

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:

Trevor Robinson (Chair)

Mark St Clair

Miria Pomare

SUBJECT:

Proposed Porirua District Plan: Three Waters

PREPARED BY:

Rory Smeaton – Senior Policy Planner

REPORT DATED:

3 December 2021

DATE OF HEARING:

8-9, 11, 14 - 15 February 2022

Executive Summary

1. This report considers submissions received by Porirua City Council (the Council) in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Proposed Porirua District Plan (PDP) as they apply to the THWT - Three Waters chapter. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on the THWT - Three Waters chapter. The submissions received were diverse and sought a range of outcomes. The following are considered to be the key issues in contention in the chapter:
 - Reference to external technical standards;
 - Whether the Plan is an appropriate method for requiring installation of a water meter;
 - Incorporation of wider hydrological considerations;
 - The correct Annual Exceedance Probability (AEP) events for assessing hydraulic neutrality;
 - The wording of definitions for 'hydraulic neutrality', 'hydraulic neutrality device' and 'impervious surface'
 - Incorporating flexibility into the methods to achieve hydraulic neutrality; and
 - Various amendments sought to the individual objectives, policies, rules and standards.
3. This report addresses each of these key issues, as well as any other issues raised by submissions.
4. The THWT - Three Waters chapter is also subject to a number of consequential amendments arising from submissions to the whole of the PDP and other chapters.
5. I have recommended some changes to the PDP provisions to address matters raised in submissions and these are summarised below:
 - Amendment of THWT-O1 to simplify the wording and clarify the outcome sought;
 - Amendment to THWT-P2 to simplify the wording and ensure it does not conflict with Building Act 2004 requirements;
 - Amendment to THWT-P3 to simplify the wording;
 - Amendments to the rule headings of THWT-R1, THWT-R3, THWT-R4 and THWT-R5 to clarify the land use being controlled by the rules;
 - Amendments to THWT-R1, THWT-R4 and THWT-R5 to incorporate the notes relating to alternative methods of achieving the intended outcome into the rule wording itself;
 - Amendment to THWT-R2-1 to include the Special Purpose Zone (BRANZ);
 - Amendments to THWT-R4 and THWT-R5 to clarify that the rule does not require every building to be connected to the reticulated networks;
 - Amendment to THWT-R1 and THWT-S1 to remove reference to rainwater tanks and rely on the acceptable solutions in Wellington Water's technical standards;
 - Amendment to THWT-S2 to include a threshold for increases in impermeable surfaces;

- Amendments to the definitions of 'hydraulic neutrality' and 'impervious surface';
 - New definitions for 'permeable paving' and 'rainwater tank'; and
 - Other minor wording changes to provisions for clarity or to correct drafting errors.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.
7. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - achieve the relevant objectives of the PDP, in respect to the proposed provisions.

Contents

| | |
|--|-----|
| Executive Summary..... | i |
| Contents..... | iii |
| Interpretation | vi |
| 1 Introduction | 1 |
| 1.1 Purpose | 1 |
| 1.2 Author | 1 |
| 1.3 Supporting Evidence | 2 |
| 1.4 Key Issues in Contention | 2 |
| 1.5 Procedural Matters | 3 |
| 2 Statutory Considerations | 4 |
| 2.1 Resource Management Act 1991..... | 4 |
| 2.2 Section 32AA | 4 |
| 2.3 Trade Competition | 5 |
| 3 Consideration of Submissions and Further Submissions | 6 |
| 3.1 Overview | 6 |
| 3.2 General Submissions | 7 |
| 3.3 Reference to external documents | 9 |
| 3.4 Water Metering | 10 |
| 3.5 Hydrological neutrality..... | 12 |
| 3.6 AEP events for hydraulic neutrality measurement..... | 14 |
| 3.7 Water Positivity..... | 15 |
| 3.8 Definitions | 17 |
| 3.9 Introduction | 21 |
| 3.10 Objectives..... | 22 |
| 3.11 Policies | 24 |
| 3.12 Rules..... | 27 |
| 3.13 Standards | 33 |
| 4 Conclusions | 38 |

Appendices

- Appendix A. Recommended Amendments to the THWT-Three Waters Chapter
- Appendix B. Recommended Responses to Submissions and Further Submissions
- Appendix C. Section 32AA Evaluation
- Appendix D. Report Author's Qualifications and Experience

List of Tables

| | |
|---|----|
| Table 1: Abbreviations | vi |
| Table 2: Abbreviations of Submitters' Names | vi |

List of Tables in Appendices

Table B 1: Recommended responses to submissions and further submissions

Table C 1: Recommended Amendments to THWT-O1

Table C 2: Assessment of efficiency and effectiveness – THWT-R1, THWT-R2, THWT-S1, THWT-S2 and the definitions for 'hydraulic neutrality', 'impervious surface' and 'permeable paving'

Table C 3: Assessment of efficiency and effectiveness – THWT-P2, THWT-P3, THWT-R4, and THWT-R5

Table C 4: Assessment of efficiency and effectiveness – THWT-R3

Interpretation

8. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Table 1 below:

Table 1: Abbreviations

| Abbreviation | Means |
|------------------------|---|
| the Act / the RMA | Resource Management Act 1991 |
| the Council | Porirua City Council |
| the Operative Plan/ODP | Operative Porirua District Plan 1999 |
| the Proposed Plan/PDP | Proposed Porirua District Plan 2020 |
| GWRC | Greater Wellington Regional Council |
| NES | National Environmental Standard |
| NESAQ | National Environmental Standards for Air Quality 2004 |
| NESCS | National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 |
| NESETA | National Environmental Standards for Electricity Transmission Activities 2009 |
| NESFW | National Environmental Standards for Freshwater 2020 |
| NESMA | National Environmental Standards for Marine Aquaculture 2020 |
| NESPF | National Environmental Standards for Plantation Forestry 2017 |
| NESSDW | National Environmental Standards for Sources of Drinking Water 2007 |
| NESTF | National Environmental Standards for Telecommunication Facilities 2016 |
| NPS | National Policy Statement |
| NPSET | National Policy Statement on Electricity Transmission 2008 |
| NPSFM | National Policy Statement for Freshwater Management 2020 |
| NPSUD | National Policy Statement on Urban Development 2020 |
| NPSREG | National Policy Statement for Renewable Electricity Generation 2011 |
| NZCPS | New Zealand Coastal Policy Statement 2010 |
| PNRP | Proposed Wellington Natural Resources Plan (Decisions Version) 2019 |
| RPS | Wellington Regional Policy Statement 2013 |
| RSWS | Regional Standard for Water Services 2019 |

Table 2: Abbreviations of Submitters' Names

| Abbreviation | Means |
|--------------------------|---|
| Dept of Corrections | Ara Poutama Aotearoa the Department of Corrections |
| DOC | Department of Conservation Te Papa Atawhai |
| FENZ | Fire and Emergency New Zealand |
| Foodstuffs | Foodstuffs North Island Limited |
| Forest and Bird | Royal Forest and Bird Protection Society |
| GWRC | Greater Wellington Regional Council |
| Harvey Norman | Harvey Norman Properties (N.Z.) Limited |
| Heritage NZ | Heritage New Zealand Pouhere Taonga |
| House Movers Association | House Movers section of the New Zealand Heavy Haulage Association Inc |
| Kainga Ora | Kainga Ora – Homes and Communities |

| | |
|-----------------|---|
| KiwiRail | KiwiRail Holdings Limited |
| NZDF | New Zealand Defence Force |
| Oranga Tamariki | Oranga Tamariki – Ministry of Children |
| QEII | Queen Elizabeth the Second National Trust |
| RNZ | Radio New Zealand |
| Survey+Spatial | Survey+Spatial New Zealand (Wellington Branch) |
| Telco | Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited |
| Transpower | Transpower New Zealand Ltd |
| TROTR | Te Rūnanga o Toa Rangatira |
| Waka Kotahi | Waka Kotahi NZ Transport Agency |
| WE | Wellington Electricity Lines Limited |
| Woolworths | Woolworths New Zealand Limited |

In addition, references to submissions includes further submissions, unless otherwise stated.

1 Introduction

1.1 Purpose

9. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the THWT – Three Waters chapter and to recommend possible amendments to the PDP in response to those submissions.
10. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the relevant strategic objectives, objectives, policies, rules, definitions, appendices and maps as they apply to the THWT – Three Waters chapter in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
11. This report discusses general issues, the original and further submissions received following notification of the PDP, and makes recommendations as to whether or not those submissions should be accepted or rejected. It concludes with recommendations for changes to the PDP provisions or maps based on the preceding discussion in the report.
12. In preparing this report the author has had regard to recommendations made in other related s42A reports.
13. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
14. This report is intended to be read in conjunction with Officers' Report: Part A – Overview which contains factual background information, statutory context and administrative matters pertaining to the district plan review and PDP.

1.2 Author

15. My name is Rory Smeaton. My qualifications and experience are set out in Appendix E of this report.
16. My role in preparing this report is that of an expert planner.
17. I was involved in the preparation of the PDP and authored the Section 32 Evaluation Reports for the INF-Infrastructure, AR-Amateur Radio, REG-Renewable Electricity Generation, and SIGN-Signs chapters. I also authored the Section 32 Evaluation Report for the Noise and Light topic, and assisted in the preparation of the Section 32 Evaluation Report for the TR-Transport chapter.
18. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
19. The scope of my evidence relates to the THWT-Three Waters chapter. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.

20. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
21. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Supporting Evidence

22. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
 - Cardno (NZ) Ltd, 2019, Reference Guide for Design Storm Hydrology, Standardised Parameters for Hydrological Modelling.
Available from: <https://www.wellingtonwater.co.nz/land-development/stormwater-neutrality-and-wastewater-control/>
Accessed on: 29 August 2021
 - Wellington Water, 2020, Managing Stormwater Runoff The use of approved solutions for hydraulic neutrality, Version 3.
Available from: <https://www.wellingtonwater.co.nz/assets/Uploads/Managing-Stormwater-Runoff.pdf>
Accessed on: 28 August 2021
 - Wellington Water, 2019, Regional Standard for Water Services May 2019 Version 2.0.
Available from: <https://www.wellingtonwater.co.nz/contractors/technical-information/regional-standard-for-water-services/>
Accessed on: 28 August 2021

1.4 Key Issues in Contention

23. A number of submissions and further submissions were received on the provisions relating to the THWT-Three Waters chapter. The submissions received were diverse and sought a range of outcomes including for example amendments to the objectives and policies to include hydrological neutrality, removal of reference to external technical standards, removal of the requirement for water meters, and amendments to the design storm events for assessing hydraulic neutrality.
24. I consider the following to be the key issues in contention in the chapter:
 - Reference to external technical standards;
 - Whether the Plan is an appropriate method for requiring installation of a water meter;
 - Incorporation of wider hydrological considerations;
 - The correct Annual Exceedance Probability (AEP) events for assessing hydraulic neutrality;
 - The wording of definitions for 'hydraulic neutrality', 'hydraulic neutrality device' and 'impervious surface'

- Incorporating flexibility into the methods to achieve hydraulic neutrality; and
- Various amendments sought to the individual objectives, policies, rules and standards.

25. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.5 Procedural Matters

26. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this chapter.

2 Statutory Considerations

2.1 Resource Management Act 1991

27. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- section 74 Matters to be considered by territorial authority, and
 - section 75 Contents of district plans,
28. As set out in Section 32 Evaluation Report Part 1 – Overview to s32 Evaluation, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in detail within the Section 32 Evaluation Report Part 2: Three Waters. There is further discussion in the Section 32 Evaluation Report Part 1 – Overview to the s32 Evaluation on the approach the Council has taken to giving effect to the NPSUD and NPSFM. This is also discussed in the Officer's Report: Part A.

2.2 Section 32AA

29. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

30. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the THWT-Three Waters chapter is appended to this report as Appendix C, as required by s32AA(1)(d)(ii).

2.3 Trade Competition

31. Trade competition is not considered relevant to the THWT-Three Waters chapter provisions of the PDP.
32. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

33. Approximately 71 submission points were received on the THWT-Three Waters chapter, with 56 further submissions received. Many of these reflected submissions on the wider Plan, addressing matters such as reference to external technical standards and notification preclusion. Others were more specific, such as opposition to the requirement to fit water metering devices and the correct design storm event for assessing hydraulic neutrality.

3.1.1 Report Structure

34. Submissions on the THWT-Three Waters chapter raised a number of issues which have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
35. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
36. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in Appendix B.
37. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as Appendix A.
38. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1.

3.1.2 Format for Consideration of Submissions

39. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations.
40. The recommended amendments to the relevant chapter are set out in in Appendix A of this report where all text changes are shown in a consolidated manner.

41. I have undertaken the s32AA evaluation in a consolidated manner following the assessment and recommendations on submissions in this section, and this is attached at Appendix B.

3.2 General Submissions

3.2.1 *Matters raised by submitters*

42. Four submissions raised general matters, including the following:
- The mauri of the waterways;
 - On-site water tanks for water supply resilience;
 - Deletion of reference to external technical guidance documents to achieve compliance with rules/standards;
 - Deletion of provisions that should be managed by way of other methods; and
 - Review and re-drafting of notification exclusion clauses.
43. TROTR [264.105] seeks that the chapter be amended to include that mauri of the waterways within the Porirua catchment Te Awarua-o-Porirua, and Te Moana-o-Raukawa continues to be compromised, and that the infrastructure network must be; effective, resilient, efficient and safe; development must incorporate suitable on-site stormwater retention capacity to not increase stormwater runoff from the site at peak periods; water-sensitive techniques are incorporated into new subdivision and development to reduce demand on water supplies, wastewater disposal and to manage stormwater; and wastewater is treated and disposed of in a way that minimises effect on public health, the environment and cultural values. TROTR state that future growth needs to be supported by effective infrastructure with sufficient water, stormwater, and wastewater capacity; and continued wastewater overflows into Te moana o Raukawa and Te Awarua o Porirua are a concern for Ngāti Toa, given the inadequate capacity of the current infrastructure network to keep up with anticipated population growth, and development. TROTR seeks a substantial re-write of this chapter to appropriately acknowledge the role and responsibility of Council in managing and maintaining the Three Waters Network as the proposed chapter does not go far enough to appropriately acknowledge their relationship.
44. GWRC [137.29] seeks that the chapter provides for on-site water tanks for the reason that this could improve the resilience of the reticulated water supply.
45. Kāinga Ora [81.357] seeks the deletion of reference to external technical guidance documents to achieve compliance with rules/standards; deletion of provisions that should be managed by way of other methods; review and re-drafting of notification exclusion clauses; and consequential renumbering, for the reason that it opposes provisions that require compliance with external technical standards to meet permitted activity rules.

3.2.2 *Assessment*

46. In relation to the submission from TROTR [264.105], I consider that the chapter has generally addressed the issues raised in the decision requested. The INF-Infrastructure chapter addresses the need for infrastructure to be effective, resilient, efficient and safe. The THWT-Three Waters chapter requires hydraulic neutrality to be achieved. The requirement to comply with the

Wellington Water Regional Standard for Water Services May 2019 addresses the safe disposal of wastewater.

47. While the THWT-Three Waters chapter does not explicitly require water sensitive design, this is promoted through the requirements for hydraulic neutrality and compliance with the Wellington Water Regional Standard for Water Services May 2019 (see section 3.11.1 for more discussion on this matter).
48. The role and responsibility of Council in managing and maintaining the Three Waters Network is addressed in section 3.9 below.
49. I do however acknowledge that the concerns of TROTR in relation to the effects on the mauri of waters should be recognised. This is consistent with the Strategic Objectives under TW-Tangata Whenua.
50. GWRC's submission relating to providing for on-site water tanks [137.29] is already partially addressed by the relevant zone chapters, which include enabling rainwater tanks as permitted activities where these are less than 5,000 litres within Residential Zones. Additionally, the Wellington Water document referred to in THWT-S1, 'Managing Stormwater Runoff', addresses emergency water supply stating that:

Many of the approved solutions include a requirement for a portion of the storage attenuation to be reserved to provide you with an emergency water supply following a major earthquake.¹

51. As such, I consider that the matter of on-site water tanks for water supply resilience is already appropriately addressed by the Plan and no further amendments are required to the THWT-Three Waters chapter.
52. In relation to the submission from Kāinga Ora [81.357], reference to external technical guidance documents is addressed in section 3.3 below, water metering is addressed in section 3.4 below, and notification preclusion is addressed in the relevant sections relating to the specific chapter rules.

3.2.3 Summary of recommendations

53. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** the chapter introduction as set out below and in Appendix A;

The mauri of Porirua's waterways, Te Awarua-o-Porirua, and Te Moana-o-Raukawa continues to be compromised. The Greater Wellington Regional Council has the primary role in respect of maintaining and improving water quality, although by requiring hydraulic neutrality the District Plan can assist in minimising the discharge of stormwater contaminants into water bodies. The Proposed Natural Resources Plan for the Wellington Region includes provisions for stormwater treatment and discharge, and resource consent may be required.

¹ Wellington Water, 2020, Managing Stormwater Runoff The use of approved solutions for hydraulic neutrality, Version 3, page 5. Available from: <https://www.wellingtonwater.co.nz/assets/Uploads/Managing-Stormwater-Runoff.pdf> Accessed on: 28 August 2021.

54. I recommend that the submissions from TROTR [264.105] and GWRC [137.29] be **accepted in part**.
55. I recommend that the submissions from Kāinga Ora [81.357], be **rejected**.
56. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.3 Reference to external documents

3.3.1 *Matters raised by submitters*

57. Kāinga Ora opposes the use of references to external technical standards to meet permitted activity standards [81.368, 81.369, 81.370].

3.3.2 *Assessment*

58. The THWT-Three Waters chapter refers to the following external documents in policies and permitted activity rules and standards:
 - Wellington Water Regional Standard for Water Services May 2019; and
 - Wellington Water Managing Stormwater Runoff.
59. Reference to external documents to meet permitted activity standards is addressed at a general level in the Plan-wide section 42A report. As noted in that report, the RMA specifically provides for incorporating material by reference in a district plan under section 75(5) and Part 3 of Schedule 1. Specifically, section 30(c) of Schedule 1 states that 'any other written material that deals with technical matters and is too large or impractical to include in, or print as part of, the plan or proposed plan' may be incorporated by reference in a proposed plan.
60. The Wellington Water Regional Standard for Water Services May 2019 is referenced in THWT-P3, THWT-R3, THWT-R4 and THWT-R5, and THWT-S2. This document is over 120 pages long, and contains objectives, performance criteria, design methods and general specifications for stormwater, wastewater and water supply infrastructure. The document applies to water infrastructure in both private developments as well as the maintenance, renewal and upgrades of existing council infrastructure. As such, I consider that the document meets the criteria in section 30(c) of Schedule 1 of the RMA.
61. THWT-S1 refers to 'Wellington Water guide Managing Stormwater Runoff'. Version 3 of 'Managing Stormwater Runoff' was released in August 2020, and so was not able to be referenced in the Plan at the time it was notified. This document is 24 pages long, and while written so that it is relatively easily understood and therefore accessible to a wide range of people, it contains technical requirements for acceptable solutions for hydraulic neutrality devices. As such, I consider that the document meets the criteria in section 30(c) of Schedule 1 of the RMA.
62. Both of the documents noted above apply across Porirua City, Wellington City, Hutt City, and Upper Hutt City, and are publicly available on the Wellington Water website. Where these

external documents are referenced in the Plan's provisions, a hyperlink is provided, which gives direct access to the standards.

