved.

(171) The submitter requests the additional rule (rule THW-Rx) to secure suitable firefighting water supply in new developments in the rural environment where a development does not involve subdivision (noting that standard SUB-S4 of the PDP addresses this issue for developments involving subdivision).

(172) However, I recommend that the rule requested by the submitter be rejected for the following reasons:

- The rule would, in part, apply to new allotments. New allotments are created through subdivision, and any provisions relating to subdivision are best located in the Subdivision chapter. As noted by the submitter, standard SUB-S4 addresses this issue for developments involving subdivision.
- The purpose of the Three Waters chapter is to specifically address urban development in urban areas and the effects on the three waters networks resulting from this development. As a result, the objectives and policies of the Three Waters chapter are specific to three waters issues in an urban environment. A new rule on three waters issues in a rural environment would effectively be 'hanging' without any objectives or policies to support the application of that rule. This would also create a challenge for Council be able to support the new rule through a s32AA assessment. While additional objectives and policies could be suggested, there is a question of whether submissions provide the necessary scope to do so, and as a result, additional objectives and policies could necessitate a variation to the PDP and re-notification.

Recommendation

- (173) I recommend that the submission point of FENZ (374.30) be rejected.

4.2.17 Strategic direction INFSD-O6: Water Sensitive Design

Submissions

- (174) Horokiwi Quarries Ltd (246.7a) and Te Rūnanganui O Te Āti Awa (503.17) support strategic direction INFSD-O6 on Water Sensitive Design. Wellington Water (F36.105) support the submission point of Te Āti Awa.
- (175) Forest and Bird (424.9), supported by MPHRCIS (F10.57) and Wellington Water (F36.106), support INFSD-O6 in part, but request the following amendment:
- New development and redevelopment integrates water sensitive design to improve freshwater quality and avoid or mitigate the risks of flooding.*
- (176) WRC (452.18), opposed by Michael Rachlin (F4.7) and supported by the Natural Hazards Commission (F15.6) and Wellington Water (F36.107), support INFSD in part, but request the following amendment:

INFSD-O5: Water Sensitive Design Green Infrastructure

New development integrates green infrastructure, including water sensitive design, to protect or improve environmental freshwater quality and provide other benefits such as avoiding or mitigating the risks of flooding, increasing the resilience of people and infrastructure to the effects of climate change.

Assessment

- (177) I disagree with the amendment requested by Forest and Bird (424.9). At the high level of a strategic direction, I think it is suitable to refer to new development in general without needing to specifically cover redevelopment, which I consider to be a new development, just of an already established site.
- (178) I disagree with the amendment requested by WRC (452.18). This submission point seeks a significant reframing of the strategic direction to be on green infrastructure, with water sensitive design framed as one sub-part of green infrastructure. I think this inappropriate as water sensitive design is not

necessarily green infrastructure (for example, impermeable surfaces are a simple form of water sensitive design).

- (179) In addition, I do not think strategic directions need to specifically *call-out* green infrastructure as something to be integrated in new development, but that it is better for green infrastructure to be an option for achieving the outcomes sought by the strategic directions (where appropriate).

Recommendation

- (180) I recommend that the submission points of Horokiwi Quarries Ltd (246.7a) and Te Rūnanganui O Te Āti Awa (503.17) be accepted.
- (181) I recommend that the submission points of Forest and Bird (424.9) and WRC (452.18) be rejected.

4.2.18 Definition – Hydraulic neutrality

Submissions

- (182) WRC (452.8), supported by the Natural Hazards Commission (F15.2), supports the definition of hydraulic neutrality in part, but requests the following amendments:

means managing stormwater runoff from all new lots or development through either on-site disposal or storage, so that stormwater is released from the site at a rate that does not exceed the pre-development peak stormwater runoff, in the 10% annual exceedance probability and 1% annual exceedance probability modelled design rainfall events including the predicted impacts of climate change.

- (183) The Fuel Companies (471.70) supports the definition of hydraulic neutrality in part, but request the following amendments:

means managing stormwater runoff from all new lots or development through either on-site disposal or storage, so that the rate of stormwater is released from the site ~~at a rate that~~ does not exceed the ~~pre-development modelled~~ peak ~~stormwater runoff flows prior to the proposed new lots or development.~~

Assessment

- (184) I agree with the submission point of WRC (452.8) that the definition in the PDP should better align with the definition in the RPS. This will ensure that the provisions of the PDP that address hydraulic neutrality will give effect to the policy FW.3 of the RPS.
- (185) With regard to the amendments requested by The Fuel Companies (471.70), the submitter effectively changes to make the definition clearer, including to better align with how hydraulic neutrality is addressed in the Three Waters chapter. I agree with the submission point and recommend that the requested amendments also be accepted.

Recommendation

- (186) I recommend that the submission points of WRC (452.8) and The Fuel Companies (471.70) be accepted, and that the definition of hydraulic neutrality be amended as follows (amendments responding to WRC **in red**, amendments responding to The Fuel Companies **in blue**):

means managing stormwater runoff from all new lots or development through either on-site disposal or storage, so that the rate of stormwater ~~is~~ released from the site ~~at a rate that~~ does not exceed ~~the pre-development peak stormwater runoff~~ modelled peak flows prior to the proposed new lots or development in the 10% annual exceedance probability and 1% annual exceedance probability modelled design rainfall events including the predicted impacts of climate change.

