



# Proposed Plan Change 78 (PC78)

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to the Auckland Unitary Plan (Operative in part)

Water and Wastewater Servicing Constraints

**SECTION 32 and section 77J and 77L new (other matter) qualifying matter  
EVALUATION REPORT**

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## Executive Summary

Watercare has identified that there are a total of 50,918 sites in Auckland<sup>1</sup> that are subject to limitations related to the provision of water and wastewater services that will not be able to be addressed in the next 10 years. Of these, there are 5,235 sites<sup>2</sup> in the central isthmus where there are currently capacity issues with the combined stormwater/ wastewater network during wet weather events. In these areas, there is no ability for individual sites to connect to an existing separated local stormwater pipe, that is part of the public stormwater network. In addition, there are 45,683 sites which will be subject, in the long term (10 plus years), to either a constrained water supply or constrained wastewater service or in some sites subject to both.

The inability to provide new dwellings with an adequate level of service from the water and wastewater reticulated networks while maintaining the same level of service for existing dwellings is a significant resource management issue and does not align with the Medium Density Residential Standards ("**MDRS**") Objective 1 (as set out in Schedule 3A of the Resource Management Act 1991 ("**Act**") and Objective 1 of the National Policy Statement for Urban Development ("**NPS-UD**"). Both objectives emphasise the importance of a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. The safe and efficient provision of water and wastewater services are a critical component of a well-functioning urban environment.

Most of the sites identified as being subject to water or wastewater constraints are currently zoned Single House zone in the AUP. The Auckland Regional Policy Statement directs low intensity development to urban areas that are subject to environmental constraints. This is one of the reasons for the single house zoning and its application to sites affected by long term water and wastewater constraints. All of the sites identified are currently situated in zones where resource consent is required for new dwellings and the ability for infrastructure to service the development and the management of any associated effects is able to be assessed during the consenting process. Through the application of either the MDRS, or Policy 3 of the NPS-UD, greater density development will be enabled on these sites. This is challenging in the context of the water and wastewater infrastructure capacity issues that have been identified.

It has been determined that the most effective and efficient method for managing the potential adverse effects of further residential development of these sites is for the specific sites (subject to water and wastewater servicing constraints) to be identified in the AUP through a mapping layer, and for corresponding rules to be included in the AUP that require a restricted discretionary activity consent for a proposal that will result in more than one dwelling on the site. The combination of these methods is expected to manage potential adverse effects from further intensification of the identified sites.

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<sup>1</sup> This figure excludes sites affected by the Light Rail Corridor

<sup>2</sup> ditto

Inclusion of these provisions in the AUP will ensure that future purchasers are aware of the water and wastewater servicing constraints of the site, and of the restrictions on residential intensification of the site. The proposed provisions will require information about the ability to manage the water or wastewater impacts of the proposed development on the wider network and environment to be submitted with any application for two or more dwellings on an identified site. The provisions will also provide council with the ability to decline resource consent for additional dwellings in cases where the effects on the water and wastewater network are not able to be appropriately managed.

The inclusion of the Water and Wastewater Servicing Constraints qualifying matter in the AUP is the most appropriate way to achieve the purpose of the Act, which is to promote the sustainable management of natural and physical resources. This is because:

- The qualifying matter seeks to ensure that additional dwellings are not constructed on sites where there is no ability to connect to the public water or wastewater reticulated services or where there is an inadequate level of service.
- If people do not have access to safe and reliable drinking water supplies and wastewater services, they may not be able to meet their sanitation needs and this could increase public health risks.
- If water supply flows, volumes and pressures are not adequate in watermains it can lead to non-compliance with the flow rate that is available for firefighting.
- Impacts on the level of service received by others in the community will not be detrimentally affected.
- Wastewater overflows to freshwater and coastal waters and onto private and public property are less likely.

If the AUP gave effect to Policy 3 of the NPS-UD and inserted the MDRS at the sites identified as being subject to water and wastewater servicing constraints this would likely result in significant adverse effects on the environment.

## Introduction

This report is prepared as part of the evaluation required by section 32 and sections 77J and 77I of the Act for proposed Plan Change 78 (**PPC78**) to the Auckland Unitary Plan (Operative in Part) (**AUP**).

The background to and objectives of PPC78 are discussed in the overview report, as is the purpose and requirements for what must be included in this section 32 (as amended by sections 77J and 77L) evaluation. In particular:

- Section 77J sets out additional evaluation requirements for PPC78 provisions which incorporate the medium density residential standards and give effect to the NPS-UD in residential zones.
- Section 77L sets out additional evaluation requirements for PPC78 for a qualifying matter under section 77I(i).

This report discusses the implications of Water and Wastewater Servicing Constraints being a qualifying matter in applying the MDRS as specified in Schedule 3A of the Act and policy 3 of the NPS-UD to relevant residential zones. This report also evaluates the provisions which have been included in PPC78 relating to Water and Wastewater Servicing Constraints.

In summary Water and Wastewater Servicing Constraints is a necessary qualifying matter to be included in PPC78 to justify limiting further residential intensification than anticipated by the MDRS and Policy 3 NPS-UD for some sites in Auckland. Restrictions on intensification need to be in place on sites with identified servicing constraints until the appropriate measures are in place to justify the removal of the constraint. This is because there are sites within Auckland which are affected by either a constrained water supply or wastewater service or combined wastewater and stormwater networks because of historical or environmental factors. As directed by the Auckland Regional Policy Statement 2016 (“**ARPS**”) policies and outlined in council evidence at the hearings to the Proposed AUP<sup>3</sup> these sites were generally zoned residential Single House zone under the Proposed AUP to reflect the presence of this constraint. Where the Terraced House and Apartment zone was applied in an area subject to such a constraint, the Proposed AUP provided for a resource consent to be required to enable the presence of the constraint to be assessed to ensure that resource consents are not approved for proposed developments that cannot be serviced without generating significant environmental or health and safety effects.

The delivery of programmes and projects to reduce the presence and extent of water and wastewater servicing constraints in Auckland is currently prioritised and aligned to Council’s growth expectations as outlined in the Auckland Plan 2050 and the AUP. This is as expected under Watercare’s statutory obligations to provide safe and efficient water and wastewater services, and is necessary to achieve improved environmental, sustainability and level of service outcomes.

Infrastructure provision however has relatively long lead times, so projects to improve and increase the capacity of water and wastewater reticulated services which are started now,

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<sup>3</sup> Statement Of Evidence Of Nicholas Jon Roberts On Behalf Of Auckland Council Planning – Residential Zones 9 September 2015, para 20.64

will likely not be completed for around five or more years. Similarly, infrastructure improvements which are needed to enable further intensification of some sites may take longer to designate, consent and subsequently implement than others. It is therefore expected that many of the water and wastewater constraints on individual sites may not be addressed and resolved in the short-term.

It is important to recognise that housing does not occur in a vacuum – it needs to be connected and serviced. Therefore, enabling further residential development as anticipated through the MDRS as a permitted activity on individual sites where a lower intensity of development is anticipated through the current zoning in the AUP will create significant issues from a water and wastewater reticulated services perspective and may result in perverse outcomes that are inconsistent with overall the purpose of the Act. Similarly, enabling development which facilitates more occupants on a site identified with water or wastewater servicing constraints (as required by policy 3 of the NPS-UD) may also cause the water and wastewater systems to be overloaded, resulting in adverse effects on the wider community and the environment.

Currently, and in accordance with the provisions of the AUP, the ability to connect a new dwelling or high occupant activity to a water or wastewater network is considered at the time of a resource consent being submitted. As a result of this assessment, connection to a water or wastewater network may be declined if there is no network to connect to, or the network is constrained. This can result in the resource consent application itself being declined unless other measures are proposed by the applicant. This framework recognises the importance of adequate water and wastewater services to the health and well-being of people and communities in Auckland. Ultimately this assessment is already occurring under the AUP, and what is proposed in PPC78 addresses the issue of water and wastewater constraints up front rather than at a later part of the process when significant cost may have been expended. This is considered to be the most efficient and effective means of preventing or minimising the potential adverse effects on the environment which will result if water and wastewater systems are constrained.

For the purposes of this report, it is noted that Water and Wastewater Servicing Constraints is not an existing qualifying matter that is operative in the AUP when PPC78 is notified (section 77K). Rather, it is proposed that Water and Wastewater Servicing Constraints is a new qualifying matter under section 77I(j), being any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate on a site. The Council may make the MDRS and the relevant building height or density requirements under policy 3 less enabling in relation to a site within a relevant residential zone only to the extent necessary to accommodate one or more of the qualifying matters listed in 77I.

## **Integrated evaluation for new qualifying matters**

For the purposes of PPC78, a section 32 evaluation of Water and Wastewater Servicing Constraints as a new qualifying matter, has been undertaken in an integrated way that combines sections 32 and 77J / 77L requirements as set out in Table 1. The report follows the evaluation approach described in the table below.

Preparation of this report has involved the following:

- Analysis of Watercare Region-wide Servicing Strategy, February 2020
- Analysis of Waiuku Servicing Strategy, February 2020
- Auckland-wide Network Discharge Consent 2020-2021 Annual Report
- Watercare Asset Management Plan 2021-2041
- Watercare Hydraulic Water and Wastewater Network Models

The scale and significance of the issues is assessed to be large.

As required through the RMA this s32 report will continue to be refined in response to any consultation feedback provided to the council, and in response to any new information received.

