

Plan Change 136: [Three Waters Management]

Section 32 Evaluation Report

Prior to Notification

March 2019

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List of Abbreviations

Environmental Engineering Standards 2010	EES 2010
Environmental Engineering Standards 2018	ES 2018
Long Term Plan	LTP
Gross Floor Area	GFA
Local Government Act 2002	LGA
New Zealand Coastal Policy Statement	NZCPS
Regional Water and Soil Plan	RWSP
Draft Regional Plan	DRP
Northland Regional Council	NRC
Northland Regional Policy Statement	NRPS
Resource Management Act 1991	RMA
Section 32 of the RMA	s32
Section 42A of the RMA	s42A
Structure Plan	SP
Urban Growth Strategy	UGS
Whangarei District Growth Model	WDGM
Whangarei District Council Operative District Plan	WDP
Whangarei District Growth Strategy, Sustainable Futures 30/50	30/50
Whangarei 20/20 Plus	20/20 Plus
Crime Prevention through Environmental Design	CPTED
Parking Management Strategy 2011	PMS
City Centre Development Plan	CCDP
National Environmental Standards	NES
National Policy Statements	NPS
NPS on Urban Development	NPS:UDC
Outstanding Natural Landscapes	ONL
Outstanding Natural Feature	ONF
Mean High Water Springs	MHWS
City Centre Zone	CC
Mixed Use Zone	MU
Commercial Zone	COM
Residential Zone	RES
Low Density Residential Zone	LDR
Medium Density Residential Zone	MDR
High Density Residential Zone	HDR
Light Industrial Zone	LI
Heavy Industrial Zone	HI
Waterfront Zone	WZ
Shopping Centre Zone	SCZ
Neighbourhood Commercial Zone	NC
Local Commercial Zone	LC
Urban Area	UA
Living 1 Environment	L1
Living 2 Environment	L2
Living 3 Environment	L3
Business 1 Environment	B1
Business 2 Environment	B2
Business 3 Environment	B3
Business 4 Environment	B4

1. Introduction

1.1 Overview

1. This report is in relation to proposed Plan Change 136 (**PC136**) to the Operative Whangarei District Plan (**WDP**) as part of the WDP rolling review. The report has been prepared in accordance with the requirements of Schedule 1 of the Resource Management Act 1991 (**RMA**) and incorporates an evaluation under section 32 of the RMA (**s32**). S32 evaluations are iterative, and therefore the evaluation in this report constitutes the initial evaluation, with this being further revised throughout the plan change process.
2. The report provides background material to the Plan Change. It outlines the statutory considerations relating to the preparation and consideration of plan changes generally, and sets out the strategy and policy frameworks within which the Plan Change fits. It also addresses key issues pertaining to the Plan Change. The report then goes on to address the RMA's s32 evaluation requirements.

1.2 The Proposed Plan Change

3. PC136 seeks to introduce a new general district wide chapter relating to three waters resources (stormwater, wastewater and water). The overall focus of the proposed Three Waters Management Chapter (**TWM**) is to manage the impact of land use and subdivision on three waters resources. PC136 includes:
 - A new 'Three Waters Management' Chapter – with objectives, policies and district wide rules, including land use and subdivision provisions.
 - Consequential changes to the WDP.
 - New definitions for Chapter 4 of the WDP.

2. Background

2.1 Existing Environment

4. Three waters management involves managing the impact of land use and subdivision on stormwater drainage, wastewater collection, treatment and disposal and water supply. Three waters systems include:
 - Stormwater systems which manage the quality and quantity of stormwater runoff to minimise flood damage and to protect people, land, infrastructure and the receiving environment from adverse effects.
 - Wastewater systems which collect and convey wastewater for subsequent treatment and disposal. This will normally consist of either connection to the public reticulated wastewater network or on-site treatment and disposal, either individual or communal in nature.
 - A water supply, which is necessary to ensure that a sufficient quality and quantity of water is available to all properties.

5. Within Whangarei there are public reticulated networks available in certain locations for stormwater, wastewater and/or water supply. Successfully implemented and managed public three waters networks have significant economic, social, environmental and cultural benefits.
6. Where a public reticulated network is not available, an alternative private system is required. It is important that private systems are appropriately designed to protect the health and wellbeing of residents as well as the health of the receiving environment both on-site and within the surrounding area.
7. Provisions relating to three waters management are currently located across multiple plan chapters and are repeated within each Environment (zone). The WDP requires three waters systems to be designed in accordance with the Whangarei District Council Environmental Engineering Standards 2010 (**EES 2010**) by incorporating the EES 2010 through reference. Various aspects of three waters management are also managed through Bylaws (e.g. the Stormwater Management Bylaw, the Wastewater Bylaw and the Water Supply Bylaw) and through the Northland Regional Plans.

2.2 Resource Management Issues

8. During the development of PC136 the following key topics were identified as issues:

- Connection to the public reticulated networks
- Consideration of three waters management at subdivision stage
- District Plan implementation and ease of use

2.2.1 Connection to the Public Reticulated Networks

9. The WDP currently requires connection to a reticulated three waters network “where available”. However, “where available” is not defined, and this results in uncertainty in determining activity status and whether or not an allotment or development should connect to the reticulated network. There have been instances where subdivisions have been approved and have not been required to connect to the reticulated network(s) where connection would have been a preferable outcome. The lack of clarity and strength in the existing provisions to require connection is a primary issue that PC136 aims to address.

2.2.2 Consideration of Three Waters Management at Subdivision Stage

10. Currently, many subdivision applications supply limited details regarding the provision of three waters systems and simply state that the design and construction of the three waters systems will comply with the EES 2010, which forms a condition of consent. However, when it comes time to construct the three waters system(s) there are frequently unanticipated circumstances that result in the EES 2010 not being able to be complied with. To avoid these situations PC136 aims to frontload some of the consideration of three waters management to ensure that what is proposed is feasible and is appropriately assessed.

2.2.3 District Plan Implementation and Ease of use

11. The current approach of incorporating the EES 2010 by reference and requiring compliance with the standards in the EES 2010 creates several issues including:

- Assessing, monitoring and enforcing compliance with the EES 2010 is difficult for applicants as well as Council. The EES 2010 is a large and complex technical document and ensuring that the correct consents have been applied for and that the standards are being met is challenging. As a result, the EES 2010 has not been properly enforced in some cases.
 - Engineering designs are often difficult to standardise as certain allotments or situations require specific design with a degree of flexibility. The EES 2010 has been written to allow for flexibility and enable engineers to have discretion in decision making. From an engineering perspective, this is appropriate; however, by referencing the EES 2010 in the WDP, third party decision making has been incorporated in an RMA process as it can be up to the discretion of an engineer or manager as to whether or not an activity complies with the rules.
 - The EES 2010 contains highly specific and detailed engineering standards, such as what colour pipe should be used in wastewater systems. While these aspects are valid engineering concerns, they do not necessarily have RMA related effects that justify management under a district plan.
 - Many of the standards in the EES 2010 overlap with functions carried out under bylaws, Regional Plans, vesting approval processes and building consents. The management of these issues in the WDP is therefore redundant and is often better addressed through the alternative processes.
 - By referencing the EES 2010 in the WDP, any updates or changes to the EES 2010 require a full plan change in order to be reflected in the WDP. Consequently, the EES 2010 has not been updated since 2010 due to the costs and uncertainty associated with a plan change, which in turn results in the EES 2010 not being up-to-date to reflect best practice.
12. Council has undertaken a review of the EES 2010 following industry feedback that the standards needed to be easier to follow and aligned with best practice. The updated version of the EES 2010, The Whangarei District Council Engineering Standards 2018 (**ES 2018**), has undergone consultation and several rounds of review. The review of the EES 2010 and the finalising of the ES 2018 has been undertaken to coincide with PC136 and the new district plan approach to three waters management. PC136 will aim to address these existing issues by not incorporating the EES 2010/ ES 2018 as a reference document.
13. An additional issue with the WDP is that the current three waters provisions are scattered across several chapters. As a means of simplifying and streamlining the WDP, PC136 will provide the policy direction for three waters management in a specific section of the WDP. This approach enables the policy framework and rules relating to the management of three waters to be located at a 'district wide' level in one chapter in the WDP.

