Wellington Water

Wellington Water Ltd Stage 2 Global Stormwater Discharge Consent

Resource consent application Part 1

June 2023

Our water, our future.

Document Control

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APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88

OF THE RESOURCE MANAGEMENT ACT 1991

To: Greater Wellington Regional Council

1. Wellington Water Ltd as a Council Controlled Organisation of Upper Hutt City Council, Hutt City Council, Porirua City Council and Wellington City Council, IBM House, 25 Victoria Street, Petone is applying for the following types of resource consent:

   Discharge permit
   Coastal permit

2. The activities to which the application relates (the proposed activity) are as follows:

   Discharges of stormwater, including stormwater occasionally contaminated with wastewater, from the existing and future Upper Hutt City Council, Hutt City Council, Porirua City Council and Wellington City Council Stormwater Networks:

   a) to freshwater or to coastal water (including wetlands); or

   b) onto or into land where the discharge may enter freshwater or coastal water or enter or affect wetlands; or

   c) onto or into land.

3. The sites at which the existing and future discharges occur, or will occur, are various watercourses, wetlands, the coastal marine area and land within Upper Hutt City Council, Hutt City Council, Porirua City Council and Wellington City Council.

4. The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows:

   Upper Hutt City Council
   838-842 Fergusson Drive
   Upper Hutt 5018

   Hutt City Council
   30 Laings Road
   Lower Hutt 5040

   Porirua City Council
   16 Cobham Court,
   Porirua 5022

   Wellington City Council
   113 The Terrace
   Wellington Central

   Crown Land

5. There are no other activities that are part of the proposal to which this application relates.

6. No additional resource consents are needed for the proposal to which this application relates.

7. Attached is:

   - Wellington Water Stage 2 Global Stormwater Discharge Consent Application – Part 1

- Wellington Water Stage 2 Global Stormwater Discharge Consent – Assessment of Effects on the Environment - Part 2
- He Rautaki Wai Āwhātanga / Stormwater Management Strategy – Part 3
- Stage 2 Global Stormwater Consent Draft Resource Consent Conditions – Part 4

which contain assessments of the proposed activity's effect on the environment that—

a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and

b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

8. Attached is the Part 1 Report referred to in 7. above which contains an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

9. Attached is the Part 1 Report referred to in 7. above which contains an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

10. No further information is required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act.

11. A term of 35 years is sought for the resource consent.

Date: 10/07/2023

Signed on behalf of Wellington Water Limited

Address for Service:

Wellington Water Limited

c/- Stantec New Zealand

Attention: Richard Peterson

Phone: 04 381 6708

Email: richard.peterson@stantec.com

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Abbreviations and Glossary

AEE	Assessment of Environmental Effects
CMA	Coastal Marine Area
GWRC	Greater Wellington Regional Council
HCC	Hutt City Council
LTP	Long Term Plan prepared under the Local Government Act
MACAA	The Marine and Coastal Area (Takutai Moana) Act
NES-DW	National Environmental Standard for Source of Human Drinking Water
NES-F	National Environmental Standards for Freshwater
NPS-FM	National Policy Statement on Freshwater Management
NPS-IB	The Exposure Draft for the National Policy Statement for Indigenous Biodiversity
NPS-UD	National Policy Statement on Urban Development
NZCPS	New Zealand Coastal Policy Statement
PCC	Porirua City Council
pNRP	Proposed Natural Resources Plan
RMA	Resource Management Act
RPS	The Regional Policy Statement
SCaMP	Sub-catchment Management Plan
SMP	Stormwater Monitoring Plan
SMS	Stormwater Management Strategy
UHCC	Upper Hutt City Council
WCC	Wellington City Council
Wellington Water	Wellington Water Limited

1 Introduction

1.1 Background to this application

Wellington Water Limited (Wellington Water), as a Council Controlled Organisation of Upper Hutt City Council, Hutt City Council, Wellington City Council and Porirua City Council, is applying for resource consent for the discharge of stormwater, including stormwater occasionally contaminated with wastewater, from the existing and future local authority stormwater networks.

This application is for the stage 2 stormwater discharge consent. The stage 1 stormwater consent (WGN180027 [34920]) was granted on 30 November 2018 for a five year period and expires on 30 November 2023. The stage 1 consent requires Wellington Water to develop and implement a monitoring plan, manage acute adverse health effects from the stormwater discharges, including through Sanitary Surveys and Human Health Mitigation Programmes, and to develop a Stormwater Management Strategy (SMS).

Wellington Water is seeking to replace the stage 1 consent with its stage 2 stormwater consent[1]. The stage 2 consent will focus on managing the stormwater discharges from the local authority stormwater networks in a manner that progressively reduces their adverse effects. The level of investment and time required to implement such improvements requires a 35 year consent duration. This will enable staged improvements to different parts of the stormwater network based on the priority of the different stormwater sub-catchments.

1.2 Overview of the stage 2 application

Wellington Water's stage 2 consent application is based on several key principles. These principles are:

- A collaborative approach that implements mana whakahaere for Mana Whenua and Wellington Water's role (on behalf of its client councils) as the asset manager responsible for the stormwater networks
- A global approach, which ensures consistency across the local authority stormwater networks and enables investment to occur where the need is the greatest
- A long duration consent, which enables the progressive improvement of stormwater sub-catchments, with planning and investment based on sub-catchment priorities to be determined in collaboration with Mana Whenua
- Recognition that future extension of the local authority stormwater network is inevitable and necessary to meet the requirements of the National Policy Statement on Urban Development (NPS-UD). Consequently, new stormwater discharges in new

[1] There are some differences between the stage 1 and proposed stage 2 consents which are explained in section 1.3.2 below.

locations need to be provided for under this consent, while ensuring these are aligned with good practice
- The stormwater consent will operate in parallel with the wastewater network overflow consents. Therefore, duplication between the stormwater consent and wastewater consent(s), including the monitoring undertaken under each consent, should be reduced as far as reasonably practicable
- Our understanding of the environmental effects of stormwater discharges and of good practice stormwater management will evolve overtime and therefore mechanisms under the consent must be updated regularly.

More detail on our proposal is provided in section 2.

1.3 Scope of this consent application

1.3.1 Activities to be authorised by the stage 2 stormwater consent

The pNRP defines the terms 'stormwater' and 'stormwater network' as follows:

> ***Stormwater*** *- Runoff that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure, as a result of precipitation and including any contaminants contained therein.*
>
> *For the avoidance of doubt, stormwater excludes discharges associated with earthworks, vegetation clearance, break-feeding and cultivation that are managed under rules in section 5.3 of the Plan.*
>
> ***Stormwater network*** *- The network of devices designed to capture, detain, treat, transport and discharge stormwater, including but not limited to kerbs, intake structures, pipes, soak pits, sumps, swales and constructed ponds and wetlands, and that serves a road or more than one property*

Within the scope of these definitions, Wellington Water's application seeks to authorise the following stormwater discharges:

1. Stormwater discharges from the existing local authority stormwater networks of Porirua City, Wellington City, Hutt City and Upper Hutt City
2. Stormwater discharges from all new parts of the local authority stormwater network that may be constructed during the term of the consent, including but not limited to new discharges that are required to facilitate growth and urban development in Porirua City, Wellington City, Hutt City and Upper Hutt City
3. Stormwater discharges from sections of stormwater network that may be transferred to Porirua City, Wellington City, Hutt City and Upper Hutt City[2] from any party, including for example Waka Kotahi or developers, during the term of the consent

[2] Or the future consent holder should Three Waters Reform proceed.

4. Stormwater discharges (as described in 1 to 3 above) from the local authority stormwater network that are occasionally contaminated by wastewater, but only wastewater contamination arising from private and public cross connections and exfiltration (leaks) from the wastewater network. Further discussion on the relationship of this application with the Wet Weather Wastewater Overflow Applications is provided in section 1.3.2
5. Stormwater discharges from the existing and future local authority stormwater network (as already described in 1 to 4 above)
    a. to surface freshwater, groundwater, coastal water, land where it may enter water,
    b. into and affecting[3] wetlands, and
    c. onto and into land.

With respect to points 1 to 5 above, it is noted that at lodgement the application specifically includes discharges from road stormwater systems that may only consist of kerb or road side sumps, a sump lead, short section of main and an outlet (see Figure 1-1). As noted in section 1.6, discharges from road stormwater systems may be removed from this application should Water Reform remove these discharges from within the responsibility of the future Water Entity.

Figure 1-1: Example of a road stormwater system (Wi Neera Drive, Porirua)

[3] We have included to the term 'affecting' with respect to wetlands to cover the scope of the NES-F which includes discharges within a 100 m setback of a natural inland wetland, where there is a hydrological connection between the discharge and the wetland, and where the discharge will change or is likely to change the water level range or hydrological function of the wetland.

There are several matters that Wellington Water is not seeking to authorise through this application. These are:

1. Stormwater discharges from the State Highway network, Wellington International Airport and CentrePort which are all subject to specific resource consents. Such discharges are excluded from this consent even if they occur from the local authority stormwater network.
2. Stormwater discharges from recent developments that have already been authorised by a resource consent in accordance with Rule R50 of the proposed Natural Resources Plan (pNRP). Where the stormwater assets associated with such development are to be vested in the relevant local authority, or the future Water Entity, Wellington Water proposes that discharges from these new sections of the stormwater network will continue to be authorised and managed in accordance with the existing Rule R50 resource consents.
3. Sediment discharges that occur via the local authority stormwater network but which arise as a result of activities that are managed under section 5.3 of the pNRP, such as earthworks and vegetation clearance. These sediment discharges do not fall under the definition of stormwater in the pNRP and are authorised and managed under either permitted activity rules or the resource consent requirements of pNRP section 5.3.
4. Substances or contaminants, e.g. paint, that are deliberately poured or otherwise released into the local authority stormwater network, and which do not enter the local authority stormwater network as part of runoff from a land surface, or from the external surface of any structure, as a result of precipitation. The release of such substances or contaminants does not fall under the definition of stormwater in the pNRP.
5. The release of landfill leachate into the local authority stormwater system. Landfills and closed landfills in the region include systems to collect leachate and discharge this to the wastewater network to avoid it contaminating nearby water courses. Occasionally the volume of leachate will exceed the wastewater systems and an overflow occurs to the stormwater network. Such overflows to the stormwater system do not fall within the definition of stormwater under the pNRP.
6. Stormwater discharges direct to the receiving environment from private systems, i.e. the stormwater discharges that are not from the local authority stormwater network. These discharges are the responsibility of private landowners and under the pNRP will either be permitted activities (Rules R48 or R51) or if they cannot meet the permitted activity conditions will require resource consent (Rule R55).
7. Run-off from high-risk sites (e.g. large car parks or heavy industry) where the land owner refuses to comply with the Stormwater Management Strategy (SMS) (see section 2.5.5).
8. Wastewater contamination of the local authority stormwater network arising from overflows from the wastewater network. As described in section 1.3.2 wet weather overflows from the wastewater network, including those that overflow to the stormwater network before discharging to the receiving environment, are included in three Wet Weather Overflow consent applications that have been submitted to the Regional Council. There is currently not a consent pathway for dry weather overflows. Wellington Water anticipates submitting a consent application for dry

weather overflows in the future if a consent pathway is provided for these discharges.

1.3.2 Relationship with wastewater network consents

Wellington Water's stage 1 stormwater consent authorises the discharge of stormwater occasionally contaminated with wastewater. However, it only authorises wastewater network overflows that discharge via the stormwater network. It does not cover any discharges from the wastewater network direct to the receiving environment.

To ensure that all wet weather related wastewater overflows are managed in a consistent manner in the future Wellington Water has submitted three Wet Weather Overflow consent applications[4] that include all existing[5] wet weather wastewater network overflows, including those via the stormwater network. These consents will ensure that all conditions for the management of wet weather overflows are included in integrated wet weather overflow consents, and not split between wastewater consents and stormwater consents.

Wellington Water had originally intended that these wastewater overflow applications would also cover new wet weather overflows and dry weather overflows. However, the pNRP does not provide a consent pathway for these discharges. Discussions are on-going with GWRC policy staff to determine if an appropriate consent pathway is achievable.

Given that:

- Wellington Water has submitted separate consent applications for existing wet weather overflows and
- new wet weather overflows and dry weather overflows will be covered in future consent applications (once a viable consent pathway becomes available)

this stage 2 stormwater addresses a more limited range of wastewater contaminant sources than was addressed in the stage 1 application. As noted in section 1.3.1, this stage 2 stormwater application only addresses wastewater contamination that arises from private and public cross connections and exfiltration (leaks) from the wastewater network into the stormwater network. The relationship between the stage 2 stormwater consent and the wastewater consents is illustrated in **Figure 1-2.**

Explanation of how we propose to manage the adverse effects arising from the wastewater contamination under the stormwater consent is included in section 2.5.4.

[4] Three consents are being sought: one for Hutt Valley and Wainuiomata; one for Porirua and the northern suburbs of Wellington; and, one for the remainder of Wellington City.
[5] Under the pNRP, existing wet weather overflows are limited to those that occurred prior to 31 October 2020.

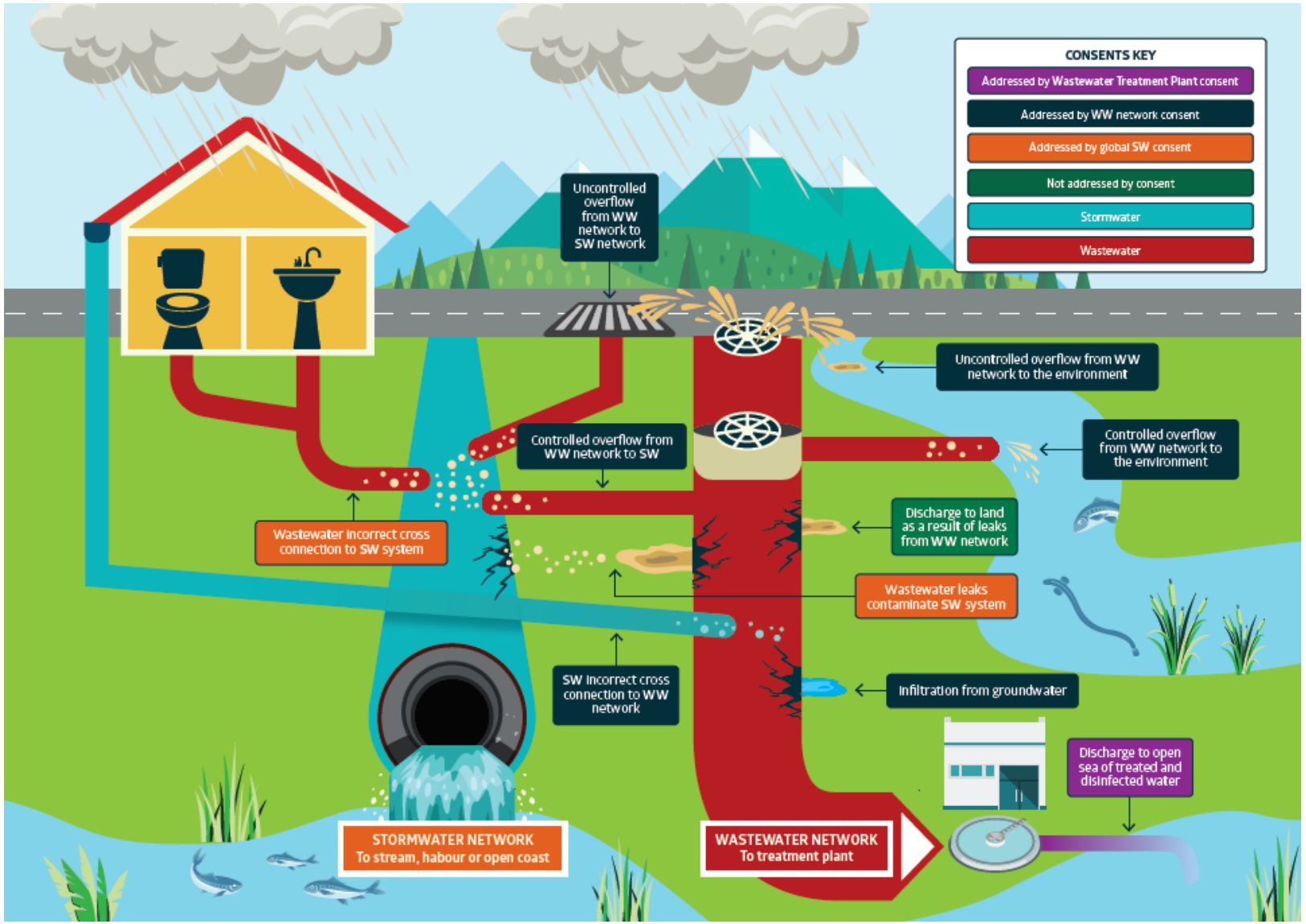

Figure 1-2: Illustration of how wastewater discharges are addressed in Wellington Water resource consent applications

1.4 Duration

We are seeking a term of 35 years for this stage 2 stormwater consent.

The certainty of a long-term consent is required to provide sufficient time for the implementation of the various measures, processes and physical works that provide critical mitigation of this consent. This includes various mechanisms such as prioritising sub-catchments, establishing the new work programmes under the Stormwater Management Strategy and preparing and implementing Sub-catchment Management Plans. Given the scale of the work across the four cities, these mechanisms need to be developed, implemented and funded through several financial planning cycles to be effective.

A long-term consent will enable us to focus on progressively reducing the effects of our stormwater discharges rather than having to keep focussing on reconsenting the discharges. In other words, momentum is likely to be lost while substantial effort is put into the re-consenting process if a short term consent is issued. It will also give the Collaborative Committee the time to successfully carry out its functions (see section 2.2.2).

A shorter consent duration would make funding delivery of progressive improvement substantially more difficult and likely result in more modest aspirations being set under the consent. Other risks that would arise from a shorter consent duration are:

1. Funding challenges and the capacity of the consent holder and Mana Whenua may mean it is not possible to address all sub-catchments during the consent term
2. Funding and capacity challenges may also mean that some sites that are identified in Schedules C and F of the pNRP are unable to be addressed during the consent term
3. That the significant 'ramping up' period, possibly several years, which will be needed to get the mechanisms proposed through this application up to speed, is likely to mean that only limited progress can be achieved by the end of a short duration consent
4. Further, that limited progress will then be at risk of being rendered obsolete by the conditions of the replacement consent, requiring the work to be re-visited.

These factors all create uncertainty for the consent holder which will undermine confidence in making long term investments and which does not reflect the status of the stormwater network as regionally significant infrastructure. A shorter consent duration would also not reflect the complexity and scale of work that is required to deliver Te Mana o te Wai across the catchments. The challenges are such that Wellington Water believes that a substantially different approach from that included in this application would be required if a short consent duration were to be imposed.

Wellington Water appreciates that the value of a shorter term consent is that it ensures that approaches do not get locked in place and can be kept up-to-date with changes in good practice. To ensure the mechanisms under the stage 2 consent are kept 'live', while providing the investment certainty for the consent holder, Wellington Water has proposed that several checks and balances are built into the consent, e.g. the requirements through proposed consent conditions to undertake six yearly reviews of the Stormwater Management Strategy.

1.5 The existing environment

The orthodox position in the case law is that the 'existing environment' does not ordinarily include the activity for which consent is sought (unless it would be 'fanciful or unrealistic' to take another approach). However, the past lawful effects of activities are generally included.

This creates a number of challenges in the context of the stage 2 stormwater consent application, including in terms of:

1. Identifying a realistic description of the existing environment that excludes the operation of the stormwater network but includes urban development
2. Assessing effects of the application against that hypothetical environment.

Wellington Water acknowledges that the existing environment will not include the existing discharges once the Stage 1 consent expires, and that the effects of these discharges need to be considered under section 104 of the RMA. However, given the difficulty in identifying a realistic existing environment and assessing effects relative to it, Wellington Water considers that the application (and the stage 2 consent once granted) should more usefully focus on improvements relative to the current state of the environment (rather than the 'existing environment'). It is considered that this approach is aligned with pNRP objectives and policies relevant to the management of stormwater and the adverse effects of activities on water quality, biodiversity, aquatic ecosystem health and mahinga kai, and sites of significance. Such provisions seek that improvements are made relative to the current state (rather than a hypothetical 'existing environment') and that progress is made over time towards outcome based objectives.

1.6 Water reform

Water Reform is progressing at the same time as this resource consent application. The final details of the reform are not yet known, and this application and proposed conditions (Part 4 of this application) have been prepared on the current situation where that the stormwater network is managed by Wellington Water, but Council owned, and improvement works will be funded through the Councils' Long Term Plan processes.

However, in broad terms the implications of reform for these consents are anticipated to be:

1. The new water services entity will be responsible for the delivery of three waters services which includes the delivery of stormwater services
2. The applications will be transferred to the new entity
3. The new entity will be the consent holder, responsible for the implementation of the consents and must comply with the conditions of the consents including the establishment and support of the Collaborative Committee
4. Three water assets will be transferred to the new entity. However, with respect to stormwater assets there remains some uncertainty about which assets will be transferred, in particular those stormwater assets which intercept road run-off as identified in section 1.3.1 above.

In summary, the application is not expected to change substantively when water reform is implemented, although it may be necessary to remove some stormwater discharges and

update the conditions as some as aspects of the planning and funding processes will be different if the reforms occur.

1.7 Structure of the application & RMA Schedule 4

This application comprises 4 parts as follows:

Part 1 This document which:

- Includes the application forms
- Describes the stormwater network and how discharges from it are proposed to be managed under the stage 2 consent
- Identifies the resource consent requirements
- Sets out the engagement undertaken to inform the consent application
- Assesses the proposal against relevant statutory considerations.

Part 2 The Assessment of Environmental Effects (AEE) which:

- Describes the AEE methodology
- Assesses the environmental effects of the stormwater discharges from the stormwater network
- Provides recommendations for the stormwater management mechanisms to be included in the Stormwater Management Strategy and the proposed consent conditions.

Part 3 The Stormwater Management Strategy prepared in accordance with Schedule N of the pNRP.

Part 4 The proposed resource consent conditions.

Schedule 4 of the RMA sets out the information required to support an application for resource consent, including information required in an assessment of environmental effects and the matters that must be addressed by assessment of environmental effects. The following table sets out the information relevant to this proposal required under Schedule 4 and links it to the relevant Part of the application documentation that addresses this information requirement.

Table 1-1: Location of information required by Schedule 4 of the RMA

Schedule 4 clause	Location of information
A description of the activity	Part 1, section 1.3 and 2
A description of the site at which the activity is to occur	Part 2
The full name and address of each owner or occupier of the site	Part 1, application forms
A description of any other activities that are part of the proposal to which the application relates	Part 1, section 1.3 and 2
A description of any other resource consents required for the proposal to which the application relates	Part 1, section 3

Schedule 4 clause	Location of information
An assessment of the activity against the matters set out in Part 2	Part 1, section 5.6
An assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b)	Part 1, section 5.1.2 & Appendix A
If the application is affected by section 124, an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):	Part 1, section 2.1.2
If the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B))	N/A
If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity	Part 1, section 5.4
An assessment of the actual or potential effect on the environment of the activity	Part 2
If the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment	Part 2 Part 1, section 5.4 (for alternatives)
A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect	Part 1, section 2 Part 3, SMS Part 4, consent conditions
Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted	Section 4
If the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved	Section 2.3.3
If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group)	N/A
A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.	Part 1, Appendix A Part 2

Schedule 4 clause	Location of information
Any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects	Part 2
Any physical effect on the locality, including any landscape and visual effects	Part 2
Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity	Part 2
Any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants	Part 2
Any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	Part 2

2 Our proposal

Section 1.2 provides a high level summary of Wellington Water's proposals contained in this application. The following sub-sections provide details on these proposals and the proposed consent conditions to give effect to these proposals are set out in Part 4 of the application.

2.1 The stormwater network

2.1.1 Description of the network

Wellington Water manages the local authority stormwater network on behalf of our client councils which include the Wellington City Council, Porirua City Council, Hutt City Council and Upper Hutt City Council.

The proximity of the coast, harbours, and streams results in a system of numerous localised stormwater networks. Stormwater in rural areas is generally managed by open streams and water courses, while runoff in urban areas is mostly directed through piped systems. Wellington Water manages an extensive list of stormwater assets including over 1600 km of stormwater pipes, over 20 pump stations, and numerous associated fittings and other assets (See Table 2-1).

Further assets will be added to the local authority stormwater network in the future through urban growth and potentially through State Highway revocations. Wellington Water is seeking to authorise the discharges from the existing assets and any future assets through this resource consent application.

Table 2-1: Stormwater assets currently management by Wellington Water

Client Council	Stormwater Network Asset Quantity (as of August 2020), and replacement value (as of 2020 valuation)
Hutt City Council	• 454 km of pipes, $158M • 13,500+ associated fittings, $26M • 5 Detention Dams, $1M • 12 pump stations, $5M
Upper Hutt City Council	• 155 km of pipes, $163M • 3800 Fittings, $46M • 7 Pump Stations, $1M
Porirua City Council	• 294 km of pipes,$197M • 9100 fittings,$51M
Wellington City Council	• 729 km of pipes, $993M • 27,800 fittings,$147M • 3km tunnels, $32M • 2 pump stations,$3M

2.1.2 Value of the investment in the stormwater network

The total replacement value for stormwater assets managed by Wellington Water for the four client councils is approximately $1.842 billion dollars (as of 2020 valuation). A breakdown of the replacement values is included in Table 2-1 above.

It should be noted that Wellington Water is reliant on the provision of funding through our client councils Long Term Plan (LTP) process to enable us to undertake the management of the stormwater network. Wellington Water is involved in the LTP process by providing advice to the councils on the capital and operating expenditure anticipated to be needed to deliver on our role in managing the stormwater, water and wastewater networks and to meet customer expectations and regulatory requirements. The councils are ultimately responsible for determining how much of the recommended funding through the LTP is provided to Wellington Water.

2.1.3 The purpose of the stormwater network

Our stormwater network includes a:

1. primary system that is generally comprised of a piped drainage system, formed drainage channels, outlets and / or related soakage systems
2. secondary system that is generally comprised of overland flow paths that provide backup service when the primary system becomes blocked, or its capacity is exceeded.

The stormwater network serves a critical function in managing stormwater within the urban areas and has traditionally been designed with the primary objective of safeguarding people, property and infrastructure from flood hazards. In this regard the stormwater network is intended to effectively collect and convey regular rainfall runoff away from urban properties and roads to reduce the risk of flooding.

While the runoff and flood management function of the stormwater network provides significant economic and social benefits to the community, it can also result in adverse effects on the environment. The journey of stormwater across the urban landscape results in the run-off becoming polluted with litter and other contaminants before ending up in our waterbodies, affecting water quality and ecosystem health, and resulting in the deterioration of the values held by Mana Whenua for those waterbodies. In addition, the stormwater system changes natural drainage patterns increasing peak flows to our waterbodies at times of rain and reducing baseflows at other times. This is why in more recent years, stormwater systems have started to be designed to also protect the environment from the adverse effect of stormwater and contaminants[6].

To address these issues, Wellington Water needs to provide a new level of service for our stormwater management in a systematic manner embedded into our decision making. This will represent a shift in the way our stormwater systems are planned, designed, constructed,

[6] Section 3 of the SMS (Part 3 to this application) provides a more detailed description of the evolution of stormwater management.

and operated. However, it needs to be achieved while maintaining a focus on managing run-off and flooding issues, and therefore balancing the operation of the network to reduce risks from stormwater flooding (including increased risks from climate change) with the need to reduce the adverse effects of the discharges from our stormwater network.

2.1.4 Management of the stormwater network

Given that the stormwater network has multiple functions, Wellington Water's role in managing it is also multi-faceted. While this stormwater discharge consent, and the associated Stormwater Management Strategy and Sub-catchment Management Plans, has a particular focus on managing the adverse effects of the stormwater discharges, this is just one part of our overall approach to stormwater management.

Figure 2-1 provides a simplified illustration of the complex range of drivers and the legislative context for our overall management of the stormwater network. It is important to acknowledge that the focus under the pNRP on adverse effects (highlighted by the dark blue polygon) needs to be addressed within the context of these wider imperatives and achieving the outcomes sought under this consent should not undermine the delivery of a stormwater network that responds to the other, equally important drivers.

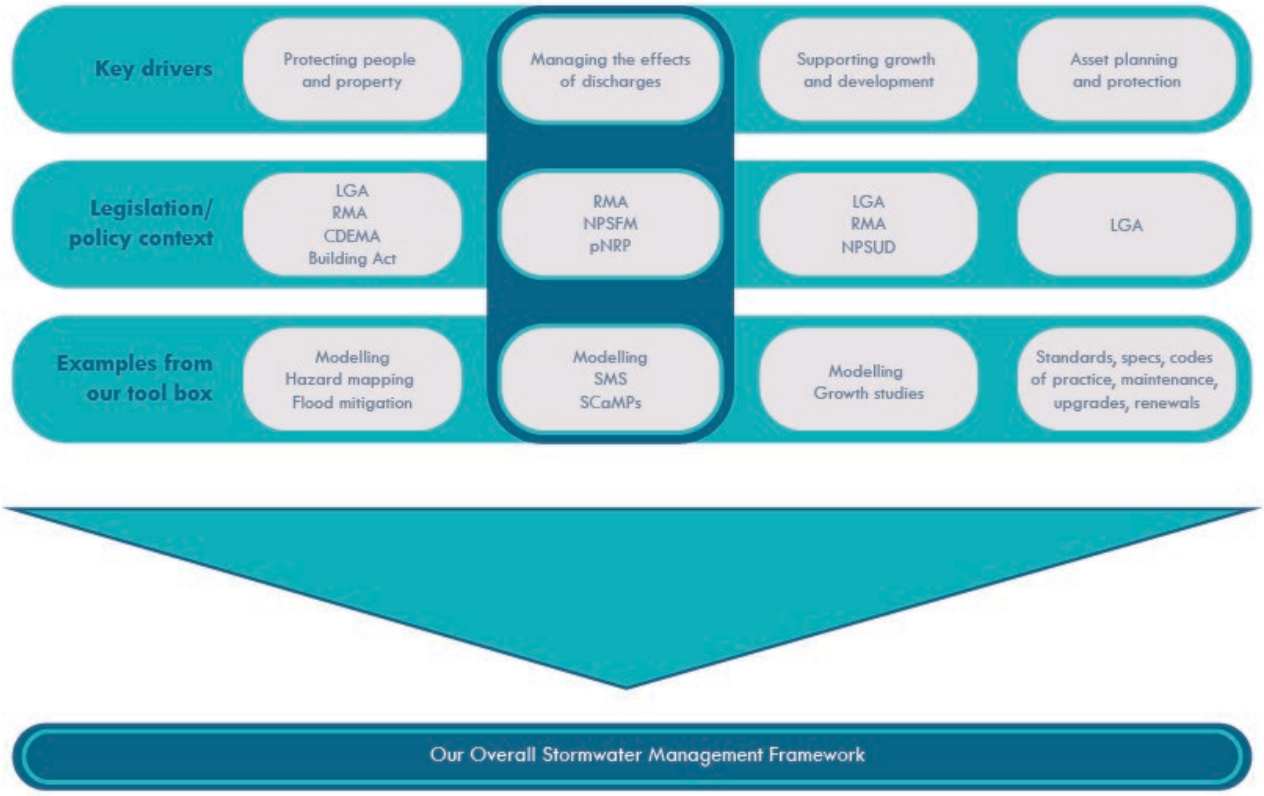

Figure 2-1 Overview of Wellington Water's stormwater management approach

2.2 Our proposed approach to manage the effects of stormwater discharges

2.2.1 Overview

This section of the application sets out Wellington Water's proposed approach to progressively reduce the adverse environmental effects that arise from the stormwater discharges from the local authority stormwater network. There are three key components to our proposed framework:

1. The Collaborative Committee – that will assist in delivering Te Mana o te Wai, provide oversight to the consent implementation, including by helping us to set the priorities for the preparation and implementation of Sub-catchment Management Plans (see section 2.2.2).