63. The submitter notes in their reasons that:

If there are specific engineering or land development standards that Council sees as relevant to land development, these should be included as effects standards and/or rules to be complied with, along with associated matters for control/discretion and/or assessment. If not, they can be enforced through separate engineering approval processes.

64. I disagree with this point. As noted above the documents are relatively large and contain detailed technical requirements. It would be inefficient to include the requirements in the Plan standards. Additionally, I do not consider that it would be efficient or effective to leave these matters to the engineering approval stage. In order to achieve the requirement for hydraulic neutrality or standards within the Regional Standard for Water Services (RSWS), developments may need to incorporate additional mitigation such as detention tanks. By engineering approval stage, the site designs may be incapable of incorporating these features and the site proposal may need to be redesigned. Indeed, one of the benefits of incorporating the reference to these standards in the plan is to provide certainty and avoid issues with uncertainty in consequential consenting and approval processes. In my view, the potential outcome sought by Kāinga Ora is both inefficient and ineffective.

3.3.3 Summary of recommendations

65. I recommend for the reasons given in the assessment, that the submissions from Kāinga Ora [81.368, 81.369, 81.370] be **rejected**.

3.4 Water Metering

3.4.1 Matters raised by submitters

66. Five submissions from three submitters raised water metering related matters, including the following:
- That the requirement to install water meters is inappropriate in the Plan and would be more appropriate through a Council bylaw; and
 - The wording of THWT-R3 is unclear and requires amendment.
67. Kāinga Ora [81.933, 81.362 and 81.366] generally opposes a rule framework that requires installation of water metering devices, seeks that THWT-P2 be amended and THWT-R3 be deleted for the reason that the provisions are using the Plan as a method that would otherwise be better served through development of an appropriate bylaw.
68. Porirua City Council [11.23] seeks that the wording of THWT-R3 be amended for the reason that as drafted the rule is not sufficiently clear.
69. Survey+Spatial [72.24] seeks that THWT-R3 be deleted for the reason that it appears to be introducing a water metering policy.
70. Additionally, I note that submissions were received on the SUB-Subdivision chapter from Survey+Spatial [72.32] relating to water metering, seeking that the provisions requiring water meters to be installed be deleted (SUB-S4-1.c).

3.4.2 Assessment

71. I disagree with the submissions from Kāinga Ora [81.933, 81.362 and 81.366] and Survey+Spatial [72.24]. The Plan is not introducing a water metering policy. The provisions only require that a meter be installed where a new building is connected to the reticulated water network. As identified in the Section 32 Evaluation Report Part 2 – Three Waters, the additional cost of doing so is marginal. Installing such meters at the time of building construction and connection to water supply network reduces the potential cost of doing this at a later time, if a water metering policy were to be introduced.
72. I disagree with Kāinga Ora [81.933] that the requirement for water meters would be more appropriate to introduce through a Bylaw. The inclusion within the district plan framework is responding to an identified resource management issue relating to the requirement of the three waters network to be able to accommodate future growth. The PDP provides an efficient and effective framework for requiring water meters, as the need for installing a meter can be identified at an early stage for new proposed developments as part of the wider check of requirements under the PDP rather than at Building Consent stage, and also enables efficient and effective monitoring and enforcement action to be undertaken by Council if required. Requiring water meters also directly implements Strategic Objective REE-O2 in terms of encouraging greater energy conservation. The cost-benefit analysis carried out of the PDP provisions and appended to the Part A s32 report also highlighted the insignificant cost but high potential benefit of requiring water meters for new builds through a PDP rule.
73. I agree with the submission from Porirua City Council [11.23] for the reasons stated. The wording of the rule could be improved to clarify the land use being addressed. I consider a small further change is required to reflect that there is only one water supply system.

3.4.3 Summary of recommendations

74. I recommend for the reasons given in the assessment, that the Hearings Panel:
- a. **Amend** rule THWT-R3 as set out below and in Appendix A;

| THWT-R3 Water metering device for n New buildings connected to the a reticulated public water supply systems | | |
|--|---------------------------------------|---|
| | Residential Zones | 1. Activity status: Permitted |
| | Commercial and Mixed Use Zones | Where: |
| | General Industrial Zone | a. All new buildings that are connected to the reticulated water network must be fitted with a water metering device <u>is installed</u> that meets the requirements of Sections 6.4.10-2 and Section 6.4.11 of the Wellington Water Regional Standard for Water Services May 2019. ² |
| | Hospital Zone | |
| | Māori Purpose Zone (Hongoeka) | |

² Ibid

Settlement Zone

75. I recommend that the submissions from Porirua City Council [11.23], be **accepted in part**.
76. I recommend for the reasons given in the assessment, that the submissions from Kāinga Ora [81.933, 81.362 and 81.366] and Survey+Spatial [72.24], be **rejected**.

3.5 Hydrological neutrality

3.5.1 *Matters raised by submitters*

77. Robyn Smith [168.88, 168.89, 168.90, 168.91 and 168.92] seeks that the Plan be amended to include provisions to manage the hydrological regime. This includes amendments to THWT-O1 and THWT-P1 to include wording relating to mitigation of changes to catchment hydrology, for the reason that there is no requirement for onsite attenuation outside of Commercial and Mixed Use, General Industrial and the Hospital Zones, or addressing the effects on the broader hydrological regime. For the same reasons, the submitter also seeks amendments to the rules for consistency with THWT-O1 and THWT-P1, and a new definition be included for 'maintaining hydrology regime'. Also sought are amendments to the definition of 'hydraulic neutrality' [168.40] which relate to the wider hydrological regime, for the reasons of the effects on base flows in streams from development.

3.5.2 *Assessment*

78. The submitter has requested a number of changes to provisions to refer to both hydraulic (as included in the Plan) and hydrological neutrality. I note that the difference between the two concepts is somewhat subtle and often the terms are used interchangeably along with 'stormwater neutrality'. However, as I understand it, at a basic level hydraulics is concerned with the motion of fluids, particularly within pipes and other conduits, while hydrology is concerned with the wider study of the water cycle and how water flows in the environment, and how that changes with human influence.
79. The document 'Managing Stormwater Runoff' states that "[Wellington Water] define hydraulic neutrality as capturing post-development peak runoff so that it does not exceed the pre-development peak flow rate".³ The definition included in the Plan is consistent with this definition.⁴
80. Hydrological neutrality is not specifically explained by the submitter. However, the decisions sought by the submitter and their reasons refer to effects of development on the broader hydrological regime, and specifically impacts on peak, average and base flows of water bodies as well as time of concentration. 'Hydrological neutrality' is therefore taken to be an absence of

³ Wellington Water, 2020, Managing Stormwater Runoff The use of approved solutions for hydraulic neutrality, Version 3, page 6. Available from: <https://www.wellingtonwater.co.nz/assets/Uploads/Managing-Stormwater-Runoff.pdf> Accessed on: 28 August 2021.

⁴ The definition of hydraulic neutrality in the plan is discussed in relation to relevant submissions in section 3.8.1 below.

adverse effects of development on the downstream hydrology of the catchment within which it is located.

81. As noted above, hydraulic neutrality and hydrological neutrality are often used, or at least interpreted, interchangeably. However, given the understanding of the decisions sought by the submitter, the inclusion of 'hydrological neutrality' as intended would result in a significant broadening of the impact of the provisions contained within the THWT-Three Waters chapter.
82. Hydrological neutrality, implemented as sought in the requested amendments, would likely result in many developments being required to undertake hydrological modelling to assess the impacts on the hydrology of the catchment. By requiring that all developments be hydrologically neutral, significant additional cost would also be placed on developments through stormwater system design. For example, the submitter seeks that THWT-P1 include a requirement for developments to include mitigation of increases in 'mean annual volume of stormwater runoff'. In effect, this would mean that no additional stormwater volume could be discharged from the development site, when compared to the pre-development situation, and any additional stormwater generated from site development would need to be disposed to land. This is in contrast to the current framework in the Plan, which only requires the pre-development peak stormwater flow rate not be exceeded.
83. While I agree with the submitter that section 9(3) of the RMA enables provisions to be included in the Plan relating to management of stormwater (this underpins the inclusion of the THWT-Three Waters chapter in the Plan), I do not agree that this provides complete freedom to include provisions relating to the wider management of catchment hydrology as sought.
84. Provisions must be subject to analysis under section 32. This includes that, in examining whether the provisions in the proposal are the most appropriate way to achieve the objectives, an assessment of the efficiency and effectiveness of the provisions in achieving the objectives must be undertaken. No such assessment is provided by the submitter.
85. Under the RMA, GWRC has functions for the control of the use of land for the purpose of maintenance of the quantity of water in water bodies under section 30(1)(c)(iii), and the control of the quantity, level, and flow of water in any water body, including the control of the range, or rate of change, of levels or flows of water under section 30(1)(e).
86. Stormwater discharged to land, or discharged from an individual property, a local authority network, or any new urban subdivision or development where it may enter a surface water body (including through an existing local authority network), is managed under the PNRP.⁵ I note in particular that policy P79 of the PNRP specifically addresses managing land use impacts on stormwater, including by 'retaining, as far as practicable, pre-development hydrological conditions in new subdivision and development.' Additionally, rule R52A, which manages stormwater from certain new urban subdivision or development includes '[m]easures to manage runoff volumes and peak flows' as a matter of discretion.
87. I therefore consider that the potential effects of development on the wider hydrological regime is not an appropriate issue for the Plan to address, as this is a function of regional councils under the RMA and is already addressed by the GWRC in the PNRP. Replication of the functions of the

⁵ Many of the stormwater rules are subject to appeal, and therefore the Regional Freshwater Plan and Regional Plan for Discharges to Land also remain relevant.

regional council would not be efficient and would also be beyond the scope of the Council's functions under s31 of the RMA.

88. This is reflected in the existing objective for hydraulic neutrality in the Plan (THWT-O1), which focusses on the beneficial outcomes on flooding. This relates to a specific matter under section 31 of the RMA being the avoidance or mitigation of natural hazards, rather than on the wider environmental benefits.
89. I also note that the inclusion of hydraulic neutrality requirements will go a significant way to achieving wider hydrological neutrality, as this will mean that peak flows experienced in water bodies will not be increased due to development within their respective catchments.
90. At a more detailed level, while the submitter states that the requirement for hydraulic neutrality is limited to development in the Commercial and Mixed Use, General Industrial and the Hospital Zones, this ignores THWT-O1 and THWT-P1 which both relate to hydraulic neutrality of development in all urban zones as defined in the plan as well as the Settlement Zone and the Māori Purpose Zone (Hongokea). However, I acknowledge the submitter's identification of issues in the drafting of THWT-R1 for rainwater tanks in Residential Zones, the Māori Purpose Zone (Hongokea) and the Settlement Zone. This is addressed in section 3.12.1 below.
91. The submitter also seeks an appropriate definition of 'maintaining hydrology regime' [168.92], however does not state what that definition should be. Without specific wording of such a definition, or more general guidance from the submitter as to what should be included, I do not consider that I can appropriately assess such a request. However, consistent with my assessment above of the associated decisions sought, I do not consider that such a definition is required.
92. Overall, I consider that the amendments sought by the submitter would not be efficient as the costs would likely far outweigh the benefits. An assessment of their efficacy is not able to be undertaken in detail, as no specific changes to the rules or standards were sought.

3.5.3 Summary of recommendations

93. I recommend for the reasons given in the assessment, that the submission from Robyn Smith [168.88, 168.89, 168.90 168.91 and 168.92] be **rejected**.

3.6 AEP events for hydraulic neutrality measurement

3.6.1 Matters raised by submitters

94. Survey+Spatial [72.18, 72.21, 72.23 and 72.26] seeks that the standards generally, and THWT-O1, THWT-P1, and THWT-S2 specifically, are amended to state that hydraulic neutrality is measured up to a 10 percent annual exceedance probability (AEP) event.
95. I note that the decision sought by Survey+Spatial [72.26] relating to THWT-S2 is for hydraulic neutrality only being required for up to the 1 percent AEP event; however, given the relief sought in the other submissions from this submitter, it is assumed that this was intended to state "...up to the 10 percent AEP event".
96. Porirua City Council [11.1] and Queen Elizabeth the Second National Trust [216.2] seek that the definition for 'hydraulic neutrality' should refer to the 10 percent and one percent annual exceedance probability (AEP) events.

3.6.2 Assessment

97. The Wellington Water document 'Managing Stormwater Runoff' states that:

If a property is hydraulically neutral then the peak flow rate from the site will be the same, or less than, what it was prior to development. A hydraulically neutral development will not cause additional stress to the stormwater network and will not increase flooding. Your storage attenuation solution should be effective for both small and large flood events, including floods occurring once in 10-years (10% annual exceedance probability (AEP)) through to once in 100-years incorporating climate change predictions (1% AEP with climate change).⁶ (emphasis added)

98. I note that this is also consistent with the associated document prepared for Wellington Water, 'Reference Guide for Design Storm Hydrology', which provides guidance for estimating flood hydrology and management of stormwater runoff from land use change.⁷

99. I consider that the Plan should be consistent with the standards adopted by Wellington Water, as these are implemented across the five territorial authorities in the Wellington Region which the organisation provides three waters network management services for. This will also provide consistency with engineering requirements within and between the adjacent councils.

100. As such, I consider that limiting hydraulic neutrality up to the 10 percent AEP event as sought by Survey+Spatial [72.18, 72.21, 72.23 and 72.26] would not be appropriate, and that the definition of hydraulic neutrality should include flood events up to the one percent AEP event as sought by Porirua City Council [11.1] and Queen Elizabeth the Second National Trust [216.2].

3.6.3 Summary of recommendations

101. I recommend for the reasons given in the assessment, that the submission from Survey+Spatial [72.18, 72.21, 72.23 and 72.26] be **rejected**.

102. I recommend for the reasons given in the assessment, that the submission from Porirua City Council [11.1] and Queen Elizabeth the Second National Trust [216.2] be **accepted**.⁸

103. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.7 Water Positivity

3.7.1 Matters raised by submitters

104. Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pāuatahanui Inlet [77.15, 77.16 and 77.19] seek that the wording of THWT-O1 be amended to refer to a

⁶ Wellington Water, 2020, Managing Stormwater Runoff The use of approved solutions for hydraulic neutrality, Version 3, page 6. Available from: <https://www.wellingtonwater.co.nz/assets/Uploads/Managing-Stormwater-Runoff.pdf> Accessed on: 28 August 2021.

⁷ Cardno (NZ) Ltd, 2019, Reference Guide for Design Storm Hydrology, Standardised Parameters for Hydrological Modelling. Available from: <https://www.wellingtonwater.co.nz/land-development/stormwater-neutrality-and-wastewater-control/> Accessed on: 29 August 2021.

⁸ The changes to the definition of 'hydraulic neutrality' are considered more broadly in section 3.8.1 below, with subsequent recommendation for amendments included in 3.8.1.3.

decrease in demand on the stormwater management system and include redevelopment within urban zones; a definition for 'water positivity' replace the definition for hydraulic neutrality; and that THWT-P1 require 'water positivity' instead of hydraulic neutrality. The reasons given are that hydraulic neutrality is not sufficient to protect the harbour from excess amounts of stormwater and related sediment and contaminants.

3.7.2 Assessment

105. The decisions sought in the submissions from Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pāuatahanui Inlet [77.15, 77.16 and 77.19] are not appropriate.

106. The existing definition of hydraulic neutrality in the Plan is that the rate of stormwater runoff from a site does not exceed the pre-development peak stormwater runoff. This is consistent with the requirement in the RMA to avoid, remedy or mitigate adverse effects. The definition of 'water positivity' sought by the submitter includes that post-development peak runoff is less than pre-development peak flow rate.

107. I note that the control of the use of land for the purpose of the maintenance and enhancement of the quality of water in water bodies and coastal water is a regional council function under section 30 of the RMA. This includes the quality of stormwater discharged to the environment, which is managed in the Wellington region under the PNRP and Regional Freshwater Plan for the Wellington Region. The reasons stated by the submitter to 'protect the harbour from excess amounts of stormwater and related sediment and contaminants' is therefore not a matter to be specifically addressed by the Plan. However, given the GWRC's functions, it could be anticipated a regional plan includes requirements for water positivity.

108. In relation to the NPS-FM, I note that clause (4) of section 3.5 Integrated Management states:

Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

109. I consider that the introduction of 'water positivity' would go beyond the requirement of the RMA and the NPS-FM in respect of a territorial authority's functions, through requiring developments to not only avoid, remedy, or mitigate adverse effects, but further reduce the peak stormwater runoff flow rate from the development site.

110. Additionally, there is a question as to whether the intention of the submitters to have positive effects on the environment by reducing the peak runoff through the implementation of 'water positivity' as sought would be achieved. There is a risk, particularly for large greenfield sites, that the overall change to the hydrology of a catchment through reducing the peak discharge from development sites, could be significant enough as to have detrimental environmental effects. Waterbodies are variable in their hydrological regimes, with some having large natural ranges in their flow regimes. The ecology of those waterbodies is adapted to, and often rely on, those natural flow regimes. For example, some waterbodies may rely on high peak flows to maintain their habitat in an acceptable state, such as by removing accumulated sediment. Care must therefore be taken to not have perverse outcomes from the implementation of well-meaning regulation.

111. The proposed requirement to achieve 'water positivity' in THWT-P1 would also likely add significant economic costs for developments, assuming that this would be carried through to methods in the chapter. I consider that these costs would not have corresponding environmental benefits, and therefore would not be efficient, or appropriate. I note that the submitter has not provided any evidence to support the request for 'water positivity' or provided an assessment to show that the benefits of 'water positivity' would outweigh the costs.

3.7.3 Summary of recommendations

112. I recommend for the reasons given in the assessment, that the submissions from Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pāuatahanui Inlet [77.15, 77.16 and 77.19] be **rejected**.
113. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.8 Definitions

3.8.1 Hydraulic neutrality

3.8.1.1 Matters raised by submitters

114. Kāinga Ora [81.82] seeks that the definition be amended to refer only to new development and delete reference to new lots and development areas, for the reason that it should not apply to all "new lots" if no development is occurring, and that 'development area' is already defined in the PDP which may cause confusion.
115. Porirua City Council [11.1] seeks that the definition be amended to include reference to the 10 percent and one percent annual exceedance probability (AEP) events for the reason that this is needed for the definition to be properly applied. This is addressed in detail in 3.6 above.
116. Robyn Smith [168.40] seeks that the definition be amended to 'reflect all relevant considerations' and include reference to minimal increase in average annual runoff volumes; no decrease in the time of concentration; and base-flows in streams to be maintained at pre-development levels. The reasons given are that the definition fails to acknowledge how catchments and the natural systems function, as the attenuation of peak flows will not result in hydraulic neutrality in relation to base flows.
117. Queen Elizabeth the Second National Trust [216.2] seeks that the definition be replaced with a definition that references the AEP events that are to be quantitatively assessed, for the reason that it should align with the definition adopted in PC18 which consider impacts within a site.
118. Royal Forest and Bird Protection Society [225.61] seeks that the definition be amended so that hydraulic neutrality can also be applied within a site, for the reason that it fails to consider impacts within a site for example where a wetland or SNA is located.