2.3 Consultation

14. A draft version of PC136 was advertised to all plan holders, practitioners and iwi contacts, as well as being publicly available for pre-notification feedback, from June 2018 through August 2018. Pre-notification consultation for PC136 was undertaken alongside the consultation for the Urban Plan Changes. Feedback was received in the form of written comments, individual meetings, public meetings and hui with hapu representatives. With regards to PC136 there were only 2 comments received, both

from Northland Regional Council. In response to the Northland Regional Council's feedback, further clarity was provided within PC136 regarding the responsibility of the developer to fund infrastructure upgrades that are directly attributed to the development.

15. A draft version of PC136 was presented and work-shopped with Te Karearea and Te Huinga, Council's iwi and hapu leaders committees.
16. Feedback was summarised and presented back to the Council's Planning Committee to inform the plan change drafting. Following this, two additional Council briefing meeting were held to discuss the draft plan changes. Some of the key changes made in response to these meetings include:
 - Amendments to Policy TWM-P7 to more strongly promote the use of green infrastructure and low impact design solutions.
 - Amendments to the wording of the Overview section to clarify that connections to reticulated services are not required where they are not practicable.

3. Statutory Considerations

17. The WDP sits within a layered policy framework, which incorporates the National Policy Statements, National Environmental Standards, Iwi Management Plans, the Northland Regional Policy Statement (**NRPS**), Regional Plans, Structure Plans and Long Term Plans. Each of these policy documents and plans has been considered in accordance with the RMA. The relevant policy documents that were taken into consideration when preparing PC136 are discussed below.

3.1 Resource Management Act 1991 (RMA)

18. The RMA provides the statutory framework for the sustainable management of natural and physical resources. The RMA defines sustainable management as:

'managing 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'

19. Under the RMA it is mandatory for a territorial authority to prepare a district plan, which manages land use and development within its territorial boundaries. The RMA requires district plans, and thereby changes to district plans whether private or Council initiated, to meet the purpose and principles of the RMA. Consideration has been given to the extent to which PC136 achieves the purpose and principles of Part 2 of the RMA.
20. The statutory context for the preparation and evaluation of plan changes under the RMA is summarised as follows:

Section 31 - One of the functions of the Council is to review the WDP to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Section 74 - Matters that the plan change must "accord with" and "have regard to" are set out in this section.

Section 75 - Higher order plans that the plan changes must “give effect to” are set out in this section.

Section 32 - The manner in which an evaluation of a plan change must be carried out is set out in this section.

21. S79 of the RMA sets Councils the requirement to review district plans. Councils must complete a review of all district plan provisions within any 10 year time period. The WDP became operative on 3 May 2007, after eight years of formulation. The data that the WDP was based upon are therefore over ten years old. Monitoring of the WDP has identified areas of inconsistency and ineffectiveness.
22. S79 of the RMA provides the opportunity for Councils to undertake rolling reviews of district plan provisions. Using this opportunity to improve the integrity of the WDP, a rolling review process has been implemented. To remedy some of the missing links between WDP sections, a new structure has been adopted. The WDP structure will evolve and the chapter format will be adjusted through the rolling review to be more consistent with the manner in which the provisions are applied in practice.

3.2 National Policy

National Policy Statements

23. Section 55 of the RMA requires local authorities to recognise National Policy Statements (**NPS**) and Section 75 requires local authorities to give effect to them in their plans. There are currently five National Policy Statements:
 - National Policy Statement on Urban Development Capacity
 - National Policy Statement for Freshwater Management
 - National Policy Statement for Renewable Electricity Generation
 - National Policy Statement on Electricity Transmission
 - New Zealand Coastal Policy Statement
24. The NPS on Urban Development Capacity (**NPS:UDC**) identifies the role that urban areas play in accommodating New Zealand’s population. The NPS:UDC requires local authorities to plan for, monitor and facilitate urban development, responding to the growth and development needs of their urban areas. A component of this is the provision of three waters infrastructure to service the anticipated growth.
25. The NPS for Freshwater Management provides direction on how local authorities should carry out their responsibilities under the RMA for managing fresh water. Three waters systems can have impacts on fresh water management; however, the requirements under the NPS primarily relate to regional councils.
26. The NPS for Renewable Electricity Generation, the NPS for Electricity Transmission and the New Zealand Coastal Policy Statement do not specifically relate to three waters management.

National Environmental Standards

27. Section 44 of the RMA requires local authorities to recognise National Environmental Standards (**NES**). There are currently five National Environmental Standards:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standard for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES Soils**)
- National Environmental Standards for Plantation Forestry

28. There are no provisions in the NES for Air Quality, Telecommunication Facilities, Electricity Transmission Activities or Plantation Forestry which specifically relate to three waters management.
29. The NES for Sources of Drinking Water sets requirements for protecting sources of human drinking water from becoming contaminated and requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans. Drinking water quality is relevant to three waters management, and PC136 has recognised the NES for Sources of Drinking Water to ensure that the plan provisions will not be more lenient than the NES.
30. The NES Soils applies to the removal or replacement of fuel storage, small scale soil disturbance activities, soil sampling, and the change of use or subdivision of land which is identified as or may be subject to contamination. Regional authorities have the functions of identifying and monitoring land which may be contaminated and generally maintain a register of sites which is shared with the territorial authority. The provision of three waters systems on land which is identified as contaminated will require consideration under the relevant provisions.

3.3 Iwi and Hapu Management Plans

31. According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are five such documents accepted by Council, being Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2014), Ngati Hine Iwi Environmental Management Plan (2008), Ngati Hau Hapu Environmental Management Plan 2016 and Te Uriroroi Hapu Environmental Management Plan and Whatatiri Environmental Plan. Each management plan is comprehensive and covers a range of issues of importance to the respective iwi. The management plans contain statements of identity and whakapapa and identify the rohe over which mana whenua (and mana moana) are held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.
32. Within the management plans there are several policies relating to the management of stormwater and wastewater to protect water quality. These issues are mainly managed by the Regional Council and WDC By-laws. However, PC136 has taken into account those matters of relevance to three waters management to help ensure that adverse environmental effects are managed appropriately.

3.4 Local Government Act 2002

33. The Local Government Act 2002 (**LGA**) enables local authorities to make and implement bylaws. Section 145 of the LGA provides for local authorities to make general bylaws for the purpose of protecting the public from nuisance, protecting, promoting, and maintaining public health and safety, minimising the potential for offensive behaviour in public places. Sections 146 and 147 provide for the creation of more specific bylaws. Whangarei District has several bylaws; the most relevant to the consideration of PC136 include the Stormwater Management Bylaw 2014, Wastewater Bylaw 2014, Trade Waste Bylaw 2012 and Water Supply Bylaw 2012.
34. The purpose of the Stormwater Management Bylaw is to manage stormwater within the Whangarei District to protect people, property and the environment by minimising the impact of flooding, erosion and environmental pollution. It covers connection to the stormwater system, the responsibility of property owners for maintenance of the system on private property, and sets out the point of discharge.
35. The Wastewater Bylaw covers wastewater drainage from domestic premises into Council's public wastewater network. The bylaw provides for the application for consent to connect to or disconnect from the public wastewater network, to discharge domestic wastewater into the public wastewater network, and to excavate or develop close to and build over the public wastewater network. It sets out the requirements and responsibilities of property owners for connection to, and maintenance of, the wastewater system to protect it from misuse and damage.
36. The Trade Waste Bylaw regulates the discharge of trade wastes to the public reticulated wastewater network.
37. The primary purpose of the Water Supply Bylaw is to protect the water supply network and set out customers' entitlements and responsibilities regarding the reticulated water supply.

