

Proposed Natural Resources Plan:

Submitter:

Wellington Water Limited

Submitter Number:

S135

25 September 2015

Greater Wellington Regional Council
Freepost 3156
PO Box 11646
Wellington 6142

Delivered by email to regionalplan@gw.govt.nz

Submission on the Proposed Natural Resources Plan for the Wellington Region

1. Introduction

- 1.1. Wellington Water thanks Greater Wellington Regional Council for the opportunity to make a submission on the proposed Natural Resources Plan for the Wellington region (proposed plan).
- 1.2. Wellington Water is owned by the Hutt, Porirua, Upper Hutt and Wellington city councils and Greater Wellington Regional Council (GWRC). The councils fund Wellington Water to manage the three waters (water supply, wastewater and stormwater) from source to sea. In this context Wellington water is the network manager.
- 1.3. Wellington Water aims to improve the quality of service delivery for the three waters activities, providing cost savings to its customers and shareholders, and promoting water conservation and sustainability across the Wellington region. We share the desire to achieve many of the outcomes sought through the proposed plan.
- 1.4. Wellington Water made a submission on the Draft Natural Resources Plan. Amongst other matters, we focused that submission on two key issues, specifically:
 - a) Disposal of wastewater to land; and
 - b) The two stage stormwater resource consenting process
- 1.5. In respect of disposal of wastewater to land, Wellington Water's primary concern is the time and financial cost of the provisions in the proposed plan. The proposed plan is not clear on whether applicants are required to do a first

principles review of discharge to land. The proposed plan does not recognise or provide for prior investigations into land disposal.

- 1.6. The two stage resource consenting process for stormwater discharges raises concerns over the practicalities of complying with the stated timeline, the cost of complying and whether the desired environmental outcomes will indeed be achieved via a two stage process compared with a single consent process.
- 1.7. In further discussions, it looked like GWRC was willing to address those issues within the proposed plan. However, on these matters the proposed plan is substantively unchanged from the draft therefore Wellington Water is compelled to submit again on those issues alongside other matters. These are expanded on in the body of this submission.

2. Structure of the submission

- 2.1. This submission provides an overview and is intended to accompany the attached submission spreadsheet which has the detailed comments on the proposed plan provisions. The submission groups provisions on a topic and provides a cohesive picture.
- 2.2. This submission is structured in the following way:
 1. Introduction
 2. Structure of the submission
 3. Resource Management Act 1991 Context
 4. Framework for regionally significant infrastructure
 5. Whaitua process, collaboration and the regulatory style of the proposed plan
 6. Cost implications, recognition of urban context and term of resource consents
 7. Wastewater discharges
 8. Stormwater discharges
 9. Works in beds of rivers
 10. Water allocation and water use efficiency
 11. Lack of recognition of differences in nature and scale of effects on the environment
 12. Closure

3. Resource Management Act 1991 Context

- 3.1. In the context of the Resource Management Act 1991 (RMA), all of the councils' activities enable "...communities to provide for their social, economic and cultural wellbeing and for their health and safety...".
- 3.2. The protection of people and property from flooding, provision of safe drinking water and the transport of wastewater are essential services and enable people and communities to provide for their social, economic and cultural well-being and for their health and safety. Without the three waters networks these outcomes cannot be achieved.
- 3.3. As noted in the body of this submission document and accompanying submission spreadsheet, aspects of the proposed plan do not promote the sustainable management of three waters infrastructure, partly because the benefits are not sufficiently recognised and provided for.
- 3.4. Section 7(b) RMA – efficient use and development of physical resources - is relevant to the councils' activities. Wellington Water is required to manage the three waters network in a cost effective way and be prudent in new capital investment and operating expenses.
- 3.5. 7(g) – finite characteristics of natural and physical resources – Wellington Water is required to respond to and manage rainfall in whatever intensity, duration and location it falls. We both extract water to supply drinking water to the Wellington metropolitan area and convey stormwater.
- 3.6. 7(i) – climate change. On behalf of the councils, Wellington Water plans for and responds to climate change. This could mean more water storage for potable supply, taking account of sea level rise effects on the Hutt Valley aquifer system, bigger stormwater pipes and discharges or revised management regimes.
- 3.7. The functions of the regional council stated in 30(1)(gb) RMA, that of strategic integration of infrastructure with land use through objectives, policies and methods are relevant to this submission.
- 3.8. Effective co-ordination and integration of land use and infrastructure is important for the functioning of communities. Economic, social and cultural benefits associated with communities will diminish without properly located and effective functioning of significant infrastructure.

4. Framework for regionally significant infrastructure

- 4.1. The Regional Policy Statement requires the regional plan to recognise and protect regionally significant infrastructure. Wellington Water contends that the proposed plan does not do this effectively. The proposed plan is too narrowly focused on the potential adverse effects of infrastructure establishment, operation, maintenance and upgrading without sufficient recognition of the benefits of services provided through three waters infrastructure.
- 4.2. The proposed plan would better give effect to Part 2 RMA if regionally significant infrastructure were better recognised and protected and the benefits of three waters infrastructure were better recognised and provided for. For example, Policy P8: Beneficial activities does not include the beneficial activities of preventing flooding (relevant to Wellington Water's activities of clearing drains and watercourses), and the beneficial public health effects of removal and disposal of wastewater. In addition, rules or methods to give effect to the relevant policies and objectives appear to be absent or not clearly linked.
- 4.3. The definition of regionally significant infrastructure in the proposed plan includes local authority three waters networks, systems and treatment plants. It does not include the discharges inherent in the three waters systems, such as discharges to the coast from the wastewater treatment plants. Broadening the definition of regionally significant infrastructure to include discharges from the three waters networks, systems and treatment plants would provide greater certainty, recognition and protection.
- 4.4. Provisions in the proposed plan that provide for protection of regionally significant infrastructure are limited to reverse sensitivity effects only in the coastal marine area. While helpful, most regionally significant infrastructure is not in the coastal marine area. Protection of the potable water supply is widespread throughout the proposed plan, however this protection is not extended to stormwater networks and associated watercourses and wastewater systems which perform essential services in locations mainly outside the coastal marine area.

- 4.5. The maintenance needs of regionally significant infrastructure such as the three waters infrastructure requires greater recognition and provision in the proposed plan. The rules framework places onerous standards on some infrastructure maintenance activities that must be carried out, regardless of factors such as the climate change, weather or health and safety.
- 4.6. There is insufficient recognition of existing community investment in core infrastructure, as required to be provided by the Local Government Act 2002 (LGA) and the Health Act 1956.
- 4.7. Wellington Water submits that the section 32 report would be more robust were more evidence-based analysis undertaken.
- 4.8. The way the term 'upgrade' has been defined does not provide for extending or intensifying networks to accommodate population or economic growth. The definition in the proposed plan locks in the current "character, intensity and scale as the existing structure and activity." In local government asset management and provision of services, upgrades may be necessary to improve levels of service, replace outmoded infrastructure and/or accommodate growth. The definition of 'upgrade' in the proposed plan needs to be broadened to better recognise and protect three waters infrastructure and enable appropriate asset management responses and solutions.
- 4.9. **This submission requests that:**
 - a) The objectives, policies, rules and methods are re-drafted to more adequately recognise the benefits of three waters regionally significant infrastructure and protect its establishment, operation, maintenance and upgrade.
 - b) Clarity is provided on whether regionally significant infrastructure also includes the discharges inherent in the three waters systems. It would be beneficial if the discharge itself was considered part of the three waters regionally significant infrastructure.
 - c) Provision for and protection of the stormwater network and associated watercourses and wastewater networks is afforded throughout the plan in a similar manner that has been provided for the potable water supply.
 - d) The definition of "upgrade" is changed to accommodate extending or intensifying three waters infrastructure to provide for community and economic growth.

- e) A section 32A analysis (required with the decisions on this proposed plan) that gives effect to the requirements for a cost-benefit analysis with consideration of efficiency and effectiveness be provided.
- f) Further amendments as detailed in the attached submission spreadsheet are made.
- g) Such other amendments as may be appropriate to address the issues identified above or in the attached submission spreadsheet, or to achieve consistency between provisions of the proposed plan.

5. Whaitua process, collaboration and the regulatory style of the proposed plan

- 5.1. Wellington Water is very supportive of and engaged in the whaitua collaborative process that will marry community environmental quality aspirations with what is affordable and achievable.
- 5.2. The proposed plan over emphasises regulation given it contains over 231 rules and only 28 methods. The proposed plan would better embrace the spirit of collaboration embedded in the whaitua process if methods were given more emphasis or developed further, and rules framed in a context of greater shared risk and investment within a collaborative setting. The relatively small number of methods is not a recipe for collaboration in line with the spirit of the whaitua process.
- 5.3. A high degree of regulation represents costs, risks, uncertainty and accountabilities shifted on to consent applicants, with relatively little cost implications for regional council. Collaborative methods mean the participants have a stake in the result and share the financial risks because all parties have invested in something they want to happen. When designing provisions it is useful to consider the scale of the financial burden of implementation and on whom the costs, risks, uncertainty and accountabilities fall. Wellington Water would like to see a shift in the balance in the proposed plan to a greater number of collaborative methods.
- 5.4. A way of sharing the risk is to examine how permitted activities are designed and reduce the number of stringent conditions imposed. Generally, the fewer conditions on permitted activities, the more certain they are. Some of the permitted activity provisions require subjective assessments and as such, do not have the necessary level of certainty to meet the standards set by case law for permitted activities.

5.5. This submission requests that:

- a) The proposed plan be re-balanced to reduce the amount of regulation and increase the use of 'Other Methods' to enable more collaboration and sharing of risks between GWRC and councils, applicants and the community.
- b) The permitted rules are reviewed to ensure they are clear and certain, do not invoke inappropriately subjective evaluations and comply with case law.
- c) Specific amendments as detailed in the attached spreadsheet are made.
- d) Such other amendments as may be appropriate to address the issues identified above or in the attached spreadsheet, or to achieve consistency between provisions of the proposed plan.

6. Cost implications, recognition of urban context and term of resource consents

Cost implications

- 6.1. Wellington Water supports moves to improve water quality in the region. Initiatives to improve freshwater health implemented as a result of the National Policy Statement for Freshwater Management 2014 (NPSFM) and the financial implications of complying with the proposed plan will ultimately be funded through rates following public consultation and inclusion in long-term plans (LTP). The ability of each council to pay is linked to other priorities for each council and will be considered accordingly by each city's councillors. In some instances, compliance with the plan may result in (i) funds being spent on compliance rather than on monitoring and improvement works, (ii) increases in operating expenses and (iii) greater borrowing by councils or an increased burden on ratepayers to fund the investment.
- 6.2. The proposed plan would be strengthened and have greater integrity if the section 32 reports more robustly accounted for costs and benefits.
- 6.3. The proposed plan contains a number of provisions that impose additional works or design requirements that are not currently required under the operative regional plans. For stormwater, these new provisions are likely to impose costs that will challenge the financial viability of some projects. This may have the effect of hindering scope for city growth and economic development.

- 6.4. For example, policy P79 requires development to maintain pre-development hydrographs and overland flow paths as far as practicable. This may be feasible in a local setting but may not allow for best practice catchment management.

Lack of recognition of the urban environment

- 6.5. The benefits of the use and development of urban areas is not explicitly recognised by the proposed plan. There is no policy distinction between the natural and urban environment. A range of concerns falls out of this including how resource consents for urban infrastructure will be treated in the proposed plan.
- 6.6. For example, there is no specific mention of Wellington's context of treated wastewater discharges to the coast in the metropolitan urban area and the known impracticality of discharging to land. Also, the definition of "highly modified river or stream" and rule 121 do not fit urban streams, many of which are part of the stormwater network.
- 6.7. Consequently there will be a bigger regulatory burden on councils and the private sector to continue to provide and operate three waters infrastructure as well as a bigger regulatory burden to develop greenfield areas. To demonstrate this point, subdivisions will have to be designed to avoid piping streams and creating lots on steep topography, and will need more investment in water sensitive urban design. This regulatory burden will manifest in lots and developments taking longer to reach the market and the extra costs being passed on to the ultimate consumer.
- 6.8. The framework for piping of streams in rule R127 and policy P102 is very restrictive and there is a lack of policy guidance when assessing resource consent applications. While certain areas are exempt from policy P102 there is no alternative policy framework for these areas. In addition the areas exempted are very limited and may not include other urban growth areas approved by the region's councils.
- 6.9. There is often non-complying activity status for three waters activities and structures in identified mana whenua sites when the site is already highly modified and in the urban environment. We believe that discretionary or even restricted activity status is more appropriate, as it would more properly recognise that three waters infrastructure is regionally significant, and

required under the RPS to be protected, yet enable adverse effects to be considered.

Term of resource consents for regionally significant infrastructure

- 6.10. We see increased length and certainty of term as leading to much better environmental outcomes for less regulatory effort and cost.
- 6.11. This is confirmed in case law. For example, in *Brooke-Taylor v Marlborough District Council W67/04*, the Court highlighted that granting short-term consents for structures with a lengthy design life, well beyond the duration of the resource consent, is not efficient in terms of section 5 of the RMA, when there was nothing to suggest the proposed structure required re-evaluation at the end of a short term resource consent.
- 6.12. The earlier Environment Court decision, *PVL Proteins Ltd v Auckland Regional Council A61/2001*, noted that review of conditions may be more effective than a shorter term to ensure conditions do not become outdated, irrelevant or inadequate.
- 6.13. Three waters infrastructure typically has intergenerational design lives. It therefore follows that it is far easier to obtain funding if the business case for infrastructure projects is supported by a longer-term consent, which will lead to better environmental outcomes.
- 6.14. The RMA and case law contain a range of methods that can be used to mitigate the inevitable uncertainties that arise from granting longer term consents. These include review conditions, requirements for applicants to report on emerging technology, and the use of best practice type conditions, all of which encourage continuous improvement. While considerable thought needs to be given to the wording of these types of conditions, the benefits of a longer term resource consent can be substantial and the length of resource consent term can be the difference in the timing of investment to achieve better environmental outcomes.
- 6.15. **This submission requests that:**
- a) The proposed plan distinguishes and recognises the benefits of the urban environment and infrastructure, and in particular reflects the urban context and its benefits in the determination of activity status.
 - b) The proposed plan contain provisions that recognise and provide for the long lives of regionally significant infrastructure and consider the use of

review conditions and other mechanisms, such as adaptive management and review provisions, to encourage continuous improvement.

- c) Such other amendments as are detailed in the attached submission spreadsheet be made.
- d) Such other amendments as may be appropriate to address the issues identified above or in the attached submission spreadsheet, or to achieve consistency between provisions of the proposed plan, be made.

7. Wastewater discharges

- 7.1. It is helpful that the proposed plan defines the 4 wastewater treatment plants in Wellington's metropolitan area as regionally significant infrastructure, which must be protected to give effect to the Regional Policy Statement. Considerable investment has been made in these treatment plants and they remain the only cost effective way of treating wastewater, as is discharge of treated wastewater to the coastal marine area (CMA). Many factors contribute to this activity continuing past the expiry of the current resource consents.
- 7.2. However, it is not certain from the series of objectives, policies and rules whether applicants need to do a first principles review of discharge to land when renewing current consents. Amendments to these objectives, policies and rules could make it clearer that ongoing discharge to sea is the only practicable solution for the region.
- 7.3. This can be done by recognising the considerable existing community investment in this infrastructure and the extensive prior work involving GWRC and the community that determined the level of treatment in the wastewater treatment plants and the decision that discharge to the coast was the best option.
- 7.4. The wastewater policy appears to better reflect and provide for the situation in the Wairarapa, which has flat land with soils of high capacities for infiltration near to population centres. The proposed plan would be much improved if it provided for separate policy approaches for the four metropolitan cities and for the Wairarapa, in order to recognise and allow for their very different circumstances.

- 7.5. At significant cost, discharge to land (land disposal) was examined during the resource consent application processes for three of the region's four wastewater treatment plants. Land disposal was found to be impractical. It is unclear what benefit would be gained from repeating this exercise. Objective O49 promotes discharges to land. There is no specific mention of discharges to the coast. In the Wellington context this does not give sufficient recognition or protection to regionally significant infrastructure.
- 7.6. A programme of improvements to the existing wastewater treatment plants and reticulation networks is already being progressively implemented by our councils. These works will reduce the frequency of bypass discharges and improve the quality of discharges in wet weather conditions. However, the provision of constructed bypass discharges are an important component of the wastewater network in increasingly frequent and intense high rainfall events, and to protect public health from inundated networks spilling into public and private property. The proposed plan provisions may make it difficult to obtain resource consents for this regionally significant infrastructure.
- 7.7. Reduction in compliance costs would allow our client councils to spend more of the allocated funding on enhancing the networks to improve environmental and public health outcomes.
- 7.8. **This submission requests that:**
- a) Provision is made for re-consenting of existing coastal discharges from the wastewater treatment plants in the four metropolitan cities area, without new investigations of land-disposal alternatives. Alternatively, explicit provision be made for previous land disposal studies to be acceptable for this purpose.
 - b) The proposed plan include an objective that acknowledges sunk community investment and commitment to the existing treated wastewater discharges to the coast from the cities of the Wellington metropolitan area.
 - c) The public health benefits of constructed bypass wastewater discharges in high rainfall events be recognised and provided for in the proposed plan.
 - d) Such other amendments as are detailed in the attached submission spreadsheet are made.

- e) Such other amendments as may be appropriate are made to address the issues identified above or in the attached submission spreadsheet, or to achieve consistency between provisions of the proposed plan.

8. Stormwater discharges

- 8.1. Wellington Water remains concerned that a 2 stage resource consent process for stormwater discharges will introduce more work and cost than is necessary. We acknowledge the first stage is seen as an immediate way to put consents in place where none exist and that these consents will require all the parties to work together to improve monitoring and establish appropriate conditions. To that end, we have advanced monitoring works in both Te Awarua-o-Porirua and Wellington Harbour and Hutt Valley catchments.
- 8.2. We believe single consents for stormwater discharges over 35 years would achieve exactly the same objective that the proposed two stage consenting process in the proposed plan seeks to achieve. Single consents for 35 year terms would cost the region's ratepayer's less and provide more certainty for whole of life planning and investment in the related water assets.
- 8.3. However, given rule R50 in the proposed plan relating to the first stage has immediate legal effect, and applications must therefore be lodged within the same time-frame as decisions on the proposed plan will be made, this leaves Wellington Water and our client councils with no option other than to follow the prescribed two stage process for obtaining stormwater network resource consents.
- 8.4. Provision of a stormwater service by a territorial authority is a mandatory activity under the LGA. It is not physically possible to stop stormwater flowing. Therefore the proposed plan requires rules to give effect to stormwater infrastructure being regionally significant infrastructure, and in accordance with the RPS they must be afforded appropriate recognition and protection. In this context, the only appropriate activity status is "controlled activity", together with an expectation for the maximum term of consent. The first stage consent process should provide GWRC with enough certainty as to the environmental effects associated with stormwater discharges to warrant controlled status for the second stage consent. Review conditions could be included in the second long term consent to reflect whaitua-specific provisions.

