

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 for the Wellington Region:

New Zealand Transport Agency v Wellington Regional Council, ENV-2019-WLG-000131

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:

Objective O13

5. WWL supports the relief sought in relation to this part, as it broadens the applicability of the Objective and more fully gives effect to the objectives and policies of the Regional Policy Statement which protect regionally significant infrastructure from incompatible new subdivision, use and development.
6. WWL is interested in the part of the proceedings related to:

Objective O28

7. WWL supports the relief sought in relation to this part, for the reasons outlined in the NZTA appeal. The relief sought will make the Plan more practicable for regionally significant infrastructure. WWL considers that the relief could be further refined to address the issues raised in both the NZTA and WWL appeals with regards to the use of the word "restored" and the uncertainty this term.
8. WWL is interested in the part of the proceedings related to:

Objective O53

9. WWL supports the relief sought in relation to this part for the reasons outlined in the NZTA appeal.

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

Policy P12 Benefits of regionally significant infrastructure and renewable electricity generation facilities

11. WWL conditionally supports the relief sought in relation to this part, for the reasons outlined in the NZTA appeal. WWL considers that the relief could be further refined to address the issues raised in both the NZTA and WWL appeals.

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

Policy P13 Providing for regionally significant infrastructure and renewable electricity generation activities

13. WWL supports the intent of NZTA's appeal in relation to this part, for the reasons outlined in the NZTA appeal. WWL considers that the relief could be further refined to address the issues raised.

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

New Policy – Policy Y

15. WWL conditionally opposes the relief sought in relation to this part.

16. WWL is generally supportive of the cascade approach utilised in the proposed new policy, but is opposed to the new policy applying to all effects regardless of scale of the activity and effects.

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

Policy P24 Assessing outstanding natural character

18. WWL conditionally supports and opposes the relief sought in relation to this part. It supports the relief sought to the extent that it is consistent with the outcomes sought in WWL's appeal (ENV-2109-WLG-123) in relation to the same part, and opposes the relief sought to the extent that it is inconsistent with the outcomes sought in WWL's appeal in relation to the same part.

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

Policy P31 Biodiversity, aquatic ecosystem health and mahinga kai

20. WWL supports the relief sought in relation to this part, for the reasons outlined in the NZTA appeal.

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

Policy P32 Adverse effects on biodiversity, aquatic ecosystem health, and mahinga kai

22. WWL supports the relief sought in relation to this part. WWL supports changes that will better provide for alternative forms of environmental compensation.

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

Policy P39A Indigenous biodiversity values within the coastal marine area

24. WWL supports the relief sought in relation to this part. The relief sought will better recognise and provide for regionally significant infrastructure. The relief sought will allow for a case-by-case evaluation of the benefits of regionally significant infrastructure to be undertaken, and balanced against its adverse effects on identified and specified values and competing environmental policies, all in the context of the specific functional needs or operational requirements of that infrastructure.

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

Policy P40 Ecosystems and habitats with significant indigenous biodiversity values

26. WWL supports the relief sought in relation to this part. The relief sought will better recognise and provide for regionally significant infrastructure.

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

Policy P41 Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values

28. WWL supports the relief sought in relation to this part. The relief sought will better recognise and provide for regionally significant infrastructure.

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

Policy P45 Managing adverse effects on sites with significant mana whenua values

30. WWL supports the relief sought in relation to this part. The relief sought will better recognise and provide for regionally significant infrastructure.

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

Policy P78 Managing stormwater from a port, airport or state highway

32. WWL opposes the relief sought in relation to this part. It is unclear how the proposed amendments would relate to the rules framework.

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

Policy P102(b) Reclamation or drainage of the beds of lakes and rivers

34. WWL supports the relief sought in relation to this part. The proposed change to (b) will better provide for regionally significant infrastructure.

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

Policy P126 Site dewatering

36. WWL conditionally opposes the relief sought in relation to this part. WWL opposes the addition of the qualifier "more than minor" in relation to dewatering effects due to the potential for dewatering to affect drinking water supplies. WWL opposes the remainder of the relief sought to the extent that it seems not to properly take account of the decisions version of Policy P126, and omits wording necessary for the Policy to make sense.

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

Policy P143 Deposition in a site with significant values

38. WWL supports the relief sought in relation to this part. The relief sought will better recognise and provide for regionally significant infrastructure.

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

P145 Reclamation, drainage and destruction

40. WWL supports the relief sought in relation to this part. The relief sought will better recognise and provide for regionally significant infrastructure.

