

Talking Points – Paula Hunter

1. Wellington Water has three (Hutt Valley, Porirua (including Northern Wellington) and Wellington) wet weather wastewater network overflow consent applications and a “global” stormwater discharge consent application currently lodged with the Greater Wellington Regional Council (**GWRC**). There are challenges with achieving a viable consenting pathway for these applications under the operative Natural Resources Plan (**NRP**). It is hoped that Plan Change 1 (**PC1**) will assist in addressing these challenges.
2. Wastewater network overflows and stormwater discharges will happen regardless of whether they are consented or not. They cannot be turned off, they will continue and cannot be eliminated. This is why a workable framework that recognises the reality of what happens with wastewater network overflows and stormwater discharges needs to be incorporated into PC1.
3. The focus of Wellington Water’s submission as it relates to Hearing Stream 2 is primarily on the workability of the Target Attribute States (**TAS**) and Coastal Water Objectives (**CWO**) in a resource consenting process and in particular their application to intermittent discharges such as wastewater network overflows and stormwater discharges. In my view, the TAS and CWO provisions do not recognise the complexities and practicalities in determining the contribution an intermittent discharge makes to not achieving the TAS and CWO and in turn the level of improvement required in a wastewater network or stormwater system to achieve the TAS and CWO. These are matters that will be dealt with in more detail in Hearing Stream 4.
4. The main changes Wellington Water is seeking to the objectives and ecosystem health policies and that I support and my responses the s42A report relate to:
 - a) Removal from the list of provisions that will no longer apply to Whaitua Te Whanganui-a-Tara or Te Awarua-o-Porirua Whaitua of key objectives that assist in recognising the benefits of wastewater and stormwater networks and enable their ongoing operation and development.
 - b) Retention of various objectives (Objectives O18, O19, O25, O28) until the issues with the TAS and CWO provisions are addressed and proven to be workable in consenting processes for wastewater network overflow and stormwater discharges.
 - c) Provision of additional information to understand the implications of the objectives, policies and tables relating to TAS and CWO for the consenting, planning and operation of the wastewater and stormwater networks.
 - d) Support for amendments that recognise that water is able to be used for social and economic use benefits and recommend that the public health benefits should also be recognised.
 - e) Support in principle for the inclusion of provisions that provide guidance on prioritisation of improvements to wastewater and stormwater networks. However, I consider these provisions should be included as a plan method rather than being embedded in a plan objective.
 - f) The inclusion of a new objective requiring that by 2030 there is no further decline of the health and wellbeing of Te Whanganui-a-Tara’s lakes and rivers is not supported. Given the scale of planning, design, works and funding required, applicants for “global” wastewater network overflow and stormwater discharge consents and would find it very challenging to demonstrate alignment with these objectives in five years time. The ability to meet this objective will also be influenced by matters outside Wellington Water’s control such as increased extreme wet weather events due to climate change, private wastewater connections and intensification and greenfield growth.
5. In my view PC1 is critical to obtaining viable long term consents for the discharges from the stormwater networks and the wastewater network overflows that Wellington Water manages on behalf of its client councils. These discharges need to be regulated, but in a way that recognises that these discharges occur and will continue to occur. PC1 should provide a workable consenting framework which enables the consents to be granted with a “roadmap” over the life of the minimises risks.

Response to Rebuttal Evidence of Mary O’Callahan

1. Lack of information about baseline states

I acknowledge that Ms O’Callahan and the technical experts have proposed a number of amendments to the TAS tables including the baseline states through their evidence in chief and rebuttal evidence. I understand at this stage Wellington Water is not in a position to provide a response to the proposed amendments. It is still working through the implications of the proposed amendments and will provide its response in Hearing Stream 4.

2. Retention of Objective O5 Beneficial Use

I agree with Ms O’Callahan that clause (h) of Objective WH.O2 will achieve a similar outcome to that sought by retaining Objective O5 and therefore I no longer seek that Objective O5 applies to Whaitua Te Whanganui-a-Tara or Te Awarua-o-Porirua Whaitua.