- 8.5. Wellington Water acknowledges there is a strong public interest in stormwater discharges. Recognising and providing for regionally significant infrastructure, and improved environmental outcomes, can be achieved within the certainty that resource consents of the longest possible term provide.

Schedule N: Stormwater Management Strategy

- 8.6. Schedule N: Stormwater Management Strategy is an important component in the stormwater provisions in the proposed plan. An alternative Schedule N that is risk-management focused and consistent with the way the networks are managed and funded is being developed and will be provided.
- 8.7. The provisions should recognise Wellington Water as network manager does not have direct control over inputs into the public stormwater system. The provisions should recognise that stormwater is not the only input to receiving environments. The provisions cannot imply that improvements in the stormwater network alone will achieve receiving water quality limits.
- 8.8. Our client councils have specific community aspirations and LGA drivers to improve stormwater discharge quality. The initiatives are at different stages of development, nature and implementation. They range from an existing Stormwater Plan to a Stormwater Bylaw to investigating changes to the district plan to implement water sensitive urban design. These activities are happening without any compulsion from the proposed plan. Implied controls on land use in Schedule N that only local authorities can effect are not required.
- 8.9. **This submission requests that:**
- a) Second stage resource consents for discharges from stormwater networks under rule R51 are accorded controlled activity status, with an expectation of a term of 35 years with a review clause to implement the outcomes of specific whitua processes.
 - b) Schedule N 'Stormwater management strategy' focus on the effects of the discharge rather than on managing the asset, and restrict itself to matters within the network manager's control.
 - c) Schedule N: 'Stormwater management strategy' be amended to reflect a risk based management approach consistent with the way the networks are managed and funded.

- d) Such other amendments as are detailed in the attached submission spreadsheet are made.
- e) Such other amendments as may be appropriate to address the issues identified above or in the attached submission spreadsheet, or to achieve consistency between provisions of the proposed plan, are made.

9. Works in beds of rivers

- 9.1. Rivers and streams form part of the urban stormwater networks. Maintaining, operating and upgrading the three waters networks often requires work in the beds of streams and rivers, both to protect the integrity of structures, to ensure communities and property are not flooded and to ensure that community water intakes are effective. The proposed plan lacks adequate recognition of the benefits of, and protection for, this regionally significant infrastructure. As a consequence, the proposed plan does not enable this critical maintenance, operation and upgrading to occur with the certainty required. It is acknowledged that the proposed plan contains permitted activity rules which assist, but the long list of sometimes complex standards takes away the value of permitted activity status.
- 9.2. The benefits of removing debris and sediment to prevent flooding, to stop sediment accumulating in sensitive waterbodies and debris removal to maintain fish passage and water source intakes are not adequately recognised in the proposed plan.
- 9.3. The proposed plan does not contextualise the scale of potential adverse effects from stormwater, most of which are short-term and relatively minor. There is no distinction between the sediment contributions from the stormwater network, forestry activities, river flood protection works or subdivision earthworks. The provisions need to reflect the comparative scale of the adverse effects from these activities.
- 9.4. **This submission requests that:**
 - a) The majority of network-related maintenance activities in the beds of streams and rivers be permitted activities with conditions appropriate to the temporary nature of works and scale of environmental effects.
 - b) Such other amendments as are detailed in the attached submission spreadsheet are made.

- c) Such other amendments as may be appropriate to address the issues identified above or in the attached submission spreadsheet, or to achieve consistency between provisions of the proposed plan, are made.

10. Water allocation and water use efficiency

- 10.1. Wellington Water is concerned that the resource consents for water abstraction (hence also allocation) which are relied upon to provide the water supply to the four metropolitan cities, may be undermined by the provisions for “unused water” in the suggested water allocation regime. These provisions seem to have been developed primarily in the context of water takes for irrigation, and do not reflect the reality of large urban supplies, where a risk management approach is taken in order to minimise the serious consequences of a plant or source failure.
- 10.2. In the attached submission spreadsheet changes to Schedule Q: ‘Reasonable and efficient use criteria’ to enable consideration of this risk management approach are suggested for inclusion in the proposed plan. The suggested changes include provisions to better protect the Hutt Valley aquifer system which is critical to the region’s water supply.
- 10.3. Objective O52 and Schedule Q have introduced the requirement to maximise water efficiency. This introduces uncertainties of interpretation. It could be very costly and difficult and would not be consistent with LGA requirements to provide a cost-effective potable water supply. We suggest “maximise” is removed in light of extensive systems to maintain and improve water efficiency.
- 10.4. Wellington Water’s routine and normal operations include activities promoting water conservation and efficient use of water, which help guard against unwarranted use. Protection of the source ecology is achieved through minimum residual flow conditions included in existing resource consents. Wellington Water is required to directly monitor and manage river flows (and aquifer levels) downstream of the abstraction points in order that minimum residual flows are maintained. During critical low periods it is these minimum flow requirements not the allocation limits that control the availability of water.

10.5. This submission requests that:

- a) A new sub-section in Schedule Q: Reasonable and efficient water use criteria be included to recognise and provide for the supplying of essential services, a risk management strategy that may incorporate the management of multiple sources and elements of redundancy in order that the service provided maintains a high degree of reliability and resilience", and that consequential modifications to policies P118 and P119 be made.
- b) Schedule Q is amended to remove reference to "maximising" water efficiency.
- c) Tables 8.2 and 8.3 water allocations of policy WH.P2 and rule WH.R1 be amended to reflect the water takes already granted by existing resource consents.
- d) Such other amendments as are detailed in the attached submission spreadsheet are made.
- e) Such other amendments as may be appropriate to address the issues identified above or in the attached submission spreadsheet, or to achieve consistency between provisions of the proposed plan, are made.

11. Lack of recognition of differences in nature and scale of effects on the environment

- 11.1. The proposed plan contains insufficient mention of environmental indicators which show different ecological effects and their significance.
- 11.2. For the most part, there is a lack of separation of effects on freshwater and the effects on the coastal marine environment. There is no mention of the assimilative capacity of freshwater water bodies or the coastal marine area. The effect of the same contaminant loading on a water body will vary depending on whether it is discharged to freshwater or the coastal marine area, flow rate, temperature, existing state, sediment load, ecosystem state, and other factors. It will vary according to the time of day, the season, and the weather.
- 11.3. The proposed plan does not distinguish or contrast the existing large continuous discharges to the coastal marine area of treated wastewater from

the cities' wastewater treatment plants from the occasional, temporary discharge from a constructed overflow from a wastewater pump station.

11.4. Regionally significant infrastructure has substantial benefit which should be weighed against the scale of their adverse effects. The section 32 report (last paragraph of section 3.4.2) says "The policies recognise that these types of activities have benefits but the scale of the benefits will still need to be justified and balanced against the adverse effects of the activity as per any other activity." The question of scale is very important here, as is it appears the onus of proof of benefit is on regionally significant infrastructure. This is not consistent with the requirement to give effect to the direction to "recognise and protect" regionally significant infrastructure in the Regional Policy Statement.

11.5. This submission requests that:

- a) Provisions be inserted in the proposed plan to address the different scale and nature of effects of differing activities and discharges into freshwater and in coastal water environments.
- b) The proposed plan recognises and provides for the benefits of regionally significant infrastructure when considering the scale of their adverse effects.
- c) Such other amendments as are detailed in the attached submission spreadsheet are made.
- d) Such other amendments as may be appropriate to address the issues identified above or in the attached submission spreadsheet, or to achieve consistency between provisions of the proposed plan, are made.

12. Closure

- 12.1. This submission has been compiled by Wellington Water as manager of the three waters network owned by its client councils; Hutt, Porirua, Upper Hutt and Wellington city councils, and Greater Wellington Regional Council. The submission includes this document together with the attached submission spreadsheet.
- 12.2. Wellington Water wishes to be heard in support of this submission at hearings.
- 12.3. If others make a similar submission, Wellington Water will consider presenting a joint case with them at a hearing.

12.4. Wellington Water is not a trade competitor and would not gain an advantage in trade competition through this submission.

Signed for Wellington Water Limited

A handwritten signature in black ink, appearing to read 'Colin Crampton', written over a horizontal line.

Colin Crampton
Chief Executive
Wellington Water Limited
Private Bag 39804
Wellington Mail Centre 5045
DDI: 04 910 3852
Email: colin.crampton@wellingtonwater.co.nz

Submission on the Proposed Natural Resources Plan for the Wellington Region

INSTRUCTIONS FOR USING THE SUBMISSIONS SPREADSHEET:

Send to: regionalplan@gw.govt.nz



Your details:

Full name: Colin Crampton
Company name: Wellington Water Limited
Address1: Private Bag 39804
Address2: Wellington Mail Centre 5045
Address3: Level 4, IBM House
Address4: 25 Victoria Street
Town: Petone, Lower Hutt
Postcode: 04 910 3852
Telephone Work:
Telephone Home:
Telephone Cell:
Email address: colin.crampton@wellingtonwater.co.nz

Trade competition

Yes I/we could not gain an advantage in trade competition through this submission

No I/we could gain an advantage in trade competition through this submission.

If you could gain an advantage please complete one of the following:

I/we are directly affected by an effect of the subject matter of my submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

I/we are not directly affected by an effect of the subject matter of my submission that adversely affects the environment and does not relate to trade competition or the effects of trade competition.

Attendance and wish to be heard at hearing(s)

Yes I/we do wish to be heard in support of my/your submission

[Note: this means that you wish to speak in support of your submission at the hearing(s).]

I/we do not wish to be heard in support of my/our submission

[Note: this means that you cannot speak at the hearing. However, you will still retain your right to appeal any decision made by the Wellington Regional Council to the Environment Court.]

Yes If other make a similar submission, I will consider presenting a joint case with them at a hearing.

Date: 25/09/2015

Interpretation	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
2.1.3 Rules	Amend	<p>The objectives and policies are also legally binding. For clarification, the presumption of section 14 & 15 RMA should be stated and contrasted to the presumption of section 9 (which most people are familiar with) - that for section 14 & 15 activities, the activity is not allowed unless a rule in a plan allows it. It is good planning practice to include NES provisions in a plan, so that any person can see in a single place what rules apply and can apply context to the obligations for resource users. Non-complying activities must pass a legal test which in effect gives more clarity to the term "generally inappropriate".</p> <p>The concept of rule bundling is novel and may go beyond what is in the RMA and case law. (The paragraph is also internally inconsistent.) This is not the same as the common and legally accepted practice of bundling of individual consents. This should be explicitly discussed. If this is correct, it may be impossible to change one component of an activity without seeking an entirely new suite of consents. The definitions of dam, weir and aquiclude should be included.</p>	<p>Include the legally binding nature of objectives and policies. Include a sentence about the presumption of sections 14 & 15 RMA. Include provisions of any NES. In describing non-complying status, refer to the necessary legal tests, to clarify what "generally appropriate" means. Clarify the legal status of bundling of rules, particularly in relation to the ability to change one component of a complex multi-faceted activity, without having to seek a whole new suite of consents. Include definitions for dam, weir and aquiclude.</p>
Active bed (rivers and streams)	Amend	<p>Definition is confusing and different to that in the RMA. It is not clear what "at least frequent flows" means. Change the definition to be consistent with the RMA and the extensive relevant caselaw.</p>	<p>Change the definition to be consistent with the RMA.</p>
Aquatic ecosystem health	Amend	<p>This is not a definition because it merely states a variable which "the degree to which".</p>	<p>Re-define to not refer to a variable.</p>

Aquifer	Amend	Reference to being capable of being a practical source of water is not part of defining what an aquifer is. Include new definition of "Aquiclude" in reference to rules R146 and R147.	Re-define what an aquifer is, not what it can be used for. Create new definition of "Aquiclude" in reference to rules R146 and R147.
Biodiversity offset	Amend	Need to justify this approach in an objective and policy framework. Offsetting has been interpreted in case law as part of mitigation. This cannot go beyond the RMA requirements of "avoid, remedy or mitigate".	Reconsider the definition in the legal context of the RMA framework. Offsetting has been interpreted in case law as and case law.
Biosolids	Amend	The second half of the definition reads like a rule, not a description of what it is.	Delete second half of the sentence.
Bore	Amend	Accept the definition of Bore. But piles and other structures that penetrate into or through the aquiclude need to have specific provisions. "Aquiclude" needs to be a new definition as protecting the aquifer depends on not penetrating it.	Include controls on piles and other structures that penetrate into or through an aquiclude. Add a new definition of "Aquiclude is a geological formation or stratum that confines water in an adjacent aquifer" or to like effect.
Category A groundwater	Amend	It is not clear if groundwater entering a stormwater pipe is "taking water".	Confirm that groundwater entering a stormwater pipe is not "taking water".
Catchment based flood and erosion risk management activities	Amend	Clarify how this relates to stormwater networks and management.	Include the relationship of these activities to stormwater management to remove any uncertainty about what is included or excluded.
Coastal restoration plan	Amend	What is meant by "natural state" is not clear. For example, it could mean pre-human occupation, and not recognise the extensive development of most of the existing coastline in the Wellington region that has been modified by people.	Clarify what is meant by "natural state" and recognise that most of the urban Wellington region coastline has been extensively developed.
Cultural impact assessment*	Amend	The RMA does not include consideration of Treaty claims before they have been settled with the Crown by way of legislation.	Remove reference to Treaty claims.

		<p>The first part of the definition refers to drainage of sub-surface water. However, the second sentence refers to conveying water only during rainfall events. This is not consistent. In an urban context, drains do not convey water only during rainfall events. They could well convey ground water or from stored water upstream. Rain takes time to infiltrate and percolate through soils or do overland flow, long after rain has stopped. Recognise that stormwater networks include large numbers of sections of natural watercourses. It is not clear whether natural watercourses are drains, and there is no definition of natural watercourse.</p>	<p>Delete "only during rainfall events" and amend to indicate a drain may convey water at times other than rainfall. Define "natural watercourse" and recognise that they are part of a stormwater network in an urban context.</p>
<p>Drain</p>	<p>Amend</p>	<p>Existing discharge definition needs to acknowledge the presence of historic wet weather overflows and emergency relief points. A new discharge should be defined as a newly constructed point, not just as a point that does not currently hold consent as there are a large number of emergency overflow locations that do not currently hold consent under previous interpretations of the RMA and plans by both local authorities and GWRC.</p>	<p>Change to "...means a discharge from an existing wastewater network which may or may not be already authorised by an existing consent" or to like effect. Alternatively, add definition for existing wet weather overflows. Add "In the context of a wastewater network means a discharge already authorised by resource consent at the time of application for a new resource consent relating to the same activity and may include historic wet weather overflow locations that have not previously been specifically authorised by resource consent."</p>
<p>Existing discharge</p>	<p>Amend</p>	<p>Definitions of "economic efficiency", "technical efficiency" and "allocative efficiency" should also be provided as these are very technical terms not widely understood.</p>	<p>Define "economic efficiency", "technical efficiency" and "allocative efficiency"</p>
<p>Efficient allocation</p>	<p>Amend</p>	<p>(a) Suggest "does not have an active bed" to be consistent with other definitions. (c) Suggest "only conveys water during, and immediately following a significant rainfall (> than x mm per hour)</p>	<p>(a) Amend "does not have an active bed" to be consistent with other definitions. (c) Amend to "only conveys water during, and immediately following a significant rainfall (> than x mm per hour) or similar effect."</p>
<p>Ephemeral flow path</p>	<p>Amend</p>		

	Amend	<p>This definition contains many qualitative words and is not certain. This definition is relied on considerably throughout the plan. Relying on this concept is problematic because many industries / activities that have such things, have been developed for the efficiency/practicability/ economic sustainability of that industry - not primarily and exclusively for addressing environmental effects. For drainage engineering, best practice cannot be contained in a simple manual, and in any case is continuously improving. The concept should have limited specific application, not the assumption that it is practicable or realistic to apply broadly.</p>	Redefine to make the definition more certain and be clear about the limits of its applicability.
Good management practice			
Hard engineering *	Amend	<p>Hard engineering is commonly used to protect infrastructure. Inclusion of "infrastructure" after "land" in the second last sentence would also reflect the policy that provides recognition of regionally significant infrastructure.</p>	Add "or infrastructure" after "to prevent erosion of the land".
Health needs of people	Support		
High hazard areas (also known as areas at high risk from natural hazards)	Amend	<p>Reconsider the definition of high hazard areas so that it is based on an appropriate assessment of actual hazard. This should only apply to rivers that are in fact at high risk of natural hazards.</p>	Reconsider the definition of high hazard areas so that it is based on an appropriate assessment of actual hazard.

	<p>The current definition is aimed at rural and farming situations and not the urban environment. The definition needs to be applicable to urban stormwater networks that include large numbers of watercourses and open drains. These typically are not "straight channels with no natural curves", but it is clear from their urban, developed context and use that they are highly modified. Within the stormwater network, their function is the prevention of flooding. This is a little different to the function of a farm drain which is to lower the groundwater table. Intake structures are an important part of the stormwater system and should be included in the definition. The definition, in combination with relevant permitted rules, needs to allow for normal maintenance and clearance of debris to prevent flooding.</p>
<p>Highly modified river or stream</p>	<p>Amend</p>
<p>Low energy receiving environments*</p>	<p>Amend</p>
<p>Minimum flow or water level</p>	<p>Amend</p>
<p>New discharge</p>	<p>Amend</p>
<p>Pumped drainage scheme</p>	<p>Amend</p>

The current definition is aimed at rural and farming situations and not the urban environment. The definition needs to be applicable to urban stormwater networks that include large numbers of watercourses and open drains. These typically are not "straight channels with no natural curves", but it is clear from their urban, developed context and use that they are highly modified. Within the stormwater network, their function is the prevention of flooding. This is a little different to the function of a farm drain which is to lower the groundwater table. Intake structures are an important part of the stormwater system and should be included in the definition. The definition, in combination with relevant permitted rules, needs to allow for normal maintenance and clearance of debris to prevent flooding.

