

**Before the Independent Hearings Panel
At Greater Wellington Regional Council**

Under Schedule 1 of the Resource Management Act 1991

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

Hearing topic Freshwater

**Joint statement of supplementary planning evidence of Joe Jeffries and
Maggie Cook on behalf of Wellington City Council**

Date: 21 November 2023

INTRODUCTION:

- 1 Our names are Joseph Francis Jeffries, and Margaret (Maggie) Findlay Cook. We are employed as a Principal Planning Advisor and Senior Planning Advisor at Wellington City Council respectively.
- 2 We have prepared this joint supplementary statement of evidence on behalf of WCC to provide planning evidence on matters relevant to WCC's submission to Greater Wellington Regional Council's (GWRC) Proposed Change 1 (PC1) to the Regional Policy Statement for the Wellington Region (RPS).
- 3 Specifically, this statement of evidence relates to matters being considered under the Freshwater Planning Process and supplements our primary statement of evidence dated 3 November 2023.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 4 Our qualifications and experience are set out in our primary statement of evidence, dated 3 November 2023.
- 5 We confirm that we abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

SCOPE OF EVIDENCE

- 6 This supplementary statement of evidence responds to points raised in rebuttal and updates our position in relation to hydrological control as set out in our primary statement of evidence.
- 7 In preparing this statement we have read the statements of rebuttal of Kate Pascall and Stu Farrant.

OVERVIEW

- 8 Our primary statement of evidence recommends amendments to:

- 8.1 the new hydrological control policy and definition;
 - 8.2 Policy FW.2;
 - 8.3 Policy FW.6; and
 - 8.4 Policy 14.
- 9 The Council rebuttal recommends amendments to Policy 14 that are consistent with our recommendations. We support these amendments.
- 10 This supplementary statement of evidence recommends deletion of the hydrological control policy as an updated position to that set out in our primary statement.
- 11 We generally are not seeking to change the outcomes sought in relation to fresh water, only to ensure that the provisions are efficient and effective, and to ensure that they do not place an unnecessary burden on councils, applicants for resource consent or the public.

HYDROLOGICAL CONTROL

- 12 In our primary statement of evidence, we recommended amending the new Hydrological Control Policy.
- 13 While we expressed concerns with the concept of hydrological control in general, we considered that if hydrological control is to be required it is more appropriate for this to be managed by District Plans when land use or development is connected to a stormwater network.
- 14 We consider that functions and roles with respect to stormwater should be clearly articulated to avoid duplication. Specifically, by:
- 14.1 Ensuring that runoff from urban development connected to a stormwater network is addressed through district plans; and
 - 14.2 direct runoff to a waterbody, and discharges from the stormwater network to land, waterbodies or the coastal marine area are addressed through the regional plan.

15 Section 3.5(4) of the NPS-FM requires territorial authorities to manage the adverse effects of urban development on the health and wellbeing of water bodies and ecosystems.

16 The Wellington Proposed District Plan gives effect to this section of the NPS-FM by requiring development to achieve hydraulic neutrality through on-site stormwater management methods, in addition to other stormwater management provisions such as Water Sensitive Urban Design and minimum permeable surfaces. We note that the NPS-FM does not specifically direct regional plans to address the effects of urban development on water quality.

17 In rebuttal Ms Pascal responds to our concern about duplication by noting the limitations of hydraulic neutrality and the differences with hydrological control.

18 While we can accept that hydrological control is a different concept to hydraulic neutrality, and appears to apply a more onerous standard, our point is that both involve management of runoff from urban development.

19 Requiring “hydrological control” through a regional plan and “hydraulic neutrality” through a district plan duplicates functions, and would likely require separate consents from both the regional and city councils to manage the same effect.

20 Our position in our primary statement of evidence was that this duplication and its associated costs will not improve the freshwater outcomes sought, and “hydrological control” in relation to urban development would be more effectively implemented through the district plan rather than the regional plan. This could be achieved by updating the PDP to integrate the concept of hydrological control in a way that does not duplicate the existing hydraulic neutrality provisions.

