

BEFORE THE HEARING PANEL

IN THE MATTER OF the Resource Management Act 1991 (the Act)

AND

IN THE MATTER OF submissions on Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region under Part 4 of Schedule 1 of the Act

AND

IN THE MATTER OF The report dated 28 February 2025 on the topic of *Ecosystem Health and Water Quality Policies* pursuant to Section 42A of the Act on behalf of Wellington Regional Council for Proposed Plan Change 1 Hearing Stream 2

The report dated 28 February 2025 on the topic of *Objectives* pursuant to Section 42A of the Act on behalf of Wellington Regional Council for Proposed Plan Change 1 Hearing Stream 2

BETWEEN

WELLINGTON REGIONAL COUNCIL

AND

WAIRARAPA FEDERATED FARMERS

**STATEMENT OF EVIDENCE OF PETER MATICH ON BEHALF OF WAIRARAPA
FEDERATED FARMERS**

(PLANNING)

15 March 2025



Federated Farmers of New Zealand
Level 11, 38 Waring Taylor Street, Wellington
PO Box 715
WELLINGTON 6140
Contact: Peter Matich
Phone: 027 240 9997
Email: pmatich@fedfarm.org.nz

1. Introduction

- 1.1 My name is Peter Matich. I am an employee of Federated Farmers of New Zealand (Inc) and am presenting evidence as a Planner for Wairarapa Federated Farmers ('WFF').
- 1.2 I hold a Bachelor of Planning Degree and a Bachelor of Arts Degree from the University of Auckland and a Master of Environmental Studies Degree from Victoria University. I have 34 years' experience in resource management planning in New Zealand in a variety of public and private sector roles, including a range of work on rural and farming issues. I am a Member of the New Zealand Planning Institute.
- 1.3 I have read, and am familiar with, the Environment Court's Practice Note 2023 for expert witnesses. Other than where I state that I am relying on the evidence of another person or publication, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2. Scope of evidence

- 2.1 I address aspects of the following reports prepared under Section 42A ('Section 42A report') of the Resource Management Act 1991 ('the Act') on behalf of Wellington Regional Council ('the Council') for Hearing Stream 3:
- Report by Mary O'Callahan subtitled *Ecosystem Health and Water Quality policies* dated 28 February 2025.¹
 - Report by Mary O'Callahan subtitled *Objectives* dated 28 February 2025.²
- 2.2 I focus on aspects of Ms O'Callahan's recommendations that I agree with as well as those aspects where our opinions differ. Any omission to specifically respond to matters contained in these reports should not be interpreted as agreement with such matters. My responses are set out below under the topic sections to which the reports relate.

¹ <https://www.gw.govt.nz/assets/Plans-policies-bylaws/PNRP/Hearing-Documents/HS2/EHWQ/HS2-S42A-Ecosystem-Health-and-Water-Quality-Policies-S42A-report-1.pdf> accessed 28 February 2025.

² <https://www.gw.govt.nz/assets/Plans-policies-bylaws/PNRP/Hearing-Documents/HS2/Objectives/HS2-S42A-Objectives-S42A-report-1.pdf> accessed 28 February 2025.

2.3 I have read the following documents:

- The hearing reports pursuant to section 42A of the Act mentioned above.
- Proposed Plan Change 1 to the Natural Resources Plan ('NRP PC1') for the Wellington Region and accompanying reports and memoranda submitted under Section 32 of the Act.
- The National Policy Statement for Freshwater Management 2020 as amended in October 2024 ('NPSFM').
- The National Planning Standards 2019.
- Wairarapa Federated Farmers' Submission on NRP PC1.

3. Wairarapa Federated Farmers concerns with NRP PC1

3.1 WFF lodged a submission pursuant to Schedule 1 of the Act.

3.2 WF's concerns can be summarised into two broad aspects, namely:

- a. The starting point for achieving desired water quality improvement in NRP PC1 is not clearly defined because the Council's modelled estimates for baseline states lack sufficient rigour (in that there has been insufficient baseline sampling to 'ground truth' the modelled baseline); and
- b. The 2040 date for achieving attribute state targets may be unrealistic, and that a longer time-period may well be needed.

