

Before A Hearing Panel

Under the s 80A and Part 4 of Schedule 1 to the
Resource Management Act 1991

In the matter of Proposed Change 1 to the Regional Policy
Statement for the Wellington Region

HEARING STREAM 4

LEGAL SUBMISSIONS FOR WELLINGTON WATER LTD

15 September 2023

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Introduction

1. These submissions are made on behalf of Wellington Water Limited.
2. Wellington Water is both a submitter (S113) and further submitter (FS19) on Plan Change 1 to the Regional Policy Statement for the Wellington Region **(PC1)**.
3. Planning evidence to support Wellington Water's position will be given by Caroline Horrox.

Wellington Water's Interests

4. As context for the more detailed submissions that follow, and the planning evidence of Ms Horrox, it is important to record why Wellington Water has an interest in the urban development and urban form matters that are the subject of HS4.
5. As you know Wellington Water is ultimately responsible for managing most of the 3 waters infrastructure in the region, and all urban development, whether in existing or new urban areas, requires such infrastructure. The decisions taken at a planning or consenting level to provide for urban development (at any scale) must reflect that well-functioning urban areas depend on this infrastructure. The more attention that is paid to this dependency at the planning and consenting level, the better the outcomes will be for ensuring current and new urban areas are served by appropriate, and efficient, infrastructure.
6. It is particularly important that the RPS addresses these matters well and with clarity. Good coverage, and clearly drafted provisions at a regional policy level will cut down on the time and effort that must be put into the Natural Resources Plan and consent hearings.
7. Related to this, the s 42A report and evidence for the Council proposes significant redrafting of the urban development/form provisions. As a general observation, the proposed redrafting has greatly increased the length and complexity of many of the provisions of interest to Wellington Water (in particular Objective 22, Policy 55, and the altogether new Policy UD.5). Wellington Water is concerned that the additional length and complexity has made the provisions less user-friendly, and may ultimately make their application less clear.

8. Wellington Water does not consider it would be constructive for it to attempt to refine the provisions as a whole, but considers overall that the provisions (particularly those identified above) would benefit from further holistic refinement.
9. In the time available, Wellington Water is also not confident that it has been able to identify all relevant issues with the new drafting, and is electing to focus its attention constructively on a few key matters. For the record, Wellington Water would prefer to offer a more comprehensive position, and respectfully submits that if the Council's reports/evidence for future hearing streams are likely to continue the trend of significant re-drafting (as this was also a feature for HS3), then an allowance of more than 2 weeks should be made for submitters to assess the changes and prepare evidence.

Policy 58

10. Wellington Water supports the general intention of Policy 58, and Ms Horrox's evidence addresses some changes proposed to paragraphs (a) and (c). In addition to those matters, I raise a concern about paragraph (b).
11. The policy is non-regulatory, i.e. it applies to decision-makers who are considering a plan change, notice of requirement or consent. If the particular subject matter before a decision-maker is not itself an infrastructure project, then it is hard to see how the decision-maker can in any meaningful sense 'provide for' the 'development, funding, implementation and operation' of associated infrastructure. It is certainly appropriate that a decision-maker considers whether provision has been made, but the wording as it stands seems to convey more than that; and potentially exceeds the powers available to a decision-maker in that setting.
12. Further, it is not clear what, if anything, paragraph (b) meaningfully adds to the subject matter of paragraph (c). Paragraph (c) appears to trigger the type of consideration that is likely to be appropriate to the decision-maker's role — i.e. to be cognisant of the other mechanisms involved in planning, approving and delivering infrastructure.

Policy UD.5

13. Ms Horrox addresses aspects of Policy UD.5 in her evidence. In addition, I raise a concern about paragraph (e) of the Policy.

14. In paragraph (e) the Policy seeks to achieve well-functioning urban areas by “protecting and enhancing the quality and quantity of freshwater”. In practice, this is problematic. Stormwater can be treated to reduce or remove contaminants, but that level of treatment is not affordable across large urban areas. Similarly, changes to flow regime caused by new impervious surfaces can be minimised by good design (constructed wetlands, rain gardens and the like), but in practice there will be some residual impact on water quantity. So, in relation to greenfield development it is not feasible to achieve outright protection of the quality and quantity of freshwater, as paragraph (e) seems to require.



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