Table 1 Integrated approach

Standard sec 32 steps	Plus sec 77J / 77L steps for new qualifying matters
<p>Issue</p> <p>Define the problem- provide overview/summary providing an analysis of the qualifying matter</p>	<p>Sec 77J and 77L</p> <p>Describe the qualifying matter.</p> <p>Identify by location (for example, by mapping) where the new qualifying matter applies.</p> <p>Identify the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area</p>
<p>Identify and discuss objectives / outcomes</p>	<p>Sec 77J and 77L</p> <p>Identify relevant RPS objectives and policies. Describe why the Council considers that 1 or more existing qualifying matters apply to the identified areas and why the qualifying matter is necessary.</p> <p>Justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD</p>
<p>Identify and screen response options</p>	<p>Sec 77J and 77L</p> <p>Consider a range of alternative density standards or methods for these areas having considered the particular MDRS standards and/or Policy 3 intensification requirements.</p> <p>Site by site analysis that evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter</p>

Standard sec 32 steps	Plus sec 77J / 77L steps for new qualifying matters
Collect information on the selected option(s)	<p>Sec 77J and 77L</p> <p>Assess the impact that limiting development capacity, building heights or density as relevant will have on the provision of development capacity.</p> <p>Site by site analysis that evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics</p>
Evaluate options – costs for housing capacity	<p>Sec 77J and 77L</p> <p>Assess the costs and broader impacts of imposing the limits on development capacity.</p>
Evaluate option(s) - environmental, social, economic, cultural benefits and costs	<p>Sec 77J and 77L</p> <p>Provide an assessment of the benefits and costs of the options in the light of the new objectives introduced by the NPS-UD and MDRS relating to well-functioning urban environments.</p>
Selected method / approach	<p>Sec 77J and 77L</p> <p>Describe how the preferred approach to implementing the qualifying manner is limited to only those modifications necessary to accommodate the qualifying matter; and how the qualifying matter is applied.</p>
Overall judgement as to the better option (taking into account risks of acting or not acting)	<p>Conclusion as to the implications of the qualifying matter for development capacity to be enabled by NPS-UD/MDRS in the areas where the qualifying matter applies.</p>

## Issues

### Water and wastewater servicing constraints as a qualifying matter (s77I(j))

The qualifying matter relied on to enable water and wastewater servicing constraints to be accommodated in the Auckland Council's intensification planning instrument is section 77I(j) of the RMA. This provides that "any other matter that makes higher density, as provided for



by the MDRS or policy 3 inappropriate in an area" is a qualifying matter provided that section 77L is satisfied. This evaluation report will demonstrate how section 77L have been satisfied.

The key reason for including Water and Wastewater Servicing Constraints as a qualifying matter for PPC78 is that 50,918 sites within urban Auckland are currently affected by water and /or wastewater servicing constraints. This includes sites where existing infrastructure is already constrained because of historical or environmental factors and therefore cannot accommodate the increased number of dwellings that are enabled on some sites as a result of the Resource Management (Enabling Housing Supply and Other Matters) Amendments Act 2021. It also includes sites where if intensification occurs as envisaged by the MDRS and policy 3, this could result in significant risks in terms of effects on the environment and on the public health and wellbeing of people and communities. These risks are explained in more detail in the following section.

### **Sites identified as subject to water and wastewater servicing constraints**

The Water and Wastewater Servicing Constraints qualifying matter will apply to sites in areas where the following significant servicing constraints apply:

- there is no provision for reticulated potable water supply to the sites.
- the current level of provision of reticulated potable water supply is at full capacity in terms of servicing existing dwellings and increasing density to individual sites above that originally planned will reduce levels of service to the wider community especially at peak times.
- there is no additional capacity available at a wastewater treatment plant– e.g., the plant cannot physically process additional wastewater and / or the volume of wastewater able to be discharged under the plant's resource consent is at the limit set by consent conditions that is related to the number of occupiers of sites served by the treatment plant.
- the bulk wastewater network is at or over capacity and connecting new dwellings will increase the risk of adverse effects in terms of overflows at peak times.
- a new water source and water treatment plant is required to provide for the new dwellings and occupiers of those dwellings.
- there are capacity issues with the combined stormwater/ wastewater network during wet weather and separation of stormwater from the wastewater network in by connecting to an existing separated local stormwater pipe that is part of the public stormwater network is not able to be delivered for 5,235 individual sites (excluding sites within the light rail corridor).

There are approximately 5,235 sites in central Auckland suburbs that are connected to the combined stormwater/ wastewater network that is constrained. There are a further approximately 45,683 sites that are directly affected by either a water supply or wastewater network constraint or both. The sites subject to these constraints are located in:

- Hibiscus Coast
- Upper East Coast Bays
- Beach Haven
- Lower North Shore

- Henderson-Massey
- Howick Pakuranga
- Beachlands
- Waiuku

The sites in these constrained areas are identified on the maps in Attachment Two. Details of the specific constraints applying and the timing for delivery of projects that will enable the constraint to be removed from individual sites are also set out in the attachment.

### **How PPC78 proposes to accommodate water and wastewater servicing constraints as a qualifying matter**

The Water and Wastewater Servicing Constraints qualifying matter relating to dwellings will apply to certain sites in the following residential zones in the circumstances described below:

- 1) To sites in the former Single House Zone (proposed to be renamed Low Density Zone) where a site is identified on the planning maps as being subject to either the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control.
- 2) To sites up zoned from the former Single House to the amended Mixed Housing Urban zone where a site is identified on the planning maps as being subject to either the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control.
- 3) To sites currently zoned Terrace Housing and Apartment Buildings Zone and sites up zoned from the former Single House to the amended Terrace Housing and Apartment Buildings Zone where a site is identified on the planning maps as being subject to the either the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control.

The Water and Wastewater Servicing Constraints qualifying matter relating to subdivision for dwellings on certain sites in the following residential zones in the circumstances described below:

- 1) To any residential zoned sites up zoned from the former Single House to the amended Mixed Urban or amended Terrace Housing and Apartment Buildings Zone where a site is identified on the planning maps as being subject to the either the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control.
- 2) To sites currently zoned Terrace Housing and Apartment Buildings Zone and sites up zoned from the former Single House to the amended Terrace Housing and Apartment Buildings Zone where a site is identified on the planning maps as being subject to the either the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control.

The qualifying matter related provisions have been designed to retain as a starting point the current AUP as at May 2022 density provisions relating to the number of dwellings permitted on a site as of right. It also looks to retain where possible the current subdivision provisions for residential zones applied to those sites.

Where either the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control is in place, any proposal for more

than one new dwelling on an identified site will require a resource consent and the application will be classified as a restricted discretionary activity. The criteria to be considered when assessing an application are:

- 1) Whether there is adequate capacity in the existing public reticulated water supply and / or wastewater network to service the additional dwellings.
- 2) Whether sufficient water supply and access to water supplies for firefighting purposes is available.
- 3) Whether there is the ability connect the dwelling(s) to a reticulated water supply and / or wastewater network in the future.

Subdivision for a MDRS development requires resource consent under Clause 3 of Schedule 3A of the RMA as a controlled activity. On sites that are identified on the planning maps as being subject to either the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control it is proposed that resource consent as a restricted discretionary activity is required. The criteria to be considered when assessing an application are:

- 1) Whether there is adequate capacity in the existing public reticulated water supply and / or wastewater network to service the additional dwellings.
- 2) Whether sufficient water supply and access to water supplies for firefighting purposes is available.
- 3) Whether there is the ability connect the dwelling(s) to a reticulated water supply and / or wastewater network in the future.
- 4) If the site is subject to the Infrastructure – Combined Wastewater Network Control, whether separation is in progress and whether the new sites can connect to a separated local stormwater pipe that is part of the public stormwater network.

### **Consequences of not including provisions to manage water and wastewater servicing constraints**

If the above mentioned provisions relating to controlling development in areas where water and wastewater servicing constraints are present are not included in the AUP, and are not considered a qualifying matter pursuant to section 77I(j), the application of the MDRS means that identified sites could be developed with three dwellings as a 'permitted' activity. This could lead to significant health and safety and environmental effects, in particular:

- Increases in overflows of untreated wastewater from the wastewater network and the combined stormwater/ wastewater network to freshwater and coastal water, and onto private and public property, during wet and dry weather.
- Inability to meet overflow targets as prescribed in Watercare's wastewater network discharge consent.
- Reduction in the level of service currently provided by the reticulated water supply to the wider community it serves including introduction of restrictions, pressure reductions, inability to guarantee continuity of supply and issues providing sufficient water for firefighting purposes.

- Individual site owners/developers will not know until they apply for a new water and/or wastewater connection that the site is constrained and automatic connection to the wastewater network or water supply network is not possible.

## **Removal of water and wastewater servicing constraints in the future**

Removal of the constraint from all the identified sites is not expected to occur within the lifetime of the current AUP. The planning and consenting processes for water and wastewater projects can take a number of years and the time taken to obtain the necessary approvals depends on the complexity of the project and whether or not the approvals once granted are appealed. Once approved there will be a construction period and then commissioning of infrastructure. As such, the qualifying matter is appropriate given many projects needed to address constraints in areas of Auckland may not be completed within 10 years.

The 50,918 identified sites are spread across Auckland from the Hibiscus Coast to Waiuku and from Henderson to Beachlands. Some of the sites are subject to multiple constraints. Attachment Two outlines for the identified sites what projects are required to address the constraint and when the project is expected to be delivered. It is recognised that in some of these locations a significantly large private development proposal could fund the required work and the constraint may be removed ahead of the timeframe set out in Attachment Two.

The timeframes set out in Attachment Two have been determined from the Watercare Asset Management Plan (AMP) programme, and because of the cost/complications it is difficult to move in the programme.

## **Objectives and Policies**

Housing does not occur in a vacuum – it needs to be connected to and serviced by infrastructure. This is critical to ensure well-functioning urban environments.

There have been strong policy directives in place to promote more intensive urban development in Auckland for some time. The National Policy Statement on Urban Development Capacity 2016 also set out the objectives and policies for providing development capacity under the RMA. While there is a policy framework which is incredibly enabling, this must be carried out in a way that enables people and communities to provide for the health and safety as directed by s5 of the RMA. The relevant policies for the purposes of the section 32 analysis are:

- MDRS Objective 1 and Policy 4 (as set out in Schedule 3A) of the RMA
- the NPS-UD Objective 1 and 6.
- ARPS Objective B2.2.1.(1) and Policies B2.4.2.(4) and (6)

## **Objectives**

*Objective 1 of the NPS-UD / Objective 1 of the MDRS*

Both objectives support a well-functioning urban environment that enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and in the future.

The inability to provide new dwellings with an adequate level of service from the water and wastewater reticulated networks while maintaining the same level of service for existing dwellings is a significant resource management issue and does not align with the MDRS Objective 1 (as set out in Schedule 3A) of the Act and the NPSUD Objective 1.

Without an adequate wastewater and water supply service in place to serve new residents and existing residents and ensure that all residents (existing and new) have the same level of service at all times, an urban environment cannot be considered to be well functioning, and people and communities will not be enabled to provide for their social, economic, and cultural wellbeing, and in particular for their health and safety in an equitable manner.

#### *Objective 6 NPS-UD*

Objective 6 of the NPS-UD requires local authority decisions on urban development that affect urban environments to be integrated with infrastructure planning and funding decisions.

For a number of the sites identified as having water and/or wastewater servicing constraints, the upgrades and funding of that infrastructure in the short or medium term has been aligned to Council's current growth expectations in terms of scale and location, which did not anticipate the level of increased potential growth and intensification in certain areas. It would not be appropriate to make decisions to increase the number of dwellings that as of right can be constructed on a site or to increase the number of sites created as a controlled activity without the residents of the new dwellings having access to adequate wastewater and water supply services. It would also be inappropriate to reduce the level of service that the rest of the community has in relation to wastewater and water supply services. This would be inconsistent with Objective 6 of the NPS-UD and would have perverse environmental outcomes which are inconsistent with the overall purpose of the Act.