2. The Stormwater Management Strategy (SMS) – which sets out our long-term strategy to reduce the adverse environmental effects that arise from the stormwater discharges from the local authority stormwater network. The SMS outlines our vision and objectives and describes the workstreams that we will deliver to achieve the vision and objectives. These work streams will be regularly reviewed and updated through the consent term to ensure that they are kept up to date with advances in good practice (see section 2.2.3).

3. Sub-Catchment Management Plans (SCaMPs) – these plans will be developed under the conditions of the consent on the basis of priorities agreed by the Collaborative Committee and will identify sub-catchment scale interventions based on good management practices, a source control and treatment train approach and water sensitive urban design (see section 2.2.4).

2.2.2 What is the purpose and role of the Collaborative Committee?

The Collaborative Committee will operate for the duration of the consent and will have oversight of consent implementation. We consider that this Committee will be a critical component of how we can contribute to the achievement of Te Mana o te Wai in Upper Hutt, Lower Hutt, Wellington and Porirua.

The membership of the Committee will be 50% Mana Whenua and 50% consent holder (Client Councils and Wellington Water). The membership is designed to implement mana whakahaere for Mana Whenua and the city councils' role as owner and investor for the stormwater network. Its overall purpose is to provide strategic direction to the consent holder to reduce the adverse effects of stormwater discharges over the term of the consent.

We intend to work with Mana Whenua to agree the functions of the Collaborative Committee. At this point we anticipate that these may include oversight of:

1. the regular SMS updates, including prioritising the development and implementation of SCaMPs
2. implementation of the SMS
3. the preparation of the SCaMPs

4. implementation of the SCaMPs
5. the preparation of the Mātauranga Māori Monitoring Plan
6. the Annual Report (see section 2.4), including information about the effectiveness of the SMS and SCaMPs in progressively reducing the adverse effects of stormwater discharges from the stormwater network
7. the preparation, updating, and implementation of the community engagement plan.

In completing these functions, the Collaborative Committee will receive a number of inputs as shown in **Figure 2-2.** The Committee will be supported by Wellington Water staff and Mana Whenua representatives as desired. Mana Whenua will also be invited to prepare, or help to prepare, various inputs, if they choose. There will be two observers: GWRC as environmental regulator, and Regional Public Health. Wellington Water will act as secretariat. The Collaborative Committee may have an independent chair.

The priority order that SCaMPs are prepared and delivered will be carefully programmed by the Collaborative Committee and Wellington Water through the SMS. Wellington Water is continuing to develop its prioritisation framework but at this point we expect the prioritisation to take into account factors such as:

- The findings of the Wellington Water Stage 2 Global Stormwater Discharge Consent Application – Part 2 Report: Assessment of Environmental Effects, including:
    - Sites with pNRP Schedule values
    - The level of adverse effects on sub-catchments from the stormwater discharges
- The location of mana whenua values
- Growth projections and known locations of growth and development in the following six years
- Wider infrastructure planning considerations.

In some cases, it may make sense to address upstream catchments first, in other cases, the downstream catchments may need to be upgraded early. Given our intent to involve the Collaborative Committee, the priority order of SCaMPs has not been set in the application. We anticipate that the priority order will either be set prior to the hearing of this application, or if that is not possible as a first task for the Collaborative Committee under the conditions of this consent. The SCaMP priority order will be revisited by the Collaborative Committee every six years as part of the SMS updates.

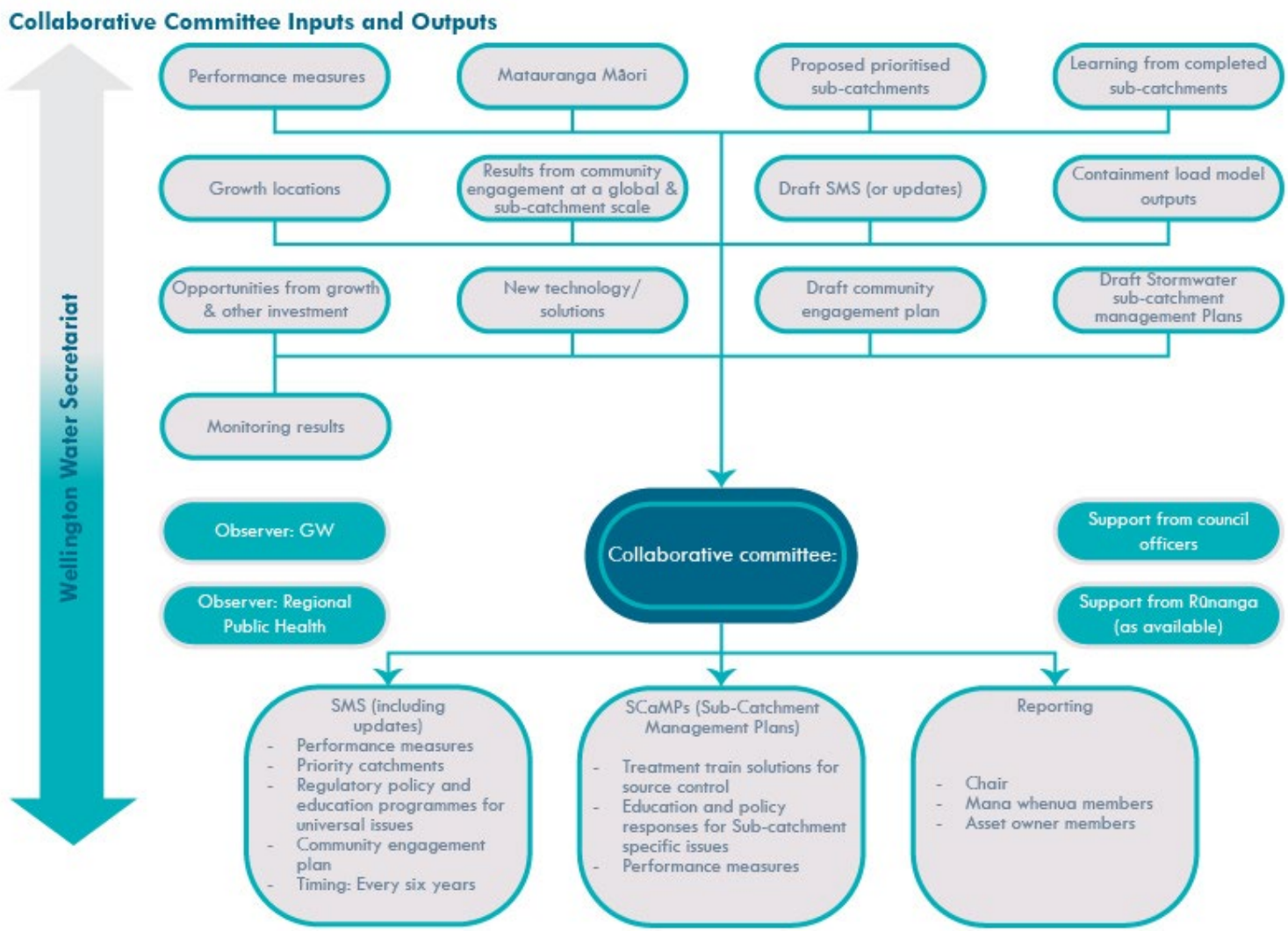

Figure 2-2: Collaborative Committee inputs and outputs

2.2.3 What is covered in the SMS and how will we keep it up to date?

Our SMS is included in Part 3 of this application. It sets our long-term strategy for the management of the adverse effects of stormwater discharges from the local authority stormwater network. The vision, objectives and principles of the SMS are summarised in **Figure 2-3** below. The vision, objectives and principles of the SMS will guide implementation of two workstreams shown in **Table 2-2.**

Table 2-2: SMS workstreams

Workstream 1: Universal responses & programmes for Water Quality outcomes					
For new developments	*Site-specific SCaMPs for sites >3,000m²*	*No new exposed copper or zinc cladding*	*Gross pollutant traps*	*Hydraulic neutrality*	
Existing Networks Programmes	*Strategy and planning*	*Modelling & investigations*	*Operations and maintenance (*including monitoring and acute human health risk investigations)	*Education and outreach*	*Data and asset management*
Workstream 2: SCaMPs and resulting Capital Improvements					
Activities	*Prioritisation*	SCaMP Delivery	*Capital delivery of improvements*		

The intent of the workstreams shown in Table 2-2 is as follows:

- **Workstream 1: Universal Responses and Programmes for Water Quality Outcomes**:
  - Maintain the current state of our waterways that can be adversely impacted by stormwater discharges
  - Undertake activity to investigate, characterise and prioritise our catchments (through our five new programmes) for Workstream 2, below.
- **Workstream 2: SCaMPs and Resulting Capital Improvements**:
  - Reduce the impacts of stormwater discharges on water bodies through the development and implementation of stormwater discharge Sub-Catchment Management Plans (SCaMPs)
  - Capital Delivery programme to design and construct stormwater water quality treatment devices identified in the SCaMPs.

To deliver on the intent for workstream 1 the SMS proposes universal responses for new development and five programmes of investment. The universal responses require that all new development not covered by a stormwater discharge SCaMP deliver stormwater mitigations. The broad nature of the five investment programmes that also form part of workstream 1 is illustrated in **Figure 2-4**. More details are provided in the SMS in Part 3 of this application. We anticipate that these five programmes will be refined over the consent term and the activity under each programme may fluctuate year to year based on the funding available.

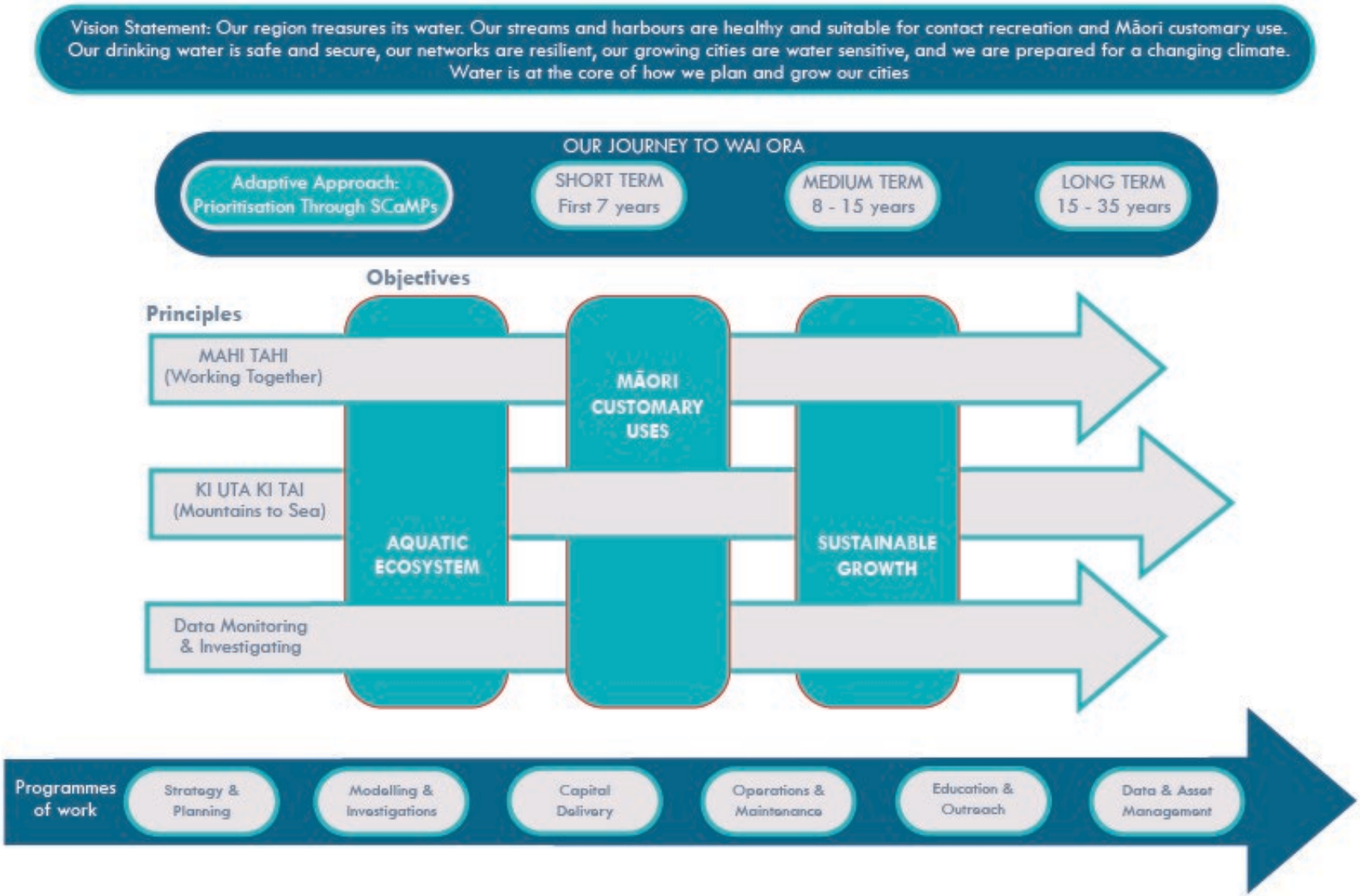

Figure 2-3: Vision, objectives and principles of the SMS

Figure 2-4: SMS Workstream 1: Investment programmes

We appreciate that the ongoing refinement of these programmes presents some uncertainty for GWRC and stakeholders. We are therefore proposing to set a number of key management practice commitments through the SMS approved as part of this consent (see section 2.3.2 for further information). We note that these commitments have not been identified in the SMS lodged with this application, and we are continuing to work with our client councils to confirm what these commitments will be and when they will need to be met by. We anticipate providing further information on these commitments prior to the hearing.

Workstream 2 involves the development of prioritised stormwater discharge SCaMPs. The resulting Capital Delivery programme will support the design and construction of stormwater water quality treatment devices. This workstream:

- Delivers the SCaMPs (in the sequenced order identified through the Collaborative Committee).
- Delivers new assets that achieve multiple benefits for our community and assist to sustain mauri of our waterways, including seeking opportunities to restore our lost urban waterways.
- Enables innovative trials across the networks to support achieving the SMS objectives.

More information on the SCaMPs is provided in the following section.

The SMS will be reviewed and updated every six years through a process undertaken by Wellington Water and overseen by the Collaborative Committee. The review process will be timed to occur the year prior to the development of our client council Long Term Plans so that the outcomes of the SMS review can be incorporated into the Long Term Plans.

The review process will focus on:

1. The prioritisation of future SCaMPs – whether new information means that the priorities should change and that the sequence of when SCaMPs are prepared and implemented should be revised
2. The effectiveness of the universal responses and the work programmes, including whether these measures are meeting their intent of maintaining the status of our waterways in response to adverse impacts of stormwater discharges
3. The management practice commitments that will be delivered in the next six years (see section 2.3.2).

It is anticipated that the core principles and objectives of the SMS will remain consistent through the life of the Stage 2 Global Stormwater Discharge Consent, unless the Collaborative Group determines that they need to be revisited.

When reviewing the SMS, we will take the following information into account:

1. Input from a Mātauranga Māori expert or other party agreed to by Te Rūnanga o Toa Rangatira and Taranaki Whānui
2. Feedback from Regional Public Health and the community group(s) established in accordance with the community engagement plan
3. Monitoring results, including Mātauranga Māori monitoring
4. Modelling results

5. Changes to and improvements in best practice stormwater management
6. Lessons learned from the previous six-year cycle.

Any updates to the SMS following the reviews will be submitted to GWRC for certification that they have been undertaken in accordance with the relevant conditions of this consent.

2.2.4 How will the SCaMPs be developed and what will they cover?

To successfully deliver the vision and objectives of the SMS requires the development and implementation of Sub-Catchment Management Plans (SCaMPs). The purpose of each SCaMP will be to identify sub-catchment specific interventions that, in addition to the investment programmes set out in workstream 1 of the SMS, will assist us to reduce adverse effects of the stormwater discharges by using good management practices, taking source control and treatment train approach, by implementing water sensitive design, and managing localised adverse effects.

There are two types of SCaMPs that will be prepared and implemented under the SMS:

1. Developer-led, site-specific SCaMPs for large developments and greenfield sites to manage post construction stormwater. These will be prepared and implemented under Workstream 1 of the SMS.
2. Wellington Water-led SCaMPs under Workstream 2 of the SMS.

Further information on developer-led SCaMPs is provided in the SMS. However, we acknowledge that the mechanism through which developer-led SCaMPs will be required and approved remains uncertain at time of lodgement of this application. This uncertainty arises because of the on-going Water Reform. We expect a mechanism will be established by the legislation currently before Parliament and we will provide further details on this matter prior to the hearing.

Wellington Water is continuing to develop a framework for the prioritised sequence in which the SCaMPs will be prepared and implemented. We will be seeking to work closely with Mana Whenua on this framework and to confirm the prioritised sequence prior to the hearing of this application.

We also intend to work with Mana Whenua to agree the matters to be covered in each SCaMP. At this point we anticipate that the content of each SCaMP will include:

- A short summary of the key environmental effects and other stormwater discharge management issues that need to be addressed in the relevant sub-catchment including, but not limited to:
    - The nature of the sub-catchment, including potential contaminant sources
    - The state of the sub-catchment water bodies with respect to pNRP objectives
    - Localised adverse effects such as:
        - Effects on sites of significance to Mana Whenua
        - Effects on sites with significant indigenous biodiversity values (including natural wetlands)
        - Stream channel erosion or scouring

    - Wastewater contamination that falls within the scope of this consent
- A description of the sub-catchment specific interventions that are proposed to address the stormwater discharge management issues
- A delivery programme for these interventions, including any sub-catchment specific management practice commitments (see section 2.3.2)
- A summary of feedback received from Regional Public Health and community groups established under the consent (see section 2.5.1), and commentary of how this feedback has been addressed in the SCaMP, if at all.

Again, we wish to work with Mana Whenua to confirm the information that will be used in the development of each SCaMP. At this point we anticipate that the preparation of each SCaMP will take into account:

1. Input from a Mātauranga Māori expert or other party agreed to by Te Rūnanga o Toa Rangatira and Taranaki Whānui
2. The SMS, including how effective actions under the SMS workstreams have been in reducing the adverse effects of stormwater discharges from the local authority stormwater network within the relevant sub-catchment
3. Feedback from Regional Public Health and the community group(s) established in accordance with the community engagement plan
4. Monitoring results, including Mātauranga Māori monitoring results, on the nature and significance of the adverse effects of stormwater discharges within the relevant sub-catchment and in downstream receiving environments.
5. Modelling
6. Information on localised effects
7. Additional stormwater discharges that are likely to occur within or connected to the sub-catchment over the consent duration, e.g. due to growth and development
8. The potential effects of climate change
9. The nature of the stormwater sub-catchment, including the condition of the stormwater assets and physical constraints within the sub-catchment that may influence what infrastructure upgrades and capital works are practicable
10. Wellington Water's other work programmes, such as renewals, flood management and growth
11. Advances in technology and knowledge about the effectiveness of potential improvement works and other initiatives, including learnings from implementation of other Sub-catchment Management Plans
12. Future needs, including those associated with growth and development
13. Regulatory / consent requirements related to proposed improvement works.

The development of each SCaMP will follow the process set out in Figure 2-5. Wellington Water will prepare each SCaMP, under the oversight of the Collaborative Committee. Once a SCaMP is approved by the Collaborative Committee it will be submitted to GWRC for certification that it meets the requirements of the consent conditions. Once certified the SCaMP will be implemented and progress will be reported through our Annual Report (see section 2.4). We will measure the effectiveness of each SCaMP through the performance measures described in section 2.3.

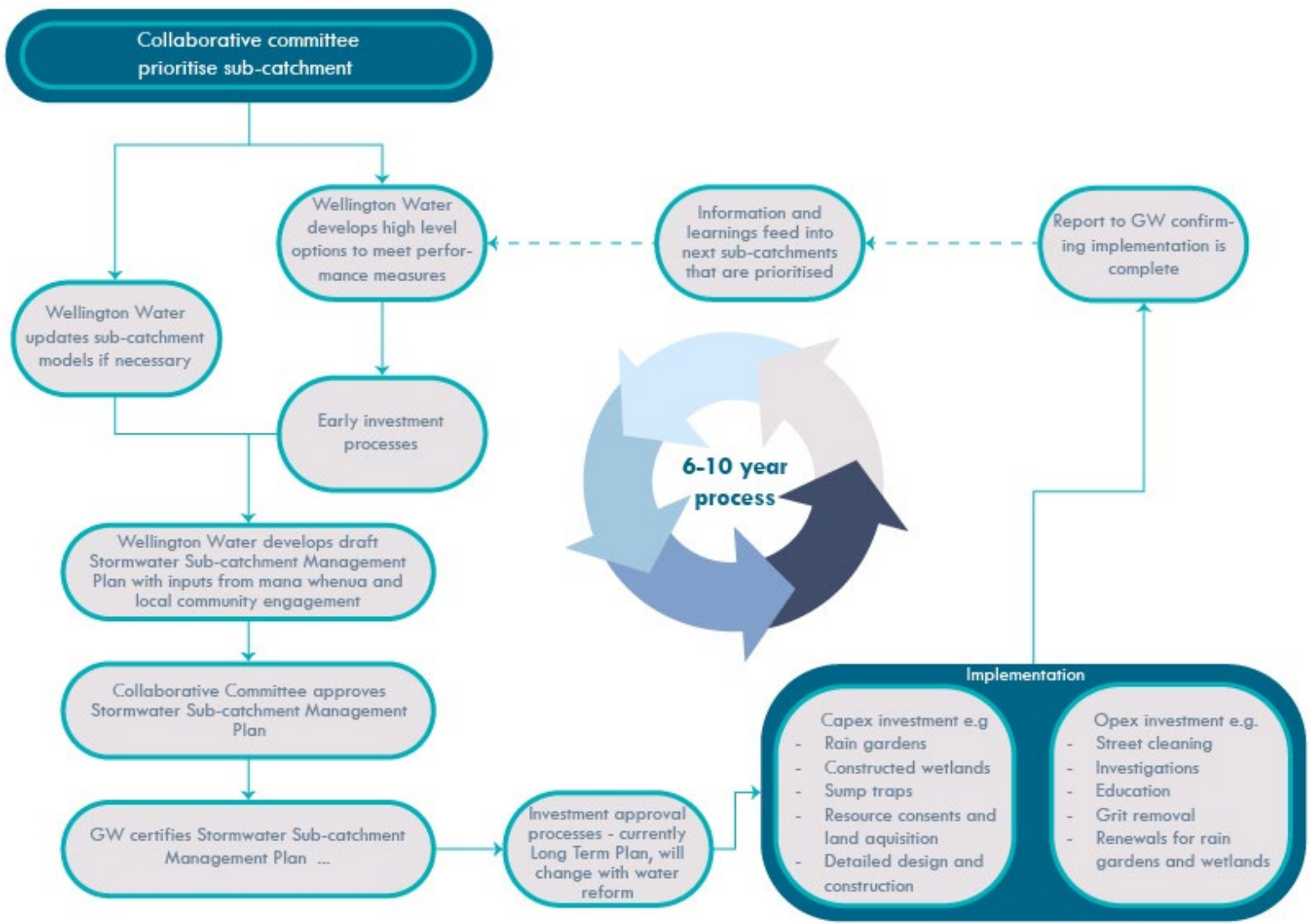

Figure 2-5: Sub-catchment Management Plan Implementation

2.3 How will we measure our performance?

Identifying a direct measure of the effectiveness of the stormwater improvements that will be implemented under this consent is not straight forward. This is because the receiving environments that are impacted by our stormwater discharges are complex systems. They contain significant natural variation and complex natural processes, and in addition local authority stormwater is just one source of the contamination in the receiving environment, and in some cases just one source of the contamination carried in the stormwater network itself[7]. For these reasons we do not consider that it is appropriate that compliance limits, which if not met would result in a breach of the consent, are imposed on this consent[8].

Instead, we are proposing to use a mix of other mechanisms to measure our performance. In summary these mechanisms are:

1. Modelling – we propose to use modelling to identify reductions in contaminants achievable by applying good practice measures. We will also use modelling to help us and the Collaborative Committee to identify what capital improvements will be implemented as part of each SCaMP
2. We will set management practice commitments in the SMS and deliver on these commitments. We will also consider, with oversight from the Collaborative Committee, if additional sub-catchment specific management practice commitments need to be included in each SCaMP
3. We will continue to monitor stormwater and receiving water (albeit on a rationalised basis from the stage 1 baseline monitoring) and use this data as a general measure of whether our SMS work programmes are effective.

Each of these performance measures is described further in the following sections.

2.3.1 Modelling

We will use modelling to determine the effectiveness of our actions to reduce contaminants in the stormwater discharges. We are currently developing this modelling for pilot sub-catchments and will have this available prior to the hearing.

At this point we expect that the primary functions of the modelling will be to:

1. Help identify what capital improvements will be implemented as part of each SCaMP
2. Identify what reductions in contaminants are achievable in each sub-catchment by applying good practice measures.

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[7] As identified in section 1.3.1, the local authority stormwater network is often carrying contaminants that are not managed under this consent. For example, the stormwater network carries sediment managed under other rules in pNRP and stormwater managed under other consents (e.g. Waka Kotahi's stormwater consent).

[8] For example, numeric water quality limits that are commonly imposed on single, point source discharge consents such as Wastewater Treatment Plant discharges.

2.3.2 Management practice commitments

As noted in section 2.2.3, we will implement and refine five investment programmes under workstream 1 of the SMS. To provide certainty to GWRC and our stakeholders we propose to identify within the SMS a number of key management practice commitments associated with these investment programmes.

These management practice commitments are still being developed with our client councils and are therefore not included in the version of the SMS that has been lodged with this application. We anticipate providing further information on these commitments prior to the hearing. We expect that these SMS commitments will require us to deliver on a specified commitment by a set date.

In addition, we propose to work with the Collaborative Committee to determine what, if any, sub-catchment specific management practice commitments should be incorporated into each SCaMP. These would be included if we determine that additional sub-catchment management practice commitments are warranted, particularly where these would provide certainty about our response to localised stormwater discharge issues specific to the sub-catchment.

2.3.3 Monitoring

Under the stage 1 global stormwater consent, we prepared and are part way through implementing a 5 year Stormwater Monitoring Plan (SMP). The broad purpose of this SMP is to develop a baseline of information on the effects of the stormwater discharges from the local authority stormwater network. Its more specific objectives are[9]:

1. To undertake focused, cost effective, and efficient monitoring and modelling of stormwater quality and stormwater flows to continuously improve confidence in stormwater data, and to facilitate the modelling of contaminant concentrations and effects in freshwater and marine environments
2. To identify any acute effects of stormwater on human health detected during monitoring in order to better manage activities contributing to these acute effects
3. To monitor ecosystem health, using suitable indicators, in order to assess the effects of stormwater discharges on freshwater and coastal receiving environments
4. To identify catchments, contaminant sources, and stormwater discharges of priority concern
5. To undertake targeted investigations and performance monitoring in order to better manage activities contributing to these acute effects
6. To share stormwater discharge monitoring data with other agencies to provide a sound understanding of the adverse quality and quantity effects of discharges from the stormwater network.

[9] Section 1.2 of the Global Stormwater Consent – Stage 1: Stormwater Monitoring Plan

Prior to the expiry of the current SMP in November 2025[10], we will undertake a full review of the SMP and submit a revised version of it for certification by GWRC. The review of the SMP will occur under the conditions of this stage 2 consent. Part 4 of this application currently has place holders for these monitoring conditions. We anticipate developing relevant consent conditions prior to the hearing of this application along with GWRC officers and mana whenua, and in a manner that integrates with the monitoring conditions of the wet weather wastewater overflow consents.

We expect that this revised SMP will do two things:

1. It will introduce a Mātauranga Māori element to the monitoring plan. This will need to be developed with Mana Whenua and GWRC. While we anticipate that GWRC will be the lead agency in developing a Mātauranga Māori monitoring programme for the region, Wellington Water will have a key role. We expect to provide more certainty (including proposed consent conditions) on these matters at the hearing of this application.
2. Rationalise the monitoring requirements - The purpose of stage 1 SMP to develop a baseline of information will not be relevant to the stage 2 consent. The rationalised SMP will focus on those elements that provide a clear indication of the effects of the stormwater discharges from the local authority stormwater, and which assists us to review the SMS and develop SCaMPs targeted to the needs of each sub-catchment. Given this the stage 2 SMP will need to evolve with the needs of our progressive SCaMP programme.

The results from monitoring under the SMP will be used to inform our 6 yearly reviews of the SMS, helping us to determine how effective the SMS has been in previous 6 years, and will also be used to inform the development of each SCaMP, providing information on the key stormwater management issues in the relevant sub-catchment.

Given that there are various factors in addition to stormwater discharges that influence receiving environment outcomes, we do not consider it appropriate that monitoring results are used as a compliance requirement for this consent. Rather we propose that, in reviewing the SMS, judgement is applied by the consent holder and the Collaborative Committee[11] as to whether the monitoring results indicate, in addition to other factors, that updates and revisions to the SMS are required.