3.3 In this regard, the section 32 Report for NRP PC1 helpfully explains "... *achievement of the 2040 objectives was intended as the first measurable step to improving the health and wellbeing of the Whaitua and further improvement would be required to fulfil Ngāti Toa and community visions*"³. In this regard, the NPSFM requirement for implementing long-term visions for freshwater are that goals must be *ambitious but reasonable* and timeframes to achieve those goals must also be *both ambitious and reasonable*⁴.

3.4 I note that throughout the S42A reports, Ms O'Callahan has extensively considered submissions and recommended various amendments to NRP PC1. The thorough

³ Section 32 report, para 106.

⁴ NPSFM Clause 3.3(2).

manner of this reporting is helpful for evaluating aspects that I consider problematic from a planning perspective.

4. Council Planner’s recommendations on Wairarapa Federated Farmers submission in the section 42A report subtitled ‘Ecosystem Health and Water Quality policies’

More strategic or prioritised approach in Policies WH.P1 and P.P1

- 4.1 WFF seek a prioritised approach to pursuing water quality improvement to assist with achieving requirements with the relevant planning cycle. In this regard, Ms O’Callahan (in paragraph 49 of the s42A report) has recommended application of policy in locations ‘where aquatic values are deteriorated’ which she opines would have the effect of prioritising certain locations – as distinct from requiring catchment-wide improvements.
- 4.2 I agree that a prioritised approach is a practical way of approaching the task of remedying environmental harm where there here are likely to be ‘hotspots’ in some localities that need more immediate attention in situations where there are limits on capability to address such issues.
- 4.3 Nevertheless, if baseline state is poorly calibrated, there is less certainty about where deterioration may be occurring. If ‘deterioration’ is then determined to be occurring everywhere, this does not overcome problem of lack of capability to implement improvements.
- 4.4 Retirement of farmland, planting permanent vegetation, wetland establishment, or even vegetating riparian margins (and other actions referenced in the Council’s S32 Report⁵) all come at a cost. Whilst voluntary actions in this regard may currently enjoy financial support amounting to 35-50% of costs available from GWRC, they still have a component which must be borne by landowners. Moreover, if such actions become mandatory requirements for landowners in the NRP, future ongoing financial support

⁵ Section 32 report for NRP PC1.
<https://www.gw.govt.nz/assets/Documents/2023/10/Proposed-Plan-Change-1-Section-32-report-v2.pdf>

from the Council may not always be available⁶, leaving the burden of environmental improvement to lie more heavily on affected landowners.

- 4.5 The result of mandatory improvement targets may or may not be some improvement in water quality. But in the absence of good information about what needs improvement, such actions could beget what amounts to a landowner-sponsored field trial of water quality improvement actions for little or no environmental benefit. Therefore, accuracy of baseline states is critical.

Deletion of Policies WH.P2(e) and P.P2(e)

- 4.6 WFF sought deletion of Policies WH.P2(e) and P.P2(e) and replacement with amendments consistent with the Waitua Implementation Plan (WIP) recommendations and Method M12 of the NRP. Ms O'Callahan (at paragraph 61 of the report) identifies a lacuna in NRP PC1 relating to *planting of riparian margins to stabilise stream banks* and has recommended shifting the direction for riparian planting into the relevant activity-specific policies WH.P27 and P.P25. I support this recommendation.

Policy WH.P4/Table 8.5

- 4.7 WFF seeks the deletion of sub-clauses (a), (b) and Table 8.5 of WH.P4 citing insufficient evidence to support the proposed reductions and that the national bottom lines are aspirational, including for Mākara and Mangaroa, and in view of the fact that baseline sediment loads are uncertain.
- 4.8 Ms O'Callahan has (at paragraph 70 of the report) reported that the Council's response to this has led to revision of the mean annual load column in Table 8.5, one of which indicates a *materially lower load reduction is needed* in the Te Awa Kairangi rural streams and rural mainstems (from that included in the notified version of this table). Evidence has been submitted by Mr. Blyth and Dr Valois in support of Ms O'Callahan's recommended changes. I agree with Ms O'Callahan's recommendations.

