

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE  
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED CHANGE 1  
TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION**

**UNDER** Schedule 1 of the Resource Management  
Act 1991 (the Act)

**IN THE MATTER OF** Hearing Submissions and Further  
Submissions on Proposed Change 1 to the  
Regional Policy Statement for the  
Wellington Region

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**REPORTING OFFICER RIGHT OF REPLY OF SAMUEL O'BRIEN  
ON BEHALF OF WELLINGTON REGIONAL COUNCIL**

**HEARING STREAM 7 – Variation 1**

**30 May 2024**

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**TABLE OF CONTENTS**

RIGHT OF REPLY AUTHOR ..... 3

SCOPE OF REPLY ..... 3

RESPONSE TO MATTERS RAISED IN MINUTE ..... 3

Appendix 1: Recommended Amendments to Proposed Provisions ..... Separate Document

## **RIGHT OF REPLY AUTHOR**

- 1 My full name is Samuel Nicholas O'Brien. I am a policy advisor at Wellington Regional Council.
- 2 I have prepared this Reply in respect of the matters raised during the hearing of matters in Hearing Stream Seven in relation to Variation 1.
- 3 I have listened to submitters in Hearing Stream Seven, read their evidence and tabled statements, and referenced the written submissions and further submissions to the relevant Hearing Stream Seven topic(s).
- 4 My qualifications and experience are set out in paragraphs 4 and 5 of my rebuttal evidence dated 4 April 2023.
- 5 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this hearing.

## **SCOPE OF REPLY**

- 6 This Reply follows Hearing Stream Seven held on Monday 15 and Tuesday 16 April 2024.
- 7 Minute 27 also requested that the Section 42A report author submit a written Right of Reply as a formal response to matters raised during the hearing.
- 8 The Reply covers:
  - Feedback on matters raised directly raised by the Panel in Minute 27 as relevant to the Variation 1 topic.
- 9 Appendix A sets out the recommended amendments to clause 4 in both Objective TAP and Objective TWT agreed upon by Mr Brass (on behalf of the Director-General of Conservation) and Ms Heppelthwaite (on behalf of Waka Kotahi NZ Transport Agency).

## **RESPONSE TO MATTERS RAISED IN MINUTE**

- 10 Minute 27 raised the following questions from the Panels relating to the Variation 1 topic:
  - During the HS7 hearing, Commissioner Paine asked Mr O'Brien, the Reporting Officer for Variation 1, about the phrase "safe and healthy access" in clause 4 of the proposed long-term freshwater vision objectives.

- Commissioner Paine was uncertain what “healthy access” meant. We understand the words were suggested by Mr Brass, on behalf of the Director-General of Conservation and may respond to concerns raised by Waka Kotahi around ‘health and safety’ issues in accessing water bodies when infrastructure was present (see paragraph 5.1 of Ms Heppelthwaite’s evidence). We also understand that the phrase was supported by the original Reporting Officer for this topic, Mr Sheild.
- It may just be that the reference to “healthy” is intended to apply to the recreational activities mentioned in the remainder of paragraph 4 of the objectives, in which case some restructuring of the sentence may be needed. If the term is intended to refer to “health and safety” issues, then again, some rephrasing may be required as this seems to be a different point from “safe and healthy access”.
- We request that Mr O’Brien consider this further, and discuss with Mr Brass and/or Ms Anton, and Ms Heppelthwaite, to ensure that the policy intention of the submitters’ relief is clear and reflected in the provision to the extent the Officer considers appropriate.

11 The following sections address each of these questions.

**Clarifying the intention of “safe and healthy access”**

12 I agree that the policy intention of the phrase “safe and healthy access” is potentially ambiguous. The provision intends to provide for both safe access and entry to waterbodies for recreation while also ensuring healthy water quality that is safe for recreation. Clause 4 in both Objective TAP and Objective TWT was redrafted to reflect these separate points. The amendment introduces “water quality” as separate from “safe access” to make a clear distinction of this two-fold intent. The amendments to Objective TAP and Objective TWT have subtle differences in wording in order to retain the narrative clarity of both objectives. The amended versions of the clauses were provided to Mr Brass and Ms Heppelthwaite as instructed by the Panels. Both parties confirmed they approved of the amendments to the respective objectives. The full clause is outlined in Appendix A, with these changes marked in green. The amendments marked in blue represent those made through rebuttal evidence and the amendments in red indicate changes from the S42A report stage.

**DATE:**

**30 05 2024**

**SAMUEL O'BRIEN**

**POLICY ADVISOR GREATER WELLINGTON**

**REGIONAL COUNCIL**