[10] The existing SMP was established in 2020 under the Stage 1 consent. As it was not established until 2020 its five-year horizon extends beyond the 5-year term of the stage 1 consent itself, which ends in November 2023.

[11] And GWRC through the certification process

2.4 Reporting our progress

Every year under the consent we will prepare a comprehensive Annual Report. This report will:

1. Summarise the monitoring data gathered in the previous 12 months under the SMP and analyse trends in that data
2. Describe the progress that we have made implementing the SMS work programmes and the management practice commitments
3. As relevant[12], record the progress that we have made with respect to the 6 yearly review of the SMS
4. Describe the progress we have made preparing and implementing SCaMPs, in accordance with the prioritisation and programme set in the SMS
5. Record our progress in developing, updating and running relevant modelling
6. Provide a record of the Collaborative Committee meetings for the year, and include minutes for these meetings
7. Provide a record of our community engagement activities undertaken in accordance with section 2.5.1 below.

We will invite input from Mana Whenua to assist with our analysis of the Mātauranga Māori monitoring results and the Annual Report will be reviewed by the Collaborative Committee before we submit it to GWRC. We will provide the Annual Report to GWRC within three months of each anniversary of the commencement of the stage 2 consent and to the community groups established under this consent (see section 2.5.1).

[12] Noting that as this is a 6 yearly review cycle in most years the Annual Report will not cover this element.

2.5 Other key matters

2.5.1 How will we ensure that Mana Whenua values are integrated into the delivery of the consent?

Integrating Mana Whenua values into our management of the stormwater discharges from the local authority stormwater network is important to us. We propose to ensure that this occurs through three mechanisms. These mechanisms are:

1. The Collaborative Committee, the purpose and role of which are described in section 2.2.2
2. The addition of a Mātauranga Māori element to the Stormwater Monitoring Plan (see section 2.3.3)
3. Input from a Mātauranga Māori expert, or other party agreed to by Te Rūnanga o Toa Rangatira and Taranaki Whānui, into the updates of the SMS, and preparation of each SCaMP.

These mechanisms will ensure that Mātauranga Māori and in particular the views of Mana Whenua are integral to the implementation of this consent, and that the direction of various relevant objectives and policies in resource management documents is delivered.

2.5.2 How will the community be involved?

The community has a number of roles to play to help us deliver on the pNRP objective to reduce the adverse effects of stormwater discharges. To ensure that the community's input is as effective as it can be, we are proposing to develop, under the SMS, an Education and Outreach work programme. This is a new programme that, in addition to providing technical training for our staff, will look to deliver:

- Industry wide education of key supply chains that can influence and deliver good outcomes in line with the SMS objectives
- Appropriate community outreach activities and an integrated education campaign targeted at increasing awareness and enhancing connection with residents and businesses about how they can reduce contaminants. This will include a focus on education for local streams, water quality and water usage for schools and the community.

Where possible this programme will build on existing council education and outreach programmes associated with achieving environmental outcomes such as targeted industrial pollution prevention programmes and supporting wider community involvement in delivering compliance and environmental monitoring programmes.

In addition to this Education and Outreach work programme we also intend to engage with the community to ensure that the significant knowledge held by community groups informs SMS updates and SCaMP preparation. We intend to engage with the community in two different ways:

1. Global focus: As part of the consent, Wellington Water will establish a community group with a global focus. This group will engage with the secretariat supporting the Collaborative Committee and will be expected to have views to support the works across the entire local authority stormwater network. Members will be expected to

avoid advocating for their local waterways and networks and instead focus on reducing the adverse effects of stormwater discharges across the entire local authority stormwater network. It is likely that this group will work across all four cities and both stormwater and wastewater to achieve an integrated approach

2. Sub-catchment focus: When a sub-catchment is prioritised, Wellington Water will engage with the local community groups to understand the preferred types of interventions, what local knowledge is available, best ways to engage with residents and businesses and how to manage any disruption that may occur (e.g. road works on the main shopping street).

The Collaborative Committee will oversee a community engagement plan to support this tiered approach. Community groups that want to advocate for their sub-catchment to be prioritised will be able to do that via the normal channels, e.g. engagement with Wellington Water secretariat or discussions with councillors on the Collaborative Committee.

2.5.3 How will we maintain water quality, while progressively developing SCaMPs?

Under this consent, our primary capital interventions will be delivered through the SCaMP process. The SCaMPs will be progressively prepared and implemented over the term of the consent based on the prioritisation process described in section 2.2.4. As a result, some sub-catchments may not be subject to improvement via a SCaMP process for a period of time[13].

It is therefore important that while a sub-catchment awaits the development of a SCaMP that stormwater discharges from the local authority stormwater network do not cause water quality in the sub-catchment to decline. Under the SMS we are proposing to achieve this through workstream 1. Four activities under the workstream are particularly relevant in this regard. These are:

1. By requiring all new development less than 3,000 m^2 to apply the universal measures set out in the SMS
2. By requiring all new development over 3,000 m^2 to develop its own site specific SCaMP
3. By implementing the high-risk site health audits (see section 2.5.5 for further detail)
4. By implementing our Education and Community awareness campaign under the SMS.

We consider that these mechanisms will manage the main adverse effects from stormwater network discharges, while the programme of SCaMPs are delivered.

[13] As noted in section 2.2.4, we intend to develop a programme for the preparation and implementation of Wellington Water led SCaMPs in conjunction with mana whenua. We expect to provide more information on the proposed programme prior to the hearing of this application.

2.5.4 How will we manage the interaction of our wastewater and stormwater networks?

The pNRP anticipates that the interaction of wastewater and stormwater networks will be managed through the stormwater consent. However, in practice the interaction of these networks occurs in various ways which cannot (and in our view, should not) all be managed through the stormwater consent.

Section 1.3.2 sets out the relationship of this stormwater consent application to other wastewater network consents. As that section notes, this stage 2 stormwater application only covers wastewater contamination that arises from private and public cross connections and exfiltration (leaks) from the wastewater network into the stormwater network.

As part of the SMS, Wellington Water will implement workstreams to respond to acute effects on human health from wastewater contamination, including where it enters the stormwater network. These workstreams will be similar to the measures that are currently being undertaken as part of the Stage 1 stormwater consent. Wellington Water is continuing to develop these workstreams based on lessons learnt during the implementation of the Stage 1 stormwater consent, i.e. we are taking into account what has worked well and what has not worked so well. More information, including proposed consent conditions, will be provided prior to the hearing.

2.5.5 How will we work with higher risk land uses?

As part of the Operations and Maintenance investment programme in workstream 1, we propose to implement a high risk site[14] audit programme. This will require us to develop an audit checklist, resource the audit process and undertake a minimum number of audits each year. The audits would focus on:

1. celebrating good practices through recognition and awards,
2. behaviour change through targeted education programmes,
3. remedial fixes, from better site management practices through to specific investment.

Water Reform means that the mechanisms through which we can undertake these audits and follow up on the outcomes are, at time of lodgement, uncertain. We anticipate that legislation currently before Parliament will confirm the authority and power of the future Water Entity in this respect. We expect to be able to provide further details on this matter, including a potential management practice commitment, prior to the hearing of this application.

We also note that there is some uncertainty about how high risk sites should be treated under the pNRP, including whether it is appropriate for site owners or occupiers which refuse to adopt good management practices to remain within the scope of this consent. We anticipate further discussion with GWRC officers prior to the hearing of this application

[14] large carparks and industrial and commercial sites

about how such sites should be managed under the consent, or whether they should be required to obtain their own specific stormwater consent from GWRC.

2.6 Proposed consent conditions

We anticipate that a suite of conditions will be imposed on the stage 2 consent to ensure that the proposed framework described above is delivered. To the extent possible at this stage, we have proposed a set of conditions in Part 4 of this application. We anticipate that these conditions will be further developed through discussions with Mana Whenua and GWRC officers, and taking into account submissions made on this application.

3 Resource Consent Requirements

3.1 Introduction

As described in section 1.3, this application is seeking a comprehensive resource consent (discharge permit and coastal permit) for all stormwater discharges, including stormwater occasionally contaminated with wastewater, from the existing and future local authority stormwater networks.

There are a number of rules within the pNRP which apply to these discharges, as well as regulations in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). The following assessment sets out the relevant rules and regulations, assesses the proposed discharges against these, determines which rules and regulations trigger the need for resource consent and determines the overall activity class that applies to the discharges.

3.2 PNRP Rules assessment

Table 3-1 below provides an assessment against the relevant pNRP rules. The relevant pNRP rules are contained in section 5.2 of the Plan (Discharges to land and water) and section 5.4 of the Plan (Wetlands and beds of lakes and rivers).

Table 3-1: Assessment of relevant rules under the PNRP

Ref	Rule	Assessment
R53	*The discharge of stormwater, including stormwater that may be contaminated by wastewater, into water, or onto or into land where it may enter water, from a local authority or state highway stormwater network that is not provided for by Rule R52 is a restricted discretionary activity, provided the following condition is met:* *(a) the resource consent application includes a stormwater management strategy in accordance with Schedule N (stormwater strategy).* *<u>Matters for discretion</u>* *1. The contents and implementation of the stormwater management strategy in accordance with Schedule N (stormwater strategy)* *2. Development and implementation of methods, such as catchment-specific stormwater management plan(s), in accordance with any*	The application relates to stormwater discharges, including stormwater that may be contaminated by wastewater, from local authority stormwater networks. The application seeks consent for discharges of stormwater to water (ground, surface and coastal water) and to land where it may enter water. As the application is being made after 31 December 2021 the discharge is not provided for by Rule R52. This application includes a SMS prepared in accordance with Schedule N (Part 3). It is therefore considered that resource consent is required under R53 as a restricted discretionary activity. The matters of discretion have used to inform the scope of the AEE in Part 2.

Ref	Rule	Assessment
	relevant objectives identified in this plan, including any relevant whaitua-specific objectives 3. *Management of adverse effects, including cumulative effects, on aquatic ecosystem health and mahinga kai, contact recreation and Māori customary use* 4. *Management of adverse effects on sites identified in Schedule A (outstanding water bodies), Schedule B (Ngā Taonga a Kiwa), Schedule C (mana whenua), Schedule F (indigenous biodiversity)* 5. *Management of adverse effects on human health*	
R117	*The following activities in a natural wetland except for those stipulated in and carried out in accordance with a wetland restoration management plan under Rule R116 or Regulation 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020:* *(a) …* *(b) the discharge of water or contaminants not permitted by Rule R91, where the adverse effects on aquatic life are no more than minor, and* *(c) …* *including any associated:* *(e) disturbance of a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and* *(f) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a natural wetland, and* *(g) damage to a part of the foreshore or seabed that forms part of a natural wetland, and* *(h) diversion of water, and* *(i) discharge of sediment to water* *are discretionary activities.*	The pNRP identifies natural wetlands in Schedule F3. However, Schedule F3 does not provide an exhaustive list of all natural wetlands in the region. It only includes those wetlands that were known at the time the pNRP was being developed. There may be other natural wetlands in the region not currently identified within the pNRP[15]. This application is seeking consent for stormwater discharges from the local authority stormwater network in all natural wetlands, whether the wetland is currently identified in Schedule F3 or not. For the discharge of stormwater in natural wetlands to be a discretionary activity under R117 the adverse effects on aquatic life from these discharges need to be no more than minor. The Part 2 AEE indicates that stormwater discharges in: • Te Awarua o Porirua Harbour (Onepoto Arm) – Tidal Flats (within the Porirua sub-catchment) have moderate to high adverse effects • Duck Creek Saltmarsh (within the Duck sub-catchment) are

[15] We are aware that the Regional Council has begun an investigation to identify and map natural wetlands in the region in accordance with clause 3.23 of the NPS-FM.

Ref	Rule	Assessment
		likely to have adverse effects that range from low to moderate. In addition, because consent is being sought for discharges in natural wetlands not currently identified in Schedule F3, the level of adverse effect on aquatic life within all natural wetlands is currently unknown. For these reasons, it is considered that the discharges of stormwater in natural wetlands cannot be treated as a discretionary activity under R117. The discharges of stormwater to natural wetlands may therefore either be considered as discretionary activities under Rule R94 or Non-complying activities under Rule R93.
R93	*Rule R93: All other discharges to sites of significance – non-complying activity* *The discharge of water or contaminants into water, or onto or into land where it may enter water:* *(a) in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (~~significant~~ identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), and* *(b) that is not a permitted, controlled, restricted discretionary, or discretionary activity under any rule in the Plan, or a non-complying activity under Rules R66, R74~~, R57~~ or R88* *is a non-complying activity.*	As the stormwater discharges in natural wetlands do not meet the requirements of R117, it is considered that some may be considered non-complying activities under Rule R93 of the PNRP. Given clause (a) of Rule R93, the non-complying activity status is limited to those wetlands which are currently identified in Schedule F3 and which do not meet the *no more than minor* requirement of Rule R117 (b). The AEE indicates that the stormwater discharges in: • the Te Awarua o Porirua Harbour (Onepoto Arm) – Tidal Flats, which is in the Porirua sub-catchment, have moderate to high adverse effects; and • the Duck Creek Saltmarsh, which is in the Duck sub-catchment, are likely to range from low to moderate. It is therefore considered that these discharges do not fall under R117 (b), and because they are in natural wetlands identified in Schedule F3, they

Ref	Rule	Assessment
		may be considered as non-complying activities under Rule R93.
R94	*Rule R94: All other discharges – discretionary activity* *The discharge of water or contaminants into water, or onto or into land where it may enter water, that is not:* *(a) in a site or habitat identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule F1 (rivers/lakes), Schedule F3 (~~significant~~ identified natural wetlands), Schedule F4 (coastal sites) or Schedule H1 (contact recreation), and* *(b) a permitted, controlled, restricted discretionary, or non-complying activity under any other rule in the Plan, or a discretionary activity under Rules R55, R56, R58, R65, R83 or R90,* *is a discretionary activity.*	As the stormwater discharges in natural wetlands do not meet the requirements of R117, it is considered that all discharges in natural wetlands not specifically covered by the non-complying Rule R93 (or which are not non-complying under R120 – see below) may be considered as discretionary activities under R94.
R120	*Activities in outstanding natural wetlands – non-complying activity* *The following activities, in an outstanding natural wetland identified in Schedule A3 (outstanding wetlands), except for those stipulated in and carried out in accordance with a wetland restoration management plan under Rule R116 or Regulation 39 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020:* *(a) the discharge of water or contaminants, and* *(b) …* *(c) …* *(d) …* *(e) …* *(f) …* *(g) …* *Note* *Rule R120(a)-(g) prevails over the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 for activities within the bed of an outstanding natural wetland, but those regulations apply to activities within specified setbacks from the bed of a natural wetland.*	There are a number of Wellington Water stormwater discharges within three outstanding wetlands identified in Schedule A3 which are the Pauatahanui Inlet Tidal Flats, Pauatahanui Inlet Saltmarsh and Taupō Swamp Complex. Therefore, resource consent for these discharges is required under this rule as a non-complying activity.

3.3 National Environmental Standard for Freshwater

Only Part 3, subpart 1 of the NES-F covering works in natural wetlands applies to this application. Regulation 46 provides for the maintenance and operation of specified infrastructure and other infrastructure. The local authority stormwater network meets the definition of *'specified infrastructure'*. Clause (3) of regulation 46 states that:

> *(3) The taking, use, damming, diversion, or discharge of water within, or within a 100m setback from, a natural wetland is a permitted activity if —*
> *(a) the activity is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and*
> *(b) there is a hydrological connection between the taking, use, damming, diversion, or discharge and the wetland; and*
> *(c) the taking, use, damming, diversion, or discharge will change, or is likely to change, the water level range or hydrological function of the wetland.*

The AEE in Part 2 identifies wetlands (Schedule A and F3 from the pNRP), where there are stormwater discharges either directly into a wetland or within 100m of a wetland, and where there may be a hydrological connection between the wetland and the stormwater discharge. A conservative assumption has been made that such stormwater discharges are likely to change the water level range and / or hydrological function of the wetland.

In addition, we have taken a conservative view that stormwater discharges from the local authority stormwater network will be occurring into or within a 100 m set back of natural inland wetlands that have not yet been identified and are therefore not listed in the Schedules of the pNRP.

To be a permitted activity under the NES-F discharges to, or within a 100 m setback of natural wetlands must meet various permitted activity conditions in regulations 46 and 55. The stormwater discharges to natural inland wetlands are not expected to meet all of these conditions. In particular it is expected that the discharges will not meet Regulation 55 (3) (c), which requires that the activity must not alter the natural movement of water into, within, or from any natural inland wetland.

It is therefore considered that the discharges fall under Regulation 47(3A) as a restricted discretionary activity given that:

1. The stormwater discharges are for the purpose of operating specified infrastructure.
2. There are discharges to wetlands and to areas with a hydrological connection to the wetland, and a conservative assumption has been applied for the purpose of assessing this regulation that the discharges are likely to change to the water level range of the wetland.
3. The stormwater discharges do not comply with all conditions of regulation 46.
4. The stormwater discharges will be undertaken for as long as necessary to achieve their purpose in accordance with 47(5)(a).
5. The 30-day limit in regulation 47 (5)(c) does not apply to the operation of infrastructure.

6. The requirement to provide a record of the original condition of the natural inland wetland's bed profile and hydrological regime under regulation 47 (5)(b) is only required to help verify compliance with 47 (5)(c). As regulation 47 (5)(c) is not relevant to the discharge of stormwater, it is considered that the requirement of regulation 47 (5)(b) is also not relevant to this application.
7. Based on points 4 to 6 above the application meets the conditions of regulation 47.

3.4 Summary of consenting requirements

The above discussion identifies that the stormwater discharges from the local authority stormwater network trigger resource consent requirements under the following rules:

- Restricted discretionary activity under Rule R53 of the pNRP for stormwater discharges from a local authority network with a stormwater management strategy.
- Restricted discretionary activity under regulation 47 of the NES-F for the discharge of water into water within, or within a 100 m setback from, a natural inland wetland.
- Discretionary activity under Rule R117 of the pNRP for stormwater discharges to natural wetlands, whether identified in Schedule F3 or not, and where the adverse effects on aquatic life are not more than minor.
- Discretionary activity under Rule R94 of the pNRP for stormwater discharges to natural wetlands that are not identified in Schedule F3 and where the adverse effects on aquatic life are, or have the potential to be, more than minor.
- Non-complying activity under Rule R93 of the pNRP for stormwater discharges to natural wetlands identified in Schedule F3 and where the adverse effects on aquatic life are, or have the potential to be, more than minor.
- Non-complying activity under Rule R120 of the pNRP for the discharge of water or contaminants in an outstanding natural wetland (the Pauatahanui Inlet Tidal Flats, Pauatahanui Inlet Saltmarsh and Taupō Swamp Complex).

We consider that the activity class should not be bundled across the entire application. This is because the discharges that may trigger the non-complying activity class are limited to the sub-catchments in Te Awarua-o-Porirua catchment and the effects of discharges in this catchment do not overlap with the adverse effects of stormwater discharges elsewhere in the area covered by the global consent application. Instead of bundling the discharges under a single activity class, it is considered that the activity class of the stormwater discharges covered by this global consent application may be as follows:

1. All stormwater discharges from the local authority network in the Te Awarua-o-Porirua catchment should be treated as non-complying activities. Under Rules R93 and R120, this status is triggered by the stormwater discharges in five wetlands, three of which are identified in the pNRP as being outstanding under Schedule A and two are Schedule F3 wetlands on which the stormwater discharges have adverse effects that are more than minor. It is considered appropriate for all stormwater discharges from the local authority network in this catchment to be bundled because their adverse effects and management overlap.

2. All other stormwater discharges elsewhere in the area covered by this global application are considered to be a discretionary application. This status is triggered by Rules R117 or R94.

We consider that this approach to bundling is appropriate because in practical terms the environmental effects of exercising the consent in Te Awarua-o-Porirua would not overlap, or have consequential or flow-on effects elsewhere under the consent. The above rule assessment and approach to bundling shall be discussed in more detail with GRWC post acceptance of the application for lodgement.

4 Engagement

4.1 Overview

In the preparation of this application, Wellington Water has engaged separately with Mana Whenua, and with relevant councils (councillors and officials) and issued the draft Stormwater Management Strategy for public feedback in December 2022.

4.2 Mana whenua engagement

We have had various meetings with both Te Rūnanga o Toa Rangatira and Taranaki Whānui as part of our overall network consent programme. Both parties have stressed that overall resourcing arrangements need to be resolved before detailed conversations can commence on the applications. We are continuing to progress this work.

4.3 Feedback on the draft SMS

The Draft SMS was published on the Wellington Water website and promoted via email to stakeholder groups and social media. Public engagement on the draft included:

- An online survey open to all
- Face to face meetings with stakeholders (Residents Associations, environmental care groups, water user groups and interested professionals, and with council staff)
- Inviting email comments

Overall, there was:

- strong support for water quality
- interest in an integrated and coordinated approach to overcome perceived or actual divisions of responsibility for different aspects of water quality
- concern about timeframes.

4.3.1 Online survey

The online survey was completed by 120 people. The results show the survey was completed by interested and engaged residents, the majority (55%) of whom were from Wellington City, while 70 % visited their local beach or stream every day or once a week. There was 95 % support for water sensitive urban design for new developments, with comments including:

- Support for authorities taking greater action to set rules, monitor and enforce them (9 comments).
- Support for minimising impervious surfaces (8 comments); installing rainwater tanks (8); rain gardens, wetlands and daylighting streams (3); onsite use of grey water; mandatory water meters.

In response to a question on actions to reduce contamination in their local sub-catchment, there was strong support for rain gardens and constructed wetlands, inspection of pipes and water sensitive urban design (all 85 % or over). The comments on this question focussed more on individual catchment issues, but general comments included recognising the importance of mana whenua, the regional council and territorial authorities all being

involved and working together. There were some notes of caution – rain gardens should not be at the expense of carparks or lanes, rain gardens and constructed wetlands need to be maintained by authorities, and plans should avoid creating mosquito-breeding areas.

Two comments touched on funding, one asking whether stormwater improvements would be paid for through rates, and one proposing an increase to developer contributions.

The survey asked respondents to rate factors to consider when setting priorities, from 1 to 5. The ranking was as follows:

1. The level of pollution of the water, based on available measurements
2. The amount of fish and other aquatic life
3. How valued the water body is to the community
4. How valued the water body is to mana whenua
5. The number of people using the stream, river or beach.

The survey also provided useful information for future education and engagement programmes about:

- Where people get information (more rely on their own observation or community group than online sources such as websites or social media)
- What they know (6 % don't know where rain goes when it falls on their roof; 12 % are not aware of public health advice to avoid swimming for 48 hours after heavy rain)
- How they want to provide input in future (70 % favoured online consultation 'like this survey').

4.3.2 Stakeholder meetings

Three open-invitation meetings were held in February 2023 with community stakeholders and interested professionals (two online and one-in person). The meetings were promoted through direct emails to Residents Associations, environmental care groups and water user groups, and via social media. The Draft SMS was also presented at the following interest group meetings:

- Wellington Residents Association Network meeting 28 November 2022
- Te Awarua o Porirua Harbour Trust 7 February 2023.

4.3.3 Email responses

The draft SMS was published on the Wellington Water website with an invitation to comment via the online survey or by sending an email. About 80 emails were received and considered.

4.3.4 SMS Feedback Themes

Themes consistently raised at meetings and in emails are summarised below:

4.3.4.1 Timeline

Concern was expressed about the proposal for a 35 year consent, on the basis that it was a long time before there would be an opportunity to review progress and direction.

Presenters at meetings explained there would be an adaptive approach across the life of the consent, with regular reviews and new information informing future steps. Comments were that the steps need to be more clearly articulated, with specific measurable milestones. There were also questions about how the timeline aligned with council Long Term Planning processes and 30 year funding horizons.

4.3.4.2 Vision

Comments focussed on how the vision would be delivered; how progress would be measured. There was some support for the vision, while one comment suggested the wording of it should be shorter.

4.3.4.3 Reducing contamination from new developments

There was interest in how Wellington Water could influence smaller new developments, in light of central Government interest in intensification meaning smaller infill developments. There was general support for the universal responses proposed for larger developments.

4.3.4.4 Flooding

There was interest in whether and how Wellington Water would integrate managing stormwater for water quality with work to reduce flood risk. There was comment about the impact of sediment on local streams, and questions about how that could be addressed and whether it was outside Wellington Water's scope.

4.3.4.5 Access to information

The importance of providing the public with information about water quality was raised.

4.3.4.6 Prioritising sub-catchments

There was interest in how sub-catchments would be prioritised for action, with a range of views, including that it's better to maintain current biodiversity than having to rebuild it.

4.3.4.7 Activating communities

There was discussion about how the model of Predator Free NZ showed what could be achieved with community involvement, and a similar approach could be considered for water quality. There was support for education programmes, with some comment that many people don't understand about stormwater.

4.4 Response to engagement feedback

This feedback has been considered in the finalisation of the SMS attached to this application and in the conditions that we are proposing be imposed on the consent. This includes by:

- Retaining water sensitive design as an integral part of the SMS and SCaMP processes
- Retaining our focus on new development (both small and large scale) through workstream 1
- Proposing on going community engagement and outreach as part of the implementation of the consent.

As signalled through the application we intend to further develop these mechanisms in the lead up to the hearing, and as we get further certainty about the path of water reform.

Despite concerns expressed about the proposed 35 year duration, we continue to consider that this duration is appropriate given the significant length of time that will be required to

implement the measures proposed under this consent. We also consider that sufficient checks and balances, e.g. regular reviews of the SMS, can be built into the consent conditions to ensure that stormwater management practices keep up with best practice. Our reasons for seeking a 35 year consent are more fully explained in section 1.4.

5 Statutory Considerations

This section provides the statutory assessment for the application focusing on s104, s104D, s104G, s105, s107 and Part 2 of the RMA.

5.1 S104 of the RMA

Section 104 of the RMA sets out the matters that GWRC must have regard to when considering this resource consent application. These matters provide the framework for this statutory assessment and are reproduced below.

> *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 have regard to–*
> *(a) any actual and potential effects on the environment of allowing the activity; and*
> *(b) any relevant provisions of—*
> *(i) a national environmental standard:*
> *(ii) other regulations:*
> *(iii) a national policy statement:*
> *(iv) a New Zealand coastal policy statement:*
> *(v) a regional policy statement or proposed regional policy statement:*
> *(vi) a plan or proposed plan; and*
> *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

The matters in s104 that are considered relevant to the consent application are identified and summarised in the following sections. A full assessment of the application in relation to the relevant planning instruments is contained in Appendix A.

It is noted that the assessment in the following sections and in Appendix A with respect to the provisions addressing Mana Whenua values is preliminary and is subject to further input from Mana Whenua.

5.1.1 S104(1)(a): Actual and potential environmental effects

An AEE which assesses the actual and potential environmental effects of the stormwater discharges sought to be authorized by this application is included in Part 2. The AEE assesses the effects from stormwater discharges in the 35 sub-catchments that are impacted by the local authority stormwater networks. It assesses effects relating to aesthetic values, aquatic ecology and recreation / human health. An interim assessment of the effects of stormwater discharges on Mana Whenua values is also provided. This is based on the body of information that is available in existing documents.

The AEE identifies that the sub-catchments have been modified to varying degrees by urban development. Some sub-catchments, such as Korokoro, have very little stormwater network, because they have a low level of urban development. Others such as Waiwhetū and Evans Bay have a high proportion of their land area serviced by a stormwater network. The assessment recognises that the state of the environment in each sub-catchment is

influenced by multiple contaminant sources and stressors, one of which is the discharge of stormwater from local authority stormwater networks.

In general, the AEE concludes that the sub-catchments with the longest stormwater network length and highest ratio of stormwater network to sub-catchment area (i.e., Evans Bay, Lambton, Porirua, Waiwhetū) have the highest level of adverse effects from stormwater discharges. 12 of the 35 sub-catchments are identified as having potential adverse effects from stormwater discharges that are 'more than minor'.

5.1.2 S104(1)(b): Relevant provisions

A detailed assessment of relevant provisions from the following documents is included in Appendix A of the application:

- The New Zealand Coastal Policy Statement (NZCPS)
- The National Policy Statement for Freshwater Management (NPS-FM)
- The National Policy Statement on Urban Development (NPS-UD)
- The Exposure Draft for the National Policy Statement for Indigenous Biodiversity (NPS IB)
- The Resource Management (National Environmental Standard for Source of Human Drinking Water) Regulations 2007 (NES-DW)
- The Regional Policy Statement (RPS), including change 1 to the RPS
- The proposed Natural Resources Plan (pNRP).

A summary of our assessment is provided in the following sections. In addition, we have also assessed the application in relation to the relevant Whaitua Implementation Programmes in section 5.1.3.

5.1.2.1 New Zealand Coastal Policy Statement 2010

The coastal environment is the direct receiving environment for some of the stormwater discharges and is an indirect receiving environment for other stormwater discharges. The New Zealand Coastal Policy Statement (NZCPS) is therefore a key document to consider in relation to the application.

Relevant key provisions in the NZCPS seek to:

- Safeguard the coastal environment and sustain its ecosystems.
- Protect and / or preserve significant natural ecosystems, habitats and species, indigenous biodiversity and natural character.
- Enhance water quality and manage discharges of stormwater.
- Provide for tangata whenua involvement in the management of the coastal environment.
- Maintain and enhance recreation opportunities.
- Enable people and communities to provide for their social, economic, and cultural wellbeing, and health and safety.

- Recognise that the provision of infrastructure in the coastal environment is important for the well-being of people and communities.

It is considered that the proposal is consistent with most of these directions given that:

- The adverse effects from the stormwater discharges on the ecosystems, habitats and species, indigenous biodiversity and natural character of the coastal environment are expected to be progressively reduced over the term of the consent. This will be achieved by implementing a variety of management options which are set out in the SMS and through the SCaMPs which will set out a specific plan for each sub-catchment.
- The Collaborative Committee will provide a mechanism through which tangata whenua are actively involved in the management of stormwater discharges and a mechanism through which the concept of kaitiakitanga, the relationship of tangata whenua to the environments impacted by the discharges and the principles of the Treaty of Waitangi are central to the implementation of the consent.
- It is expected that a revised SMP will introduce a Mātauranga Māori element to the monitoring of stormwater discharges. This will need to be developed with Mana Whenua and GWRC which will further provide for Mana Whenua involvement in the management of the coastal environment. While we anticipate that GWRC will be the lead agency in developing a Mātauranga Māori monitoring programme for the region, Wellington Water will have a key role.
- A key purpose of the local authority stormwater network is to collect, convey and discharge stormwater runoff from impervious surfaces to prevent ponding and flooding in sensitive areas to provide for the well-being of people and communities.
- The NZCPS recognises that activities including infrastructure needs to be provided for in the coastal environment.

