

Before an Independent Hearings Panel of Greater Wellington Regional Council

<b>Under the</b>	Schedule 1 of the Resource Management Act 1991 ( <b>RMA</b> )
<b>In the matter</b>	Proposed change 1 to the Natural Resources Plan for the Wellington Region
<b>Hearing Topic</b>	Hearing Stream 2 – Objectives and Ecosystem health policies

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**STATEMENT OF EVIDENCE OF VANESSA ALISON RODGERS ON BEHALF OF  
PORIRUA CITY COUNCIL**

**PLANNING**

**14 March 2025**

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## **1. INTRODUCTION AND QUALIFICATIONS**

**1.1** My full name is Vanessa Alison Rodgers.

**1.2** I am employed by the Porirua City Council (**PCC**) as a Senior Policy Planner. I hold the qualifications of Bachelor of Science with Honours in Physical Geography from Victoria University of Wellington and a Masters in Resource and Environmental Planning with First Class Honours from Massey University.

**1.3** I have been employed by PCC since June 2024. In my current role, I provide expert advice on a range of resource management matters affecting the Porirua District, including submissions on national policy reform proposals, the appeals to proposed Plan Change 1 to the Wellington Regional Policy Statement, research and policy development for district plan policy issues, and policy advice to resource consent planners. I am very familiar with the Porirua District, its environment, and the policy context for land use, development, and subdivision in Porirua.

**1.4** Prior to my current role with PCC, and since 2003, I have held other planning roles with local authorities in the United Kingdom and New Zealand. In these roles, my primary focus was policy related planning work, for district plan processes in particular.

**1.5** I have prepared this statement of evidence on behalf of PCC to provide planning evidence in support of its submission to Greater Wellington Regional Council's (**GW**) Proposed Change 1 (**Change 1** or **PC1**) to the Natural Resources Plan for the Wellington Region (**NRP**).

**1.6** This statement of evidence relates to the matters for consideration as part of Hearing Stream 2 – Objectives and Ecosystem health policies (**HS2**).

**1.7** I am authorised to provide the evidence on behalf of PCC. While I am an employee of PCC, I am giving this evidence as a planning expert, and the views I express in this evidence are my own.

**Code of conduct**

**1.8** While this hearing is not before the Environment Court, I confirm that I have read the Code of Conduct for Expert Witnesses set out in the Environment's Court Practice Note 2023 and I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. PCC, as my employer, has authorised that I give this evidence on its behalf.

**2. SCOPE OF EVIDENCE**

**2.1** I have been asked to provide expert planning evidence in relation to PCC's submission on Change 1 (Submission number #240), specifically the issues raised by PCC's submission concerning the appropriateness and planning justification of:

- (a) The target attribute states (**TAS**), and associated 2040 timeframe for achieving the TAS, in particular for E.coli; and
- (b) The proposed provisions that seek to prohibit unplanned greenfield development.

**2.2** PCC's submission opposed both the notified Change 1 provisions on both issues, and I support that position in this evidence. This evidence considers both the notified provisions and s32 analysis presented by GW, and the section 42A report, which has modified the notified provisions. For completeness, I also oppose the modified provisions recommended by the section 42A report, as explained in this evidence.

### 3. STRUCTURE OF EVIDENCE

3.1 My evidence addresses the following matters:

- (a) The regulatory and policy context relating to Change 1;
- (b) The recommended TAS, especially those relating to E.coli;
- (c) Policy P.P2: Management of activities to achieve target attribute states and coastal water objectives; and
- (d) The section 32 Evaluation Report.

3.2 In preparing my evidence I have reviewed:

- (a) The Section 32 Evaluation of Provisions for Proposed Change 1 to the Natural Resources Plan for the Wellington Region (**s32 Report**);
- (b) Section 42A Hearing Report - Hearing Stream 2 Objective and Ecosystem Health (**s42A Report**);
- (c) The National Policy Statement on Freshwater Management 2020 (**NPS-FM**);
- (d) The National Policy Statement for Urban Development 2020 (**NPS-UD**);
- (e) National Environmental Standards for Freshwater 2020;
- (f) Regional Policy Statement Decisions Version of Proposed Change 1 and Variation 1 provisions (October 2024);

- (g) HS2 GWRC Technical Evidence of Dr Michael Greer 280225 (Freshwater));
- (h) HS2 GWRC Technical Evidence of Dr Peter Wilson 280225 (Coastal Human Contact);
- (i) HS2 GWRC Technical Evidence of Mr David Walker 280225 (Economics);
- (j) Attachment 1 to HS2 GWRC Technical Evidence of Mr David Walker 280225 (Economics); and
- (k) HS2 GWRC Response to information request – Economics Mr David Walker, published 11 March 2025.