3.5 Building Act 2004

38. The Building Act 2004 sets standards for the design and construction of three waters systems. PC136 aims to avoid overlap with the Building Act to minimise redundancies for applications. However, care has been taken in preparing PC136 that proper consideration is given to three waters management at subdivision stage to ensure that future development will be practicable.

3.6 Regional Policy

Northland Regional Policy Statement 2016 (NRPS)

39. The NRPS policies of most relevance to PC136 are discussed below.
 - Policy 4.2 aims to improve the overall quality of Northland's water resources. District Councils are required to include methods in district plans to manage the effects of subdivision and the development of land for the purposes of improving the overall quality of fresh and coastal waters.
 - Policy 4.3 aims to promote the benefits of water harvesting, storage, and conservation measures for new developments and changes in land use.

- Policy 4.7 recognises the benefits of actively managing aspects such as water quality and quantity and encourages district plans to use incentives to promote active management of these aspects.
 - Policy 5.1 aims to create a framework to achieve coordinated development in a strategic and proactive manner. The policy also requires adverse effects to be avoided on regionally significant infrastructure (which includes public reticulated three waters networks).
 - Policy 5.2 encourages development that efficiently uses three waters resources.
 - Policy 5.3 relates to the protection and provision of regionally significant infrastructure.
 - Policy 6.1 relates to ensuring that district plans are efficient, effective, simple and consistent.
 - Policy 7.1 requires risks from hazards, particularly flooding, to be managed and requires new regionally significant infrastructure to be well designed and maintained.
40. The NRPS is relevant to PC136 with regard to managing adverse effects from on-site three waters systems and managing existing and proposed reticulated three waters networks to ensure they are efficiently and effectively utilised and are well designed and maintained. There are additional references to the management of water quality and quantity which relate to PC136. However, many of these references primarily relate to Regional Council functions, and PC136 aims to avoid overlaps between District and Regional Council functions.

Regional Plans

41. There are a number of operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan (**RWSP**), the Air Quality Plan and the Coastal Plan. The most relevant to the consideration of PC136 is the RWSP which covers the effects of landuse activities on water and soil in the region. The RWSP identifies the significant water and soil issues for the region and seeks to address these through specific policies and rules.
42. The Draft Regional Plan (**DRP**) proposes to combine the operative Regional Plans into one combined plan. Similar to the operative RSP, specific policies and rules are proposed to manage three waters resources and the effects of three waters systems.
43. The RWSP and DRP manage three waters resources from a regional council perspective and the operative and proposed provisions in these documents have been taken into consideration in the drafting of PC136 to avoid redundancies.

3.7 District Policy

Whangarei District Growth Strategy, Sustainable Futures 30/50 2010 (30/50)

44. To manage projected growth sustainably, Council has formulated 30/50 as a long term Sub-regional Growth Strategy. 30/50 identified economic drivers of development, assessed future growth potential, determined existing and potential land use patterns, and assessed and planned for infrastructural requirements for the District over a 30-50 year time frame.

45. PC136 seeks to ensure that public reticulated three waters networks are effectively and efficiently provided to service projected growth. PC136 also seeks to require connection to available reticulated networks to enable consolidation, ensure networks are appropriately extended, and to achieve the strategic direction of 30/50.

Long Term Plan 2018 – 2028 (LTP)

46. The LGA requires every council to produce a Long Term Plan every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded. The 2018 – 2028 LTP was adopted by Council in June 2018. It covers the period 1 July 2018 to 30 June 2028.
47. Key to Council activities is the provision of infrastructure. Because development and settlement patterns have effects on both the timing and costing of core infrastructure, the LTP, the Infrastructure Strategy and the supporting Asset Management Plans have been developed with regard to the strategic direction of 30/50. PC136 aims to support this strategic direction.

Whangarei District Operative Plan 2007 (WDP)

48. The preparation of the first Whangarei District Plan under the RMA commenced in 1993. Council initially commenced preparation of the new Plan in territorial sections – with an Urban section for the Whangarei City area, Rural and Coastal sections for the County area, and a Hikurangi section – reflecting the structure of the Transitional County & City Plans. A District Plan Review Committee was established to be responsible for the preparation of the Plan. In 1995 the initial approach was revised and one Plan covering the whole district was commenced. The Review Committee held a series of workshops and formal meetings over the next six years to formulate the Proposed District Plan (**PDP**). Various sections and revisions of the PDP were adopted as it advanced through the subsequent stages of Plan development. Various reports were commissioned to address significant issues identified for the PDP.
49. The draft PDP was released for public comment on 12 December 1997. The draft PDP was then revised by the District Plan Review Committee, based upon decisions made on public comments received and additional policy development work by staff, adding and deleting sections where necessary. The PDP was approved by Council for notification on 13 September 1998. The PDP became Operative as the WDP on 3 May 2007 following the submission, hearing, and appeal processes.
50. On 1 October 2009 the Resource Management Amendment Act introduced changes to s79 of the RMA, which prescribes the review requirements for district plans. Council must now ensure that each provision of a district plan has been reviewed within any 10 year time period. In response to this requirement the Council adopted a 'rolling review' approach. To implement this decision Council undertook Plan Change 106, which amended the introduction to the WDP to set out an explanation of the rolling review process, future district plan structure, and set expectations of future Council and private plan change applications.
51. Monitoring of the WDP has identified a need to clarify some processes, and update objectives, policies and methods. As part of the rolling review procedure, provisions will be moved towards a stronger effects-based plan with a policy driven approach. A new district plan structure and layout has been

introduced to simplify the use of the WDP by mimicking the logic and flow of a typical planning application, moving from high-level policy to low-level detail, methods and requirements.

52. In August 2012 Council completed the 5 year efficiency and effectiveness review of the WDP which has been used to inform the consideration of alternatives in PC136.
53. A number of plan changes have been proposed as a part of the rolling review of the WDP. PC136 has relevance to numerous zones within the WDP because is proposed to be a general district wide chapter. As a result, consequential amendments are required to relocate provisions that are scattered in various chapters to one district wide chapter. It is important that PC136 maintains a consistent approach across the District and is well integrated with the Operative and Proposed chapters.
54. The National Planning Standards also have an impact on the integration of PC136 with the WDP. The draft Standards provide for any additional sections to address matters on a district wide basis to be included within the General District Wide matters chapter (**S-GDW**). PC136 has been drafted to be consistent with the draft Standards and to be incorporated as a section within the future S-GDW Chapter.