3.8.1.2 Assessment

119. I generally agree with the submission and reasons provided by Kāinga Ora [81.82] and agree that the definition should be amended. Subdivision of land would not in and of itself result in effects on the hydrology of a site; it is the associated development of the site to enable subsequent use of any new allotments that will result in those effects. However, I consider that the definition

should refer to 'use and development' as this is consistent with other wording used in the Plan, and the RMA more broadly.

120. I also agree with the submissions from Porirua City Council [11.1] and Queen Elizabeth the Second National Trust [216.2] in as far as the definition should refer to the 10 percent and one percent annual exceedance probability (AEP) events. This is addressed in detail in 3.6 above.
121. In relation to the submission from Robyn Smith [168.40] I note that the submissions from Robyn Smith [168.88, 168.89, 168.90, 168.91 and 168.92] relating to hydrological neutrality are addressed in section 3.5 above. Submission [168.40] appears to be an extension of and integrated with those submissions. Consistent with the recommendations on those submissions and for the reasons stated in section 3.5, I consider that the amendments sought in submission [168.40] are not appropriate.
122. Additionally, I note that it appears that the submitter has adopted for their relief sought in submission [168.40] the matters listed in an unpublished conference paper.⁹ That paper states that 'it is not uncommon' for the additional matters listed by the submitter to be included in council requirements relating to stormwater neutrality. That conclusion is reached based on review of both district and regional council requirements. The paper also states that generally the requirements of councils include:

*Stormwater runoff from the site during one or more specific rainfall events must be managed so that the post-development peak flows are not to exceed the pre-development flows for specific design events.*¹⁰

123. As noted in section 3.6 above, the document 'Managing Stormwater Runoff' states that "[Wellington Water] define hydraulic neutrality as capturing post-development peak runoff so that it does not exceed the pre-development peak flow rate".¹¹ The definition included in the Plan is consistent with this definition. As discussed above, I have agreed with other submitters that reference to specific design events should be included in the definition, which would bring it in line with the general summary of council requirements relating to stormwater neutrality as quoted above.
124. I disagree with the submissions from Queen Elizabeth the Second National Trust [216.2] and Royal Forest and Bird Protection Society [225.61] that seek that hydraulic neutrality be applied within a site. The reason provided by the Royal Forest and Bird Protection Society [225.61] included reference to wetlands. I note that the NES-FW regulates activities that may affect wetlands, including earthworks and taking, discharging and diverting water, and therefore this issue is well covered by those regulations and is not one that needs to be addressed in the Plan. The Officer's Report: Part-B - Ecosystems and Indigenous Biodiversity includes discussion on wetlands and the integration with the NPS-FM and NES-FW at section 3.7.

⁹ R.A. van Lierop, not dated, How effective is stormwater attenuation on flood risk? Available from: https://www.waternz.org.nz/Category?Action=View&Category_id=922, Accessed on: 18 August 2021. See section 3.1.

¹⁰ Ibid, section 3.1

¹¹ Wellington Water, 2020, Managing Stormwater Runoff The use of approved solutions for hydraulic neutrality, Version 3, page 6. Available from: <https://www.wellingtonwater.co.nz/assets/Uploads/Managing-Stormwater-Runoff.pdf> Accessed on: 28 August 2021.

125. Additionally, I consider that it would be virtually impossible to apply hydraulic neutrality within a site in a practical sense, as the concept requires the ability to measure the rate of discharge of stormwater from one area to another. For this to occur, that area needs to be defined. Cadastral boundaries provide well-defined and therefore easily measurable areas. Within a site, there would be no legally defined areas from which to measure the stormwater discharge, which would introduce significant uncertainty and affect the ability to efficiently and effectively implement the Plan provisions.

3.8.1.3 Summary of recommendations

126. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** the definition of 'hydraulic neutrality' as set out below and in Appendix A;

| | |
|-----------------------------|---|
| Hydraulic neutrality | means managing stormwater runoff from all new lots <u>use</u> or development areas through either on-site disposal or storage, so that stormwater is released from the site at a rate that <u>ensures post-development peak runoff flow</u> does not exceed the pre-development peak stormwater runoff <u>in all flood events up to and including the 1% Annual Exceedance Probability event, quantitatively assessed against the 10% and 1% rainfall Annual Exceedance probability events.</u> |
|-----------------------------|---|

127. I recommend that the submissions from Porirua City Council [11.1], Kāinga Ora [81.82] and Queen Elizabeth the Second National Trust [216.2] be **accepted in part**.

128. I recommend that the submissions from Robyn Smith [168.40] and Royal Forest and Bird Protection Society [225.61] be **rejected**.

3.8.2 Hydraulic neutrality device

3.8.2.1 Matters raised by submitters

129. Kāinga Ora [81.83] seeks that the definition be amended to refer to 'method' rather than 'device' for the reason that hydraulic neutrality can be achieved through a number of methods.

3.8.2.2 Assessment

130. While I acknowledge that hydraulic neutrality can be achieved through a number of methods, I disagree that this requires a change to the term used. A 'hydraulic neutrality device' is defined broadly as 'the physical measures to achieve hydraulic neutrality'. As such, this would include any physical methods proposed to achieve hydraulic neutrality.

3.8.2.3 Summary of recommendations

131. I recommend for the reasons given in the assessment that the submission from Kāinga Ora [81.83] be **rejected**.

3.8.3 Impervious surface

3.8.3.1 Matters raised by submitters

132. Kāinga Ora [81.85] seeks that the exclusions to the definition be amended to replace 'landscaped' with 'vegetated' in clause (b), and inclusion of 'porous' paving in clause (c) for the reason that not all landscaping is permeable.
133. Survey+Spatial New Zealand [72.6] seeks that the definition be amended to provide more detail for permeable paving for the reason that the terms used are contradictory, and removal of compacted metal road and parking areas for the reason that these are sufficiently permeable.

3.8.3.2 Assessment

134. I agree with the submission from Kāinga Ora [81.85] in relation to clause (b) of the exclusions, as there may be 'landscaped' areas which are not permeable.
135. I disagree with the submission from Kāinga Ora [81.85] in relation to clause (c) of the exclusions, as the porosity of the paving would need to be provided in order to determine whether it would allow sufficient infiltration through the paving to be considered permeable. Including porous paving in the exclusion without an associated standard would therefore potentially result in paved areas not being defined as impervious which in reality result in stormwater runoff.
136. Similarly, I also agree with the submission from Survey+Spatial New Zealand [72.6] in relation to permeable paving. The definition is somewhat contradictory and would benefit from clarification. I therefore consider that a separate definition of 'permeable paving' would be appropriate, and additional wording in clause (b) of the definition of 'impermeable surface' to exclude areas paved with permeable paving.
137. I disagree with the reasons provided by Survey+Spatial New Zealand [72.6] in relation to compacted metal areas. These areas are not always sufficiently pervious to enable sufficient infiltration of stormwater to avoid runoff. As such, I do not agree that compacted metal areas should be removed from the definition.

3.8.3.3 Summary of recommendations

138. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** the definition of impervious surface as set out below and in Appendix A;

| | |
|---------------------------|---|
| Impervious surface | <p>means a surface which prevents or significantly constrains the soakage or filtration of water into the ground. It includes:</p> <ul style="list-style-type: none"> a. roofs; b. paved areas <u>(excluding areas with permeable paving)</u> including driveways and sealed or compacted metal parking areas and patios; c. tennis or netball courts; d. sealed and compacted-metal roads; and e. engineered layers such as compacted clay. <p>It excludes:</p> <ul style="list-style-type: none"> a. grass or bush areas; b. gardens and other <u>landscaped vegetated</u> areas; c. permeable paving and green roofs; d. permeable artificial surfaces, fields or lawns; e. slatted decks; |
|---------------------------|---|

- | |
|--|
| f. swimming pools, ponds and dammed water; and g. rain tanks. |
|--|

139. I recommend that the submissions from Kāinga Ora [81.85] and Survey+Spatial New Zealand [72.6] be **accepted in part**.

3.9 Introduction

3.9.1 Matters raised by submitters

140. Two submissions raised flooding-related matters.

141. Te Rūnanga o Toa Rangatira [264.104] seeks that the introduction be amended to remove the reference to flooding due to streams, for the reason that it does not acknowledge the actual causes.

142. Porirua City Council [11.16] seeks that the wording be amended to remove the reference to streams, and state that Porirua is subject to flooding risk, for the reason that the current flooding issues in Porirua are more complex than just the number of streams.

3.9.2 Assessment

143. The decisions sought by Te Rūnanga o Toa Rangatira [264.104] and Porirua City Council [11.16] are very similar. I agree with the amendments sought to the introduction by Porirua City Council [11.16] as this will also address the matters raised by Te Rūnanga o Toa Rangatira [264.104].

144. I also note that the reasons stated by Te Rūnanga o Toa Rangatira [264.104] include:

Te Rūnanga recommends a substantive re-write of this chapter to appropriately acknowledge the role and responsibility of Council in managing and maintaining the Three Waters Network. The proposed chapter does not go far enough to appropriately acknowledge their relationship.

145. While I acknowledge that Council has a role in managing and maintaining the Three Waters Networks, these responsibilities are delegated to Wellington Water Limited. This situation may change with the current proposals for three waters reform by the Government. Additionally, the chapter is focused on the effects of land use on the Three Waters Network within the framework of the RMA, consistent with the functions of the Council under section 31 of that Act. The maintenance, upgrade and development of the network itself is a matter addressed under the Local Government Act 2002, specifically through the Long Term Plan and Infrastructure Strategy.

3.9.3 Summary of recommendations

146. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** the introduction text of the THWT-Three Waters chapter as set out below and in Appendix A;

| |
|---|
| <p><u>Parts of</u> Porirua <u>are subject to flooding risk</u> experiences flooding due to the number of streams within the City, which is exacerbated by the changing climate. Hydraulic neutrality measures assist with managing peak stormwater runoff from development sites so the risk of downstream flooding is not increased. They also assist with prolonging the life of existing stormwater management systems.</p> |
|---|

147. I recommend that the submissions from Porirua City Council [11.16] be **accepted**.

148. I recommend that the submissions from Te Rūnanga o Toa Rangatira [264.104] be **accepted in part**.

3.10 Objectives

3.10.1 THWT-O1

3.10.1.1 Matters raised by submitters

149. Porirua City Council [11.17] seeks that the objective be amended to refer to flood risk rather than peak demand on the stormwater management system for the reason that this would better integrate with the NH-Natural Hazards Chapter.

150. The submission from Porirua City Council [11.17] is opposed in part by Kāinga Ora [FS65.167], to the extent that it is inconsistent with its primary submission.

3.10.1.2 Assessment

151. I agree with the submission from Porirua City Council [11.17] for the reasons given being better integration with the NH-Natural Hazards Chapter. Consequently, I disagree with the further submission from Kāinga Ora [FS65.167].

152. The amended wording will also better integrate with the levels of service for stormwater stated in the RSWS, which relates to accommodation of a design storm at a set level of service as defined by an annual exceedance probability (AEP).

153. Additionally, objective THWT-O1 addresses hydraulic neutrality, while THWT-O2 addresses the Three Waters Network capacity. The amended wording better focusses the objective on the specific outcomes sought from the implementation of hydraulic neutrality.

3.10.1.3 Summary of recommendations

154. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** objective THWT-O1 as set out below and in Appendix A;

| THWT-O1 | Hydraulic neutrality |
|--|----------------------|
| There is no increase in the peak demand on stormwater management systems and increase in flooding from <u>flood risk as a result of use and</u> development within Urban Zones, Settlement Zone, and the Māori Purpose Zone (Hongoeka). | |

155. I recommend that the submission from Porirua City Council [11.17] be **accepted**.

156. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.10.2 THWT-O2

3.10.2.1 Matters raised by submitters

157. Porirua City Council [11.18] seeks that the objective be reworded for the reason that as currently phrased it is unclear and uses incorrect terminology. This is opposed by Kāinga Ora [FS65.171] through a further submission although no specific reasons are given.
158. Survey+Spatial [72.28] seeks confirmation that the objective acknowledges and includes the outcomes of the development contributions policy, for the reasons that the objective must work with the development contributions policy. This is opposed by GWRC [FS40.41] through a further submission for the reason that the objective is needed regardless of the development contributions policy.

3.10.2.2 Assessment

159. I agree with the submission from Porirua City Council [11.18] that the wording of the objective is slightly confusing and should be amended to be clearer, while retaining the intent, as sought by the submitter.
160. Additionally, I also agree that the reference to the capacity of the three waters network is not correct within this objective, as it is the achievement of the relevant levels of service that is of concern. For example, for a particular site there may not be capacity for additional peak stormwater discharge volumes to the stormwater network in that area, but achievement of the levels of service may still be able to be achieved due to the particular site characteristics or mitigation incorporated into the development design, and therefore the network can accommodate the development.
161. I disagree with the submission from Survey+Spatial [72.28] and agree with the further submission from GWRC [FS40.41]. The Section 32 Evaluation Report Part 2 – Three Waters addresses the integration with development contributions, and includes in the response to 'Issue 1: The three waters network needs to be able to accommodate future growth', that:

The development contributions policy ensures that development pays a portion of costs associated with upgrading and providing new three waters networks.¹²

162. Additionally, the report specifically addresses the Development Contributions Policy in relation to the assessment of THWT-O2 and includes reference to the Development Contributions Policy as another method in the assessment of the supporting provisions.
163. I therefore consider that integration with the Development Contributions Policy has been specifically considered through the development of the THWT – Three Waters Chapter, and THWT-O2 specifically.

3.10.2.3 Summary of recommendations

164. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** THWT-O2 as set out below and in Appendix A;

¹² See page 53

| THWT-O2 Three Waters Network capacity |
|---|
| <p>Use and development within Urban Zones, and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the Three Waters Network, have sufficient Three Waters Network capacity to accommodate the resulting demand.</p> <p><u>The Three Waters Network can accommodate use and development within Urban Zones, and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the Three Waters Network.</u></p> |

165. I recommend that the submission from Porirua City Council [11.18] be **accepted**.

166. I recommend that the submissions from Survey+Spatial [72.28] be **rejected**.

167. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.11 Policies

3.11.1 THWT-P2

3.11.1.1 Matters raised by submitters

168. Porirua City Council [11.19] seeks amendments to THWT-P1-1, other than clause THWT-P1-1.a, as the requirement to be serviced is a matter for the Building Act under clauses for sanitary buildings.

169. Kenepuru Limited Partnership [59.24] seeks that the policy be amended to include reference to other appropriate alternative design standards, as the policy is circular and makes alternative design or innovation difficult.

170. Kāinga Ora [81.362] seeks that clause THWT-P1-1.c be deleted as it is dealt with through Building Act requirements, and that clause 2 is deleted as the installation of metering devices is a method better served by a bylaw.

3.11.1.2 Assessment

171. The decision requested from Kāinga Ora [81.362] for clause 2 to be deleted is addressed in section 3.4 above.

172. I agree with the submission from Porirua City Council [11.19] that the current wording of THWT-P2-1 implies that it requires that all new buildings need to be connected to the reticulated three waters networks. This was not the intention, as set out in the section 32 Evaluation Report Part 2 – Three Waters, which states at page 68 that:

The proposed rule framework only addresses the level of service that developments need to meet. It does not address matters such as:

- *Requiring connections into the three waters network for new buildings; or*
- *How those connections are made;*

This is because these matters are addressed under the Building Code and the Building Act 2004. Having a framework around these matters would be a duplication of process and would not address any relevant environmental effect.

173. I consider that the amendment sought to only refer to the requirement to meet Council standards is appropriate, as it will fulfil the intention of the provisions as stated in the Section 32 report, while not duplicating the requirements of the Building Act and Building Code.
174. Specifically in relation to clause THWT-P2-1.c, I note that both Porirua City Council [11.19] and Kāinga Ora [81.362] seek its deletion for the reason that it is dealt with through the Building Act. I agree with this position. Additionally, I note that this requirement is not given effect through the rule framework.
175. In relation to the submission from Kenepuru Limited Partnership [59.24], I do not consider that the amendment sought is appropriate as the submitter has not provided any alternative 'design standards' that may be suitable. The policy provides support to the rules requiring compliance with the levels of service in Wellington Water's Regional Standard for Water Services. Non-compliance with the permitted activity rules results in a restricted discretionary activity with the matters of discretion being the matters in THWT-P3, which refers to the performance standards in the RSWS. As such, the actual design of the services not specified, and the provision framework provides flexibility in how the levels of service, and performance standards are to be met.

3.11.1.3 Summary of recommendations

176. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** policy THWT-P2 as set out in below and in Appendix A;

| THWT-P2 | Integration with the Three Waters Network |
|---------|---|
| | <p>Require all new residential and non-residential buildings in Urban Zones and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by the Three Waters Network to:</p> <ol style="list-style-type: none"> Be serviced by reticulated water supply, reticulated wastewater and stormwater management networks that: <ol style="list-style-type: none"> Meet the Council standards <u>for the provision of water supply, wastewater and stormwater management</u>; Have the capacity to accommodate the development or anticipated future development of the site in accordance with the anticipated purpose of the zone; and Is in place at the time of building construction; and: Be connected to a water metering device when connecting to the reticulated water network, unless it can be demonstrated that: <ol style="list-style-type: none"> There are physical constraints that prevent a meter to be<u>ing</u> provided; or The water demand generated is so low that a meter is not warranted. |

177. I recommend that the submission from Porirua City Council [11.19] be **accepted**.
178. I recommend that the submission from Kāinga Ora [81.362] be **accepted in part**.
179. I recommend that the submissions from Kenepuru Limited Partnership [59.24] be **rejected**.

180. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.11.2 THWT-P3

3.11.2.1 Matters raised by submitters

181. Kāinga Ora [81.363] seeks that the wording be amended so that measures are incorporated 'as guided by', rather than meet, the Regional Standard for Water Services May 2019, for the reasons that the external standard should only provide guidance rather than a standard that must be met.
182. Porirua City Council [11.20] seeks that the wording be amended to refer more generally to use and development and simplify the wording of clause THWT-P3-2, for the reason that the current wording is confusing.
183. Greater Wellington Regional Council [137.28] seeks that the policy be amended to include the ability of the stormwater management system to reduce contaminants, for the reason that all new stormwater systems should be designed using Water Sensitive Design principles, including retrofitted systems.

