



Our water, our future.

17 October 2024

Natural Resources Plan, Plan Change 1 Hearing Panel

Greater Wellington Regional Council

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Wellington 6011

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### **Hearing Stream 1 – Proposed Plan Change 1 to the Natural Resources Plan**

Wellington Water Limited (**Wellington Water**) writes in relation to Hearing Stream 1: Overarching matters and region-wide changes, which is scheduled to commence on Monday, 4 November 2024. Wellington Water made submissions (submitter number 151) and further submissions (further submitter number 039) on Plan Change 1 (**PC1**), some of which are being considered in the upcoming hearing stream.

Wellington Water is a shared-service council-controlled organisation jointly owned by the Wellington, Hutt, Upper Hutt, and Porirua City Councils, South Wairarapa District Council, and the Greater Wellington Regional Council. Wellington Water manages drinking water, wastewater, and stormwater services on behalf of these six councils.

As the three waters services provider to its client councils, Wellington Water's interests in PC1 predominantly lie in later hearing streams. In particular, Hearing Stream 2 – Objectives, ecosystems, health policies, and wastewater (scheduled for March 2025) and Hearing Stream 4 – Stormwater, water allocation, and freshwater action plans (scheduled for June 2025).

Overall, Wellington Water is interested in ensuring that:

- There is an appropriate consenting pathway for stormwater and wastewater discharges from the public local authority networks;
- Requirements in PC1 (for example, contributing to achieving the target attribute states (TAS)) can be practically carried out within the given timeframes; and
- Wellington Water can continue to effectively manage the drinking water, wastewater, and stormwater networks on behalf of its client councils.

To this end, Wellington Water's original submission addressed a wide range of matters, including the TAS in PC1, and the timeframes for achieving them. Since then, Wellington Water has determined that it will not actively pursue the relief sought in relation to TAS or timeframes through the hearing process, on the basis that these are essentially value judgements or political choices that would be more appropriately addressed by Wellington Water's client councils.

Instead, Wellington Water will be focussing on providing evidence to assist the Hearing Panel to understand the cost and practicality of the proposed obligations under PC1, as the stormwater and wastewater services provider for its client councils. This will include seeking changes to the more detailed policies, rules and schedules in PC1 that relate to wastewater and stormwater network discharges, to ensure the relevant consenting requirements are clear and workable.

At this stage, Wellington Water intends to attend and present expert evidence and legal submissions at Hearing Streams 2 and 4 (with perhaps more limited involvement in Hearing Stream 3).

That being said, there are a limited number of submission points of relevance to Wellington Water that are being considered as part of Hearing Stream 1 and, where relevant, Wellington Water generally agrees with the recommendations given in the Section 42A Reports for this topic. On that basis, Wellington Water has not requested to be heard or filed evidence. Notwithstanding the above, Wellington Water is available to respond to any questions the Hearings Panel may have.

For completeness Wellington Water records its position in respect of the relevant Hearing Stream 1 matters in the **attached** table. It may be that Wellington Water's planning evidence at later hearings includes recommendations in relation to some of these provisions (if/where appropriate).

Wellington Water respectfully requests that this letter be tabled for the Panel's consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations for Hearing Stream 1.

Yours sincerely



**Julie Alexander**  
**Group Manager Network Strategy and Planning**

**Attachment 1: Wellington Water’s position in response to s42A recommendations, Plan Change 1 Hearing Stream 1: Overarching matters and region-wide changes**