5.1.2.2 National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out a hierarchy of obligations (Objective 1) as:

- *first, the health and well-being of water bodies and freshwater ecosystems;*
- *second, the health needs of people (such as drinking water); and*
- *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

Other key relevant provisions of the NPS-FM seek that:

- Freshwater is managed in accordance with Te Mana o te Wai.
- The health and wellbeing for freshwater is maintained or, where degraded, improved, the loss of river values is avoided to extent practicable and loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.
- Freshwater is managed in an integrated way on a whole-of-catchment basis.
- Tangata whenua are actively involved in freshwater management.

It is considered that the proposal is generally consistent with the directions set by the NPS-FM given that:

- The SMS recognises the importance of protecting the health of freshwater (consistent with Te Mana o te Wai) and the SCaMPs will set out specific management measures on a sub-catchment basis. These will be overseen by the Collaborative Committee, which will provide for the active involvement of Mana Whenua in the management of the stormwater discharges in freshwater environments.
- This comprehensive discharge consent will ensure that stormwater discharges are managed on an integrated whole of catchment basis.
- The SMS sets out options to manage the adverse effects that the stormwater discharges are having on freshwater environments and the SCaMPs will specify sub-catchment mitigation measures which will contribute to achieving Te Mana o te Wai and the policies of the NPS-FM.
- Three outstanding waterbodies are directly affected by urban stormwater discharges. These are the Taupō Swamp Complex, the Pauatahanui Inlet Tidal Flats, and the Pauatahanui Inlet Saltmarsh. Progressively developing and implementing the SCaMPs over the term of the consent will contribute to the protection of these outstanding waterbodies.

5.1.2.3 National Policy Statement for Urban Development 2022

The National Policy Statement on Urban Development (NPS-UD) identifies Tier 1, 2 and 3 local authorities that have different requirements for their urban environments. Wellington City Council, Porirua City Council, Hutt City Council, and Upper Hutt City Council have been identified as Tier 1 local authorities as part of the Wellington Tier 1 urban environment. This means that these local authorities need to intensify and provide at least sufficient development capacity to meet expected demand for housing and for business land over the short, medium and long term.

An objective of the SMS is to support well-functioning urban environments while enhancing and protecting the mauri of our waterways and harbours. It then sets out the following methods which will be implemented through the SMS to support sustainable growth:

- plan, cost and deliver infrastructure assets to meet future stormwater requirements for the growing region, supporting the aspirations to deliver 'better growth' through the NPS-UD.
- Provide clear guidance on catchment specific stormwater requirements in new growth areas (SCaMPs).
- Establish good working relationships with the development community to support the development of rules, requirements and supporting the understanding and implementation of best practice stormwater management.
- Minimise contaminant loads through education, integrated planning, and provision of infrastructure.
- Align with flood risk management approaches during implementation of water sensitive design solutions.

These measures will provide the tools to ensure that new developments minimise the adverse effects of stormwater, while the social, cultural, economic, and environmental well-being of the community is maintained and enhanced.

5.1.2.4 National Policy Statement for Indigenous Biodiversity Exposure Draft 2022

The National Policy Statement for Indigenous Biodiversity (NPS-IB) exposure draft has been released which currently has no statutory weight but an assessment against it has been included for information. The exposure draft sets a direction in regard to indigenous biodiversity.

Key provisions of the NPS-IB that relate to this application are:

- Tangata whenua are recognised as kaitiaki.
- A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.
- The importance of maintaining indigenous biodiversity outside significant natural areas is recognised and provided for.
- Certain existing activities are provided for within and outside significant natural areas.
- Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for.

It is considered that the proposal is generally consistent with these directions given that:

- The Collaborative Committee will be made up of 50% Mana Whenua who will oversee the prioritisation of sub-catchments and the preparation of SCaMPs for each sub-catchment thereby recognising Mana Whenua as kaitiaki.
- It is expected that a revised SMP will introduce a Mātauranga Māori element to the monitoring plan. This will need to be developed with Mana Whenua and GWRC which will recognise Mana Whenua as kaitiaki. While we anticipate that GWRC will be the lead agency in developing a Mātauranga Māori monitoring programme for the region, Wellington Water will have a key role.
- The SMS sets out a variety of management options, including identifying treatment devices and measures that will be considered in the development of sub-catchment SCaMPs and which will assist to protect and maintain indigenous biodiversity values.
- SMS universal measures and short, medium and long term work streams will ensure that stormwater adverse effects are appropriately managed in the interim period while SCaMPs are developed over the term of the consent.
- The operation of the local authority stormwater network, including the discharges from it, contributes to the social and environmental well being of the community it serves by prevent ponding and flooding in sensitive areas, and this should be recognised and provided for through this consent.

5.1.2.5 The Resource Management (National Environmental Standard for Source of Human Drinking Water) Regulations 2007 (NES-DW)

The Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007 (NES-DW) is relevant to this proposal as parts of the

stormwater network discharge into drinking water sources for the Porirua City, Wellington City, Hutt City and Upper Hutt City.

Regulation 7 of the NES DW states:

A regional council must not grant a water permit or discharge permit for an activity that will occur upstream of an abstraction point where the drinking water concerned meets the health quality criteria if the activity is likely to—

a) introduce or increase the concentration of any determinands in the drinking water, so that, after existing treatment, it no longer meets the health quality criteria; or

b) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

The NES-DW uses the term "determinand" instead of "contaminant". Determinands are substances that can adversely affect human health or the aesthetic properties of drinking water and include substances, both microbial and chemical, that are present in stormwater.

The Te Awa Kairangi/ Hutt River, Wainuiomata and Ōrongorongo surface water supply catchments are all drawn from protected native forestry areas. While there are risks to these surface water supplies, given the location of the supplies well upstream of urban areas, these risks are not caused by stormwater discharges from the local authority stormwater network.

In contrast, the region's groundwater water supply sources draw from the Waiwhetū aquifer that underlies Lower Hutt and is within the urban area. Figure 5-1 below shows the locations of the supply wells and protection area. The risk profile for the groundwater water supply sources is therefore quite different to the risk profile for surface water supply sources and includes risks from urban stormwater. In addition, recent work has highlighted that the aquitard within the Knights Road area (i.e. around the Waterloo bores) is relatively "leaky" and spatially inconsistent. This means that contaminant pathways are more possible, as illustrated by the 2016 microbiological contamination event.

Upgrades have been made to the treatment of microbiological contaminants at the Waterloo Water Treatment Plant since the 2016 event, which has mitigated risks associated with these contaminants. In addition, measures under this consent application (see section 2.5.4) and the associated Wet Weather Wastewater Overflow consent applications will further reduce microbiological risks.

The potential risk of chemical contamination of the aquifer from stormwater discharges remains. The Wellington Urban Source Water Risk Management Plan identifies upcoming changes to the Hutt City Council District Plan and Greater Wellington's pNRP as opportunities to mitigate these risks. It also identifies that updates to the Hutt Aquifer Model will enable a better understanding of the risks to the aquifer.

The measures proposed under this consent, specifically the SMS and SCaMPs, also present an opportunity to further mitigate the groundwater water supply risks. Under the SMS, actions such as the proposed Education and Outreach programme and the high-risk

site audits will assist to mitigate the risk of residents and business allowing chemicals to enter the stormwater network. Through the SCaMP process mitigation measures will be implemented in each sub-catchment which will further reduce the adverse effects from the stormwater discharges in these water supply catchments. These measures may include infiltration trenches and site wide infiltration, sand filters, and riparian buffers which will contribute to treating the stormwater runoff before it potentially enters groundwater. The SCaMPs will be prepared in a prioritised order. The framework for this prioritisation is yet to be confirmed, however it is expected that potential risks to drinking water supply will be a factor that will be taken into account.

It is considered that these measures will adequately mitigate the risks to water supply that are associated with the discharge of stormwater from the local authority stormwater network. Therefore, GWRC is not prevented from granting consent to this application by regulation 7 of the NES-DW.

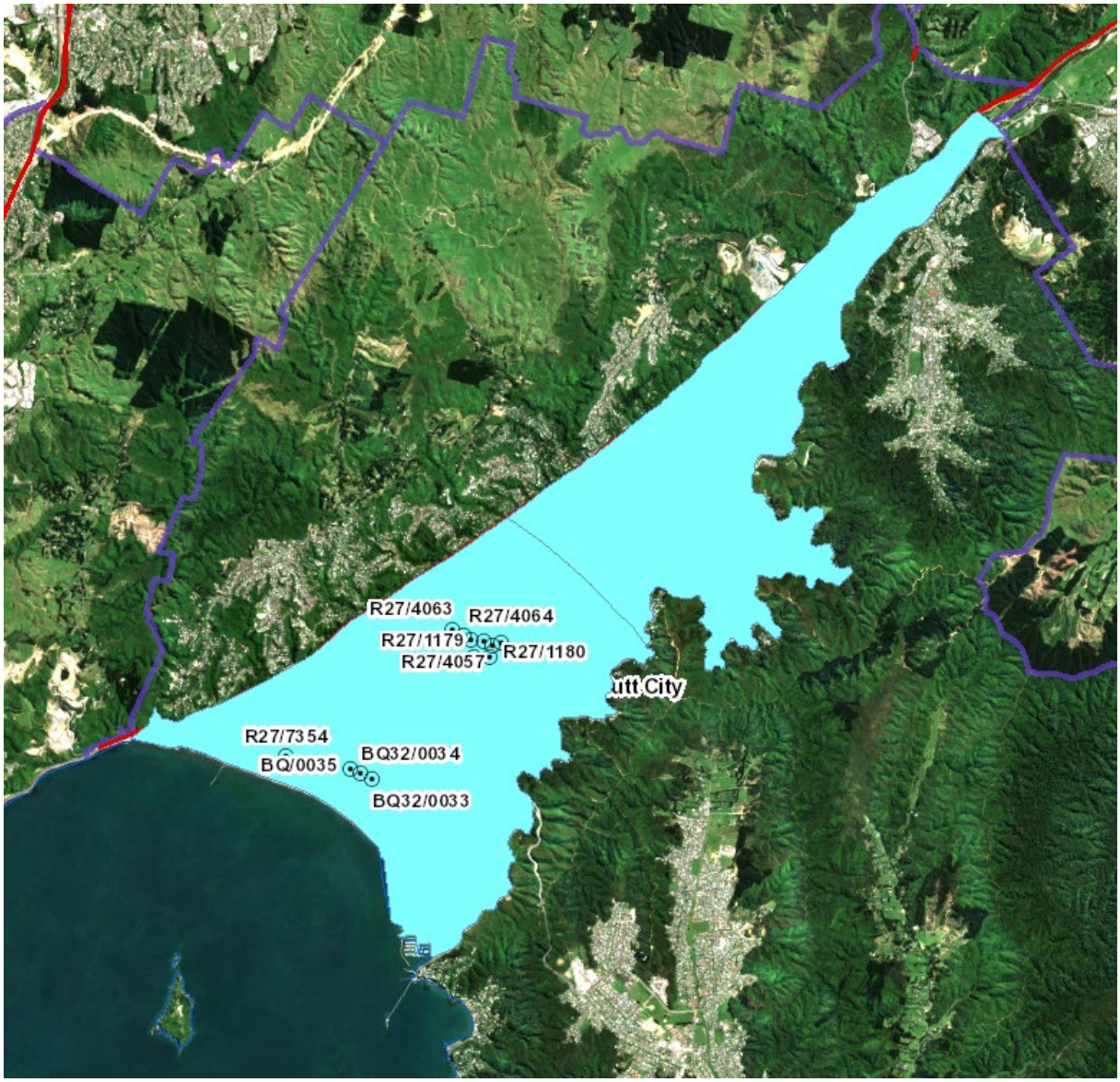

Figure 5-1 Groundwater community drinking water supply wells (black circles) and protection area (blue) [Source: pNRP maps]

5.1.2.6 Regional Policy Statement for the Wellington Region 2013

The RPS became operative in 2013 and Greater Wellington Regional Council prepared Proposed Plan Change 1 in 2022 to account for the NPS-FM and NPS-UD and to address issues relating to climate change, indigenous biodiversity and high natural character.

The key provisions in the RPS relevant to this application seek that:

- The social, economic, cultural, and environmental, benefits of regionally significant infrastructure are recognised and protected.
- A whole-of-catchment approach is taken.
- Within the coastal environment, habitats and features with significant values and natural character are protected, and the quality of coastal waters is maintained and enhanced.
- The quality of freshwater and aquatic ecosystems are maintained or enhanced.
- Matters of significance for tangata whenua are recognised and provided for and mauri of water is sustained.
- Providing for activities that use nature-based solutions and contribute to climate resilient urban areas.

It is considered that the proposal is generally consistent with these directions given that:

- The operation of the local authority stormwater network contributes to the social and environmental well being of the community it serves, and this should be recognised and provided for through the consideration of this consent.
- This comprehensive discharge consent will ensure that stormwater discharges are managed in an integrated whole of catchment basis.
- Both freshwater and coastal ecosystems will be maintained and progressively enhanced through:
    - prioritisation of sub-catchments
    - the implementation of the SMS which contains measures to reduce the effects from stormwater discharges
    - the development and implementation of SCaMPs which will set out specific sub-catchment measures to improve the adverse effects of the stormwater discharges.
- The Collaborative Committee will provide a mechanism through which Mana Whenua are actively involved in the management of stormwater discharges and a mechanism through which the concept of kaitiakitanga, the relationship of Mana Whenua to the environments impacted by the discharges and the principles of the Treaty of Waitangi are central to the implementation of the consent.
- It is expected that a revised SMP will introduce a Mātauranga Māori element to the monitoring plan. This will need to be developed with Mana Whenua and GWRC which will enable Mana Whenua to ensure the mauri of water if sustained. While we anticipate that GWRC will be the lead agency in developing a Mātauranga Māori monitoring programme for the region, Wellington Water will have a key role.

- The SMS has a number of nature-based solutions such as vegetated swales, bioretention devices, wetlands and more as management options which will be implemented through the SCaMPs.

5.1.2.7 Proposed Change 1 to the Regional Policy Statement

Proposed Change 1 to the RPS was publicly notified on 19 August 2022. Submissions closed on 14 October 2022.

The focus of the RPS proposed Change 1 (Change 1) is to implement and support the NPS-UD and to start the implementation of the NPS-FM. Change 1 also addresses issues relating to climate change, indigenous biodiversity and high natural character. A full assessment of the application in relation to the relevant objectives and policies of the Change 1 is contained in Appendix A.

As Change 1 is in the early stages of the statutory process only limited weight can be placed on the proposed provisions. The relevant key provisions in Change 1 seek that:

- The integrated management of the region's natural and built environments is guided by Te Ao Māori.
- Partnering with Mana Whenua to provide for Mana Whenua involvement in resource management and decision making.
- Recognising the interrelationship between natural resources and the built environments that the impacts of activities may extend beyond immediate and directly adjacent area.
- By 2050, the Wellington Region is a low-emission and climate-resilient region, where climate change mitigation and adaptation are an integral part of well-functioning urban environments and well-planned infrastructure.
- Natural and physical resources of the region are managed in a way that prioritises first, the health and well-being of water bodies and freshwater ecosystems, second, the health needs of people, third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
- The region's indigenous ecosystems are maintained, enhanced, and restored to a healthy functioning state, improving their resilience to increasing environmental pressures, particularly climate change, and giving effect to Te Rito o te Harakeke.
- Enabling Mana Whenua to exercise their role as kaitiaki with respect to stormwater discharges and environments impacted by those discharges.

While at this stage only limited weight shall be given to the Plan Change, it is considered that the proposal is generally consistent with it because:

- The Collaborative Committee has been designed to enable the Te Mana o te Wai principles relating to mana whakahaere, kaitiakitanga and manaakitanga to oversee the implementation of this consent.
- The SCaMPs will set out sub-catchment specific measures to improve the water quality, ecological, recreation and human health, and Mana Whenua effects that the stormwater discharges are contributing to.

- All new development will need to design for hydraulic neutrality which includes the predicted impacts of climate change. The management options described in the SMS will be designed for climate change and will be implemented through the SCaMPs.
- Implementation of the consent in accordance with the proposed consent conditions will over the term of the consent assist to protect the quality of freshwater and significant indigenous ecosystems and habitats and maintaining or enhancing the functioning of ecosystems and amenity and recreational values.

5.1.2.8 Proposed Natural Resources Plan (Appeals Version)

The pNRP Appeals version incorporates the Consent Orders that relate to various appeals against the pNRP. The relevant key provisions in the pNRP seek that:

- The relationship of tangata whenua with fresh water is recognised and provided for, kaitiakitanga is recognised and mauri is protected.
- The life-supporting capacity of water and aquatic ecosystems is safeguarded, and significant indigenous aquatic vegetation and significant habitats of freshwater fauna are protected.
- The quality of water, groundwater for water supply, biodiversity, aquatic ecosystem health and mahinga kai are maintained or improved.
- Adverse effects on biodiversity, aquatic ecosystem health and mahinga kai, sites of significance to Mana Whenua and sites with significant indigenous biodiversity values are managed in accordance with an effects management hierarchy.
- Improving water quality for contact recreation and Māori customary use.

The pNRP includes specific provisions that relate to the management of stormwater networks. The provisions require:

- Stormwater discharges from local authority stormwater networks to be managed under a Stormwater Management Strategy prepared in accordance with Schedule N of the pNRP.
- Adverse effects of wastewater and stormwater interactions on fresh and coastal water to be minimised and progressively reduced.
- That the adverse effects of stormwater discharges be progressively reduced by prioritisation and developing catchment-specific plans.

It is considered that the proposal is consistent with these objectives and policies, and is therefore not contrary to the pNRP, given that:

- The consent holder is proposing to reduce the adverse quantity and quality effects of stormwater discharges over time and to progressively implement its Stormwater Management Strategy, that has been prepared in accordance with Schedule N.
- The Part 2 AEE document assesses the aesthetic, aquatic ecology, and recreation and public health potential effects of the stormwater discharges. Twelve of the 35 sub-catchments are assessed as having a Moderate or High level of adverse effect for at least one of the receiving environment values considered. The remaining 23 sub-catchments had Low or Very low levels of stormwater related adverse effects. It is expected that the values of sub-catchments and the level of adverse effects from

stormwater discharges on each sub-catchment will be taken into account in the prioritisation of SCaMPs[16].

- The Collaborative Committee will provide a mechanism through which Mana Whenua are actively involved in the management of stormwater discharges and a mechanism through which the concept of kaitiakitanga, the relationship of Mana Whenua to the environments impacted by the discharges and the principles of the Treaty of Waitangi are central to the implementation of the consent.
- It is expected that a revised SMP will introduce a Mātauranga Māori element to the monitoring plan. This will need to be developed with Mana Whenua and GWRC which will recognise Mana Whenua as kaitiaki. While we anticipate that GWRC will be the lead agency in developing a Mātauranga Māori monitoring programme for the region, Wellington Water will have a key role.
- The SMS sets out a number of stormwater management options such as infiltration trenches and site wide infiltration, sand filters, and others which will contribute to treating the stormwater runoff before it potentially enters groundwater.
- The majority of effects on recreation and public health are assessed as none, very low or low. Only the Island/ Houghton sub-catchment is assessed as having moderate effects and these will be progressively reduced through implemented the SCaMP for this sub-catchment.

5.1.3 S104(1)(c): Other matters

This section considers 'other matters' relevant to this application.

5.1.3.1 Whaitua Implementation Programmes and Mana Whenua documents

GWRC has established a Whaitua programme through which Committees made up of Mana Whenua representatives, local community members, and local authorities and Greater Wellington develop recommendations for the management of freshwater in the Region. The recommendations from the Whaitua Committees have not yet been translated into Regional Plan provisions. It is therefore considered that the recommendations, contained in Whaitua Implementation Programmes (WIP) and related Mana Whenua documents are relevant 'other matters'. There are four WIP and Mana Whenua documents that are relevant to this application:

1. The Te Whanganui-a-Tara WIP and Te Mahere Wai
2. Te Awarua-o-Porirua WIP and Ngāti Toa Rangatira Statement.

The geographic coverage of this documents is shown in Figure 5-2.

[16] Wellington Water is continuing to work on how it will prioritise the development and implementation of SCaMPs. Further information will be provided prior to the hearing.

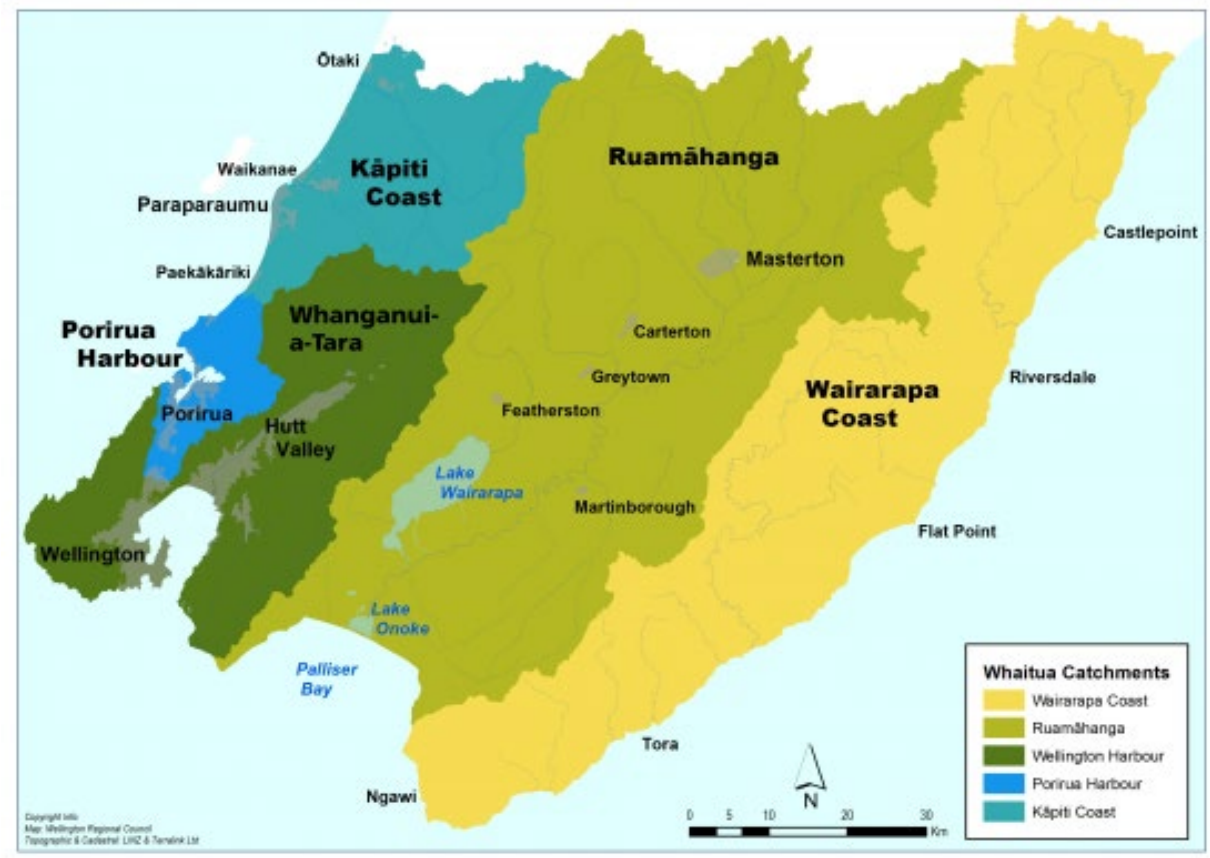

Figure 5-2 Whaitua Catchments (source: GWRC website)

The following sections summarise the relevant directions from these documents and then assesses the proposed stormwater management framework against them.

Te Awarua-o-Porirua Whaitua Implementation Programme (WIP)

Te Awarua-o-Porirua WIP contains objectives, strategies and actions that will form a programme of work for the management of land and water in Whaitua Te Awarua-O-Porirua to improve fresh and marine water quality.

Te Awarua-o-Porirua WIP examined the issues faced in the catchment and incorporated the community's values and aspiration for the catchment. The WIP identified seven key values that underpin the WIP which are outlined as

1. *Kai Kete/ Food Basket : The harbour , streams and coast can be used to gather and catch kaimoana and mahinga kai for food*
2. *Hauora Kaiao/ Ecological Health: The harbour, stream, and coast are clean and brimming with life and have diverse and healthy ecosystem*
3. *Ka taea e te tangata/ Accessibility and recreation: The harbour ,streams and coast are safe and assessable for people to enjoy and undertake recreational activities*
4. *Te ara wairua o tew ai/ The pathway of the spirit of the water: The harbour, stream and coast flow naturally and with energy, attracting people to connect with them*
5. *Whanaketanga tauwhiro o te whenua/ Sustainable development of land: Land is developed, used and managed sustainability, recognizing its effect on water quality and quantity*

6. *Ohaoha o tew ai/ Economic use of water and waterway as a resource: The use of water and waterways provides for economic opportunities and benefits*
7. *Ko Te Awarua-o-Porirua he taonga tuku iho a Ngāti Toa Rangatira: Te Awarua-o-Porirua is an ancestral treasure of Ngāti Toa Rangatira*

The WIP also sets "objectives states" for freshwater, harbour and the coast on a variety of scales and levels of detail. In order to achieve the objective states, the WIP has made 75 recommendations comprising regulatory and non-regulatory measures.
Of specific relevance to stormwater, Te Awarua-o-Porirua WIP recommended that:

- *Recommendation 18: Greater Wellington, WCC, PCC and Wellington Water work together to raise water literacy and awareness of receiving freshwater and marine environments, and consumption and conservation practices.*
- *Recommendation 20: Greater wellington, PCC, WCC and Wellington Water maximise opportunities to demonstrate good management practices in respect of ecosystem health and water management.*
- *Recommendation 29: Greater Wellington, PCC, WCC and Wellington Water look for opportunities to initiate and incentivize the adoption of good practices in water-sensitive urban design.*
- *Recommendation 32: Greater Wellington, PCC, WCC and Wellington Water Identify opportunities and investigate methods for incentivizing stormwater mitigations within existing urban footprint and maximize the opportunities provided by infill and brownfields redevelopments*
- *Recommendation 33: Greater Wellington, PCC, WCC and Wellington Water investigate and implement options to progressively upgrade or replace high zinc and copper-yielding building material from existing urban area*
- *Recommendation 35: Greater Wellington, PCC, WCC and Wellington Water work together in high-risk area to increase and prioritise regular street sweeping and sump clearance and investigate other opportunities to capture and clear contaminants from stormwater drains.*
- *Recommendation 36: Greater Wellington, PCC, WCC, Wellington Water and relevant industry groups develop and implement a pollution prevention programme.*
- *Recommendation 45: PCC, WCC and Wellington Water work together to identify sub-catchments within the Whaitua that have the most widespread issues with private laterals and cross connections, and prioritise these sub-catchments for improvement*

Te Awarua-o-Porirua Whaitua Implementation Programme (WIP) Statement

The Ngāti Toa statement on Te Awarua-o-Porirua WIP should be considered and actioned together with The Awarua-o-Porirua WIP because they share an inter-dependency of knowledge, information, and priorities.

In its statement on Te Awarua-o-Porirua Whaitua Implementation Programme, Ngāti Toa has identified that its vision is:

> *'…that the mauri (life force) of Te Awarua-o-Porirua is restored and its waters are healthy, so that all those who live in the region, including Ngāti Toa and our manuhiri (visitors), can enjoy, live and play in our environment and future generations are sustained, physically and culturally.'*

The statement identifies an expectation that restoration of the water bodies will be based on a partnership model that honours Te Tiriti o Waitangi, the Ngāti Toa Claims Settlement Act 2014, current partnerships and recognises Ngāti Toa's relationship with the environment.

Of specific relevance to the stormwater, the statement also seeks that:

> *The mana and mauri of all of our waterways and associated ecosystems within the Ngāti Toa Porirua rohe must be returned to a state of health, enabling our iwi to carry out is cultural responsibilities and obligations to its people, manuhiri and future generations*
>
> *Ngāti Toa must be able to exercise its customary practices, including harvesting of food and water, without fear of harm*
>
> *Greater Wellington Regional Council, Porirua City Council, Wellington City Council and Wellington Water, alongside Ngāti Toa and the community, should collectively establish a Mai Uta Ki Tai (mountains to sea) Work Programme for implementation. The Mai Uta Ki Tai Work Programme could include:*
>
> - *…*
> - *a five-year 'E.coli Action Plan' to address the contamination issues with targets and ongoing monitoring regime*
> - *a twenty-year 'Water Network Action Plan' to identify and prioritise actions to address waste water, stormwater and freshwater issues across the rohe, including the issue of wrongly connected pipes*
> - *amendments to the Natural Resources Plan should be made to enable more use of control levers for urban developments to better manage the impacts on water quality, including of stormwater discharges and the use of building materials containing high levels of zinc and copper*
> - *a programme to re-connect people with their water bodies. This programme should include education about pollution prevention and community programmes*
> - *Ngāti Toa would like to see the implementation of innovative practices for stormwater and wastewater management. We also expect urgent measures to be taken to prevent flooding and stormwater/wastewater overflows affecting our kāinga at Takapuwahia and Hongœka.*

Te Whaitua te Whanganui-a-Tara Implementation Programme

Te Whaitua te Whanganui-a-Tara Implementation Programme aims to ensure that all of the connections and values for freshwater and receiving coastal waters are sustained. The WIP provides a pathway of staged targets of improvements from current state to Wai Ora. In some cases, the journey to achieve wai ora is expected to take 100 years.