3.11.2.2 Assessment

184. In relation the decision sought by Kāinga Ora [81.363], I disagree that the policy should be worded so that the performance standards in the Wellington Water Regional Standard for Water Services only provide 'guidance' for mitigation of adverse effects on the Three Waters network. Such wording would not provide the required certainty to ensure that new developments will not place additional pressure on the networks through excess demand. THWT-P3 provides specific policy considerations for restricted discretionary activity rules THWT-R4-2 and THWT-R5-2, which are triggered when the relevant levels of service in the same document are not met. The performance criteria are largely descriptive, and I consider that they provide sufficient flexibility.
185. I do not consider that the decision sought by Greater Wellington Regional Council [137.28] is appropriate as the control of the use of land for the purpose of the maintenance and enhancement of the quality of water in water bodies and coastal water and the discharge of contaminants are a regional council function under sections 15 and 30 of the RMA. This responsibility is implemented in part by the rules in the PNRP, which address stormwater discharges. These rules include Rule 48A (permitted activity) and Rule 52A (restricted discretionary activity) which address stormwater from new subdivision and development. The matters of discretion under Rule R52A include water sensitive urban design measures.
186. Additionally, the performance criteria for stormwater in Wellington Water's Regional Standard for Water Services include water sensitive design at section 4.2.12, which includes reference to recommended design guidance documents and states that:

Water sensitive design, including the provision of stormwater treatment devices, is the recommended design approach for stormwater management to avoid adverse effects on receiving waterbodies.

187. As such, while not required, water sensitive design is appropriately promoted through the performance criteria.

188. I agree with the submission from Porirua City Council [11.20] that the policy as worded is slightly confusing and would benefit from the amendments sought to simplify the wording. This will help Plan users understand the intent of the policy and provide clarity through implementation in resource consent processes.

3.11.2.3 Summary of recommendations

189. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** policy THWT-P3 as set out below and in Appendix A;

| THWT-P3 | Three Waters Network capacity |
|--|-------------------------------|
| <p>Where the level of service of the reticulated water supply, reticulated wastewater and stormwater management networks is insufficient to service the number of residential units proposed <u>use or development</u>, or is insufficient to service the size of the building and associated activity proposed,¹³ only allow use and development when it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. It incorporates measures that appropriately mitigate any adverse effects on the Three Waters Network and meet the performance criteria of the Wellington Water Regional Standard for Water Services May 2019; and 2. The additional demand generated can be accommodated by the Three Waters Network, without resulting <u>It will not result</u>¹⁴ in increased flood risk, increased wastewater overflows or reduced pressure in the reticulated water network. | |

190. I recommend that the submission from Porirua City Council [11.20] be **accepted in part**.

191. I recommend for the reasons given in the assessment, that the submissions from Greater Wellington Regional Council [137.28] and Kāinga Ora [81.363] be **rejected**.

192. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.12 Rules

3.12.1 THWT-R1

3.12.1.1 Matters raised by submitters

193. Robyn Smith [168.87] seeks that the provisions of the Plan are amended so that 'credit' is given for existing situations. The reasons given are that, in relation to THWT-R1 and standard THWT-S1', no 'credit' is given for; existing residential developments where it is not possible to comply with THWT-S1 and a resource consent may be required if only minor additions and alterations were proposed; or for existing situations where stormwater is disposed to ground.

194. Porirua City Council [11.21] seeks that the rule be amended to; refer specifically to new buildings exceeding 40 square metres as the land use being regulated rather than rainwater tanks; refer

¹³ Porirua City Council [11.20]

¹⁴ Ibid

to a hydraulic neutrality device in clause THWT-R1-1.a rather than rainwater tanks; include a new clause providing for other means of achieving hydraulic neutrality constructed at a previous stage of development which would replace the note; and amending the note to only describe what the other means may include. The reasons stated are that the rule currently does not actually require that new residential buildings include a rainwater tank or some other equivalent measure, only that rainwater tanks are permitted for new buildings.

195. Kāinga Ora [81.364] seeks preclusion of both public and limited notification. No specific reasons are given in relation to this relief sought.

196. Survey+Spatial [72.22 and 72.29] seeks that the rule provides for other mechanisms to achieve stormwater neutrality for the reason that there are methods other than rainwater tanks, and that the rule should include non-notification provision.

3.12.1.2 Assessment

197. In relation to notification preclusion as sought by Kāinga Ora [81.364] and Survey+Spatial [72.29], the inclusion of non-notification clauses in the THWT-Three Waters chapter was considered in the Section 3 Evaluation Report Part 2 – Three Waters, with only THWT-R3 including a notification preclusion clause. I consider that preclusion of notification in relation to THWT-R1-2 would not be appropriate as new buildings exceeding 40 square metres may have adverse flooding effects due to constraints in the stormwater network. These effects may be experienced locally on adjacent properties, or on the wider environment through contributing to increased flooding risk downstream, with the scale and location of the effects dependant on the development proposed and the surrounding hydrological context and stormwater network.

198. The amendments sought by Porirua City Council [11.21] to include a new clause to provide for alternative means to provide for hydraulic neutrality approved and constructed as part of a previous stage of development would also give effect to the decision sought by Survey+Spatial [72.22]. I agree that the clause should be included in the rule, as this is clearer and more robust than stating it in a note as it is currently.

199. The limitation of the additional clause to measures that have been constructed as part of previous stages of development is appropriate, as this works with the amendment also sought by Porirua City Council [11.21] to replace reference to 'rainwater tank' in clause THWT-R1-1.a with 'hydraulic neutrality device'. The definition of 'hydraulic neutrality device' is sufficiently broad that any physical means of achieving hydraulic neutrality on site would be included. This also ties into the amendment sought by Porirua City Council [11.26] in relation to THWT-S1 which is discussed in section 3.13.1 below.

200. I also agree in part with the amendment to the rule heading sought by Porirua City Council [11.21], to refer to new buildings rather than rainwater tanks. As identified by the submitter and by Robyn Smith [168.87], the rule does not actually require a rainwater tank be installed, but only permits these if they comply with the standards. The amendment sought therefore corrects this by referring instead to new buildings, which is clearer and more robust wording.

201. The submission from Porirua City Council [11.21] also requests that the rule include reference to any buildings exceeding 40 square metres. I agree in principle that this is appropriate as it ties into the requirements of Wellington Water's guide 'Managing Stormwater Runoff' which only sets the sizes for rainwater tanks for buildings with a roof area larger than 40 square metres. However, I consider that this clarification is more appropriately located within the relevant

standard (THWT-S1). As such, I also consider that the clause THWT-R1-1.a should refer to the stormwater management system servicing the new building or extension to an existing building, as this allows the associated standard THWT-S1 to set out the threshold of 40 square metres above which a hydraulic neutrality device is required to be installed.

202. In relation to the submission from Robyn Smith [168.87], I consider that the matters raised have been partially addressed by the amendments discussed above. The addition of the clause providing for hydraulic neutrality measures that have been constructed as part of previous stages of development would capture situations where stormwater is currently disposed to ground. In relation to the submitters statement that a resource consent may be required if only minor additions and alterations were proposed, the accuracy of this is questionable, as the current rule heading refers to new buildings (excluding residential accessory buildings). I do not consider that alterations to existing buildings would be captured, or need to be captured, as any alterations which do not result in additional building coverage would not result in additional stormwater runoff. The amendment to THWT-S1 noted above makes it clear that only new buildings exceeding 40 square metres are captured, which provides for accessory buildings of appropriate size. However, it is acknowledged that there may be ambiguity as to whether additions to existing buildings would be captured by this rule. I therefore consider that the rule heading should be amended to clarify that it also applies to additions to existing buildings which exceed 40 square metres.

203. With the relevant definitions of 'hydraulic neutrality' and 'hydraulic neutrality device', it will be clear that the hydraulic neutrality device installed as a result of an addition to an existing building would only need to mitigate the extra runoff from the addition rather than the existing building and the proposed addition. However, I note that additional benefits would likely be realised through the implementation of the rule and associated standard to additions to an existing building, as the existing runoff volume from the existing building would also be partially mitigated where the size of the addition is below the upper range of the hydraulic neutrality device size requirements of the Acceptable Solutions in 'Managing Stormwater Runoff'.

3.12.1.3 Summary of recommendations

204. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** rule THWT-R1 as set out below and in Appendix A;

| | THWT-R1 | <u>Rainwater tanks for nNew buildings and additions to existing buildings (excluding residential accessory buildings)</u> |
|--|--------------------------------------|---|
| | Residential Zones | 1. Activity status: Permitted |
| | Māori Purpose Zone (Hongoeka) | Where: |
| | Settlementne | a. A rainwater tank is provided that <u>The stormwater management system servicing new buildings and extensions to existing buildings</u> complies with THWT-S1; or <u>b. The development achieves hydraulic neutrality through an alternative means that has been approved and constructed as part of a previous stage of development.</u> |

| | | |
|--|--------------------------------------|--|
| | | Note: Where a development achieves hydraulic neutrality through a <u>An approved alternative means to achieve hydraulic neutrality may include (for example an a catchment-sized engineered wetland or on-site detention pond), that has already been approved and constructed (for example as part of a subdivision), then this rule can be considered to be complied with.</u> |
| | Residential Zones | 2. Activity status: Restricted discretionary |
| | Māori Purpose Zone (Hongoeka) | Where: a. Compliance is not achieved with THWT-R1- <u>1.a</u> <u>or THWT-R1-1.b</u> . |
| | Settlement Z | Matters of discretion are restricted to: 1. The matters of discretion in THWT-S1. |

205. I recommend that the submissions from Porirua City Council [11.21], Robyn Smith [168.87] and Survey+Spatial [72.22] be **accepted in part**.

206. I recommend that the submissions from Kāinga Ora [81.364] and Survey+Spatial [72.29] be **rejected**.

207. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.12.2 THWT-R2

3.12.2.1 Matters raised by submitters

208. Porirua City Council [11.22] seeks that the rule is amended to include an additional clause allowing for other methods to achieve hydraulic neutrality to provide greater flexibility in the rule.

209. Kāinga Ora [81.365], while noting that it supports the intent of the rule, seeks its deletion for the reason that it seeks deletion of THWT-S2 as currently proposed. The submitter also notes that Special Purpose Zone (BRANZ) is included at the restricted discretionary activity section of this rule but not the permitted activity section, and that THWT-S2 also excludes reference to Special Purpose Zone (BRANZ).

3.12.2.2 Assessment

210. I agree with the issue raised by Kāinga Ora [81.365] in relation to the omission of reference to Special Purpose Zone (BRANZ) in THWT-R2-1 and THWT-S2. This is an error, and I recommend that reference to Special Purpose Zone (BRANZ) should be included in these provisions.

211. In relation to the submission from Porirua City Council [11.22], I agree that the rule should be more flexible to provide for achieving hydraulic neutrality through other means, specifically where these means have been constructed as part of previous stages of development. For example, where a subdivision has incorporated a stormwater detention wetland or pond which is appropriately sized to provide for development of the allotments. Under the current wording

of the rule, such a facility would be taken into account and a site-specific hydraulic neutrality device would be required which would prove to be redundant.

212. The limitation of the additional clause to measures that have been constructed as part of previous stages of development is appropriate, as the definition of 'hydraulic neutrality device' is sufficiently broad that any physical means of achieving hydraulic neutrality on site would be included.

3.12.2.3 Summary of recommendations

213. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend THWT-R2** as set out below and in Appendix A;

| THWT-R2 | Increases in the impervious surface area of a site | |
|---------|--|--|
| | Commercial and Mixed Use Zones | 1. Activity status: Permitted |
| | General Industrial Zone | Where: |
| | Hospital Zone | a. Compliance is achieved with THWT-S2- 1 <u>or</u> <u>b. The development achieves hydraulic neutrality by an alternative means that has been approved and constructed as part of a previous stage of development.</u> |
| | <u>Special Purpose Zone (BZ)</u> | |
| | Commercial and Mixed Use Zones | 2. Activity status: Restricted discretionary |
| | General Industrial Zone | Where: |
| | Hospital Zone | a. Compliance is not achieved with THWT- SR2-1.a <u>or THWT-R2-1.b.</u> |
| | <u>Special Purpose Zone (BZ)</u> | Matters of discretion are restricted to: 1. The matters of discretion in <u>THWT-S2</u> of the infringed standard. |

214. I recommend that the submission from Porirua City Council [11.22] be **accepted**.

215. I recommend that the submissions from Kāinga Ora [81.365] be **accepted in part**.

216. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.12.3 THWT-R4 and THWT-R5

3.12.3.1 Matters raised by submitters

217. Kāinga Ora [81.368 and 81.367] seeks that rules THWT-R4 and THWT-R5 are deleted in their entirety, for the reasons that it opposes compliance being required of external technical standards to meet permitted activity standards.

218. Porirua City Council [11.24 and 11.25] seeks that the rules are amended to make the building the land use that is regulated rather than the connection to the infrastructure, to incorporate the note relating to onsite measures into the rule itself, and to include a new note providing context on the determination of compliance with the tables specified in the rule. The reasons given are that the rules are not clear, and there will be buildings that do not need to be connected to the reticulated networks.

3.12.3.2 Assessment

219. The opposition from Kāinga Ora [81.368 and 81.367] to references to external standards is discussed above in section 3.3 above. For the same reasons set out in that section I do not agree with the deletion of rule THWT-R5.

220. Kāinga Ora [81.368] also opposes reference to multi-unit housing as it has requested this definition is deleted. The definition of multi-unit housing will be considered in Hearing Stream 7, and therefore is not considered further here.

221. I agree with Porirua City Council [11.24 and 11.25] that amendments are required to the rules to clarify the wording to ensure it meets the intent of the rules. However, I do not agree with the exact wording sought by the submitter.

222. In relation to the rule headings, a connection to a reticulated network is not a logical land use to be regulating, and this does not appear to be the intent of the rule. As such the rule headings should be clarified to refer only to the land use being regulated.

223. As worded clauses THWT-R4-1.a and THWT-R5-1.a set requirements for every building to be serviced by reticulated water supply, reticulated wastewater and stormwater management networks. This is not appropriate, as there may be buildings established within the relevant zones that do not need to be serviced by water supply or wastewater networks. It was not the intent of the rule to require connection to the networks, as identified in section 3.11.1 above.

224. However, rather than being deleted, I therefore consider that clauses THWT-R4-1.a and THWT-R5-1.a should be amended and combined with clause THWT-R4-1.b and THWT-R5-1.b respectively, so that where buildings are connected to the reticulated networks, the specified levels of service must be met. This would work better with the rule headings referring only to the land use being regulated, as noted above.

225. I also agree that the note stating that the rules will be considered to be complied with where a development relies on site specific measures that has already been approved and constructed to achieve compliance with the performance standards should be incorporated into the rule itself. However, I also consider that the wording should refer to the 'levels of service' rather than performance standards, as these are more specific and measurable and are the actual matters referred to in the rules.

3.12.3.3 Summary of recommendations

226. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** THWT-R4 and THWT-R5 as set out in Appendix A;

Note: The recommended amendments are not included here due to length.

227. I recommend that the submission from Porirua City Council [11.24 and 11.25] be **accepted in part**.

228. I recommend that the submissions from Kāinga Ora [81.367 and 81.368] be **rejected**.
229. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.13 Standards

3.13.1 THWT-S1

3.13.1.1 Matters raised by submitters

230. Survey+Spatial [72.18] seeks the other mechanisms to achieve stormwater neutrality be provided for, as there are methods available other than storm water tanks.
231. Porirua City Council [11.26] seeks that THWT-S1-1 be deleted and THWT-S1-2 amended to refer to a hydraulic neutrality device and the updated version of Wellington Water's guide 'Managing Stormwater Runoff' (version 3, August 2020). The reasons given are to provide greater flexibility.
232. In contrast, Kāinga Ora [81.369] seeks that THWT-S1-2 be deleted for the reasons that it is an external document and any requirement should be incorporated into the Plan as effects standards, and THWT-S1-1 be amended to remove reference to THWT-Table 1 noting that the table is redundant.

3.13.1.2 Assessment

233. I note that Acceptable Solution #1 in 'Managing Stormwater Runoff' includes the rainwater tank sizing requirements as set out in THWT-S1-1 and THWT-Table 1. Therefore, the inclusion of the sizing requirements in THWT-S1-1 and TWT-Table 1 is redundant, and can be deleted, as sought by Porirua City Council [11.26]. I also agree with the submitter that the standard should be amended to refer to hydraulic neutrality device, rather than specifically to rainwater tanks, but disagree that the standard should refer to Acceptable Solution #2. I consider that the standard should instead refer generally to Acceptable Solutions included in the document 'Managing Stormwater Runoff', as this wording increases the flexibility of the standard and will enable a simple update to the reference to the document through a plan change process, if required, if additional acceptable solutions are added in the future.
234. However, I also consider that the deletion of the reference to 'rainwater tanks' in the standard (and in THWT-R1 above) as sought by Porirua City Council may cause some issues in relation to the rules relating specifically to rainwater tanks in the EW – Earthworks and zone chapters. As such, I consider that a consequential amendment is required through an additional definition for 'rainwater tanks' that refers to systems that meet the specifications of and are installed in accordance with Acceptable Solution #1 in 'Managing Stormwater Runoff'. This will ensure that those rules continue to be implemented as intended and will provide significantly greater clarity for Plan users.
235. The document 'Managing Stormwater Runoff' also sets out a range of other matters that must be addressed and requirements for tank set-up that must be met in order to ensure the tanks works as intended to achieve hydraulic neutrality and therefore compliance with Acceptable Solutions. As such, I do not consider that deletion of THWT-S1-2 and reliance on the rainwater tank sizing include in the Plan, as sought by Kāinga Ora [81.369], to be appropriate.

236. In relation to the decision sought by Survey+Spatial [72.18], the updated reference to Version 3 of 'Managing Stormwater Runoff' introduces an additional acceptable solution and therefore provides greater flexibility as sought by the submitter.

237. The opposition from Kāinga Ora [81.369] to references to external standards is discussed above in section 3.3 above.

3.13.1.3 Summary of recommendations

238. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** THWT-S1 as set out below and in Appendix A;

| THWT-S1 | Stormwater detention tanks <u>Hydraulic neutrality devices</u> |
|--|---|
| Residential Zones Māori Purpose Zone (Hongoeka) Settlement Zone | <div data-bbox="496 669 1007 1711"> <p>1. <u>The stormwater management system servicing buildings and extensions to existing buildings exceeding 40m² in area must have a hydraulic neutrality device installed. Any rainwater tank must be sized in accordance with the minimum requirements in THWT-Table 1:</u></p> <p><u>a. Where the roof area of the building is between 40m² and 99.9m² — a 2000L capacity rainwater tank.</u></p> <p><u>b. Building roof area of ≥ 100m² — < 200m² — 3000L capacity rainwater tank.</u></p> <p><u>c. Building roof area ≥ 200m² — 5000L capacity rainwater tank.</u></p> <p>2. The tank <u>hydraulic neutrality device</u> must meet the specifications <u>of</u>, and be installed in accordance with <u>an</u> Acceptable Solution #1 from the Wellington Water guide Managing Stormwater Runoff; <u>— The use of rain tanks approved solutions for hydraulic neutrality, Acceptable solution #1 version 3 dated June 2019-August 2020.</u></p> </div> <div data-bbox="1062 669 1358 1711"> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Any potential impacts on any downstream flooding hazard; 2. The size and scale of the development and the additional stormwater that the proposal will generate compared to the existing situation; 3. The capacity of the local stormwater network; and 4. Whether there are any site-specific constraints or opportunities within the local area that mean that hydraulic neutrality is not required. </div> |

- b. **Add** a definition for 'rainwater tanks' as set out below and in Appendix A;

| | |
|------------------------------|---|
| <u>Rainwater tank</u> | <u>A system to temporarily store runoff from building roofs to reduce the peak runoff during a storm event, which meets the specifications of and is installed in accordance with Acceptable Solution #1 in Wellington Water's Managing</u> |
|------------------------------|---|

Stormwater Runoff - The use of approved solutions for hydraulic neutrality, Version 3.