4. Section 32 Analysis

4.1 Appropriateness in Terms of Purpose of RMA

55. Council must evaluate in accordance with s32 of the RMA the extent to which each objective proposed in PC136 is the most appropriate way to achieve the purpose of the RMA. To confirm the appropriateness of the proposed objectives, sections 4.1 – 4.4 of this report assess whether the proposed objectives are the most appropriate way to achieve the purpose of the RMA as well as other higher order documents and objectives in the Strategic Direction Chapter. The level of analysis undertaken in this report is considered appropriate to the scale of the proposal.
56. PC136 proposes the following objectives, the reasons for which are detailed in Table 1:

TABLE 1: S32 ASSESSMENT OF PROPOSED TWM OBJECTIVES	
Proposed TWM Objectives	Reason/Issue
TWM-O1 - Connections Ensure that connection to reticulated three waters networks is provided for within a reticulated area.	Requiring connection to reticulated networks improves the efficiency and effectiveness of the networks and enhances environmental and human health.
TWM-O2 – Reticulated Networks Maintain the effectiveness, efficiency and sustainability of reticulated three waters networks.	Development needs to be designed and constructed in a manner that does not negatively affect reticulated networks.
TWM-O3 – Integrated Infrastructure Plan and provide for three waters infrastructure in an integrated and comprehensive manner.	Where development occurs, it should consider potential future development in the surrounding area and integrated approaches to three waters management.
TWM-O4 – Private Systems Ensure that private three waters systems are provided where connections are not provided to reticulated networks.	Where no public reticulated networks are available, subdivision and development must ensure that three waters resources are appropriately managed via private systems.

TWM-O5 – Adverse effects Minimise adverse effects from stormwater and wastewater on people, property, infrastructure, the receiving environment and cultural values.	Public and private stormwater systems should be designed to minimise adverse environmental, social and economic effects.
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57. Part 2 of the RMA outlines the purpose and principles of the RMA. Table 2 demonstrates that the proposed TWM Objectives achieve the purpose of the RMA. Many sections within Part 2 of the RMA are not relevant to PC136. Additionally, with regard to s8, consultation with Tangata Whenua has been undertaken and no matters have been identified that would indicate that PC136 is inconsistent with s8.

		TABLE 2: LINKAGE OF PROPOSED TWM OBJECTIVES WITH PART 2 OF THE RMA				
		Proposed Three Waters Management Objectives				
		TWM-O1	TWM-O2	TWM-O3	TWM-O4	TWM-O5
RMA Part 2 Sections	5(2)(a)	✓	✓	✓	✓	✓
	5(2)(b)	✓	-	-	✓	✓
	5(2)(c)	-	✓	-	-	✓
	6(a)	-	-	-	-	✓
	6(h)	-	✓	-	-	✓
	7(b)	-	✓	✓	-	-
	7(d)	-	-	-	-	✓
	7(f)	✓	-	-	-	✓
	7(h)	-	-	-	-	✓

58. Having assessed the proposed objectives against Part 2 of the RMA it is considered that they achieve the purpose of the RMA and promote sustainable management.

4.2 Appropriateness in Relation to Higher Order Documents

59. The provisions of higher order documents were considered in the formulation of the objectives and policies in PC136 as discussed in Section 3 above. Table 3 provides an overview of the proposed TWM objectives' consistency with the relevant higher order documents.

		TABLE 3: LINKAGE OF PROPOSED TWM OBJECTIVES WITH HIGHER ORDER DOCUMENTS				
		Proposed Three Waters Management Objectives				
		TWM-O1	TWM-O2	TWM-O3	TWM-O4	TWM-O5
Higher	National Policy Statement on Urban Development Capacity	✓	✓	✓	-	-
	Northland Regional Policy Statement	✓	✓	✓	-	✓

	Long Term Plan 2015 – 2025	✓	✓	✓	-	-
	Whangarei District Growth Strategy – 30/50	✓	✓	✓	✓	-
	Whangarei District Council Bylaws	✓	✓	-	-	-

4.3 Appropriateness in Relation to the Strategic Direction Chapter

60. The proposed TWM objectives are subservient to the higher order district wide objectives set out in the Strategic Direction Chapter proposed under Plan Change 148. The relevant overarching Strategic Direction Chapter objectives and policies and their links to the proposed TWM objectives are shown in Table 4 below. This table illustrates that the objectives of the TWM are effectively linked to the relevant overall objectives and policies of the Strategic Direction Chapter which have been assessed as being appropriate in terms of s32 (refer to Plan Change 148 s32 Report).

TABLE 4: LINKING BETWEEN STRATEGIC DIRECTION CHAPTER AND TWM OBJECTIVES		
Proposed SD Objective	Proposed SD Policies	Proposed TWM Objectives
SD-06 – Indigenous Biodiversity Identify and protect the values and attributes of indigenous biological diversity (Significant Natural Areas) and maintain the extent and diversity of other indigenous biodiversity.	SD-P18	TWM-O5
SD-07 – Reticulated Infrastructure Provide efficient and effective onsite and reticulated infrastructure in a sustainable manner and co-ordinate new land use and development with the establishment or extension of infrastructure and services.	SD-P5, P6, P-12	TWM-O1 – O3
SD-08 – Cultural Values Ensure that growth and development takes into account Maori cultural values.	SD-P16, P18	TWM-O5
SD-010 – Hazards Minimise the risks and impacts of natural hazard events on people, property and infrastructure.	SD-P3	TWM-O5
Urban Area Objectives		
SD-11 – Residential and Business Demand Ensure that there are sufficient opportunities for the development of residential and business land to meet demand.	SD-P8	TWM-O1 – O3
Rural Area Objectives		
SD-019 – Rural Villages Provide for managed growth of rural villages.	SD-P6, P38	TWM-O1 – O4

4.4 Appropriateness of Proposed Policies and Methods

61. S32 assessments must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives. In this instance, PC136 proposes five objectives and this s32 assessment must assess whether the proposed provisions are the most appropriate to achieve these proposed objectives. This must include the identification of alternatives, and cost benefit analysis of the economic, social, environmental and cultural effects of the provisions including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered.

62. PC136 proposes a number of new provisions (see **Proposed Plan Changes Text and Maps**). The following sections of this report assesses the efficiency and effectiveness of the preferred provisions and compare them to other reasonably practicable options.

4.4.1 One Chapter

63. It is proposed that all of the provisions relating to three waters management be located in one chapter. Reasonably practicable options for the chapter structure are as follows:

- **Option 1:** Status Quo – retain the objectives and policies within Chapters 5, 6, 8 and 23 and the rules within Chapters 71, 73 and 74.
- **Option 2:** Proposed Provisions (plan change option) – combine objectives, policies and rules into one Three Waters Management Chapter.
- **Option 3:** Include all three waters management provisions in the new Subdivision Chapter.

64. It is considered that option 2 represents the most appropriate option for the following reasons:

- Option 2 is consistent with the structure of the WDP under the rolling review. Other plan changes that have been recently made operative, such as Noise and Vibration (NAV) and Historic Heritage (HH) have incorporated all provisions for their relevant topic area into one comprehensive chapter. This is desirable as all provisions relating to a particular topic are located in one chapter without the need to cross reference to different chapters as is the case with Option 1. This enables better understating of what is to be achieved by locating the explanation and objectives and policies alongside the rules. This makes it easier for plan users to navigate the plan and to determine requirements for a specific area or topic.
- The draft Standards provide for any additional sections to address matters on a district wide basis to be included within the General District Wide matters chapter (**S-GDW**). PC136 has been drafted to be consistent with the draft Standards and to be incorporated as a section within the future S-GDW Chapter.
- Option 3 is effective from a subdivision perspective; however, the provisions that relate to landuse would need to be in a different chapter. Therefore, it is considered more efficient and effective to locate all of the three waters management provisions within one chapter as proposed in Option 2.
- There are no economic growth and employment opportunities arising from the options for this component of PC136.
- There is no risk due to insufficient information.

