

## Submission on Greater Wellington Proposed Plan Change 1 to the Natural Resources Plan

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I wish to be heard in support of my submission at the hearing	Yes
I would consider presenting a joint case at the hearing with others who could make a similar submission	No
I could gain an advantage in trade competition through this submission	No
In providing a submission to Greater Wellington, I agree to having read and understood the terms and processes outlined in the Information Statement	Yes
If providing a submission on behalf of a company/organisation, I confirm that I have the authority to do so	Yes
Date	14 December 2023

### Introduction

1. Taumata Arowai was established as the Water Services Regulator under the Taumata Arowai-Water Services Regulator Act 2020. The Water Services Act 2021 (WSA) provides further duties and powers, with most of those relating to drinking water taking effect on 15 November 2021, and those relating to wastewater and stormwater taking effect on 4 October 2023.
2. Under our legislation, we are responsible for:
  - (a) Providing oversight, leadership, coordination, and advice on the environmental performance, management and regulation of wastewater and stormwater networks, and on the management of risks to drinking water sources.
  - (b) Providing oversight and information to local government on the development, operation, and effectiveness of standards, regulations, and other statutory requirements.
  - (c) Making environmental performance standards, targets and measures for wastewater and stormwater networks.
  - (d) Giving effect to Te Mana o Te Wai as we perform those functions and duties.
3. When considering applications for resource consent under the Resource Management Act 1991 (RMA), the consent authority must not grant consent for a wastewater or stormwater network contrary to a Taumata Arowai environmental performance standard and must include, as a condition of consent, requirements that are no less restrictive than is necessary to give effect to the standard (s104(2D) and (2E)).

4. Our duties and powers, as they relate to wastewater and stormwater networks, are limited to those operated by, for, or on behalf of councils, certain government departments or the New Zealand Defence Force, where:
  - (a) a wastewater network means the infrastructure and processes used to collect, store, transmit through reticulation, treat, or discharge wastewater; and
  - (b) a stormwater network means the infrastructure and processes that are used to collect, treat, drain, store, reuse, or discharge stormwater in an urban area, i.e. that is primarily zoned for residential, industrial, or commercial activities;
5. The WSA also provides a framework for the identification, management, and monitoring of risks to sources of drinking water, intended to work together with resource management legislation.
6. Taumata Arowai has initiated a work programme that has an important interface with resource management, and we intend on engaging with regional councils to ensure an efficient, effective, and integrated approach between RMA and WSA requirements, avoiding duplication or conflict where possible. An integrated, whole-of-system view and approach for ngā wai is necessary to give effect to Te Mana o Te Wai, share accountability as regulators, and to increase public confidence.
7. We have not yet had an opportunity to engage with Greater Wellington Regional Council on our complementary roles and responsibilities. We therefore appreciate the opportunity to make a submission on Greater Wellington Regional Council's Proposed Plan Change 1 (PC1) to the Natural Resources Plan.
8. We are pleased to see that Greater Wellington Regional Council has increased its focus on the management of stormwater and wastewater discharges, and that it has provided clarity around required actions of network operators to address the environmental effects of their discharges.
9. We are also pleased to see acknowledgment of Māori customary practice and use of wai, the partnership role of mana whenua in developing freshwater action plans, and acknowledgment of the need to engage with mana whenua in rules for discharges of wastewater and stormwater.
10. We are most interested in the following aspects of PC1:
  - (a) Involvement of mana whenua and inclusion of a Te Ao Māori view.
  - (b) Ensuring nationally consistent use of wastewater and stormwater terminology to support coherent and transparent discussions between regional councils, network operators, and Taumata Arowai.
  - (c) Setting of network performance expectations, network risk management and stormwater management strategies, given these are also requirements under the WSA and for stormwater, under the Water Services Entities Act 2023 (WSEA).
  - (d) Ensuring management pathways for various types of wastewater network discharge are clearly identified.
  - (e) Improving improve the health of urban water bodies through non-regulatory stormwater initiatives.
  - (f) Ensuring source water is adequately protected.