239. I recommend that the submission from Porirua City Council [11.26], Survey+Spatial [72.18] and Kāinga Ora [81.369] be **accepted in part**.
240. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

3.13.2 THWT-S2

3.13.2.1 Matters raised by submitters

241. Kāinga Ora [81.370 and 81.371] seeks that the standard and associated THWT-Table 1 be deleted for the reason that the standard does not provide thresholds for impervious surfaces or note that the standard only applies in relation to an increase in impervious surfaces, and a general opposition to requirements for compliance with external standards.
242. Survey+Spatial [72.26] seeks that the standard be deleted or amended for the reason that there is no section 4.4.3.3 in the Regional Standard for Water Services.

3.13.2.2 Assessment

243. Survey+Spatial [72.26] is correct that there is an error in standard THWT-S2-1.a as it refers to a section (4.4.3.3) in the Regional Standard for Water Services that does not exist. The correct section that should be referred to in the standard is section 4.4.3 Stormwater Detention. As such, I agree with the submitter that the standard needs to be amended to correct this error and refer instead to section 4.3.3 of the Regional Standard for Water Services.
244. In relation to the decision sought by Kāinga Ora [81.371] for deletion of THWT-Table 1, this reflects the decision sought in submission 81.369, as discussed in section 3.13.1 above. Consistent with the recommendation on 81.369, I agree that THWT-Table 1 is redundant and should be deleted.
245. The opposition from Kāinga Ora [81.370] to references to external standards is discussed above in section 3.3 above.
246. The second aspect of the submission from Kāinga Ora [81.370] relates to the lack of a threshold for impervious surfaces and a lack of specificity in the standard in relation to it applying to increases in impervious surfaces.
247. On this matter, I agree in part with the submitter that an impervious surface threshold should be included. Without such a threshold, even very small increases in impervious areas on sites within the specified zones would technically trigger the need for a hydraulic neutrality device to be installed. This may result in disproportionate costs to landowners through requirements to install hydraulic neutrality devices for marginal increases in impervious surface area and therefore downstream flooding effects. This would not be efficient or effective in achieving the objective.
248. Therefore, the threshold should be set at a point at which the effects of the increase in impervious surface area will be acceptable, including cumulative effects, while also ensuring the costs of the required hydraulic neutrality device do not outweigh the benefits.

249. I consider that consistency within the chapter would be beneficial, and therefore that a threshold of 40 square metres would be appropriate. This will provide for relatively small increases in impervious surfaces, while capturing any larger developments where the increase in the impervious area may result in adverse effects on downstream flood risk.
250. To ensure that this threshold is not inappropriately applied in successive increments, I also consider that the threshold should be applied to any increase in impervious surface area over a 12 month period.
251. I disagree with Kāinga Ora [81.370] that the standard requires additional specificity in relation to it applying to increases in impervious surfaces. The definition of 'hydraulic neutrality' is discussed in section 3.8.1 above. This recommends some changes to the definition. With these amendments I consider that there is sufficient clarity that achievement of hydraulic neutrality relates to any new use or development and requires comparison of the post-development peak runoff with the pre-development peak runoff. As such, I do not consider that any additional specificity is required to be included in the wording of the standard.

3.13.2.3 Summary of recommendations

252. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. Amend THWT-S2 as set out below and in Appendix A;

| THWT-S2 | Hydraulic neutrality | |
|---|---|--|
| Commercial and Mixed Use Zones General Industrial Zone Hospital Zone <u>Special Purpose Zone (BRANZ)</u> | 1. <u>Either:</u> <u>a. The increase in impervious surface on the site must not exceed 40m² within any 12 month period;</u> <u>or</u> <u>b. A hydraulic neutrality device must be installed, which must be:</u> <u>ai. Designed and built in accordance with the design parameters in Section 4.4.3-3 of the Wellington Water Regional Standard for Water Services May 2019; and</u> <u>bii. Fully operational prior to the use of the impervious area.</u> | Matters of discretion are restricted to: 1. The access and on-going maintenance of the hydraulic neutrality devices; 2. Any potential impacts on any downstream flooding hazard; 3. The size and scale of the development and the additional stormwater that the proposal will generate compared to the existing situation; 4. The preference for one central hydraulic neutrality device over numerous individual hydraulic neutrality devices; 5. The capacity of the local stormwater network; and 6. Whether there are any site-specific constraints or opportunities within the local area that mean that hydraulic neutrality is not required. |

253. I recommend that the submissions from Kāinga Ora [81.371] and Survey+Spatial [72.26] be **accepted**.
254. I recommend that the submission from Kāinga Ora [81.370 and 81.370] be **accepted in part**.
255. I recommend that the submissions from Survey+Spatial [72.26] be **rejected**.
256. My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

4 Conclusions

257. Submissions have been received in support of, and in opposition to the PDP. While the introduction of hydraulic neutrality was generally supported, there were a number of submissions on the implementation of this, including thresholds for impervious surfaces, the assessment against design storm event, and broadening of the concept to include wider hydrological considerations. Additionally, there was some opposition to the introduction of a requirement to install water metering devices for new buildings.

258. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.

259. For the reasons set out in the Section 32AA evaluation attached at Appendix C, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

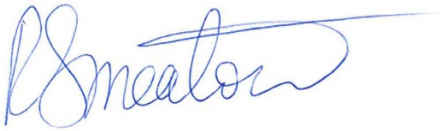
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
- achieve the relevant objectives of the PDP, in respect to the proposed provisions.

Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
2. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

Signed:

| Name and Title | | Signature |
|----------------|---------------------------------------|--|
| Report Author | Rory Smeaton Senior Policy Planner |  |

Appendix A. Recommended Amendments to the THWT-Three Waters Chapter

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is in red and underlined.
- Text recommended to be deleted from the PDP is in red and ~~struckthrough~~.

THWT - Three Waters

Development in Urban Zones, areas of the Settlement Zone and the Māori Purpose Zone (Hongoeka) are serviced by reticulated water supply, reticulated wastewater and stormwater management systems (the Three Waters Network). The demand that urban development places on the Three Waters Network needs to be considered to ensure that appropriate levels of service are maintained. When demand on the Three Waters Network exceeds capacity this can result in poor network performance and adverse environmental effects.

~~Parts of Porirua are subject to flooding risk experiences flooding due to the number of streams within the City¹⁵~~, which is exacerbated by the changing climate. Hydraulic neutrality measures assist with managing peak stormwater runoff from development sites so the risk of downstream flooding is not increased. They also assist with prolonging the life of existing stormwater management systems.

~~The mauri of Porirua's waterways, Te Awarua-o-Porirua, and Te Moana-o-Raukawa continues to be compromised.~~¹⁶ The Greater Wellington Regional Council has the primary role in respect of maintaining and improving water quality, although by requiring hydraulic neutrality the District Plan can assist in minimising the discharge of stormwater contaminants into water bodies. The Proposed Natural Resources Plan for the Wellington Region includes provisions for stormwater treatment and discharge, and resource consent may be required.

Objectives

THWT-O1 Hydraulic neutrality

There is no increase in ~~the peak demand on stormwater management systems and increase in flooding from flood risk as a result of use and~~¹⁷ development within Urban Zones, Settlement Zone, and the Māori Purpose Zone (Hongoeka).

THWT-O2 Three Waters Network capacity

~~Use and development within Urban Zones, and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the Three Waters Network, have sufficient Three Waters Network capacity to accommodate the resulting demand.~~

The Three Waters Network can accommodate use and development within Urban Zones, and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the Three Waters Network.¹⁸

Policies

THWT-P1 Hydraulic Neutrality in Urban Zones, Settlement Zone and the Māori Purpose Zone (Hongoeka)

Enable new development in the Urban Zones, Settlement Zone and the Māori Purpose Zone (Hongoeka) where it achieves hydraulic neutrality.

¹⁵ Te Rūnanga o Toa Rangatira [264.104] and Porirua City Council [11.16]

¹⁶ Te Rūnanga o Toa Rangatira [264.105]

¹⁷ Porirua City Council [11.17]

¹⁸ Porirua City Council [11.18]

| | |
|--|---|
| THWT-P2 | Integration with the Three Waters Network |
| <p>Require all new residential and non-residential¹⁹ buildings in Urban Zones and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by the Three Waters Network to:</p> <ol style="list-style-type: none"> Be serviced by reticulated water supply, reticulated wastewater and stormwater management networks that: <ol style="list-style-type: none"> Meet the Council standards <u>for the provision of water supply, wastewater and stormwater management</u>; Have the capacity to accommodate the development or anticipated future development of the site in accordance with the anticipated purpose of the zone; and Is in place at the time of building construction; and²⁰ Be connected to a water metering device when connecting to the reticulated water network, unless it can be demonstrated that: <ol style="list-style-type: none"> There are physical constraints that prevent a meter to be²¹ <u>ing</u> provided; or The water demand generated is so low that a meter is not warranted. | |
| THWT-P3 | Three Waters Network capacity |
| <p>Where the level of service of the reticulated water supply, reticulated wastewater and stormwater management networks is insufficient to service the number of residential units proposed <u>use or development</u>, or is insufficient to service the size of the building and associated activity proposed,²² only allow use and development when it can be demonstrated that:</p> <ol style="list-style-type: none"> It incorporates measures that appropriately mitigate any adverse effects on the Three Waters Network and meet the performance criteria of the Wellington Water Regional Standard for Water Services May 2019; and The additional demand generated can be accommodated by the Three Waters Network, without resulting <u>It will not result</u>²³ in increased flood risk, increased wastewater overflows or reduced pressure in the reticulated water network. | |
| Rules | |
| <p>Note: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.</p> | |
| THWT-R1 | Rainwater tanks for n New buildings and additions to existing buildings (excluding residential accessory buildings) ²⁴ |
| Residential Zones | 1. Activity status: Permitted |

¹⁹ Porirua City Council [11.19]

²⁰ Ibid

²¹ Ibid

²² Porirua City Council [11.20]

²³ Ibid

²⁴ Porirua City Council [11.21] and Robyn Smith [168.87]

| | | |
|---|---|---|
| | <p>Māori Purpose Zone (Hongoeka)</p> <p>Settlement Zone</p> | <p>Where:</p> <p>a. A rainwater tank is provided that <u>The stormwater management system servicing new buildings and extensions to existing buildings</u>²⁵ complies with THWT-S1; or</p> <p>b. The development achieves hydraulic neutrality through an alternative means that has been approved and constructed as part of a previous stage of development.²⁶</p> <p>Note: Where a development achieves hydraulic neutrality through a <u>An approved alternative means to achieve hydraulic neutrality may include (for example an a catchment-sized engineered wetland or on-site detention pond), that has already been approved and constructed (for example as part of a subdivision), then this rule can be considered to be complied with.</u>²⁷</p> |
| | <p>Residential Zones</p> <p>Māori Purpose Zone (Hongoeka)</p> <p>Settlement Zone</p> | <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with THWT-R1-1.a <u>or THWT-R1-1.b.</u>²⁸</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion in THWT-S1.</p> |
| <p>THWT-R2 Increases in the impervious surface area of a site</p> | | |
| | <p>Commercial and Mixed Use Zones</p> <p>General Industrial Zone</p> <p>Hospital Zone</p> <p><u>Special Purpose</u></p> | <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with THWT-S2; or</p> <p>b. The development achieves hydraulic neutrality by an alternative means that has been approved and constructed as part of a previous stage of development.³⁰</p> |

²⁵ Porirua City Council [11.21]

²⁶ Ibid

²⁷ Ibid

²⁸ Ibid (Consequential)

³⁰ Porirua City Council [11.22]

| | |
|---|--|
| | Zone (BRANZ)²⁹ |
| | <p>Commercial and Mixed Use Zones</p> <p>General Industrial Zone</p> <p>Hospital Zone</p> <p>Special Purpose Zone (BRANZ)</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with THWT-SR2-1.a or THWT-R2-1.b.³¹</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion in THWT-S2 of the infringed standard.³²</p> |
| <p>THWT-R3 Water metering device for nNew buildings connected to the a reticulated public water supply systems³³</p> | |
| | <p>Residential Zones</p> <p>Commercial and Mixed Use Zones</p> <p>General Industrial Zone</p> <p>Hospital Zone</p> <p>Māori Purpose Zone (Hongoeka)</p> <p>Settlement Zone</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>b. All new buildings that are connected to the reticulated water network must be fitted with aA water metering device is installed that meets the requirements of Sections 6.4.10-2 and Section 6.4.11 of the Wellington Water Regional Standard for Water Services May 2019.³⁴</p> |
| | <p>Residential Zones</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with THWT-R3-1.a.</p> |

²⁹ Kāinga Ora [81.365]

³¹ Ibid (Consequential)

³² Porirua City Council [11.22] (Consequential)

³³ Porirua City Council [11.23]

³⁴ Ibid

| | | |
|---------|--|--|
| | <p>Commercial and Mixed Use Zones</p> <p>General Industrial Zone</p> <p>Hospital Zone</p> <p>Māori Purpose Zone (Hongoeka)</p> <p>Settlement Zone</p> | <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in THWT-P2. <p>Notification:</p> <p>An application under this rule is precluded from being publicly notified or limited notified in accordance with sections 95A and 95B of the RMA.</p> |
| THWT-R4 | Connection of nNew buildings to the Three Waters Network³⁵ | |
| | <p>Commercial and Mixed Use Zones</p> <p>General Industrial Zone</p> <p>Hospital Zone</p> | <p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. The building is serviced by reticulated water supply, reticulated wastewater and stormwater management networks; and b. Compliance is achieved with the following where the building is serviced by reticulated water supply, reticulated wastewater or stormwater management networks: <ol style="list-style-type: none"> For stormwater — The level of service in Chapter 4 Stormwater Table 4.1, Table 4.2 and 4.3 of the Wellington Water Regional Standard for Water Services May 2019; For wastewater — The level of service in Chapter 5 <u>Wastewater</u>, section 5.2.3 of the Wellington Water Regional Standard for Water Services May 2019; and For water supply — The level of service in Chapter 6 <u>Water Supply</u> Tables 6.1 and 6.2 of the Wellington Water Regional Standard for Water Services May 2019; <u>or</u> b. The development provides on-site measures that comply with the levels of service set out in THWT-R4-1.a that have already been constructed. <p>Note: <u>Chapter 4 Stormwater, Chapter 5 Wastewater and Chapter 6 Water Supply of the Wellington Water Regional Standards for Water Services May 2019 provide additional context for determining compliance with the tables</u></p> |

³⁵ Porirua City Council [11.24]

| | | |
|--|---|---|
| | | specified above. Where a development relies on site specific measures to achieve compliance with the performance standards (for example an engineered wetland, on-site detention, booster pumps, or wastewater detention), that has already been approved and constructed (for example as part of a subdivision) and is considered fit for purpose, then this rule can be considered to be complied with. |
| | Commercial and Mixed Use Zones General Industrial Zone Hospital Zone | 2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with THWT-R4-1.a or THWT-R4-1.b. Matters of discretion are restricted to: 1. The matters in THWT-P3. |
| THWT-R5 Connection of n Non-residential buildings, retirement villages, papakāinga, and multi-unit housing to the Three Waters Network³⁶ | | |
| | Residential Zones Māori Purpose Zone (Hongoeaka) Settlement Zone | 1. Activity status: Permitted Where: a. The building(s) is connected to the reticulated water supply, reticulated wastewater and stormwater management networks; and³⁷ b. Compliance is achieved with the following <u>where the building(s) is connected to the reticulated water supply, reticulated wastewater or stormwater management networks:</u> i. For stormwater — The level of service in Chapter 4 Stormwater Table 4.1, Table 4.2 and 4.3 of the Wellington Water Regional Standard for Water Services May 2019; ii. For wastewater — The level of service in Chapter 5 <u>Wastewater</u> , section 5.2.3 of the Wellington Water Regional Standard for Water Services May 2019; and iii. For water supply — The level of service in Chapter 6 <u>Water Supply</u> , Tables 6.1 and 6.2 of the Wellington Water Regional Standard for Water Services May 2019; <u>or³⁸</u> |

³⁶ Porirua City Council [11.25]

³⁷ Ibid

³⁸ Ibid

| | | |
|--|---|---|
| | <p><u>b. The development provides on-site measures that comply with the levels of service set out in THWT-R5-1.a that have already been constructed.</u>³⁹</p> <p>Note:</p> <ul style="list-style-type: none"> Where a development relies on site specific measures to achieve compliance with the performance standards (for example an engineered wetland, on-site detention, booster pumps, or wastewater detention), that has already been approved and constructed (for example as part of a subdivision) and is considered fit for purpose, then this rule can be considered to be complied with.⁴⁰ This rule only applies to sites in the Māori Purpose Zone (Hongoeka) that are serviced by the three waters network. <u>Chapter 4 Stormwater, Chapter 5 Wastewater and Chapter 6 Water Supply of the Wellington Water Regional Standards for Water Services May 2019 provide additional context for determining compliance with the tables specified above.</u>⁴¹ | |
| Residential Zones Māori Purpose Zone (Hongoeka) Settlement Zone | 2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with THWT-R5-1.a or THWT-R5-1.b. Matters of discretion are restricted to: 1. The matters in THWT-P3. | |
| Standards | | |
| THWT-S1 | Stormwater detention tanks <u>Hydraulic neutrality devices</u> ⁴² | |
| Residential Zones Māori Purpose Zone (Hongoeka) Settlement Zone | 1. <u>The stormwater management system servicing buildings and extensions to existing buildings exceeding 40m² in area must have a hydraulic neutrality device installed. Any rainwater tank must be sized in accordance with the minimum requirements in THWT-Table 4:</u> | Matters of discretion are restricted to: 1. Any potential impacts on any downstream flooding hazard; 2. The size and scale of the development and the additional stormwater that the proposal will generate compared to the existing situation; |

³⁹ Ibid⁴⁰ Porirua City Council [11.25]⁴¹ Ibid⁴² Porirua City Council [11.26] (Consequential)

| | <p>a. Where the roof area of the building is between 40m² and 99.9m²—a 2000L capacity rainwater tank.</p> <p>b. Building roof area of $\geq 100\text{m}^2 < 200\text{m}^2$—3000L capacity rainwater tank.</p> <p>c. Building roof area $\geq 200\text{m}^2$—5000L capacity rainwater tank.⁴³</p> <p>2. The tank hydraulic neutrality device must meet the specifications of, and be installed in accordance with an Acceptable Solution #1 from the Wellington Water guide Managing Stormwater Runoff, - The use of rain tanks <u>approved solutions</u> for hydraulic neutrality, Acceptable solution #1 version 3 dated June 2019 <u>August 2020</u>.⁴⁴</p> | <p>3. The capacity of the local stormwater network; and</p> <p>4. Whether there are any site-specific constraints or opportunities within the local area that mean that hydraulic neutrality is not required.</p> |
|---|---|--|
| THWT-S2 | Hydraulic neutrality | |
| <p>Commercial and Mixed Use Zones</p> <p>General Industrial Zone</p> <p>Hospital Zone</p> <p><u>Special Purpose Zone (BRANZ)</u>⁴⁵</p> | <p>1. <u>Either:</u></p> <p>a. <u>The increase in impervious surface on the site must not exceed 40m² within any 12 month period;</u> or⁴⁶</p> <p>b. A hydraulic neutrality device must be installed, which must be:</p> <p>ai. Designed and built in accordance with the design parameters in Section 4.4.3-3⁴⁷ of the Wellington Water Regional Standard for Water Services May 2019; and</p> | <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The access and on-going maintenance of the hydraulic neutrality devices; 2. Any potential impacts on any downstream flooding hazard; 3. The size and scale of the development and the additional stormwater that the proposal will generate compared to the existing situation; 4. The preference for one central hydraulic neutrality device over numerous individual |

⁴³ Porirua City Council [11.26]

⁴⁴ Ibid

⁴⁵ Kāinga Ora [81.365]

⁴⁶ Kāinga Ora [81.370]

⁴⁷ Survey + Spatial [72.26]

| | | |
|--|---|--|
| | <p>b.i. Fully operational prior to the use of the impervious area.</p> | <p>hydraulic neutrality devices;</p> <p>5. The capacity of the local stormwater network; and</p> <p>6. Whether there are any site-specific constraints or opportunities within the local area that mean that hydraulic neutrality is not required.</p> |
| THWT Table 1 - | | |
| Area of the roof | | Size of tank |
| 40m² – 99.9m² | | 2,000l |
| 100m² – 199.9m² | | 3,000l |
| 200m² and above | | 5,000l ⁴⁸ |

⁴⁸ Kāinga Ora [81.371]

Definitions

[...]