⁶ In this regard, other regional councils have progressively withdrawn funding support from erosion control schemes as requirements to restrict erosion on private land have become increasingly regulated.

- 4.9 WFF also seek the addition of a clause to Policy WH.P4 which directs sediment source studies to establish fit for purpose information and consideration of natural factors impacting clarity (e.g. Mangaroa peat and Pauatahanui soft-bottom substrate).
- 4.10 Ms O'Callahan's assessment at paragraph 73 of the s42A reports that further sediment work has been undertaken and reported in the evidence of Mr. Blyth. Dr Valois has addressed the natural factors impacting visual clarity in Mangaroa and adjustments have been made to the visual clarity TAS for the Te Awa Kairangi rural streams and rural mainstems part-FMU that have subsequently reduced the sediment load reductions required for this part FMU in WH.P4. I agree with Ms O'Callahan's recommendations.

Policy P.P4 and Tables 9.3 and 9.4

- 4.11 WFF seek the deletion of Policy P.P4 and Tables 9.3 and 9.4, citing insufficient evidence to support the proposed reductions. Ms O'Callahan's assessment at paragraphs 83-86 on the s42A report summarises the response of Council's scientist in re-evaluating Tables 9.3 and 9.4 with consequent deletion of sediment load reduction content from Table 9.3, deleting the zinc and copper load reductions in Table 9.3, and minor adjustment to Table 9.4 that has the effect of slightly increasing the target suspended sediment load reduction needed to achieve the visual clarity TAS in the Takapū part-FMU. I agree with Ms O'Callahan's recommendations.
- 4.12 WFF also seek the addition of a clause to Policy P.P4 which directs sediment source studies to establish fit-for-purpose information. I agree with Ms O'Callahan's recommendation on this at paragraph 88 of the s.42A report.

Policy P77

- 4.13 WFF seek retention of Policy P77 for all Whaitua. Ms O'Callahan (in Table 2 at page 25 of the s.42A report) considers that this policy will duplicate and conflict with the whaitua-specific objectives covering human health parameters (i.e. E.coli and enterococci) proposed through PC1, which also seek to maintain or improve water quality for contact recreation and Māori customary use and sees no need to revert to this existing policy. I agree with Ms O'Callahan.

5. Council Planner's recommendations on Wairarapa Federated Farmers submission in the section 42A report subtitled 'Objectives'

Riparian planting and stream shading

- 5.1 The WFF submission has commented that stream shading may not assist in meeting the proposed TAS for periphyton biomass and that for most part-FMUs the Council has insufficient data on periphyton biomass. Ms O'Callahan (at paragraphs 144-166 of the s.42A report) has acknowledged this and drawn on updated existing state information for the periphyton attribute provided by Dr Greer, to add to the TAS tables included in Table 9.2 for some further Porirua Harbour ('TAoP') part-FMUs. She has also recommended deleting the columns requiring a 'default Target Attribute State'. I agree with these recommendations.
- 5.2 Where baseline state information is not available for (part) FMUs, then setting target attribute states for these results in pursuit of an arbitrary requirement to maintain or improve the unknown state, which may not have the desired effect of reducing water pollution. This begets onerous and unnecessary land management requirements for resource users, without even understanding if such pursuits would bring any benefits to water quality.
- 5.3 Besides that, there is not a straightforward relationship between any singular type of land management action and the impact on water quality improvement. There are many variables involved, including: geophysical site characteristics, the manner of farming on each site, the management style applied to each farm, local climatic conditions and disruptive (both weather-related and economic) events. In my opinion, a practical approach would involve iterative development of catchment improvement directly involving the farmers in the catchment through the freshwater action plan process.