## Our submission

### *Involvement of mana whenua and inclusion of a Te Ao Māori view*

Chapter and provisions	Stance	RMA process
Chapter 6 – Other Methods, Section 6.16: Methods M36, M37, M38, M39, M40	Support	Part 1 Schedule 1
Chapter 8 - Whaitua Te Whanganui-a-Tara Section 8.1 Objectives WH.01, WH.02, WH.03, WH.05 Section 8.2 Policies WH.P3, WH.P13, WH.P19, WH.P20, Section 8.3 Rules WH.R3, WH.R4, WH.R5, WH.R8, WH.R9, WH.R14		
Chapter 9 - Te Awarua-o-Porirua Whaitua Section 9.1 Objectives P.01, P.02, P.03, P.06 Section 9.2 Policies P.P3, P.P12, P.P18, P.P19 Section 9.3 Rules P.R3, P.R4, P.R5, P.R8, P.R13		

### Reason for submission

11. Taumata Arowai must give effect to Te Mana o Te Wai. Te Mana o te Wai has deep roots in Te Ao Māori and is not a new concept. Embedding Te Mana o te Wai requires acknowledging the relationships of mana whenua and kaitiaki who will determine tikanga and mātauranga which underpin Te Mana o te Wai within their rohe.
12. Water, or wai, is a fundamental aspect to Māori and te ao Māori people, carrying an inherent mauri or life-force that supports and nurtures life, regenerates and sustains whakapapa, and nurtures the overall wellbeing of iwi, hapū, whānau, and everyone. Given this, the management of wastewater and stormwater discharges is of great importance to Māori, particularly where it may affect the mauri of water bodies, the whenua, or local communities.
13. Therefore, we are pleased to see acknowledgment of Māori customary practice and use of wai, the partnership role of mana whenua in developing freshwater action plans, and acknowledgment of the need to engage with mana whenua in rules for discharges of wastewater and stormwater.

### Decision sought

14. That provisions acknowledging Māori customary practice and use of wai, and the role of mana whenua are retained (except as requested to be amended by mana whenua).

### *Wastewater, stormwater and drinking water terminology*

Chapter and provisions	Stance	RMA process
Chapter 2 – Interpretation, Section 2.2 Definitions <ul style="list-style-type: none"> <li>• Dry weather discharges</li> <li>• Existing wastewater discharge</li> <li>• Wastewater network catchment or sub-catchment</li> </ul>	Support with amendments	Part 1 Schedule 1

Chapter and provisions	Stance	RMA process
<ul style="list-style-type: none"> <li>• Wet weather overflows</li> <li>• Containment standard</li> <li>• High risk industrial or trade premise</li> <li>• Hydrological control</li> <li>• Impervious surfaces</li> <li>• Stormwater</li> <li>• Stormwater catchment or sub-catchment</li> <li>• Stormwater management strategy</li> <li>• Stormwater network</li> <li>• Stormwater treatment system</li> </ul>	Support with amendments	Part 1 Schedule 1
<ul style="list-style-type: none"> <li>• Related existing terms not proposed to be amended in PC1, including bore, community drinking water supply, drain, greywater, group drinking water supply, health needs of people, sludge, wastewater, wastewater network, water sensitive urban design.</li> </ul>	Support with amendments	

### Reason for submission

15. Greater Wellington has proposed including new or amended definitions of various wastewater and stormwater related terminology, to clarify the intended meaning within its Natural Resources Plan. The Natural Resources Plan also contains existing wastewater, stormwater and drinking water terminology for which no amendments are proposed.
16. At a national level Taumata Arowai has observed differing terminology or meanings used by different groups or different regions. This can make transparency and national comparison of environmental performance between networks and network operators difficult. Nationally consistent terminology will support discussions between regional councils, network operators, and Taumata Arowai.
17. We have already proposed our intent to collect environmental performance information from network operators across drinking water, wastewater, and stormwater through our 'Network Environmental Performance Measures'. This would be a compulsory set of data that all network operators will be required to provide to Taumata Arowai on an annual basis.
18. One proposed Measure is how often certain discharges (also known as overflows or surcharges) occur from a wastewater network. Rather than use the terms 'dry weather discharge' and 'wet weather discharge', we propose to avoid the need to reference weather conditions and a need to further define what constitutes 'wet weather' or 'heavy rainfall', and instead describe those discharges based on their root cause e.g. a discharge caused by blockages, a discharge caused by plant failure or equipment damage, or a discharge caused by capacity being exceeded in the wastewater network.