4.4.2 Overview

65. An Overview section is proposed that discusses the issues and approach provided in the TWM chapter. Reasonably practicable options for the overview section are as follows:

- **Option 1:** Status Quo – duplicate Overview information from Chapters 5, 6, 8 and 23 of the WDP.

- **Option 2:** No overview provided.
- **Option 3:** (Plan change option) Include a new Overview section at the beginning of the proposed TWM chapter.

66. It is considered that Option 3 represents the most appropriate option for the following reasons:

- Option 1 is not an efficient or effective option as the overview for the TWM chapter would not be updated to match the new approach to three waters management and the new structure under the rolling review and the draft Standards.
- Option 2 is not an efficient or effective option as it would represent a lack of consistency with the new WDP structure and the draft Standards, and would make the expectations and reasons unclear for plan users.
- Option 3 will ensure that the expectations and reasons for the TWM chapter are clear, thus making the subsequent provisions easier to understand for plan users. This is also consistent with the structure of the WDP under the rolling review where each chapter has its own overview section.
- There are no economic growth and employment opportunities arising from the options for this component of PC136.
- There is no risk due to insufficient information.

4.4.3 Policies

67. The proposed TWM objectives seek to ensure that suitable connections to reticulated three waters networks are provided for in an integrated and comprehensive manner in reticulated areas, while ensuring that private three waters systems are provided in non-reticulated areas and that adverse effects are minimised. These objectives are achieved through the application of policies and methods, in this case the use of land use and subdivision rules.

68. The policies proposed for inclusion (see **Proposed Plan Changes Text and Maps**) are considered to achieve the objectives by:

- Requiring landuse and subdivision to provide three waters infrastructure in a coordinated manner, particularly for larger, 'greenfield' developments.
- Requiring connection to the public reticulated networks where available and ensuring that the infrastructure connecting to the network is appropriately designed.
- Ensuring that sufficient capacity exists within reticulated three waters networks to accommodate development and that potential future development is taken into account.
- Requiring private three waters systems to be provided in non-reticulated areas and managing adverse effects from the systems.
- Clarifying the responsibility of developers to fund upgrades and extensions necessary for the proposed subdivision or development.

69. The proposed policies are considered the most appropriate for achieving the objectives and provide a coherent link to the methods and rules in the proceeding sections of the TWM chapter. The use of clear and direct policies also aligns with the policy driven approach applied to the rolling review. Table 5 below demonstrates that the policies proposed for the TWM implement the proposed TWM objectives, and that the methods implement the proposed policies:

TABLE 5: LINKING OF PROPOSED TWM PROVISIONS		
Proposed TWM Objective	Proposed TWM Policies	Proposed TWM Methods
TWM-O1 - Connections Ensure that connection to reticulated three waters networks is provided for within a reticulated area.	TWM-P2, P4, P9	TWM-R3.1(b), R4.1(b), R5.1(b)
TWM-O2 – Reticulated Networks Maintain the effectiveness, efficiency and sustainability of reticulated three waters networks.	TWM-P1 – P5, P8, P9	TWM-R3.1(b), R4.1(b), R5.1(b)
TWM-O3 – Integrated Infrastructure Plan and provide for three waters infrastructure in an integrated and comprehensive manner.	TWM-P1, P4, P8, P9	TWM-R6 – R7
TWM-O4 – Private Systems Ensure that private three waters systems are provided where connections are not provided to reticulated networks.	TWM-P6	TWM-R3.1(a), R4.1(a), R5.1(a)
TWM-O5 – Adverse effects Minimise adverse effects from stormwater and wastewater on people, property, infrastructure, the receiving environment and cultural values.	TWM-P1 – P8	TWM-R2, R3.1(a), R4.1(a), R5.1(a), R6, R7

70. An alternative option to the proposed policies was to rely on the existing higher order policies in Part D of the WDP. However, the existing policies are not considered to be effective in requiring connection where appropriate or in assessing capacity when connections to reticulated services are proposed. Therefore, the existing policies present additional costs and risk compared to the proposed policies.

4.4.4 Reticulated Areas

71. It is proposed to introduce three new definitions to clearly establish where reticulated services are “available”. The definitions are as follows:

Reticulated Stormwater Area

Means any site within 200m of an existing public primary stormwater system.

Reticulated Wastewater Area

Means any site:

- a) Within the Medium Density Residential, High Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- b) Within the RVZ, SRIZ, or the RUEZ (except the Toetoe or Whau Valley areas of the RUEZ) and within 150m of an existing public reticulated wastewater network (excluding rising mains).

Reticulated Water Supply Area

Means any site:

- a) Within the Medium Density Residential, High Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- b) Within 135m of an existing public reticulated water supply distribution main.

72. These definitions are proposed to be used as activity status triggers in rules so that where a site is within a reticulated area it would require consent to have on-site services rather than connecting to the reticulated system(s) available. This approach is consistent with the status quo, but the status quo uses the term “where available” rather than clearly defining where the reticulated areas are.
73. In order to assess the appropriateness of the proposed definitions in achieving the TWM objectives, the following three options were evaluated:
- **Option 1:** Status Quo – Use the phrase “where available” to refer to areas where reticulated services are available, but no parameters or definitions clarify what determines ‘where available’.
 - **Option 2:** Proposed definitions for reticulated wastewater, water supply and stormwater areas. (plan change option)
 - **Option 3:** Map reticulated areas on the Planning Maps.
74. Evaluation of these options has been summarised in Table 6 below:

TABLE 6: S32 ASSESSMENT OF RETICUALTED AREAS OPTIONS		
	<u>Costs</u>	<u>Benefits</u>
Option 1: Status Quo	<p><u>Environmental</u> Does not clearly establish where reticulated infrastructure should be provided and enables on-site services in inappropriate locations.</p> <p><u>Economic</u> Does not clarify where reticulation should extend to, which adversely affects the efficiency and effectiveness of the reticulated networks.</p> <p><u>Social</u> Uncertainty created as to where reticulated services will be provided and where the rules will apply.</p> <p><u>Cultural</u> None identified.</p>	<p><u>Environmental, Social and Cultural</u> None identified.</p> <p><u>Economic</u> Reduces consenting costs for sites that are in proximity to the reticulated network but cannot feasibly connect.</p>
	<u>Costs</u>	<u>Benefits</u>
Option 2: Plan Change Option	<p><u>Environmental, Social and Cultural</u> None identified.</p> <p><u>Economic</u> Costs associated with consent applications to breach standards and the potential for costs associated with connecting to the reticulated network.</p>	<p><u>Environmental</u> Clearly establishes where reticulation will be required which will prevent on-site servicing in inappropriate areas.</p> <p><u>Economic</u> Improves the efficiency and effectiveness of the reticulated networks.</p> <p><u>Social</u> Provides clarity as to where reticulated networks will be provided and where the rules will apply.</p> <p><u>Cultural</u> None identified.</p>