Objective WH.O1 (freshwater bodies and CMA wai ora by 2100)

- 5.4 WFF seek the deletion of the second bullet point of Objective WH.O1 (requirement that *All freshwater bodies have planted margins*) on the grounds of impracticality.
- 5.5 Ms O'Callahan at paragraph 154 of the s42A Report) has accepted this in part on the basis that "*none of the statutory direction feeding into this plan change (NPS-FM and RPS Change 1 vision objective) nor the WIP direct planted margins everywhere in this*

*whaitua, but Te Mahere Wai envisages this*⁷. She has recommended amending the bullet point thus:

- *All ~~freshwater bodies~~ rivers and lakes have planted margins, where practicable*

- 5.6 In my opinion, the effect of adding the words ‘where practicable’, while intending to enable flexibility, introduces an aspect of uncertainty into implementation of this aim. Objectives need clear policies and methods to understand how they are supposed to be implemented.
- 5.7 However, making riparian planting into a mandatory aim is not likely to be practical in all situations. Where there is steep terrain going into creeks and streams (or even rivers and lakes), stock exclusion fencing is likely to be extremely difficult if not impossible.
- 5.8 There are likely to be situations where planting margins of waterways may simply not be as effective as maintaining good quality well-growing pasture. Effective riparian planting requires pest plant control, and on-going cost of this (and maintenance of stock exclusion fencing to protect the planting) can make riparian planting impractical.
- 5.9 Besides this, there is a question over how effective riparian planting actually is in achieving water quality improvements where other factors affect water pollution. In this regard, the increased likelihood of silt disturbance in soft-bottom stream beds is unlikely to be overcome by riparian planting.
- 5.10 Therefore, this aim may be better suited to a non-regulatory method (e.g., supported through GWRC funding grants) in situations where riparian planting can be practically applied.
- 5.11 Having regard to all these aspects, my recommendation would be to delete the aim of riparian planting from the objective.
- 5.12 WFF also seek that Objective WH.O1 should provide for a thriving primary production sector as part of the long-term vision. Ms O’Callahan agrees with this (at paragraph 156 of the s.42A report) and has recommended the following additional bullet point for the objective, whilst deferring to the NPSFM priorities for use of water in the concept of *Te Mana o Te Wai*:

⁷ S42A report ‘Objectives’ Para 154

- *Water is able to be used for social and economic use benefits, provided that the health and well-being of water bodies, freshwater ecosystems and coastal waters is not compromised.*

5.13 I agree that this is a suitable objective.

Objective P.O1 (groundwater, rivers, lakes, natural wetlands, estuaries, harbours and CMA wai ora by 2100)

- 5.14 WFF seek similar provision for recognising primary production as part of Objective P.O1 as for WH.O1. Similarly, Ms O’Callahan has recommend upholding this request (at paragraph 160 of the s.42A report). I support the suggested amendment.
- 5.15 WFF also seek deletion or clarification of the 1st bullet point of Objective P.O1 (Te Awarua-o-Porirua is a taonga of Ngāti Toa Rangatira and must be respected by others) on the grounds of consistency with providing for all values as set out in the NPS-FM and WIPs; and for practical achievability.
- 5.16 Ms O’Callahan (at paragraph 166 of the s42A report agrees that it appears to describe the way in which all people should view the taonga whaitua of Ngāti Toa Rangatira which she assesses as “... *not measurable or implementable as an RMA objective, as it is not an outcome for natural and physical resources. Rather, it reads as prescribing a desired human behavioural outcome*”⁸.
- 5.17 I agree that her recommended alternative point, namely: “*The values of Ngāti Toa Rangatira are upheld by way of revitalising and protecting Ngāti Toa Rangatira practices and tikanga associated with Te Awarua-o-Porirua*” is more appropriate.
- 5.18 WFF also seek deletion of the phrase ‘in a natural state’ from the second bullet point in the objective. WFF further seek deletion of the fourth bullet point in the objective (Rivers flow naturally, with ripples and the riverbeds are stony) or amending this to express a vision for natural character. Ms O’Callahan recommends rejecting this relief on the grounds that “*the provision is directed at habitat features for rivers, rather than the broader elements of natural character*”⁹, but has added the words ‘where possible’.