19. We are currently working to establish a register of stormwater networks, and we will define what comprises a network for the purposes of registration (or 'catchment' if used in a similar way). Network registration is a key aspect to support transparency and comparisons between the environmental performance of networks and their operators, which in turn links to the rule requirements of regional councils.
20. A Stormwater Management Strategy is currently a legal requirement for network operators under the Water Services Entities Act 2023. We discuss this aspect in detail further below.
21. Taumata Arowai is working to establish nationally consistent wastewater and stormwater terminology and we intend on establishing a Technical Advisory Group to support its development. While its form is yet to be determined, it is possible this may be published as national guidelines or best practice. We will encourage regional councils to adopt this terminology within their planning frameworks.
22. The National Planning Standards November 2019 (NPS) also establishes definitions that local authorities must use in their plans, if they use the term in the same context as the NPS definition. We have noticed various other wastewater, stormwater and drinking water terminology in the Natural Resource Plan has not been proposed for amendment to ensure consistency with the NPS definitions.
23. The WSA also defines a drinking water supply, and it establishes what constitutes a 'sufficient quantity' of drinking water to meet the health needs of people. However, we acknowledge that for wider resource management purposes, the WSA definition of 'wastewater network' is unsuitable.
24. In summary, it is important that our definitions align, or at a minimum, do not conflict. For example, if Taumata Arowai categorised wastewater network discharges differently to Greater Wellington, network operators may end up having to report the same (or very similar) information in different formats under their consent conditions and Taumata Arowai Measures.
25. While Greater Wellington could address any such issues through a future plan change following the establishment of national terminology, we acknowledge this can require substantial resourcing and it may not be council priority, therefore we are seeking to improve alignment insofar as possible, through PC1.

#### **Decision sought**

26. Taumata Arowai requests that Greater Wellington align their terminology with that used in the NPS, WSA, and that being developed by Taumata Arowai, as possible and appropriate.
27. Taumata Arowai requests that consideration be given to replacing the descriptors 'dry weather discharge' and 'wet weather discharge', to instead describe wastewater network discharges based on their root cause e.g. a discharge caused by blockages, a discharge caused by plant failure or equipment damage, or a discharge being caused by capacity being exceeded in the wastewater network.

*Network performance expectations and network risk management (including stormwater management strategies)*

Chapter and provisions	Stance	RMA process
Chapter 8 - Whaitua Te Whanganui-a-Tara	Support with amendments	Part 1 Schedule 1, <i>except</i> WH.P18, P.P17, WH.R2, P.R2 which are Freshwater
Section 8.2.1 Ecosystem health and water quality policy WH.P2		
Section 8.2.2 Stormwater policies WH.P9 through to WH.P16		
Section 8.2.3 Wastewater policies WH.P17 through to WH.P20		
Section 8.3.2 Stormwater rules WH.R2 through to WH.R13		
Section 8.3.3 Wastewater rules WH.R14 through to WH.R16		
Chapter 9 - Te Awarua-o-Porirua Whaitua		
section 9.2.1 Ecosystem health and water quality policy P.P2		
Section 9.2.2 Stormwater policies P.P9 through to P.P15		
Section 9.2.3 Wastewater policies P.P16 through to P.P19		
Section 9.3.2 Stormwater rules P.R2 through to P.R12		
Section 9.3.3 Wastewater rules P.R13 through to P.R15		
Schedule 28: Stormwater containment treatment		
Schedule 29: Stormwater impact assessments		
Schedule 31: Stormwater management strategy - Te Whanganui-a-Tara and Te Awarua-o-Porirua		
Schedule 32: Wastewater network catchment improvement strategy		

**Reason for submission**

28. Greater Wellington has proposed various policies and rules that establish requirements for wastewater and stormwater networks. This includes setting:
- Expectations for network performance e.g. a target for wet-weather overflow of no more than two a year, or requiring implementation of inflow and infiltration programmes.
  - Requirements for network risk management, in the form of wastewater network catchment improvement strategies, and stormwater management strategies.
29. Setting such requirements clarifies to network operators (and others) what must be considered when managing the network, future planning, and making a consent application. These types of activities will ultimately have a bearing on the quality and quantity of contaminant discharge to the environment, for which the regional council is responsible for regulating.
30. Taumata Arowai has commenced work to develop network environmental performance measures, targets and standards, for public wastewater and public urban stormwater networks.
31. The WSA requires network operators to prepare and implement wastewater risk management plans, that identify and assess risks and hazards, and their management, control, monitoring, or

elimination. Taumata Arowai will notify a timeframe in the *Gazette* by which draft and final plans must be provided and will provide comments to the operator on the draft risk management plan that must be given effect to in the final risk management plan. These risk management plans require five yearly reviews.

32. Stormwater risk planning is subject to a slightly different approach specified in the WSEA. The Entities will be required to prepare Stormwater Management Strategies as the overarching document, which in turn includes a Management Plan, Risk Management Plan and Network Rules. The Strategy is intended to feed into the Asset Management Plan and Infrastructure Strategy. It is acknowledged that the Government have communicated their intention to repeal the WSEA, and it has not yet been signalled if the Strategic Plan approach will be retained as a requirement for council network operators.
33. Our main interest is ensuring that any complementary provisions between the RMA, WSA, and WSEA (and any similar stormwater provisions that may be proposed to replace those in the WSEA) are well aligned, efficient and effective, and that duplication is avoided where possible.