Amend the definition to be applicable to urban stormwater networks that include large numbers of watercourses and open drains, including intake structures. The definition needs to work with relevant rules to allow clearance of debris to prevent flooding to be a permitted activity.

We question whether a single term can usefully be used for both freshwater environments and the coastal environment. Rivers flow continuously, and can be high or low energy environments depending on the weather. For the coastal environment, it cannot be a precise term because of the connection of all coastal water and the degree of energy changes according to location.

Separate freshwater from coastal, and clarify when this term may be used.

This is a circular definition as it refers to itself.

Redefine so the definition is not circular.

A new discharge should be defined as a newly constructed point, not just as a point that does not currently hold consent as there are a large number of emergency overflow locations that do not currently hold consent under previous interpretations of the RMA and Plans by both Local Authorities and GWRC.

Change to "In the context of ... wastewater network means a new or proposed new structure which may discharge into freshwater or marine coastal area under reasonably foreseeable conditions" or to like effect.

It is unclear if this refers to stormwater and wastewater. It is written as if it refers to farm land drainage.

Clarify if this refers to stormwater and wastewater.

	Amend	<p>The definition is confined to reclamation in the CMA. However there are some policies (P102) and rules (R127) which deal with reclamation on lake or river beds. More clarity is needed about what constitutes reclamation in the lake or river bed contexts.</p> <p>Of all the different types of water supply assets, intake works are likely to have the most significant impact on water bodies, so should be included in the list of components of a local authority water supply network.</p>	Amend the definition of reclamation to clarify its meaning in relation to the bed of a lake or a river. Ensure policies (P102)and rules (R127) in terms of reclamation are consistent with other provisions for temporary damming and diversion of rivers or lakes.
Regionally significant infrastructure*	Amend	<p>Stormwater is not just run-off. It includes water that has infiltrated and percolated through soil to a drain and includes groundwater. The Regional Water Standards definition is "Rain water that does not percolate into the groundwater or evaporate, but flow via overland flow, interflow, channels or pipes into a defined channel, open watercourse or a constructed infiltration facility."</p>	Broaden the definition to include water that has infiltrated and percolated through soil to a drain and includes groundwater (or to like effect). Or use the Regional Water Standards definition of "Rain water that does not percolate into the groundwater or evaporate, but flow via overland flow, interflow, channels or pipes into a defined channel, open watercourse or a constructed infiltration facility."
Stormwater	Amend	<p>There are many sections of open watercourse that are part of the local authority stormwater networks. These need to be specifically included to remove any doubt that they are an integral and necessary part of the network. The definition includes kerb (and channel). These are roading devices used to separate carriageway from footpath, and are simply shaped to maximise their ability to convey water relative to their height. Mountable kerbs and other carriageway edges that have a low height have little ability to convey water. This could be problematic for city councils and mean that Wellington Water would need to work much more closely with roading authorities, or take responsibility for kerb assets.</p>	Include to the effect of " including open watercourses where they function and are managed as part of the local authority stormwater network. " Remove "kerbs" from the definition.
Stormwater network	Amend		

	Amend	<p>This has the detail of a plan, and should not be called a strategy. Remove references to land use planning as that is not in the control of the stormwater network manager. Intentions to work with local authorities on mechanisms to influence land use planning should be in a Other method and not in this strategy.</p>	<p>Change the name to Stormwater management plan. Remove references to land use planning.</p>
Stormwater management strategy			
	Amend	<p>The definition of unused water needs to clearly specify that community drinking water suppliers are excluded. The definition is written from the perspective of a water user on a specific parcel of land, such as a farmer. As it stands, it does not fit the context of taking water for a community drinking water supply. For the purposes of security of supply for human health needs, the period of low use should be indefinite in terms of the present definition. A definition relevant to a community drinking water supply could refer to a requirement to justify unused water through a risk management framework.</p>	<p>Change the definition to specifically exclude community drinking water suppliers. Alternatively, provide a separate definition for a community drinking water supply to the effect of requiring justification of unused water by way of a risk management framework.</p>
Unused water			
	Amend	<p>The definition should refer to community decided levels of service rather than current standards. In Local Government asset management approaches, upgrades may improve levels of service and may be required to accommodate growth. The definition needs to accommodate this approach.</p>	<p>Change "current standards" to "community decided levels of service" or to like effect. Change the definition so that infrastructure can accommodate growth.</p>
Upgrade			
	Amend	<p>Clearance can be by hand (not including hand spraying).</p>	<p>Include hand clearance in the definition.</p>
Vegetation clearance			
	Amend	<p>All wastewater has varying proportions of stormwater, so it is unrealistic to define wastewater as not containing stormwater.</p>	<p>Exclude "but excluding stormwater".</p>
Wastewater			

Wastewater network	Amend	<p>The definition does not include the infrastructure necessary to discharge wastewater. If it did, it would be consistent with the definition of stormwater network which includes the devices to discharge the stormwater.</p>	<p>Redefine the definition of wastewater network to the effect of " A community reticulated wastewater system, a network of devices designed to accept and transport wastewater from properties to a treatment plant and discharge wastewater, including but not limited to devices, pipes and pump stations. "</p> <p>Change the definition to be effects based. Provide a policy to define the zone with certainty. Define and use the term "assimilative capacity". Provide a reasonable mixing zone definition for discharges into the coastal marine area.</p>
Zone of reasonable mixing	Amend	<p>This definition is not effects based. It is unrealistic to define the zone of reasonable mixing irrespective of assimilative capacity, the nature and composition of the discharge, and largely irrespective of the location/receiving water body. The concept is not simple or obvious and should be dealt with by way of a policy and rule which can go into more detail about particular circumstances. It is important to refer to assimilative capacity - a concept which does not appear in this plan. Policy P72 does not provide certainty to define the zone before a discharge has started. A definition for coastal discharges should be added. The definition of reasonable mixing does not seem to apply to coastal water, but the term is referred to in the coastal chapter (general conditions 5.7.2). It is appropriate for rules relating to discharges to allow for reasonable mixing in coastal waters.</p>	

Objectives

mission on this pro

Reasons for my submission:

I seek the following from WRC (give precise details):

Objective O5: Fresh and coastal water		This objective should include a qualifier which allows for natural perturbations such as floods (consistent with RMA schedule 3). Qualifiers should also clarify whether contact recreation and Maori customary use is for all times (winter and summer), everywhere (for example, it might not include swimming in the commercial port area) and whether primary or secondary recreation contact is intended.	Amend the objective to include qualifiers as to when and where this objective applies and whether it applies when natural perturbations such as flooding, are supposed to be suitable for swimming.
Objective O6: Health needs of people	Support	We support this objective. The community need for access to water for firefighting should be included or added.	Add new Objective: Sufficient water is available to meet the communities' need to fight fires (or similar).
Objective O8: Allocation regime	Support		
Objective O12: Benefits of regionally significant infrastructure	Amend	This objective does not adequately give effect to Regional Policy Statement objective 10 and policies 7, 8 and 39 which not only require the benefits of regionally significant infrastructure to be recognised but also to be protected. This objective should allow for 3 waters infrastructure in the coastal marine area such as the proposed cross-harbour water supply pipeline.	Add to the end "...are recognised and protected."

Objective O13: Protecting regionally significant infrastructure	Amend	<p>This objective appears to only apply in the coastal marine area. The protection of regionally significant three waters infrastructure against reverse sensitivity should apply to all environments. The majority of regionally significant three waters infrastructure is not in the coastal marine area. The Regional Policy Statement directive to recognise and protect such infrastructure is not limited to the coastal marine area.</p>	<p>Amend the objective to protect significant three waters infrastructure against reverse sensitivity in all environments, not just the coastal marine area.</p>
Objective O20: Risk from natural hazards	Amend	<p>It is not clear what "acceptable" means, to whom and when. GNS Science has recently published guidance material on how to determine what is "acceptable" using a particular methodology. That methodology is rigorous but also onerous in terms of resources, so its use should be considered carefully. This objective does not suggest the GNS methodology should be used. If such a methodology is not used, a substitute term with more certainty should be used. The most serious natural hazard risk in Wellington is a large earthquake centred on the Wellington Fault, and the adverse effects of this event will be very significant and certainly not "acceptable" to the community.</p>	<p>Clarify what "acceptable" means in this context.</p>
Objective O22: Hard engineering	Amend	<p>Clarify that hard engineering may be required to protect regionally significant infrastructure when it is the most cost effective measure.</p>	<p>Clarify that hard engineering may be required to protect regionally significant infrastructure when it is the most cost effective measure.</p>
Objective O24: Contact recreation and Māori customary use	Amend	<p>Table 3.3 includes "Concentrations of contaminants, including pathogens, are sufficiently low for shellfish to be safe to collect and consume where appropriate</p>	<p>Clarify that shellfish gathering is not appropriate within vicinity of stormwater or wastewater outfalls due to risk of pathogens from urban area contaminants.</p>

Objective O29: Fish passage	Amend	<p>Restoration of fish passage is a very strong and absolute objective as it does not appear to have regard to existing development and regionally significant infrastructure. The objective should allow an exception for regionally significant infrastructure or if required by the functional need of infrastructure. Clarification of when restoration of fish passage is appropriate would increase clarity and certainty.</p>	<p>Qualify the objective by allowing an exception for regionally significant infrastructure or if required by the functional need of infrastructure. Clarification of when restoration of fish passage is appropriate.</p>
Objective O48: Stormwater networks	Amend	<p>This objective is unclear. State what the adverse effects are, for example, potential scour and erosion, if that is the case. The objective could mean the quantity of stormwater needs to be reduced over time. This will not be good for the wellbeing of communities because it directly equates to increasing the flood risk - the acceptable level of risk is set by councils in consultation with their communities. The reference to managing urban land uses is unclear as this is primarily done by territorial authorities in the district plan. This regional plan cannot direct territorial authorities to change the district plan. The mechanism to do that is through a change to the Regional Policy Statement. The objective does not recognise that the managers of the networks in the Wellington metropolitan area is not the territorial authority itself. This institutional arrangement cannot be ignored in the Wellington context.</p>	<p>Specify what these adverse effects are, particularly to those of stormwater quantity. Refer to those aspects that the stormwater network managers are able to control (which does not include land use).</p>

Objective O49: Wastewater discharges to land		<p>We recognise that this objective gives effect to the New Zealand Coastal Policy Statement. However, for the Wellington region, this objective is not effects based. It does not distinguish between the assimilative capacity of freshwater and coastal water. It does not distinguish the adverse effects of large scale disposal of wastewater to land which would be a direct consequence in the four metropolitan cities of this region. It does not recognise that in the metropolitan cities, land disposal options have already been examined and found to be impracticable. It does not recognise the existing environment and community investment and protect regionally significant infrastructure. Advocating for a different impractical disposal method in these circumstances is an inefficient use of physical resources and not consistent with Part 2 RMA.</p> <p>Redesign the objective to recognise the existing wastewater disposal infrastructure from existing facilities in the four metropolitan cities in the region. It needs to align with the objective of recognising and protecting (consistent with the RPS objective) regionally significant infrastructure and the existing community investment. It needs to refer to the assimilative capacity of the receiving environment, recognising that land disposal has its own limitations.</p>
Objective O50: Wastewater discharges to fresh water	Amend	<p>There is no objective to specifically recognise and protect the existing discharges of wastewater to the coast. Also note that discharge to fresh water provides for quicker mixing and can promote dilution and dispersion compared to coastal water discharges which have lower mixing efficiency due to the salinity differences.</p> <p>Apply to coastal water, add "where appropriate" to recognise the mixing available.</p>

Objective O52: Efficient allocation	
	Amend

The objective is not clear and certain enough. It needs to be practicable in the context of urban water supply, not just in a farming context. The objective should state when it will be achieved. Maximising efficiency of allocation and use implies increasing efficiency of use continuously at whatever cost, irrespective of the incremental gains and irrespective of the starting point of efficiency. Achieving "maximum" efficiency of allocation or use could be hugely expensive. It is unreasonable as there is no way of establishing that maximum efficiency has been reached. There will always be examples in the world where less water is used and proponents may argue that lower use can be achieved. It is not clear how 'generally-improving efficiency of water use' sits with the age and renewals profiles and policies of city pipe networks. "Maximising" reuse is absolute with no target or end-point and is not consistent with the Local Government Act (LGA) requirements for water suppliers to be cost-effective. It could be extremely expensive. (b) "good management practice" is unclear and not defined. (c) is poorly worded and ambiguous. Maximising reuse is absolute and unworkable, and could be taken to extremes, resulting in huge cost. LGA requirements for water supply dictate they be cost-effective.

Delete "and maximised" from the initial sentence. In (a) clarify what "efficient" means. Clarify the meaning of good management practice in the context of (b). Suggest (c) be reworded as "increasing to the extent that is reasonably practicable the reuse and recycling of water and recovery of contaminants" or something similar.

Policies

Reasons for my submission:

I seek the following from WRC (give precise details):

Submission on this pr

<p>Policy P1: Ki uta ki tai and integrated catchment management</p>	<p>(e) needs to refer to the economic consequences of environmental quality standards. This is not the same as economic sustainability.</p> <p>Refer to notions of affordability for communities, and the willingness to balance environmental quality standards with the cost of paying for improvements to achieve them.</p>
<p>Policy P3: Precautionary approach</p>	<p>This policy is inconsistent with, and does not give effect to the New Zealand Coastal Policy Statement policy 3. It should refer to significant adverse effects (not just adverse). It should refer to the effects that are little known, not the knowledge base of the receiving environment (as that will never be fully known). It should state how such activities will be treated in a policy sense, otherwise this is not a policy but merely a definition.</p> <p>Make this policy consistent with the New Zealand Coastal Policy Statement policy 3. Make it refer to significant adverse effects (not just adverse), and refer to the effects that are little known, not the knowledge base of the receiving environment. State how such activities will be treated in a policy sense, so that this goes beyond a definition to being able to give effect to an objective.</p>
<p>Policy P4: Minimising adverse effects</p>	<p>This policy appears to be aimed at new development and does not appear to be very relevant to existing activities and infrastructure. It does not recognise the "sunk investment" of such infrastructure nor the effective lack of choice of location for existing facilities. "Good management practice" is uncertain and does not add anything. All infrastructure works for the three waters has to be managed in a cost-effective manner under the Local Government Act. Minimising effects to the smallest possible could be prohibitively expensive. It requires reducing the adverse effects of the activity to the smallest amount practicable, and includes five specific requirements which must all be met, including consideration of alternatives and for activities to be located "away from" areas identified in some schedules. It's unclear what would constitute "away from", causing ambiguity for applicants.</p> <p>This policy is potentially onerous. The policy requires rewording, especially as it has flow-on implications for many other policies.</p> <p>Amend to recognise the lack of choice of location for existing infrastructure and the sunk investment. Refer to efficiency and cost-effectiveness of infrastructure rather than "good management practice". Amend to the effect of "Where minimisation of adverse effects is required by policies in this plan.....to the smallest amount reasonably (or cost effectively) practicable and shall include giving consideration to:"</p> <p>Provide more specific wording for clause (b) 'locating the activity away from'.</p>
<p>Policy P5: Review of existing consents</p>	<p>The policy needs to take into account all of the parts of section 128(1) RMA to be valid, which includes the purpose of the review.</p> <p>Include all relevant obligations under section 128(1) RMA, including the purpose of the review.</p>

Policy P6: Synchronised expiry and review dates	Amend	<p>It is not clear whether the Whatitua catchments include just the freshwater catchment or include the coastal marine area. The policy does not make clear what happens to the expiry date of existing consents that do not match with the other consents in the catchment. There is no legal ability to shorten the term of an existing consent. It is not clear if (b) refers to new consents only. "May impede" is too uncertain to know what circumstances this applies to.</p>	<p>Clarify whether the Whatitua catchments include the coastal marine area. Clarify what happens to the expiry date of existing consents that do not match with the other consents in the catchment. Clarify the circumstances where "may impede" is relevant.</p>
Policy P7: Uses of land and water	Amend	<p>The concept of removing water to protect communities from flooding is not included and should be. Together with P13 it puts stormwater services in a position that is not provided for or protected (as a regionally significant infrastructure that is protected by RPS objectives).</p>	<p>Include reference to the social and economic benefits of providing stormwater systems to protect against flooding.</p>
Policy P8: Beneficial activities	Amend	<p>Item (j) seems to be out of context in a natural resources plan. While most of the listed items appear to benefit the ecology or natural values, three, (h), (j) and (k) refer to more pragmatic activities with much wider benefits to the community as a whole. The following items are missing from the list: Domestic or community water supply; protection of the community and property from flooding by stormwater networks; and protection of public health by maintaining and operating a wastewater network and disposal system. Including the 3 waters networks would give effect to the RPS directive to recognise and protect regionally significant infrastructure. It is difficult to see how (c) day-lighting of piped streams should be generally appropriate, as doing so in most urban environments would in many cases have major impacts on private property and other regionally significant infrastructure. Whilst the concept may be beneficial, the activity should be considered on a case by case basis, not "generally appropriate". (h) should include "operation of" existing structures. (j) should include "or infrastructure" between "monitoring resource use" and "or the state of the environment" to give effect to the protection of regionally significant infrastructure in the Regional Policy Statement.</p>	<p>Add public water supply, protection of the community and property from flooding by stormwater networks and protection of public health by maintaining and operating a wastewater network and disposal system to the list of beneficial activities. Remove "generally appropriate" from (c). Include "operation of" existing structures in (h). Include "or infrastructure" between "monitoring resource use" and "or the state of the environment" in (j).</p>
Policy P10: Contact recreation and Māori customary use	Support	<p>(a) and (b) appear to repeat each other. It is not clear how they differ.</p>	<p>Remove (a) or (b) or clarify the relationship to each other.</p>

