

**BEFORE THE HEARING PANEL APPOINTED TO HEAR AND MAKE DECISIONS ON SUBMISSIONS  
AND FURTHER SUBMISSIONS ON THE PROPOSED PORIRUA DISTRICT PLAN AT WELLINGTON**

**IN THE MATTER** of the Resource Management Act 1991 (the  
Act)

**AND**

**IN THE MATTER** of Hearing of Submissions and Further  
Submissions on the Proposed Porirua  
District Plan under Schedule 1 of the Act

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**HEARING STATEMENT ON BEHALF OF GREATER WELLINGTON REGIONAL  
COUNCIL – HEARING STREAM 4**

**2 February 2022**

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## **HEARING STATEMENT ON BEHALF OF GREATER WELLINGTON REGIONAL COUNCIL FOR HEARING STREAM 4**

1. This Hearing Statement has been prepared on behalf of Greater Wellington Regional Council and represents Greater Wellington's views. It is not expert evidence, but refers to Mr Smaill's evidence from Hearing Stream 1. Fleur Matthews, Matthew Hickman and Alastair Smaill will be attending the hearing to speak to Greater Wellington's submission and this Hearing Statement.
2. There are 26 submission points and 34 further submission points from Greater Wellington that fall within Hearing Stream 4, covering a number of the topics in this Hearing Stream.
3. Greater Wellington generally supports or accepts the Reporting Planners' s42A recommendations in relation to the submissions and further submissions that we made. However, there are two outstanding issues within the following topics that this Hearing Statement addresses:
  - a. Earthworks around flood protection structures
  - b. The role of PCC and Greater Wellington in three waters

### **Earthworks around flood protection structures**

4. We would like to suggest alternative relief regarding our submission point 137.65. Our submission sought that earthworks provisions were amended so that those conducting earthworks on flood protection structures would be required to consult with Greater Wellington prior to works occurring. The section 42A report agrees with our concern of potential effects of earthworks on flood protection structures (in paragraph 54), but does not comment on whether or how it is addressed by the PDP.
5. It is our understanding that the PDP may address this issue in part, where earthworks is occurring within a riparian margin, through NATC-R2. NATC-R2 permits earthworks within riparian margins up to an amount of 25 square metres in any 12 month period per site. For earthworks greater than that amount, restricted discretionary activity status applies. However, the relevant matters of discretion in NATC-P4 do not include reference to

natural hazard risk (unlike NATC-P2, which is an equivalent policy for buildings and structures in coastal and riparian margins). We did not submit on NATC-P4 or NATC-R2 and therefore do not seek a change to the matters of discretion.

6. The alternative relief we seek is that the following statement (or similar) be included as an Advice note at the end of the Earthworks chapter: “For works that may impact existing flood protection structures, consultation with Greater Wellington Regional Council on the appropriate placement, location and design of earthworks is encouraged”.
7. We consider this alternative relief is within the scope of our submission.

### **The role of PCC and Greater Wellington in three waters**

8. Greater Wellington is the primary agency responsible for controlling discharges and the control of land use for the purposes of managing water quality. Under the National Policy Statement for Freshwater Management 2020 (NPS-FM), we will set limits in relation to urban discharges and land use in the regional plan for: nutrients (nitrogen and phosphorous); pathogens (E.coli); sediment; and heavy metals (copper and zinc).
9. PCC is the long-term owner of wastewater and stormwater assets. In addition, PCC’s agent, Wellington Water Limited, manages the assets and (as the holder of discharge consents) is responsible for the long-term compliance with discharge consent requirements. Therefore, PCC has a significant interest in managing three waters infrastructure to minimise any long-term liability associated with infrastructure that does not meet discharge consent requirements. In almost all catchments, a reduction in contaminant load will be required. The cost of that reduction will largely fall on PCC and its ratepayers. Although the ownership and management of three waters infrastructure are unlikely to remain the same in the long-term (due to Government Three Waters reform), the costs of maintaining and improving infrastructure will fall to the same ratepayers.
10. In addition, as spelt out in Mr Smail’s evidence for Hearing Stream 1, the NPS-FM requires city and district councils to adopt an integrated approach, ki uta ki tai, and consider the effects of urban development, and its associated infrastructure, on water quality, and to

include objectives, policies and methods in their District Plans. Specifically, clauses 3.5(1)(c) and (4) of the NPS-FM requires that:

*(1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:*

*(c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; ...*

*(4) 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.*

11. Urban development cannot occur without sufficient and suitable infrastructure, including that for Three Waters. The District Plan is the lever that PCC has to ensure that new development and intensification of existing development is adequately supported by Three Waters infrastructure. If the District Plan allows development and infrastructure that is not going to maintain or improve water quality it will not give effect to the NPS-FM, and will be inconsistent with the regional plan.
12. As outlined in our submission, we consider that the NPS-FM and the Regional Policy Statement for the Wellington Region establish a clear directive to territorial authorities to provide for the integrated management of freshwater and land use and development, and to develop provisions that support a co-ordinated and integrated approach by the district plan and regional plan.
13. Our submission point 137.28 seeks that THWT-P3 is amended to ensure that 'network capacity' includes the ability of the stormwater management system to attenuate or remove contaminants, in order to meet the limits that will be set in the PNRP through Plan Change 1. We consider that this change will contribute to giving effect to the NPS-FM, and help achieve strategic objectives NE-O3 and NE-O4.