

## **Notice of Wellington Water Limited's wish to be party to proceedings**

**To the Registrar  
Environment Court  
Wellington**

1. Wellington Water Limited (**WWL**) wishes to be a party to the following appeal of decisions on the Proposed Natural Resources Plan (**the Plan**) for the Wellington Region:

**Minister of Conservation v Wellington Regional Council, ENV-2019-  
WLG-000106**

2. WWL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
3. WWL agrees to participate in mediation or other alternative dispute resolution of the proceedings.
4. WWL is interested in the part of the proceedings related to:

**Definition of "seawall"**

5. WWL supports the relief sought in relation to this part. It is not clear what benefit a new definition, different from the definition in the NZCPS would provide. Aligning the Plan's definition with the NZCPS definition will make the Plan clearer.
6. WWL is interested in the part of the proceedings related to:

**Objectives O20 and O21 – Natural hazards**

7. WWL opposes the relief sought in relation to this part. Some regionally significant infrastructure managed by WWL is essential in areas affected by coastal hazards. It is unreasonably restrictive to impose an avoidance provision in relation to such infrastructure. The provision does not achieve the Plan's objectives nor gives effect to the Wellington Regional Policy Statement's provisions in respect of such infrastructure.
8. WWL is interested in the part of the proceedings related to:

**Objective O25 – Biodiversity, aquatic ecosystem health and mahinga  
kai**

9. WWL opposes the relief sought in relation to this part. The tables are already difficult to interpret and apply, and the relief sought will exacerbate this

issue. Further, it is not appropriate to reinstate clause (b) because it utilises the concept of "restoration", which creates further uncertainty as it is not clear to what state matters must be restored.

10. WWL is interested in the parts of the proceedings related to:

**Tables 3.4, 3.5 and 3.6 – Biodiversity, aquatic ecosystem health and mahinga kai**

11. WWL opposes the relief sought in relation to these parts. The tables are already difficult to interpret and apply, and the relief sought will exacerbate this issue, creating additional uncertainty and diminishing the practicality of the Plan for managing the regionally significant infrastructure under WWL's control.

12. WWL is interested in the part of the proceedings related to:

**Objectives O31 and O35 – sites with significant values**

13. WWL opposes the relief sought in relation to this part, as it is not clear what specific relief is being sought and therefore WWL is uncertain what effect this will have on the infrastructure it manages. However, the tables are already difficult to interpret and apply, and WWL opposes the relief sought by the Minister to the extent that it will exacerbate this difficulty, creating additional uncertainty and diminishing the practicality of the Plan for managing the regionally significant infrastructure under WWL's control.

14. WWL is interested in the part of the proceedings related to:

**Policy P27 – High risk areas**

15. WWL opposes the relief sought in relation to this part. Some regionally significant infrastructure managed by WWL is essential in areas affected by coastal hazards. It is not clear whether the relief is seeking to address the risks to such infrastructure, or risks to others. To the extent that it is addressing risks to the infrastructure itself, those may not be avoidable or reducible, so the relief would make the provisions impracticable for essential infrastructure.

16. WWL is interested in the part of the proceedings related to:

**Policy P31 - Biodiversity, Aquatic ecosystem health and mahinga kai**

17. WWL opposes the relief sought in relation to this part, as it is not clear what specific relief is being sought and therefore WWL is uncertain what effect this will have on the infrastructure it manages. However, the tables are already difficult to interpret and apply, and WWL opposes the relief sought by the Minister to the extent that it will exacerbate this difficulty, creating

additional uncertainty and diminishing the practicality of the Plan for managing the regionally significant infrastructure under WWL's control.

18. WWL is interested in the part of the proceedings related to:

**Policy P38A - Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana**

19. WWL opposes the relief sought in relation to this part. The tables are already difficult to interpret and apply, and the relief sought will exacerbate this issue, creating additional uncertainty and diminishing the practicality of the Plan for managing the regionally significant infrastructure under WWL's control.

20. WWL is interested in the part of the proceedings related to:

**Policy P70 - Managing point source discharges for aquatic ecosystem health and mahinga kai**

21. WWL opposes the relief sought in relation to this part. The relief sought would create an impracticable operating environment, and is not appropriate when more specific wastewater policies apply.

22. WWL is interested in the part of the proceedings related to:

**Policy P71 - Quality of point source discharges to rivers**

23. WWL opposes the relief sought in relation to this part. The relief sought is inappropriately complex and technical for a policy, would create an impracticable operating environment for wastewater discharges, and is not appropriate when more specific wastewater policies apply.

24. WWL is interested in the part of the proceedings related to:

**Policy P102 - Reclamation or drainage of the beds of lakes and rivers**

25. WWL opposes the relief sought for the reasons stated in WWL's submissions and WWL's appeal (ENV-2019-WLG-123). Scheduled sites should not be excluded from the seven exceptions listed in the Policy, and the exceptions should provide for reclamation necessary for regionally significant infrastructure, including where that is associated with a growth and/or development framework or strategy. Excluding the seven exceptions from applying to scheduled sites, or deleting the allowances for growth-related reclamations may contribute to the Plan being impracticable for the regionally significant infrastructure that is managed by WWL.