<p>Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities</p>		<p>This policy needs to also protect the benefits of regionally significant infrastructure to give effect to the Regional Policy Statement. The policy reads like it is a test for what regionally significant infrastructure is, rather than a list of what the benefits are. The benefits of the three waters infrastructure have not been included. They are benefits of providing a potable water supply for the health needs of people, protecting people and property from flooding and protecting public health by providing a wastewater service. The policy implication is that maintaining and improving the 3 waters services should be promoted, especially when effects of maintenance activities are well known and have been carried out for many years. The beneficial environmental effects of removal of debris and sediment from river and harbour systems, the benefit to fish passage from removal of such obstructions, and maintaining or improving flood protection for communities.</p> <p>Replace "by having regard to" with "and protected" to the end of the sentence (or to like effect). Add new benefits of the provision of the health needs of people and with a potable water supply, the protection of public property from flooding and the protection of public health by the provision of a wastewater service.</p>
<p>Policy P13: Existing regionally significant infrastructure and renewable electricity generation facilities</p>	<p>Amend</p>	<p>The policy needs to go beyond "are generally appropriate" to "are protected" to give effect to the Regional Policy Statement. The intention is that maintenance of this infrastructure should not be frustrated and reserve sensitivity effects need to be dealt with. P13 does not address capital improvements of stormwater systems which will increasingly be necessary to protect communities from climate change effects due to the proposed plan's definition of "upgrade". Overall, the use, maintenance and protection of regionally significant infrastructure is given far less prominence than environmental protection policies. An example of protecting existing regionally significant infrastructure would be to allow for the damming and diversion of water by a structure that was existing and lawful on the date of notification of this Plan as a Permitted Activity under rules R114 and R116. This would continue the application of the existing Regional Plan for Freshwater Rule 8.</p> <p>Replace "are generally appropriate" with "are protected" or similar. Allow the damming and diversion of water by an existing regionally significant infrastructure structure that was existing and lawful on the date of notification of this Plan as a Permitted Activity, with consequential amendments to rules R114 and R116.</p>
<p>Policy P14: Incompatible activities adjacent to regionally significant infrastructure and renewable electricity</p>	<p>Support</p>	<p>Support this policy.</p>

<p>Policy P15: Flood protection activities</p>	<p>Flood protection is one of the mandatory core services of local authorities under the Local Government Act and this should be recognised and protected. This policy is not clear whether river flood protection infrastructure as well as stormwater activities are included. The circumstances which are "generally appropriate" should be clarified. There is no guidance as to when and where these activities might not achieve the objective (unstated link to an objective). It would be better to go beyond "generally appropriate" to "protect" as these activities are generally part of regionally significant infrastructure.</p> <p>Replace "are generally appropriate" with "are protected" or similar. Clarify that stormwater management and river flood protection infrastructure are included, for the avoidance of doubt.</p>
<p>Policy P16: New flood protection and erosion control</p>	<p>Flood protection infrastructure and services are a mandatory service to be provided by local authorities under the Local Government Act. As such, they should be "provided for". Recognition on its own has little practical effect and little guidance when deciding on resource consents.</p> <p>Add "and provided for" or similar.</p>
<p>Policy P27: High hazard areas</p>	<p>This policy should also refer to protection of regionally significant infrastructure to give effect to the Regional Policy Statement. Most readers will not understand the terms "fluvial and lacustrine processes" in (e). Suggest using plain English. Regionally significant infrastructure (water supply pipelines) can not always avoid high hazard areas (e.g. Wellington fault zone) without being enormously expensive. Exception (b) accepts development if the residual risk is low. A pipeline constructed across the fault will have a residual risk higher than "low". This policy requires use and development in high hazard areas to be avoided which is a very high threshold, and does not recognise the benefits of the development or infrastructure. The definition of high hazard areas is "all areas in the coastal marine area and beds of lakes and rivers and their margins". There is a list of exemptions to this policy, but they all have to be met, potentially restricting activities necessary for the maintenance and upgrade of regionally significant infrastructure.</p> <p>Include protection of regionally significant infrastructure in high hazard areas in the list. Use plain English terms for "fluvial and lacustrine processes" in (e). Delete exception (b). Reconsider the definition of high hazard areas so that it is based on an appropriate assessment of actual hazard. Clarify in what circumstances a risk assessment is required with a consent application, and what that should comprise, ensuring the assessment is only required in appropriate situations and is commensurate to the scale of the activity.</p>

<p>Policy P28: Hazard mitigation measures</p>	<p>To avoid hard engineering mitigation and protection methods is a very high threshold test. While it sets out exceptions, it does not adequately recognise the benefits of hard engineering in a range of circumstances. Include "and regionally significant infrastructure" after "to protect existing development" to give effect to the Regional Policy Statement. However, we question whether an additional requirement to produce a hazard management strategy is needed for regional council purposes. Infrastructure owners and managers already take these matters into account in normal processes. Infrastructure design, justification and funding decisions and do not need to duplicate their processes. This is required to recognise that hard engineering mitigation may be used for proposed regionally significant infrastructure, not just existing development. Some of the exemptions may be difficult to demonstrate compliance or are unreasonable. For example, the structure must be protecting development from unacceptable risk, and an assessment using a 'risk based approach' is required but the definition does not make clear what is expected.</p> <p>Amend</p> <p>Include "and regionally significant infrastructure" after "to protect existing development". Do not require a hazard management strategy for regionally significant infrastructure. The wording should be widened to exempt hard engineering measures that contribute to protection of the environment or public assets, and mitigation of adverse effects. Clarify in what circumstances a risk assessment is required with a consent application, and what that should comprise, ensuring the assessment is only required in appropriate situations and is commensurate to the scale of the activity.</p>
<p>Policy P29: Climate change</p>	<p>Support</p> <p>Support this policy. (d) would benefit by stating who's best available estimate for the Wellington region.</p> <p>Replace "best" in (d) with who's estimate it will be or where it might be documented for consistency and avoiding doubt.</p>
<p>Policy P31: Aquatic ecosystem health and mahinga kai</p>	<p>Amend</p> <p>In relation to use of the word "restore" or "restored" in relation to ecosystem improvements, "Improved" or "enhanced" would be more appropriate. The policy implies "managing the effects of use and development" is the only influence on aquatic ecosystem health and mahinga kai. This does not give full effect to objective O18. Other significant effects are natural processes, and the effects of fishing, which are outside of control of the RMA but are a major impact on the health of the ecosystem. Removing this reference does not detract from the list of points underneath. (e) should not be confined to indigenous species only. Section 7(h) RMA matters relating to trout and salmon also need to be provided for.</p> <p>Suggest substitute "enhanced" for "restored" in the first line. Remove "managing the effects of use and development on physical, chemical and biological processes to ". Remove "indigenous" from (e).</p>

<p>Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai</p>	<p>There is no definition of "significant adverse effects" (d) is beyond the scope of the RMA. In case law, offsetting has been used as part of the mitigation process. It is not an additional step after "avoid, remedy or mitigate" in section 5 RMA. Schedule G does not refer to "any residual effects" but to effects that may be "more than minor" and it includes limitations to its applicability and only to measurable effects. The principle of "no net loss" is very significant, and if this is to be adopted by GWRC, it requires an objective and policy framework to support it. The concept of biodiversity offsets has been introduced by this proposed Plan. This is a major change needs careful consideration for cost/benefit as it could lead to a regime of unnecessary cost for regionally significant infrastructure projects and give rise to serious affordability issues for local authorities in the provision of regionally significant infrastructure. There should be an exclusion for the operation, maintenance and upgrade of existing regionally significant infrastructure.</p> <p>Amend</p>
<p>Policy P33: Protecting indigenous fish habitat</p>	<p>By requiring "avoidance" of water takes that lead to a "significant loss of flow" it effectively precludes the taking of any significant quantity of water from most of the water bodies in the region. The policies for indigenous fish habitat uses very strong wording ('avoid') that could unduly restrict appropriate and important activities such as in-stream erosion protection structures to maintain three waters asset. Overlaying the migration times for the species noted as being present in the Hutt River shows that for any month of the year there are at least four migrating species, i.e. migration occurs all year round. (c) requires a time element to it. Does it mean permanent significant loss of flow? Clarification is required to allow necessary works to protect regionally significant infrastructure which may temporarily impede fish passage for the period of works which might be 2 hours or maybe 3 days but not usually longer. (c) precludes the temporary damming and diversion of river flow at all times. This may prevent the installation of pipes crossing beneath a stream. There is lack of alignment in the wording of this policy, where it says adverse effects must be avoided, and then activities rather than effects are listed.</p> <p>Amend</p> <p>In the first paragraph, replace "avoided" with "reduced to a practical minimum" or like effect. Include a practical time element into (c). Either delete "particularly" in the first sentence of the policy or include "relevant migration times" in (c). Revise the language in a way that protects indigenous fish habitat from significant adverse effects (rather than any adverse effect) and to recognise that effects cannot always be avoided completely and nor is it always necessary or appropriate to do so.</p>

Policy P34: Fish passage	Amend	<p>This policy effectively precludes construction of in stream dams or weirs, and directly conflicts with Policy P11 which espouses the benefits of in-stream damming and storage of water. The policy is not qualified by referring to water bodies where fish have access to, or to the potential extent or significance of the available habitat. For example, fish passage was not installed at the Wainuomata Lower Dam as NIWA recommended that it was not installed to maintain a barrier to trout accessing the native fish habitat above the dam.</p>	<p>State conditions when fish passage may be interrupted for the purposes of constructing, maintaining, operating or protecting regionally significant infrastructure. Recognise that some waterbodies may not represent significant new fish habitat.</p>
Policy P35: Restoring fish passage	Amend	<p>The word "restored" implies reinstatement to a pristine condition, which is probably not what is intended. "Where appropriate" needs to have greater certainty as to the criteria. It is not clear why this policy is restricted to indigenous fish species only, and why it does not give effect to section 7(h) RMA.</p>	<p>Add "to the extent practicable". Clarify "where appropriate". Clarify why (or if) this applies to non-indigenous species.</p>
Policy P39: Adverse effects on outstanding water bodies	Amend	<p>A recent Environment Court decision seems to imply that "avoidance" is an absolute, and should be adopted irrespective of cost or other implications. While the current extent of Outstanding Water Bodies does not appear to pose a threat to water supply infrastructure, any move downstream of the downstream boundary could have a very significant effect on these assets, which are regionally significant assets which the RPS requires to be recognised and protected.</p>	<p>Replace "shall be avoided" with "shall not be more than minor" or to like effect, or such other changes as will ensure that this policy does not override the recognition and protection of regionally significant three waters infrastructure, as required by the RPS.</p>
Policy P40: Ecosystems and habitats with significant indigenous biodiversity values	Amend	<p>This policy and policy P41 rely on the correct identification of values in schedule F.1. That schedule does not identify which parts of urban streams are piped, which leads to the assumption that all stated values are true for the entire length of water body. This is not likely to be correct for some values, for example, indigenous bird habitat. Recognise that within an urban environment it will not be possible to restore all freshwater ecosystems that have been piped. The policy framework needs to recognise the difference between piped and natural streams within Schedule F.1. Piped stream provisions should allow for the ongoing maintenance, operation and upgrade of regionally significant infrastructure.</p>	<p>Provide for the identification of piped sections of urban streams and provide for the ongoing maintenance, operation and upgrade of what is regionally significant infrastructure. The policy framework needs to recognise the difference between piped and natural streams within Schedule F.1.</p>

<p>Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values</p>	<p>Comments on policy P32 are relevant here: "There is no definition of "significant adverse effects". (d) is beyond the scope of the RMA. In caselaw, offsetting has been used as part of the mitigation process. It is not an additional step after "avoid, remedy or mitigate" in section 5 RMA. Schedule G does not refer to "any residual effects" but to effects that may be "more than minor" and it includes limitations to its applicability and only to measurable effects. The principle of "no net loss" is very significant, and if this is to be adopted by GWRC, it requires an objective and policy framework to support it". The policy serves two purposes - avoiding particular sites, and (in the last paragraph) saying certain activities are inappropriate (implying non-compliance status for resource consents). This is unclear and should be two clear separate policies indicating the differing applicability. This policy and policy P40 rely on the correct identification of values in schedule F1. That schedule does not identify which parts of urban streams are piped, which leads to the assumption that all stated values are true for the entire length of water body. This is not likely to be correct for some values, for example, indigenous bird habitat. Recognise that within an urban environment it will not be possible to restore all freshwater ecosystems that have been piped. The policy framework needs to recognise the difference between piped and natural streams within Schedule F1. Piped stream provisions should allow for the ongoing maintenance, operation and upgrade of regionally significant infrastructure.</p>
<p>Amend</p>	<p>Provide for the identification of piped sections of urban streams and provide for the ongoing maintenance, operation and upgrade of what is regionally significant infrastructure. The policy framework needs to recognise the difference between piped and natural streams within Schedule F1.</p>
<p>Policy P42: Protecting and restoring ecosystems and habitats with significant indigenous biodiversity values</p>	<p>Refer to comments on biodiversity offsets for policy P32. There is no definition of "significant adverse effects". (b) is beyond the scope of the RMA. In case law, offsetting has been used as part of the mitigation process. It is not an additional step after "avoid, remedy or mitigate" in section 5 RMA. Take into account the effects of these mechanisms on the ongoing operation, maintenance and upgrade of existing three waters regionally significant infrastructure.</p>
<p>Amend</p>	<p>Provide definition or guidance on what comprises "significant adverse effects". Suggest rephrasing (d) to something like "offsetting of any significant residual adverse effects may be considered as part of mitigation in accordance with schedule G for the coastal marine area". Identify the objective and policy framework for applying "no net loss" via schedule G. Remove biodiversity offsets for regionally significant infrastructure. Provide an exclusion (or to like effect) for the operation, maintenance and upgrade of existing three waters regionally significant infrastructure.</p>
<p>Policy P44: Protection and restoration of sites with significant mana whenua values</p>	<p>Sites with significant mana whenua values are very wide ranging. Including for instance, the whole of the Hutt River. The concept of "restoring" the Hutt River is not feasible.</p>
<p>Amend</p>	<p>Replace "restored" with "enhanced" or "improved"</p>

<p>Policy P45: Managing adverse effects on sites with significant mana whenua values</p>	<p>Amend</p> <p>Phrase the policy in the active voice. This policy sets up a potential tension between sites with significant mana whenua values, and the recognition and protection of regionally significant three waters infrastructure. "Avoidance" is arguably a very strong constraint, and may preclude any activity in areas with significant mana whenua values. It would seem that even if it can be shown that the effects of the Kaitoke water intake (for example) are no more than minor, its continued operation will be at the discretion of the iwi authority - not the regulatory authority.</p> <p>Phrase the policy in the active voice. Re-examine the effect of this policy on existing activities, especially those of three waters regionally significant infrastructure, where ongoing maintenance, operation and upgrade is provided for and anticipated for the community's wellbeing and health and safety.</p>
<p>Policy P46: Managing adverse effects on sites with significant historic heritage value</p>	<p>Amend</p> <p>(d) and (h) can be interpreted to mean there is a positive obligation on someone (unclear who) to fix damage to historic heritage values. If this is correct, it is not clear what the legal basis for this obligation is. The clarity of meaning could be assisted by phrasing the policy in the active sense.</p> <p>Phrase the policy in the active sense so that it is clear whether an active obligation on someone (owner?) to fix previous damage or deterioration of historic heritage is intended. If so, state where this obligation comes from.</p>
<p>Policy P52: Managing ambient air quality</p>	<p>Amend</p> <p>It is not clear whether discharges to air from wastewater and potable water treatment plants fit into this policy. Provide an explicit exclusion for three waters regionally significant infrastructure air discharges.</p> <p>Clarify whether discharges to air from wastewater and potable water treatment plants fit into this policy, and provide an exclusion for them if they are caught by this policy.</p>
<p>Policy P58: Industrial discharges</p>	<p>Amend</p> <p>Does this policy apply to discharges to air from wastewater and potable water treatment plants? See comment on policy P52: "It is not clear whether discharges to air from wastewater and potable water treatment plants fit into this policy. Provide an explicit exclusion for three waters regionally significant infrastructure air discharges." Good management practice is a subjective term that does not have sufficient clarity and certainty.</p> <p>Clarify whether discharges to air from wastewater and potable water treatment plants fit into this policy, and provide an exclusion for them if they are caught by this policy, or, provide a policy specifically for such discharges. Remove reference to good management practice, unless a particular practice guide is referenced.</p>
<p>Policy P59: Industrial point source discharges</p>	<p>Amend</p> <p>See comments for policy P52: "It is not clear whether discharges to air from wastewater and potable water treatment plants fit into this policy. Provide an explicit exclusion for three waters regionally significant infrastructure air discharges." Good management practice is a subjective term that does not have sufficient clarity and certainty.</p> <p>Clarify whether discharges to air from wastewater and potable water treatment plants fit into this policy. Provide a policy specifically for such discharges. Remove reference to good management practice, unless a particular practice guide is referenced.</p>

<p>Policy P62: Promoting discharges to land</p>	<p>Clarify whether this includes treated wastewater effluent or wastewater sludge. The policy should address the assimilative capacity of land and soils and reverse sensitivity effects for any land disposal site, odour effects and the inability for future use of such land for agricultural production for market sensitivity reasons. Rules that give effect to this policy should state a quality of discharge that is actually practical for the type of discharge. The current rule effectively precludes wastewater discharge to land in the Wellington metropolitan area.</p> <p>Amend</p> <p>Suggest that qualifiers are added that include consideration of the assimilative capacity of the soil, potential erosion and odour effects, reverse sensitivity effects, inability to use such land for agricultural production for market sensitivity reasons, and provide for rules to allow for practical discharges of effluent.</p>
<p>Policy P63: Improving water quality for contact recreation and Māori customary use</p>	<p>Provision of a stormwater service by a territorial authority is a mandatory activity under the LGA. It is not physically possible to stop stormwater flowing. The policy needs to give effect to recognising and providing for stormwater infrastructure as regionally significant infrastructure. Declining a consent is not a realistic option. In this context, the policy context needs to enable the ongoing provision of the stormwater service, recognising the large and localised public benefits of protection of people and property from flooding, with minimum requirements to address stormwater quality, together with an expectation for the maximum term of consent. The concern over poor stormwater quality must be stated in the context of the scale of other inputs of contaminants to the receiving water body, the temporary nature of each rain event, and the high dilution in the receiving water body (by definition) in each rain event. Clarify whether "community use" should be included as well as "Maori customary use". (b) could suggest that stormwater has the most significant impact on water quality in schedule H1 water bodies. This needs to be justified in the context of inputs of sediment from forestry, flood protection works in river beds, subdivision earthworks activities and natural water quality variations from storm events.</p> <p>Amend</p> <p>Recognise and provide for stormwater discharges as regionally significant infrastructure, recognising the widespread long-term benefits to people and property, recognising that the discharges cannot be stopped, that the network is long-term providing and the policy should provide an expectation for the longest term consents and its effects are capable of being well characterised. In (a), clarify whether the intent should be "identified by using Method M27". Clarify whether the prominence given to stormwater inputs in (b) is justified. Schedule N stormwater management strategies should be amended to a risk based approach based on existing asset management practices and confine itself to matters the network operator has control over.</p>
<p>Policy P64: Mixing waters</p>	<p>This policy may require Wellington Water to determine whether water discharged from water distribution pipelines has an affect on mana whenua, depending on how catchments are defined. We suggest the GWRC whatiaua catchments are appropriate in scale and they are already defined by the Plan.</p> <p>Amend</p> <p>Replace "catchments" with "whatiaua" or similar.</p>