#### *Objective B2.2.1.(1) ARPS*

The objective A quality compact urban form that enables all of the following: (a) a higher-quality urban environment; (b) greater productivity and economic growth; (c) better use of existing infrastructure and efficient provision of new infrastructure; (d) improved and more effective public transport; (e) greater social and cultural vitality; (f) better maintenance of rural character and rural productivity; and (g) reduced adverse environmental effects.

## **Policies**

#### *Policy 4 of the MDRS*

Without access to adequate wastewater and water supply services housing cannot be designed to meet the day-to-day needs of residents (MDRS Policy 4).

#### *Policies B2.4.2.(4) and (6) of the ARPS*

The ARPS has a strong focus on the integration of development with the provision of appropriate infrastructure and the efficient provision of infrastructure. For example, ARPS (Policy B2.4.2.(4)) recognises that lower residential intensity is appropriate in areas that are

subject to high environmental constraints and B2.4.2.(6) which also relates to residential intensification requires council to ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification.

The MDRS and NPS-UD will enable residential intensification in areas with existing water and wastewater servicing constraints that will not be removed in the expected life of the current AUP which under s79 of the RMA requires provisions to be reviewed every 10 years. This will not be consistent with direction set by the ARPS and in particular Policy B2.4.2.(6).

The Water and Wastewater Servicing Constraints qualifying matter is designed to ensure intensification does not occur on sites that currently have servicing constraints until an adequate level of service can be provided. The qualifying matter will ensure:

- a well-functioning urban environment is maintained in areas with identified water and / or wastewater servicing constraints
- people and communities in these areas can continue to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future
- intensification is integrated with infrastructure planning and funding decisions
- intensification is adequately serviced by water and wastewater infrastructure

The Water and Wastewater Servicing Constraints qualifying matter will not unnecessarily constrain intensification in urban Auckland as it is applied to 50,918 sites (a small number when compared to the Auckland region as a whole). Neither will it frustrate the outcomes to be achieved by the MDRS and the NPS-UD because:

- it only applies to 5,028 hectares or 6.95% of the total Auckland Region Watercare serviced area which is 72,377 ha.<sup>4</sup>
- the constraint will be uplifted once upgrades to infrastructure have been completed, or new infrastructure is provided to service the identified sites, new water sources and wastewater discharges are consented and new or upgraded water and wastewater treatment plants have been consented and commissioned
- there is the ability to grant resource consent applications for constrained sites as long as the applicant can demonstrate that the dwellings can be provided with connection to safe reliable water supply and wastewater services.

## Development of Options

### Dwellings

Under s77L, a site specific analysis is required that evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or as provided for by policy 3, while managing the specific characteristics.

The sites subject to specific pipe sections of the connected networks that are subject to constraint have been identified and all sites which are connected to the same network,

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<sup>4</sup> Excluding the Light Rail Corridor

serviced by that individual pipe section of the network are therefore constrained. As noted above there are 50,918 sites affected.

The three options that have been evaluated are:

- Status quo – densities provided for in the current AUP residential zones
- MDRS – densities provided for under the MDRS and NPS-UD Policy 3
- Water and Wastewater Servicing Constraints Qualifying Matter (QM)– provisions to be included in the residential zones under the Water and Wastewater Servicing Constraints qualifying matter

Table 2 below provides a comparison of the activity status for dwellings as proposed by the Water and Wastewater Servicing Constraints qualifying matter with the current AUP activity status and that proposed under the MDRS.

*Table 2 Comparison of the activity status for dwellings*

<b>Zone- Current AUP</b>	<b>Activity Status – Current AUP</b>	<b>Activity Status – MDRS and NPS-UD Policy 3</b>	<b>Activity Status – Water and Wastewater Servicing Constraints QM</b>
Single House	Permitted – one dwelling per site	Permitted – up to three dwellings per site	Sites proposed to be in the Low Density zone  Permitted – one dwelling per site  Restricted Discretionary – more than one dwelling per site
Mixed Housing Suburban	Permitted – up to three dwellings per site	Permitted – up to three dwellings per site	Where a site has been up zoned from the former Single House to the amended Mixed Housing Urban  Permitted – one dwelling per site  Restricted Discretionary – more than one dwelling per site
Mixed Housing Urban	Permitted – up to three dwellings per site	Permitted – up to three dwellings per site	Where a site has been up zoned from the former Single House to the

Zone- Current AUP	Activity Status – Current AUP	Activity Status – MDRS and NPS-UD Policy 3	Activity Status – Water and Wastewater Servicing Constraints QM
			amended Mixed Housing Urban Permitted – one dwelling per site Restricted Discretionary – more than one dwelling per site
Terrace Housing and Apartment Buildings Zone (THAB)	Restricted Discretionary - dwellings	Permitted – up to three dwellings per site	Sites currently zoned THAB and where a site has been up zoned from the former Single House to the amended THAB Permitted – one dwelling per site Restricted Discretionary – more than one dwelling per site

Alternative density standards or methods that were considered when developing the Water and Wastewater Servicing Constraints qualifying matter are as follows:

- A bedroom limit on dwellings on sites identified on the planning maps as being subject to the either the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control
- Occupancy limits on dwellings on sites identified on the planning maps as being subject to the either the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control
- Requiring water and wastewater capacity assessments to be undertaken by suitably qualified persons for all dwellings classified as permitted activities under the MDRS

The reasons why these alternative density standards or methods were not adopted are set out in Table 3 below.



Table 3 Alternative density standards or methods

Alternative density standard or method	Reasons for not adopting
Bedroom limit on dwellings	<p>Unreasonably constrains homeowners / developers</p> <p>Would not be in alignment with MDRS Objective 2</p> <p>May not achieve the intended outcome of not placing additional pressure / demand on a constrained water and wastewater network as there will be no ability to manage the number of people occupying a bedroom and it is not possible to control spaces in dwellings so rooms or non-habitable spaces may be converted to bedrooms.</p> <p>The ability to effectively monitor this would be burdensome particularly if no consent is required for a dwelling.</p>
Occupancy limits on dwellings	<p>Unreasonably constrains residents</p> <p>No ability to monitor and enforce occupancy limits</p> <p>May not achieve the intended outcome of not placing additional pressure / demand on a constrained water and wastewater network as there will be no ability to monitor and enforce occupancy limits</p>
Capacity assessments	<p>Jurisdictional issues regarding changing the status of a permitted activity to a status requiring a resource consent if the capacity assessment determined the water or wastewater network could not accommodate the dwelling(s)</p> <p>Lack of a sufficient number of suitably qualified persons to undertake the assessments.</p>

## Subdivision

The three options that have been evaluated are:

- Status quo – standards and activity status currently provided for in the AUP for subdivision in residential zones
- MDRS – the activity status and requirements provided for under Schedule 3A clauses 3 and 8
- Water and Wastewater Servicing Constraints qualifying matter – provisions included in E38 Subdivision under the Water and Wastewater Servicing Constraints qualifying matter

Table 4 below provides a comparison of the activity status for subdivision for MDRS as proposed by the Water and Wastewater Servicing Constraints qualifying matter with the current AUP activity status and that proposed under clauses 3 and 8.

Table 4 Comparison of the activity status for subdivision

Zone – Current AUP	Activity Status – Current AUP	Activity Status – MDRS clauses 3 and 8	Activity Status – Water and Wastewater Servicing Constraints QM
Subdivision of vacant sites in all residential zones	Restricted Discretionary Activity with standards related to shape factors, access and net site area and location specific standards	Not enabled except under clause 8(b)	Where a site is located in an area identified on the planning maps as being subject to the either the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control:  Restricted Discretionary Activity consent is required with assessment against specific criteria related to infrastructure capacity
Subdivision around existing buildings or approved landuse	Restricted Discretionary Activity with standards related to shape factors, access and net site area and location specific standards	Controlled activity subject to - clause 8 (a) the subdivision not increasing the degree of any non-compliance with the density standards in the district plan (once incorporated as required by section 77G) or land use consent has been granted; and no vacant allotments are created  Clause 8(b) any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be	Where a site is identified on the planning maps as being subject to the either the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control:  Restricted Discretionary Activity consent is required with assessment against specific criteria related to infrastructure capacity

Zone – Current AUP	Activity Status – Current AUP	Activity Status – MDRS clauses 3 and 8	Activity Status – Water and Wastewater Servicing Constraints QM
		<p>determined concurrently if the applicant for the resource consent can demonstrate that—</p> <p>it is practicable to construct on every allotment within the proposed subdivision, as a permitted activity, a residential unit; and each residential unit complies with the density standards in the district plan (once incorporated as required by section 77G); and no vacant allotments are created.</p>	

Alternative methods that were considered when developing the Water and Wastewater Servicing Constraints qualifying matter as it relates to subdivision are as follows:

- Require water and wastewater assessments to be undertaken by suitably qualified persons for all subdivision of dwellings under the MDRS and amend the activity status to restricted discretionary activity from controlled activity
- Make no change and rely on the AUP and Clause 3 and 8 of Schedule 3A
- Rely on bylaw or a connections policy to manage the impact or other local government methods

The reasons why these alternative methods were not adopted are set out in Table 5 below.

*Table 5 Comparison of alternatives to subdivision consent*

Alternatives to subdivision consent	Reasons for not adopting
Require water and wastewater assessments to be undertaken by suitably qualified persons for all subdivision of dwellings under the MDRS and amend the activity status to restricted discretionary activity from controlled activity	Jurisdictional issues regarding changing the status of a controlled activity to a status requiring a resource consent that could be declined.
Make no change and rely on the AUP and Clause 3 and 8 of Schedule 3A	Placing additional pressure on a constrained water and wastewater network

Alternatives to subdivision consent	Reasons for not adopting
	as there will be no ability to manage the number of sites with new dwellings or the number of dwellings on sites identified as being constrained.
Rely on bylaw or a connections policy or other local government methods for new site connections	<p>Other methods such as changes to the code of practice, or review the current building consent process with Council, or amend or introduce bylaws or new developer pricing signals to deal with some of the servicing issues were considered.</p> <p>These methods have limitations as they bite at the connection stage (ie the dwellings might already be built), and there is a risk that people develop and then get a surprise when there is no capacity in the water / wastewater network. This would be a perverse outcome that would lead to bad planning outcomes.</p> <p>Integrating infrastructure constraints maps into the AUP was considered to be a more appropriate method to deal with medium to long term constraints in the network. As network improvements are made in accordance with asset management plans, the constraints areas will reduce and the AUP updated. This method allows Council to signal to the development community that certain areas are constrained and provides for early conversations with developers via the resource consent process, rather than at the point at which the developer applies for a new connection.</p>

### Consequences for development potential

There are 5,235 sites<sup>5</sup> subject to the Combined Wastewater Network Control and 45,683 sites subject to Water and Wastewater Constraints Control.