To achieve the wai ora, the WIP recommendations focus on actions that:

- *Strengthen community connection with water*
- *Avoid toxic algal blooms*

- *Address sources of pollution and reduce future risks*
- *Balance the needs of nature and people in places we live*
- *Ensure we are responsible and respectful of our use of water*
- *Develop the workforce needed to realise Te Mana o Te Wai*
- *Make clear where we expect central government to act.*
- *Improve Information available for better decision making in the future.*

More specifically to stormwater, the WIP recommends that:

- *Greater Wellington amends regulatory documents to require the relevant three waters agency to develop a stormwater strategy (by 2023), within the global stormwater network resource consent, to contribute to achieving the relevant first steps in each of the catchment tables under the heading 'Journey from current state to wai ora'*
- *Greater Wellington amends the relevant regulatory documents, and the relevant three waters agency increases its investigations of, the public/ private water networks (by 2030) to identify all cross-connections (wastewater connected to stormwater) and inflow faults (stormwater connected to wastewater).*
- *Greater Wellington and the relevant three waters agency engage with and express the importance of environmental consequences to the Plumbers, Gasfitters and Drainlayers Board, relevant professional regulatory bodies and industry organisations.*
- *With input from the relevant three waters agency (by 2026), Greater Wellington and territorial authorities develop or amend regulatory instruments to help reduce the risk of contaminants entering the stormwater system.*
- *Territorial authorities and the relevant three waters agency work together in high-risk areas to increase and prioritise regular street sweeping and sump clearance. They also need to investigate other opportunities to capture and clear contaminants from stormwater drains, including those to increase awareness and education with residents and businesses about how they can reduce contaminants (e.g., litter ending up in waterways).*
- *The relevant three waters agency's (currently Wellington Water) Regional Standard for Water Services should incorporate WSUD stormwater and water conservation interventions.*
- *By 2022, Greater Wellington convenes a WSUD working group with Mana Whenua, territorial authorities, the relevant three waters agency and Waka Kotahi.*
- *Greater Wellington and Mana Whenua, together with territorial authorities and the relevant three waters agency, develop (by 2025) a comprehensive suite of regulatory and non-regulatory interventions for new property developments and infrastructure, to be implemented through WSUD via a catchment-management approach.*
- *The relevant three waters agency:*
    - *Develops a standardised tool (by 2025) that can be used to assess a development's potential contributions of contaminants and hydrological impacts*
    - *Recommends potential options to mitigate these effects using site-appropriate WSUD green infrastructure.*

Te Mahere Wai o Te Kāhui Taiao

Te Mahere Wai is a Mana Whenua Implementation Programme for Te Whaganui-a-Tara. It is a companion document that describes Mana Whenua values and establishes a Mana Whenua Assessment framework. Both the WIP and Te Mahere Wai should be considered and actioned together because they share an inter-dependency of knowledge, information and priorities.

Te Mahere Wai identifies that Te Mana o Te Wai ensures that Mana Whenua responsibilities are voiced, heard, and acted upon with an expectation that the issues raised in Te Mahere Wai are addressed through the application of kaitiakitanga (duty of care as guardians) and associated tikanga (practices) and mātauranga ā-iwi (iwi knowledge). It goes on to make following recommendations:

- …
- *The rights and interest of Taranaki Whānui and Ngāti Toa Rangatira in freshwater are acknowledged by Greater Wellington.*

Of specific relevance to stormwater discharge, Te Mahere Wai recommends that:

- *Identify and restore wai ora in all freshwater and coastal receiving environment by 2071*
- *Kaiwharawhara, Korokoro, Wainuiomata and Black Creek are prioritised for an audit of cross connections*
- *Stormwater is captured and treated and, where possible, utilized as a resource. Where released to streams, it is released in a manner aligned with natural flow regimes.*
- *Decoupling trade waste from domestic waste that includes onsite trade waste management innovation programmes, reviews and enhances pre treatment requirements for trade waste and stormwater from industrial/commercial sites; and penalises non compliance.*

Assessment

It is considered that the proposal will go some of the way to achieving the outcomes sought by these four documents given that:

- The Collaborative Committee, which will be made up of 50% Mana Whenua, is intended to facilitate a partnership with iwi in the management of stormwater network discharges and will enable values of significance to Mana Whenua to be central to the implementation of the consent. The Collaborative Committee will oversee the SMS and the preparation of SCaMPs for each sub-catchment.
- The SMS will implement workstreams to respond to acute human health risks resulting from stormwater discharges, similar to requirements in the Stage 1 consent. Wellington Water is continuing to develop these workstreams based on lessons learnt during the implementation of the stage 1 consent. More information will be provided prior to the hearing.
- The stormwater management options outlined in the SMS which will be implemented through the SCaMPs include a number of WSUD methods.
- One of the universal responses identified within the SMS is high risk sites health checks which will focus on celebrating good practice through recognition and awards,

behaviour change through targeted education programmes, and remedial fixes from better site management practices through to specific investment.

- The Education and Outreach work programme will be delivered by Wellington Water to support the delivery of the SMS outcomes. This will involve industry wide education as well as appropriate community outreach activities.
- The SMS states that the Operations and Maintenance work programme will include maintenance activities needed to keep water quality devices in working order. This work programme will be tightly integrated with routine works in the beds of streams, new and expanded opportunities to work with Mana Whenua on Mātauranga Māori and riparian rehabilitation, community group restoration and citizen science projects.

5.1.3.2 Statutory acknowledgements

A statutory acknowledgement is a formal acknowledgement by the Crown of the mana of tangata whenua over a specified area. It recognises the particular cultural, spiritual, historical and traditional association of an iwi with the site, which is identified as a statutory area. Statements of statutory acknowledgements are set out in Treaty of Waitangi claim settlement legislation.

Consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga are required to have regard to a statutory acknowledgement when determining whether the relevant iwi may be adversely affected by the granting of a resource consent for activities within, adjacent to or impacting directly on the statutory area. The following table sets out the statutory acknowledgements of relevance to this project.

Table 5-1 Statutory Acknowledgements

Settlement Act	Statutory acknowledgement
Taranaki Whanui ki Te Upoko o Te Ika	Coastal Marine Area (CMA) including Wellington Harbour (as shown on SO 408070) Te Awa Kairangi / Hutt River (as shown on SO 408071) Waiwhetū (as shown on SO 408072) Wellington Harbour (as shown on SO 408073)
Ngāti Toa Rangatira Claims Settlement Act 2014	Cook Strait (as shown on Deed Plan OTS-068-38) Te Awarua-o-Porirua Harbour (as shown on Deed Plan OTS-068-39) Toka-a-Papa Reef (as shown on Deed Plan OTS-068-43) Tawhitikurī / Goat Point (as shown on Deed Plan OTS-068-44) Te Awa Kairangi / Hutt River and its tributaries (as shown on Deed Plan OTS-068-45) Wellington Harbour (as shown on Deed Plan OTS06840)

5.1.3.3 Marine and Coastal Area (Takutai Moana) Act 2011

The Marine and Coastal Area (Takutai Moana) Act (MACAA) acknowledges the importance of the marine and coastal area to all New Zealanders and provides for the recognition of the customary rights of iwi, hapū and whānau in the common marine and coastal area.
Iwi, hapū or whānau group can obtain recognition of two types of customary interest under the Act:

- customary marine title
- protected customary rights.

Customary marine title recognises the relationship of an iwi, hapū or whānau with a part of the common marine and coastal area. Customary marine title cannot be sold, and free public access, fishing and other recreational activities are allowed to continue in customary marine title areas. If an iwi, hapū or whānau group has customary marine title recognised over an area, it has the right to give or decline permission, on any grounds, for an activity that requires resource consent under the RMA. However, this right does not limit the discretion of a consent authority to decline an application for a resource consent or to impose conditions.

Protected customary rights can be granted for a customary activity like collecting hāngi stones or launching waka in the common marine and coastal area. Where an iwi, hapū or whanau has a protected customary right recognised, consent authorities cannot grant resource consents for activities that would have an adverse effect on a protected customary right.

All applicants for resource consents in the common marine and coastal area need to notify and seek the views of any group that has applied for recognition of customary marine title in the area as per s62 of the MACAA. This must take place before the resource consent application is lodged. The table below sets out the list of customary marine title applicants that have been notified of the application.

Table 5-2: Applicants for Recognition of Customary Marine Title

Applicant Group	Representative Group	Application Area
Te Atiawa ki te Upoko o te Ika a Maui Potiki Trust	Te Rira Puketapu and Five other Trustees of the named trust	Pipinui Point (Boom Rock) to Mukamuka Iti (Windy Point) including Wellington Harbour. This area extends to 12 nautical miles offshore between these two points.
Ngāti Toa Rangatira	Te Runanga o Toa Rangatira	From the mouth of the Whangaehu River to the Turakirae Heads, to the mouth of the Arahura River to the Kaikoura coast
Muaupoko	Muaupoko Tribal Authority	From Turakirae to the northern side of the Rangitikei River
Pomare & Rangihaeta Whānau		From the southern extent of Paekakariki to the Motuhara Point, Hongoeka Bay
The owners of Parangarahu 2B1 and 2C Blocks	The Trustees of Tupoki Takarangi Trust	The coastal area of Parangarahu 2B1 and 2C Blocks

5.2 S104D of the RMA

As identified in above, some stormwater discharges from the local authority stormwater network to natural wetlands are non-complying activities. As a result, s104D is relevant to the consideration of these specific discharges.

Section 104D of the RMA requires that, despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only is it is satisfying that either:

> *(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
> *(b) the application is for an activity that will not be contrary to the objectives and policies of—*
> *(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
> *(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
> *(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

The adverse effects are assessed in the Part 2 document. This identifies that there will be adverse effects from the stormwater discharges on the wetlands that are more than minor. Therefore, section 104D(1) (a) is not met and it is necessary to demonstrate that the proposal is not contrary to the objectives and policies of the pNRP, i.e. s104D(1) (b).

In the context of s104D the term contrary means more than just being inconsistent with individual provisions. Court decisions indicate that to be contrary to a Plan requires a proposal to be opposed in nature, opposite to or repugnant to the Plan as a whole.

The relevant objectives and policies of the pNRP have been summarised above in Section 5.1.2 and a detailed assessment is provided in Appendix A. In reference to the relevant objectives and policies of the pNRP the following summary comments are made:

- The effects of the stormwater discharges on water quality, ecology and sites of significance will be managed through the measures set out in the SMS, and capital delivery will be implemented for each sub-catchment through the specific SCaMP. It is expected that prioritisation for a reduction in adverse effects on sub-catchments will take into account sites of significance and the level of effect that stormwater discharges are having.
- With regard to Mana Whenua involvement and effects on Mana Whenua values, the Collaborative Committee will provide a mechanism through which Mana Whenua are actively involved in the management of stormwater discharges and a mechanism through which the concept of kaitiakitanga, the relationship of tangata whenua to the environments impacted by the discharges and the principles of the Treaty of Waitangi are central to the implementation of the consent. In addition, Wellington Water proposes to seek feedback from a Mātauranga Māori expert, or other party agreed to by Te Rūnanga o Toa Rangatira and Taranaki Whānui, as part of its updates

of the SMS, and preparation of each SCaMP and it is proposed that a review of the SMP will be undertaken in conjunction with Mana Whenua and GWRC to introduce a Mātauranga Māori element.

- The implementation of the SMS and the development and implementation of the SCaMPs for the sub-catchments which contain outstanding wetlands will progressively reduce any potential adverse effects that the stormwater discharges are having on these wetlands.

Overall, based on this assessment, it is considered that the application aligns with the direction in the pNRP, including those provisions relevant to wetlands. It is therefore considered that the discharges are not contrary to the objectives and policies of the pNRP.

5.3 S104G of the RMA

Section 104G requires that:

> *When considering an application for a resource consent, the consent authority must have regard to—*
> *(a) the actual or potential effect of the proposed activity on the source of a drinking water supply that is registered under section 55 of the Water Services Act 2021; and*
> *(b) any risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.]*

As identified in section 5.1.2.5, all local authority stormwater discharges are located downstream of the surface water supply abstraction points and protection areas and therefore do not pose a risk to these water supply sources. However, groundwater water supply sources in Lower Hutt could potentially be impacted by stormwater discharges from the local authority stormwater network. Risks from microbiological contamination are in part addressed through recent upgrades to the Waterloo Water Treatment Plant. In addition, measures under this consent application (see section 2.5.4) and the associated Wet Weather Wastewater Overflow consent applications will further reduce microbiological risks.

There is also a potential risk of chemical contamination from stormwater discharges from the local authority stormwater network. The Wellington Urban Source Water Risk Management Plan identifies upcoming changes to the Hutt City Council District Plan and Greater Wellington's pNRP as opportunities to mitigate these risks. It also identifies that updates to the Hutt Aquifer Model will enable a better understanding of the risks to the aquifer.

The measures proposed under this consent, specifically the SMS and SCaMPs, also present an opportunity to further mitigate the groundwater water supply risks. Under the SMS actions such as the proposed Education and Outreach programme and the High-risk site audits will assist to mitigate the risk of residents and business allowing chemicals to enter the stormwater network. Through the SCaMP process mitigation measures will be implemented in each sub-catchment which will further reduce the adverse effects from the stormwater discharges in these water supply catchments. These measures may

include infiltration trenches and site wide infiltration, sand filters, and riparian buffers which will contribute to treating the stormwater runoff before it potentially enters groundwater. The SCaMPs will be prepared in a prioritised order. The framework for this prioritisation is yet to be confirmed, however it is expected that potential risks to drinking water supply will be one factor that will be taken into account.

It is considered that these measures will adequately mitigate the risks to water supply that are associated with the discharge of stormwater from the local authority stormwater network.

5.4 S105 of the RMA

Section 105 of the RMA requires that, for any discharge permit or coastal permit to do something that would contravene section 15 of the RMA, the consent authority must have regard to the following matters:

- the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- the applicant's reasons for the proposed choice; and
- any possible alternative methods of discharge, including discharge into any other receiving environment.

The nature of the proposed discharges and the sensitivity of the receiving environment is set out in section 1.5 above and in the Part 2 AEE.

The different consenting options considered were to either apply for a global resource consent for all of the stormwater discharges or to consent them individually. The pNRP anticipates local authorities to apply for a global stormwater consent under Rule R53 with a stormwater management strategy in accordance with Schedule N. The benefits of applying for a global consent are that the stormwater discharges can be managed as a whole and improvements can be prioritised across the network. If each individual discharge was consented separately, there would be different conditions associated with each consent, creating a complex implementation framework and potentially providing inconsistencies between consents and how effects are managed. It would also make prioritising investment more difficult. Overall, Wellington Water considered a global consent will provide a comprehensive management approach where effects are assessed at a catchment level and improvements can be prioritised throughout the network.

Alternative discharge methods have been considered as required by Schedule 4(6)(1)(d)(i) and s105(1)(c), including discharges to other receiving environments. With respect to the consideration of alternative receiving environments, it should be noted that the stormwater network discharges currently exist, and the nature of the stormwater network means that a fundamental redesign of the network to change receiving environments is not financially feasible and may be detrimental to the benefits of the stormwater system (i.e. to convey run-off away from urban areas). It is however noted that stormwater discharges occur to a range of receiving environments. Most stormwater discharges occur directly to freshwater bodies or discharge to land which then enters freshwater bodies. These are mainly surface water bodies but also some groundwater bodies. Finally, a number discharge to the CMA or to land adjoining the CMA such that the discharge enters coastal water. There are also a

small number that discharge to land and do not enter water. With respect to new discharges, locations will be developed through the SCaMP process.

The SMS sets out a number of alternative methods to manage the adverse effects of stormwater discharges. SCaMPs will be developed, on the basis of priority, and will evaluate which stormwater management options set out in the SMS are most appropriate for the relevant sub-catchment or particular location. It is considered that this sub-catchment based approach is the most appropriate level to consider alternatives for stormwater discharges and is consistent with the provisions of the pNRP.

5.5 S107 of the RMA

Section 107 of the RMA states that a consent authority shall not grant a discharge or coastal permit allowing a discharge of contaminants to water if, after reasonable mixing, the contaminant (by itself or in combination with other contaminants) is likely to give rise to:

(c) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials

(d) Any conspicuous change in the colour or visual clarity

(e) Any emission of objectionable odour

(f) The rendering of fresh water unsuitable for consumption by farm animals

(g) Any significant adverse effects on aquatic life.

However, s107(2) states that consent may be granted if any of the effects identified above occur if the consent authority is satisfied:

(a) that exceptional circumstances justify the granting of the permit; or

(b) that the discharge is of a temporary nature; or

(c) that the discharge is associated with necessary maintenance work—

and that it is consistent with the purpose of this Act to do so

As outlined in the AEE, there are a number of sites which currently exceed one or more of the s107 (c) – (g) matters. The Part 2 AEE assesses the majority of sub-catchments as very low or low for s107 matters. Black Creek, Porirua Coast, and Owhiro, are assessed as moderate, Lambton, Island/ Houghton and Evans Bay are assessed as high, and Porirua is assessed as very high.

However, the exceptions provided for in sub clauses (a) and (b) of s107(2) should be applied to this consent application for the following reasons:

- Stormwater discharges are generally temporary, intermittent, and of a short duration (i.e. they occur during periods of rainfall in the relevant sub-catchment).
- A key purpose of local authority stormwater network is to collect, convey and discharge stormwater runoff from impervious surfaces efficiently to prevent ponding and flooding in sensitive areas and to create an integrated network to support the community's wellbeing.

In addition, s107(3) provides for the inclusion of conditions that require the consent holder to undertake works in stages throughout the term of the consent that will ensure that upon the expiry of the consent the requirements s107(1) and of any relevant regional rules can be met. The approach the consent holder is proposing is to progressively improve the adverse

effects on the environment caused by the stormwater discharges throughout the term of the consent. This will be accomplished by implementing the SMS and developing and implementing SCaMPs which will involve sub-catchments being prioritised for improvement which will be overseen by the Collaborative Committee. It is anticipated with the delivery of the work programme, by the time the consent expires in 35 years the requirements s107(1) will be achieved.

Given this assessment, the consent authority is not prevented from granting resource consent under s107.

5.6 Part 2 of the RMA

5.6.1 Section 5 - Purpose

The RMA has a single overarching purpose "to promote the sustainable management of natural and physical resources". Sustainable management is defined as:

the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

It is considered that the application is consistent with this purpose. In particular, it is noted that Wellington Water's stormwater network, including its discharges, is regionally significant infrastructure which collects and conveys runoff from impervious surfaces to reduce the risk of ponding and flooding in urban areas. By doing so it enables people and communities in the Wellington Region to better provide for their well-being, health and safety.

5.6.2 Section 6 – Matters of National Importance

In achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the matters of national importance as set out in section 6 of the RMA. It is considered that the proposal is consistent with section 6 as set out in the assessment of the relevant matters in the Table below.

Table 5-3 Assessment of Section 6 Matters of National Importance

Matter	Assessment
(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:	In relation to natural character, it is considered that as the stormwater discharges are intermittent, temporary, and of short duration, and taking into account the state of the receiving environment during these events, any adverse effects will not prevent the natural character of the receiving environments from being preserved.
(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:	The implementation of the SMS and the development and implementation of the SCaMPs for the sub-catchments which contain outstanding wetlands will progressively reduce any potential adverse effects that the stormwater discharges are having on these wetlands.
(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:	The Part 2 AEE identifies various receiving water bodies for stormwater discharges as being significant habitats for indigenous fauna. Twelve of the 35 catchments are assessed as having a Moderate or High level of adverse effect for at least one of the receiving environment values considered. The remaining 23 catchment had Low or Very low levels of stormwater related adverse effects. The purpose of the SMS and SCaMPs are to progressively reduce the adverse effects of the stormwater discharges, including those effects on areas of significant habitats of indigenous fauna. It is expected that the values of sub-catchments and the level of adverse effects from stormwater discharges on each sub-catchment will be taken into account in the prioritisation of SCaMPs.
(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:	Any scouring or erosion caused by the stormwater discharges is not expected to prevent public access to and along the CMA or rivers where public access currently exists. Further, the SMS outlines options which can be implemented to minimise scour and erosion at the stormwater discharge point, if this is determined to be a priority for investment at the time that the relevant SCaMP is developed. The discharges themselves may deter people from accessing the coastal marine area or

Matter	Assessment
	rivers however the recreational/ public health effects for most sub-catchments have been assessed as very low or low, with only the Island/ Houghton sub-catchment assessed as moderate. The potential disruption to the public accessing the coastal marine area or rivers will be intermittent and temporary and the overall enhancement of water quality will reduce these effects.
(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:	It is anticipated that the Collaborative Committee will assist Mana Whenua to exercise their relationship with their water, in particular the receiving environments for the stormwater discharges during the term of the consent.
(g) the protection of protected customary rights:	It is understood that there are no protected customary rights yet confirmed under the Marine and Coastal Area (Takutai Moana) Act 2011.
(h) the management of significant risks from natural hazards	The local authority stormwater network is used to capture surface run-off, convey it away from urban areas (particularly residential, commercial and industrial areas) and discharge it into streams, rivers or marine water bodies. The primary purpose of doing so has been to protect people and property from flooding that may otherwise be caused by the surface water run-off. The proposal seeks to address the risk that future development will exacerbate stormwater flooding risks through the management of growth and development in accordance with the SMS, particularly the attention to hydraulic neutrality, and developer led SCaMPs.

5.6.3 Section 7 – Other Matters

Other matters that persons exercising functions and powers under the RMA shall have particular regard to when managing the use, development and protection of natural and physical resources, for this proposal, are assessed in the Table below. Based on this assessment it is considered that the proposal is consistent with section 7.

Table 5-4 Assessment of Section 7 Other Matters

Matter	Assessment
(a) kaitiakitanga:	It is anticipated that the Collaborative Committee will assist Mana Whenua to

Matter	Assessment
(aa) the ethic of stewardship:	exercise kaitiakitanga over the receiving environments for the stormwater discharges as they will oversee the implementation and update of the SMS and development and implementation of the SCaMPs which will include measures to reduce the adverse effects of stormwater discharges during the term of the consent.
(b) the efficient use and development of natural and physical resources:	The local authority stormwater network is used to capture surface run-off, convey it away from urban areas (particularly residential, commercial and industrial areas) and discharge it into streams, rivers or marine water bodies. The primary purpose of doing so has been to protect people and property from flooding that may otherwise be caused by the surface water run-off. The proposal is to continue to use this significant existing asset while improving it to help achieve water quality outcomes and to mitigate adverse effects on cultural, social and environmental values. There is therefore considered to be an efficient use of this existing physical resource.
(c) the maintenance and enhancement of amenity values:	The proposed measures within the SMS and the proposed SCaMP process will ensure that amenity values are at least maintained over the life of this consent and will progressively improve any adverse effects of stormwater discharges on amenity values.
(d) intrinsic values of ecosystems:	The AEE in Part 2 identifies the values of each receiving environment and assesses the potential effect the stormwater discharges are having on that environment. These effects range from none to very high. The measures set out in the SMS and progressively implementing the SCaMPs will reduce the adverse effects that the stormwater discharges are currently having on the receiving ecosystems.
f) maintenance and enhancement of the quality of the environment:	The local authority stormwater network helps to protect people and property from flooding, minimises surface run-off, improves water quality and mitigates adverse effects on cultural, social and environmental values therefore, maintaining and enhancing the quality of the environment.

Matter	Assessment
	Where the receiving waterbodies have been degraded over time various management options which are set out in the SMS will be implemented through SCaMPs and other mechanisms to enhance the quality of the environment throughout the term of this consent.
(h) the protection of the habitat of trout and salmon:	The pNRP maps important trout fishery rivers and spawning waters which are assessed in the Part 2 AEE. The SMS and SCaMPs will set out measures which will contribute to protecting the habitat of trout and salmon.
i) the effects of climate change:	All new development will need to design for hydraulic neutrality which includes the predicted impacts of climate change. The programme of works to be implemented through the SMS includes reviewing policies to ensure they account for climate change.

5.6.4 Section 8 – Treaty of Waitangi

All persons exercising functions and powers under the RMA, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). These principles include partnership, protection and participation.

The Collaborative Committee which comprises equal representation from Mana Whenua and from the consent holder will oversee the implementation of this consent and has been proposed to assist in giving effect to these Te Tiriti o Waitangi principles.

6 Conclusion

Wellington Water, as a Council Controlled Organisation of Upper Hutt City Council, Hutt City Council, Porirua City Council and Wellington City Council, is applying to GWRC for consent for the discharge of stormwater, including stormwater occasionally contaminated with wastewater, from the existing and future local authority stormwater networks.

We manage stormwater run-off from our urban areas in order to reduce stormwater flooding and associated risks to people, property and infrastructure. While the runoff and flood management function of the stormwater network provides significant economic and social benefits to the community, it can also result in adverse effects on environment. The journey of stormwater across the urban landscape, results in the run-off becoming polluted with litter and other contaminants before ending up in our water ways, affecting water quality and ecosystem health, and resulting in the deterioration of the values held be Mana Whenua for those waterways. In addition, the stormwater system changes natural drainage patterns increasing peak flows to our waterbodies at times of rain and reducing baseflows at other times.

We plan to address the adverse effects that arise from stormwater discharges from the existing and future local authority stormwater network by making progressive improvements over the next 35 years. Our proposed framework for these improvements involves three key components:

1. The Collaborative Committee – that will provide oversight to the consent implementation and provide an avenue for collaboration with Mana Whenua
2. The Stormwater Management Strategy (SMS) – which sets out our long-term strategy to reduce the adverse environmental effects that arise from the stormwater discharges from the local authority stormwater network.
3. Sub-Catchment Management Plans (SCaMPs) – that will be developed on the basis of priorities agreed through the Collaborative Committee and which will identify sub-catchment scale interventions based on good management practices, at source control and treatment train approaches and water sensitive urban design.

In addition to these key elements, we propose to work with the community and key land owners to ensure these groups have input to the stormwater management improvements

We have included draft conditions in Part 4 to this application through which we propose to deliver this framework and reduce the adverse effects of our stormwater discharges.

Appendix A: **Assessment of relevant provisions from policy statements and plans**

APPENDIX A: ASSESSMENT OF RELEVANT PROVISIONS FROM POLICY STATEMENTS AND PLANS

Table 1: New Zealand Coastal Policy Statement 2010

Key Objectives / Policies	Relevance	Assessment
Ecosystems / Natural character / Water quality <u>Objective 1</u> To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by: • maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature; • protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and • maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity. <u>Objective 2</u> To preserve the natural character of the coastal environment and protect natural features and landscape values through: • recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution; • identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and • encouraging restoration of the coastal environment.	Several stormwater discharges are directly to the coastal environment and the coastal environment is the indirect receiving environment for other stormwater discharges.	The discharges occur at a variety of locations in the coastal environment. Given the nature of the discharges, and the various other sources of similar contaminants, it is difficult to determine the contribution that the discharge of stormwater makes to any adverse effects on the coastal environment. It is noted however, that: • The SMS describes how Wellington Water will minimise contamination from discharges from the local authority stormwater networks. This will be achieved through implementing two new targeted workstreams: Workstream 1 will deliver universal responses and water quality programmes and Workstream 2 will deliver SCaMPs and resulting capital improvements. . • The Sub-Catchment Management Plans (SCaMP) are designed to develop a programme of stormwater network improvement works to reduce the adverse effects of stormwater discharges for each sub-catchment over the term of the consent. The SMS will set out the prioritisation of sub-catchments for the preparation and implementation of SCaMPs. Implementation of the SCaMPs will over the term of the consent assist in safeguarding the integrity, form, functioning and resilience of the coastal environment, sustaining its ecosystems and preserving natural character.

Key Objectives / Policies	Relevance	Assessment
Policy 11: Indigenous biological diversity To protect indigenous biological diversity in the coastal environment: a) avoid adverse effects of activities on: i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; v. areas containing nationally significant examples of indigenous community types; and vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on: i. areas of predominantly indigenous vegetation in the coastal environment; ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable iv. to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; v. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; vi. habitats, including areas and routes, important to migratory species; and		

Key Objectives / Policies	Relevance	Assessment
vii. ecological corridors, and areas important for linking or maintaining biological values identified under this policy. Policy 13: Preservation of natural character 1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by: c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions. 2. Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as: a) natural elements, processes and patterns; b) biophysical, ecological, geological and geomorphological aspects; c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; d) the natural movement of water and sediment; e) the natural darkness of the night sky; f) places or areas that are wild or scenic; g) a range of natural character from pristine to modified; and h) experiential attributes, including the sounds and smell of the sea; and their context or setting. Policy 21: Enhancement of water quality Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing		In relation to Policy 13, it is considered that given the stormwater discharges from the local authority stormwater network are intermittent, temporary, and of short duration, and taking into account the state of the receiving environment during these events, any adverse effects will not prevent the natural character of the receiving environments from being preserved. The SMS and the SCaMPs are designed to set out how the consent holder will reduce the adverse effects of the stormwater discharges from the local authority stormwater network. The implementation of the SCaMPs which will contain the programme of improvement works and initiatives, will assist in enhancing water quality in the coastal environment where it has deteriorated to the extent that it is having a moderate or high adverse effect. The adverse

Key Objectives / Policies	Relevance	Assessment
uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by: (a) identifying such areas of coastal water and water bodies and including them in plans; (b) including provisions in plans to address improving water quality in the areas identified above; (c) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats; (d) requiring that stock are excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, within a prescribed time frame; and (e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values. <u>Policy 23</u> 1. In managing discharges to water in the coastal environment, have particular regard to: a. the sensitivity of the receiving environment; b. the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and c. the capacity of the receiving environment to assimilate the contaminants; and: d. avoid significant adverse effects on ecosystems and habitats after reasonable mixing; e. use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and f. minimise adverse effects on the life-supporting capacity of water within a mixing zone. 2. In managing discharge of human sewage, do not allow:		effects on coastal water quality will be reduced over the life of the consent. In terms of Policy 23 clause 1, information relevant to clauses (a) to (c) is included in the AEE. The AEE identifies that stormwater discharges from the local authority stormwater network are expected to continue to contribute to the cumulative effects on the water quality and ecology of the coastal environment. These effects will be reduced through the proposed SMS and SCaMP process. In terms of Policy 23 clause 2, there are limited sources of wastewater contamination covered within this consent (there are other consents that will address this). The implementation of the SMS and SCaMPs will reduce the adverse effects on water quality from the stormwater discharges across the extent of the global consent and in each sub-catchment. As part of the SMS, Wellington Water will implement workstreams to respond to acute human health risks resulting from stormwater discharges, similar to requirements in the Stage 1 consent. Wellington Water is continuing to develop these workstreams based on lessons learnt during the implementation of the stage 1

Key Objectives / Policies	Relevance	Assessment
a. discharge of human sewage directly to water in the coastal environment without treatment; and b. the discharge of treated human sewage to water in the coastal environment, unless: i. there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and ii. informed by an understanding of tangata whenua values and the effects on them.		consent. More information will be provided prior to the hearing. Based on the above assessments it is considered the proposal is generally consistent with the NZCPS's objectives and policies relating to ecosystems, natural character and water quality.
Tangata whenua <u>Objective 3</u> To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by: • recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources; • promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act; • incorporating mātauranga Māori into sustainable management practices; and • recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua. <u>Policy 2: The Treaty of Waitangi, tangata whenua and Māori</u> In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment: a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations; b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to		Wellington Water is working to ensure that tangata whenua are active partners in resolving issues associated with stormwater discharges from the local authority stormwater network. By doing so, Wellington Water is seeking to ensure that: • the concept of kaitiakitanga • the cultural relationship of tangata whenua to the environments impacted by the stormwater discharges • the principles of the Treaty of Waitangi are central to the implementation of the consent. It is seeking to achieve this through several mechanisms. In the first instance, a review of Te Mahere Wai o Te Kāhui Taiao and of the Ngāti Toa Rangatira statement on Te Awarua-o-Porirua Whaitua Implementation Programme has been undertaken as part of this application to identify potential effects on cultural values. This assessment identifies the fresh and coastal water values held by Ngāti Toa and Taranaki Whānui. Wellington Water is proposing that a full review of the Stormwater Monitoring Plan (SMP) will be undertaken by 2025 which will involve introducing a Mātauranga Māori element. This new element to the SMP will provide a detailed understanding of the values held by tangata whenua for freshwater and coastal water (expected to include mauri, mahinga kai and sites of significance), and

Key Objectives / Policies	Relevance	Assessment
be early, meaningful, and as far as practicable in accordance with tikanga Māori; c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes; d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga2, may have knowledge not otherwise available; e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and i. where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and ii. consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans; f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as: i. bringing cultural understanding to monitoring of natural resources; ii. providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua; iii. having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaitai or other non commercial Māori customary fishing; g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising		how these values are impacted by the stormwater discharges. In addition, Wellington Water proposes to seek feedback from a Mātauranga Māori expert, or other party agreed to by Te Rūnanga o Toa Rangatira and Taranaki Whānui, as part of its updates of the SMS, and preparation of each SCaMP to ensure that the impacts on these tangata whenua values are progressively reduced through this consent. The Collaborative Committee is central to Wellington Water's proposal. This Committee will comprise an equal number of members from tangata whenua and the consent holder. The overall purpose of the Collaborative Committee is to provide strategic direction to the consent holder to reduce the adverse effects of stormwater discharges over the term of the consent. To help achieve this purpose the functions of the Collaborative Committee in relation to stormwater discharges will include: • Overseeing updates to and implementation of the Stormwater Management Strategy • Overseeing the preparation and implementation of the Sub-catchment Management Plans • Overseeing the preparation of the Mātauranga Māori Monitoring Plan • Reviewing the Annual Report • Overseeing the preparation, updating, and implementation of the community engagement plan. The Collaborative Committee structure has been designed to facilitate opportunities for tangata whenua to exercise kaitiakitanga with respect to stormwater discharges. Based on the above assessment it is anticipated that the Collaborative Committee, SMS and SCaMPs will assist in meeting these NZCPS provisions. It is acknowledged however that this needs to be determined by tangata whenua.