<p>Policy P67: Minimising effects of discharges</p>	<p>Amend</p> <p>Because of the general nature and unqualified applicability of this policy, (a) has the potential to stifle economic development as many industries and economic activities unavoidably produce contaminants. It may be preferable to refer to increasing efficiencies or seeking out latest technologies to reduce contaminant production. Some contaminants are the product of people living in the region. For example, it is not clear how to "avoid" the amount of wastewater contaminants produced. In (d), instead of using "where appropriate" (which does not provide any guidance as to when this might be possible), reference is made to being able to do so within the constraints of the assimilative capacity of the soil, erosion effects and reverse sensitivity effects.</p> <p>Consider the applicability of this policy and the necessary constraints to it. Change (a) to the effect of increasing efficiencies or seeking out latest technologies to reduce contaminant production. In (d), instead of using "where appropriate", refer to doing so within the constraints of the assimilative capacity of the soil, erosion effects and reverse sensitivity effects (or to like effect).</p>
<p>Policy P68: Inappropriate discharges to water</p>	<p>Amend</p> <p>(a) needs to change "extreme weather related overflows" to "heavy" as extreme is inconsistent with policy P76 and does not reflect the reality of existing infrastructure. Wastewater overflows during heavy rain are greatly diluted and have relatively minor environmental and public health effects.</p> <p>Amendment and clarification. (a) Change "extreme weather related overflows" to "heavy rainfall events" consistent with policy P76. Specify if (c) includes discharges from wastewater or potable water treatment plants.</p>
<p>Policy P69: Human drinking water supplies</p>	<p>Amend</p> <p>The word "design" in (e) is superfluous and operating the discharge process is not mentioned.</p> <p>Amend (e) to read "treatment, operation and maintenance" or to similar effect.</p>
<p>Policy P70: Managing point source discharges for aquatic ecosystem health and mahinga kai</p>	<p>Amend</p> <p>(a) (i) Clarify whether this applies to a new consent for an existing (consented) activity, when new consents are required upon expiry of existing consents. "Good management practice" is too uncertain a term. Offsetting cannot be an additional step to the avoid, remedy or mitigate (section 5 RMA), it must be part of mitigation. Last para refers to the policy "may" also be subject to... This is too uncertain. Specify when this policy will be subject to others.</p> <p>Change (a)(i) to clarify this applies to new consents for existing consented activity when the existing consents expire. Remove reference to "good management practice" or specify the intent or limits or recognised procedures. Clarify that offsetting is part of mitigation and not an additional step to "avoid, remedy or mitigate" in section 5 RMA. Clarify when offset residual effects will be considered.</p>
<p>Policy P71: Quality of discharges</p>	<p>Amend</p> <p>This policy should be consistent with schedule 3 RMA, that is, "apply after reasonable mixing of any contaminant or water with the receiving water and disregarding the effect of any natural perturbations that may affect the water body".</p> <p>Constrain the circumstances to be consistent with schedule 3 RMA, that is, "apply after reasonable mixing of any contaminant or water with the receiving water and disregarding the effect of any natural perturbations that may affect the water body".</p>

Policy P72: Zone of reasonable mixing	Oppose
Policy P73: Minimising adverse effects of stormwater discharges	amend

This policy is not consistent with the definition of the zone of reasonable mixing in Chapter 2 Interpretation, which refers to distances etc. (d) "a site" is not a zone. Clarify the interpretation. (f) may not be consistent with the RMA which specifies characteristics outside of the mixing zone, not within it.

Delete Policy P72.

It is not clear how the term "good management practice" relates to current engineering practice or asset management systems. Suggest the policy does not go into how water quality in-pipe is to be achieved. Some of these requirements appear to require bylaws or district plan changes. This becomes more explicit in schedule N. A regional plan cannot do that. That is the function of the Regional Policy Statement. Suggest the policy focuses on characterising the nature and scale of the effects of stormwater discharges, acknowledging that many other factors impinge on receiving water environments, which may be of much greater impact than stormwater. Also acknowledge that the greatest flow of stormwater will always be during and after a large rain event, when typically there are other large inputs of contaminants to the water body. This policy lends itself to using methods rather than rules. (c) The use of water sensitive urban design is supported to minimise the adverse effects of stormwater discharges. However, local topography and soil type does not always make it possible in new development. Any policy approach has to recognise that water sensitive urban design is not always possible.

Remove the term good management practice or clarify how it relates to normal current engineering practice or asset management systems. Remove references to techniques that are subject to decisions made under other legislation, such as the Local Government Act (bylaws) and techniques that can only happen through a district plan change. Acknowledge that non-regulatory methods are likely to be the most effective way of implementing this policy rather than rules. Amend (c) to implementing water sensitive urban design in new subdivisions and development (where topography and soil type allow) (or like effect).

<p>Policy P74: First-stage local authority network consents</p>	<p>Amend</p>
---	--------------

This submission does not address the first stage of the proposed two-stage stormwater discharge consenting, given the provisions relating to the first stage have immediate legal effect, and applications must therefore be lodged within the same time-frame as decisions on the proposed plan will be made. For that reason, we have to accept the proposed two stage consenting process. The rationale for a 2 stage consenting process is not stated, and it is not anywhere in the objectives. The policy needs to be effects based and not focused on how to achieve those effects. Policies should be written with explicit "matters of assessment", rather than a prescription of asset management activities. The 2 stage approach has a second stage being restricted discretionary consent which can be refused. It is not possible to stop the flow of stormwater (without causing flooding of the community) and in real terms a controlled activity is the only practical option. The monitoring in (b) needs to be targeted to the effects of stormwater discharges - not to general state of the environment monitoring. The 5 year term appears not to have any foundation in the scale of the effects or the impact of any particular environment. Comments on (e) will be with schedule N. Wellington Water will provide an alternative Schedule N that is a risk-management focused version that is consistent with the way the networks are managed and funded. Granting short-term consents for infrastructure with a lengthy design life, well beyond the duration of the resource consent is not efficient in terms of section 5 of the RMA.

The policy should focus on the effects of the discharges and not on managing the network. Amend the policy so that it is written with explicit "matters of assessment", rather than a prescription of asset management activities. The stormwater network should be recognised and protected as regionally significant infrastructure where stormwater flow cannot be stopped. Obtain information on how the network is managed from existing documentation such as asset management plans etc. Specify monitoring that directly attributes to the discharge and is certain. (c) is business as usual for managing a network and does not add anything.

Policy P75: Second-stage local authority network consents	
---	--

The rationale for a 2 stage consenting process is not stated, and it is not anywhere in the objectives. The policy needs to be effects based and not focused on how to achieve those effects. Policies should be written with explicit "matters of assessment", rather than a prescription of asset management activities. (a) the network is managed to meet the constraints of the Local Government Act "in a way that is most cost-effective for households and businesses. (2) In this Act (LGA), good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are— (a) efficient; and (b) effective; and (c) appropriate to present and anticipated future circumstances." Any other constraints must be consistent with this. For this reason, we are keen to be involved in the Whatua process to ensure that any options and achievement of environmental limits are fully costed and affordable for communities. (b) consistency & difference between plans and strategy (schedule N) unclear. This reads as if stormwater is the only influence on receiving water and meeting water quality objectives is entirely dependent on the stormwater system. This is not realistic. (d) "good management practice" is undefined, subjective and uncertain. If something specific is sought, then state what it is. Requiring all new greenfields development to have land-based treatment of stormwater will require changes to the district plan (which this regional plan cannot demand or enforce) and will affect economic development and potentially provision of new housing in a significant way. Suggest this is costed before taking this further. (e) This is a policy about stormwater discharges but this sub-section is about wastewater direct to the receiving environment. Suggest either removing it and placing into the appropriate policy or refer to wastewater inflows into stormwater networks. There should be an expectation for long term consents. Granting short-term consents for infrastructure with a lengthy design life, well beyond the duration of the resource consent is not efficient in terms of section 5 of the RMA.

Make an expectation for long term consents. Re-write the policy so that it does not read like a rule, so that the list is of matters of assessment rather than solutions. (a) the Whatua limits could be imposed onto an existing long term consent by review clause and an enabling policy in the plan. (b) should be re-written so that stormwater is one of many influences on receiving water quality and plans contribute but are not only responsible for meeting those Whatua established objectives. (d) Remove "good management practice". Delete this sub-section pending economic analysis of the impacts of land based treatment of stormwater for all new stormwater networks. (e) remove and place in relevant wastewater policy. (f) re-word to make it clear that network managers only control what is in the network.

<p>Policy P76: Minimising wastewater and stormwater interactions</p>		<p>Remove "interactions" from the policy and state what is intended/meant. It appears that the same standards will be applied for stormwater discharges to freshwater as to coastal water, yet are very different assimilative capacities. This should be reflected in the policy. (a) should be part of previous policy P75. Wastewater contamination of stormwater will never be fully avoided. The systems are designed in this way to avoid raw sewage flowing across public and private property and to reduce public health impacts when things go wrong or in heavy rainfall. (c) Clarify the wording. It is not clear whether the intention is for overflows to only go to storm water. Heavy rainfall events is the appropriate wording. Further definition is not practical due to the complex interaction of antecedent soil moisture and wide variety of rainfall intensity and duration and catchment specific responses to those events.</p> <p>Change the title to clarify the intent of "interactions" (a) delete as it is impracticable and contrary to public health objectives. It belongs in the previous policy on stormwater. As an alternative change to "reduce" or similar. (b) "from the existing sewerage system" becomes unnecessary. The word "reduce" is preferred rather than eliminate, but we need to be cautious not to overstate the ability to reduce inflow and infiltration. (c) retain term "heavy rainfall".</p>
<p>Policy P77: Assessing resource consents to discharge stormwater containing wastewater</p>	<p>amend</p>	<p>The policy is poorly constructed as it refers to another policy (not objective). P76 does not manage inflow and infiltration, it progressively reduces them. These are not just semantic differences. A policy should state matters of assessment, not asset management actions. All stormwater may contain wastewater and we will not know about it all the time everywhere. The concern should be about the effects and whether there is there a public or environmental health risk. We suggest it is appropriate in certain circumstances - to prevent overflowing onto land with a risk to public health. The list does not actually criteria. Referring to policy P76 confusing and unnecessary. The methods for dealing with inflow and infiltration may change and then the plan may not be followed. It is all subject to funding decisions under the LGA. (c) is not consistent with the RMA, which prescribes the requirements for consultation when applying for resource consent and this plan cannot over-ride the RMA.</p> <p>Re-write the policy to state a list of matters of assessment, not asset management actions. Remove the policy's reference to policy P&76. c) delete.</p>
<p>Policy P78: Managing stormwater from large sites</p>	<p>Amend</p>	<p>It is not clear how this policy relates to provisions about local authority stormwater networks, as it is quite possible for large sites to discharge into TA networks and then eventually discharge to water. This policy should be a list of matters of environmental assessment not asset management actions and priorities. (b) does not have any indication that the primary purpose of a stormwater system is to prevent flooding. It is that purpose that is a major driver for improvements. (e) incorrectly refers to policy P73 as that policy does not prescribe what good management practice is.</p> <p>Clarify how this policy relates to provisions about local authority stormwater networks. In accordance with recommended policy construction (Quality Planning website) change the policy to be a list of matters of environmental assessment. Clarify the use of "good management practice" or remove the term.</p>

<p>Policy P79: Managing land use impacts on stormwater</p>	<p>It is not clear if the means to achieve this requires a district plan change - which this plan cannot require. (b) The level of risk of flooding, or level of service, is determined by territorial authorities through Local Government Act decision-making processes. We suggest the primary way of achieving this policy should be through "other methods". The requirement, even when qualified by "as far as practicable", is likely to stifle urban growth and development. Site hydrology is one factor of many that go into whether a development is economically feasible, and cannot be allowed to be the sole determining factor. The policy is unclear about the intention and detail about its requirement to retain pre-development hydrographs and overlaid flow paths. It is not possible or practical to synthesize hydrographs and flowpaths for a particular site for what the pre-development state would have been because hydrographs are not static even in an undeveloped state. The results would be wildly inaccurate and bound to error from changes in the upstream environment. It is possible the intention is to not alter the 'hydrograph', that is, the diurnal patterns, time of concentration etc. A hydrograph is a report, graphical in nature. If the intent is to ensure that a development does not alter hydrological characteristics of a stream or channel, or alter the characteristics of overlaid flowpaths, then the policy needs to say that "...including by retaining...pre-development hydrographs" means something completely different.</p>
<p>Amend</p>	<p>Clarify whether a district plan change is intended in order to achieve this policy. Clarify that this policy is to be achieved by non-regulatory collaborative methods. (b) refer to not increasing risk rather than causing a risk. Clarify the intention and detail of "retaining as far as practicable, pre-development hydrographs and overlaid flow paths".</p>
<p>Policy P80: Replacing wastewater discharge consents</p>	<p>This policy is about what should be in a consent application. It does not go further than that. The policy would be useful if it stated how consent applications for existing wastewater discharges are to be treated and provide a relevant list of matters of assessment. For example, it could give effect to the Regional Policy Statement directive to recognise and protect regionally significant infrastructure by explicitly recognising the existing community investment in the infrastructure and allow for previous studies on land disposal options for wastewater discharge to be submitted for new consents, even if they are required to be updated. It could recognise that any costs of consent applications are likely to be funds that could have been devoted to improvements and upgrades of the system itself, thereby making improvements to the discharge.</p> <p>Delete the current wording of policy P80. Reconstruct the policy to say how consent applications will be treated and provide a relevant list of matters of assessment. The policy should also recognise and protect regionally significant infrastructure by explicitly recognising the existing community investment in the infrastructure and allow for previous studies on land disposal options for wastewater discharge to be submitted for new consents, even if they are required to be updated. It could recognise that funds for a consent process would otherwise be allocated to physical improvements to the system and discharge water quality. It could describe how the financial costs of such consent processes could be minimised, whilst still allowing for public participation.</p>
<p>Amend</p>	<p></p>

Policy P81: Minimising and improving wastewater discharges		<p>The policy does not appear to provide for existing discharges from wastewater treatment plants to coastal water. This is the current situation for the four cities of this region. The adverse effects should be in accordance with the policies and objectives in this Plan, rather than minimising them. The end-point of "minimising" is zero discharge. This is not practicable or realistic. It is not clear what the baseline is in order to apply "progressively improved or reduced". The quantity of discharge from treatment plants is mostly driven by population and rainfall for dry weather and wet weather respectively. Quality of treatment can be increased, but at a cost of both capital investment and energy consumption and consequential greenhouse gas emissions. The assessment of this cost benefit should be based on affordability, priority and environmental effect, not just environmental effect alone. Reducing quantity of existing discharges will ironically reduce quality due to reduced dilution of a finite source of contaminants. The policy does not refer to the differing assimilative capacities of freshwater and coastal water. It does not recognise and protect regionally significant infrastructure or the major community investment in that infrastructure. (a) Consultation under the Local Government Act always happens for these types of discharges as they are significant and mandatory services to be provided by councils and the community (including mana whenua) decides how much they are willing to pay for levels of treatment. Reducing major discharges could inhibit population and economic growth of the cities. It may be preferable to refer to increasing efficiencies or seeking out latest technologies to reduce contaminant production.</p>	<p>Provide for existing discharges from wastewater treatment plants to coastal water. Delete the reference to "shall be minimised" and change it to the effect of "to achieve the water quality outcomes in this Plan". If progressive improvement or reduction is to be retained, state the baseline from which this is to be measured. Distinguish between discharges to freshwater and to coastal water based on the difference in effects on the environment and the assimilative capacity. Suggest that a separate approach (and policy framework) is applied for the area of the four metropolitan cities in this region, recognising the population and current and future degree of development, the amount of existing infrastructure that is regionally significant, and that feasibility studies for land disposal of wastewater have already been done and significant expense is required to do them again for no environmental benefit. This is not the same situation as in the Wairarapa. Recognise the differences in scale and effects from various types of discharges and to different environments.</p>
Policy P82: Mana whenua values and wastewater discharges	Amend	<p>This should reflect Part 2 RMA and sections 6 and 7 RMA. GWRC manages the receiving waters and this plan is the mechanism. The wastewater treatment plant operator does not manage the receiving waters, only the point source to it. "Reasonable steps" and "reflect" are too vague. These values need to be stated as a list of assessment matters, in a manner that can be implemented.</p>	<p>Clarify the intent of this policy to recognise which agency manages what aspects, to clarify the values and interests, and to clarify the matters of assessment.</p>
Policy P83: Avoiding new wastewater discharges to fresh water	Oppose	<p>"New wastewater discharges" should be defined as "unconsented wastewater discharges" to avoid confusion, because such discharges do exist to protect public health particularly in heavy rainfall events. The term "avoid" implies non-complying consent status. This is not reasonable or realistic for existing regionally significant infrastructure whose purpose is to protect public health. See comments on policy P80 and definitions in 2.2. The presence of previously defined "emergency" overflows needs to be recognised and provided for.</p>	<p>Amend definitions of existing and new wastewater network discharges in 2.2 as detailed above in this submission. Change "avoid" to allow for a discretionary activity status for such discharges from regionally significant infrastructure whose purpose is to protect public health.</p>