Table 6 below provides a breakdown of the impact in terms of the area of land zoned:

<sup>5</sup> Excluding those in the Light Rail Corridor

Table 6 Area of AUP zoned land subject to Qualifying Matter

	Single House zone (ha)	Terraced Housing and Apartment zone (ha)
Water and Wastewater Constraints Control	3,870	694
Combined Wastewater Network Control	270	194
Total land affected by controls	4,170	888
Total land in the zone	8,512	2,502

The Water and Wastewater Servicing Constraints qualifying matter in the form of the Combined Wastewater Network Control and Water and Wastewater Constraints Control has not been applied to sites already enabled for 3 dwellings per site under the AUP.

The major impact will be in the Single House Zone. In areas where there are large concentrations of Single House Zone sites intensification even to this small degree, could result in significant localised impacts in both the local and transmission, water and wastewater networks, particularly where there are existing issues. Growth beyond one dwelling per site in the Single House Zone has not been planned for in Watercare’s asset management planning. Intensification to up to three dwellings per site in these areas will likely require increased capacity in the local network. Reaching individual agreements with small, three dwelling developers on a Single House Zone site, to contribute funding to the upgrade of the local network, at the time they apply for the three new connections to the Watercare network, is unlikely to be successful. There will also be impacts, though less so, in the Terrace Housing and Apartment Buildings Zone, where all dwellings currently require a resource consent and an assessment of the capacity of the local water and wastewater network. In the Terrace Housing and Apartment Buildings Zone, the MDRS will allow lower density development as a permitted activity with no assessment of the local network capacity. Watercare will only be aware of this new development once the developer has built the new housing and applies for the new connections.

## Regulatory evaluation

This section provides an evaluation of the Water and Wastewater Servicing Constraints qualifying matter in terms of relevant legislation and national planning instruments. The objective and policies section above include an evaluation of the qualifying matters against the relevant objectives and policies of the NPS-UD and the MDRS.

### Section 32(1)(a)

The inclusion of the Water and Wastewater Servicing Constraints qualifying matter in the AUP is the most appropriate way to achieve the purpose of the Act when compared with the AUP giving effect to Policy 3 of the NPS-UD and the insertion of the MDRS in the AUP. This is because:

- The qualifying matter seeks to ensure that additional dwellings are not constructed on sites where there is no ability to provide water or wastewater services or where there is an inadequate level of service. This is because of effects on both the occupants of the new dwellings and existing residents.
- If people do not have access to safe and reliable drinking water supplies and wastewater services, they may not be able to meet their sanitation needs and this could increase public health risks.
- If water supply flows, volumes and pressures are not adequate in watermains it can lead to non-compliance with the flow rate that is available for firefighting from hydrants under SNZ PAS 4509:2008 NZ Fire Service Firefighting Supplies Code of Practice and therefore not meeting the requirements of the Local Government Act 1974 in relation to providing keeping pipes charged for fire-fighting and a state of emergency declared under the Civil Defence Emergency Management Act 2002 (s368 of the Local Government Act 1974).
- Constructing dwellings on sites that are unable to connect to water or wastewater services or that are connected to inadequate services, that in turn impacts on the level of service received by others in the community, will not enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety and is not consistent with the sustainable management of resources.
- Increasing housing density on sites with servicing constraints could result in an increase of wastewater overflows to freshwater and coastal waters which would not contribute to safeguarding the life-supporting capacity of air, water, and ecosystems.
- Increasing housing density on sites with servicing constraints could result in an increase of wastewater overflows onto private and public property that would not enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety

### **National Policy Statement for Freshwater Management 2020**

If the Water and Wastewater Servicing Constraints qualifying matter is not accommodated in the PPC78 and intensification as provided for by the MDRS and policy 3 NPS-UD occurs on constrained sites without assessment, the consequential environmental effects have the potential to be inconsistent with the outcomes sought by the National Policy Statement for Freshwater Management (**NPSFM**). As set out above, the cumulative effect of increasing housing density on sites with servicing constraints could result in an increase of wastewater overflows to freshwater. This would be inconsistent with the fundamental concept of Te Mana o te Wai (recognising that Te Māna o te Wai and the application of the attribute states are intended to be developed on a region and catchment specific basis through the freshwater planning process). This would also be inconsistent with the sole objective of the NPSFM which puts the health and well-being of water bodies and freshwater ecosystems first, ahead of the health needs of people (such as drinking water) and thirdly the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future:

*The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*

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

### **New Zealand Coastal Policy Statement 2010**

Alignment with the key relevant objectives and policies of the New Zealand Coastal Policy Statement (**NZCPS**) for example Objective 1 relating to maintaining coastal water quality, and enhancing it where it has deteriorated because of discharges associated with human activity and the other objectives related to natural character, Mana Whenua values and the discharge of contaminants could be compromised in circumstances where residential development leads to overflows of wastewater in the network. In particular, enabling development as provided for by the MDRS and policy 3 NPS-UD on sites subject to wastewater servicing constraints, has the potential to increase the number of wastewater overflows to the coastal environment. This would have significant adverse environmental effects on the coastal environment.

### **Hauraki Gulf Marine Park Act 2000**

Alignment with the objectives for the management of the Hauraki Gulf and catchments could also be compromised if there is further residential development on sites with wastewater servicing constraints as this has the potential to increase the number and volume of wastewater overflows to the coastal environment of the Hauraki Gulf. The objectives relate to protection and, where appropriate, the enhancement of life-supporting capacity, natural, historic, and physical resources including kaimoana and those which contribute to the recreation and enjoyment of the Hauraki Gulf. Again, this would have significant adverse environmental effects on the coastal environment.

## Evaluation of options

The evaluation of options is presented in Table 7 below.

Table 7 Evaluation of options

Qualifying matter	Status Quo (not impose the QM but retain AUP densities)	MDRS and NPSUD Policy 3	Water and Wastewater Servicing Constraints QM
<b>Costs</b>			
<b>Costs: Housing supply / capacity</b>	<ul style="list-style-type: none"> <li>Many of the 50,918 sites identified with constraints are unlikely to be further developed as they are in the Single House Zone currently and there is already one dwelling on the site. This is unless the relevant site is of sufficient size to be subdivided or unless enough land is aggregated to enable subdivision. Through the subdivision process applicants will need to show that there is no constraint in terms of connecting the dwellings on the new sites to existing water and /or wastewater networks or meeting requirements on-site.</li> <li>Other sites in the THAB could be developed but only if they have a resource consent and can show there is no constraint in terms of connecting to existing water and /or wastewater networks or meeting requirements on-site.</li> <li>Additional housing supply is not provided as directed by the Government</li> </ul>	<ul style="list-style-type: none"> <li>The costs in terms of housing supply /capacity would be that there may be some sites which are developed for residential use, which may not be able to connect to the public water and or wastewater network as the water pressure or wastewater services they require are not available.</li> <li>This could mean that buildings are not able to be occupied if they have been built or developers have to provide alternative solutions.</li> </ul>	<ul style="list-style-type: none"> <li>No change from the status quo in terms of needing a resource consent for sites previously in the Single House Zone or THAB. However, the proposed qualifying matter provisions and assessment criteria may mean a reduction in the number of dwellings potentially provided for under the MDRS and NPSUD Policy 3 scenario on the 50,918 sites subject to the Water and Wastewater Servicing constraints.</li> </ul>
<b>Costs: Social</b>	<ul style="list-style-type: none"> <li>Wider community concern about not enough housing supply with consequential cost of housing.</li> </ul>	<ul style="list-style-type: none"> <li>Potential reduction in level of service currently provided by the reticulated water supply including introduction of restrictions, pressure reductions, continuity of supply for existing sites and for new houses and issues providing sufficient water for firefighting purposes to the wider community</li> </ul>	<ul style="list-style-type: none"> <li>Delays in achieving the level of density envisaged by the NPSUD and the MDRS until the necessary upgrades to water and wastewater infrastructure have been completed.</li> <li>Holding costs (interest etc) related to delays in selling land /development</li> </ul>



Qualifying matter	Status Quo (not impose the QM but retain AUP densities)	MDRS and NPSUD Policy 3	Water and Wastewater Servicing Constraints QM
		<ul style="list-style-type: none"> <li>• Potential increase in overflows of untreated wastewater from the wastewater network and the combined stormwater/ wastewater network to freshwater and coastal water, and onto private and public property, during wet and dry weather with associated nuisance, odour and public health risks</li> <li>• Loss of public access to waterways and beaches because of poor water quality due to new connections for the dwellings enabled under the MDRS and policy 3 to existing constrained wastewater networks</li> <li>• Potential for on-site wastewater solutions with associated nuisance and failures in maintenance</li> <li>• Impacts outlined above will increase primarily from increased heavy rainfall events due to climate change</li> <li>• Supplementary onsite water supplies are affected by climate change related rainfall shortages</li> <li>• Reduced mental health and wellbeing of residents associated with overflows and water shortages</li> </ul>	<ul style="list-style-type: none"> <li>• Existing development remains on some sites and may not be upgraded causing some sites to appear run down</li> </ul>
<p><b>Costs: Economic (not otherwise covered by housing capacity issues)</b></p>	<ul style="list-style-type: none"> <li>• Wider community concern about cost of housing due to perceived constraint on intensifying in some parts of Auckland.</li> <li>• Some sites single family homes may have more investment in them (gentrification)</li> </ul>	<ul style="list-style-type: none"> <li>• Developers have to fund interim solutions for enabled development until the permanent network is upgraded or constructed including paying for delivery of new infrastructure or for example in some instances tankering in potable water and out wastewater.</li> <li>• Service providers and council have to meet the cost of network short falls through a range of interim measures that are in time replaced by permanent solutions</li> </ul>	<ul style="list-style-type: none"> <li>• Cost of the resource consent process and servicing costs where more than one dwelling is proposed on a site subject to water and wastewater servicing constraints.</li> <li>• Holding costs (interest etc) related to delays in selling a site subject to water and wastewater servicing constraints.</li> <li>• Developers have to fund assessments of networks that deliver potable water and removing wastewater and may not be able to recover the cost for development</li> </ul>