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

Rule R48 Stormwater from an individual property

42. WWL opposes the relief sought in relation to this part. It is not clear how the amended Rule R48 would interact with Rule R52 and the resulting water quality outcomes for local authorities in terms of the stormwater network.

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

Rule R52

44. WWL opposes the relief sought in relation to this part. It is unclear how the relief sought will interact with other stormwater rules and contribute to the expected stormwater outcomes.

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

Rule R69 Minor contaminants

46. WWL opposes the relief sought in relation to this part, due to potential effects on the aquifer. Discretionary activity status is more appropriate in this context.

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

Rule R99 Earthworks

48. WWL opposes the relief sought in relation to this part as it relates to definitions that WWL has appealed (ENV-2019-WLG-122) and it is not appropriate to exclude open drains from the minimum setback distance requirement for earthworks.

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

New Rule – existing structures

50. WWL supports the relief sought in relation to this part to the extent that it is consistent with the relief sought by WWL (in its appeal ENV-2019-WLG-122) in respect of recognising the lawfulness of existing structures as a permitted activity under Rule R112; for the same reasons that WWL has appealed Rule R112.

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

Rule R112 Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates)

52. WWL supports the relief sought in relation to this part, for the reasons set out in WWL's appeal (ENV-2019-WLG-122).

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

Rule R122 Removing vegetation from the bed of any river or lake

54. WWL supports the relief sought in relation to this part to the extent that it will assist to achieve the stream work outcomes sought in WWL's appeal (ENV-2019-WLG-122). Appeals on other provisions, particularly related definitions, will impact on the application of this Rule.

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

Rule R125 Structures within a site identified in Schedule C (mana whenua)

56. WWL supports the relief sought in relation to this part. The relief sought will better recognise and provide for regionally significant infrastructure by providing a consenting pathway for regionally significant infrastructure, and is a key component of giving effect to the provisions of the Wellington Regional Policy Statement.

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

Rule R127 Reclamation of the beds of rivers or lakes

58. WWL supports the relief sought in relation to this part, for the reasons set out in WWL's submissions and appeal (ENV-2019-WLG-122).

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

Rule R128 Reclamation of the bed of an outstanding river, lake or Schedule C site, and associated diversion

60. WWL supports the relief sought in relation to this part, for the reasons set out in WWL's submissions and appeal (ENV-2019-WLG-122).

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

New Rule – structures for regionally significant infrastructure inside sites of significance

62. WWL conditionally supports the relief sought in relation to this part. WWL supports the intent of the appeal in relation to this part, and promotes further refinements to make the relief more specific. WWL supports these outcomes for the same reasons as raised in WWL's submissions and appeal in respect of the need to better provide for regionally significant infrastructure.

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

Rule R167 Seawalls inside sites of significance

64. WWL supports the relief sought in relation to this part. The relief sought will better recognise and provide for regionally significant infrastructure by providing a consenting pathway, and therefore giving effect to the provisions of the Wellington Regional Policy Statement.

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

Rule R194 Disturbance or damage

66. WWL supports the relief sought in relation to this part to the extent that it will better recognise and provide for regionally significant infrastructure.

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

Rule R195 Disturbance or damage inside sites of significance

68. WWL supports the relief sought in relation to this part, subject to further refinements to avoid duplication of other provisions, to the extent that it will better recognise and provide for regionally significant infrastructure.

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

Rule R205 Destruction, damage, disturbance or deposition inside sites of significance

70. WWL supports the relief sought in relation to this part, subject to further refinements to avoid duplication of other provisions, to the extent that it will better recognise and provide for regionally significant infrastructure.

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

Rule R209 Deposition inside sites of significance

72. WWL supports the relief sought in relation to this part, to the extent that it will better recognise and provide for regionally significant infrastructure.

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

Rule R214 Reclamation and drainage for regionally significant infrastructure outside of sites of significance

74. WWL supports the relief sought in relation to this part, to the extent that it will better recognise and provide for regionally significant infrastructure.

75. WWL made submissions on Objectives O13; Policies P12, P13, P31, P32, P40, P41, P45, P78, P102, P126, P143; Rules R48, R52, R112, R122, R125, R127, R214;

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.



M J Slyfield

Counsel for Wellington Water Limited
9 October 2019

ADDRESS FOR SERVICE OF WELLINGTON WATER LIMITED:

Mahony Horner Lawyers
PO Box 24515
Wellington

Email: office@mhlaw.co.nz

Telephone (M J Slyfield): (04) 915 9277