Key Objectives / Policies	Relevance	Assessment
that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value: i. recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and Cultural Impact Assessments; and ii. provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.		
Public access and recreation Objective 4 To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by: • recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy; • maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and • recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.	Local authority stormwater network discharges are one source of contaminants that can potentially negatively impact on recreation values of the coastal environment.	It is considered that the application is generally consistent with this objective. The AEE assesses the recreational effects as none, very low or low for all of the sub-catchments except Island/ Houghton which is assessed as moderate. The SMS (universal measures and work streams), the development and implementation of the SCaMPs, and acute human health mitigation measures will reduce the adverse effects on recreation over the term of the consent. However, it needs to be recognised that improvement in the stormwater discharges covered by this application will not on their own ensure recreation values are enhanced. This is because the restrictions on recreation opportunities are caused by a variety of factors not just these local authority stormwater network discharges.
Use and development Objective 6 To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:		The local authority stormwater network discharges are part of the operation of the stormwater network, which is 'regionally significant infrastructure' and important to community health and wellbeing. A key purpose of local authority stormwater network is to collect, convey and discharge stormwater runoff from impervious surfaces efficiently to prevent ponding and

Key Objectives / Policies	Relevance	Assessment
• the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; • some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities; • functionally some uses and developments can only be located on the coast or in the coastal marine area; • the coastal environment contains renewable energy resources of significant value; • the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities; • the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land; • the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and • historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.		flooding in sensitive areas and to create an integrated network to support the community's wellbeing. Where urban environments are located near to the coast there is generally a functional need for stormwater discharges to be located within the coastal environment. This is because it is generally not feasible to locate the discharge outside of the coastal environment, given distance topography, gradient etc. Effects of stormwater discharges on the coastal environment will be progressively reduced through the implementation of the SMS and SCaMPs. Future development will be required to align with the SMS (e.g. universal measures) and SCaMPs, or where a SCaMP does not exist prepare its own, and thereby minimise any new adverse effects on the coastal environment. Overall, it is considered that the proposal is aligned with these provisions.

Table 2: National Policy Statement for Freshwater Management 2020

Key Objectives / Policies	Relevance	Assessment
Te Mana o te Wai <u>Concept</u> (1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. (2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement. <u>Framework</u> (3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation. (4) The 6 principles are: (a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater (b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations (c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others (d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future	The Te Mana o te Wai concept, framework, objective and policy are relevant to all freshwater management decisions. Many of the local authority stormwater network discharges are to freshwater environments.	The application recognises the importance of protecting the health of freshwater (consistent with Te Mana o te Wai) through the SMS and the requirement to prepare and implement the SCaMPs. The SCaMPs will establish improvement programmes and the SMS will set out which sub-catchments to prioritise for development of SCaMPs. The development and implementation of the SCaMPs will be overseen by the Collaborative Committee. The Collaborative Committee has been designed to give effect to Te Mana o te Wai principles of mana whakahaere, kaitiakitanga and manaakitanga which will inform the development of the SCaMPs and the prioritisation of sub-catchments and improvement works. The implementation of the consent in accordance with the proposed conditions should generally assist in giving effect to Te Mana o te Wai.

Key Objectives / Policies	Relevance	Assessment
(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations (f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation. (5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises: (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. Objective (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises: (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. Policy 1 Freshwater is managed in a way that gives effect to Te Mana o te Wai.		
Freshwater quality, values and habitats Policy 5 Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved. Policy 6 There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.	Many network discharges are to freshwater and have the potential to effect freshwater quality, values and habitats.	The application generally aligns with these policies. Three outstanding waterbodies are directly affected by urban stormwater discharges. These are the Taupō Swamp Complex, the Pauatahanui Inlet Tidal Flats, and the Pauatahanui Inlet Saltmarsh. The SCaMPs that are to be developed and implemented through the consent will ensure that that adverse effects on, and degradation of, freshwater bodies are reduced overtime. The SMS will be used to prioritise the development and implementation of SCaMPs. Where sub-catchments are identified as containing outstanding water bodies or being degraded as a result of

Key Objectives / Policies	Relevance	Assessment
Policy 7 The loss of river extent and values is avoided to the extent practicable. Policy 8 The significant values of outstanding water bodies are protected. Policy 9 The habitats of indigenous freshwater species are protected. Policy 10 The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9. Policy 13 The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.		stormwater discharges, it is anticipated that these values will be taken into account in the prioritisation of SCaMPs.. Any adverse effects that currently occur should be reduced over time with the implementation of the SMS and SCaMPs. The universal measures in the SMS will help to ensure that new development does not result in the further loss of river or wetland values in the interim period before a SCaMP for the relevant sub-catchment is prepared. Therefore, it is expected that any further loss of freshwater values as a consequence of the stormwater discharges should be avoided and that the SCaMPs should progressively contribute to the reduction of adverse effects on freshwater values over time, relative to the current state, so that the protection of indigenous biodiversity values is not prevented by the discharges.
Integrated management Policy 3 Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.	This objective promotes integrated management which is what the proposal is seeking to achieve over the longer term.	The proposal strongly aligns with this objective as through the implementation of the SMS and SCaMPs there will be a focus on an integrated catchment based and sub-catchment approach to the management of stormwater network discharges.
Tangata whenua Policy 2 Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.	Various overflows discharge to freshwater and have the potential to effect tangata whenua values and interests.	Wellington Water is working to ensure that tangata whenua are active partners in resolving issues associated with stormwater discharges from the local authority stormwater network. It is seeking to achieve this through several mechanisms. In the first instance, a review of Te Mahere Wai o Te Kāhui Taiao and of the Ngāti Toa Rangatira statement on Te Awarua-o-Porirua Whaitua Implementation Programme has been undertaken as part of this application to identify

Key Objectives / Policies	Relevance	Assessment
		potential effects on cultural values. This assessment identifies the fresh and coastal water values held by Ngāti Toa and Taranaki Whānui. Wellington Water is proposing that a full review of the Stormwater Monitoring Plan (SMP) will be undertaken in 2025 which will involve introducing a Mātauranga Māori element. This new element to the SMP will provide a detailed understanding of the values held by tangata whenua for freshwater and coastal water, and how these values are impacted by the stormwater discharges. In addition, Wellington Water proposes to seek feedback from a Mātauranga Māori expert, or other party agreed to by Te Rūnanga o Toa Rangatira and Taranaki Whānui, as part of its updates of the SMS, and preparation of each SCaMP. In combination these measures will ensure that Māori freshwater (coastal water) values are identified and provided for in the implementation of the consent, in a manner consistent with this provision. In terms of ensuring that tangata whenua is actively involved in freshwater management, it is noted that the Collaborative Committee is central to Wellington Water's proposal. This Committee will comprise an equal number of members from Mana Whenua and the consent holder. The overall purpose of the Collaborative Committee is to provide strategic direction to the consent holder to reduce the adverse effects of stormwater discharges over the term of the consent. To help achieve this purpose the functions of the Collaborative Committee in relation to stormwater discharges will include: • Overseeing updates to and implementation of the Stormwater Management Strategy • Overseeing the preparation and implementation of the Sub-catchment Management Plans • Overseeing the preparation of the Mātauranga Māori Monitoring Plan • Reviewing the Annual Report

Key Objectives / Policies	Relevance	Assessment
		• Overseeing the preparation, updating, and implementation of the community engagement plan. The Collaborative Committee structure has been designed to recognise the role of tangata whenua as kaitiaki. Based on the above assessment it is anticipated that the Collaborative Committee, SMS and SCaMPs will assist in meeting Policy 2. It is acknowledged however that this needs to be determined by Mana Whenua.

Table 3: Operative Regional Policy Statement for the Wellington Region 2013

Key Objectives / Policies	Relevance	Assessment
Coastal environment <u>Objective 3</u> Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development. <u>Objective 4</u> The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development. <u>Objective 5</u> Areas of the coastal environment where natural character has been degraded are restored and rehabilitated. <u>Objective 6</u> The quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems. <u>Objective 7</u> The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development. <u>Policy 35: Preserving the natural character of the coastal environment – consideration</u> When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional	Several stormwater discharges are directly to the coastal environment and the coastal environment is the indirect receiving environment for other stormwater discharges.	The stormwater discharges occur at a variety of locations in the coastal environment. Given the nature of the discharges, and the various other sources of similar contaminants, it is very difficult to determine the contribution, if any, that stormwater discharges make to any adverse effects on the coastal environment. It is noted however, that: • The SMS describes how Wellington Water will minimise contamination from discharges from the local authority stormwater networks. This will be achieved through implementing two new targeted workstreams: Workstream 1 will deliver universal responses and water quality programmes and Workstream 2 will deliver SCaMPs and resulting capital improvements.. • The SCaMPs are designed to develop a programme of stormwater network improvement works to reduce the adverse effects of stormwater discharges for each sub-catchment over the term of the consent. The SMS will prioritise the preparation and implementation of SCaMPs. Implementation of the SCaMPs will over the term of the consent assist in protecting indigenous biodiversity values, recreational, cultural, historical or landscape values of significance in the coastal environment. The implementation of the SCaMPs will also assist in maintaining and enhancing water quality in the coastal environment. In relation to natural character (Policies 35 and 36) it is considered that as the stormwater discharges are intermittent, temporary, and of short duration, and taking into account the state of the receiving environment during these events, any adverse effects will not prevent the natural

Key Objectives / Policies	Relevance	Assessment
plan, particular regard shall be given to preserving the natural character of the coastal environment by: a) minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded; b) protecting the values associated with estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them from inappropriate subdivision, use and development, so that healthy ecosystems are maintained; c) maintaining or enhancing amenity – such as, open space and scenic values – and opportunities for recreation and the enjoyment of the coast by the public; d) minimising any significant adverse effects from use and enjoyment of the coast by the public; e) safeguarding the life supporting capacity of coastal and marine ecosystems; f) maintaining or enhancing biodiversity and the functioning of ecosystems; and g) protecting scientific and geological features from inappropriate subdivision, use and development <u>Policy 36: Managing effect on natural character in the coastal environment – consideration</u> When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect natural character in the coastal environment, and in determining whether an activity is inappropriate particular regard shall be given to: a) the nature and intensity of the proposed activity including: i. the functional need or operational requirement to locate within the coastal environment ii. the opportunity to mitigate anticipated adverse effects of the activity b) the degree to which the natural character will be modified, damaged or destroyed including:		character of the receiving environments from being preserved. Further, where urban environments are located near to the coast there will generally be a functional need for stormwater discharges to be located within the coastal environment. This is because it will generally not be feasible to locate the discharge outside of the coastal environment, given distance topography, gradient etc.

Key Objectives / Policies	Relevance	Assessment
i. the duration and frequency of any effect, and/or ii. the magnitude or scale of any effect; iii. the irreversibility of adverse effects on natural character values; iv. whether the activity will lead to cumulative adverse effects on the natural character of the site/area. c) the resilience of the site or area to change; d) the opportunities to remedy or mitigate previous damage to the natural character; e) the existing land uses on the site. <u>Policy 37: Safeguarding life-supporting capacity of coastal ecosystems – consideration</u> When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to safeguarding the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing: a) any area within the intertidal or subtidal zone that contains unique, rare, distinctive or representative marine life or habitats; b) areas used by marine mammals as breeding, feeding or haul out sites; c) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; d) habitats, corridors and routes important for preserving the range, abundance, and diversity of indigenous and migratory species; e) any area that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification – such as, estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems and salt marshes; and f) the integrity, functioning and resilience of physical and ecological processes.		As discussed above, the implementation of the consent will in accordance with the proposed conditions, over the term of the consent, assist in to safeguarding the life-supporting capacity of coastal and marine ecosystems. Based on the above assessments, it is considered the proposal is generally consistent with the objectives and policies of the RPS relating to the coastal environment.
Energy, Infrastructure and Waste <u>Objective 10</u>	This objective and policy refer to	The stormwater discharges are part of the operation of the local authority stormwater network, which is 'regionally

Key Objectives / Policies	Relevance	Assessment
The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected. Policy P39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, particular regard shall be given to: (a) the social, economic, cultural and environmental benefits of energy generated from renewable energy resources and/or regionally significant infrastructure;	regionally significant infrastructure which is defined in the RPS as including the local authority stormwater networks and systems.	significant infrastructure' and important to community health and wellbeing. A key purpose of local authority stormwater network is to collect, convey and discharge stormwater runoff from impervious surfaces efficiently to prevent ponding and flooding in sensitive areas and to create an integrated network to support the community's social, economic, cultural and environmental wellbeing. The benefits of this need to be taken into account in the consideration of these applications.
Freshwater Objective 12 The quantity and quality of fresh water: (a) meet the range of uses and values for which water is required; (b) safeguard the life supporting capacity of water bodies; and (c) meet the reasonably foreseeable needs of future generations. Policy 40: Maintaining and enhancing aquatic ecosystem health in water bodies – consideration When considering an application for a resource consent particular regard shall be given to: (a) requiring that water quality, flows and water levels and aquatic habitats of surface water bodies are managed for the purpose of safeguarding aquatic ecosystem health; (c) managing water bodies and the water quality of coastal water for other purposes identified in regional plans. Objective 13 The region's rivers, lakes and wetlands support healthy functioning ecosystems. Policy 43: Protecting aquatic ecological function of water bodies – consideration	These objectives and policies relate to water quality of freshwater and healthy functioning ecosystems in rivers. Various stormwater discharge are located within freshwater and have the potential to effect water quality and ecosystem health. The Kakaho Stream, Horokiri Stream, Taupo Stream, Pauatahunui Stream, Duck Creek, Porirua Stream, Korokoro Stream, Karori	The local authority stormwater network discharges either directly or indirectly into a number of freshwater receiving environments. Given the nature of the discharges, and the various other sources of similar contaminants, it is very difficult to determine the contribution, if any, that a particular discharge makes to adverse effects on these freshwater receiving environments. It is noted however, that: • The SMS describes how Wellington Water will minimise contamination from discharges from the local authority stormwater networks. This will be achieved through implementing two new targeted workstreams: Workstream 1 will deliver universal responses and water quality programmes and Workstream 2 will deliver SCaMPs and resulting capital improvements. • The SCaMPs are designed to develop a programme of stormwater network improvement works to reduce the adverse effects of stormwater discharges for each sub-catchment over the term of the consent. Implementation of the SCaMPs over the term of the consent will assist in protecting the quality of freshwater and significant indigenous ecosystems and habitats and maintaining or enhancing the functioning of ecosystems and amenity and recreational values.

Key Objectives / Policies	Relevance	Assessment
When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to: (a) maintaining or enhancing the functioning of ecosystems in the water body; (b) maintaining or enhancing the ecological functions of riparian margins; (c) minimising the effect of the proposal on groundwater recharge areas that are connected to surface water bodies; (d) maintaining or enhancing the amenity and recreational values of rivers and lakes, including those with significant values listed in Table 15 of Appendix 1; (e) protecting the significant indigenous ecosystems and habitats with significant indigenous biodiversity values of rivers and lakes, including those listed in Table 16 of Appendix 1; (f) maintaining natural flow regimes required to support aquatic ecosystem health; (g) maintaining fish passage; (h) protecting and reinstating riparian habitat, in particular riparian habitat that is important for fish spawning;	Stream, Owhiro Bay Stream, Kaiwharawhara Stream, Hutt River including Akatarawa River, Wainuiomata River, Speedy's Stream, Pakuratahi River, are listed in the RPS as rivers with significant indigenous ecosystems.	It is expected that the values of sub-catchments and the level of adverse effects from stormwater discharges on each sub-catchment will be taken into account in the prioritisation of SCaMPs. Based on the above assessments it is considered the proposal is generally consistent with the objectives and policies of the RPS relating to the freshwater.
<u>Policy 64: Supporting a whole of catchment approach – non-regulatory</u> Take a whole of catchment approach that recognises the inter-relationship between land and water, and support environmental enhancement initiatives to restore and enhance: (b) aquatic ecosystems and habitats; and (c) indigenous ecosystems and habitats.	Policy 64 promotes a whole of catchment approach which is what the proposal is seeking to achieve.	The application strongly aligns with Policy 64 as it seeks to set in place, though the SMS and the future SCaMPs a whole of catchment integrated approach to the management of stormwater network discharges in the identified catchments throughout Porirua, Wellington, Hutt City, and Upper Hutt.
Resource Management with Tangata Whenua <u>Objective 25</u>	The discharges have the potential to effect tangata whenua	Wellington Water is working to ensure that tangata whenua are active partners in resolving issues associated with stormwater discharges from the local authority stormwater network and that tangata whenua values are identified and

Key Objectives / Policies	Relevance	Assessment
The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources. Objective 26 Mauri is sustained, particularly in relation to coastal and fresh waters. Objective 27 Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua. Objective 28 The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained. Policy 49: Recognising and providing for matters of significance to tangata whenua – consideration (a) the exercise of kaitiakitanga; (b) mauri, particularly in relation to fresh and coastal waters; (c) mahinga kai and areas of natural resources used for customary purposes; and (d) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.	values and interests.	provided for through the consent application and the implementation of the consent. By doing so, Wellington Water is seeking to ensure that the concept of kaitiakitanga and the cultural relationship of Māori to the environments impacted by the stormwater discharges are central to the implementation of the consent. It is seeking to achieve this through several mechanisms. In the first instance, a review of Te Mahere Wai o Te Kāhui Taiao and of the Ngāti Toa Rangatira statement on Te Awarua-o-Porirua Whaitua Implementation Programme has been undertaken as part of this application to identify potential effects on cultural values. This assessment identifies the fresh and coastal water values held by Ngāti Toa and Taranaki Whānui. Wellington Water is proposing that a full review of the Stormwater Monitoring Plan (SMP) will be undertaken in 2025 which will involve introducing a Mātauranga Māori element. This new element to the SMP will provide a detailed understanding of the values held by tangata whenua for freshwater and coastal water (expected to include mauri, mahinga kai and sites of significance), and how these values are impacted by the stormwater discharges. In addition, Wellington Water proposes to seek feedback from a Mātauranga Māori expert, or other party agreed to by Te Rūnanga o Toa Rangatira and Taranaki Whānui, as part of its updates of the SMS, and preparation of each SCaMP to ensure that the impacts on tangata whenua values are progressively reduced through this consent. The Collaborative Committee is central to Wellington Water's proposal. This Committee will comprise an equal number of members from tangata whenua and the consent holder. The overall purpose of the Collaborative Committee is to provide strategic direction to the consent holder to reduce the adverse effects of stormwater discharges over the term of the consent. To help achieve this purpose the functions of

Key Objectives / Policies	Relevance	Assessment
		the Collaborative Committee in relation to stormwater discharges will include: • Overseeing updates to and implementation of the Stormwater Management Strategy • Overseeing the preparation and implementation of the Sub-catchment Management Plans • Overseeing the preparation of the Mātauranga Māori Monitoring Plan • Reviewing the Annual Report • Overseeing the preparation, updating, and implementation of the community engagement plan. The Collaborative Committee structure has been designed to recognise the role of tangata whenua as kaitiaki. Based on the above assessment it is anticipated that the Collaborative Committee, SMS and SCaMPs will assist in meeting these RPS provisions. It is acknowledged however that this needs to be determined by Mana Whenua.
Indigenous ecosystems Objective 16 Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state. Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to: (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;		The Part 2 Report: Assessment of Environmental Effects identifies that stormwater discharges from the local authority stormwater network do impact on ecosystems and habitats with significant biodiversity values. In general terms the application will address the potential adverse effects on these values through the universal measures and work streams in the SMS and through sub-catchment based capital delivery, i.e. the SCaMPs. The development and implementation of SCaMPs will be prioritised through the SMS. It is expected that the prioritisation of SCaMPs will take into account, among other things, the presence of significant indigenous biodiversity values and the degree of adverse effects that stormwater discharges are having on such values. As the SMS and SCaMPs focus only on the adverse effects of stormwater discharges from the local authority stormwater network they will not on their own restore all waterbodies to

Key Objectives / Policies	Relevance	Assessment
(b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses; (c) managing wetlands for the purpose of aquatic ecosystem health; (d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats; (e) providing seasonal or core habitat for indigenous species; (f) protecting the life supporting capacity of indigenous ecosystems and habitats; (g) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and (h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.		healthy functioning state (where this does not currently exist). However, it is considered that they will contribute towards Objective 16 and are considered an appropriate response within the framework set by Policy 47. Of particular relevance to this conclusion with regard to Policy 47 it is noted that: • The effects on wetlands arising from stormwater discharges • Opportunities to avoid incremental loss of indigenous ecosystems and habitats • Protecting life supporting capacity • Remedying and mitigating adverse effects on indigenous biodiversity values • The application of a precautionary approach will be generally addressed by the measures in the SMS, e.g. the universal requirement for developer-led SCaMPs and the high risk site audits, and can be expected to be specifically addressed at the sub-catchment level through SCaMPs.

Table 4: Proposed Change 1 to the Regional Policy Statement for the Wellington Region[1]

Key Objectives / Policies	Relevance	Assessment
Overarching objective **Objective A** Integrated management of the region's natural and built environments is guided by Te Ao Māori and: (a) incorporates mātauranga Māori; and (b) recognises ki uta ki tai – the holistic nature and interconnectedness of all parts of the natural environment; and (c) protects and enhances mana whenua / tangata whenua values, in particular mahinga kai, and the life-supporting capacity of ecosystems; and (d) recognises the dependence of humans on a healthy natural environment; and (e) recognises the role of both natural and physical resources in providing for the characteristics and qualities of well-functioning urban environments; and (f) responds effectively to the current and future pressures of climate change, population growth and development. **Policy IM.1: Integrated management – ki uta ki tai - consideration** When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan particular regard shall be given to: (a) partnering with mana whenua / tangata whenua to provide for mana whenua / tangata whenua involvement in resource management and decision making; and (b) recognising the interconnectedness between air, freshwater, land, coastal marine areas, ecosystems and all living things – ki uta ki tai; and	This new objective and policy introduced by Plan Change 1 set an overarching direction for all resource management decisions in the region, and place particular emphasis on the need to partner with mana whenua and take a holistic and integrated approach in resource management.	The global approach of this application seeks to ensure that the effects of stormwater discharges within the 35 sub-catchments in Porirua, Wellington, Hutt City, and Upper Hutt are managed in a holistic and integrated manner. The proposed approach to implementing the SMS and developing and implementing SCaMPs through the Collaborative Committee provides the opportunity for Te Ao Māori to guide decision making, for Mātauranga Māori to be incorporated into this integrated approach. The SMS and SCaMPs will also recognise the role of the natural environment in a well-functioning urban environment and seek to reduce the adverse effects of stormwater discharges on the natural environment.

[1] In column 1, 'Key Objectives/Policies', where the content of a provision is underlined this indicates text added by Plan Change 1. Where the content of a provision is ~~struckthrough~~ this indicates text deleted by Plan Change 1.

Key Objectives / Policies	Relevance	Assessment
(c) recognising the interrelationship between natural resources and the built environments; and (d) making decisions based on the best available information, improvements in technology and science, and mātauranga Māori; and (e) upholding Māori data sovereignty; and (f) requiring Māori data and mātauranga Māori to be interpreted within Te Ao Māori; and (g) recognising that the impacts of activities may extend beyond immediate and directly adjacent area, and beyond organisational or administrative boundaries		
Climate Change **Objective CC.1** By 2050, the Wellington Region is a low-emission and climate-resilient region, where climate change mitigation and adaptation are an integral part of: (a) sustainable air, land, freshwater, and coastal management, (b) well-functioning urban environments and rural areas, and (c) well-planned infrastructure. **Objective CC.6** Resource management and adaptation planning increase the resilience of communities and the natural environment to the short, medium, and long-term effects of climate change. **Policy CC.14** When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, provide for actions and initiatives, particularly the use of nature-based solutions, that contribute to climate-resilient urban areas, including:	The new climate change provisions introduced by Plan Change 1 address the effects of human activities on climate change as well as the effects of climate change on human activities. It is these latter provisions which are of particular relevance to this application.	The SMS requires that all new development will need to design for hydraulic neutrality which includes the predicted impacts of climate change. In addition, the potential effects of climate change will be taken into account when each SCaMP is prepared, e.g. the sizing and design of stormwater treatment devices proposed in a sub-catchment will ensure that they are resilient to changes anticipated from climate change. It is therefore considered that the proposal is consistent with the climate change provisions of Plan Change 1.

Key Objectives / Policies	Relevance	Assessment
(a) … (f) buildings and infrastructure that are able to withstand the predicted future temperatures, intensity and duration of rainfall and wind.		
Freshwater **Objective 12** Natural and physical resources of the region are managed in a way that prioritises: (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future; and Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this RPS and its implementation. The six principles are: (a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater (b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations (c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others (d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future	Plan Change 1 deletes existing Objective 12 and replaces this with a new objective that carries forward the Te Mana o Te Wai objective and principles from the NPSFM. Plan Change 1 also incorporates Te Mana o te Wai expressions from Rangitāne o Wairarapa and Kahungunu ki Wairarapa. It has been assumed that these expressions do not relate to this application as it does not cover stormwater	The local authority stormwater network discharges either directly or indirectly into a number of freshwater receiving environments. Given the nature of the discharges, and the various other sources of similar contaminants, it is difficult to determine the contribution that a particular discharge makes to adverse effects on these freshwater receiving environments. It is noted however, that: • The SMS describes how Wellington Water will minimise contamination from discharges from the local authority stormwater networks. This will be achieved through implementing two new targeted workstreams: Workstream 1 will deliver universal responses and water quality programmes and Workstream 2 will deliver SCaMPs and resulting capital improvements. • The SCaMPs are designed to develop a programme of stormwater network improvement works to reduce the adverse effects of stormwater discharges for each sub-catchment over the term of the consent. • Implementation of the SCaMPs over the term of the consent will assist in protecting the quality of freshwater and significant indigenous ecosystems and habitats and maintaining or enhancing the functioning of ecosystems and amenity and recreational values. • It is expected that the prioritisation of SCaMPs will take into account, among other things, the presence of significant indigenous biodiversity values and the degree of adverse effects that stormwater discharges are having on such values.. In addition, the Collaborative Committee will be a partnership between the consent holder and Mana Whenua and has been

Key Objectives / Policies	Relevance	Assessment
(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations, and (f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation. And the Statements of Kahungunu ki Wairarapa and Rangitāne o Wairarapa ~~The quantity and quality of fresh water:~~ ~~(a) meet the range of uses and values for which water is required;~~ ~~(b) safeguard the life-supporting capacity of water bodies; and~~ ~~(c) meet the reasonably foreseeable needs of future generations.~~ **Policy 40: ~~Maintaining~~ Protecting and enhancing the health and well-being of water bodies and freshwater ecosystems ~~aquatic ecosystem health in water bodies~~ – consideration** When considering an application for a regional resource consent, particular regard shall be given to: (a) ~~requiring~~ that water quality, flows and water levels and aquatic habitats of surface water bodies are managed in a way that gives effect to Te Mana o Te Wai and protects and enhances the health and well-being of waterbodies and the health and wellbeing of freshwater ecosystems ~~for the purpose of safeguarding aquatic ecosystem health~~; (b) that, ~~requiring~~ as a minimum, water quality in the coastal marine area is ~~to be~~ managed in a way that protects and enhances the health and well-being of waterbodies and the health and wellbeing of marine ecosystems.~~: for the purpose of maintaining or enhancing aquatic ecosystem health; and~~ ~~(c) managing water bodies and the water quality of coastal water for other purposes identified in regional plans.~~ (c) providing for mana whenua / tangata whenua values, including mahinga kai; (d) maintaining or enhancing the functioning of ecosystems in the water body;	networks in the Wairarapa. Plan change 1 amends Policy 40 to integrate Te Mana o Te Wai, and to add in clauses from Policy 43 of the Operative RPS. Plan Change 1 proposes that Policy 43 is deleted.	designed to enable the Te Mana o te Wai principles relating to mana whakahaere, kaitiakitanga and manaakitanga to inform the future management of the stormwater discharges. Based on the above assessments it is considered the proposal is generally consistent with the objectives and policies of the RPS relating to the freshwater.