Qualifying matter	Status Quo (not impose the QM but retain AUP densities)	MDRS and NPSUD Policy 3	Water and Wastewater Servicing Constraints QM
		<ul style="list-style-type: none"> <li>• Clean up costs associated with more frequent wastewater overflows mixing with flood waters are met by ratepayers and insurers.</li> <li>• Costs of the clean-ups from the impacts outlined above will increase primarily from increased heavy rainfall events due to climate change</li> <li>• Fines may be imposed from environmental liability for unlawful discharge</li> </ul>	<ul style="list-style-type: none"> <li>• Existing development remains on some sites and may not be upgraded causing some sites to appear run down with blight occurring.</li> <li>• Some sites single family homes may have had more investment in them (gentrification) that means that when the constraint is uplifted it may be too costly for the land to be developed.</li> </ul>
<b>Costs: Environmental</b>	<ul style="list-style-type: none"> <li>• Occupation of existing development on some sites will continue to result in overflows of untreated wastewater in some areas</li> </ul>	<ul style="list-style-type: none"> <li>• Potential increase in overflows of untreated wastewater from the wastewater network and the combined stormwater/ wastewater network to freshwater and coastal water, and onto private and public property, during wet and dry weather</li> <li>• Inability to meet overflow targets as prescribed in Watercare’s wastewater network discharge consent</li> <li>• Impacts outlined above will increase primarily from increased heavy rainfall events due to climate change</li> </ul>	<ul style="list-style-type: none"> <li>• Development on sites that are not constrained will advance and there may be increases in emissions from residents having to travel further as some of these sites on the urban edges will be served by newer infrastructure.</li> </ul>
<b>Benefits</b>			
<b>Benefits: Social</b>		<ul style="list-style-type: none"> <li>• Ability to build up to three dwellings on a site in all residential zones may be perceived by existing landowners of sites as a form of windfall /investment for the future even if they do not intend to develop themselves.</li> <li>• Ability to subdivide around those sites knowing that consent has to be granted as a controlled activity may be perceived by existing landowners of sites as a form of windfall /investment</li> </ul>	<ul style="list-style-type: none"> <li>• Houses are not constructed on sites where there is no or inadequate water and wastewater services until those services are available.</li> <li>• Homeowners and occupiers are not subject to water restrictions, pressure reductions, continuity of supply and issues because of inadequate level of service for water supply</li> <li>• Availability of sufficient water for firefighting purposes</li> <li>• Reduced risk of overflows of untreated wastewater from the wastewater network and the combined stormwater/</li> </ul>

Qualifying matter	Status Quo (not impose the QM but retain AUP densities)	MDRS and NPSUD Policy 3	Water and Wastewater Servicing Constraints QM
			wastewater network to freshwater and coastal water, and onto private and public property, during wet and dry weather.
<b>Benefits: Economic</b>	Existing development remains on some sites and may not be upgraded causing some sites to appear run down	<ul style="list-style-type: none"> <li>• Ability to build up the three dwellings on a site in all residential zones.</li> <li>• Ability to subdivide around those sites knowing that consent has to be granted and to achieve / provide legal title making the future sale less problematic and the ability to realise more value easier</li> </ul>	<ul style="list-style-type: none"> <li>• the full development potential of sites may temporarily be limited in response to these constraints.</li> <li>• Interim on site solutions may reduce development potential until the infrastructure is in place</li> </ul>
<b>Benefits: Environmental</b>	no benefits have been identified		<ul style="list-style-type: none"> <li>• Ability to meet overflow targets as prescribed in Watercare's wastewater network discharge consent</li> <li>• There is a decrease in the number and volume of overflows into streams in the Combined Wastewater Network areas as sites are required to connect to existing separated local stormwater pipe where they are part of the public stormwater network, and where there is no separated local stormwater pipe that is part of the public stormwater network, they will have to show the environmental effects of the development are able to be managed in order to get consent.</li> </ul>

### Summary

- The risk of not introducing the Water or Wastewater Servicing Constraint as a qualifying matter is that the environment and the occupants of sites may experience the adverse effects of low levels of service if ad hoc development occurs as enabled by the MDRS and policy 3 for years until the required infrastructure is provided.

- The risk of not acting is that overflows may increase in volume and frequency as new development on the identified sites occurs. This is not a permanent effect but will be a temporary effect that is unlikely to be adequately mitigated at a community level.
- The risk of acting and introducing the Water or Wastewater Servicing Constraint as a qualifying matter is that up to 50,918 sites are subject to the possibility that resource consent for additional dwellings will not be granted unless the applicant can demonstrate that the proposed development can be serviced by existing capacity in the water or wastewater network serving that site, or that the adverse effects are able to be managed by funding the required additional infrastructure or appropriate onsite mitigation.
- The key trade-off of applying the constraint is that the owners of 50,918 individual sites may not be able to fully realise the development enabled under the MDRS and policy 3 until the mapped control is removed when the constraint is uplifted, unless the site they own is large enough to provide on-site mitigation.

The benefits of including the Water or Wastewater Servicing Constraint as a qualifying matter are:

- Houses are not constructed on sites where there is no or inadequate water and wastewater services until those services are available.
- Homeowners and occupiers are not subject to water restrictions, pressure reductions, continuity of supply and issues because of inadequate level of service for water supply
- There will be sufficient water available for firefighting purposes in all urban areas
- There is a reduced risk of overflows of untreated wastewater from the wastewater network and the combined stormwater/ wastewater network to freshwater and coastal water, and onto private and public property, during wet and dry weather.
- The constraint is applied on a temporary basis and will be removed when the required infrastructure is available
- There may be the ability to enable interim on-site solutions in some instances
- The overflow targets as prescribed in Watercare's wastewater network discharge consent are better able to be met which has a benefit for water quality and public health
- There is a decrease in the number and volume of overflows into streams in the area served by the Combined Wastewater Network which has a benefit for water quality and public health

Overall, including the Water or Wastewater Servicing Constraint as a qualifying matter is the most efficient and effective means of preventing or minimising the potential adverse effects on the environment from realising the development enabled under the MDRS and policy 3 before the required improvements to the infrastructure are in place.

## Description of how qualifying matter is to be implemented

The Water and Wastewater Servicing Constraints qualifying matter will be accommodated in PPC78 through the following:

- Adding a “Infrastructure – Combined Wastewater Network Control” layer and a “Infrastructure –Water and Wastewater Constraints Control” layer to the planning maps as new controls
- Applying the control layers through mapping to:
  - sites in the Low Density Zone (formerly the Single House Zone) where a site is identified by Watercare as having water and / or wastewater constraints
  - sites up zoned from the former Single House Zone to the amended Mixed Housing Urban zone where a site is identified by Watercare as having water and / or wastewater constraints
  - sites currently zoned Terrace Housing and Apartment Buildings Zone and sites up zoned from the former Single House Zone to the amended Terrace Housing and Apartment Buildings Zone where a site is identified by Watercare as having water and / or wastewater constraints
- Amending the activity tables in the residential zones to require more than one dwelling on a site identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control to be classified as a restricted discretionary activity and including matters of discretion and assessment criteria related to the site’s water and wastewater servicing.
- Amending the activity tables for subdivision of sites up zoned from the former Single House Zone or in the amended Terrace Housing and Apartment Buildings Zone identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure –Water and Wastewater Constraints Control to be classified as a restricted discretionary activity and including matters of discretion and assessment criteria related to the site’s water and wastewater servicing.

## Overall conclusion

The overall conclusion is:

- The purpose of the qualifying matter, having identified sites where water and wastewater servicing are currently constrained and these constraints are not expected to be lifted in the life of the AUP, is to require development of more than one dwelling on these sites to be assessed as a restricted discretionary activity. This is important to ensure that the effects on the water and wastewater network are considered before consent is granted.
- The impact of the qualifying matter on the level of development enabled by the MDRS/Policy 3 is that 50,918 sites may not be developed to the extent enabled.
- As the constraints are temporary and only in place until the infrastructure required is provided, the qualifying matter as drafted requires a resource consent to be submitted if more than one dwelling is proposed on an identified site so that the effects of the development on the water or wastewater constraint can be assessed. In some sites the assessment may show that there is capacity for that particular development to go ahead or the ability to undertake the necessary mitigation and the development enabled. On others it may be necessary for the applicant to agree to fund the water and/or wastewater infrastructure deficit, or where a funding agreement cannot be developed, for the application to be declined. By providing for development where appropriate to be enabled, the qualifying matter can be implemented in way that has the least impact on the objectives of the IPI.

## Attachment One

### Information Used

The list of reports, documents, evidence, plan versions et al that were used to inform this s32 assessment are detailed below.

Name of document, report, plan	How did it inform the development of the plan change
Informal Submission- Ngāti Te Ata Waiohua – June 2022	Confirmed concern about how infrastructure will be able to cope with increased demand and its potential impact and supported a qualifying matter to address water and wastewater constraints.
Ngāti Whātua Ōrākei Feedback - June 2022	
Te Kawerau ā Maki Feedback - June 2022	
Ngāti Tamaoho Feedback - June 2022	
Local board feedback – June 2022	A number of the boards noted that long – term infrastructure constraints needed to be recognised – some pointing out the issues currently experienced in some parts of their board area.

### Consultation

Consultation undertaken with community and stakeholder engagement by Auckland Council (Tuesday 19 April to Monday 9 May 2022, May 2022) considered the need to consider infrastructure and in particular the proposal to include sites with long term significant infrastructure constraints as a qualifying matter.

- 70% (4,290) of the individual 6,155 responses and 43% (73) of the 168 responses from organisations supported the proposal to include sites in Auckland with long term significant constraints as a qualifying matter.
- 17% (1,027) of the individuals and 19% (32) of the organisations did not.

The feedback of those in support included that this approach was pragmatic or makes sense and that adequate infrastructure needed to be present before intensification takes place.

306 of the 6,155 responses (five per cent) to this question came from individuals who identified as Māori. Of those, 66 per cent supported the proposal, 21 per cent did not support the proposal. Those in support also felt that this was pragmatic or makes sense and that adequate infrastructure needed before intensification takes place.

In addition, an online public opinion survey was undertaken by Kantar (of 2,041 Auckland residents aged 18 years and older from 29 April to 22 May 2022). Two thirds (65%) of those who completed the survey supported Auckland Council's proposal for the qualifying matter

relating to infrastructure constraints. Support was highest from older Aucklanders; those on higher incomes and homeowners.