<p>Policy P85: Biosolids and treated wastewater to land</p>	<p>Amend</p> <p>We support having a specific policy for beneficial use of biosolids to land with appropriate controls. This policy does not provide sufficient policy support and assessment criteria for implementing rules R77 to R80, which are very detailed. There may be value in also referring to "Best management practices for applying biosolids to forestry plantations in New Zealand" GN Magesan, Hailong Wang, Peter Clinton, February 2010 NZ Forest Research Institute Ltd.</p> <p>Provide sufficient policy support and assessment criteria to support rules R77 to R80. Consider also referring to "Best management practices for applying biosolids to forestry plantations in New Zealand" GN Magesan, Hailong Wang, Peter Clinton, February 2010 NZ Forest Research Institute Ltd.</p>
<p>Policy P97: Managing sediment discharges</p>	<p>Amend</p> <p>The term good management practice is open to many possible interpretations. It would be better to be more specific and refer to published guidelines. The requirement to offset should be part of a proper policy framework and only as part of mitigation and not another additional step after mitigation (which would be consistent with the RMA). Our comments to policy P32 are relevant: "(d) is beyond the scope of the RMA. In case law, offsetting has been used as part of the mitigation process. It is not an additional step after "avoid, remedy or mitigate" in section 5 RMA. Schedule G does not refer to "any residual effects" but to effects that may be "more than minor" and it includes limitations to its applicability and only to measurable effects. The principle of "no net loss" is very significant, and if this is to be adopted by GWRC, it requires an objective and policy framework to support it."</p> <p>Remove "good management practice" or be more specific, for example, refer to published guidelines. Remove reference to offsetting.</p>
<p>Policy P102: Reclamation or drainage of the beds of lakes and rivers</p>	<p>Amend</p> <p>Support the principle in (c) of recognising the desires for communities to grow. However, the list of qualifying urban growth areas is restrictive and should be expanded to include growth areas identified in a District Plan or council-approved structure plan. Support (d) recognising the efficient operation of regionally significant infrastructure, as long as "upgrade" is defined so that infrastructure is brought up to "community decided levels of service" not "current standards" so that infrastructure can accommodate growth. Introduce a new policy to manage reclamation and drainage of streams within urban growth areas where instream values should be remedied or mitigated. The definition of "reclamation" is confined to reclamation in the CMA. However this policy and rule R127 also deal with reclamation on lake or river beds. More clarity is needed about what constitutes reclamation in the beds of lakes and rivers context.</p> <p>Extend (c) to include growth areas identified in a District Plan or structure plan approved by the local authority. Ensure that the definition of "upgrade" in (d) means that infrastructure is brought up to "community decided levels of service" not "current standards" so that infrastructure can accommodate growth. Introduce a new policy to the effect of: Manage the reclamation or drainage of the beds of rivers associated with: (a) a qualifying development within a special housing area; or (b) associated with a growth or development framework or strategy approved by a local authority under the Local Government Act 2002 or contained within a District Plan to remedy, mitigate or offset adverse effects on instream values. Amend the definition of reclamation to clarify its meaning in relation to the bed of a lake or a river. Ensure this policy and rule R127 in terms of reclamation are consistent with other provisions for temporary damming and diversion of rivers or lakes.</p>
<p>Policy P103: Management of gravel extraction</p>	<p>Amend</p> <p>Unclear whether extraction of gravel etc also means the removal from the river system. Wellington Water sometimes needs to protect infrastructure by moving river gravel to stop erosion of infrastructure, but this gravel is not removed from the river.</p> <p>Clarify whether the intention is to address removal of gravel from the river.</p>

Policy P105: Protecting trout habitat	Amend	<p>It is not clear what "use and development in and around these rivers" refers to. In some cases involving regionally significant infrastructure maintaining fish passage for trout as required by (d) may be impractical or inappropriate (e.g. where there is an upstream population of native fish that could be threatened by the introduction of trout). The policy is inconsistent with Policy P35 which requires restoration of fish passage only where appropriate.</p>	<p>Clarify what the use and development is of. Amend (d) to read "maintain fish passage for trout where practical and appropriate, and"</p>
Policy P106: Management of plants in the beds of lakes and rivers	Amend	<p>Clarify that this policy does not apply to constructed artificial lakes. This should not apply to the Macaskill water storage lakes.</p>	<p>Clarify that this policy does not apply to the Macaskill water storage lakes or artificial constructed lakes.</p>
Policy P107: The framework for taking and using water	Support	<p>Wellington Water have a sophisticated model and work closely with GWRC hydrogeology staff on management of the aquifer.</p>	
Policy P108: Integrating	Support	<p>Wellington Water have a sophisticated model and work closely with GWRC hydrogeology staff</p>	
Policy P109: Lapse dates affecting water takes	Amend	<p>Our understanding is that a longer lapse period can be applied for if "justified due to the scale or complexity of the activity", which might apply to major water supply infrastructure. We also understand that a consent can be renewed if necessary due to delay. Circumstances which might affect Wellington Water include if we were to secure a consent before building new bulk supply capacity, then have growth forecasts change which would defer the start date beyond the 3 years. It is not clear if a forecasting change would meet the "scale or complexity" criteria.</p>	<p>Clarify if a growth forecasting change would meet the "scale or complexity" criteria in the context of building new bulk water supply capacity.</p>
Policy P111: Water takes at minimum flows and water levels	Support	<p>We support the provisions of this policy and policy P115 which give priority for water used to promote the health needs of people. To be consistent with P112 it should include root stock protection.</p>	<p>Add root stock protection.</p>
Policy P112: Priorities in drought and serious water shortage	Amend	<p>The purposes that water takes shall be limited to should be stated in order of priority, and consistent with policy P114, that is health needs of people first, followed by stock drinking water followed by other uses. This policy uses the term "human health". Section 2 of the Plan defines the term "health needs of people".</p>	<p>Replace "human health" with "health needs of people". Put the purposes that water takes shall be limited to in order of priority, with health needs of people first, followed by fire-fighting, stock drinking water and protection of root stock before other uses.</p>
Policy P113: Core allocation for rivers	Amend	<p>Wellington Water abstracts from the Hutt, Wainuiomata and Orongorongo Rivers. The authorised takes are several times the core allocation listed in chapter 8 Wellington Harbour and Hutt Valley Whatua for the purposes of security of the public water supply and maintenance/failure scenarios. Although these authorised takes are recognised under sub-paragraph (a), Wellington Water is concerned that the large difference may lead to a public perception that too much water is being taken for public supply. The policy should acknowledge that the guidelines quoted are intended to provide guidance where scientific monitoring information is not available to gauge the effects of abstraction. The priority of allocation for normal, non-drought or shortage circumstances, should reflect the priorities in policy P114, being health needs of people, fire fighting, stock drinking water, rootstock.</p>	<p>Add: "Unless scientific information indicates that abstraction at other rates is appropriate" or similar. See also comments under chapter 8 Wellington Harbour and Hutt Valley Whatua. The priority of allocation for normal, non-drought or shortage circumstances, should reflect the priorities in policy P114, being health needs of people, fire fighting, stock drinking water, rootstock.</p>

Policy P114: Priorities when demand exceeds supply	Amend	This policy is inconsistent with P112. It should include fire fighting and root stock protection before "other values".	Amend (c) to read fire fighting. Add (d) root stock protection.
Policy P115: Authorising takes below minimum flows and lake levels	Amend	GWRC Bulk Water has consents to take water from the Hutt River, the Wainuiomata River and the Orongorongo River. Each consent has a downstream minimum flow requirement included as a condition. The policy should recognise any minimum flows stipulated in existing Resource Consents. In (b), clarify what the meaning that water may be used by industry for a period of 7 years from the date of notification of the Plan, whether it means no industrial use after 7 years if rivers are below minimum consented flow levels.	In (b), clarify the meaning that water may be used by industry for a period of 7 years from the date of notification of the Plan. Add after (e): "or where authorised by an existing Resource Consent".
Policy P116: Reallocating water	Support		
Policy P118: Reasonable and efficient use	Amend	As a risk management mechanism Wellington Water operates multiple sources and holds consents to abstract 293 million litres a day, roughly twice the amount supplied on an average day. However during the peak of summer the amount of water available is dictated by minimum flows and aquifer levels, and in some years is not sufficient to meet the normal demand, even when supplemented by stored lake water. The four city councils in this region do not have universal metering. However, there is probably enough commercial metering in place to be able to provide a reasonable estimate of the breakdown sought in schedule Q. Wellington Water is able to demonstrate what measures are in place to maintain or improve water efficiency. There is no methodology that is appropriate to all NZ suppliers as they all have distinctive and different circumstances. Hence meaningful comparability with other water suppliers is not possible. The risk management approach taken by GWRC bulk water supply should be recognised. The meaning of "reasonable and efficient" is critical in an urban water supply context and it needs to be accompanied by how it is measured. It is not clear what P118 (b) "maximising efficiency when designing distribution systems" means. It is not clear how it relates to the ongoing maintenance of these systems to maintain a level of efficiency.	Rephrase (b) to clarify what "maximising" means in relation to designing systems and how that relates to operations to maintain a level of efficiency. Suggest add (e) "Risk management and redundancy policies adopted by the operators of regionally significant water supply infrastructure as provided for in Schedule Q (efficient use)."

Policy P119: Unused water	<p>The definition of unused water needs to clearly specify that community drinking water suppliers are excluded. The definition is written from the perspective of a water user on a specific parcel of land, such as a farmer. As it stands, it does not have relevance to a community water supplier. The policy as it stands could be read to apply to a community water supplier. The applicability of this policy needs to be clarified. Wellington Water holds consents for twice the normal daily supply, but during summer conditions this water is not in fact available. The use of multiple sources and consents for supplying potable water to four cities complicates the situation. Parts of Wellington Water water-take consents should not be defined as unused. Remove the requirement to show how the unused water will be used within four years for the purposes of community drinking water supply. It is not clear what the purpose is of "...or the abstraction rate is changed...". Changing the rate of abstraction is relatively minor compared with replacing an existing consent and should not trigger this Policy. A risk management strategy should be included identifying the level of redundancy needed and assess the level of risk with and without the requested redundancy.</p> <p>Amend</p>
Policy P120: Taking water for storage	<p>This policy appears to be the mechanism to implement policy P117. If this is so, other unspecified considerations should not be introduced by use of the term "is appropriate". If there are other considerations, then they should be specified.</p> <p>Amend</p>
Policy P121: Preventing salt water intrusion	<p>It would be helpful if the datum is specified rather than just saying "sea level".</p> <p>Amend</p>
Policy P122: Flow variability	<p>Abstraction for river water takes for public water supply typically shuts down only during fresh events because of poor water quality.</p> <p>Support</p>
Policy P123: Direct, cumulative adverse effects	<p>Support</p>
Policy P124: Surface water intakes	<p>Support</p>
Policy P125: Taking of groundwater	<p>The policy does not cater for foundation work that does not result in taking water but has the potential to result in cross-contamination between aquifers or water-bearing layers. Extend the scope of policy P125 to read "The taking of groundwater shall not allow the interconnection of groundwater between aquifers and shall not result in cross-contamination..." or to like effect.</p> <p>Amend</p>

Change the definition to specifically exclude community drinking water suppliers. Clarify whether this policy applies to community water suppliers. Alternatively, for the purposes of community water supply, remove the four year period to show how unused water will be used. Extend (b) to read as follows: "(b) satisfying the reasonable and efficient criteria identified in Schedule Q (efficient use), including risk management and redundancy provisions for essential services" or to like effect. Alternatively, insert a new point c) instead of amending point b) as follows (or to like effect) c) a risk based justification for retaining any unused allocation for the purpose of achieving system reliability for a group drinking water supply or community drinking water supply. Include a risk management strategy identifying the level of redundancy needed and assess the level of risk with and without the requested redundancy. Delete "...or the abstraction rate is changed..."

Remove the term "is appropriate" and re-word to be certain, such as, "Water may be taken for storage outside a river bed at flows above the median flow provided Policy P117 is satisfied".

Change to read: "(b) maintaining water levels at 2m above Wellington vertical datum 1953..." or to similar effect.

Change name of policy to "Taking of groundwater or disturbance of geology", or similar. Change wording to have the effect of: "The taking groundwater or undertaking of any activity that disturbs the ground shall not result in cross-contamination between aquifers or water-bearing layers that results in, or may result in, adverse effects on water quality." Alternatively create a new policy with similar intent.

Policy P126: Site dewatering	Support		
Policy P127: Backflow of contaminants	Amend	This policy should also include no backflow of contaminants from bores used to supply water for industrial processes.	Include no backflow of contaminants from bores used to supply water for industrial processes or similar effect.
Policy P128: Transfer of resource consents	Support		
Policy P129: Minimum flows and water levels	Support		
Policy P130: Bores	Amend	Where underground water sources are artesian, no bore (water bearing or otherwise) should compromise the integrity of the artesian capping layer (aquiclude). Recommend adding a new subsection to the effect of "The taking of groundwater shall not allow the interconnection of groundwater between aquifers and shall not result in cross-contamination". NZS 4411:2001 can protect the aquifer by requiring double casing where there is a specific local authority requirement, such as could be required in this Plan.	Add a new section to the effect of "The taking of groundwater shall not allow the interconnection of groundwater between aquifers and shall not result in cross-contamination" and requiring double casing of bores when implementing NZS 4411:2001.
Policy P131: Bores no longer required	Amend	The policy is not clear whether it applies to the process of decommissioning bores or whether it obligates owners or occupiers of unused bores to decommission them. Obligating owners of unused bores to decommission them in a safe manner reduces the risks of water leakage and contamination. Our preference is that all abandoned bores shall be appropriately decommissioned. A new Method could provide for collecting information about where the bores are and what condition they are in, as a first step in managing such environmental risks.	Clarify whether the policy is referring to the need to use a safe method of decommissioning an unused bore or whether it obliges owners or occupiers of unused bores to decommission them. All abandoned bores shall be decommissioned in a safe manner that does not compromise the aquifer and has minimal environmental effects. Insert a new Method that provides for collecting information about where the bores are and what condition they are in.
Policy P136: Hutt Valley aquifer zone in Wellington Harbour (Port Nicholson)	Support		
Policy P138: Structures in sites with significant values	Support	support (d).	
Policy P143: Deposition in a site of significance	Support	Support (e) and (f)	
Policy P147: Motor vehicles on the foreshore	Support	Support (d).	Retain.
Policy P148: Motor vehicles in sites with significant value	Support	Support the inclusion of the use of vehicles on the foreshore for the purposes of emergencies, law enforcement, local authority or regionally significant infrastructure purposes. Three waters infrastructure such as stormwater outfalls exists in many relevant locations. It is important that vehicle access is maintained to operate, maintain or improve such regionally significant infrastructure.	

Rules - Air quality

My submission on this provision is:

Reasons for my submission:

I seek the following from WRC (give precise details):

Rule R8: Diesel or kerosene – permitted activity	Support	
Rule R12: Emergency power generators – permitted activity	Amend	Standby generators (emergency generators is the preferable term) are an essential component of wastewater treatment plants and some critical pumping stations and this rule assists in the ongoing use of these facilities. Change "Emergency power generators" to "standby power generators".
Rule R33: Mobile source emissions – permitted activity	Support	
Rule R34: Gas, water and wastewater – permitted activity	Amend	Wastewater networks and pump stations etc. will discharge low levels of contaminants to air and this proposed rule is appropriate to provide for operation and maintenance of regionally significant infrastructure and will avoid the need for many costly and unnecessary consents. Insert "processes" after "wastewater" in the title of the rule. Insert "processes" after "wastewater" in the title of the rule.

Rules - Discharges to water

Revision on this proposal

Reasons for my submission:

I seek the following from WRC (give precise details):

Rule R42: Minor discharges – permitted activity		<p>A discharge of water containing 100 g/m³ may be reasonable but we do not know how achievable this is. Provision of supporting data that demonstrates concentrations less than 100 g/m³ is achievable would be useful. The conditions may trigger dewatering activities into a fully discretionary activity, which could carry significant operational consequences in terms of time, cost and risk. Councils may have to undertake monitoring to determine under what circumstances these standards might be breached. There is no specific rationale set out in the background documents, other than a stated expectation that water quality will be progressively improved.</p>	<p>Provide a special category of permitted activity for regionally significant infrastructure, or have consents trigger to controlled activity status.</p>
Rule R43: Water to water – permitted activity	Support		
Rule R45: Potable water – permitted activity	Support		
Rule R46: Dye or salt tracer – permitted activity	Amend	<p>The notification requirement under (d) may be excessive. Typically shortly before dye testing is carried out for identifying cross connections between wastewater and stormwater networks, a phone call is made to GWRC Pollution Response Unit. This has been adequate. Unplanned reactive testing will not allow for 24 hours written notice, but will be possible for planned work.</p>	<p>Suggest (d) is amended to notification of GWRC Pollution Response Unit by phone or email prior to the testing.</p>
Rule R48: Stormwater from an individual property – permitted activity	Amend	<p>This rule relates to the discharge of stormwater from an individual property. As roads are contiguous and under one ownership, the entire road network within a district could be considered one property. It is unclear whether these rules are intended to apply to stormwater runoff from roads. As usually that stormwater entered the local authority stormwater network, it is unclear how this rule relates to rules R50 and R51.</p>	<p>Clarify how the rules relate to stormwater runoff from the local authority road network that goes into the local authority stormwater network.</p>

<p>Rule R50: Stormwater from a local authority network at plan notification – controlled activity</p>	<p>This submission does not address the first stage of the proposed two-stage stormwater discharge consenting (this rule), given the provisions relating to the first stage have immediate legal effect, and applications must therefore be lodged within the same time-frame as decisions on the proposed plan will be made. The rationale for a 2 stage consenting process is not stated, and it is not anywhere in the objectives. The policy needs to be effects based and not focused on how to achieve those effects. The 2 stage approach has a second stage being restricted discretionary consent which can be refused. It is not possible to stop the flow of stormwater (without causing flooding of the community) and in real terms a controlled activity is the only practical option. The second consent in rule R51 should anticipate a long term controlled activity consent, with a review clause to implement Whatitua catchment limits when they have been set. The 5 year term of rule R50 appears not to have any foundation in the scale of the effects or the impact of any particular environment. Support controlled activity status and non-notification. However there is no reason given for starting time period at the date of notification of the plan. In order to recognise and protect regionally significant infrastructure it would be better to grant consent for the maximum 35 years, with a review clause to give effect to the outcomes of the Whatitua process, which will take financial implications into account. It is not clear what sort of acute effects are envisaged in matters of control "2". The single permitted stormwater rule relates to the discharge of stormwater from an individual property. As roads are contiguous and under one ownership, the entire road network within a district would be considered one property. It's unclear whether these rules are intended to apply to stormwater runoff from roads and whether road stormwater is intended to be part of rule R50 activities.</p> <p>Amend</p> <p>Clarify what sort of acute effects are envisaged in matters of control "2". Clarify how the rules relate to stormwater runoff from the road network that goes into the stormwater network.</p>
<p>Rule R51: Stormwater from a local authority network two years after public notification – restricted discretionary activity</p>	<p>it is not physically possible to stop the activity of discharging stormwater, so the classification of controlled activity is the only logical one because the application cannot be declined. The reality is that conditions will be applied and probably additional works will be carried out. It is better that funding is spent on these works rather than on procedures that in themselves do not improve environmental outcomes, such as the processing of consents. A maximum term is appropriate together with a review clause to implement the outcomes of the Whatitua process. The single permitted stormwater rule relates to the discharge of stormwater from an individual property. As roads are contiguous and under one ownership, the entire road network within a district would be considered one property. It's unclear whether these rules are intended to apply to stormwater runoff from roads and whether road stormwater is intended to be part of rule R51 activities.</p> <p>Oppose</p> <p>Allow for maximum term with review clause to implement the Whatitua outcomes. Make it controlled status. Justify why 2 years from notification of the plan. Clarify how the rules relate to stormwater runoff from the road network that goes into the stormwater network.</p>