I also support Ms O’Callahan’s recommendation that clause (h) be included in Objective P.O2

3. Retention of Objective O6 Beneficial Use

I continue to support the retention of Objective O6 with the amendments sought by Wellington Water and its application to Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua. As set out in my evidence (paragraph 8.10) there needs to be a clear and viable consenting pathway that supports the consenting of stormwater discharges and wastewater network overflows. Objective O6 with the proposed amendments provides the objective link that is currently missing for the necessary cascade of objectives, policies and rules relating to stormwater and wastewater discharges.

In terms of the concerns raised by Ms O’Callahan regarding scope and the retention of Objective O6, the objective could be reframed to make it whaitua specific and inserted into the two whaitua chapters. In terms of alignment with the NPS-FM and Te Mana o te Wai, Objective O6 relates to social, economic, cultural and environmental benefits which is consistent with clause (c) of the Te Mana o te Wai hierarchy¹ (Objective 1). The amendments proposed by Wellington Water relate to public health and safety which is consistent with clause (b) of the hierarchy which relate to health needs of people. In addition, Policy 15 of the NPS enables communities to provide for their social, economic, and cultural well-being in a way that is consistent with the NPS-FM. Therefore, I do not consider there is an issue with Objective O6 and the amendments proposed by Wellington Water aligning with the NPS-FM.

4. Objectives O18, O19, O25 and O28

The retention of the objectives will not be necessary if the issues regarding the workability of the TAS and CWO in consenting processes can be resolved.

5. Objectives WH.O1 and P.O1 Note

I agree with Ms O’Callahan the references in my evidence to the note in paragraph 8.12 of my evidence should relate to Objectives WH.O1 and P.O1.

6. WH.O1, WH.O2 and P.O1, P.O2

I continue to support the inclusion of “public health” in these objectives. While I concur with Ms O’Callahan that public health can be considered to be covered by “social” I consider given its critical importance it needs to be separately referenced. Section 5 of the RMA while referencing “social” separately refers the “health”.

7. Objectives WH.O9 and P.O6 – Prioritisation

As set out in my evidence in paragraph 8.17 I support in principle the inclusion of provisions on prioritisation of improvements to wastewater and stormwater networks. However, prioritisation of improvements, the location of those improvements and whether the prioritisation is determined on a part FMU, sub-catchment, catchment or territorial authority boundary is a complex matter that Wellington Water and its advisors have been working on for some time.

¹ the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

There are also policies (WH.P19, P.P12, P.P18) that prioritise the removal of overflows and stormwater discharges from scheduled areas² that add a further dimension to determining prioritisation of improvements to wastewater and stormwater networks. The schedules requiring the development and implementation of Stormwater Management Strategies and Wastewater Network Catchment Improvement Strategies also include requirements for prioritisation of sub-catchments.

As set out in my evidence I understand Wellington Water is still considering the practical implications of Ms O'Callahan's proposed prioritisation amendments to WH.O9 and P.O6. Prioritisation is a complex matter that needs to be considered the context of Hearing Stream 4 which will consider the other prioritisation provisions of PC1.

8. Objectives WH.10 and P.O7

As set out in my evidence (paragraphs 8.25 to 8.29) I have significant concerns regarding how these new objectives will be applied in practice when consenting stormwater discharges and wastewater network overflows.

The amendments to the objectives proposed by Ms O'Callahan provide greater clarity on the extent of improvements required within the timeframes specified. The note explaining that resource consent applicants do not need to demonstrate their proposed activities align with this objective, where it can be demonstrated that target attribute states will be met within the timeframe prescribed for that target is also helpful.

As these objectives relate to the TAS tables that have been subject to a number of amendments I am unable at this stage to provide further comment on Objectives WH.10 and P.O7 until Wellington Water understands the implications of the amendments to the TAS tables.

9. Policies WH.P4, P.P4 and Tables 8.5 and 9.5

These provisions relate to sediment load reductions and will be addressed in Hearing Stream 4.

² Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule H (contact recreation and Māori customary use) sites, and primary contact sites in Map 85, and mahinga kai, or where they may affect group drinking water supplies and community drinking water supplies.