	<u>Costs</u>	<u>Benefits</u>
Option 3: Map the reticulated areas	<p><u>Environmental and Cultural</u> None identified.</p> <p><u>Economic</u> Costs associated with consent applications to breach standards and the potential for costs associated with connecting to the reticulated network.</p> <p>Significant plan change costs to continually update mapping as network extends.</p> <p>As physical network extends there could be a delay in updating mapping which could result in sites on the periphery of physical network not triggering connection and thereby resulting in inefficient use of the reticulated networks.</p> <p><u>Social</u> Would require ongoing plan changes to update mapping which would require public involvement.</p>	<p><u>Environmental</u> Establishes where reticulation will be required which will prevent on-site servicing in inappropriate areas.</p> <p><u>Economic</u> Improves the efficiency and effectiveness of the reticulated networks.</p> <p><u>Social</u> Provides clarity as to where reticulated networks will be provided and where the rules will apply.</p> <p><u>Cultural</u> None identified.</p>
	<u>Efficiency</u>	<u>Effectiveness</u>
Option 1:	This option is inefficient as it has led to a lack of clarity regarding what areas should be required to connect to the reticulated networks.	This option does not ensure that the reticulated networks are effectively utilised and extended.
Option 2:	This option will efficiently achieve the TWM objectives by clarifying what areas should be reticulated.	This option will effectively require connection to the reticulated network in areas that are intended to be reticulated.
Option 3:	This option will not be efficient as ongoing plan changes will be required to continually update the maps.	This option will effectively require connection to the reticulated network in areas that are intended to be reticulated, provided that the mapping is up to date.
Economic Growth and Employment Opportunities		
Option 1:	This option has a negative impact in terms of economic growth as reticulated networks are not required to extend in logical areas which compromises the future growth and extension of that area.	
Option 2:	This option has a positive impact in terms of economic growth as the reticulated networks would be appropriately extended or consideration would be required as to why connection is not practicable or appropriate.	
Option 3:	This option has a positive impact in terms of economic growth as the reticulated networks would be appropriately extended or consideration would be required as to why connection is not practicable or appropriate. However, if the mapping is not up to date then this positive impact may not be realised.	
Risk of acting and not acting if there is uncertain or insufficient information		
Option 1:	The risk associated with Option 1 is moderate as retaining the status quo provides less clarity as to where the reticulated networks will extend in the future.	
Option 2:	The risk associated with acting is low in the instance of Option 2 as clarity would be provided for reticulated areas to ensure that the network is appropriately utilised and extended.	
Option 3:	The risk associated with acting is low to moderate in the instance of Option 3 as clarity would be provided for reticulated areas to ensure that the network is appropriately utilised and extended; however, if the mapping was not kept up to date then Option 3 would present the risk of connections not being appropriately provided.	

75. As shown in Table 6, Option 2 (the proposed plan change) is considered to be the most appropriate method of achieving the TWM objectives as it will efficiently and effectively utilise the existing infrastructure and require appropriate extension of the networks. Further alternatives for the specific details of the proposed definitions in Option 2 (e.g. the distances specified from the existing network and the Environments exempt from connection) have been considered. However, proposed definitions have been developed with the WDC Infrastructure and Services team to ensure appropriate and practicable terminology and methodology.
76. It is noted that additional definitions are proposed as part of PC136. These terms have been defined in the draft National Planning Standards and have been included within PC136 to ensure consistency with the Standards and provide additional clarity for the interpretation of provisions. It is anticipated that changes may be required to these definitions through submission depending on the final version of the National Planning Standards to ensure consistency.

4.4.5 Subdivision Rules

77. Proposed Rules TWM-R4 – R6 seek to replace the operative subdivision rules and are summarised as follows:
- Rule TWM-R3 (Stormwater): Allotments must provide for the collection, treatment and disposal of stormwater in a manner that meets several technical measurements (e.g. flow rates, attenuation, design life, etc.) and must connect to the reticulated network within a reticulated stormwater area.
 - Rule TWM-R4 (Wastewater): Allotments must provide for the collection, treatment and disposal of wastewater and must connect to the reticulated network within a reticulated wastewater area.
 - Rule TWM-R5 (Water Supply): Allotments must provide a water supply and must connect to the reticulated network within a reticulated water supply area.
78. Where the above rules are met, it is proposed to be a Restricted Discretionary activity, and where compliance is not achieved then it is proposed to be a Discretionary activity.
79. In assessing the appropriateness of the proposed provisions there are several factors to consider (e.g. whether or not to reference an external engineering document, what should the activity status be, the need for information requirements, the specific wording/detail of the rules, etc.). These factors are best assessed holistically rather than in isolation; therefore, the following four overarching options for the three waters management subdivision provisions have been considered:

Option 1: Status Quo: Reference, and require compliance with, EES 2010 / ES 2018 as a controlled activity

Option 1 maintains the status quo whereby the subdivision rules for each Environment require all sites to provide a water supply, a means for the disposal of collected stormwater and a means for the disposal of sewerage. Where these are provided, and the design of the system complies with the EES 2010, then the subdivision is a Controlled activity. Where these are not provided or the EES 2010 is not complied with, then it is a Restricted Discretionary activity

Option 2: State all technical requirements in the District Plan rather than in an external document

Option 2 would essentially result in the standards contained in the ES 2018 being shifted to the TWM chapter of the District Plan. These standards would be contained in appendices to the TWM chapter. The status quo of controlled activity status would be retained where the rules are complied with.

Option 3: Require prior approval from the Infrastructure Development Department

Option 3 would require applicants to seek approval from the Infrastructure Development Department within Council prior to applying for subdivision consent. The Infrastructure Development Department would establish a separate 'approval' process outside of the District Plan with their own information requirements, standards, etc. Where approval has been provided then the subdivision would be a controlled activity (provided other district plan rules are complied with). Where approval had not been obtained then the subdivision would be a restricted discretionary or discretionary activity.

Option 4: Require consent as a restricted discretionary activity as the lowest threshold for any subdivision with certain rule requirements in the TWM chapter that must be met (plan change option).

Option 4 would remove references to the EES 2010 / ES 2018 and would contain all relevant rules in the TWM chapter. Information requirements would be stated to ensure that any subdivision application provides sufficient information to assess the activity. Where compliance with the restricted discretionary activity requirements is not achieved then the subdivision would be a discretionary activity. Consequential amendments to the WDP would be required to remove any reference to the EES 2010 in other chapters and to link to the proposed TWM chapter where appropriate.

80. With regard to Option 1, as discussed in Section 2.2.3 above, the current approach of requiring compliance with the EES 2010 is not efficient or effective and enables third party decision making in an RMA process. Therefore, the status quo is not a valid approach. To enable Option 1 to be valid, the EES 2010 would need to be redrafted to have clear 'black and white' rules where compliance can be clearly determined. However, the ES 2018 have been drafted similarly to the EES 2010 and do not provide the level of clarity needed to make referencing them a valid approach. Amending the ES 2018 is outside the scope of PC136; therefore, the status quo approach of referencing and requiring compliance with the EES 2010 (or ES 2018) is not efficient or effective and has not been further considered.
81. The benefit of Option 2 would be that all rules would be contained within the District Plan and the requirements for three waters systems would be clear. However, Option 2 would not simplify and streamline the District Plan as there would be numerous appendices required to contain all the technical standards needed for three water systems. Additionally, after consultation with the infrastructure asset managers within Council, it became clear that stating 'black and white' rules for three waters systems was challenging, if not impossible. Engineering designs are often difficult to standardise as certain allotments or situations require specific design with a degree of flexibility. Therefore, Option 2 is not considered efficient or effective and has not been further considered.

82. The benefits of Option 3 are that the District Plan would be simplified and streamlined and that applicants would need to consider servicing issues prior to a subdivision application, which could encourage more comprehensive designs and better outcomes. However, Option 3 has similar issues to Option 1 whereby the activity status of a subdivision would depend on a third-party approval outside the RMA process. The process of obtaining approval from the Infrastructure Development Department would not be clearly defined by the District Plan and could be subject to change without a plan change. This could lead to uncertainty for applicants, and potentially unfair or inconsistent decisions. Additionally, the expenses associated with obtaining the level of detail that could be required to gain approval could be prohibitive as the actual subdivision consent would still not have certainty if it was a restricted discretionary, discretionary or non-complying activity. Given the above, Option 3 is not efficient or effective and has not been further considered.
83. Option 4 is considered to be the most appropriate approach to three waters management in subdivision. There are several mechanical aspects of Option 4 that also require s32 assessment to ensure appropriateness, those being: activity status, technical standards within the rules, and information requirements.