4.2.19 New definition – Undeveloped state

Submissions

- (187) WRC (452.15) request the following new definition:

Undeveloped state:

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

Assessment

- (188) In their submission WRC states that the new definition for *undeveloped state* would help support the interpretation of the hydraulic neutrality definition. However, the definition of hydraulic neutrality (both in the PDP as notified and the amended definition requested through WRC's submission) do not use the term *undeveloped state*.
- (189) Given this, I recommend that the submission point be rejected. However, the submitter may wish to provide evidence or other statement on this matter prior to the hearing.

Recommendation

- (190) I recommend that the submission point of WRC (452.15) be rejected.

5 Mechanical issues, minor and consequential amendments

- (191) Pursuant to clause 16(2) of Schedule 1 of the RMA, I recommend mechanical and consequential amendments to improve clarity, consistency and plan administration. This includes:
- a. Correcting any minor drafting errors that are identified,
 - b. Updating references to guidelines and other documents of Wellington Water (such as the Wellington Water Regional Standard for Water Services) to remove the reference to that entity as it no longer exists,
 - c. Ensuring notification provisions within THW-R2 align with the MDRS and the notification framework applied elsewhere in the Three Waters chapter, and
 - d. Making any further consequential amendments necessary to give effect to the recommendations contained within this report.
- (192) With regard to removing references to Wellington Water from guidelines and other documents, this is suggested as there is the potential for these guidelines/documents to be re-branded as Tiaki Wai documents, and removing the references to Wellington Water *futureproofs* against possible confusion this could create.
- (193) While a question could be asked of whether there is a risk that it is not clear what guidelines/documents are being referred to without having Wellington Water in the title, in my opinion there is no risk as references in the PDP to these documents hyperlink to the documents that they refer to. In addition, the actual titles of the guidelines/documents do not always refer to Wellington Water.

6 Section 32AA Assessment

- (194) Section 32AA of the Resource Management Act 1991 requires an evaluation of any changes recommended since notification of the Proposed District Plan. The evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.
- (195) I consider that the amendments recommended in this report are generally minor in scale and largely comprise drafting improvements, technical updates, clarification of plan provisions, and consequential amendments arising from submissions. Accordingly, a relatively brief evaluation is appropriate.
- (196) The recommended amendments to update references to the Wellington Water Limited Regional Standard for Water Services from Version 3.0 to Version 3.1 improve the accuracy and usability of the Three Waters chapter and ensure that the provisions reference the most current technical standards. These amendments do not alter the underlying policy direction or anticipated environmental outcomes of the chapter.
- (197) The recommended amendments to THW-R1, THW-R2 and THW-R3 improve drafting clarity and provide greater certainty to plan users regarding the application of the rules and associated consent pathways. I consider these amendments improve the efficiency and effectiveness of the provisions without materially changing their intent.
- (198) In relation to THW-R1, the added matter of discretion would improve clarity that when considering the appropriateness of three water servicing, that having access to water for firefighting purposes is to be considered.
- (199) In relation to THW-R2, the recommended amendment to align notification provisions with the MDRS and the notification framework applied elsewhere in the chapter improves consistency across the Proposed District Plan and gives effect to the intended non-notification framework for relevant residential development.
- (200) The recommendation to largely retain the notified hydraulic neutrality and water sensitive design provisions remains the most appropriate way to achieve the relevant objectives and policies of the Three Waters chapter.

These provisions continue to support the sustainable management of stormwater, reduce adverse effects from urban development, and contribute to improved freshwater outcomes, while the recommended amendments make the rule clearer and provide a more straightforward pathway for residential developments of one to three units and non-residential buildings with a building footprint of less than 200m². This more straightforward pathway makes a positive contribution to economic wellbeing by reducing compliance costs for smaller-scale developments.

- (201) I consider that the amendments recommended in this report are the most appropriate way to achieve the objectives of the Three Waters chapter and are efficient and effective in achieving the purpose of the Resource Management Act 1991. The recommended amendments are also consistent with the relevant higher-order direction, including the NPS-FM, NPS-UD, NES-FW, NES-DW, the Regional Policy Statement for the Wellington Region and the Natural Resources Plan for the Wellington Region. They provide an appropriate balance between enabling urban development, ensuring adequate servicing, managing stormwater effects at source, avoiding increased flood risk, and supporting freshwater and drinking water source protection outcomes. No further Section 32AA evaluation is considered necessary.

7 Conclusion

- (202) Overall, I consider the recommended provisions promote the sustainable management of natural and physical resources by ensuring that urban growth and development occur in a manner that is supported by adequate three waters infrastructure, does not exacerbate flood risk, and appropriately manages the effects of stormwater on the receiving environment.
- (203) The provisions also support the health and wellbeing of communities by providing for essential infrastructure while safeguarding the capacity and functioning of the three waters network for present and future generations.
- (204) For these reasons, I consider that the recommended provisions are the most appropriate way to achieve the objectives of the Three Waters Chapter and are consistent with the purpose of the Resource Management Act 1991 particularly:
- s5(2)(a) enabling people and communities' wellbeing through essential infrastructure;
 - s5(2)(b) safeguarding the life-supporting capacity and functioning of water resources and infrastructure; and
 - s5(2)(c) avoiding, remedying or mitigating adverse effects such as flooding, runoff, network constraints and receiving environment impacts.

8 Appendices

Appendix 1: Recommended amendments to the Proposed District Plan

Appendix 2: Recommended decisions on submissions on the Three Waters chapter and related strategic directions and definitions