#### **4. SUMMARY OF EVIDENCE**

##### **Modifications recommended to Change 1, as relevant to HS2**

- 4.1** I acknowledge that the s42A Report recommends changes to the TAS, including for E.coli, from the notified Change 1 proposals. This includes a relaxation of the notified E.coli TAS across all relevant areas, and for most, a relaxation to the minimum required improvement as required in the NPS-FM. In principle, I support this change, although I remain concerned about the proposed timeframes.
- 4.2** However, for three part-Freshwater Management Areas (**FMU**) in the Porirua catchment, the section 42A Report recommends TAS that exceed the minimum required by the NPS-FM. As explained in my evidence, I consider that the TAS for E.coli in these three areas is amended from 'C' Band to 'D' Band, so that it is consistent with the approach taken across all relevant TAS.
- 4.3** The timeframes for achieving the targets is of critical importance to PCC and the other territorial authorities. While setting aspirational targets is an

option available to GW, any targets need to be supported by a sensible, realistic plan that will provide for the targets to be achieved. As explained in this evidence, based on the evidence I have reviewed from GW, and the evidence of Mr Mendonca for PCC, I consider the timeframe to achieve the TAS, that I support, should be set at 2060. I also consider that interim targets should be set, that lead to 2060. This modified approach would provide a more realistic path for the implementation of changes, and a framework for assessing improved performance.

## **5. RELEVANT BACKGROUND CONTEXT**

### **PCC's key submission points**

- 5.1** PCC's submission on Change 1 as notified raised a number of general overarching concerns. In summary, these are:

PCC supports in principle setting a trajectory of measurable improvements towards restoration of Te Awarua-o-Porirua's waterways and coastal water quality. However, there are significant challenges in terms of the costs to upgrade the wastewater network in order to achieve the TAS for E.coli by 2040. As a consequence, PCC considers the 2040 E.coli targets set by Change 1 to be unachievable and unaffordable.

PCC has a number of concerns with regard to the prohibited activity status for 'unplanned greenfield development' under Policy P.P2 and associated provisions. PCC considers this a blunt instrument and unjustified, and that it could result in negative unintended consequences.

PCC also has significant concerns in relation to the inaccuracy of Map 86 that spatially identifies areas of 'unplanned greenfield development'. Map 86 is inconsistent with the Decisions Version of PCC's Proposed Porirua District Plan (**PDP**), particularly for

areas identified as Future Urban Zone, Māori Purpose Zone (Hongoeka) and Special Purpose Zone (BRANZ).

### Section 42A Report

- 5.2** Overall, I consider that the s42A Report author has taken account of PCC's submissions and sought to modify the Change 1 provisions as a result. There are however further amendments that I consider necessary to ensure that the provisions are effective, efficient, and the most appropriate.
- 5.3** Appendix 1 to my evidence sets out PCC's submission points, the s42A recommendations in response to those submission points, and my recommended amendments in response to those s42A recommendations.
- 5.4** The s42A Report recommends changes to the TAS based on further technical evidence, including economic evidence which concluded that the notified Change 1 approach was 'both unaffordable from a rates perspective and unachievable from a capacity perspective'.<sup>1</sup>
- 5.5** Generally, the changes recommended in the s42A Report seek to relax the standards required, where those targets are considered to be unaffordable and impractical to achieve within the 2040 timeframe. I consider this relaxation appropriate, but observe that GW's own evidence demonstrates that even achieving the less stringent E. coli standards by 2040 is going to be extremely burdensome to ratepayers in the two whitua areas.
- 5.6** For example, Mr Walker's evidence is that the step-change in rates for Porirua City would be **from** 14% (annually, maintained for 16 years) to achieve the E.coli minimum required improvement (**MRI**) as required in the NPS-FM. Mr Walker acknowledges that this estimated minimum 14% rates increase excludes:
- (a) Maintenance and servicing costs;
  - (b) Business-as-usual rates increases;

<sup>1</sup> Statement of Evidence of David Adrian Walker on behalf of Greater Wellington Regional Council (Economics) dated 28 February 2025 at paragraph [71.1].

- (c) Costs for pump stations and rising main upgrades;
- (d) Costs of borrowing; and
- (e) Costs to remediate cross-connections (to be borne by homeowners).