## Local Boards

Auckland's Local Boards were consulted on whether significant long term infrastructure constraints should be a qualifying matter. Not all of the boards felt that this was necessary, but most were concerned. In particular:

- **Devonport – Takapuna** were concerned about ability for Watercare to accurately predict growth and provide supporting infrastructure in board area.
- **Puketāpapa** supported the principle of including long term significant infrastructure constraints as a qualifying matter, with the caveat that these need to be focused on natural barriers to infrastructure rather than potential costs noting the ability to charge Developer Contributions to address these.
- **Waitematā** felt that infrastructure constraints should only be applied as a qualifying matter if it would be impracticable or prohibitively costly to overcome the constraint.
- **Albert -Eden** supported the issue but was focused on sites with stormwater disposal issues within its area.
- **Franklin** felt areas such as Beachlands- Maraetai should be included as this area does not have access to potable water and Waiuku should be included as also has constraints on potable and wastewater systems due to its distance from centrally based infrastructure.
- **Kaipātiki** had concern about Birkenhead where water and wastewater infrastructure are under stress.
- **Ōrākei** noted that areas in Remuera (Waiata, Portland and Hapua) are constrained due to reoccurring wastewater infrastructure failures, the areas around Hobson Bay are contributing to ongoing existing pollution in Hobson Bay and these areas subject to qualifying matter.
- **Upper Harbour** supported areas with water supply and wastewater network capacity constraints in areas such as Whenuapai, Herald Island, Pāremoremo, Albany Heights and area in Greenhithe along Upper Harbour Drive.
- **Whau** noted that residents had concern about the health of the Whau River and risk associated with aging wastewater pipes in combination with climate change.
- **Henderson – Massey-** wanted qualifying matters to ensure adequate environmental and freshwater management protection and acknowledge long – term infrastructure constraints such as wastewater.
- **Howick** was concerned about serious deficiencies in the Local Board area, notably wastewater but also stormwater was causing hardship to some residents and making it difficult for further development.



## **Mana whenua / iwi authorities**

Engagement with mana whenua / iwi authorities was undertaken in relation to the need for infrastructure to be considered as a qualifying matter in terms of Section 77L of the RMA by Auckland Council and Watercare.

Auckland Council engaged with mana whenua in relation to the changes required under the NPS-UD and in relation to the need for infrastructure to be considered as a qualifying matter in terms of Section 77L of the RMA. In addition, Watercare engaged with mana whenua both individually and collectively via the Watercare Kaitiaki Managers Forum, alongside engaging as part of the Council engagement process.

This engagement has identified water quality as a key concern of the proposed urban intensification. Watercare's QM for water and wastewater constraints has received in principle support.

Four iwi (Te Kawerau ā Maki, Ngāti Tamaoho and Ngāti Whātua Ōrākei and Ngāti Te Ata Waiohū) provided general and specific comments in relation to the proposal that infrastructure be considered as a constraint:

### **General comments**

- Infrastructure was raised as a significant concern
- They expressed concern about how ancestral water is managed and whether infrastructure will be able to cope with increased demand, including in more remote locations.
- They supported a qualifying matter to address water and wastewater constraints.
- In addition, some concern was raised about whether intensification in Auckland could place added demand on water takes from the Waikato River, thereby not giving effect to Te Ture Whaimana o Te Awa o Waikato (The Vision and Strategy for the Waikato River).

### Specific concern was expressed by the following iwi:

#### Te Kawerau ā Maki

- Require a resource consent process for intensification in residential areas with limited water and wastewater capacity (Te Kawerau ā Maki has significant concerns regarding water quality and infrastructure, where intensification may run ahead of infrastructure capacity leading to degradation of the receiving environment, in particular our waterways).

#### Ngāti Tamaoho

- Require a resource consent process for intensification in residential areas with limited water and wastewater capacity.

## Ngāti Whātua Ōrākei

- Water quality is a matter of great concern to Ngāti Whātua Ōrākei. The feedback was:

*We have been working and advocating for a long time to address the adverse effects of urbanisation and are concerned that intensification under the NPS-UD will risk retrograde effects on water quality. We therefore consider qualifying matters based on infrastructure capacity to be crucial.*

*We also note the NPS-Freshwater Management, which is in force now, and establishes **Te Mana o Te Wai** as the foundational principle. This enshrines the following hierarchy of priorities:*

*(a) **first**, the health and well-being of water bodies and freshwater ecosystems*

*(b) **second**, the health needs of people (such as drinking water)*

*(c) **third**, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future*

*NB – the NPS-FM places the health and well being of water bodies at the top of the list, and development opportunities last. This must be reflected in the Urban Intensification plan-change.*

## Ngāti Te Ata Waiohū

Ngāti Te Ata Waiohū supports the following:

- Require a resource consent process for intensification in residential areas with limited water and wastewater capacity

## **Attachment Two: Water and Wastewater Servicing Constraint Maps**

**Overview:**

The information provided in this document establishes the high-level evidential basis to support Watercare’s Water and Wastewater Infrastructure Constraints Qualifying Matter, proposed to be included in Council’s upcoming plan change to the existing Auckland Unitary Plan (Operative in Part).


This table describes the facts associated with each water/wastewater system constraint and as such, should be considered a “Qualifying Matter” to ensure that the Governments proposed urban intensification/up-zoning expectations can be effectively managed under the new Unitary Plan, to minimise any adverse impact on our communities or the environment.

**Map Legends:**

**Legend**

**2. Infrastructure - Water and Wastewater Constraints Control**

Current AUP Zone Type

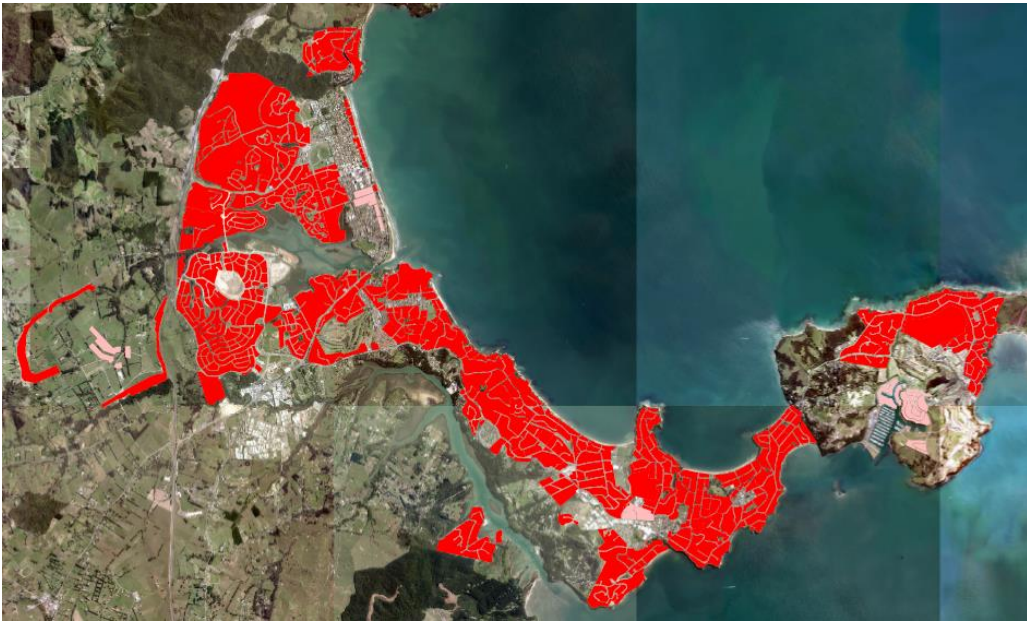
	Residential - Single House Zone
	Residential - Terrace/Apartment Buildings Zone

**Legend**


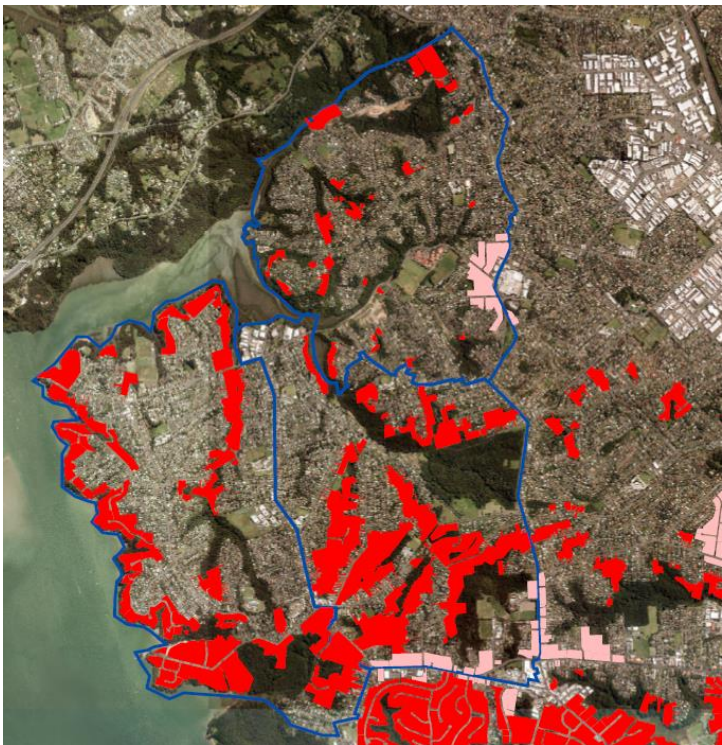
**1. Infrastructure - Combined Wastewater Network Control**