Hydraulic neutrality

means managing stormwater runoff from all new ~~lots~~ use⁴⁹ or development ~~areas~~ through either on-site disposal or storage, so that stormwater is released from the site at a rate that ensures post-development peak runoff flow⁵⁰ does not exceed the pre-development peak stormwater runoff in all flood events up to and including the 1% Annual Exceedance Probability event, quantitatively assessed against the 10% and 1% rainfall Annual Exceedance probability events⁵¹.

[...]

Impervious surface

means a surface which prevents or significantly constrains the soakage or filtration of water into the ground. It includes:

- f. roofs;
- g. paved areas (excluding areas with permeable paving)⁵² including driveways and sealed or compacted metal parking areas and patios;
- h. tennis or netball courts;
- i. sealed and compacted-metal roads; and
- j. engineered layers such as compacted clay.

It excludes:

- h. grass or bush areas;
- i. gardens and other ~~landscaped~~ vegetated⁵³ areas;
- j. permeable paving and green roofs;
- k. permeable artificial surfaces, fields or lawns;
- l. slatted decks;
- m. swimming pools, ponds and dammed water; and
- n. rain tanks.

[...]

Pedestrian and cycling access

mean an access designed and constructed for use only by pedestrians and cyclists.

Permeable paving

means any system providing hard surfaces or areas used for vehicle access or parking, which also provides for downward percolation and retention of all stormwater runoff generated by the area.⁵⁴

⁴⁹ Kāinga Ora [81.82]

⁵⁰ Queen Elizabeth the Second National Trust [216.2]

⁵¹ Ibid

⁵² Survey+Spatial New Zealand [72.6]

⁵³ Kāinga Ora [81.85]

⁵⁴ Survey+Spatial New Zealand [72.6]

| | |
|------------------------------|--|
| Places of worship | means premises used for public or private religious worship, religious ceremonies, religious meetings or instruction and social gatherings directly related to the work of the religious organisation. |
| [...] | |
| Railway sign | means any sign erected by or at the direction of a railway operator or access provider to meet the requirements under the Railways Act 2005. |
| <u>Rainwater tank</u> | <u>A system to temporarily store runoff from building roofs to reduce the peak runoff during a storm event, which meets the specifications of and is installed in accordance with Acceptable Solution #1 in Wellington Water's Managing Stormwater Runoff - The use of approved solutions for hydraulic neutrality, Version 3.</u> ⁵⁵ |
| Real estate sign | means publicly visible signage that is advertising for sale, lease, rent or auction the whole or part of land or premises and includes signs giving directions for open homes. |

⁵⁵ Porirua City Council [11.26]

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|-----------------------|-------------------------------------|-----------|---|--|--------------------------|---|--------------------------------|
| General | | | | | | | |
| 264.105 | Te Rūnanga o Toa Rangatira | General | <p>Amend chapter to include the following:</p> <p>The mauri of the waterways within the Porirua catchment Te Awarua-o-Porirua, and Te Moana-o-Raukawa continues to be compromised. The infrastructure network must be:</p> <ul style="list-style-type: none"> • Effective, resilient, efficient and safe • Development must incorporate suitable on-site stormwater retention capacity to not increase stormwater runoff from the site at peak periods • Water-sensitive techniques are incorporated into new subdivision and development to reduce demand on water supplies, wastewater disposal and to manage stormwater. • Wastewater is treated and disposed of in a way that minimises effect on public health, the environment and cultural values. | 3.2 | Accept in part | See body of the report | Yes |
| 137.78 | Greater Wellington Regional Council | General | <p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s): <i>Generally supports the stormwater provisions, including providing for hydraulic neutrality and the use of rainwater tanks. Supports the three waters infrastructure provisions, with some amendments as outlined in Attachment 2. In particular, supports those provisions that require adequate stormwater and wastewater capacity.</i></p> | n/a | Accept in part | No specific changes sought. The submitter supports aspects of the chapter. Amendments sought to the chapter are assessed in separate submission points. | No |
| 137.29 | Greater Wellington Regional Council | General | Consider providing for on-site water tanks for water supply resilience during a disruption to the reticulated water supply. | 3.2 | Accept in part | See body of the report | No |
| 81.357 ⁵⁶ | Kāinga Ora – Homes and Communities | General | <p>Amend:</p> <ol style="list-style-type: none"> 1. Deletion of reference to external technical guidance documents to achieve compliance with rules/standards; 2. Deletion of provisions that should be managed by way of other methods, such as Council Bylaws; 3. Review and re-drafting of notification exclusion clauses; and 4. Consequential changes to the numbering of provisions following changes sought throughout chapter. | 3.2 | Reject | See body of the report | No |
| Water Metering | | | | | | | |

⁵⁶ Opposed by Te Rūnanga o Toa Rangatira [FS70.7]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|----------------------|------------------------------------|-----------|---|--|--------------------------|----------------------------|--------------------------------|
| 81.933 ⁵⁷ | Kāinga Ora – Homes and Communities | General | Opposes the introduction of a rule framework that requires installation of water metering devices within the PDP as a tool/method that would otherwise be better served through development of an appropriate Council bylaw. | 3.4 | Reject | See body of the report | No |
| 81.362 | Kāinga Ora – Homes and Communities | THWT-P2 | <p>Amend:</p> <p>Require all new residential and non-residential buildings in Urban Zones and the areas of the Settlement Zone and Maori Purpose Zone (Hongoeka) serviced by the Three Waters Network to:</p> <p>1. Be serviced by reticulated water supply, reticulated wastewater and stormwater management networks that:</p> <p style="padding-left: 40px;">a. Meet the Council standards;</p> <p style="padding-left: 40px;">b. Have the capacity to accommodate the development or anticipated future development of the site in accordance with the anticipated purpose of the zone; and</p> <p style="padding-left: 40px;">c. Is in place at the time of building construction; and:</p> <p>2. Be connected to a water metering device when connecting to the reticulated water network, unless it can be demonstrated that:</p> <p style="padding-left: 40px;">a. There are physical constraints that prevent a meter to be provided; or</p> <p style="padding-left: 40px;">b. The water demand generated is so low that a meter is not warranted.</p> | 3.4 | Reject | See body of the report | No |
| 11.23 ⁵⁸ | Porirua City Council | THWT-R3 | <p>Amend the rule as follows:</p> <p>Water metering device for nNew buildings connected to the reticulated <u>public</u> water <u>supply</u> systems</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>All new buildings that are connected to the reticulated water network must be fitted with a A water metering device is installed</p> | 3.4 | Accept in part | See body of the report | Yes |

⁵⁷ Opposed by Greater Wellington Regional Council [FS40.59]

⁵⁸ Opposed by Kāinga Ora [FS65.179]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|----------------------|--|-----------|--|--|--------------------------|----------------------------|--------------------------------|
| | | | that meets the requirements of Sections 6.4.10.2 and Section 6.4.11 of the Wellington Water Regional Standard for Water Services May 2019. | | | | |
| 81.366 ⁵⁹ | Kāinga Ora – Homes and Communities | THWT-R3 | <p>Delete:</p> <p>Residential Zones, Commercial and Mixed Use Zones, General Industrial Zone, Hospital Zone, Maori Purposes Zone (Hongoeka), Settlement Zone:</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p style="padding-left: 40px;">a. All new buildings that are connected to the reticulated water network must be fitted with a water metering device that meets the requirements of Sections 6.4.10.2 and Section 6.4.11 of the Wellington Water Regional Standard for Water Services May 2019.</p> <p>Residential Zones, Commercial and Mixed Use Zones, General Industrial Zone, Hospital Zone, Maori Purposes Zone (Hongoeka), Settlement Zone:</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p style="padding-left: 40px;">a. Compliance is not achieved with THWT-R3-1.a.</p> <p>Matters of discretion are restricted to:</p> <p style="padding-left: 40px;">1. The matters in THWT-P2.</p> <p>Notification:</p> <p>An application under this rule is precluded from being publicly notified or limited notified in accordance with sections 95A and 95B of the RMA.</p> | 3.4 | Reject | See body of the report | No |
| 72.24 ⁶⁰ | Survey+Spatial New Zealand (Wellington Branch) | THWT-R3 | Delete the rule | 3.4 | Reject | See body of the report | No |

⁵⁹ Opposed by Greater Wellington Regional Council [FS40.58]

⁶⁰ Supported by Kāinga Ora [FS65.180]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|--|--|-----------|---|--|--------------------------|----------------------------|--------------------------------|
| Hydrological neutrality | | | | | | | |
| 168.88 | Robyn Smith | THWT-O1 | Amend to read: Hydraulic and Hydrological Neutrality: There is no increase in the peak demand on stormwater management systems and increase in flooding from development within Urban Zones, Settlement Zone, and the Māori Purpose Zone (Hongoeka), <u>and all development incorporates measures to ensure no change to the catchment hydrology</u> | 3.5 | Reject | See body of the report | No |
| 168.89 | Robyn Smith | THWT-P1 | Amend to read: Hydraulic Neutrality and Hydrological Neutrality in Urban Zones, Settlement Zone and the Māori Purpose Zone (Hongoeka): Enable new development in the Urban Zones, Settlement Zone and the Māori Purpose Zone (Hongoeka) where it achieves hydraulic neutrality, <u>and that incorporates stormwater hydrology mitigation for increases in mean annual exceedance frequency of the 2-year Average Recurrence Interval flow and mean annual volume of stormwater runoff.</u> | 3.5 | Reject | See body of the report | No |
| 168.90 | Robyn Smith | General | Amend the standards and rules to be consistent with Policy P1 and achieve objective THWT-01. | 3.5 | Reject | See body of the report | No |
| 168.91 | Robyn Smith | General | Amend the PDP to include specific attention to managing the hydrological regime so changes to base, average, annual flows potentially resulting from development (buildings, road and other hard surfacing) capable of adversely affecting downstream environments (including, but not limited to wetlands) are avoided. | 3.5 | Reject | See body of the report | No |
| AEP events for hydraulic neutrality measurement | | | | | | | |
| 72.18 ⁶¹ | Survey+Spatial New Zealand (Wellington Branch) | General | Amend to require stormwater neutrality to a 10% AEP event. | 3.6 | Reject | See body of the report | No |
| 72.21 ⁶² | Survey+Spatial New Zealand (Wellington Branch) | THWT-O1 | Amend: There is no increase in the peak demand on stormwater management systems and increase in flooding <u>for rain events up to a 10% AEP event</u> from development within Urban Zones, Settlement Zone, and the Maori Purpose Zone (Hongoeka). | 3.6 | Reject | See body of the report | No |

⁶¹ Supported by Kāinga Ora [FS65.327] and BLAC Property [FS56.6]; opposed by Greater Wellington Regional Council [FS40.34]

⁶² Opposed by Greater Wellington Regional Council [FS40.35]; supported by BLAC Property [FS56.4]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|---------------------|--|----------------------|--|--|--------------------------|---|--------------------------------|
| 72.23 ⁶³ | Survey+Spatial New Zealand (Wellington Branch) | THWT-P1 | Amend: Enable new development in the Urban Zones, Settlement Zone and the Maori Purpose Zone (Hongoeka) where it achieves hydraulic neutrality <u>for up to a 10% AEP event.</u> | 3.6 | Reject | See body of the report | No |
| 72.26 ⁶⁴ | Survey+Spatial New Zealand (Wellington Branch) | THWT-S2 | Delete or amend | 3.6 | Reject | See body of the report | Yes |
| Definitions | | | | | | | |
| 81.82 | Kāinga Ora – Homes and Communities | Hydraulic neutrality | Amend definition: Hydraulic neutrality means managing stormwater runoff from all in new lots or development areas through either on-site disposal or storage, so that stormwater is released from the site at a rate that does not exceed the pre-development peak stormwater runoff. | 3.8.1 | Accept in part | See body of the report | Yes |
| 82.10 | Waka Kotahi NZ Transport Agency | Hydraulic neutrality | Retain as notified. | 3.8.1 | Accept in part | Accept in part, subject to amendments made in response to other submissions | No |
| 11.1 | Porirua City Council | Hydraulic neutrality | Amend the definition as follows: means managing stormwater runoff from all new lots or development areas through either on-site disposal or storage, so that stormwater is released from the site at a rate that does not exceed the pre-development peak stormwater runoff <u>for the 10% and 1% rainfall Annual Exceedance Probability event.</u> | 3.8.1 | Accept in part | See body of the report | Yes |
| 168.40 | Robyn Smith | Hydraulic neutrality | Amend the definition of hydraulic neutrality in the PDP to reflect all relevant considerations and reference to the following additional parameters: <ul style="list-style-type: none"> minimal increase in average annual runoff volumes (say less than 5%); no decrease in the time of concentration; and, base-flows in streams are to be maintained at pre-development levels. | 3.8.1 | Reject | See body of the report | No |
| 216.2 | Queen Elizabeth the Second National Trust (QEII) | Hydraulic neutrality | Replace definition with the following: Hydraulic neutrality | 3.8.1 | Accept in part | See body of the report | Yes |

⁶³ Opposed by Greater Wellington Regional Council [FS40.36]; supported by BLAC Property [FS56.5]

⁶⁴ Supported by Kāinga Ora [FS65.185]; opposed by Greater Wellington Regional Council [FS40.37]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|-----------|--|-----------------------------|--|--|--------------------------|----------------------------|--------------------------------|
| | | | <u>means managing stormwater runoff from all new lots or development areas (through either on-site disposal or storage), to ensure that post-development peak runoff flow does not exceed pre-development peak flow rate in all flood events up to and including the 1 in 100-year event, quantitatively assessed against the 1 in 10 year and 1 in 100 year design event as a minimum.</u> | | | | |
| 225.61 | Royal Forest and Bird Protection Society | Hydraulic neutrality | Amend the definition so that hydraulic neutrality can also be applied within a site. | 3.8.1 | Reject | See body of the report | No |
| 77.19 | Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet | Hydraulic neutrality | Replace "hydraulic neutrality" with "water positivity" as below (or equivalent definition): <u>Net water positivity means that post-development peak runoff is less than pre-development peak flow rate, achieved by use of requirements for on-site water management mechanisms such as stormwater collection/surge tanks of at least 10,000 litres per household and business, re-use of this water on site for non-potable uses such as garden watering and other outdoor uses, and perhaps toilet flushing, limits on impervious surfaces, use of swales instead of gutters for roads, and use of managed wetland treatment systems that discharge high-quality contaminant-free water.</u> | 3.7 | Reject | See body of the report | No |
| 81.83 | Kāinga Ora – Homes and Communities | Hydraulic neutrality device | Amend definition: Hydraulic neutrality <u>method</u> device means the physical measures to achieve hydraulic neutrality. | 3.8.2 | Reject | See body of the report | No |
| 168.92 | Robyn Smith | New definition | Amend to include an appropriate definition of 'maintaining hydrology regime.' | 3.5 | Reject | See body of the report | No |
| 81.85 | Kāinga Ora – Homes and Communities | Impervious surface | Amend definition: Impervious surface means a surface which prevents or significantly constrains the soakage or filtration of water into the ground. It includes: a. roofs; b. paved areas including driveways and sealed or compacted metal parking areas and patios; c. tennis or netball courts; d. sealed and compacted-metal roads; and e. engineered layers such as compacted clay. It excludes: a. grass or bush areas; b. gardens and other landscaped <u>landscaped vegetated</u> areas; c. porous or permeable paving and green roofs; d. permeable artificial surfaces, fields or lawns; e. slatted decks; f. swimming pools, ponds and dammed water; and | 3.8.3 | Accept in part | See body of the report | Yes |

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|---------------------|--|--------------------|--|--|--------------------------|---|--------------------------------|
| | | | g. rain tanks. | | | | |
| 72.6 | Survey+Spatial New Zealand (Wellington Branch) | Impervious surface | Provide more detail on what constitutes permeable paving - i.e. size of pavers and/or porosity for paver material. Remove references to compacted metal road / parking areas. | 3.8.3 | Accept in part | See body of the report | Yes |
| 81.164 | Kāinga Ora – Homes and Communities | Swale | Retain definition as notified | n/a | Reject | The term is not used in the provisions of the Plan. | No |
| 11.3 | Porirua City Council | Swale | Delete the definition as follows <i>Swale</i> <i>means an area of land that has been shaped to allow a watercourse to form during stormwater collection.</i> | n/a | Accept | The term is not used in the provisions of the Plan. | Yes |
| Introduction | | | | | | | |
| 81.358 | Kāinga Ora – Homes and Communities | Introduction | Retain introduction as notified | n/a | Accept in part | Accept in part, subject to amendments made in response to other submissions | No |
| 264.104 | Te Rūnanga o Toa Rangatira | Introduction | Amend text in the introduction [paragraph 2] as follows: Porirua experiences flooding which is exacerbated by the changing climate. | 3.9 | Accept in part | See body of the report | Yes |
| 11.16 | Porirua City Council | Introduction | Amend introduction as follows: Parts of Porirua are subject to flooding risk experiences flooding due to the number of streams within the City, which is <u>are exacerbated by the changing climate. Hydraulic neutrality measures assist with managing peak stormwater runoff from development sites so the risk of downstream flooding is not increased. They also assist with prolonging the life of existing stormwater management systems.</u> | 3.9 | Accept | See body of the report | Yes |
| Objectives | | | | | | | |
| 11.17 ⁶⁵ | Porirua City Council | THWT-O1 | Amend the objective as follows: There is no increase in the peak demand on stormwater management systems and increase in flooding from <u>result of use and development within Urban Zones, Settlement Zone, and the Māori Purpose Zone (Hongoeke).</u> | 3.10.1 | Accept | See body of the report | Yes |
| 8.9 | Wellington City Council | THWT-O1 | Retain the provisions as proposed in the updated District Plan. Supportive of further additions to the Plan, as appropriate through the submissions process, to support a well-functioning and vibrant Porirua City. | n/a | Accept in part | Accept in part, subject to amendments made in response to other submissions | No |
| 77.15 ⁶⁶ | Te Awarua-o-Porirua Harbour & Catchments | THWT-O1 | Amend: | 3.7 | Reject | See body of the report | No |