#### Decision sought

34. That where provisions are included that interface with complementary Taumata Arowai duties and powers, care is taken to ensure provisions are well aligned, efficient and effective, and unnecessary duplication is avoided. An integrated, whole-of-system view and approach for ngā wai is necessary to give effect to Te Mana o Te Wai, share accountability as regulators, and to increase public confidence. In some circumstances a solution may be signalling the relationship between the different legislative requirements and how a single product (e.g. a stormwater management strategy) might be developed, reviewed and implemented, to meet both.

#### *Ensuring appropriate provision for wastewater network discharges*

Chapter and provisions	Stance	RMA process
Chapter 8 - Whaitua Te Whanganui-a-Tara 8.3.3 Wastewater rules WH.R14, WH.R15, WH.R16	Support with amendments	Part 1 Schedule 1
Chapter 9 - Te Awarua-o-Porirua Whaitua 9.3.3 Wastewater rules P.R13, P.R14, P.R15		

#### Reason for submission

35. The following types of discharges occur from the wastewater network:
  - (a) Those caused by blockages.
  - (b) Those caused by plant failure or equipment damage.
  - (c) Those caused by capacity being exceeded in the wastewater network.
36. Some discharge points are deliberately engineered into the network, often to provide relief to a network during high-capacity events, e.g. wastewater pipes with a built-in overflow, or pump stations that redirect excess wastewater to the stormwater network or watercourses when the wastewater network capacity is exceeded or for when the pump fails.

37. Historically, and across the motu, recognition and provision for these network discharges has been mixed. Some regional councils have prohibited them, despite their existence and ongoing occurrence. There is variable interpretation as to when and how section 330 of the RMA might apply (ie, whether some may be provided for as an ‘emergency’ discharge).
38. It is critical these discharges are acknowledged and appropriately controlled, to ensure transparency and drive improvement. Acknowledging these discharges ensures the network operator identifies where they occur, how, why, and when. It means they can be monitored, and a plan developed to reduce them or avoid their occurrence. It also enables an agreed response to their occurrence, in terms of signage, notifications and any clean-up that might be required.

#### Decision sought

39. That all discharges from the wastewater network to the environment are acknowledged and appropriately provided for.
40. That consideration be given to replacing the descriptors ‘dry weather discharge’ and ‘wet weather discharge’, to instead describe wastewater network discharges based on their root cause e.g. a discharge caused by blockages, a discharge caused by plant failure or equipment damage, or a discharge being caused by capacity being exceeded in the wastewater network.

#### *Stormwater leadership to support the health of urban waterbodies*

Chapter and provisions	Stance	RMA process
Chapter 6 – Other Methods Section 6.16 Supporting improved water quality outcomes, method M43: supporting the health of urban waterbodies	Support	Part 1 Schedule 1

#### Reason for submission

41. This new method identifies that Wellington Regional Council will take a leadership role to support an improvement in the region’s urban waterbodies with a focus on stormwater, including developing a pollution prevention programme, and partnering with Wellington Water to develop education materials and a programme to support improved stormwater management.
42. Stormwater management requires a ki uta ki tai (mountains to sea) approach, and we support this proposed Method, particularly as expressed in clauses (a) and (b).

#### Decision sought

43. Taumata Arowai supports the inclusion of Method M43, and in particular, clauses (a) and (b).

## Source water protection

Chapter and provisions	Stance	RMA process
Chapter 2 – Interpretation, Section 2.2 Definitions, community drinking water supply, group drinking water supply	Support with amendments	Part 1 Schedule 1
Policies WH.P19, WH.P33, P118		
Rules 5.1.13, 106, WHR.9, WHR.14, WH.R24, WH.R33, WH.R34, P.R8, P.R13, P.R23, P.R31		

### Reason for submission

44. The WSA framework for the identification, management, and monitoring of risks to sources water of drinking water, is intended to work together with resource management legislation.
45. The WSA requires for information sharing between Taumata Arowai, local authorities, and drinking water suppliers. Regional councils are also required to publish information on source water quality and quantity annually, and they are required to assess the effectiveness of their regulatory and non-regulatory interventions to manage risks or hazards to source water at least every three years.
46. Regional plans provide for various activities that can affect source water. The Natural Resources Plan for the Wellington Region contains some recognition of high-risk activities that can affect source water. PC1 proposes some changes to rules that recognise proximity to source water intakes, but no change is proposed to the original reference to drinking water supplies ('group' and 'community' supplies), which with the repeal of the Health (Drinking Water Amendment Act) 2007 and enactment of the WSA, are now out of date.

### Decision sought

47. That provisions are amended as appropriate to reflect legislative changes to what constitutes a drinking water supply.

Nāku iti noa, nā,



Helen Robertson  
Director Policy

Date: 14 December 2023