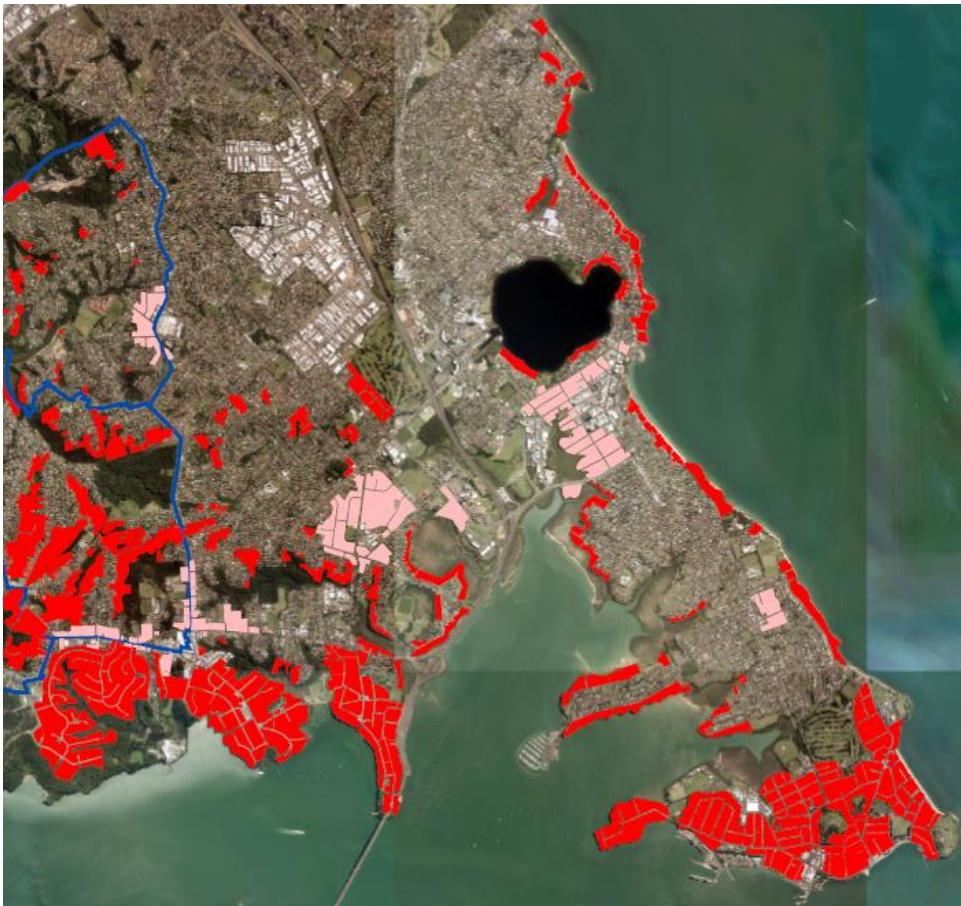
Current AUP Zone Type

	Residential - Single House Zone
	Residential - Terrace/Apartment Buildings Zone

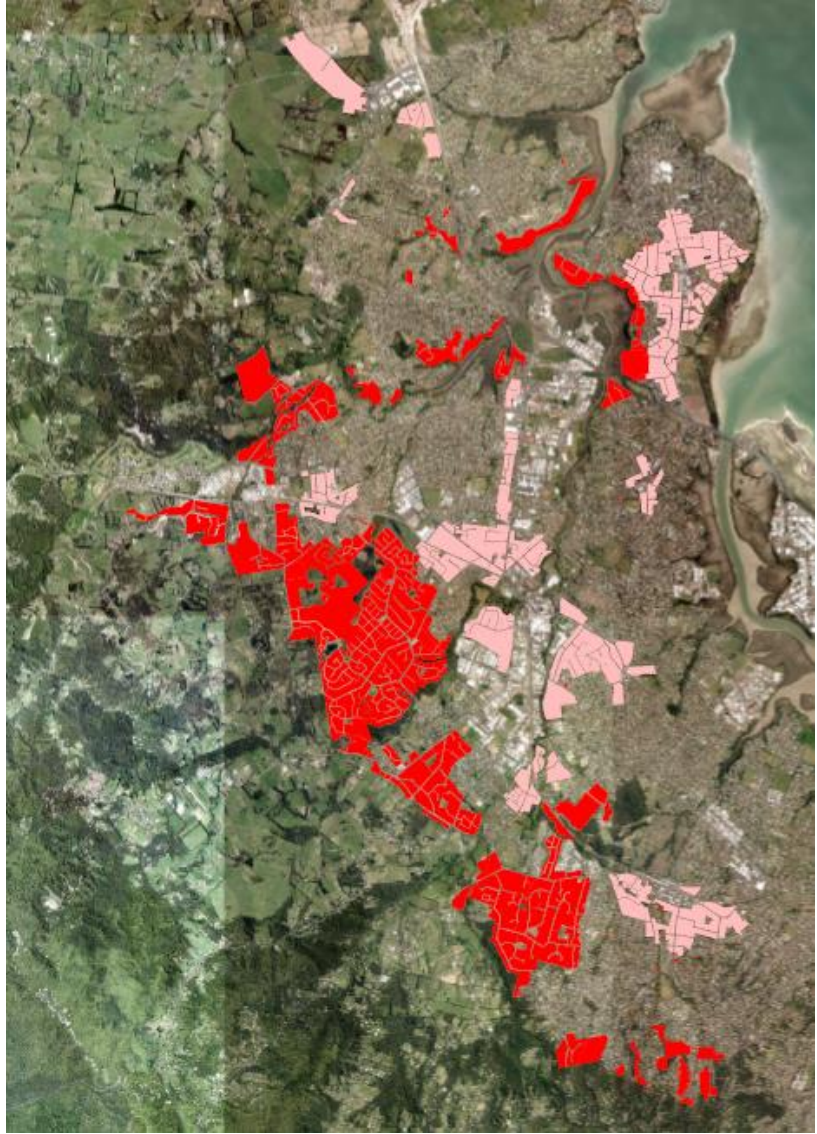
Area/Map based Illustration	Nature of Constraint	Watercare Asset Management Plan Projects identified to address constraint	Timeframe for solution delivery	Headworks Impact associated with Constraint (Engineering & Consents)	Networks Impact associated with Constraint (Engineering & Consents)
<b>Hibiscus Coast</b>					
	<p>Wastewater bulk infrastructure and Water bulk infrastructure capacity issues.</p>	<p>Orewa West Pumpstation &amp; Associated Network Upgrade</p> <p>Stanmore Pumpstation &amp; Rising Main Upgrade</p> <p>Bay St Pumpstation Upgrade</p> <p>Orewa to Stanmore Trunk Network upgrade</p> <p>Weiti Pumpstation upgrade</p> <p>Terminal Pumpstation upgrade &amp; Rising Main extension</p> <p>Hatsfield and Florence Pumpstation upgrade</p> <p>Gulf Harbour Wastewater Servicing</p> <p>Orewa Water Pumpstation</p> <p>Orewa 3 WM, reservoir and Pumpstation</p>	<p>2025</p> <p>2031</p> <p>2028</p> <p>2031</p> <p>2029</p> <p>2029</p> <p>2029</p> <p>2031</p> <p>2023</p> <p>2030</p>		<p><b>Wastewater:</b></p> <p>Wastewater overflows during wet weather from each of the key trunk pump stations, Orewa, Stanmore Bay and Hobbs Bay are currently managed through local intervention which involves managing flow at Orewa and Stanmore and utilising the available storage at Orewa.</p> <p>This method of managing system capacity and minimising local overflow will become progressively less effective in future years as growth increases, placing additional loading on the system.</p> <p>The planned upgrade interventions, by 2038, are critical to minimising the number of spills per annum which is likely to increase to 2 – 4 events at Orewa, and 6 – 12 overflow events at Stanmore and Hobbs.</p> <p><b>Water:</b></p> <p>The transmission watermains feeding the Hibiscus Coast are at capacity and supply during peak demand periods poses a risk to this area. A number of interventions are in place to minimise water supply shortfall risk including the reduction of non-connected demand (reduction of tankered water volumes taken from the local system).</p> <p>The Orewa Water Pumpstation is proposed (2023) to enhance headroom, prior to the delivery of the Orewa 3 Watermain from the North Shore to Harbour Bridge (2030). High growth is predicted with the large future urban zone areas.</p>



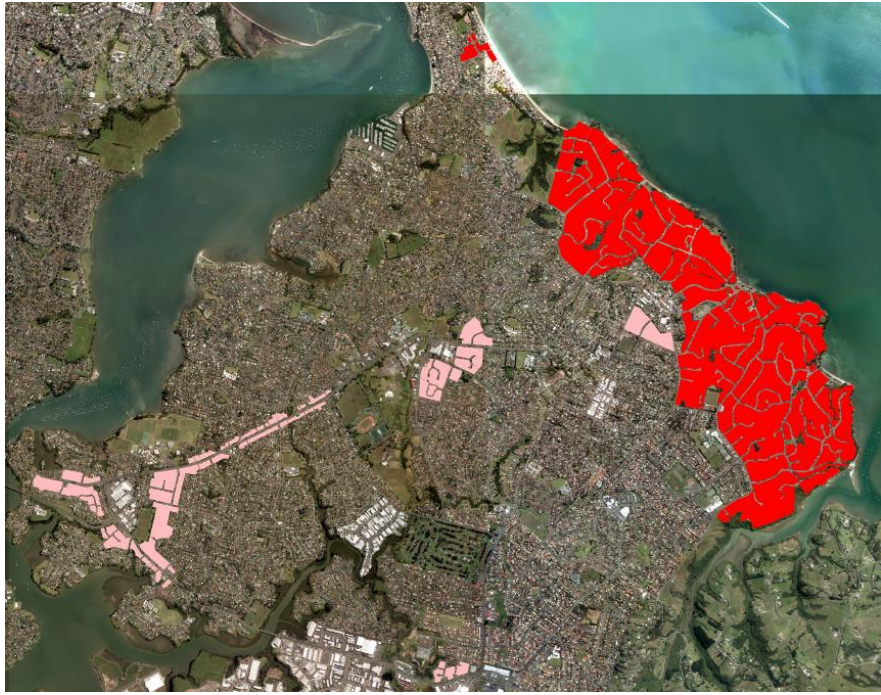


Area/Map based Illustration	Nature of Constraint	Watercare Asset Management Plan Projects identified to address constraint	Timeframe for solution delivery	Headworks Impact associated with Constraint (Engineering & Consents)	Networks Impact associated with Constraint (Engineering & Consents)
<b>Upper East Coast Bays</b>					
	<p>Wastewater bulk infrastructure (North) and Water local infrastructure capacity issues (South).</p>	<p>Torbay Upgrades</p>	<p>2031</p>		<p><b>Wastewater:</b> There are existing capacity issues in the East Coast Bays Branch and the Torbay Branch Sewer. Solution optioneering is underway.</p> <p><b>Water:</b> The local network is currently constrained from the Pinehill reservoir feeding north towards the Torbay water supply zone. The current 375mm watermain is at capacity and further significant development is affecting level of service. Additional bulk capacity would need to be considered to supply water from the Pinehill reservoir to support growth within the Pinehill and Torbay water supply zones. The Long Bay area is supplied from the Glenvar reservoir which is currently undersized in storage capacity. Local network has insufficient capacity. Modelling shows that growth will affect system performance.</p>
<b>Beach Haven (blue catchments)</b>					
	<p>Wastewater bulk infrastructure capacity issues.</p>	<ul style="list-style-type: none"> <li>• Kahika RM Extension</li> <li>• Kahika PS Upgrades</li> <li>• Beach Haven Diversion</li> </ul>	<p>2027</p> <p>2027</p> <p>2030</p>		<p><b>Wastewater:</b> Capacity issues in the Beach Haven Branch, Birkdale West Branch, Glenfield West Branch and the Bayview Branch Sewer. Based on Modelling, monitored EOP's and Operations feedback. Optioneering for solution is underway.</p>