⁸ Op Cit Para 166.

⁹ Op Cit. Para 169

- 5.19 In my opinion, a *natural state* outcome is unrealistic within the anticipated 10-20 year planning lifetime of the NRP, given the high degree of modification of the land and waterways that has occurred over the last 150 or so years and the likely long timeframe required to 'restore' natural state. However, this may be possible in some parts of the catchment where habitat features may be in a natural state. Therefore, I agree with Ms O'Callahan's recommended amendments.
- 5.20 WFF also seek an additional bullet point be added to objective P.O1 to provide for harbour sedimentation to be *reduced to a more natural level*, for consistency with the NPS-FM and WIP values. Ms O'Callahan has recommended rejecting this because she deems this aim is already reflected in Objective P.O2 and Policy P.P4.¹⁰
- 5.21 However, I note that Objective P.O1 aims for the *wai ora* outcome by 2100, whilst Objective P.O2 talks about 'being on a measurable trajectory' to *wai ora* by 2040. In my opinion, there is some degree of ambiguity as to what might constitute a 'more natural level' by 2040 – as opposed to being in a 'natural state' by 2100. I foresee potential interpretation inconsistencies in ascertaining the relative degree of 'naturalness' when implementing these objectives making this into an unwieldy task. In my opinion, it would be simpler to replace the aspiration of attaining 'natural state' by 2100 in Objective P.O1 with the phrase 'reduce the sedimentation rate in the harbour to a more natural level' to keep aims simpler and more achievable.

Objective WH.O2 (groundwater, rivers and natural wetlands towards wai ora by 2040)

- 5.22 WFF seek the deletion of 2040 from Objective WH.O2, out of concern that reducing sources of sediment to a more natural level may not be achievable. WFF instead prefer to have timeframes for achievement of target attribute states developed through the freshwater action plan process and incorporated in a future plan change or variation. I note there are several other submitters who share a concern about un-achievability of the 2040 deadline.
- 5.23 Ms O'Callahan recommends rejecting this relief because she considers the timeframe to be useful for plan clarity, and it is a timeframe that aligns with other objective

¹⁰ Op. Cit Para 171

timeframes required under the NPSFM¹¹. I agree with Ms O’Callahan to the extent that some-or-other date is useful for ‘plan clarity’.

5.24 However, while it is necessary to comply with timelines in the NPSFM, I am not convinced that 2040 represents a date by which NRP ‘natural state’ aims are achievable. In that regard, limits and timeframes set out in the NPSFM are themselves somewhat arbitrary. In my opinion, where plan implementation relies on modelled state and trend information, or where there is a paucity of baseline information at the outset, it is functionally better to develop timeframes in a more iterative way through the freshwater action plan process, as understanding about the science and plan user capability to implement actions improves.

5.25 Similarly, WFF seek deletion of clauses a) to h) or amendment of b) to delete ‘to a more-natural state’ out of the same concern that timeframes should be determined as part of the prioritisation process anticipated in the Freshwater Action Plans and due to the fact that no baseline is specified for measuring the required ‘more natural level’.

5.26 Ms O’Callahan (at paragraphs 182 to 184 of the s42A report) appears to agree in that b) and c) do not identify values that relate to the action of getting to a ‘more natural level’ and she recommends redrafting b) and c) into a single clause thus:

“(b) natural form and character is maintained, or where degraded, improvement has been made to the hydrology of rivers, bank stability, sources of sediment are reduced, and the extent and condition of indigenous riparian vegetation is increased and improved, supporting ecosystem health, ...”