⁶⁵ Opposed in part by Kāinga Ora [FS65.167]

⁶⁶ Opposed by Kāinga Ora [FS65.168]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|----------------------|--|-----------|---|--|--------------------------|---|--------------------------------|
| | Community Trust, and Guardians of Pauatahanui Inlet | | There is no increase <u>a decrease</u> in demand on stormwater management systems and <u>a decrease</u> in flooding from development and redevelopment within Urban zones, Settlement Zone and the Māori Purpose Zone (Hongoeka) | | | | |
| 82.90 ⁶⁷ | Waka Kotahi NZ Transport Agency | THWT-O1 | Retain as notified. | n/a | Accept in part | Accept in part, subject to amendments made in response to other submissions | No |
| 81.359 | Kāinga Ora – Homes and Communities | THWT-O1 | Retain as notified | n/a | Accept in part | Accept in part, subject to amendments made in response to other submissions | No |
| 137.26 ⁶⁸ | Greater Wellington Regional Council | THWT-O1 | Retain. | n/a | Accept in part | Accept in part, subject to amendments made in response to other submissions | No |
| 11.18 ⁶⁹ | Porirua City Council | THWT-O2 | Amend the objective as follows: Use and development within Urban Zones, and the areas of the Settlement Zone and Maori Purpose Zone (Hongoeka) serviced by all or part of the Three Waters Network, have sufficient Three Waters Network capacity to accommodate the resulting demand. <u>The Three Waters Network can accommodate use and development within Urban Zones, and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) serviced by all or part of the Three Waters Network.</u> | 3.10.2 | Accept | See body of the report | Yes |
| 81.360 | Kāinga Ora – Homes and Communities | THWT-O2 | Retain as notified | n/a | Accept in part | Accept in part, subject to amendments made in response to other submissions | No |
| 72.28 ⁷⁰ | Survey+Spatial New Zealand (Wellington Branch) | THWT-O2 | Confirm that this objective acknowledge and includes the outcomes of the development contributions policy. | 3.10.1 | Reject | See body of the report | No |
| Policies | | | | | | | |
| 77.16 ⁷¹ | Te Awarua-o-Porirua Harbour & Catchments Community Trust, and Guardians of Pauatahanui Inlet | THWT-P1 | Amend: <u>Enable new development and any redevelopment in Urban zones, Settlement Zone and the Māori Purpose Zone (Hongoeka) only where it achieves or contributes to water positivity (defined as above or equivalent).</u> | 3.7 | Reject | See body of the report | No |
| 81.361 | Kāinga Ora – Homes and Communities | THWT-P1 | Retain as notified | n/a | Accept | Agree with submitter | No |
| 137.27 | Greater Wellington Regional Council | THWT-P1 | Retain. | n/a | Accept | Agree with submitter | No |

⁶⁷ Supported by Kāinga Ora [FS65.169]⁶⁸ Supported by Kāinga Ora [FS65.170]⁶⁹ Opposed by Kāinga Ora [FS65.171]⁷⁰ Opposed by Greater Wellington Regional Council [FS40.41]⁷¹ Opposed by Kāinga Ora [FS65.172]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|---------------------|------------------------------------|-----------|---|--|--------------------------|----------------------------|--------------------------------|
| 11.19 ⁷² | Porirua City Council | THWT-P2 | <p>Amend the policy as follows:</p> <p>Require all new residential and non-residential buildings in Urban Zones and the areas of the Settlement Zone and Māori Purpose Zone (Hongoeka) that are serviced by the Three Waters Network to:</p> <p>1. Be serviced by reticulated water supply, reticulated wastewater and stormwater management networks that:</p> <p><u>1a. Meet the Council standards for the provision of water supply, wastewater and stormwater management;</u></p> <p>b. Have the capacity to accommodate the development or anticipated future development of the site in accordance with the anticipated purpose of the zone; and</p> <p>c. Is in place at the time of building construction; and:</p> <p>2. Be connected to a water metering device when connecting to the reticulated water network, unless it can be demonstrated that:</p> <p>a. There are physical constraints that prevent a meter to <u>being</u> provided; or</p> <p>b. The water demand generated is so low that a meter is not warranted.</p> | 3.11.1 | Accept in part | See body of the report | Yes |
| 59.24 ⁷³ | Kenepuru Limited Partnership (KLP) | THWT-P2 | <p>Amend Clause 1a. as follows:</p> <p>Meet the Council standards <i>or appropriate alternative design standards</i>;</p> | 3.11.1 | Reject | See body of the report | No |
| 81.362 | Kāinga Ora – Homes and Communities | THWT-P2 | <p>Amend:</p> <p>Require all new residential and non-residential buildings in Urban Zones and the areas of the Settlement Zone and Maori Purpose Zone (Hongoeka) serviced by the Three Waters Network to:</p> <p>1. Be serviced by reticulated water supply, reticulated wastewater and stormwater management networks that:</p> | 3.11.1 | Reject | See body of the report | No |

⁷² Opposed by Kāinga Ora [FS65.422] and Kenepuru Limited Partnership (KLP) [FS20.31]

⁷³ Opposed by Kāinga Ora [FS65.173]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|----------------------|------------------------------------|-----------|--|--|--------------------------|----------------------------|--------------------------------|
| | | | <p>a. Meet the Council standards;</p> <p>b. Have the capacity to accommodate the development or anticipated future development of the site in accordance with the anticipated purpose of the zone; and</p> <p>c. Is in place at the time of building construction; and:</p> <p>2. Be connected to a water metering device when connecting to the reticulated water network, unless it can be demonstrated that:</p> <p>a. There are physical constraints that prevent a meter to be provided; or</p> <p>b. The water demand generated is so low that a meter is not warranted.</p> | | | | |
| 81.363 ⁷⁴ | Kāinga Ora – Homes and Communities | THWT-P3 | <p>Amend:</p> <p>Where the level of service of the reticulated water supply, reticulated wastewater and stormwater management networks is insufficient to service the number of residential units proposed, or is insufficient to service the size of the building and associated activity proposed, only allow use and development when it can be demonstrated that:</p> <p>1. It incorporates measures that appropriately mitigate any adverse effects on the Three Waters Network and meet as guided by the performance criteria of the Wellington Water Regional Standard for Water Services May 2019; and</p> <p>2. The additional demand generated can be accommodated by the Three Waters Network, without resulting in increased flood risk, increased wastewater overflows or reduced pressure in the reticulated water network.</p> | 3.11.2 | Reject | See body of the report | No |
| 11.20 ⁷⁵ | Porirua City Council | THWT-P3 | <p>Amend the policy as follows;</p> <p>Where the level of service of the reticulated water supply, reticulated wastewater and stormwater management networks is insufficient to service the number of residential units proposed use or development, or is insufficient to service the size of the</p> | 3.11.2 | Accept | See body of the report | Yes |

⁷⁴ Supported by Paremata Business Park [FS64.4], Carrus Corporation Limited [FS62.4] and Kenepuru Limited Partnership (KLP) [FS20.32]; opposed by Te Rūnunga o Toa Rangatira [FS70.8] and Greater Wellington Regional Council [FS40.60]

⁷⁵ Opposed in part by Kāinga Ora [FS65.174]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|----------------------|-------------------------------------|-----------|--|--|--------------------------|---|--------------------------------|
| | | | <p>building and associated activity proposed, only allow use and development when it can be demonstrated that:</p> <p>1. It incorporates measures that appropriately mitigate any adverse effects on the Three Waters Network and meets the relevant performance criteria of the Wellington Water Regional Standard for Water Services May 2019; and</p> <p>2. The additional demand generated can be accommodated by the Three Waters Network, without resultingIt will not result in increased flood risk, increased wastewater overflows or reduced pressure in the reticulated water network.</p> | | | | |
| 137.28 ⁷⁶ | Greater Wellington Regional Council | THWT-P3 | Amend THWT-P3 to make it clear that 'network capacity' includes the ability of the stormwater management system to attenuate or remove contaminants. All new stormwater systems, including retrofitted systems, should be designed using Water Sensitive Urban Design Principles. | 3.11.2 | Reject | See body of the report | No |
| 119.22 | Fire and Emergency New Zealand | THWT-P3 | Retain as proposed. | n/a | Accept in part | Accept in part, subject to amendments made in response to other submissions | No |
| Rules | | | | | | | |
| 168.87 | Robyn Smith | General | Amend the provisions of the PDP so credit for existing situations is specified. | 3.12.1 | Accept in part | See body of the report | Yes |
| 11.21 ⁷⁷ | Porirua City Council | THWT-R1 | <p>Amend the rule as follows:</p> <p>Rainwater tanks for nNew buildings exceeding 40m² in gross floor area(excluding residential accessory buildings)</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. A rainwater tank<u>A hydraulic neutrality device is provided that complies with THWT-S1-; or</u></p> <p>b. The development achieves hydraulic neutrality through an alternative means that has been approved and constructed as part of a previous stage of development.</p> <p>Note: Where a development achieves hydraulic neutrality through an approved<u>An alternative means to achieve hydraulic neutrality may include (for example) a catchment-sized engineered</u></p> | 3.12.1 | Accept in part | See body of the report | Yes |

⁷⁶ Opposed in part by Kāinga Ora [FS65.175]

⁷⁷ Opposed in part by Kāinga Ora [FS65.176]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|---------------------|--|-----------|--|--|--------------------------|----------------------------|--------------------------------|
| | | | wetland or on-site detention pond), that has already been approved and constructed (for example as part of a subdivision), then this rule can be considered to be complied with. | | | | |
| 81.364 | Kāinga Ora – Homes and Communities | THWT-R1 | <p>Amend:</p> <p>Residential Zones, Maori Purpose Zone (Hongoeka), Settlement Zone:</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. A rainwater tank is provided that complies with THWT-S1.</p> <p>Note: Where a development achieves hydraulic neutrality through an approved alternative means (for example an engineered wetland or on-site detention), that has already been approved and constructed (for example as part of a subdivision), then this rule can be considered to be complied with.</p> <p>Residential Zones, Maori Purposes Zone (Hongoeka), Settlement Zone:</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with THWT-R1-a.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion in THWT-S1.</p> <p><u>Notification:</u></p> <p><u>An application under this rule is precluded from being publicly notified or limited notified in accordance with sections 95A and 95B of the RMA.</u></p> | 3.12.1 | Reject | See body of the report | No |
| 72.22 ⁷⁸ | Survey+Spatial New Zealand (Wellington Branch) | THWT-R1 | Provide for other mechanisms to achieve stormwater neutrality - by specific design. | 3.12.1 | Accept | See body of the report | Yes |

⁷⁸ Supported by Greater Wellington Regional Council [FS40.40]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|----------------------|--|-----------|---|--|--------------------------|---|--------------------------------|
| 72.29 ⁷⁹ | Survey+Spatial New Zealand (Wellington Branch) | THWT-R1 | Amend rule to include non-notification provisions. | 3.12.1 | Reject | See body of the report | No |
| 11.22 ⁸⁰ | Porirua City Council | THWT-R2 | Amend the rule as follows: Increases in the impervious surface area of a site 1. Activity status: Permitted Where: a. Compliance is achieved with THWT-S2; <u>or</u> <u>b. The development achieves hydraulic neutrality through an alternative means that has been approved and constructed as part of a previous stage of development.</u> | 3.12.2 | Accept | See body of the report | Yes |
| 81.365 ⁸¹ | Kāinga Ora – Homes and Communities | THWT-R2 | Delete: Commercial and Mixed Use Zones, General Industrial Zone, Hospital Zone: 1. Activity status: Permitted Where: a. Compliance is achieved with THWT S2. Commercial and Mixed Use Zones, General Industrial Zone, Hospital Zone, Special Purpose Zone (BRANZ): 2. Activity status: Restricted discretionary Where: a. Compliance is not achieved with THWT S2. Matters of discretion are restricted to: 1. The matters of discretion of the infringed standard. | 3.12.2 | Accept in part | See body of the report | Yes |
| 72.27 | Survey+Spatial New Zealand (Wellington Branch) | THWT-R2 | Maintain rule so that it does not apply to residential zones. | 3.12.2 | Accept | No changes to the applicability of the rule is proposed in relation to residential zones. | No |
| 11.24 ⁸² | Porirua City Council | THWT-R4 | Amend the rule as follows: <u>Connection of new buildings connected to the existing Three Waters Network</u> | 3.12.3 | Accept in part | See body of the report | Yes |

⁷⁹ Supported by Kāinga Ora [FS65.177]⁸⁰ Opposed in part by Kāinga Ora [FS65.178]⁸¹ Opposed by Waka Kotahi NZ Transport Agency [FS36.26]⁸² Opposed by Kāinga Ora [FS65.181]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|----------------------|------------------------------------|-----------|--|--|--------------------------|----------------------------|--------------------------------|
| | | | <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The building is serviced by reticulated water supply, reticulated wastewater and stormwater management networks; and</p> <p>b<u>a</u>. Compliance is achieved with the following:</p> <p>i. For stormwater — The level of service in Chapter 4 Stormwater Table 4.1, Table 4.2 and 4.3 of the Wellington Water Regional Standard for Water Services May 2019;</p> <p>ii. For wastewater — The level of service in Chapter 5 <u>Wastewater</u>, section 5.2.3 of the Wellington Water Regional Standard for Water Services May 2019; and</p> <p>iii. For water supply — The level of service in Chapter 6 <u>Water Supply</u> Tables 6.1 and 6.2 of the Wellington Water Regional Standard for Water Services May 2019; <u>or</u></p> <p>Note: b. Where at The development relies provides on site specific measures that to achieve compliance comply with the performance standards set out in (a) above (for example an engineered wetland, on-site detention, booster pumps, or wastewater detention), that hasve already been approved and constructed. (for example as part of a subdivision) and is considered fit for purpose, then this rule can be considered to be complied with.</p> <p><u>Note: Chapter 4 Stormwater, Chapter 5 Wastewater and Chapter 6 Water Supply of the Wellington Water Regional Standard for Water Services May 2019 provide additional context for determining compliance with the tables specified above.</u></p> | | | | |
| 81.367 ⁸³ | Kāinga Ora – Homes and Communities | THWT-R4 | <p>Delete:</p> <p>Commercial and Mixed Use Zones, General Industrial Zone, Hospital Zone:</p> <p>1. Activity status: Permitted</p> | 3.12.3 | Reject | See body of the report | No |

⁸³ Opposed by Greater Wellington Regional Council [FS40.62] and Te Rūnunga o Toa Rangatira [FS70.11]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|-----------|-------------------------------|-----------|--|--|--------------------------|----------------------------|--------------------------------|
| | | | <p>Where:</p> <p>a. The building is serviced by reticulated water supply, reticulated wastewater and stormwater management networks; and</p> <p>b. Compliance is achieved with the following:</p> <p>i. For stormwater — The level of service in Chapter 4 Stormwater Table 4.1, Table 4.2 and 4.3 of the Wellington Water Regional Standard for Water Services May 2019;</p> <p>ii. For wastewater — The level of service in Chapter 5, section 5.2.3 of the Wellington Water Regional Standard for Water Services May 2019; and</p> <p>iii. For water supply — The level of service in Chapter 6 Tables 6.1 and 6.2 of the Wellington Water Regional Standard for Water Services May 2019.</p> <p>Note: Where a development relies on site specific measures to achieve compliance with the performance standards (for example an engineered wetland, on-site detention, booster pumps, or wastewater detention), that has already been approved and constructed (for example as part of a subdivision) and is considered fit for purpose, then this rule can be considered to be complied with.</p> <p>Commercial and Mixed Use Zones, General Industrial Zone, Hospital Zone:</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. — Compliance is not achieved with THWT-R4-1.a or THWT-R4-1.b.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in THWT-P3.</p> | | | | |

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|----------------------|------------------------------------|-----------|--|--|--------------------------|----------------------------|--------------------------------|
| 81.368 ⁸⁴ | Kāinga Ora – Homes and Communities | THWT-R5 | <p>Delete:</p> <p>Residential Zones, Maori Purposes Zone (Hongoeka), Settlement Zone:</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The building(s) is connected to the reticulated water supply, reticulated wastewater and stormwater management networks; and</p> <p>b. Compliance is achieved with the following:</p> <p>i. For stormwater — The level of service in Chapter 4 Stormwater Table 4.1, Table 4.2 and 4.3 of the Wellington Water Regional Standard for Water Services May 2019;</p> <p>ii. For wastewater — The level of service in Chapter 5, section 5.2.3 of the Wellington Water Regional Standard for Water Services May 2019; and</p> <p>iii. For water supply — The level of service in Chapter 6, Tables 6.1 and 6.2 of the Wellington Water Regional Standard for Water Services May 2019.</p> <p>Note:</p> <ul style="list-style-type: none"> Where a development relies on site specific measures to achieve compliance with the performance standards (for example an engineered wetland, on-site detention, booster pumps, or wastewater detention), that has already been approved and constructed (for example as part of a subdivision) and is considered fit for purpose, then this rule can be considered to be complied with. This rule only applies to sites in the Maori Purpose Zone (Hongoeka) that are serviced by the three waters network. | 3.12.3 | Reject | See body of the report | No |

⁸⁴ Supported by Kenepuru Limited Partnership (KLP) [FS20.33]; opposed by Greater Wellington Regional Council [FS40.61] and Te Rūnunga o Toa Rangatira [FS70.10]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|---------------------|-------------------------------|-----------|---|--|--------------------------|----------------------------|--------------------------------|
| | | | <p>Residential Zones, Maori Purposes Zone (Hongoeka), Settlement Zone:</p> <p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with THWT-R5-1.a or THWT-R5-1.b.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in THWT-P3.</p> | | | | |
| 11.25 ⁸⁵ | Porirua City Council | THWT-R5 | <p>Amend the rule as follows:</p> <p>Connection of a Non-residential buildings, retirement villages, papakainga, and multi-unit housing <u>connected</u> to the Three Waters Network</p> <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The building is serviced by reticulated water supply, reticulated wastewater and stormwater management networks; and</p> <p>ba. Compliance is achieved with the following:</p> <p>i. For stormwater — The level of service in Chapter 4 Stormwater Table 4.1, Table 4.2 and 4.3 of the Wellington Water Regional Standard for Water Services May 2019;</p> <p>ii. For wastewater — The level of service in Chapter 5 <u>Wastewater</u>, section 5.2.3 of the Wellington Water Regional Standard for Water Services May 2019; and</p> <p>iii. For water supply — The level of service in Chapter 6 <u>Water Supply</u> Tables 6.1 and 6.2 of the Wellington Water Regional Standard for Water Services May 2019; <u>or</u></p> <p>Note: b. Where at <u>The development relies provides on site specific measures that to achieve compliance comply with the</u></p> | 3.12.3 | Accept in part | See body of the report | Yes |