26. WWL is interested in the part of the proceedings related to:

**Policy P138 – Structures in sites with significant values**

27. WWL opposes the relief sought in relation to this part as it creates uncertainty and undermines the other Schedules in the Plan.

28. WWL is interested in the part of the proceedings related to:

**Policy P143 – Deposition in a site with significant values**

29. WWL opposes the relief sought in relation to this part as it creates uncertainty and undermines the other Schedules in the Plan.

30. WWL is interested in the part of the proceedings related to:

**Policy P144 – Dumping in a site with significant values**

31. WWL opposes the relief sought in relation to this part as it creates uncertainty and undermines the other Schedules in the Plan.

32. WWL is interested in the part of the proceedings related to:

**New Rule R88A - Vertebrate toxic agents**

33. WWL supports the relief sought as it provides sensibly for pest fish control that WWL undertakes, provided the new provisions are implemented in a manner that will not impact on water used for community drinking water supply.

34. WWL is interested in the part of the proceedings related to:

**Rule R115 – Culverts – permitted activity**

35. WWL opposes the relief sought in relation to this part. Excluding reclamation associated with culverts is impracticable, as is defining dimension parameters for associated reclamation. There are too many variables for this to be workable. The dimension specifications proposed for culverts are overly complex, unclear and will be difficult to implement.

36. WWL is interested in the part of the proceedings related to:

**Rule R117 – New structures - permitted activity**

37. WWL opposes the relief sought in relation to this part. There is no clear reason to exclude reclamation, which may be integral to the structures to which the Rule applies; and the Rule should apply equally in inanga spawning habitat.

38. WWL is interested in the part of the proceedings related to:

**Rule R121 - Maintenance of drains and highly modified rivers or streams within an individual property – permitted activity**

39. WWL opposes the relief sought in relation to this part. The relief sought will make the Rule overly complex and difficult for individual landowners to interpret and apply, which may discourage them from taking responsibility to maintain streams on their properties. Whether the Rule will apply to works undertaken by WWL may depend on the outcomes of appeals in relation to the definitions of “drains” and “highly modified rivers or streams”, but whether it applies to WWL or not, the standards are both complex and onerous. Further the requirement not to use machinery that disturbs the bed for 5 months of the year is not workable due to WWL's need to undertake maintenance before and after storms, and in combination with exclusions that apply at other times, may effectively preclude works in drains and highly modified rivers or streams from most of the year.

40. WWL is interested in the part of the proceedings related to:

**Rule R122 – Removing vegetation from the bed of any river or lake – permitted activity**

41. WWL opposes the relief sought in relation to this part. WWL needs to be able to remove vegetation in fulfilment of duties under other legislation for managing sources of drinking water supply. Further the standards sought are the standards are both complex and onerous. Further the requirement not to use machinery that disturbs the bed for 5 months of the year is not workable due to WWL's need to undertake maintenance before and after storms, and in combination with exclusions that apply at other times, may effectively preclude works in drains and highly modified rivers or streams from most of the year.

42. WWL is interested in the part of the proceedings related to:

**Rule R127 – Reclamation of the beds of rivers or lakes – noncomplying activity**

43. WWL opposes the relief sought in relation to this part for the reasons stated in WWL's submissions.

44. WWL is interested in the part of the proceedings related to:

**Rules R136 – Take and use of water – permitted activity; and R141 - Take and use of water – controlled activity**

45. WWL opposes the relief sought in relation to this part. The relief sought will make the Rules unnecessarily complex and difficult to comply with.

46. WWL is interested in the part of the proceedings related to:

**Rule R151 – Additions or alterations to structures – controlled activity**

47. WWL opposes the relief sought in relation to this part. The relief sought is unduly onerous for additions and alterations to structures associated with regionally significant infrastructure, and inappropriately treats them as if they were entirely new structures rather than additions and alterations to existing structures.

48. WWL is interested in the part of the proceedings related to:

**Rule R165 – Additions or alteration to, or replacements of, existing seawalls – controlled activity**

49. WWL opposes the relief sought in relation to this part, as it will contribute to the Plan being impracticable for seawalls associated with essential regionally significant infrastructure. The relief sought would not achieve Objective O12 of the Plan, nor give effect to Objective 10 of the Wellington Regional Policy Statement.

50. WWL made submissions on Objective O20, Policies P27, P31, P70, P71, P102, P138, and P143; Rules R117, R121, R122, R127 and R141; and has an interest in the parts of the proceedings identified in this notice that is greater than the interest that the general public has because those parts relate to provisions that affect water infrastructure and services, for which WWL is responsible.



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