5.27 While I support shortening any plan to make it more concise, I do not agree that *increasing the extent of indigenous riparian vegetation* is a practical aim in all situations, as per my concerns noted in paragraphs 5.6 to 5.1 of my evidence. My preference would be for the new paragraph b) to be amended as follows:

“(b) natural form and character is maintained, or where degraded, improvement has been made to the hydrology of rivers, bank stability, and sources of sediment are reduced, ~~and the extent and condition of~~”

¹¹ Op cit. Para 178

~~*indigenous riparian vegetation is increased and improved, supporting ecosystem health, ...*~~

- 5.28 The extent to which riparian vegetation is an appropriate method to achieve maintenance or improvement in natural form and character in any given situation could then be further explored through the freshwater action plan process.
- 5.29 FF seek clause (g) to be amended to add ‘at priority contact recreation sites’ so that the ‘human contact’ value is confined to the freshwater primary contact sites identified in objective WH.O8.
- 5.30 Ms O’Callahan (at paragraph 187 of the s42A report) is inclined to not support this request outright because her assessment is that human contact freshwater value is present more broadly than just the primary contact sites, and that there is *“community expectation to improve this throughout the Whaitua”*. She also acknowledges *“from Dr Greer’s evidence that even the highest E.coli attribute states specified in the NPS-FM have a level of residual human health risk, albeit this reduces as the band increases from E to A., and it is important that the objective avoids setting a scientifically false expectation of what is possible”*¹². I support her recommended alternative amendment to clause (g) that *“mana whenua and communities can more safely connect with freshwater...”*¹³ as being more appropriate in these circumstances.
- 5.31 WFF seek a new clause added to WH.O2 to provide for reliable water to support primary production. In response, Ms O’Callahan has recommended the following clause be added:
- “(i) people and communities can provide for social and economic use benefits, provided that the health and well-being of waterbodies and ecosystems is not compromised.”*¹⁴
- 5.32 In my opinion, an aim of providing *for social and economic use benefits* may not go far enough as ‘to enable reliable water supply’ to support primary production, because the latter is about more than ‘use benefits’. Water is fundamental to primary production

¹² Op cit. para 188.

¹³ Appendix 4 to the Objectives s42A Report Page 5

¹⁴ Op Cit

and aiming for *reliability of supply* supports primary producer stewardship of the freshwater resource.

- 5.33 This is especially so where landowners must rely on utilisation of land to economically sustain themselves. Most rural land within the Wellington Region is in private ownership and there is little funding available to publicly acquire rural land for public stewardship. Therefore, it would be beneficial in these circumstances to aim for *reliability* of freshwater supply to support primary production. Accordingly, I prefer the following additional wording for the additional clause proposed by Ms O’Callahan:

“(i) *people and communities can provide for social and economic use benefits, and reliability of freshwater supply for primary production is supported, provided that the health and well-being of waterbodies and ecosystems is not compromised.*”

Objective P.O2 (groundwater, rivers, lakes and natural wetlands towards wai ora by 2040)

- 5.34 WFF seek similar provisions for amendments or deletions for Objective P.O2 as for WH.O2. Similarly, Ms O’Callahan has variously recommended upholding these requests in part or not (at paragraph 193 of the s.42A report). I generally support Ms O’Callahan’s suggested amendments with the proviso that where I differ from Ms O’Callahan’s recommendations with respect to WH.O2, I carry over the same reservations and preferences with respect to the similar aims in P.O2.

Objectives WH.O3 and P.O3 and Tables 8.1 and 9.1 (coastal water objectives)