Activity Status

84. It is proposed that where the rule requirements of rules TWM-R3 – R5 are met that the subdivision is a restricted discretionary activity and where compliance is not achieved that the subdivision is a discretionary activity. This is a change from the status quo of a controlled activity where the rule requirements are met and restricted discretionary activity where compliance is not achieved.
85. Retaining the controlled activity status was considered; however, under Option 4 there are limited technical engineering standards stated in the District Plan, and the ES 2018 is not proposed to be incorporated as a referenced document. It is considered that a controlled activity status would not be appropriate under Option 4 as an application could not be declined, even if engineering reports raised significant issues, and there would be limited ability to make significant changes to an application if the standards proposed by the applicant were unsuitable.
86. It is proposed to list targeted matters of discretion for the subdivision rules to guide applicants and the assessment. The ES 2018 is also mentioned in a note as a means of compliance with the restricted discretionary activity rules. This enables applicants to use the ES 2018 as a guide for meeting the rules, but also provides the option of using different standards provided that adverse effects are managed.
87. One potential cost of changing the minimum activity status from controlled to restricted discretionary is the additional consenting costs and uncertainty in the consenting process. However, analysing Council's resource consent statistics database has revealed that there is minimal costs or uncertainty associated with changing the activity status. Since 2014 there have been 46 controlled activity subdivisions and 88 restricted discretionary activity subdivisions¹. Only one restricted discretionary activity was limited

¹ These numbers do not include applications such as boundary adjustments, change to conditions, extensions of timeframes, etc., and only include applications for which the full set of data had been recorded in the resource consent statistics database.

notified and none of the applications were declined. In terms of total fees charged to the applicants, the controlled subdivisions had an average total cost of \$2,892 and the restricted discretionary subdivisions had an average total cost of \$3,052 (a difference of \$160).

88. It is considered that the proposed restricted discretionary activity status is more appropriate under Option 4 and that the potential additional consenting costs are likely to be minimal.

Technical Standards within the Rules

89. For the Wastewater and Water Supply Rules (TWM-R4.1(a) and R5.1(a)) it is proposed to require provision for the collection, treatment and disposal of wastewater and for a water supply. There are no additional rules stated regarding the standards required for these services. The rationale of not stating additional rule standards is that these aspects are sufficiently covered by Northland Regional Plans, Whangarei District Council Bylaws (especially through the vesting process where the wastewater or water supply system will be provided by way of connection to a reticulated network) and Building Act requirements. Restating additional rule standards in the district plan is considered to be redundant and could create additional risks and/or costs if other external standards are changed and a plan change is required to maintain consistency. Additionally, the proposed restricted discretionary matters for consideration will enable assessment of the design of three waters systems to ensure this is considered.
90. For the Stormwater Rule (TWM-R3.1(a)) it is proposed to include a list of standards for the collection, treatment and disposal of stormwater. Compared to wastewater and water supply, there are limited controls for stormwater in Northland Regional Plans, Whangarei District Council Bylaws and Building Act requirements. Therefore, it is considered necessary to include additional rules to manage adverse effects. The rule standards have been developed through consultation with Council's Waste and Drainage Asset Engineers to ensure appropriateness. Due to the technical nature of the rules, a definition for "Annual Exceedance Probability" is proposed to be introduced (see **Appendix 1**) to provide additional clarity and certainty for rule interpretation.
91. The status quo option does not include specific standards within the rules, and instead references and requires compliance with the EES 2010. This has been assessed above as not being appropriate. Alternatives considered (Options 2 and 3) were to either remove the standards from the stormwater rule or include standards in the wastewater and water supply rules. As discussed above these options are not considered appropriate. Table 7 below demonstrates the appropriateness of proposed Rules TWM-R3.1(a), R4.1(a) and R5.1(a) (Option 4):

TABLE 7: S32 ASSESSMENT OF TECHNICAL STANDARDS WITHIN SUBDIVISION RULES	
Costs	Benefits
<p><u>Environmental</u></p> <p>No standards included within Rules TWM-R5.1(a) and R6.1(a) means other legislation will be relied on to manage adverse environmental effects relating to wastewater and water supply.</p> <p><u>Economic, Social and Cultural</u></p> <p>None identified.</p>	<p><u>Environmental</u></p> <p>Inclusion of standards in Rule TWM-R4.1(a) will manage adverse environmental effects relating to stormwater.</p> <p><u>Economic</u></p> <p>Reduced up-front consenting costs as detailed engineering design is not necessary to comply with wastewater and water supply rules.</p> <p><u>Social</u></p>

	Rules that are redundant with other legislation have been removed to simplify and streamline the district plan and avoid inconsistencies. <u>Cultural</u> None identified.
Efficiency	Effectiveness
Rules are clear and straightforward. The stormwater rules do contain technical aspects but this is a symptom of the topic and is necessary to ensure positive outcomes. Improves efficiency by removing redundancies with other legislation.	The proposed rules are considered effective in meeting the objectives of the proposed TWM Chapter by managing three waters at subdivision stage.
Economic Growth and Employment Opportunities	
The proposed rules are not considered to have significant impacts on economic growth and employment.	
Risk of acting and not acting if there is uncertain or insufficient information	
There is no known risk due to insufficient information.	

Information Requirements

92. The EES 2010 contains details of the information that needs to be provided with resource consent applications. By removing the EES 2010 as an incorporated reference document these information requirements are also removed from the district plan. Therefore, it is considered necessary to include information requirements within the TWM Chapter to provide guidance to applicants. The proposed information requirements have been developed through consultation with Council's Waste and Drainage Asset Engineers to ensure appropriateness. The option of providing no information requirements was considered as the information could be requested through the consent process; however, this is considered to be inefficient as it would likely result in additional information being requested under section 92 for most applications.

4.4.6 Landuse Rules

93. It is proposed to retain the status quo regarding wastewater and water supply as these are managed from a landuse perspective through Northland Regional Plans, Whangarei District Council Bylaws and Building Act requirements.
94. The WDP does not have any landuse rules relating to three waters management. There are building coverage and impervious area rules that help manage stormwater, but there are no specific rules managing stormwater if the coverage and impervious areas are complied with. This has resulted in perverse outcomes whereby new impervious surfaces that are not triggered through subdivision and comply with all other rules have adverse environmental effects. Therefore, the status quo is not considered appropriate.
95. Proposed Rule TWM-R2 requires any new impervious surface to comply with the technical standards for stormwater management stated in Rule TWM-R3.1(a). This rule ensures that new impervious surfaces that comply with the impervious area limits of the relevant zone, must still be designed to manage adverse effects. As discussed above, the standards have been developed through consultation with Council's Waste and Drainage Asset Engineers to ensure appropriateness.