21 Mr Farrant’s rebuttal states that our primary statement of evidence was incorrect to characterise ‘hydrological control’ as only relating to on-site management methods. Mr Farrant states “with many instances where either will be more efficiently provided through consolidated stormwater management devices or landforms.”

22 Mr Farrant’s rebuttal statement leads us to conclude that the concept of hydrological control as proposed is more expansive, and less clearly defined, than we had appreciated in our primary statement of evidence. On a practical level it is also difficult to see how private developers could respond to these requirements other than through on-site methods.

23 As such, we cannot provide even tentative support for the proposed new hydrological control policy.

24 We also note that no section 32 or section 32aa evaluation has been provided of the proposed hydrological control policy, despite this being a new concept and a significant policy shift. We are particularly concerned with the high potential costs, practicality and achievability of this expanded concept of 'hydrological control', particularly in a dense urban setting. We therefore do not consider that the reporting officer has demonstrated that this framework is the most appropriate way to achieve the objectives of the RPS.

25 Accordingly, we recommend deletion of the proposed hydrological control policy, as an updated position from that set out in our primary statement of evidence.

POLICY FW.2

26 We recommend deleting Policy FW.2, which requires district plans to include provisions to reduce water demand from community supplies.

27 In our view this issue is better addressed outside of the District Plan including through water pricing, addressing leaks, and infrastructure investment as identified through Council's Long Term Plan and other funding mechanisms. It would be practically impossible to monitor and enforce district plan provisions aimed at reducing water demand, and therefore it wouldn't meet one of the key evaluative tests for a new provision.

28 In rebuttal Ms Pascall rejects this and states that while non district plan methods:

“can and should be used, there is still a role for the district plan in promoting alternate supplies to support resilience and climate change adaptation.”

29 In our view 'resilience' and 'climate change adaptation' are distinct matters to 'reducing water demand', and if addressing these matters is the purpose of the policy then the policy should state this directly.

POLICY FW.6

30 We recommend amending Policy FW.6 to clarify the respective roles and responsibilities of territorial authorities and regional councils regarding freshwater.

31 Specifically, we recommend amendments to clarify that:

31.1 territorial authorities are responsible for managing land use and development that connects to the stormwater network; and

31.2 the Regional Council is responsible for discharges to land and water to maintain and enhance water quality. This includes land use activities that discharge directly to water, as well as discharges from the stormwater network.

32 Our recommended amendments are intended to remove the policy overlap between territorial authorities and regional council when addressing land use and development connected to a stormwater network.

33 This will ensure integrated management without undue duplication and bureaucratic burden.

34 In rebuttal Ms Pascall states that “Policy FW.6 essentially repeats the statutory functions set out in sections 30 and 31 of the Act” and on this basis considers the policy is accurate and no amendments are required.

35 While we agree that the wording of Policy FW.6 is generally consistent with sections 30 and 31, it remains that the policy fails to adequately define responsibilities in accordance with the integrated management requirements of the NPS-FM. The policy adds little value if it only re-states the RMA provisions without offering any additional clarity.

36 We also agree with the statement of evidence of Caroline Horrox provided on behalf of Wellington Water which states that:

“Policy FW.6 needs to distinguish more clearly at a high level, the different roles Greater Wellington and territorial authorities have in relation to managing land development effects on water quality.”

CONCLUSION

37 To give effect to section 3.5(3) of the NPS-FM 2020, we would welcome the opportunity to be involved in caucusing with other planning experts on the above matters.

38 In our view, the amendments to RPS PC1 set out in our primary statement of evidence, and updated by this supplementary statement of evidence, will help give effect to the objectives and policies of the NPS-FM, will contribute to integrated management of freshwater in accordance with local authority functions under s30 and s31, and are consistent with the purpose and principles of the Resource Management Act 1991.

Date: 21/11/2023

Name: Joe Jeffries, Principal Planning Advisor and Maggie Cook, Senior Planning Advisor

Wellington City Council