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Lower North Shore (excludes blue catchments)					
	Auckland Harbour Bridge bulk water infrastructure constraint.	New Waitemata Harbour Crossing (Completion 2027)	2027		<p><b>Water:</b></p> <p>There are currently capacity constraints across the Harbour Bridge based on the existing two watermains.</p> <p>There are existing constraints limiting operational flexibility and management of reservoir storage levels.</p> <p>Westhaven Pumpstation is proposed to support growth and resilience until the next watermain Harbour crossing; however this has been delayed due to land availability and solution delivery has potentially deferred by 3 years. The next Harbour crossing is being investigated, but completion would be 5-7 years away.</p> <p>We can support the northern beaches with water supplied from the Huia Water Treatment Plant, via the Albany Reservoirs to Pinehill. Water supplied via this pathway does not reach the lower parts of the North Shore.</p> <p>A Feasibility study for a new watermain to support growth and resilience in Devonport is currently underway. This work focuses on the supply to Devonport specifically and does not address the Harbour Bridge constraint.</p>
		Devonport 1 & 2 watermain replacement	2027		
		Northern Interceptor – Westgate to Concourse	2035		
		Hobsonville to Rosedale Rising Main Duplication	2036		



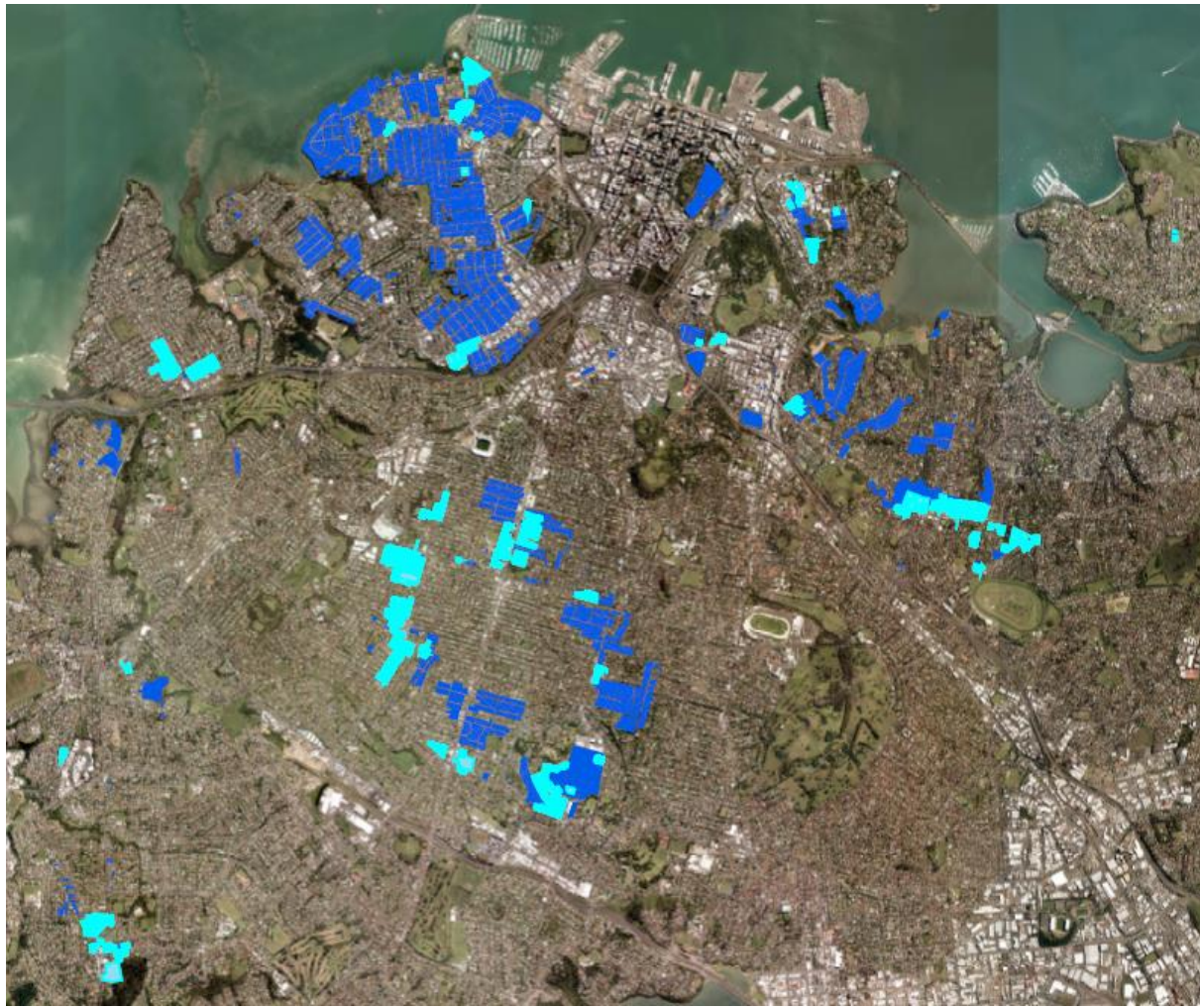
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<b>Henderson Massey</b>					
	PS44 Western Pump Station wastewater constraint.	Northern Interceptor – Boost Pumping and Rising Main	2031		<p><b>Wastewater:</b>            Wastewater flows from the catchment to Pumpstation 44 are greater than the capacity of this system. Volumetric and hydraulic complexities currently result in system operational issues.</p> <p>The catchment experiences wastewater overflows to significant environmental class 1 recreation freshwater areas. There is significant community pressure, including from the Rivercare Group, to reduce these overflows.</p> <p>The solution to address the issue, the Northern Interceptor Project, is complex and will be delivered in four phases.</p> <p>The Northern Interceptor Project, connecting Hobsonville, Massey, Massey East, Swanson, Te Atatu and Whenuapai to the Rosedale WWTP rather than Mangere, is expected to be completed by 2036. The first stage will be commissioned around 2025, which will divert a smaller portion of the wider catchments and will not provide immediate relief for the issues described.</p> <p>The second phase of the Northern Interceptor project will connect the Concourse storage tank catchment to Rosedale. This is currently scheduled for around 2035. All four phases need to be delivered to resolve the existing issues in this area.</p>
		Northern Interceptor – Westgate to Concourse	2035		
		Hobsonville to Rosedale Rising Main Duplication	2036		



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<b>Howick Pakuranga</b>															
	Wastewater bulk infrastructure and Water bulk infrastructure capacity issues.	Howick Wastewater Catchment System Upgrades	2037		<p><b>Wastewater:</b> Capacity issues in the Howick Interceptor, Bucklands Beach, Mellons Bay Branch and the Cockle Bay Branch Sewer.</p> <p><b>Water:</b> The existing Howick Loop transmission watermain can support additional growth however this represents a significant resilience constraint. Further intensification / growth represents greater impact to customer level of service should the performance of the existing infrastructure be compromised.</p>										
		Tamaki 3 Watermain	2040			<b>Beachlands</b>							Wastewater Treatment Plant is at capacity	Beachlands Consent Renewal	2025
<b>Beachlands</b>															
	Wastewater Treatment Plant is at capacity	Beachlands Consent Renewal	2025	<p><b>Wastewater:</b> The Wastewater Treatment Plant is at capacity during wet weather. A consent condition restricts the WWTP to servicing a maximum of 10,000 people. The WWTP consent also limits the connection of rainwater tank overflows to the wastewater network. The current discharge consent (an old/legacy consent) is due to expire end 2025. Work to renew the discharge consent will begin in July 2024 with lodgement expected by June 2025. The Council consenting process is expected to conclude by early 2027. Following this, 5-8 years of construction/upgrades would be required. Based on these milestones the WWTP upgrade are expected to be completed by 2035.</p> <p><b>Water:</b> Currently no potable water supply and no plans at present to supply in the future. The current and future solution is for existing and new dwellings is to have rainwater tanks.</p>											
		Beachlands - Initial Requirements Investigation	2024												

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Waiuku					
	Potable water supply	Waiuku Water Treatment Upgrade	2026	<p><b>Water:</b> The recently obtained water take consent limits the amount of water available, with staged increases allowed to be taken over the next 20 years.</p> <p>The three Water Treatment Plants supplying Waiuku may be amalgamated as part of a future servicing scheme. This work is planned to align with the stepped nature of the water take.</p> <p>The complete solution may need to include the metropolitan water transmission network. Note that the current consent covers the expected AUP(OP) growth and does not consider Medium Density Residential Standards (MDRS) intensification.</p>	



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<b>Combined Stormwater-Wastewater Networks</b>					
	<p>Combined network development controls required</p>	<p>Western Isthmus Water Quality Improvement Programme (WIWQIP) Avondale Whau CC7A and CC7A1 to Miranda Shaft</p> <p>WIWQIP Avondale Lynfield Branch to Haycock Shaft and Dundale Collector</p> <p>WIWQIP Grey Lynn Park Stage 1 Collector plus Branch 6 Collector</p> <p>WIWQIP Oakley Alan Wood Branch Sewer</p> <p>WIWQIP Avondale Whau CC6 Stage 1 to PS25 Shaft</p> <p>WIWQIP Freemans Bay Wastewater Upgrade</p> <p>WIWQIP Grey Lynn 2nd shaft at Tawariki + Kelmarna Collector</p> <p>WIWQIP Herne Bay WW Branch 5 Upgrade</p> <p>WIWQIP Meola WW Sandringham Branch Sewer CC4</p> <p>WIWQIP Waterview Stage 2 of Avondale Branch Sewer (CC6)</p> <p>WIWQIP Grey Lynn Edgars Creek Separation</p> <p>WIWQIP Westmere WW Separation &amp; Upgrades</p> <p>WIWQIP Motions WW Catchment Improvement Works</p> <p>WIWQIP Oakley WW Catchment Improvement Works</p> <p>WIWQIP Pt Chevalier WW Catchment Improvement Works</p> <p>WIWQIP St Marys Bay WW Catchment Improvement Works</p>	<p>2025</p> <p>2028</p> <p>2027</p> <p>2025</p> <p>2029</p> <p>2024</p> <p>2030</p> <p>2027</p> <p>2029</p> <p>2029</p> <p>2029</p> <p>2028</p> <p>2026</p> <p>2029</p> <p>2031</p>		<p><b>Combined:</b> The combined system currently experiences capacity issues with uncontrolled wet weather overflow.</p> <p>Work to address the issues in the Western Isthmus is ongoing for some time. Detailed catchment models exist for this area. The Eastern Isthmus work has commenced.</p> <p>Current processes exist for approving connections to the combined area. These are linked to the resource consent application and include an infrastructure report and capacity assessment. The solutions required are site specific and must be considered case by case.</p>