- 5.35 WFF seek amendment to WH.O3 and P.O3 to clarify the aim is at least to ‘maintain’ in the first instance – (and then improve) where TAS are not met by 2040, and to delete e) - h). WFF also seek and added column for measured baseline state, amend numeric targets to read ‘maintain or improve’; and delete the 2040 time frame in Tables 8.1 and deletion of the numeric target attribute state timeframes Table 9.1.
- 5.36 Ms O’Callahan (at paragraph 213 of the s42A report) agrees that it is important that the objectives are set to be achievable in terms of the actions required but considers “*it is preferable to adjust the level of expected improvement where objectives are too onerous than to allow more time*” lest extending the timeframe carries a risk of delayed

action.¹⁵ Her recommendation is for amended less-stringent targets for enterococci at various locations, as well as less-stringent *harbour-wide targets* for specific bathing locations based on Dr Wilson's evidence. I agree with the principle (in her conclusion) that a "focus on improving as many of the coastal recreational water quality site locations to a safe level as possible, rather than every site when the evidence suggests this unlikely to be achieved"¹⁶ points to a need for realism in target setting.

- 5.37 Nevertheless, the NPSFM does not apply to these objectives and the actual targets recommended by Ms O'Callahan are somewhat hunched-based (in her words "a values-based conclusion"¹⁷). My preference would be to test the realism of her suggested amended targets through the freshwater action plan process incorporated in a future plan change or variation.
- 5.38 With respect to the drafting amendments that WFF seek to the chapeau on WH.O3, Ms O'Callahan agrees with the suggestion to amend the text where it reads 'maintained or improved to achieve...' and I support her recommended amendment '*is maintained or improved where deteriorated...*'¹⁸. I agree with Ms O'Callahan that Objectives WH.O3 and P.O3 are not aimed at freshwater, and that therefore the language of setting target attribute states as set out in the NPSFM, is not applicable for this.
- 5.39 With respect to WFF's relief sought for additional columns in Tables 8.1 and 9.1 for measured baseline state, Ms O'Callahan agrees that this would assist with plan clarity¹⁹.
- 5.40 However, with regard to WFF's relief sought for numeric targets in these tables to be replaced with a narrative 'to maintain or improve', Ms O'Callahan prefers numeric targets 'wherever possible'²⁰. My preference is that any suggested numeric targets included by way of amendment arising from submissions should instead be set through the freshwater action plan process and incorporated in a future plan change or variation, so that the realism of the targets can be calibrated against wider community feedback.

¹⁵ Op cit, para 213

¹⁶ Op cit. para 216

¹⁷ Op cit. Para 216

¹⁸ Table of Recommended Amendments to Provisions and Section 32AA Evaluation in Page 5 Appendix 4 to the s.42A report

¹⁹ Op cit. s 42A Report para 231.

²⁰ Op cit. para 232.

Objective WH.O5 (Parangarahu Lakes and associated natural wetlands towards wai ora by 2040) and Table 8.2 (target attribute states for lakes)

- 5.41 WFF seek to amend Objective WH.O5 a) to read *improve where TAS are not met* (deletion of ‘to achieve’); and to delete clauses b)-d); and an additional clause directing collection of robust data for assigning baseline state.
- 5.42 Ms O’Callahan (at paragraph 244 of the s42A report) appears uncertain about the relief sought in regard to clause a) of WH.O5. My understanding is that WFF are seeking that clause a) be amended to read:
- a) water quality, habitats, water quantity and ecological processes are at a level where the state of aquatic life is maintained, or meaningfully improved where degraded, ~~to achieve the target attribute states in Table 8.2~~ are not met, and*
- 5.43 In my opinion, this accurately and simply reflects requirements in clauses 3.11-3.13 of the NPSFM for water quality improvement aims.
- 5.44 With regard to the requested deletion of clauses b) - d) of WH.O5, Ms O’Callahan has (at paragraph 245 of the s42A report) agreed that b) and c) should be deleted, but not d) because it “... *sets an action to assist with ecosystem health and natural form and character values. In the case of these lakes, I understand they are managed by the Council in conjunction with mana whenua, so responsibility for this action is expected to fall there.*”²¹.
- 5.45 However, the reason given by WFF for seeking deletion of d) was ‘to take all practical steps to reduce uncertainty’ in terms of Clause 1.6 of the NPSFM. In this regard, the Council has the power to interpret uncertain information in the way that will best give effect to the NPSFM. In this case, the aim of having riparian vegetation *present around the perimeter of each lake* in itself is somewhat uncertain as to the extent/amount and manner/type of riparian vegetation needed, which calls into question how this aim should be interpreted by the Council. That is to say, there is no measurement for the effectiveness of this aim. In my opinion, this aim should either be removed or made more certain.