Key Objectives / Policies	Relevance	Assessment
(e) maintaining or enhancing the ecological functions of riparian margins; (f) minimising the effect of the proposal on groundwater recharge areas that are connected to surface water bodies; (g) maintaining or enhancing the amenity and recreational values of rivers and lakes, including those with significant values listed in Table 15 of Appendix 1; (h) protecting the significant indigenous ecosystems and habitats with significant indigenous biodiversity values of rivers and lakes, including those listed in Table 16 of Appendix 1; (i) maintaining natural flow regimes required to support aquatic ecosystem health; (j) maintaining or enhancing space for rivers to undertake their natural processes: (k) maintaining fish passage; (l) protecting and reinstating riparian habitat, in particular riparian habitat that is important for fish spawning; (m) restricting stock access to estuaries rivers, lakes and wetlands; and (n) avoiding the removal or destruction of indigenous wetland plants in wetlands.		
Indigenous Ecosystems **Objective 16** Indigenous ecosystems and habitats with significant ecosystem functions and services and/or biodiversity values are ~~maintained~~ protected, enhanced, and restored to a healthy functioning state. **Objective 16A** The region's indigenous ecosystems are maintained, enhanced, and restored to a healthy functioning state, improving their resilience to	Plan Change 1 proposes changes to existing RPS objectives and policies relating to indigenous ecosystems. It also introduces new objectives and policies which provide	The Part 2 Report: Assessment of Environmental Effects identifies that stormwater discharges from the local authority stormwater network do impact on ecosystems and habitats with significant biodiversity values. In general terms the application will address the potential adverse effects on these values through the universal measures and works streams in the SMS and through sub-catchment based capital delivery, i.e. the SCaMPs. The development and implementation of SCaMPs will be prioritised through the SMS. It is expected that the prioritisation of SCaMPs will take into account, among other things, the presence of significant indigenous biodiversity values and the

Key Objectives / Policies	Relevance	Assessment
increasing environmental pressures, particularly climate change, and giving effect to Te Rito o te Harakeke[2]. **Objective 16B** Mana whenua / tangata whenua values relating to indigenous biodiversity, particularly taonga species, and the important relationship between indigenous ecosystem health and well-being, are given effect to in decision-making, and mana whenua / tangata whenua are supported to exercise their kaitiakitanga for indigenous biodiversity. **Policy 47** When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect indigenous ecosystems and habitats with significant indigenous biodiversity values, and in determining whether the proposed activity is inappropriate particular regard shall be given to: (a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna and/or enhancing the connectivity between fragmented indigenous habitats;	direction with regard to: • all indigenous ecosystems (rather than being limited to those indigenous ecosystems with significance values) • mana whenua / tangata whenua values relating to indigenous biodiversity • landowner and	degree of adverse effects that stormwater discharges are having on such values. As the SMS and SCaMPs focus only on the adverse effects of stormwater discharges from the local authority stormwater network, they will not on their own restore the waterbodies to healthy functioning state (where this does not currently exist). However, it is considered that they will contribute towards Objective 16, 16A and are considered an appropriate response within the frame set by Policy 47. It is considered that the application is consistent with Objective 16B based on the proposed Collaborative Committee, Kaitiaki Monitoring and given that Wellington Water will seek input from a from a Mātauranga Māori expert, or other party agreed to by Te Rūnanga o Toa Rangatira and Taranaki Whānui, as part of its updates of the SMS, and preparation of each SCaMP to ensure that the impacts on tangata whenua values are progressively reduced through this consent With regard to Policy 47 it is noted that: • The effects on wetlands arising from stormwater discharges • Opportunities to avoid incremental loss of indigenous ecosystems and habitats • Protecting life supporting capacity

[2] Te Rito o te Harakeke is a concept that refers to the need to maintain the integrity of indigenous biodiversity. It recognises the intrinsic value and mauri of indigenous biodiversity as well as people's connections and relationships with it. It recognises that our health and wellbeing are dependent on the health and wellbeing of indigenous biodiversity and that in return we have a responsibility to care for it. It acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community. Te Rito o te Harakeke comprises six essential elements to guide tangata whenua and local authorities in managing indigenous biodiversity and developing objectives, policies, and methods for giving effect to Te Rito o te Harakeke:
- the intrinsic value and mauri of indigenous biodiversity:
- the bond between people and indigenous biodiversity through whakapapa (familial) relationships and mutual interdependence:
- the responsibility of care that tangata whenua have as kaitiaki, and that other New Zealanders have as stewards, of indigenous biodiversity:
- the connectivity between indigenous biodiversity and the wider environment:
- the incorporation of te ao Māori and mātauranga Māori:
- the requirement to partner with tangata whenua.

Key Objectives / Policies	Relevance	Assessment
(b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses; (c) managing wetlands for the purpose of aquatic ecosystem health, recognising the wider benefits, such as for indigenous biodiversity, water quality and holding water in the landscape; (d) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats; (e) providing seasonal or core habitat for indigenous species; (f) protecting the life supporting capacity of indigenous ecosystems and habitats; (g) ~~remedying or mitigating~~ minimising or remedying adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and (h) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats; (i) the limits to, and expected outcomes from biodiversity offsetting and biodiversity compensation set out in Policy 24. **Policy IE.2: Giving effect to mana whenua / tangata whenua roles and values when managing indigenous biodiversity - consideration** When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, particular regard shall be given to enabling mana whenua / tangata whenua to exercise their role as kaitiaki, including, but not restricted to: (a) providing for mana whenua / tangata whenua values associated with indigenous biodiversity, including giving local effect to Te Rito o te Harakeke, (b) incorporating the use of mātauranga Māori in the management and monitoring of indigenous biodiversity; and	community values relating to indigenous biodiversity.	• Remedying and mitigating adverse effects on indigenous biodiversity values • The application of a precautionary approach will be generally addressed by the measures in the SMS, e.g. the universal requirement for developer-led SCaMPS and the high risk site audits and can be expected to be specifically addressed at the sub-catchment level through SCaMPS. It is therefore considered that the proposal is consistent with Policy 47 and is not 'inappropriate'.

Key Objectives / Policies	Relevance	Assessment
(c) supporting mana whenua / tangata whenua to access and exercise sustainable customary use of indigenous biodiversity, including for mahinga kai and taonga, in accordance with tikanga.		
Policy UD.2: Enable Māori cultural and traditional norms – consideration When considering an application for a resource consent, notice of requirement, or a plan change of a district plan for use or development, particular regard shall be given the ability to enable Māori to express their culture and traditions in land use and development, by as a minimum providing for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.		Wellington Water is working to ensure that Mana Whenua are active partners in resolving issues associated with stormwater discharges from the local authority stormwater network and that their values are identified and provided for through the consent application and the implementation of the consent. By doing so, Wellington Water is seeking to ensure that the cultural relationship of tangata whenua to the environments impacted by the stormwater discharges is central to the implementation of the consent. It is seeking to achieve this through several mechanisms. The primary measure to achieve this is through the Collaborative Committee. This Committee will comprise an equal number of members from tangata whenua and the consent holder. The overall purpose of the Collaborative Committee is to provide strategic direction to the consent holder to reduce the adverse effects of stormwater discharges over the term of the consent. To help achieve this purpose, the functions of the Collaborative Committee will include: • Overseeing updates to and implementation of the Stormwater Management Strategy • Overseeing the preparation and implementation of the Sub-catchment Management Plans • Overseeing the preparation of the Mātauranga Māori Monitoring Plan • Reviewing the Annual Report • Overseeing the preparation, updating, and implementation of the community engagement plan. In addition, Wellington Water is proposing the development of kaitiaki monitoring element of the SMP and will seek input from from a Mātauranga Māori expert, or other party agreed to by Te

Key Objectives / Policies	Relevance	Assessment
		Rūnanga o Toa Rangatira and Taranaki Whānui, as part of its updates of the SMS, and preparation of each SCaMP. Based on these measures, it is considered that proposal is consistent with Policy UD.2.

Table 5: Proposed Natural Resources Plan (Final Appeals Version 2022)

Key Objectives / Policies	Relevance / Discussion	Assessment
Stormwater discharges Objective O38 The adverse quality and quantity effects of stormwater discharges from stormwater networks and urban land uses are reduced over time. Policy P83: Minimising adverse effects of stormwater discharges The adverse effects of stormwater discharges shall be minimised including by: (a) using good management practice, and (b) taking a source control and treatment train approach to new activities and land uses, and (c) implementing water sensitive urban design in new subdivision and development, and (d) progressively improving existing stormwater, wastewater, road and other public infrastructure, including during routine maintenance and upgrade., and (e) managing localised adverse effects, including by addressing particular attributes appropriate to the receiving environment. Policy P84: Managing land use impacts on stormwater Land use, subdivision and development, including stormwater discharges, shall be managed so that runoff volumes and peak flows: (a) avoid or minimise scour and erosion of stream beds, banks and coastal margins, and (b) do not increase risk to human health or safety, or increase the risk of inundation, erosion or damage to property or infrastructure, including by retaining, as far	These objectives and policies specifically relate to stormwater discharges to fresh and coastal waters. Given the specificity of these objectives and policies significant weight should be given to them in assessing the Global Stormwater Consent application.	The application is consistent with Objective O38 and Policies P83, P84, P86, P87 and P88 in that: • The SMS sets out management options to minimise contaminant inputs into the stormwater network from land use activities at high risk of generating stormwater contaminants (in accordance with Policy P83). • The SCaMPs will set out how stormwater discharges will be specifically managed in sub-catchments across the cities taking a source control and treatment train approach. • Where a Wellington Water led SCaMP does not yet exist new development above 3,000 m^2 will be required to prepare a development led SCaMP • The SMS contains a number of measures that will manage the stormwater discharges so scour and erosion will be minimised and reduce the risk to human health and safety (as set out in Policy P84). Scour and erosion will also be addressed more specifically at the sub-catchment level through SCaMPs • Through the SMS and proposed SCaMPs, the consent holder will reduce the adverse effects of stormwater discharges progressively over the term of the consent, using workstreams 1 and 2, including the prioritisation of SCaMPS as outlined in the SMS (in accordance with Policy P86). There are limited sources of wastewater contamination covered within this consent (there are other consents that will address this). The implementation of the SMS and SCaMPs will reduce the adverse effects on water quality from the stormwater discharges across the extent of the global consent and in each sub-catchment. As part of the SMS, Wellington Water will implement workstreams to respond to acute human health risks resulting

Key Objectives / Policies	Relevance / Discussion	Assessment
as practicable, pre-development hydrological conditions in new subdivision and development. Policy P86: Second-stage local authority and state highway network consents When an application for resource consent is made with a stormwater management strategy, the adverse effects of discharges from a local authority and state highway stormwater networks shall be minimised by: (a) identifying in the stormwater management strategy priorities for progressive improvement, and timeframes to achieve this improvement, in accordance with any relevant objectives identified in the Plan, and (b) where appropriate, developing catchment-specific stormwater management plans or other methods to identify and prioritise actions in accordance with any relevant objectives identified in the Plan, and (c) progressively implementing the stormwater management strategy and any actions identified under (b), and (d) for new stormwater networks, managing the adverse quality and quantity effects of post-development stormwater discharges in accordance with good management practice and Policies P83 and P84, and (e) progressively reducing the impact of untreated wastewater on fresh and coastal water in accordance with Policies P87 and P88, and (f) progressively improving existing stormwater, wastewater, road and other public infrastructure, including through routine maintenance and upgrade. Policy P87: Minimising wastewater and stormwater interactions		from stormwater discharges, similar to requirements in the Stage 1 consent. Wellington Water is continuing to develop these workstreams based on lessons learnt during the implementation of the stage 1 consent. More information will be provided prior to the hearing. Based on these measures it is considered that the application is consistent with these stormwater provisions.

Key Objectives / Policies	Relevance / Discussion	Assessment
The adverse effects of wastewater and stormwater interactions on fresh and coastal water shall be minimised by: (a) avoiding wastewater contamination of stormwater from new wastewater networks or connections authorised after the date of 31 July 2015, and (b) progressive elimination removal of existing wastewater contamination of stormwater progressively, and as soon as reasonably practicable from the existing wastewater network, and (c) progressively reducing stormwater and groundwater infiltration and inflow into the wastewater network. <u>Policy P88: Assessing resource consents to discharge stormwater containing wastewater</u> A resource consent application under Rule R53 to discharge stormwater from a local authority stormwater network known to contain wastewater is inappropriate unless the application includes: (a) a plan of how Policy P87 will be achieved, including key milestones and dates, and (b) the results of consultation with mana whenua on their values and interests in relation to discharges and receiving waters.		
<u>Objective O3</u> Air, land, freshwater bodies and the coastal marine area are managed as integrated and connected resources; ki uta ki tai – mountains to the sea.	This objective promotes integrated management which is what the proposal is seeking to achieve over the longer term.	The application strongly aligns with Objective O3 as it seeks to set in place, though the SMS and the future SCaMPs a whole of catchment integrated approach to the management of stormwater network discharges in the identified catchments throughout Porirua, Wellington, Hutt City, and Upper Hutt.
Discharges <u>Policy P66: Minimising effects of discharges to water or land</u>	These objectives and policies apply to all types of discharges which include stormwater discharges.	P66 seeks to minimise the discharge of contaminants through a 'hierarchy' of avoiding the production of the contaminant, reducing the amount of the contaminant, minimising the volume or amount of the discharge and promoting the discharge to land.

Key Objectives / Policies	Relevance / Discussion	Assessment
Discharges of contaminants to water or land will be minimised through the following hierarchy: a) avoiding the production of the contaminant b) reducing the amount of contaminants, including by reusing, recovering or recycling contaminants c) minimising the volume or amount of the discharge d) discharging to land is promoted over discharging direct to water, including using land-based treatment, constructed wetlands or other systems to treat contaminants prior to discharge. Policy P67: Human drinking water supplies The adverse effects from discharges to land and water on the quality of community drinking water supplies and group drinking water supplies shall be avoided to the extent necessary to implement regulations for human drinking water. ~~the National Environmental Standards for Sources of Human Drinking Water 2007, in consultation with the~~ The drinking water supply operator will be consulted with as appropriate, taking into consideration emerging contaminants and industry best practice.		The local authority stormwater network is an existing network which has been designed to collect, convey and discharge stormwater runoff, which can be contaminated, from impervious surfaces to prevent ponding and flooding in sensitive areas. Consequently, discharges from it cannot be avoided. However, in other respects Wellington Water's management of the network discharges is consistent with this policy. The SMS sets out measures to reduce and minimise contaminant inputs into the stormwater network. These include the auditing of high risk sites, universal measures and an Education and Outreach programme. In addition to these measures, there are a number of treatment options outlined in the SMS that include discharging to land. The SCaMPs will set out how these treatment options will be used in each sub-catchment. In terms of Policy P67, all local authority stormwater discharges are down stream of the surface water abstraction points identified in Schedule M1. However, groundwater supply wells and protection area (identified in Schedule M2) is located in Lower Hutt which is within the Lower Hutt South and Waiwhetu sub-catchments. The Wellington Urban Source Water Risk Management Plan identifies stormwater as one risk to the ground water supplies in Lower Hutt. In addition to the mitigation measures set out in that Plan (e.g. modelling connectivity between urban streams impacted by stormwater and aquifer) both the SMS and SCaMPs will provide further mitigation. Under the SMS actions such as the proposed Education and Outreach programme and the High-risk site audits will assist to mitigate the risk of residents and business allowing chemicals to enter the stormwater network. Through the SCaMP process mitigation measures will be implemented in each sub-catchment which will further reduce the adverse effects from the stormwater discharges. These measures may include infiltration trenches and site wide infiltration, sand filters, and riparian buffers which will contribute to treating the stormwater runoff

Key Objectives / Policies	Relevance / Discussion	Assessment
Policy P68: Discharges to land The discharge of contaminants to land shall be managed to: (a) minimise adverse effects on the life-supporting capacity of soil, (b) avoid creating contaminated land, (c) not exceed the capacity of the soil to treat, use or remove the contaminant, (d) not exceed the available capacity of the soil to absorb the discharge (e) avoid significant adverse effects on public health and amenity, and (f) not result in a discharge to water that causes more than a minor adverse effects, and (g) avoid, remedy or mitigate adverse effects on mana whenua values when considering applications for		before it potentially enters groundwater. The SCaMPs will be prepared in a prioritised order. The framework for this prioritisation is yet to be confirmed, however it is expected that potential risks to drinking water supply will be one factor that will be taken into account. It is considered that these measures will adequately mitigate the risks to water supply that are associated with the discharge of stormwater from the local authority stormwater network. In terms of policy P68, there are existing discharges to land and to land that may enter water. It is considered a low risk that these discharges will create contaminated land and through the high risk site audits proposed in the SMS, the risk will be further reduced. With respect to clauses (c) and (d), it is noted that in those cases where the discharge to land is not intended to enter surface water, there will be a limit to the soakage capacity, but this is likely only to be exceed in significant rainfall events. Clause (e) requires that significant adverse effects on public health and amenity are avoided. The Part 2 Report: AEE does not identify any sub-catchments that result in significant adverse effects on public health. With respect to clause (f) the Part 2 Report: AEE identifies that there are more than minor adverse effects on water bodies in 12 of the 35 sub-catchments. These adverse effects will be mitigated through the measures in the SMS and SCaMPs, and it is expected that the values of sub-catchments and the level of adverse effects from stormwater discharges on each sub-catchment will be taken into account in the prioritisation of SCaMPs. With respect to clause (g) it is noted that the application proposes various mechanisms to ensure that adverse effects on Mana Whenua values are integral to the mitigation measures under the consent. These include the Collaborative Committee, Kaitiaki monitoring and input from a Mātauranga Māori expert, or other party agreed to by Te Rūnanga o Toa Rangatira and

Key Objectives / Policies	Relevance / Discussion	Assessment
discharges to land which may adversely affect statutory acknowledgement areas, sites of significance, or Heritage New Zealand Pouhere Taonga sites, identified in this Plan, any relevant district plan, or in a planning document recognised by an iwi authority and lodged with a local authority. Policy P69: Promoting discharges to land The discharge of contaminants to land is promoted over direct discharges to water, particularly where there are adverse effects on: a) aquatic ecosystem health and mahinga kai, or b) contact recreation and Māori customary use.		Taranaki Whānui, as part of the updates of the SMS, and preparation of each SCaMP The SMS sets out a number of potential management options which promote discharges to land (required by Policy P69) such as vegetated swales, filter trips, pervious pavement, infiltration trenches, bioretention measures, sand filters, and more. These measures, along with a range of other measures, will where appropriate, implemented through the SCaMPs. For the reasons set out in the above assessment it is considered that the proposal is consistent with the objectives and policies relating to discharges.
Beneficial use and development Objective O9 The social, economic, cultural and environmental benefits of regionally significant infrastructure, renewable energy generation activities and the utilisation of mineral resources are recognised. Policy P6: Uses of land and water The cultural, social and economic benefits of using land and water for: (a) treatment, dilution and disposal of wastewater and stormwater, shall be recognised Policy P11: Benefits of regionally significant infrastructure and renewable electricity generation facilities When considering proposals that relate to the provision of regionally significant infrastructure, or renewable energy generation activities, particular regard will be given to the benefits of those activities.	Regionally Significant Infrastructure is a defined term in the pNRP and includes the local authority stormwater networks and systems, including discharges.	The local authority stormwater network discharges are part of the operation of the stormwater network, which is 'regionally significant infrastructure' and important to community health and wellbeing. A key purpose of the local authority stormwater network is to collect, convey and discharge stormwater runoff from impervious surfaces efficiently to prevent ponding and flooding in sensitive areas and to create an integrated network to support the community's wellbeing. These benefits should be taken into account in considering this application. In general terms stormwater discharges need to occur relatively close to the urban environments where the stormwater run-off originated. Therefore, where urban environments are located near to the coast or a valued freshwater environment there will generally be a functional need for stormwater discharges to be located within the coastal environment or the freshwater body. This is because it will generally not be feasible to locate the

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Policy P13: Providing for Regionally Significant Infrastructure and renewable electricity generation activities The use, development, operation, maintenance, and upgrade of Regionally Significant Infrastructure and renewable energy generation activities are provided for, in appropriate places and ways. This includes by having particular regard to: (a) the strategic integration of infrastructure and land use, and (b) the location of existing infrastructure and structures, and (d) the functional need and operational requirements associated with developing, operating, maintaining and upgrading Regionally Significant Infrastructure and renewable energy generation activities.		discharge somewhere else, given distance topography, gradient etc. Policy 6 recognises that there are benefits in using land and water for the dilution and treatment of stormwater. The beneficial use and development objectives and policies support the provision of Regionally Significant Infrastructure including the local authority stormwater networks and the discharges from these networks. Consequently, it is considered that the proposal is consistent with these objectives and policies.
Recreation values Objective O7 The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and where appropriate for recreational purposes, is enhanced. Policy P9: Contact recreation and Māori customary use Use and development shall avoid, remedy or mitigate any adverse effects on contact recreation and Māori customary use in fresh and coastal water, including by: (a) providing water quality and, in rivers, flows suitable for contact recreation and Māori customary use, and (b) managing activities to maintain or enhance contact recreation values in the beds of lakes and rivers, including	The Hutt and Wainuiomata Rivers are listed in Schedule H1: Regionally significant primary contact recreation water bodies. The following areas have been identified in Schedule H2 Priorities for improvement of fresh and coastal water quality for contact recreation and Māori customary use: • The Hutt River	The Part 2 Report: AEE covers swimming, surfing, boating, fishing, and food gathering under the recreation/ public health effects. For most sub-catchments the recreational/ public health effects are concluded in the AEE as being low, with the exception of Island/Houghton which is assessed as having moderate adverse recreation and public health effects from stormwater discharges. O7 and P9(b) seek the maintenance of recreation values and where appropriate their enhancement. The implementation of the SMS and SCaMPs will over the term of the consent achieve the maintenance and the enhancement of recreational values where these effects are attributed to the stormwater discharges. However, this will occur in some sub-catchments ahead of others. The SMS will set out the prioritisation of sub-catchments. It is expected that the values of sub-catchments and the level of adverse effects from stormwater discharges on each sub-

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by retaining existing swimming holes and maintaining access to existing contact recreation locations, and (c) encouraging improved access to suitable swimming and surfing locations, and (d) providing for the passive recreation and amenity values of freshwater bodies and the coastal marine area. <u>Policy P140: Recreational values</u> The adverse effects of use and development in the coastal marine area on recreational values shall be managed by providing for a diverse range of recreational opportunities while avoiding conflicts and safety issues.	• Wainuiomata River • Island Bay at Derwent Street, Reef St Recreation Ground, and at the Surf Club • Owhiro Bay • Te Awarua-o-Porirua Harbour (Onepoto Arm) at Rowing Club • South Beach at Plimmerton, • Tītahi Bay at South Beach Access Road • Wellington Harbour (Port Nicholson) at Harris Street, Hunter Street and Tory Street	catchment will be taken into account in the prioritisation of SCaMPs. P9(a) seeks to avoid, remedy, or mitigate any adverse effects on contact recreation and Māori customary use by providing water quality and, in rivers, flows suitable for contact recreation and Māori customary use. The SMS requires the consent holder to reduce the adverse effects of the stormwater discharges through universal measures, workstreams and capital delivery under the SCaMPs. Consequently, over time this is expected to result in a reduction in the adverse effects on water quality arising from stormwater discharges. Whether the enhancement of water quality is achieved will be dependent on a range of other factors outside of the scope of this consent alone. Consequently, it is considered that the proposal is consistent with these objectives and policies.
Māori relationships <u>Objective O12</u> The relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for, including: (a) maintaining and improving opportunities for Māori customary use of the coastal marine area, rivers, lakes and their margins and natural wetlands, and	Several of the receiving environments for the discharges are Ngā Taonga Nui a Kiwa, sites with significant Mana Whenua values and / or included in statutory acknowledgements.	Wellington Water is working to ensure that Mana Whenua are active partners in resolving issues associated with the management of discharges of stormwater from the local authority stormwater network and that their values are identified and provided for through the consent application and the implementation of the consent. By doing so, Wellington Water is seeking to ensure that the concept of kaitiakitanga and the cultural relationship of Māori to the environments impacted by the stormwater discharges are central to the implementation of

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(b) maintaining and improving the availability of mahinga kai species, in terms of quantity, quality and diversity, to support Māori customary harvest, and (c) providing for the relationship of mana whenua with Ngā Taonga Nui a Kiwa, including by maintaining or improving Ngā Taonga Nui a Kiwa so that the huanga identified in Schedule B are provided for, and (d) protecting sites with significant mana whenua values from use and development that will adversely affect their values and restoring those sites to a state where their characteristics and qualities sustain the identified values. Objective O13 Kaitiakitanga is recognised and mana whenua actively participate in planning and decision-making in relation to the use, development and protection of natural and physical resources. Policy P18: Mauri The mauri of fresh and coastal waters shall be recognised as being important to Māori and is sustained and enhanced, including by: (a) managing the individual and cumulative adverse effects of activities that may impact on mauri in the manner set out in the rest of the Plan, and (b) providing for those activities that sustain and enhance mauri, and (c) recognising and providing for the role of kaitiaki in sustaining mauri. Policy P19: Mana whenua relationships with Ngā Taonga Nui a Kiwa The relationships between mana whenua and Ngā Huanga o Ngā Taonga Nui a Kiwa identified in Schedule B (Ngā		the consent. It is seeking to achieve this through several mechanisms. In the first instance, a review of Te Mahere Wai o Te Kāhui Taiao and of the Ngāti Toa Rangatira statement on Te Awarua-o-Porirua Whaitua Implementation Programme has been undertaken as part of this application to identify potential effects on cultural values. This assessment identifies the fresh and coastal water values held by Ngāti Toa and Taranaki Whānui. Under the conditions of the consent, Wellington Water is proposing that a full review of the Stormwater Monitoring Plan (SMP) will be undertaken by 2025 which will involve introducing a Mātauranga Māori element. This new element to the SMP will provide a detailed understanding of the values held by tangata whenua for freshwater and coastal water (expected to include mauri, mahinga kai and sites of significance), and how these values are impacted by the stormwater discharges. In addition, Wellington Water proposes to seek feedback from a Mātauranga Māori expert, or other party agreed to by Te Rūnanga o Toa Rangatira and Taranaki Whānui, as part of its updates of the SMS, and preparation of each SCaMP to ensure that the impacts on these values are progressively reduced through this consent. The Collaborative Committee is central to Wellington Water's proposal. This Committee will comprise an equal number of members from Mana Whenua and the consent holder. The overall purpose of the Collaborative Committee is to provide strategic direction to the consent holder to reduce the adverse effects of stormwater discharges over the term of the consent. To help achieve this purpose the functions of the Collaborative Committee in relation to stormwater discharges will include: • Overseeing updates to and implementation of the Stormwater Management Strategy • Overseeing the preparation and implementation of the Sub-catchment Management Plans

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Taonga Nui a Kiwa) will be recognised and provided for by: (a) having particular regard to the values and Ngā Taonga Nui a Kiwa huanga identified in Schedule B (Ngā Taonga Nui a Kiwa) when applying for, and making decisions on resource consent applications, and developing Whaitua Implementation Programmes, and (b) informing iwi authorities of relevant resource consents relating to Ngā Taonga Nui a Kiwa, and (c) recognising the relevant iwi authority/ies as an affected party under RMA s95E where activities risk having a minor or more than minor adverse effect on Ngā Huanga o Ngā Taonga Nui a Kiwa or on the significant values of a Schedule C site which is located downstream, and (d) working with mana whenua, landowners, and other interested parties as appropriate, to develop and implement restoration initiatives within Ngā Taonga Nui a Kiwa, and (e) the Wellington Regional Council and iwi authorities implementing kaupapa Māori monitoring of Ngā Taonga Nui a Kiwa. <u>Policy P20: Māori values</u> The cultural relationship of Māori with air, land and water shall be recognised and the adverse effects on this relationship and their values shall be minimised. <u>Policy P21: Exercise of kaitiakitanga</u> Kaitiakitanga shall be recognised and provided for by involving mana whenua in the assessment and decision-making processes associated with use and development of natural and physical resources including;		• Overseeing the preparation of the Mātauranga Māori Monitoring Plan • Reviewing the Annual Report • Overseeing the preparation, updating, and implementation of the community engagement plan. The Collaborative Committee structure has been designed to facilitate opportunities for Mana Whenua to exercise kaitiakitanga and to recognise the role of tangata whenua as kaitiaki. Based on the above assessment it is anticipated that the Collaborative Committee, SMS and SCaMPs will assist in meeting these RPS provisions. It is acknowledged however that this needs to be determined by Mana Whenua.