Submission ref	Plan provision	Relief Sought by Wellington Water	S42A Recommendation and Reasoning	Wellington Water response
Wellington Water 151.033	Objective O6	<p>PC1 proposes that O6 would not apply to the Te Whanganui-a-Tara and Te Awarua-o-Porirua whaitua.</p> <p>Reinstate and alter existing O6 as follows:</p> <p>The social, economic, cultural and environmental benefits of:</p> <ul style="list-style-type: none"> <li>- Taking and using water <del>are recognized</del></li> <li><b>-managing stormwater for the safety of people and property</b></li> <li><b>- disposing of wastewater to achieve public health outcomes</b></li> </ul> <p><b>are recognized and provided for</b> when managing water.</p> <p>Other relief as may be required to address the issues identified, including relief that is alternative, additional or consequential.</p>	<p><b>Reject</b> submission - Considers that this amendment is inappropriate and does not align well with the NPSFM, recommends rejecting the submission (page 52, S42A Overarching Matters).</p>	<p>Wellington Water continues to seek that this objective is amended as shown and continues to apply to the Te Whanganui-a-Tara and Te Awarua-o-Porirua whaitua, on the basis that it provides a supportive framework for stormwater and wastewater discharges.</p> <p>(To avoid doubt Wellington Water’s submission was not seeking that the objective should have different wording inside and outside of the two whaitua, but that it should be amended and continue to apply through the region).</p>
Wellington Water 151.183	Objective O9	<p>Amend existing objective O9 as follows:</p> <p>The social, economic, cultural and environmental benefits of Regionally Significant Infrastructure, renewable energy generation activities and the utilisation of mineral resources are recognized <b>and provided for</b>.</p>	<p><b>Reject</b> submission - Considers this submission is out of scope (on the basis that is not being amended by PC1 and would continue to apply in TWT and TAoP), and recommends rejecting the submission (page</p>	<p>Wellington Water considers the Section 42A Report may be taking an overly narrow approach to scope (as it would clearly not have been out of scope to seek a new</p>

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			52, S42A Overarching Matters).	provision within the whitua to the same effect). However this is a relatively minor submission point and Wellington Water proposes to address it in evidence or submissions at later hearings (if at all).
Wellington Water FS39.273	Objective O19	<p>Original submission by Wellington Fish and Game Regional Council (S188.019): Considers clause c) requires strengthening: restoration of a degraded system or ecosystem is necessary under the NPS-FM, rather than merely encouraged.</p> <p>Wellington Water's further submission opposed this;</p> <p>Wellington Water considers that clause (c) does not require strengthening.</p>	<p><b>Accept</b> Wellington Water's further submission. Reject Wellington Fish and Game Regional Council's submission.</p> <p>Considers the complexity of drafting required to address the change would outweigh any perceived benefits (page 52, S42A Overarching Matters).</p>	Wellington Water supports the Section 42A Report recommendation.
Wellington Water S151.105	Objectives P.O4 and WH.O4	Other relief as may be required to address the issues identified, including relief that is alternative, additional or consequential.	<b>Reject</b> submission – does not recommend any changes to P.O4 or WH.O4 (page 13, s42A region wide schedules and threatened species objectives).	Wellington Water reserves its general position to seek consequential amendments to address the issues identified in its submission. However, at this stage, Wellington Water does not anticipate it will seek changes to these provisions.

Submission ref	Plan provision	Relief Sought by Wellington Water	S42A Recommendation and Reasoning	Wellington Water response
Wellington Water S151.046	Rule R35: Water and wastewater processes – permitted activity.	Consider referring to 'drinking water processes' (the rule currently refers to 'water processes').	<b>Reject</b> submission - considers that Rule R35 appropriately covers 'drinking water' and there is no additional benefit provided from making more specific reference to 'drinking water' within the rule. (page 11, s42A Air Quality).	Wellington Water disagrees with the section 42A officer's recommendation. It is not particularly clear that Rule R35 includes drinking water processes and Wellington Water's submission would add clarity for plan users.
Wellington Water S151.047	5.4.4 Uses of beds of lakes and rivers general conditions.	Provide more certainty to plan users in general condition (n) so that a third party is not required to assess when named birds are identified as nesting, roosting and foraging, at the work site.	<b>Reject</b> submission - considers the rule is appropriate to ensure an adequate assessment can be done by an ecologist to determine the effect of the activity on these birds and consider the necessary protection and mitigation measures (page 7, s42A Beds of Lakes and Rivers).	Wellington Water is concerned that requiring a third party to assess when named birds are identified as nesting, roosting and foraging at the work site, in all cases, may be unduly restrictive.
Wellington Water S151.048 and FS39.001	Rule R128: New structures – permitted activity.	Refer to pipes as well as pipelines (S151.048).  Environmental Defence Society Inc (S222.013): Ensure that activities avoid the loss of river extent and values and that the habitats of indigenous species are protected. Introduce TASs for habitat, natural form and character which activities must achieve	<b>Reject</b> Wellington Water original submission.  Agrees that 'pipes' and 'pipelines' have different meanings, however disagrees that both structures should be provided for as a permitted activity. The rule intends to permit smaller pipelines while excluding pipes that require management through a resource consent. In addition, culverts are provided for as	Wellington Water considers that the rule should refer to both pipes and pipelines, and also that what is meant by 'pipeline' (as opposed to 'pipe') is unclear, and needs defining in PC1. (For example, common usage suggests 'pipelines' are larger or longer than 'pipes', but the author of the section 42A report