²¹

Op cit. para 245

- 5.46 With regard to the relief sought by WFF 'delete timeframe; delete attributes based on unknown or limited data from Table 8.2, Ms O'Callahan, in reliance on Dr Greer's assessment, has recommended removing the requirement for dissolved oxygen, which is not justified from a scientific perspective. However, she does not support removing the 2040 target timeframe.
- 5.47 In my opinion (as per my preference for relief sought with respect to the 2040 timeframes specified throughout NRP PC1), where plan implementation relies on modelled state and trend information, or where there is a paucity of baseline information at the outset, it is functionally better to develop timeframes in a more iterative way through the freshwater action plan process, as understanding about the science and plan user capability to implement actions improves. Otherwise, I endorse Ms O'Callahan's recommendations on this objective.

Objectives WH.O6 and WH.O7 (groundwater and aquitards)

- 5.48 WFF seek amendment to Objective WH.O6 d) to provide for sufficient reliability for the needs of communities and a thriving primary production sector.
- 5.49 Ms O'Callahan (at paragraph 257 of the s42A report) is in agreement provided that any such aim is consistent with the priorities (in Objective 2.1) of the NPSFM and has recommended including the following additional clause (alongside combining WH.O7 into WH.O6):
- i) social and economic use benefits are enabled where (a)-(h) are not compromised.*
- 5.50 I support the recommended changes in this regard.

Objective WH.O8 and Table 8.3 (freshwater primary contact site objective)

- 5.51 WFF seek an additional clause directing collection of robust data for sites with insufficient information.
- 5.52 Ms O'Callahan (at paragraph 271 of the section 42A report) has recommended updates to current state information in Table 8.3 for the two bathing sites 'Pākuratahi River @ Kaitoke Campground' and 'Hutt River @ Taita Rock' in reliance on scientific evidence of Dr Greer about updated (October 2023) baseline state information. The October 2023 baseline state for 'Hutt River @ Taita Rock' is 'good'. Dr Greer notes

that for the Pākuratahi River @ Kaitoke (in respect of which the baseline state as of October 2023 is poor), the “... *upstream catchment is almost entirely in native bush.*” and any “... *human source of E coli at this site... presumably originates in the Council operated Kaitoke Regional Park Camp site.*”²²

5.53 I support the recommended amendments to Table 8.3.

Objectives WH.O9 and P.O6 and Tables 8.4 and 9.2 (target attribute states for rivers)

5.54 WFF seek that WH.O9 and P.O6 are amended to read water quality is maintained or improved where the TAS is not met (and consequent deletion of b) for both objectives) and; add a clause directing collection of robust data for assessing baseline state and monitoring progress in all rivers within the part FMUs and for other rivers/catchments within the part-FMUs. WFF also seek deletion of the 2040 target timeframe in Tables 8.4 and 9.2 due to a lack of data to establish the baseline position for all target attribute states, and on the grounds that the 2040 timeline may be unrealistic.

5.55 Ms O’Callahan has (at paragraph 289 of the s42A report) recommended including alternate ‘current state’ data in the tables. With regard setting to ‘easy-wins’ where human health is most likely to be impacted as more a realistic approach, Ms O’Callahan has (at paragraph 299 of the s42A report) suggests revisiting the TAS settings instead of revisiting the timeframe.

5.56 As per my preference for relief sought with respect to the 2040 timeframes specified throughout NRP PC1, where plan implementation relies on modelled state and trend information, or where there is a paucity of baseline information at the outset, it is functionally better to develop timeframes in a more iterative way through the freshwater action plan process.

²² Paragraph 184 of Dr Greer’s Statement of Evidence.