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(a) managing activities in sites with significant mana whenua values listed in Schedule C (mana whenua) in accordance with tikanga and kaupapa Māori as exercised by mana whenua, and (b) the identification and inclusion of mana whenua attributes and values in the kaitiaki information and monitoring strategy in accordance with Method M2, and (c) identification of mana whenua values and attributes and their application through tikanga and kaupapa Māori in the maintenance and enhancement of mana whenua relationships with Ngā Taonga Nui a Kiwa.		
Mana Whenua sites of significance <u>Policy P48: Managing adverse effects on sites with significant mana whenua values</u> Sites with significant mana whenua values identified in Schedule C shall be protected and restored by managing use and development in the following manner: (a) in the first instance, avoid locating activities within sites listed in Schedule C; (b) require any more than minor adverse effects of activities on the significant mana whenua values of the site to be evaluated through a cultural impact assessment undertaken by the relevant mana whenua as identified in Schedule C; and (c) significant adverse effects of an activity on the significant values of the site shall be avoided. (d) other adverse effects shall be managed in accordance with tikanga and kaupapa Maori responding to recommendations in the cultural impact assessment to: (i) avoid more than minor adverse effects on the significant values of the site; and	There are a number of receiving environments that are sites with significant Mana Whenua values identified in Schedule C. These include: • Porirua Stream Mouth • Taupō pā • Taupō Stream Mouth • Wai-o-hata, Duck Creek • Tawhiti Kuri • Okowai (Papakowhai) lagoon • Karehana Stream • Takapūwāhia, Te Awarua-o-Poriura Harbour • Pauatahanui Reserve • Te Awa Kairangi (Hutt River) • Waiwhetu Stream - Owhiti pā	Stormwater discharges do adversely impact on sites of significance to Mana Whenua. Where urban environments are located near to these sites of significance, specifically rivers, streams and coastal waters, there is generally a functional need for stormwater discharges to occur into these areas. This is because it is generally not feasible to locate the discharge elsewhere, i.e. to avoid the site, given distance topography, gradient etc. Adverse effects of discharges to Schedule C sites will be reduced through the implementation of the SMS and particularly the SCaMPs. The development of the SCaMPs will be prioritised through the SMS and it is expected that the values of sub-catchments and the level of adverse effects from stormwater discharges on each sub-catchment will be taken into account in the prioritisation of SCaMPs. Further, the development of the SCaMPs will be overseen by the Collaborative Committee and Wellington Water intends to also seek input from a Mātauranga Māori expert, or other party agreed to by Te Rūnanga o Toa Rangatira and Taranaki Whānui, as part of the preparation of each SCaMP. The need and opportunity for off-setting can be considered as part of this process. Amongst other things, the SMS and SCaMPs are intended to ensure that the impacts on these Mana Whenua values are reduced through this consent and through a process

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(ii) where more than minor adverse effects cannot be avoided, minimising them, and (iii) where more than minor adverse effects cannot be avoided and/or minimised, they are remedied; and (e) where more than minor adverse effects on significant mana whenua values identified in Schedule C (mana whenua) cannot be avoided, minimised, or remedied, the activity is inappropriate. Offsetting of effects on sites with significant mana whenua values is inappropriate except where provided for in Policy P49, and (f) the relevant mana whenua as identified in Schedule C shall be considered to be an affected party under RMA s95E for all activities which require resource consent within a Schedule C site where the adverse effects are minor or more than minor, unless the application is publicly notified. <u>Policy P49: Offsetting residual adverse effects on sites of significance to mana whenua</u> Residual adverse effects that are not otherwise avoided, minimised or remedied in accordance with the management hierarchy in Policy P45 may be offset where the relevant mana whenua as identified in Schedule C: (a) considers the offsetting of residual adverse effects is appropriate in the particular circumstances, and (b) have: (i) an offsetting policy in place that applies to the area and values to be affected by the proposed development, or (ii) prepared a cultural impact assessment that includes specific direction for the offsetting of effects of the proposed activity on the site of significance, and	• Korohiwa (East Harbour coast) • Te Korokoro o Te Mana (Korokoro Stream mouth) • Te Aro pā • Tapu te Ranga-Owhiro-Haewai • Te Raekaihau Point Reef • Whitireia • Takapūwāhia, Te Awarua-o-Porirua Harbour • Waiwhetū Stream - Owhiti pa	involving the active participation of Mana Whenua. This approach is considered to be consistent with Policy P48. However, it is acknowledged that this needs to be determined by Mana Whenua.

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(iii) expressly confirms that the offset proposed is consistent with: 1. the offsetting policy in Policy P45A(b)(i) (where applicable), and 2. the cultural impact assessment in Policy P45A(b)(ii), and 3. the offsetting principles set out in Schedule G3. Where offsetting is proposed for a site of significance that is associated with multiple mana whenua, there must be an agreed position between all groups that offsetting is appropriate and that (b) has been met.		
Water quality, aquatic ecosystem health, mahinga kai <u>Objective O17</u> The quality of groundwater, water in surface water bodies and the coastal marine area is maintained or improved. <u>Objective O18</u> Rivers, lakes, natural wetlands and coastal water are suitable for contact recreation and Māori customary use, including by: (a) maintaining water quality, or (b) improving water quality in: (i) significant contact recreation freshwater bodies and sites with significant mana whenua values identified in Schedule C and Ngā Taonga Nui a Kiwa identified in Schedule B to meet, as a minimum and within reasonable timeframes, the primary contact recreation objectives in Table 3.1, and (ii) coastal water and sites with significant mana whenua values identified in Schedule C and Ngā Taonga Nui a Kiwa identified in Schedule B to meet, as a minimum and within reasonable timeframes, the	The pNRP contains this note in respect of Objectives O18 and O19 For the purposes of this objective 'a reasonable timeframe' is a date for the applicable water body or coastal marine area inserted into this Plan through the plan change/s required by the RMA to implement the NPS-FM 2020, or 2050 if no other date is specified by 31 December 2026. There are a number of receiving environments that are sites with significant Mana Whenua values identified in Schedule C. These sites are listed above.	The Part 2 Report: AEE assesses the current state of the sub-catchments against pNRP Objective O18 (suitability for contact recreation) and Objective 019 (biodiversity, aquatic ecosystem health and mahinga kai). This assessment identifies that there are a number of receiving waterbodies that do not meet the O18 and O19 objectives, albeit that this state has arisen due to effects of a variety of contaminant sources including but not limited to the discharge of stormwater from the local authority stormwater network. For the purpose of assessing this application against Objectives O18 and O19 (and the related policies), it has been assumed, based on the Part 2 Report findings, that the requirement that applies is that the water quality in the sub-catchments shall be improved. The proposed SMS and SCaMPs are designed to reduce the adverse effects of stormwater discharges on water quality over the term of the consent. This will contribute to improving the quality of water in the sub-catchments as sought by the Objectives. It is expected that the values of sub-catchments (including where a water body is listed in Schedule H2) and the level of adverse effects from stormwater discharges on each sub-

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primary contact recreation objectives in Table 3.3, and (iii) all other rivers and lakes and natural wetlands to meet, as a minimum and within reasonable timeframes, the secondary contact recreation objectives in Table 3.2. <u>Policy P77: Improving water quality for contact recreation and Māori customary use</u> The quality of freshwater bodies and coastal water shall be improved to meet, over time and as a minimum, the objectives in Table 3.1, 3.2 and 3.3, including by: a) improving water quality in all first priority for improvement water bodies for secondary contact with water listed in Schedule H2 (priority water bodies) in accordance with Method M34, and b) having particular regard to improving water quality in freshwater bodies and coastal water where contact recreation and/or Māori customary use are adversely affected by discharges from stormwater from a port, airport or state highway, wastewater networks and wastewater treatment plants. <u>Objective O19</u> Biodiversity, aquatic ecosystem health and mahinga kai in freshwater bodies and the coastal marine area are safeguarded such that: a) water quality, flows, water levels and aquatic and coastal habitats are managed to maintain biodiversity aquatic ecosystem health and mahinga kai, and b) where an objective in Tables 3.4, 3.5, 3.6, 3.7 or 3.8 is not met, a freshwater body or coastal marine area is meaningfully improved so that the objective is met within a reasonable timeframe.	There are also receiving environments that are Ngā Taonga Nui a Kiwa identified in Schedule B.	catchment will be taken into account in the prioritisation of SCaMPs. In terms of P78, clause (a), the application includes the SMS which sets out measures to manage the adverse effects of stormwater discharges, including universal measures and work streams and the prioritisation of SCaMPs. The SCaMPs, to be developed progressively under the SMS, will set out the specific capital investment that will be implemented in each sub-catchment to ensure the adverse effects from the stormwater discharges will be reduced over the term of the consent. In terms of P78, clause (b), this resource consent will manage new stormwater discharges through the developer-led SCaMPs under the SMS or through Wellington Water led SCaMPs to ensure that new discharges arising as a result of growth and development do not contribute to a deterioration of water quality relevant to O18 and O19. Consequently, it is considered that the proposal is consistent with these objectives and policies.

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(c) restoration of aquatic ecosystem health and mahinga kai is encouraged. <u>Policy P30: Biodiversity, aquatic ecosystem health and mahinga kai</u> Manage the adverse effects of use and development on biodiversity, aquatic ecosystem health and mahinga kai to: *Water quality* (b) maintain or improve water quality including to assist with achieving the objectives in Tables 3.4, 3.5, 3.6, 3.7 and 3.8 of Objective O19, and *Aquatic habitat diversity and quality* (c) maintain or where practicable restore aquatic habitat diversity and quality, including: (i) the form, frequency and pattern of pools, runs, and riffles in rivers, and (ii) the natural form of rivers, lakes, natural wetlands and the coastal marine area, and (d) where practicable restore the connections between fragmented aquatic habitats, and *Critical habitat for indigenous aquatic species and indigenous birds* (e) maintain or where practicable restore habitats that are important to the life cycle and survival of indigenous aquatic species and the habitats of indigenous birds in the coastal marine area, natural wetlands and the beds of lakes and rivers and their margins that are used for breeding, roosting, feeding, and migration, and *Critical life cycle periods* (f) avoid, minimise or remedy adverse effects on aquatic species at times which will most affect the breeding, spawning, and dispersal or migration of those species,		

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including timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more significant, and *Riparian habitats* (g) maintain or where practicable restore riparian habitats, and <u>Policy P78: Managing point source discharges for aquatic ecosystem health and mahinga kai</u> Where an objective in Table 3.4, Table 3.5, Table 3.6, Table 3.7 or Table 3.8 of Objective O19 is not met, point source discharges to water shall be managed in the following way: a) for an existing discharge that contributes to the objective(s) not being met, the discharge is only appropriate if: i. at a minimum an application for a resource consent includes a defined programme of work for upgrading the discharge, in accordance with good management practice, within the term of the resource consent, and ii. conditions on the resource consent require the adverse effects of the discharge to be minimised in order to improve water quality in relation to the objective(s) not met, and iii. in determining the improvement to water quality required in (ii), and the timeframe in which it is to be achieved, consideration will be given to the discharge's contribution to the objective(s) not being met (b) for a new discharge, the discharge is inappropriate if the discharge would cause the affected fresh water body or area of coastal water to decline in relation to the objective(s), except that a new temporary discharge to coastal water from a wastewater network or wastewater		

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treatment plant to facilitate maintenance, repair, replacement or upgrade work that has temporary adverse effects may not be inappropriate. <u>Policy P110: Loss of extent and values of the beds of lakes and rivers, and natural wetlands</u> The loss of extent and values of the beds of lakes and rivers and natural wetlands, including as a result of reclamation and drainage, is avoided, except where: (a) in a natural inland wetland: (i) the loss of extent or values arises from any of the following: 1. … 6. the maintenance or operation of specified infrastructure, or other infrastructure, or 7. .., or (ii) for specified infrastructure: 1. the activity, including any reclamation and drainage, is necessary for the construction or upgrade of specified infrastructure, and 2. the specified infrastructure will provide significant national or regional benefits, and 3. there is a functional need for the specified infrastructure in that location, (b) in a river: (i) there is a functional need for the activity in that location; and (ii) any reclamation or drainage is: 1. … (c) in a lake the reclamation or drainage is: (i) ….		In terms of P110 it is noted that the Part 2 Report: AEE has identified 12 sub-catchments where the overall level of effect of the stormwater discharges is assessed as moderate (i.e. more than minor) or above. The AEE also identifies there are some natural wetlands, in Schedule F3 of the pNRP, which are also impacted by more than minor adverse effects from the stormwater discharges. Consequently, it cannot be said that the loss of river or wetland values is currently avoided. With respect to natural wetlands it is noted that the loss of values, where this occurs, is the result of the operation of specified infrastructure as provided for under clause (a) (i) (6). With respect to the potential loss of river or stream values it is considered that there is a functional need for the stormwater discharges to discharge to rivers and streams. The discharges generally need to occur close to the urban environment from which the stormwater run-off originated. This is because it is not feasible to locate the discharges elsewhere (given distance, topography, gradient etc). Further with respect to the adverse effects on both natural wetlands and rivers, it is considered that the approach proposed for the SMS and SCaMPs is consistent with the effects management hierarchy because: • It is expected that the values of sub-catchments and the level of adverse effects from stormwater discharges on each sub-catchment will be taken into account in the prioritisation of

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Note The effects of any activity that requires a resource consent under this policy will be managed through applying the effects management hierarchy as set out in Policies P31, P37, P38, or P48		SCaMPsThe universal measures and work streams in the SMS, and the SCaMPs are designed to progressively reduce the effects of the stormwater discharges overtime. • In the development of the SCaMPs, Wellington Water will consider and seek to address localised effects such a scouring and stream bank erosion that have arisen as a result of stormwater discharges.
Sites with significant indigenous biodiversity values <u>Objective O28</u> Ecosystems and habitats with significant indigenous biodiversity values are protected from the adverse effects of use and development, and where appropriate restored to a healthy functioning state including as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8. <u>Policy P31: Adverse effects on biodiversity, aquatic ecosystem health and mahinga kai</u> Adverse effects on biodiversity, aquatic ecosystem health and mahinga kai shall be managed by: a) in the first instance, activities that risk causing adverse effects on the values of a Schedule F ecosystem or habitat, other than activities carried out in accordance with a wetland restoration management plan, shall avoid these ecosystems and habitats. If the ecosystem or habitat cannot be avoided, the adverse effects of activities shall be managed by (b) to (g) below. b) avoiding adverse effects where practicable, and c) where adverse effects cannot be avoided, minimising them where practicable, and d) where adverse effects cannot be minimised, they are remedied except as provided for in (a) to (g), and	Several of the receiving environments for the discharges are included in Schedules F1, F2 F4 and F5 (see the Part 2 AEE).	The purpose of the proposed SCaMPs is to reduce the adverse effects from the stormwater discharges in each sub-catchment. It is expected that the values of sub-catchments and the level of adverse effects from stormwater discharges on each sub-catchment will be taken into account in the prioritisation of SCaMPs. While these efforts on their own will not restore the waterbodies to healthy functioning state (where this does not currently exist), it will contribute towards the objective in O28. P31 sets up a hierarchy for managing effects biodiversity, aquatic ecosystem health and mahinga kai. As previously discussed, because the stormwater network is designed to discharge into fresh and coastal waters relatively near to the source of the run-off, discharging to locations which are recognised as having indigenous biodiversity values cannot always be avoided. Mitigation measures are set out in the SMS, and detailed sub-catchment capital improvements will be implemented through the SCaMPs, which will be progressively prioritised for improvement in the SMS. If the need for offsetting is identified, offsetting and/or compensation initiatives could be developed and implemented through the SCaMPs. It is therefore considered that the proposal is consistent with these provisions.

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e) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible and (f) if biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided, and (g) the activity itself is avoided if biodiversity compensation cannot be undertaken in a way that is appropriate as set out in Schedule G3, including Clause 2 of that Schedule. In relation to activities within the beds of lakes, rivers and natural wetlands, (e) to (g) only apply to activities which meet the exceptions in Policy P102. A precautionary approach shall be used when assessing the potential for adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Schedule F. <u>Policy P38: Indigenous biodiversity values within the coastal marine area</u> To protect the indigenous biodiversity values of aquatic ecosystems, habitats and species, use and development within the coastal environment shall: (a) avoid adverse effects on indigenous biodiversity values that meet the criteria in Policy 11(a) of the New Zealand Coastal Policy Statement (NZCPS) namely: (i) indigenous taxa listed as threatened or at risk in the NZ Threat classification system lists or as threatened by the International Union for Conservation of Nature and Natural Resources; (ii) indigenous ecosystems and vegetation types in the coastal environment area that are threatened or are naturally rare;		The discharges occur at a variety of locations in the coastal environment. Given the highly distributed nature of the stormwater discharges it is not possible to be certain that the discharges will avoid adverse effects on the values identified in P38 in all instances. It is also very difficult to determine the contribution the discharge makes to the adverse effects on indigenous biodiversity values. As previously discussed in relation to Policy 31, the SCaMPs are designed to reduce the adverse effects from the stormwater discharges within the sub-catchments over the term of this consent, and will provide the opportunity to consider localised effects at more detailed level than is practical in this global consent application. In addition, it is noted that Policy P39 provides the opportunity to provide for the operation of existing regionally significant infrastructure in areas with these values where certain criteria

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(iii) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; (iv) areas in the coastal environment containing nationally significant examples of indigenous community types; (v) areas set aside for full or partial protection of indigenous biological diversity under other legislation. (b) avoid significant adverse effects, on indigenous biodiversity values that meet the criteria in Policy 11(b) (i) – (vi) of the NZCPS, and (c) manage non-significant adverse effects of activities on indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS by: (i) avoiding adverse effects where practicable, and (ii) where adverse effects cannot be avoided, minimising them where practicable, and (iii) where adverse effects cannot be minimised they are remedied where practicable, and (iv) where residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible, and (v) if biodiversity offsetting of residual adverse effects is not possible, the activity itself is avoided unless the activity is regionally significant infrastructure then biodiversity compensation is provided, and (vi) the activity itself is avoided if biodiversity compensation cannot be undertaken in a way that is appropriate as set out in Schedule G3, including Clause 2 of that schedule, and (a) for all other sites within the coastal environment not meeting Policy 11(a) or (b) of		are meet. The assessment of Policy P39 below demonstrates that these criteria can be met. It is expected that any new stormwater discharges will not be located within Schedule F5 sites or will be appropriately managed. In terms of Policy P39 clauses (a) and (b), given that parts of the urban environment and its stormwater network are located near to the CMA, discharges from these parts of the network are functionally dependent on being located in the CMA. This is because it will generally not be feasible or practicable to locate the discharge elsewhere, given distance topography, gradient etc. In terms of P39, clause (c), the SMS and the development and implementation of the SCaMPs will reduce the adverse effects of the stormwater discharges, including any new stormwater discharges, on the indigenous biodiversity values of the receiving environment. Given the above assessment, it is considered that the criteria set out in clauses (a) to (c) can be met and the operation of the stormwater network, both existing and future, should be provided for within the coastal environment.

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the NZCPS, manage significant adverse effects on indigenous biodiversity values using the effects management hierarchy set out in (b) to (g) of Policy P31. Policy P39: Existing Regionally Significant Infrastructure and renewable energy generation activities within a site that meets any of the criteria in Policy P38(a)(i) – (v) or (b) or included in Schedule F5 Consider providing for the operation, maintenance, upgrade and extension of existing Regionally Significant Infrastructure and renewable energy generation activities within a site in the coastal environment that meets any of the criteria in Policy P38(a)(i) – (v) or (b) or included in Schedule F5 where: (a) there is a functional need or operational requirement for the activity to locate in that area, and (b) there is no practicable alternative on land or elsewhere in the coastal environment for the activity to be located, and (c) the activity provides for the maintenance and, where practicable, the enhancement or restoration of the affected significant indigenous biodiversity values and attributes at, and in proximity to, the affected area, taking into account any consultation with the Wellington Regional Council, the Department of Conservation and mana whenua. Policy P42: Ecosystems and habitats with significant indigenous biodiversity values Protect in accordance with Policy P31 and Policies P38-P41 and where appropriate restore the following ecosystems and habitats with significant indigenous biodiversity values:		The Part 2 Report: AEE sets out the sub-catchments that contain the values that Policy P42 seeks to protect. As previously discussed in relation to Policy 31, the development and implementation of the SCaMPs will progressively enhance the adverse effects of the stormwater discharges on the indigenous biodiversity values of the receiving environment. In terms of P42(c), the stormwater covered by this application discharges to a number of wetlands identified in Schedule F3.

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a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and c) significant natural wetlands, including the significant natural wetlands identified in Schedule F3 (identified significant natural wetlands), and d) the ecosystems and habitat-types with significant indigenous biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats). Notes All natural wetlands in the Wellington Region are considered to be ecosystems and habitats with significant indigenous biodiversity values as they meet at least two of the criteria listed in Policy 23 of the Regional Policy Statement 2013 for identifying indigenous ecosystems and habitats with significant indigenous biodiversity values; being representativeness and rarity. <u>Policy P43: Effects on the spawning and migration of indigenous fish species</u> Avoid more than minor adverse effects of activities on indigenous fish species known to be present in any water body identified in Schedule F1 (rivers/lakes) as habitat for indigenous fish species, and or Schedule F1b (inanga spawning habitats), during known spawning and migration times identified in Schedule F1a (fish spawning/migration). These activities may include the following: (a) discharges of contaminants, including sediment, and		Overall, the development and implementation of the SCaMPs for the sub-catchments which contain these wetlands should reduce any potential adverse effects that the stormwater discharges are having on these wetlands. P43 seeks to avoid more than minor adverse effects on indigenous fish species known to be present in any water body identified in Schedule F1 and F1b. The Part 2 AEE identifies waterbodies that are listed in Schedules and F1 and F1b. The potential impacts of stormwater on these values will be addressed through the measures in the SMS and the sub-catchment specific capital intervention in the SCaMPs. The implementation of the consent in accordance with proposed resource consent conditions discussed in the above assessments will over the term of the consent assist in progressing the protection of ecosystems and habitats with significant indigenous biodiversity values. Consequently, it is considered that the proposal is consistent with these objectives and policies.

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(b) disturbance of the bed or banks that would significantly affect spawning habitat at peak times of the year, and (c) damming, diversion or taking of water which leads to significant loss of flow or which makes the river impassable to migrating indigenous fish. Policy P44 Managing effects on ecosystems and habitats with significant indigenous biodiversity values from activities outside these ecosystems and habitats In order to protect the ecosystems and habitats with significant indigenous biodiversity values in accordance with Policy P42, particular regard shall be given to managing the adverse effects of use and development in areas outside of these ecosystems and habitats on physical, chemical and biological processes to: (a) maintain ecological connections within and between these habitats, or (b) provide for the enhancement of ecological connectivity between fragmented habitats through biodiversity offsets, and (c) provide adequate buffers around ecosystems and habitats with significant indigenous biodiversity values, and (d) avoid cumulative adverse effects on, and the incremental loss of significant indigenous biodiversity values.		
Wetlands and outstanding waterbodies Objective O22 The extent of natural wetlands is maintained or increased, their values are protected, and their condition is restored. Where the values relate to biodiversity, aquatic	Several of the receiving environments for the discharges are included in Schedules A and F3 as listed below.	The stormwater discharges covered by this application discharge to three outstanding wetlands which are the Taupō Swamp, Pauatahanui Inlet Saltmarsh and the Pauatahanui Inlet Tidal Flats. The Part 2 Report: AEE identifies that the magnitude of stormwater discharge effects on the Taupō Swamp is low, and while the swamp has a very high ecological value, the overall level of adverse effect is low. The Part 2 AEE also states that there is

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ecosystem health and mahinga kai, restoration is to a healthy functioning state as defined by Table 3.7. Objective O25 Outstanding water bodies identified in Schedule A (outstanding water bodies) and their significant values are protected and restored. Where the significant values relate to biodiversity, aquatic ecosystem health and mahinga kai, restoration is to a healthy functioning state including as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8. Policy P34: Values of wetlands Activities in and adjacent to natural wetlands shall be managed to maintain and, where appropriate, restore their condition and their values including: (a) as habitat for indigenous flora and fauna, and (b) for their significance to mana whenua, and (c) for their role in the hydrological cycle including flood protection, and (d) for nutrient attenuation and sediment trapping, and (e) as a fisheries resource, and (f) for recreation, and (g) for education and scientific research. Policy P36: Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana The ecological health and significant values of Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana will be restored including by: (a) managing activities, erosion-prone land, and riparian margins to reduce sedimentation rates and pollutant inputs, to meet the water quality, aquatic ecosystem	Outstanding wetlands (Schedule A): • Taupō Swamp Complex • Pāuatahanui Inlet Saltmarsh • Pāuatahanui Inlet Tidal Flats Identified Natural wetlands (Schedule F3): • Papakowhai Bush • Papakowhai Lagoon • Romesdale Lagoon • Te Awa Kairangi/ Hutt River mouth • Duck Creek Saltmarsh • Te Awarua o Porirua Harbour (Onepoto Arm) – Tidal Flats • Muri Road wetland	currently no evidence to suggest that urban stormwater related contaminants (such as copper or zinc) have had more than a minor adverse effect on the Pauatahanui Inlet Saltmarsh or the Pauatahanui Inlet Tidal Flats. The major concern remains sediment load, of which a very small proportion is within the scope of the consent. Other natural wetlands are also impacted by the discharge of stormwater. Of those identified in Schedule F3 of the pNRP, the AEE assesses the level of adverse effect from the discharge of urban stormwater as low for the Muri Road wetland, Romesdale Lagoon, Papakowhai Bush, Papakowhai Lagoon, and Te Awa Kairangi/ Hutt River mouth. The adverse effects of stormwater discharges for the Duck Creek saltmarsh are assessed as low to moderate and the adverse effects on the Te Awarua o Porirua Harbour (Onepoto Arm) – Tidal Flats are assessed as being moderate to high. The implementation of the SMS and the development and implementation of the SCaMPs for the sub-catchments which contain these wetlands will reduce the adverse effects that the stormwater discharges are having on these wetlands in manner consistent with these objectives and policies.

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health and mahinga kai objectives set out in Tables 3.4 to 3.8, and (b) undertaking planting and pest management programmes in harbour and lake habitats and ecosystems. <u>Policy P37: Adverse effects on outstanding water bodies</u> The adverse effects of use and development on outstanding water bodies and their significant values identified in Schedule A (outstanding water bodies) shall be avoided, unless there is a functional need for operation, maintenance or upgrade of existing Regionally Significant Infrastructure in which case adverse effects of activities shall be managed by: (a) avoiding adverse effects where practicable, and (b) where adverse effects cannot be avoided, minimising them, and (c) where adverse effects cannot be minimised, they are remedied where practicable, and (d) where residual adverse effects cannot be avoided, minimised, or remedied, offsetting is provided where possible. Proposals for biodiversity mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G1 (biodiversity mitigation), and Schedule G2 (biodiversity offsetting). A precautionary approach shall be used when assessing the potential for adverse effects on outstanding water bodies. Where more than minor adverse effects on outstanding water bodies cannot be avoided, minimised, remedied or redressed through biodiversity offsets, the activity is inappropriate.		

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Natural Character and Landscapes Objective O14 The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development. Objective O26 Outstanding natural features and landscapes and their values are protected from inappropriate use and development. Policy P24: Preserving and protecting natural character from inappropriate use and development To preserve natural character and protect it from inappropriate use and development by: (a) avoiding adverse effects of activities on the natural character of areas within the coastal environment that have outstanding natural character, and (b) avoiding significant adverse effects and avoid remedy and mitigate other adverse effects of activities on the natural character of areas within the coastal environment that do not have outstanding natural character, and (c) outside the coastal environment, avoiding and, where avoidance is not practicable, remedying or mitigating adverse effects of activities on the natural character of wetlands, rivers, lakes and their margins that have outstanding natural character, provided that the outstanding natural character of the area taken as a whole is retained, and (d) outside the coastal environment, avoiding and, where avoidance is not practicable, remedying or mitigating significant adverse effects of activities on the natural character of wetlands, rivers, lakes and their margins that have high natural character, provided that the high		The discharges occur at a variety of locations in the coastal and freshwater environment. Given the nature of the discharges it is difficult to determine the contribution that the discharge makes to any adverse effects on the coastal and freshwater environments. It is noted however, that: • The SMS describes how Wellington Water will minimise contamination from discharges from the local authority stormwater networks. This will be achieved through implementing two new targeted workstreams: Workstream 1 will deliver universal responses and water quality programmes and Workstream 2 will deliver SCaMPs and resulting capital improvements.. • The Sub-Catchment Management Plans (SCaMPs) are designed to develop a programme of stormwater network improvement works to reduce the adverse effects of stormwater discharges for each sub-catchment over the term of the consent. The SMS will set out the prioritisation of SCaMPs. Implementation of the SCaMPs will over the term of the consent assist in safeguarding the integrity, form, functioning and resilience of the coastal environment, sustaining its ecosystems and preserving natural character. Further, it is considered that given the stormwater discharges from the local authority stormwater network are intermittent, temporary, and of short duration, and taking into account the state of the receiving environment during these events, any adverse effects will not prevent the natural character of the receiving environments from being preserved.

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natural character of the area taken as a whole is retained, and (e) outside the coastal environment, avoiding, remedying or mitigating other adverse effects of activities on the natural character of wetlands, rivers, lakes and their margins that are not addressed under (c) or (d) of Policy P24. <u>Policy P52: Protecting natural features and landscapes from inappropriate use and development</u> To protect natural features and landscapes (including seascapes) of the coastal environment, rivers, lakes and their margins and natural wetlands and their values, from inappropriate use and development by: (a) avoiding adverse effects of activities on the natural attributes and characteristics of outstanding natural features and landscapes in the coastal environment, and (b) avoiding significant adverse effects of activities on the natural attributes and characteristics of natural features and landscapes in the coastal environment and avoid, remedy and mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment, and (c) outside the coastal environment, avoiding and, where avoidance is not practicable, remedying or mitigating adverse effects of activities on the natural attributes and characteristics of outstanding natural features and landscapes, provided that the values of the natural features or landscapes that contribute to its outstanding status are retained.		
Wastewater and stormwater interactions <u>Policy P87: Minimising wastewater and stormwater interactions</u>	The application includes consent for the discharge of wet weather overflows	There are limited sources of wastewater contamination covered within this consent application (there are other consents that will address this). The implementation of the SMS and SCaMPs will reduce the adverse effects on water quality from the stormwater

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The adverse effects of wastewater and stormwater interactions on fresh and coastal water shall be minimised by: (a) avoiding wastewater contamination of stormwater from new wastewater networks or connections authorised after the date of 31 July 2015, and (b) removal of existing wastewater contamination of stormwater progressively, and as soon as reasonably practicable, and (c) progressively reducing stormwater and groundwater infiltration and inflow into the wastewater network. <u>Policy P88: Assessing resource consents to discharge stormwater containing wastewater</u> A resource consent application under Rule R53 to discharge stormwater from a local authority stormwater network known to contain wastewater is inappropriate unless the application includes: (a) a plan of how Policy P87 will be achieved, including key milestones and dates, and (b) the results of consultation with mana whenua on their values and interests in relation to discharges and receiving waters.	from the stormwater network.	discharges across the extent of the global consent and in each sub-catchment. As part of the SMS, Wellington Water will implement workstreams to respond to acute human health risks resulting from stormwater discharges, similar to requirements in the Stage 1 consent. Wellington Water is continuing to develop these workstreams based on lessons learnt during the implementation of the stage 1 consent. More information will be provided prior to the hearing. This is expected to involve working with property owners to fix the lateral pipes which will work to reduce the number of wastewater cross-connections to the stormwater network which discharges into the coastal environment over the term of the consent. Based on the above assessments it is considered the proposal is consistent with these policies on wastewater / stormwater interaction.