Submission ref	Plan provision	Relief Sought by Wellington Water	S42A Recommendation and Reasoning	Wellington Water response
		Wellington Water's further submission (FS39.001): This is too onerous for council water infrastructure.	<p>permitted activity under Rule R126 and the inclusion of pipes in Rule R128 could cause confusion as to which rule applies. (page 10, s42A Beds of Lakes and Rivers).</p> <p><b>Reject</b> Environmental Defence Society Inc submission.</p> <p><b>Accept</b> Wellington Water further submission.</p> <p>Does not consider TAS to be appropriate (pages 10-11, s42A Beds of Lakes and Rivers).</p>	appears to take the opposite view. Accordingly, without appropriate definitions either term may be confusing for plan users).
Wellington Water FS39.033 and FS39.056	Rule R132: Minor sand and gravel extraction – permitted activity.	<p>Royal Forest and Bird Protection Society NZ (S261.036): Amend general conditions in accordance with relief sought for Rule R128. Include target states for habitat and natural form and character. Any further consequential or alternative relief as may be necessary and appropriate to address concerns</p> <p>Wellington Water further submission (FS39.033 and FS39.056): This term [natural form and character] is broadly used but poorly understood, making it unclear what measures are needed to achieve the desired outcome.</p> <p>The target attribute states are already complex and highly aspirational. Further target attribute states are unnecessary and unhelpful. Setting interim target attribute states, or altering timelines will further</p>	<p><b>Accept</b> both of Wellington Water's further submissions.</p> <p>Reject Forest and Bird's submission.</p> <p>Does not consider it appropriate to introduce a condition that requires compliance with TAS (Page 12, s42A Beds of Lakes and Rivers).</p>	Wellington Water supports the Section 42A Report recommendation.

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		complicate matters, particularly for sequencing and prioritisation of subcatchments.		
Wellington Water S151.049 and FS39.276	Rule R151A: Ongoing diversion of a river – permitted activity.	<p>Wellington Water supports the new permitted activity rule regards the ongoing diversion of a river. In particular, we support the approach that the ongoing diversion can only be considered permitted if all of the conditions of the resource consent to lawfully establish the diversion have been complied with.</p> <p>Wellington Fish and Game Council (s188.023): Retain river diversions as discretionary or restricted activities to allow for uptake of new river management systems, ideas, and materials as knowledge and technologies progress.</p> <p>Wellington Water further submission (FS39.276): Permitted activity status is appropriate for diversions that come within the rule.</p>	<p><b>Accept</b> Wellington Water's submission.</p> <p>The Officer has recommended an amendment to include an operative date for Rule R151A to provide clarity to plan users (page 14, s42A Beds of Lakes and Rivers).</p> <p>Reject Wellington Fish and Game Council's submission.</p> <p><b>Accept</b> Wellington Water's further submission.</p> <p>Disagrees with the concern that this permitted rule will lead to inappropriate structures with adverse effects (page 14, s42A Beds of Lakes and Rivers).</p>	Wellington Water supports the Section 42A Report recommendation.