Rule R52: Stormwater from large sites – restricted discretionary activity	<p>Amend</p> <p>It is not clear how this rule relates to the local authority stormwater network rules, as it is quite possible for large sites to discharge into TA networks and then eventually discharge to water. We note the consent is not 2-stage and does not need a Schedule N Stormwater Management Strategy. Matter for discretion 2 is somewhat unrealistic. Such large sites already exist. They no longer have any choice about any proximity to any special sites in schedules A, B, C and F. Matter for discretion 3 could be interpreted as determining the level of flood risk the large site should be subject to. Adverse effects on the environment are one of the factors that would be considered against level of damage to people and property. It is possible a cost-benefit analysis would reveal minimisation of environmental effects could increase the flooding risk and damage to property costs.</p> <p>Clarify how this rule relates to local authority stormwater network rules.</p>
Rule R53: All other stormwater – discretionary activity	<p>Amend</p> <p>It is not clear what sort of situations is this envisioned to cover.</p> <p>Clarify the situations this rule is likely to apply to.</p>
Rule R61: Existing wastewater – discretionary activity	<p>Amend</p> <p>The rules need to distinguish between different scale of effects between continuous high volume wastewater treatment plants and overflows from pump stations, and different scale of effects of duration between continuous WWTP discharges and occasional (wet weather) temporary discharges from pump station constructed overflows. The rule should recognise that TAs have a legal requirement to provide a wastewater service, that it is regionally significant infrastructure, and that there are public health benefits for controlled overflows when systems break down or high rain events, so that raw wastewater does not spill onto roads and property in uncontrolled ways.</p> <p>Re-draft the rules to distinguish between the nature of environmental effects between different scale of effects of continuous high volume wastewater treatment plants and occasional (wet weather) temporary discharges from pump station constructed overflows that have a minor and temporary effect only.</p>
Rule R62: New wastewater to fresh water – non-complying activity	<p>Oppose</p> <p>There is no rule for new discharges of wastewater into coastal water. The definition of new discharge complicates the understanding of the rule. "New" is actually unconsented. Such discharges exist for good public health reasons and should be provided for. Reiterating our comments on P68, the existing "emergency" but not currently consented wet weather wastewater overflows need to be recognised. They are part of the existing regionally significant infrastructure. This can be done by changes to the definitions of "existing" to reflect currently built and occasionally operating but unconsented overflow structures.</p> <p>Include a new rule that allows for new discharges of wastewater to coastal water. Amend definitions of existing and new wastewater network discharges in the Interpretation section as follows: Change existing discharge to "... means a discharge from an existing wastewater network which may or may not be already authorised by an existing consent." or to like effect. Change new discharge to "In the context of ... wastewater network means a new or proposed new structure which may discharge into freshwater or marine coastal area under reasonably foreseeable conditions" or to like effect.</p>

Rules - Discharges to land	My submission on this provision is:	Reasons for my submission:	I seek the following from WRC (give precise details):
Rule R71: Pit latrine – permitted activity	Support	Support (a)(ii) in order to protect the community drinking water supply protection areas.	No change sought.
Rule R75: New or upgraded on-site wastewater systems – permitted activity	Support	Support (e)(iv) in order to protect the community drinking water supply protection areas.	No change sought.
Rule R76: New or upgraded on-site wastewater systems within community drinking water supply protection areas – permitted activity	Support	Matters of control 1 and 2 to assess effects on community drinking water supply are supported.	No change sought.
Rule R77: Application of Aa biosolids to land – permitted activity	Amend	There should be reference to the Ministry for the Environment "Guidelines for the application of biosolids to land in New Zealand" which defines Aa and Biosolids Quality Mark.	Refer to the Ministry for the Environment "Guidelines for the application of biosolids to land in New Zealand".
Rule R78: Application of biosolids (Ab, Ba, or Bb) to land – restricted discretionary activity	Support	Support (a) to protect the community drinking water supply. This will provide an appropriate framework for management of biosolids to land that was lacking in the previous plan and has resulted in highly treated biosolids going to landfill or being transported out of the region.	Retain
Rule R79: Discharge of treated wastewater – controlled activity	Support	This policy is supported as discharge to land is ideal. However, discharge to land is not practicable for the treatment plants currently under the management of Wellington Water – the volumes are too large and soils are not suitable. Support (a) to protect the community drinking water supply. The soil and topography conditions in the urban metropolitan cities would suggest that discharge of treated wastewater to land would not be possible anywhere within their areas under this rule.	Retain
Rule R80: Discharge of treated wastewater – restricted discretionary activity	Support	The soil and topography conditions in the urban metropolitan cities would suggest that discharge of treated wastewater to land would not be possible anywhere within their areas under this rule.	Retain

Rule R81: Drinking water treatment plant supernatant waste – controlled activity	Support	
Rule R83: Discharge of collected animal effluent onto or into land – controlled activity	Support	
Rule R89: Farm refuse dumps – permitted activity	Support	
Rule 92: All discharges to land within community drinking water protection areas – restricted discretionary activity	Amend	

Support condition (e)(iii) to protect community drinking water supply areas. Retain (e)(iii) to protect community drinking water supply areas.

Support condition (d)(iii) to protect community drinking water supply areas. Retain condition (d)(iii) to protect community drinking water supply areas.

Minor typo in title – missing “R”. Clarify whether this includes the application of agrichemicals, pesticides, poison baits, etc. Change name to “Rule R92”. Clarify whether this rule includes the application of agrichemicals, pesticides, poison baits, etc

Rules - Wetlands and beds of lakes and rivers (ision on this pr

Reasons for my submission:

I seek the following from WRC (give precise details):

Beds of lakes and rivers general conditions			
<p>Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity</p>	<p>Amend</p>	<p>General conditions a, b, c, l, j, appear acceptable and logical. Condition (d) - Could cleaning stormwater intakes be restricting fish passage for a short time? The short term nature of the works, the importance of clearing such structures which are regionally significant infrastructure for flood protection and the less than minor effect on fish passage should make it a specified permitted activity. e & f - Exclude applicability for clearing damage and debris in the stormwater network after a storm, due to the immediate need for flood protection and the temporary and beneficial nature of the work (including removal of sediment from entering sensitive receiving environments); g(i) - the scale of sediment allowed here is far in excess of what is normally done for clearing stormwater structures. Condition (k) is unclear. The stormwater intake structures are designed to catch debris, and it is then removed as part of normal operations and needs to be provided for as permitted.</p>	<p>No change to general conditions a, b, c, l, j, (d) Change to allow for short term stormwater networks maintenance activities to be permitted. (e) & (f) Specify exclusion for storm debris clearance work in the stormwater network. Condition (k) - extend the condition to include removal of flood debris against the stormwater intake structure and immediately upstream of it.</p>
	<p>Amend</p>	<p>Conditions (g) (i) & (ii) can restrict minor low impact improvements such as rip-rap around stormwater outlets to mitigate scour. The % description does not clarify the extent of what is permitted. It is confusing and difficult to interpret and apply, e.g. where in the structure is the cross-sectional area measured? Greater flexibility is required, for example, to be able to use gabion baskets for preventative maintenance. This rule, nor any other rule in the proposed plan permits the damming and diversion of water by existing structures, which should be provided for, especially if the structure is part of regionally significant infrastructure. Temporary damming is sometimes required to create a dry work area for maintenance and upgrade works, and this would appropriately be a permitted activity subject to conditions.</p>	<p>Do not use % descriptor or clarify its use. Increase the projection dimensions to allow for reasonable protection by rip-rap. Allow for preventative maintenance procedures such as the use of gabion baskets. Include 'damming of water' in the list of associated activities that are permitted. Allow for temporary damming for conducting maintenance and operational work on infrastructure.</p>

<p>Rule R113: Diversion of flood water by existing structures – permitted activity</p>	<p>(a) The % description does not clarify the extent of what is permitted. Temporary stream damming and diversion is often required to create a dry work environment for the construction of erosion protection structures. It's unclear whether these are included in the list of 'associated' activities for structures, or if the separate damming and diversion rules apply. As these activities are limited to the duration of the associated works, it is appropriate for them to be permitted, subject to reasonable conditions.</p> <p>Do not use % descriptor or clarify its use. Clarify that temporary stream damming and diversion required for in-stream structure works are included in all relevant rules for structures in a river bed, or provide for temporary damming and diversion as a permitted activity (subject to reasonable conditions).</p>
<p>Rule R114: River crossing structures – permitted activity</p>	<p>Amend</p> <p>The existing Regional Plan for Freshwater includes Rule 8 "The damming and diversion of water by a structure that was existing and lawful on 25 January 1997 is a Permitted Activity." A similar provision is required in this Plan. Without this rule Wellington Water will need to obtain resource consents for our weirs and dams, including unused structures. The Macaskill Lakes have permanently diverted a few small streams. It would be a waste of public money to have to apply for a resource consent for the diversions. These allow weirs, small bridges and pipelines over streams with a small catchment area. A lot of the GWRC bulk water structures and pipelines are on streams and rivers with a catchment area > 200ha. We suggest resource consents should not be required for our existing road and foot bridges and pipeline stream crossings that existed pre this Plan. Temporary stream damming and diversion is often required to create a dry work environment for the construction of erosion protection structures. It's unclear whether these are included in the list of 'associated' activities for structures, or if the separate damming and diversion rules apply. As these activities are limited to the duration of the associated works, it is appropriate for them to be permitted, subject to reasonable conditions.</p> <p>Amend</p> <p>Allow for "The damming and diversion of water by a structure that was existing and lawful on the date of notification of this Plan as a Permitted Activity" or similar. Clarify that temporary stream damming and diversion required for in-stream structure works are included in all relevant rules for structures in a river bed, or provide for temporary damming and diversion as a permitted activity (subject to reasonable conditions).</p>

<p>Rule R116: Establishing a small dam and existing dams – permitted activity</p>	<p>The existing Regional Plan for Freshwater includes Rule 8 "The damming and diversion of water by a structure that was existing and lawful on 25 January 1997 is a Permitted Activity." A similar provision is required in this Plan. Without this rule Wellington Water will need to obtain resource consents for our weirs and dams, including unused structures. The Macaskill Lakes have permanently divert a few small streams. It would be a waste of public money to have to apply for a resource consent for the diversions. Temporary stream damming and diversion is often required to create a dry work environment for the construction of erosion protection structures. It's unclear whether these are included in the list of 'associated' activities for structures, or if the separate damming and diversion rules apply. As these activities are limited to the duration of the associated works, it is appropriate for them to be permitted, subject to reasonable conditions.</p> <p>Amend</p> <p>Allow for "The damming and diversion of water by a structure that was existing and lawful on the date of notification of this Plan as a Permitted Activity" or similar. Clarify that temporary stream damming and diversion required for in-stream structures are included in all relevant rules for structures in a river bed, or provide for temporary damming and diversion as a permitted activity (subject to reasonable conditions).</p>
<p>Rule R117: New structures – permitted activity</p>	<p>Erosion protection structures and debris arrestors (to stop woody debris, rocks and household debris from blocking pipes) are not included and there is no specific policy directing their appropriateness. These are common and important in-stream structures so should be specifically provided for. Temporary stream damming and diversion is often required to create a dry work environment for the construction of erosion protection structures. It's unclear whether these are included in the list of 'associated' activities for structures, or if the separate damming and diversion rules apply. As these activities are limited to the duration of the associated works, it is appropriate for them to be permitted, subject to reasonable conditions. In condition (f), add an exclusion for maintenance, operation and upgrade of three waters regionally significant infrastructure. Schedule C excludes huge areas of routine work such as the whole of the Hutt River. In condition (h), the basis or logic for using 10m² as a threshold in h is not clear. For example some of the stormwater network structures have multiple components which are not physically attached. Condition (j) - It is not clear what the 0.5m dimension means, especially when weirs fill up and are buried. It is not clear if the upstream or downstream side is to be measured, and whether it is to be measured at the time of installation or later when the original depth is uncertain. Condition (k) - The intent is not clear here, as discharged water is unlikely to be better than receiving water by just going through monitoring equipment.</p> <p>Amend</p> <p>Change to specifically provide for in-stream erosion protection structures and debris arrestors. In condition (f), add an exclusion for maintenance, operation and upgrade of three waters regionally significant infrastructure. For (h) and (j), refine and justify the threshold measures. Reconsider how the dimensions are described and if they are necessary. Reconsider and refine the wording of condition (k) to indicate how the water quality could be better or ascertained.</p>

<p>Rule R119: Clearing flood debris and beach recontouring – permitted activity</p>		<p>Support (d) which specifically mentions stormwater discharge pipes. It should include preserving the flood protection function of the stormwater structure (during the 3 month trout spawning period) to enable pro-active maintenance and avoidance of potential flood damage. "Flood debris" are not defined, making interpretation of the rule unclear. "Beach recontouring" is defined, however it should relate to all bed material not just gravel.</p> <p>Condition (f) requires the operation to occur only on those parts of the river bed not covered by water at the time of the works. While this is generally possible, there often needs to be a small amount of working in the flowing channel to ensure effective recontouring that pre-empts future obstructions.</p> <p>Condition (g) appears to relate to the depth of excavation, appears to have an arbitrary cutoff of 1 metre and is not worded clearly. We suggest increasing the cutoff to 1.5 metres, which would encompass a greater proportion of routine maintenance activities for regionally significant infrastructure.</p> <p>Temporary stream damming and diversion is often required to create a dry work environment for the construction of erosion protection structures. It's unclear whether these are included in the list of 'associated' activities for structures, or if the separate damming and diversion rules apply. As these activities are limited to the duration of the associated works, it is appropriate for them to be permitted, subject to reasonable conditions</p>	<p>Change (d) to include preserving the flood protection function of the stormwater structure to enable pro-active maintenance. Include a definition for "flood debris" that covers the wide range of materials that can build up and cause blockage during a flood.</p> <p>Include a definition for "river beach" that includes material build up around culverts and bridge piers.</p> <p>Amend the definition for "beach recontouring" to include all river bed materials.</p> <p>Amend condition (f) to permit a reasonable amount of recontouring in the flowing channel.</p> <p>Clarify condition (g) that it relates to the depth of excavation, if this is the intention, and increase this cutoff to 1.5 metres.</p> <p>Clarify that temporary stream damming and diversion required for in-stream structure works are included in all relevant rules for structures in a river bed, or provide for temporary damming and diversion as a permitted activity (subject to reasonable conditions).</p>
<p>Rule R120: Minor sand and gravel extraction – permitted activity</p>	<p>Support</p>	<p>The rule specifies how much material can be taken based on the intended purpose of using the material. This is not effects based. Wellington Water has no interest in the fate of the material extracted. Condition (c)(ii) limiting extraction to 50 m³/year is adequate for most of our operations.</p>	<p>Retain.</p>

<p>Rule R121: Maintenance of drains – permitted activity</p>		<p>This rule needs to work together with an amended definition of "highly modified river or stream". The current definition is aimed at rural and farming situations and not the urban environment. The definition needs to be applicable to urban stormwater networks that include large numbers of watercourses and open drains. Intake structures are an important part of the system and should be included in the definition. (f) is not workable for real live maintenance, which may require a regrade of a stream bed. It is not clear what "original grade" refers to, for example, in the situation of gravel accumulation behind an existing structure in a highly modified urban stream, what is the original grade? (g) Clarify that aquatic vegetation includes grass and weeds around intake structures. There should be an economic justification for use of a fish friendly digger bucket for all routine permitted maintenance, which includes a quantitative assessment of impacts on fish from such minor routine activities, and the financial impacts on conducting such widespread, routine maintenance activities for three waters regionally significant infrastructure. (h) is feasible. (i) is not practicable - most drains can only be accessed from one side and are so small that fragmented cleaning would be impracticable and inefficient. Most of our drains dry up in the summer months therefore maintenance is generally a planned activity. (k) is not clear why direction of clearance is specified. Downstream vegetation clearance will act as a silt arrestor. (l) is acceptable.</p>	<p>Amend the definition of "highly modified river or stream" to be applicable to urban stormwater networks that include large numbers of watercourses and open drains, including intake structures. As the rule is specifically about drains, it is best to use terminology that drain maintenance contractors are familiar with. (f) Clarify the intention and meaning of "original grade or cross section" and re-word to make it reflect practical work operations. (g) Specify where use of fish friendly digger buckets are necessary. (i) Remove condition. (k) Remove condition.</p>
<p>Rule R122: Removing vegetation – permitted activity</p>	<p>Amend</p>	<p>This rule needs to work together with an amended definition of "highly modified river or stream". The current definition is aimed at rural and farming situations and not the urban environment. The definition needs to be applicable to urban stormwater networks that include large numbers of watercourses and open drains. Intake structures are an important part of the system and should be included in the definition. (h) There should be an economic justification for use of a fish friendly digger bucket for all routine permitted maintenance, which includes a quantitative assessment of impacts on fish from such minor routine activities, and the financial impacts on conducting such widespread, routine maintenance activities for three waters regionally significant infrastructure. (i) is not practicable - most drains can only be accessed from one side and are so small that fragmented cleaning would be impracticable and inefficient. Most of our drains dry up in the summer months therefore maintenance is generally a planned activity.</p>	<p>Amend the definition of "highly modified river or stream" to be applicable to urban stormwater networks that include large numbers of watercourses and open drains, including intake structures. As the rule is specifically about drains, it is best to use terminology that drain maintenance contractors are familiar with. (g) Specify where use of fish friendly digger buckets are necessary. (i) Remove condition.</p>