⁸⁵ Opposed by Kāinga Ora [FS65.182]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|----------------------|--|-----------|--|--|--------------------------|----------------------------|--------------------------------|
| | | | <p>performance standards set out in (a) above (for example an engineered wetland, on-site detention, booster pumps, or wastewater detention), that have already been approved and constructed. (for example as part of a subdivision) and is considered fit for purpose, then this rule can be considered to be complied with.</p> <p><u>Note:</u></p> <p>This rule only applies to sites in the Maori Purpose Zone (Hongoeka) that are serviced by the three waters network.</p> <p><u>Note: Chapter 4 Stormwater, Chapter 5 Wastewater and Chapter 6 Water Supply of the Wellington Water Regional Standard for Water Services May 2019 provide additional context for determining compliance with the tables specified above.</u></p> | | | | |
| Standards | | | | | | | |
| 72.18 ⁸⁶ | Survey+Spatial New Zealand (Wellington Branch) | General | Provide for other mechanisms to achieve stormwater neutrality - by specific design. | 3.13.1 | Accept in part | See body of the report | Yes |
| 11.26 ⁸⁷ | Porirua City Council | THWT-S1 | <p>Amend the standards as follows:</p> <p>1. Any rainwater tank must be sized in accordance with the minimum requirements in THWT Table 1:</p> <p>a. Where the roof area of the building is between 40m² and 99.9m² – a 2000L capacity rainwater tank.</p> <p>b. Building roof area of = 100m² – < 200m² – 3000L capacity rainwater tank.</p> <p>c. Building roof area = 200m² – 5000L capacity rainwater tank.</p> <p>2. The tank hydraulic neutrality device must meet the specifications and be installed in accordance with Acceptable Solution #1 or Acceptable Solution #2 from the Wellington Water guide Managing Stormwater Runoff. The use of rain tanks for hydraulic neutrality, Acceptable solution #1, version 3 dated June August 2020.</p> | 3.13.1 | Accept in part | See body of the report | Yes |
| 81.369 ⁸⁸ | Kāinga Ora – Homes and Communities | THWT-S1 | <p>Amend:</p> <p>Residential Zones, Maori Purposes Zone (Hongoeka), Settlement Zone:</p> | 3.13.1 | Accept in part | See body of the report | Yes |

⁸⁶ Supported by Kāinga Ora [FS65.327] and BLAC Property [FS56.6]; opposed by Greater Wellington Regional Council [FS40.34]

⁸⁷ Supported by Greater Wellington Regional Council [FS40.3]; Opposed by Kāinga Ora [FS65.182]

⁸⁸ Supported by Kenepuru Limited Partnership (KLP) [FS20.34]; opposed by Te Rūnunga o Toa Rangatira [FS70.9]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|----------------------|------------------------------------|-----------|--|--|--------------------------|----------------------------|--------------------------------|
| | | | <p>1. Any rainwater tank must be sized in accordance with the following minimum requirements in THWT Table 1:</p> <p>a. Where the roof area of the building is between 40m² and 99.9m² – a 2000L capacity rainwater tank.</p> <p>b. Building roof area of = 100m² - < 200m² – 3000L capacity rainwater tank.</p> <p>c. Building roof area = 200m² –5000L capacity rainwater tank.</p> <p>2. The tank must meet the specifications, and be installed in accordance with Acceptable Solution #1 from the Wellington Water guide Managing Stormwater Runoff, The use of rain tanks for hydraulic neutrality, Acceptable solution #1 dated June 2019</p> <p>Matters of discretion are restricted to:</p> <p>1. Any potential impacts on any downstream flooding hazard;</p> <p>2. The size and scale of the development and the additional stormwater that the proposal will generate compared to the existing situation;</p> <p>3. The capacity of the local stormwater network; and</p> <p>4. Whether there are any site-specific constraints or opportunities within the local area that mean that hydraulic neutrality is not required.</p> | | | | |
| 81.370 ⁸⁹ | Kāinga Ora – Homes and Communities | THWT-S2 | <p>Delete:</p> <p>Commercial and Mixed Use Zones, General Industrial Zone, Hospital Zone:</p> <p>1. A hydraulic neutrality device must be installed, which must be:</p> <p>a. Designed and built in accordance with the design parameters in Section 4.4.3.3 of the Wellington Water Regional Standard for Water Services May 2019; and</p> <p>b. Fully operational prior to the use of the impervious area.</p> <p>Matters of discretion are restricted to:</p> | 3.13.2 | Accept in part | See body of the report | Yes |

⁸⁹ Supported by Kenepuru Limited Partnership (KLP) [FS20.34]; opposed by Te Rūnunga o Toa Rangatira [FS70.9] and Greater Wellington Regional Council [FS40.63]

| Sub. Ref. | Submitter / Further Submitter | Provision | Decision Requested | Section of this Report where Addressed | Officer's Recommendation | Officers' Reasons/Comments | Recommended Amendments to PDP? |
|---------------------|--|--------------|---|--|--------------------------|---|--------------------------------|
| | | | <p>1. The access and on-going maintenance of the hydraulic neutrality devices;</p> <p>2. Any potential impacts on any downstream flooding hazard;</p> <p>3. The size and scale of the development and the additional stormwater that the proposal will generate compared to the existing situation;</p> <p>4. The preference for one central hydraulic neutrality device over numerous individual hydraulic neutrality devices;</p> <p>5. The capacity of the local stormwater network; and</p> <p>6. Whether there are any site specific constraints or opportunities within the local area that mean that hydraulic neutrality is not required.</p> | | | | |
| 82.91 ⁹⁰ | Waka Kotahi NZ Transport Agency | THWT-S2 | Retain as notified. | n/a | Accept in part | Accept in part, subject to amendments made in response to other submissions | No |
| 72.26 ⁹¹ | Survey+Spatial New Zealand (Wellington Branch) | THWT-S2 | Delete or amend | 3.13.2 | Reject | See body of the report | Yes |
| 81.371 | Kāinga Ora – Homes and Communities | THWT-Table 1 | Delete Table | 3.13.2 | Accept | See body of the report | Yes |

⁹⁰ Opposed by Kāinga Ora [FS65.184]

⁹¹ Supported by Kāinga Ora [FS65.185]; opposed by Greater Wellington Regional Council [FS40.37]

Appendix C. Section 32AA Evaluation

C1. Overview and purpose

This evaluation is undertaken in accordance with section 32AA of the RMA. It examines the appropriateness of the recommended amendments to the objectives, policies and rules for the THWT-Three Waters chapter following the consideration of submissions received on the PDP.

This further evaluation should be read in conjunction with Part A – Overview and Part B Three Waters of the Section 32 Report prepared for the development of the PDP.

C2. Recommended amendments

The revisions proposed to the objectives, policies and rules largely do not change the intent of the provisions. Generally, the changes are recommended to provide clarity and integrate the chapter better within the Plan and with other regulatory requirements.

The recommended changes to the objective for hydraulic neutrality, and the changes to THWT-P2 and THWT-P3 simplify and clarify the wording. The rules and standards are recommended to be amended to better clarify the requirements for use and development in relation to the Three Waters Network and provide greater flexibility for onsite solutions. Additional terms have also been explained.

C3. Statutory Tests

The Council must ensure that prior to adopting an objective, policy, rule or other method in a district plan, that the proposed provisions meet the requirements of the RMA through an evaluation of matters outlined in Section 32.

In achieving the purpose of the RMA, the Council must carry out a further evaluation under section 32AA if changes are made to a proposal as a result of the submissions and hearings process. This evaluation must cover all the matters in sections 32(1)-(4).

Objectives

The objectives are to be examined in relation to the extent to which they are the most appropriate way to achieve the purpose of the RMA.⁹² For the purposes of evaluation under section 32AA the following criteria form the basis for assessing the appropriateness of the proposed objectives:

- Relevance;
- Usefulness;
- Reasonableness; and
- Achievability.

⁹² RMA s32(1)(a)

Provisions

Each provision is to be examined as to whether it is the most appropriate method for achieving the objectives. For a proposed plan, the provisions are defined as the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan.⁹³

The examination must include assessing the efficiency and effectiveness (including costs and benefits of the environmental, economic, social, and cultural effects, quantified if practicable, and the risk of acting or not acting) and a summary of the reasons for deciding the provisions.

C4. Evaluation of Recommended Amendments to Objectives

THWT-O1 is recommended to be amended as set out in Appendix A. Table C 1 below provides an evaluation of the recommended amendments to this objective.

Table C 1: Recommended Amendments to THWT-O1

| | |
|-----------------------|--|
| Relevance | Addresses a relevant resource management issue The amendment better relates the objective to a resource management issue, as the objective will be more focussed on flood risk which relates to Issue 2 as identified in the Section 32 Evaluation Report Part 2: Three Waters. |
| | Assists the Council to undertake its functions under s31 Section 31(1)(a) requires territorial authorities to control the effects of use, development or protection of land, including the avoidance or mitigation of natural hazards. Flooding is identified as one of the primary natural hazard risks in Porirua. The recommended amendments better focus the objective on flood risk, and therefore will better assist the Council in undertaking its functions. |
| | Gives effect to higher level documents The recommended amendment is more consistent with and therefore better gives effect to section 6(h) of the RMA by referring to flood risk. |
| Usefulness | Guides decision-making The recommended amendment better guides decision making, as the effects of use and development on the natural hazard risk from flooding will be considered in resource consent processes. |
| | Meets best practice for objectives The recommended amendment better communicates the outcome sought, and therefore more closely aligns the objective with best practices. The recommended amendment provides a more nuanced wording, as the current wording could be read as only relating to the effects of use and development on absolute flood levels downstream, whereas there may be also effects on the frequency of flood events which also need to be considered. |
| Reasonableness | Will not impose unjustifiably high costs on the community / parts of the community |

⁹³ RMS s32(6)(a)

| | |
|----------------------|---|
| | The recommended amendment will not impose any additional costs on the community. |
| | Acceptable level of uncertainty and risk The recommended amendment better communicates the outcome sought and therefore increases the certainty for the implementation of the objective. |
| Achievability | Consistent with identified tangata whenua and community outcomes The recommended amendment is neutral in relation to consistency with identified tangata whenua and community outcomes. |
| | Realistically able to be achieved within the Council's powers, skills and resources The recommended amendment will not impact on the achievability of the objective as previously assessed, as they serve to clarify but do not change the outcomes sought. |
| Conclusion | The recommended amended objective is the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management. |

Overall, the recommended amendment to the objective provides greater clarity on the outcome sought and more relevant and useful wording in terms of implementation through resource consent processes. For the purposes of sections 32 and 32AA, I consider that the revised objective is the most appropriate way of achieving the purpose of the RMA.

C5. Evaluation of Policies and Rules

I have assessed how the recommended changes to the policies, rules and other methods are the most appropriate to implement the objectives below. In undertaking this assessment, I have evaluated the recommended amendments against the provisions as notified.

Efficiency and Effectiveness of the Provisions

I have assessed the efficiency and effectiveness of the recommended amended provisions in achieving the objectives, including identification and assessment of the costs and benefits anticipated from the implementation of the provisions in Table C 2, Table C 3 and Table C 4 below.

Table C 2: Assessment of efficiency and effectiveness – THWT-R1, THWT-R2, THWT-S1, THWT-S2 and the definitions for 'hydraulic neutrality', 'impervious surface' and 'permeable paving'

| Recommended Amendments to Provisions: |
|---|
| As set out in Appendix A, the recommended amendments include: <ul style="list-style-type: none"> • Amendments to the rule headings of THWT-R1, THWT-R3, THWT-R4 and THWT-R5 to clarify the land use being controlled by the rules; • Amendments to THWT-R1 to incorporate the notes relating to alternative methods of achieving the intended outcome into the rule wording itself; |

- Amendment to THWT-R2-1 to include the Special Purpose Zone (BRANZ);
- Amendment to THWT-R1 and THWT-S1 to remove reference to rainwater tanks and rely on the acceptable solutions in Wellington Water's technical standards;
- Amendment to THWT-S2 to include a threshold for increases in impermeable surfaces
- Amendments to the definitions of 'hydraulic neutrality' and 'impervious surface'; and
- Additions of new definitions for 'permeable paving' and 'rainwater tank'.

| Costs | Benefits |
|---|--|
| <ul style="list-style-type: none"> • The inclusion of an impervious surface threshold in THWT-S2 for hydraulic neutrality requirements under THWT-R2 may have some adverse social and environmental effects through allowing small increases in impervious surfaces on sites within the Commercial and Mixed Use Zones, General Industrial Zone, Hospital Zone and Special Purpose Zone (BRANZ), and therefore potentially have an effect on the downstream flood risk. Due to the small increase enabled as a permitted activity (40m² within any 12 month period), which is consistent with the threshold under THWT-R1, these effects are considered to be acceptable. | <ul style="list-style-type: none"> • The recommended amendments provide greater clarity for the provisions, and therefore will be easier to interpret and implement, providing economic benefits to plan users through more efficient consent processes. • The recommended amendments to THWT-R1 will ensure hydraulic neutrality devices are installed for new buildings exceeding 40 m², and therefore will have social and environmental benefits relating to mitigation of increases to flood risk. • The recommended amendments to THWT-R1 and the associated changes to THWT-S1 will enable other solutions to be used for achieving hydraulic neutrality, and therefore provides potential secondary economic and social benefits through flexibility in site design. • The inclusion of the alternative methods to achieve hydraulic neutrality in the rule wording rather than as a note will mean that these will have legal effect, and therefore will have economic benefits in being able to be relied upon by plan users. • The inclusion of an impervious surface threshold in THWT-S2 for hydraulic neutrality requirements under THWT-R2 will have economic benefits through enabling small increases without having to install a hydraulic neutrality device. • The addition of a definition of 'rainwater tank' will ensure that associated rules in other chapters will continue to be implemented as intended following the deletion of the term from THWT-R1 and THWT-S1. |
| Efficiency | The recommended amendments will have economic, social and environmental benefits, while having no identified costs, and therefore will be more efficient than the notified provisions. |
| Effectiveness | The recommended amendments provide greater clarity for the provisions, and therefore will be easier to interpret and implement and more effective in achieving the objective. |

| | |
|---|---|
| | Specifically, the amendment to THWT-R1 addresses a drafting error that meant that rainwater tanks were not actually required and therefore was not effective in terms of the intended purpose of the rule. The amendment will be effective in ensuring hydraulic neutrality is achieved by correcting this issue and ensuring hydraulic neutrality devices are installed for buildings exceeding 40 m ² in area. |
| Summary | |
| The recommended amendments provide the most appropriate method for achieving objective THWT-O1. | |

Table C 3: Assessment of efficiency and effectiveness – THWT-P2, THWT-P3, THWT-R4, and THWT-R5

| Recommended Amendments to Provisions: | |
|--|--|
| As set out in Appendix A, the recommended amendments include: | |
| <ul style="list-style-type: none"> Amendment to THWT-P2 to simplify the wording and ensure it does not conflict with Building Act 2004 requirements; Amendment to THWT-P3 to simplify the wording; and Amendments to THWT-R4 and THWT-R5 to incorporate the notes relating to alternative methods of achieving the intended outcome into the rule wording itself. | |
| Costs | Benefits |
| <ul style="list-style-type: none"> There are no identified social, cultural, economic or environmental costs associated with the recommended amendments. | <ul style="list-style-type: none"> The recommended amendments provide greater clarity for the provisions, and therefore will be easier to interpret and implement, providing economic benefits to plan users through more efficient consent processes. The clarification of the rules in relation to connections to the reticulated networks will ensure that these connections are only made where required under the Building Act, but where they are made, they meet the relevant levels of service. This will have economic, social and environmental benefits. The inclusion of the alternative methods to achieve levels of service in the rule wording rather than as a note will mean that these will have legal effect, and therefore will have economic benefits in being able to be relied upon by plan users. |
| Efficiency | The recommended amendments will have economic benefits, while having no identified costs, and therefore will be more efficient than the notified provisions. |
| Effectiveness | The recommended amendments provide greater clarity for the provisions, and therefore will be easier to interpret and implement and more effective in achieving the objective. |
| Summary | |
| The recommended amendments provide the most appropriate method for achieving THWT-O2. | |

Table C 4: Assessment of efficiency and effectiveness – THWT-R3

| Recommended Amendments to Provisions: | |
|--|---|
| <p>THWT-R3 Water metering device for nNew buildings connected to the reticulated <u>public</u> water <u>supply</u> systems</p> <p>1. Activity status: Permitted Where: All new buildings that are connected to the reticulated water network must be fitted with a water metering device <u>is installed</u> that meets the requirements of Sections 6.4.10-2 and Section 6.4.11 of the Wellington Water Regional Standard for Water Services May 2019.</p> | |
| Costs | Benefits |
| <ul style="list-style-type: none"> There are no identified social, cultural, economic or environmental costs associated with the recommended amendments. | <ul style="list-style-type: none"> The recommended amendments better clarify the rule, and therefore will have economic benefits through easier interpretation and implementation. |
| Efficiency | The recommended amendments will have economic benefits, while having no identified costs, and therefore will be more efficient than the notified rule. |
| Effectiveness | The recommended amendments include correcting an error in referencing an external document. As such the recommended amendments will be more effective in ensuring the water metering devices meet the required standards. |
| Summary | |
| The recommended amendments provide the most appropriate method for achieving THWT-O2 in respect of water metering. | |

Overall, taking into account the assessment above, I consider the recommended amendments to the policies, rules and standards to be more efficient and effective in achieving the objectives than the notified provisions.

Adequacy of Information and Risk of Acting or Not Acting

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Submissions have raised a number of matters that need to be addressed to provide clarity to the THWT-Three Waters chapter provisions of the PDP. If no action is taken and the PDP is retained as notified, it could cause confusion and may result in a lack of consistent interpretation of the PDP and increased costs in terms of time and money required by Council staff to process resource consents.

The recommended amendments better achieve the purpose of the RMA and assist in making the provisions efficient and effective in achieving the objectives. The risk in not acting is that the provisions do not effectively or efficiently achieve the objectives.

After reviewing the THWT-Three Water chapter provisions of the PDP and considering the submissions on these provisions, I consider there is sufficient information on which to base the recommended revised objectives, policies and rules and definitions.

C6. Conclusion

I have evaluated the recommended amendments to objectives to determine the extent to which they are the most appropriate way of achieving the purpose of the RMA where there is necessary, and otherwise to give effect to higher order planning documents. I have also evaluated the recommended amendments to the proposed provisions, including their efficiency and effectiveness of the provisions in achieving the proposed objective(s). I consider the proposed objectives as recommended to be amended are an appropriate way of achieving the purpose of the RMA and the recommended changes to provisions are the most appropriate means of achieving the objectives.

Appendix D. Report Author's Qualifications and Experience

My name is Rory McLaren Smeaton.

I hold the following qualifications:

- Bachelor of Science in Geography (University of Canterbury);
- Postgraduate Diploma in Science in Geography (with Distinction) (University of Canterbury);
and
- Master of Planning Practice (First Class Honours) (University of Auckland).

I am a full member of the New Zealand Planning Institute. I have nine years' experience working as a planner for local and central government organisations, and a multi-disciplinary consultancy.

I have been employed by the Porirua City Council since April 2020 as a Senior Policy Planner within the Environment and City Planning Team. My work at PCC has included finalising PDP chapters and preparing the associated section 32 reports, summarising submissions, and preparing section 42A reports.