4.4.7 Integrated Three Waters Assessments

96. Proposed Rule TWM-R6 requires discretionary consent for any subdivision resulting in 8 or more additional allotments. Proposed Rule TWM-R7 requires controlled consent for impervious areas between 1,000m² – 5,000m² and discretionary consent for impervious areas greater than 5,000m² in the Business Zones. These rules also require an 'Integrated Three Waters Assessment' to be provided as part of any application.
97. An Integrated Three Waters Assessment allows site and proposal specific assessment and identification of best practicable options for three waters management and integration with land use. The proposed approach helps ensure that water sensitive designs are considered for larger scale developments as this can provide benefits to the wider community and environment as well as to the developer and/or residents.
98. The WDP does not have any provisions that are similar to proposed Rules TWM-R6 – R7. It was considered to retain the status quo with no 'Integrated Three Waters Assessment' requirements. However, consultation with the Waste and Drainage Asset Engineers at Council and with local community members and hapu representatives identified the lack of provisions in the WDP as an issue.
99. Various thresholds were considered for the proposed provisions. With regard to TWM-R6, 8 allotments is considered an appropriate threshold as this is consistent with the Transport provisions whereby 8 allotments triggers the requirement for a public road and is representative with an urban form of development.
100. With regard to TWM-R7, the thresholds of 1,000m² and 5,000m² have been established through discussions with Council's Asset Engineers to ensure appropriateness. The thresholds have been tested against existing vacant sites within the Business Zones and have identified 36 sites that may trigger the controlled activity status and an additional 34 sites that may trigger the discretionary activity status. Table 8 below demonstrates the appropriateness of proposed Rules TWM-R6 – R7.

TABLE 8: S32 ASSESSMENT OF INTEGRATED THREE WATERS ASSESSMENT RULE	
Costs	Benefits
<p><u>Environmental Social and Cultural</u></p> <p>None identified.</p> <p><u>Economic</u></p> <p>Financial and time costs to developers to prepare and implement measures identified in integrated three waters assessments.</p> <p>Opportunities or flexibility for development may be reduced as a result of development having to meet water efficiency measures.</p>	<p><u>Environmental</u></p> <p>Provides certainty that larger proposals consider opportunities to reduce impacts on water resources by incorporating water sensitive designs.</p> <p>Provides certainty that larger proposals are considered against Catchment Management Plans which provides environmental benefits from reduced impact on water resources.</p> <p>Provides an opportunity to consider site or proposal specific solutions to three waters infrastructure and water efficiency.</p> <p><u>Economic</u></p> <p>Long term economic benefits for individuals (three water cost savings) and the community (three water cost savings and reduced pressure to increase capacity by upgrading existing or providing new three water infrastructure).</p> <p><u>Social and Cultural</u></p>

	None identified.
Efficiency	Effectiveness
The proposed rule is efficient in that it is clear and enforceable and its stated benefits outweigh the likely costs.	The rule is effective at ensuring that larger scale proposals are assessed in accordance with any Catchment Management Plan, and assessing how the proposal responds to or otherwise provides for three waters infrastructure and achieves water efficiencies. Larger proposals have more opportunities to provide a coordinated and comprehensive response to water efficiency and impacts on water resources.
Economic Growth and Employment Opportunities	
The proposed rules are not considered to have significant impacts on economic growth and employment.	
Risk of acting and not acting if there is uncertain or insufficient information	
There is no known risk due to insufficient information.	

4.4.8 Default to Permitted Activity Status

101. TWM-R1 proposes to default to permitted activity status where any activity is not listed in the chapter and the activity does not require consent under any other rule in the district plan. The default to a permitted activity, means that those activities which are not captured by the specific provisions are permitted and enabled within the TWM chapter. Alternatives considered were:

- **Option 1:** Proposed Plan Change: Include default to permitted activity in TWM-R1.
- **Option 2:** More restrictive activity status requiring resource consent (controlled, restricted discretionary, discretionary, non-complying).

102. Option 1 is considered to be the most appropriate option for the following reasons:

- Option 1 is the most efficient and effective option. The TWM objectives and policies seek to enable and provide for efficient and effective three waters management to support the economic and social wellbeing of the District, while managing adverse effects. By defaulting to a permitted activity status, Option 1 avoids imposing unnecessary restrictions and constraints on developers, utility operators and residents who can demonstrate compliance with the relevant standards and controls.
- Option 2 is not an efficient or effective option. Under the current structure of the TWM Chapter, having a more restrictive activity status requiring consent will present an unintended and unnecessary consenting barrier to three waters management within the District.
- Option 1 provides for a higher level of economic growth and employment opportunities by enabling the efficient and effective management of three waters.
- Given the reasons outlined above, Option 1 is considered to have the greatest benefits which outweigh the costs in comparison to Option 2.
- There is no known risk due to insufficient information.

5. Conclusion

103. Pursuant to s32 of the RMA, the proposed TWM objectives have been analysed against Part 2 of the RMA and the relevant provisions of higher order plans and policy documents. It is considered that the proposed objectives are the most appropriate way to achieve the purpose of the RMA.
104. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32 of the RMA. The proposed provisions are considered to represent the most appropriate means of achieving the proposed objectives and of addressing the underlying resource management issues relating to three waters management in the Whangarei District.

Appendix 1: Proposed Definitions

1. The following definitions are proposed through PC136. Definitions highlighted in yellow are listed in the draft National Planning Standards and may be subject to change depending on the gazetted version of the National Planning Standards.

Annual Exceedance Probability (AEP)

The probability of exceedance of an event (generally a rainfall storm) within a period of one year. (1% AEP is equivalent to 1 in 100 year storm). Guidance on calculating AEP can be found in the Whangarei District Council Engineering Standards.

Coastal Marine Area

has the same meaning as in section 2 of the RMA.

Drinking Water

means water intended to be used for human consumption; and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.

Green Infrastructure

means natural ecosystems and built products, technologies, and practices that primarily use natural elements, or engineered systems that mimic natural processes, to provide utility services. This includes built infrastructure, such as rain gardens, natural elements in modified environments, and natural waterbodies.

Greywater

means untreated liquid waste from sources such as household sinks, basins, baths, showers and similar appliances but does not include any sewage.

Infrastructure

has the same meaning as in section 2 of the RMA.

Reticulated Stormwater Area

Means any site within 200m of an existing public primary stormwater system.

Reticulated Wastewater Area

Means any site:

- c) Within the Medium Density Residential, High Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- d) Within the RVZ, SRIZ, or the RUEZ (except the Toetoe or Whau Valley areas of the RUEZ) and within 150m of an existing public reticulated wastewater network (excluding rising mains).

Reticulated Water Supply Area

Means any site:

- c) Within the Medium Density Residential, High Density Residential, Business, Marsden Primary Centre, Ruakaka Equine, Port, Airport or Hospital Zones; or
- d) Within 135m of an existing public reticulated water supply distribution main.

Sewage

means any water that contains any toilet or urinal waste, or any waste in water from industrial or commercial processes.

Stormwater

means water from natural precipitation (including any contaminants it contains) that flows over land or structures (including in a network), to a waterbody or the coastal marine area.

Swale

means an area of land that has been shaped to allow a watercourse to form during stormwater collection.

Wastewater

includes sewage, and greywater.

Water Sensitive Design

means an interdisciplinary approach to land use and development planning, design and implementation which integrates land use and water management, to minimise adverse effects on freshwater systems and coastal environments, particularly from stormwater runoff.

2. It is also proposed that the following existing definition in the Operative Whangarei District Plan is amended as shown below with underline and ~~strike through~~. The definition is **highlighted in yellow** as it is listed in the draft National Planning Standards and may be subject to change depending on the gazetted version of the National Planning Standards.

Water Body

means fresh water or geothermal water in a river, lake, stream, pond, ~~indigenous wetland, or aquifer,~~ or any part thereof that is not located within the coastal marine area. ~~Environmental Rules relating to building setbacks from water bodies are applicable only in relation to rivers, lakes and Mean High Water Springs.~~