<p>Rule R127: Reclamation of the beds of rivers or lakes – non-complying activity</p>	<p>This rule does not match the assessment criteria in policy P102 and it is more restrictive than the policy. The rule needs to allow for the planned and anticipated urban growth areas, where some drainage of streams is likely to be necessary in practice. The rule does not recognise the difference in context between the urban and rural environment. The reclamation of the bed, or any part of the bed of a river or lake: associated with the piping of a stream (except those associated with a special housing area); or associated with a growth area or development framework or strategy approved by a local authority under the Local Government Act 2002 or contained within a District Plan) or (b)... Include a new rule with a discretionary activity to manage those activities within urban growth areas, such as: The reclamation of the bed of a river: associated with the piping of a stream; and within a qualifying development within a special housing area; or associated with a growth area or development framework or strategy approved by a local authority under the Local Government Act 2002 or contained within a District Plan. Is a discretionary unrestricted activity. The definition of 'reclamation' is confined to reclamation in the CMA. More clarity is needed about what constitutes reclamation in the beds of lakes and rivers contexts.</p>
<p>Rule R131: Damming or diverting water within or from rivers – discretionary activity</p>	<p>The existing Regional Plan for Freshwater includes Rule 8 "The damming and diversion of water by an existing structure that was existing and lawful on 25 January 1997 is a Permitted Activity". Without this rule a consent will need to be obtained for all existing dams and weirs which is not an efficient use of resources, particularly as all the effects will now be established and well known. Policy P8 (h) and P13 recognises that these structures are beneficial and generally appropriate but there is not a rule that permits the existing structures.</p>
	<p>Match the restrictions in this rule to those in policy P102. Change this rule to (or similar): The reclamation of the bed, or any part of the bed of a river or lake: associated with the piping of a stream (except those associated with a qualifying development within a special housing area); or associated with a growth area or development framework or strategy approved by a local authority under the Local Government Act 2002 or contained within a District Plan) or (b)... Add a new rule similar to: The reclamation of the bed of a river: associated with the piping of a stream; and within a qualifying development within a special housing area; or associated with a growth area or development framework or strategy approved by a local authority under the Local Government Act 2002 or contained within a District Plan is a discretionary unrestricted activity. Amend the definition of reclamation to clarify its meaning in relation to: "The damming and diversion of water by a structure that was existing and lawful on the date the proposed Plan was publicly notified is a permitted activity."</p>

Rules - Water allocation

My submission on 11 Reasons for my submission:

I seek the following from WRC (give precise details):

Rule R139: Pumping test – permitted activity	Support	
Rule R140: Dewatering – permitted activity	Amend	<p>Condition (a) restricts site excavation dewatering to a maximum of one month. Operations such as regionally significant infrastructure establishment and maintenance will frequently require dewatering for a longer period than one month. This should be extended to 6 months, particularly if the effects are contained within the work site. The intention is not to frustrate normal operations for three waters regionally significant infrastructure. It is difficult to trace the rationale through the Plan, other than avoiding land subsidence and impacts on wetlands and associated features and resources such as mahinga kai. No specific issues have been raised. Dewatering a site has less than minor impact if the rule conditions are met.</p> <p>Create a special category of permitted activity for regionally significant infrastructure, or have consents trigger to controlled activity status. Amend (a) so that the work does not exceed 6 months.</p>
Rule R141: Take and use of water not permitted – controlled activity	Amend	<p>Clarify whether "(b) ...shall not exceed 20m³..." should be "(b) ...shall not exceed 20m³/day..."? Amend if (b) is an error, otherwise clarify intended maximum rates.</p>
Rule R142: All other take and use – discretionary activity	Support	
Rule R143: Temporary water permit transfers – controlled activity	Support	
Rule R144: Transferring water permits – restricted discretionary activity	Support	

Rule R145: Transferring water permits – discretionary activity	Support	
Rule R146: Geotechnical investigation bores – permitted activity	Amend	<p>A provision to protect the integrity of any artesian aquifer capping layers is necessary. Geotechnical investigation bores that do not penetrate an aquifer confining layer could be a permitted activity anywhere subject to the stated conditions. To protect the Waiwhetu aquifer water resource rule R146 should include the condition that the bore is not located within the Hutt Valley aquifer zone in Wellington Harbour (Port Nicholson) shown on Map 30. Geotechnical investigation bores should be discretionary if the aquiclude of the Waiwhetu aquifer is penetrated anywhere in the Lower Hutt Groundwater Zone or Wellington harbour.</p> <p>"Aquiclude" should be defined in the Interpretation chapter. Damage to the aquiclude could result in aquifer leakage and/or contamination. Map 27b does not take into account abstraction from the Gear Island Water Treatment Plant for public supply. The groundwater protection zone must extend from Taia through to the Petone foreshore and span the width of the Hutt Valley.</p>
Rule R147: Drilling, construction or alteration of any bore – controlled activity	Amend	<p>A provision to protect the integrity of any artesian aquifer capping layers is necessary. There is no requirement for double casing of bores that penetrate the Waiwhetu aquiclude in accordance with NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock. A new point (c) in Rule R147 should be inserted similar to Rule R146 (a) to protect the community drinking water supply area. Map 27b does not take into account abstraction from the Gear Island Water Treatment Plant for public supply. The groundwater protection zone must extend from Taia through to the Petone foreshore and span the width of the Hutt Valley.</p> <p>Add new condition "the integrity of any artesian aquifer capping layer is protected" or similar. Require double casing of bores that penetrate the Waiwhetu aquiclude in accordance with NZS 4411:2001 Environmental Standard for Drilling of Soil and Rock. Amend Map 27b to include the entire Hutt Valley from Taia to the Petone foreshore. Exclude geotechnical investigation bores in the Wellington harbour (Map 30) from being a permitted activity. Insert new point (c) similar to Rule R146 (a) to protect the community drinking water supply area.</p>

Rule R148: Drilling, construction or alteration of any bore – discretionary activity	
	Amend

The construction / driving of piles or other structures (that is not a bore) or excavation that penetrates into or through the Waiwhetu aquiclude is not included in this rule. Piles are not included in the definition of bore. It appears there are no controls to prevent damage to the aquiclude caused by the driving of piles or a deep excavation. This includes anywhere in the Hutt valley and Wellington harbour (e.g. wharf piers). Damage to the aquiclude may result in aquifer leakage and/or contamination.

Require consent for any work that has the potential to disturb the Waiwhetu aquiclude, which considers potential damage to the aquiclude resulting in aquifer leakage and/or contamination.

Rules - Coastal management

Submission on this provision

Reasons for my submission:

I seek the following from WRC (give precise details):

Coastal management general conditions	Amend	<p>Conditions (k) and (l) - Stormwater flap gates protect backflow in high tides and may conflict with maintaining fish passage at this time. Clarify condition (m) for what type of structures are included. Wellington Water have active management systems to clear debris from our structures, mainly stormwater outfalls.</p>	<p>Clarify the applicability of these general conditions to the functioning and benefits of stormwater flap gates and three waters regionally significant infrastructure generally. Clarify condition (m) applies to stormwater outfalls or what type of structures are included.</p>
Rule R150: Minor additions or alterations to structures – permitted activity	Amend	<p>In condition (k), there is a practical necessity to widen or deepen a channel for stormwater pipes.</p>	<p>Amend condition (k) to allow for minimum excavation required for suitable bedding of the stormwater pipe, or to like effect.</p>
Rule R182: Occupation of space by a structure owned by a network utility operator – permitted activity	Support		
Rule R189: Clearance of stormwater pipes – permitted activity	Support		
Rule R214: Reclamation and drainage for regionally significant infrastructure outside of sites of significance – discretionary activity	Support	<p>Supports regionally significant infrastructure activities.</p>	

Other methods

My submission on this provision is:

Reasons for my submission:

I seek the following from WRC (give precise details):

Method M4: Sea level rise	Amend	Sea level rise – The correct title for the “International Panel of Climate Change” is “Intergovernmental Panel on Climate Change”	Change “International Panel of Climate Change” to read “Intergovernmental Panel on Climate Change”
Method M11: Assessment and reporting of Wellington Regional Council works, operations and services for integrated catchment management	Amend	Clarify whether this includes GWRC assets such as bulk water supply, now managed by Wellington Water.	Clarify whether this provision applies to GWRC water supply operations, now managed by Wellington Water, and if so, what activities would have to be reported on.
Method M14: Maintenance of drains	Support	Wellington Water looks forward to collaborating with GWRC on this method.	Retain.
Method M15: Regional stormwater working group	Support	Wellington Water looks forward to collaborating with GWRC on this method.	Retain.
Method M17: Reduce waste and use water and energy efficiently	Support	It is good that specific methods to deliver this Method are not prescribed which allows for flexibility to suit differing circumstances.	Retain.
Method M18: Water use groups	Support		
Methods 19: Water management	Support	Wellington Water looks forward to collaborating with GWRC on this method.	Retain.
Method M21: Fish passage	Support		
Method M27: Improving water quality in priority water bodies	Support	Wellington Water looks forward to collaborating with GWRC on this method.	Retain.
Method M28: Development of good management practice guidelines.	Support		

Wellington Harbour and Hutt Valley Whatitua mission on this pro

Reasons for my submission:

I seek the following from WRC (give precise details):

<p>Rule WH.R1: Take and use of water in the Wellington Harbour and Hutt Valley Whatitua - restricted discretionary activity</p>		<p>Table 8.1 The management point for the Orongorongo River is incorrectly named. Table 8.1 The minimum flow below the Kaioko water supply intake should be able to be reduced to 400 L/s as consented for special circumstances such when lining the Macaskill Lakes. Table 8.2. The allocation amount for the Wainuiomata River and the allocation amount for the Orongorongo River are significantly less than the current consented abstraction from these rivers for community water supply. The abstraction flow is controlled to maintain the minimum flows in the rivers specified in Table 8.1. The minimum flow protects the river biota. The allocation amounts specified are default based without specific assessment of environmental effects of the water take on these rivers. There is no evidence of the existing takes having a detrimental impact on the biota of the rivers. The allocation amount for each of the Wainuiomata and the Orongorongo Rivers should be increased to 460 L/s (the current consented takes for these rivers under normal operating conditions).</p>	<p>Table 8.1 Replace "Russ Bridge recorder" with "Truss Bridge recorder". Table 8.1 The minimum flow below the Kaioko water supply intake should be able to be reduced to 400 L/s for special circumstances. In Table 8.2 increase the allocation amount for each of the Wainuiomata and the Orongorongo Rivers to 460 L/s</p>
<p>Rule WH.R2: Taking and using water in the Wellington Harbour and Hutt Valley Whatitua - discretionary activity</p>	<p>Amend</p>		
<p>Rule WH.R3: Take and use of water from outstanding rivers and lakes -non-complying activity</p>	<p>Support</p>		

<p>Rule WH.R4: Take and use of water that exceeds minimum flows, lake levels or core allocation - prohibited activity</p>	
<p>Policy WH.P1: Minimum flows and water levels in the Wellington Harbour and Hutt Valley Whatua</p>	<p>Support</p>

Suggest new footnote to Table 8.2 or text as follows: "For some parts of some rivers current allocations may exceed of "For some parts of some rivers current allocations may exceed the default values shown in Table 8.2. This apparent over allocation does not necessarily mean that the river ecological values or any other values are compromised or under threat. Rather, it indicates that the reach is likely to be fully allocated and that the effects of any applications for new consents or consent renewals should be carefully evaluated." Table 8.2 The allocation amount for Wainuiomata and Orongorongo rivers is less than Wellington Water consented takes.

Figure 8.2. The depth of Category A should be conservative to ensure allocation can not draw from the Waioheta aquifer. Suggest we work to the top of the aquiclude rather than the bottom. Suggest 10m instead of 15m.

For some parts of some rivers current allocations may exceed the default values shown in Table 8.2. This apparent over-allocation does not necessarily mean that the river ecological values or any other values are compromised or under threat. Rather, it indicates that the reach is likely to be fully allocated and that the effects of any applications for new consents or consent renewals should be carefully evaluated." Increase the allocation amounts to match Wellington Water current consents. In Figure 8.2: change the depth of Category A to 10m depth instead of 15m.

<p>Policy WH.P2: Core allocation in the Wellington Harbour and Hutt Valley Whatua</p>	
	Amend

The policy relies heavily on Table 8.2 being correct. Table 8.2. The allocation amount for the Wainuiomata River and the allocation amount for the Orongorongo River are significantly less than the current consented abstraction from these rivers for community water supply. The abstraction flow is controlled to maintain the minimum flows in the rivers specified in Table 8.1. The minimum flow protects the river biota. The allocation amounts specified are default based without specific assessment of environmental effects of the water take on these rivers. There is no evidence of the existing takes having a detrimental impact on the biota of the rivers.

The allocation amount for each of the Wainuiomata and the Orongorongo Rivers should be increased to 460 L/s (the current consented takes for these rivers under normal operating conditions).

Correct the allocation amounts in Table 8.2 to 460 litres/sec for the Wainuiomata River and also for the Orongorongo River.

Schedules

Revision on this pr

Reasons for my submission:

I seek the following from WRC (give precise details):

Schedule A: Outstanding water bodies	Amend	<p>The intake structure at Kaitoke is generally referred to as a weir, not a dam, because it does not store water. Neither of these terms are included in the Interpretation.</p>	<p>Change Kaitoke dam to Kaitoke weir.</p>
Schedule F: Ecosystems and habitats with significant indigenous biodiversity values	Amend	<p>Schedule F1: The criteria listed for identifying rivers and lakes with significant indigenous ecosystems appear to be quite different to the criteria listed in Policy 23 of the Regional Policy Statement. The map references do not correspond to the map grid used by the GWRC GIS, which is rather confusing. Schedule F1a: Plotting the migration times of the twelve species reputed to be in the Hutt River shows that at no time during the year are there less than four species migrating. This makes the requirement of Policy P33 very onerous. See previous comments on policy P33: "This is a very strongly worded policy. By requiring "avoidance" of water takes that lead to a "significant loss of flow" it effectively precludes the taking of any significant quantity of water from most of the water bodies in the region. Overlaying the migration times for the species noted as being present in the Hutt River shows that for any month of the year there are at least four migrating species, i.e. migration occurs all year round. (c) requires a time element to it. Does it mean permanent significant loss of flow? It is not clear what happens if necessary works to protect regionally significant infrastructure impede fish passage for the period of works which might be 2 hours or maybe 3 days (but not usually longer)? There is confusion in the wording of this policy. It says that adverse effects must be avoided, and then lists activities rather than effects ". It would be easier if the names were in alphabetical order. Some of the waterbodies listed are in the urban environment, and some parts of them are piped. This should be recognised, in order to allow for normal maintenance, operation and upgrade of that regionally significant infrastructure.</p>	<p>Schedule F1: Change criteria to be consistent with and give effect to those in Policy 23 of the Regional Policy Statement. Change reference coordinates to NZTM datum. Schedule F1a: See comments under P33: "In the fifth line replace "avoided" with "reduced to a practical minimum". Include a practical time element into (c);" Rearrange fish names in alphabetical order. Identify those waterbodies that have piped sections and provide for the normal maintenance, operation and upgrade of that regionally significant infrastructure.</p>
Schedule I: Important trout fishery rivers and spawning waters	Amend	<p>Hutt River - Whakatikei Stream - Plateau Stream Plateau Stream is not shown on the map in this catchment.</p>	<p>Delete Plateau Stream</p>
Schedule M: Community drinking water supply abstraction points	Amend	<p>Schedule M1: It would be useful to locate these sites more accurately, perhaps using coordinates. GWRC, Little Huia Creek is not included in Schedule M1</p>	<p>Add coordinates to Schedule M1. Include Little Huia Creek in schedule M1.</p>

Schedule M: Community drinking water supply abstraction points	Amend	Schedule M2: It would be useful to locate these sites more accurately, perhaps using coordinates. R27/1144-1149 appear to be the Hutt Park Wells	Add coordinates to Schedule M2. Confirm or correct the WRC Well numbers.
Schedule N: Stormwater management strategy	Amend	<p>This strategy appears to be an assessment of the network's asset management. The components of the strategy should be confined to those elements that the network managers are in control of. We suggest a modified schedule based on a risk management approach that aligns with the asset management systems. This would fit the same outcomes, and not create unnecessary duplication of effort. Asset management is not a RMA function of Regional Council, so the schedule should re-written to exclude those elements. Considerable asset management information is currently available and could be made use of. However, there is always uncertainty in any such data, yet the schedule suggests an ability to provide complete knowledge. This is not required to manage the effects of the discharges. Network operators do not control HALL (Hazardous Activities and Industries List) activities. Stormwater discharges from contaminated land are subject to their own consents and are not controlled by the network operator. Generally, district plans do not require a resource consent to increase impervious surfaces (such as concreting drives or placing hard landscaping), so they are not "managed". We point out that the city councils have undertaken or are embarking on various activities ranging from stormwater plan to stormwater bylaw to district plan changes for water sensitive urban design, driven by councils' own policies and drivers under the Local Government Act. RMA regulatory provisions are not required to make those non-RMA actions happen.</p>	<p>Schedule N should be restructured to take a risk management approach that aligns with the asset management systems used to manage the stormwater networks. Wellington Water is in the process of developing such an alternative schedule and we are keen to work with GWRC to finalise it. The schedule should exclude elements of asset management and focus on providing limits and outcomes to be met. It should only include elements that network managers have in their control.</p>

Schedule Q: Reasonable and efficient use criteria

	Amend

Community water supplies (a): It is unclear what purpose the information required under group or community supplies is to be used for. Many towns and cities do not have universal metering, and sectorial use can only be estimated. The relative water use by different sectors may vary markedly between communities. While many TAs meter commercial and industrial use, they typically do not hold records that associate land use with water use. Currently, useful information on the different sectors is not recorded in an easily available way and varies significantly within sectors. The need to specifically identify use by such categories as "other facilities providing medical treatment" (implying all), "marae", and "other educational facilities (implying all)" is unclear, as many of these may be no more significant in their water use than an individual household. The purpose for the information required in (a) should be clearer, while the approach to sector information to be taken by the applicant to demonstrate reasonable demand for a group or community should remain a requirement, but be less prescriptive. We suggest deleting reference to specific sectors.

Clarify the purpose and use for information sought via (a). Make the approach to sector information to be taken by the applicant to demonstrating reasonable demand for a group or community less prescriptive, by removing reference to specific sectors. End Group or community water supplies (a) at "...the sectors in the group or community that will use the water." Delete the words following that "and the relative amounts that will be provided to each sector. Sectors in the community using water include:" and all the following 6 bullet points.