**5.7** As a consequence of these exclusions, I consider his estimated rates increase to be unreliable, and I note that Mr Mendonca's evidence outlines the likely cost to PCC, specifically.

**5.8** The minimum 14% increase was also calculated, as I understand it, based on the MRI required by the NPS-FM – being one state above the baseline state. For three of the five part-FMUs in Te Awarua-o-Porirua (**TAoP**), the s42A Report author has recommended E.coli standards that are more stringent than the MRI. Three FMUs are recommended to have TAS for E.coli that are two states above the baseline to be achieved by 2040. I have not seen any economic evidence that has evaluated the costs and practicality of achieving these more stringent standards.

**5.9** The MRI calculations in Mr Walker's report do not include the cost of meeting other TAS, as set out in Table 9.2 of Appendix 1 to the s42A Report. Accordingly, in my view the full cost of achieving the s42A recommendations, as a package, is not known. This is an undesirable level of certainty, that does not provide me with confidence that the provisions are workable, achievable and therefore the most appropriate in section 32 terms.

#### **Concerns with the section 32 Report**

**5.10** As discussed further below, I consider that there are flaws with the s32 analysis undertaken for GW. I do not consider the s32 Report and associated technical reports to have adequately addressed, assessed, and considered other reasonably practicable options for achieving the objectives. I also consider that a s32AA evaluation should have been undertaken in October 2023 following the fundamental change by GW's



Councillors to the proposed timeframe for achieve the TASs, from 2060 to 2040.

**5.11** Based on the evidence presented for GW, specifically the economic evidence of Mr Walker, if an analysis had been undertaken at that time, then it would have confirmed that the TASs proposed by the notified Change 1 were unaffordable and unachievable, if the 2040 timeframe was to apply.

**5.12** Given the scale and significance of the effects of PC1 – especially economic and social effects on people and communities - and that several generations have contributed to the poor state of water quality across the region, my view is that additional time should be allowed to require compliance with the TAS. As it took generations to create the problem, it will likely require multiple generations of capital investment to fix the problem in a manner that is sustainable and financially feasible. Overall, I consider the timeframe to achieve the TASs set out in PC1 to be the critical factor for PCC and the community.

**5.13** In setting timeframes for targets, the Ministry for the Environment (**MfE**) guidance in relation to Clause 3.11 of the NPS-FM states:<sup>2</sup>

...the timeframe can be more flexible. Councils can set these to make their TAS achievable, and to spread the task of improvement over the current or future generation of resource users.

**5.14** As I explain further in my evidence, and as set out in the evidence provided by Mr Walker, the 2040 timeframe is unachievable and unaffordable. A longer timeframe will still be challenging both in terms of deliverability and affordability, but costs to the community will be more affordable as these can be spread over a longer period. The desired outcome will still be achieved, but the pathway to that outcome will be more realistic and reflect

2 Ministry for the Environment *He Ārahitanga mō Te Anga Whāinga ā-Motu o te NPS-FM – Guidance on the National Objectives Framework of the NPS-FM* (Ministry for the Environment, ME 1753 <<https://environment.govt.nz/publications/guidance-on-the-national-objectives-framework-of-the-nps-fm/clause-3-11/>>).

the multi-generational investment required. This is the more sustainable approach to take in terms of social and economic wellbeing of people and communities and therefore would better meet the purpose of the RMA.

- 5.12 In relation to how PC1 deals with ‘unplanned greenfield development’, I also consider that the s32 Report fails in its consideration of other activity statuses (for example discretionary or non-complying) to achieve the related objective.

## **6. REGULATORY AND POLICY CONTEXT**

- 6.1 While I generally agree with the regulatory and policy context set out in section 5 of Part A of the s32 Report, there are some areas that I consider require clarification, particularly to the extent Change 1 complies with national direction. These relate to whether Change 1 gives effect to the NPS-UD and NPS-FM. I also discuss the timeframes of the Te Awarua-o-Porirua Whaitua Implementation Programme (**WIP**) and their relevance to PC1.

- 6.2 Regional policy statements, regional plans and district plans must all give effect to national policy statements. Unless it is specifically stated in an NPS, no one NPS has any greater weight over another. As a result, GW – through its RPS and the NRP - must give effect to the NPS-UD, as well as the NPS-FM, with a need to reconcile the policy direction given across those documents.

- 6.3 The s32 Report, at section 5.5, states “regional councils are directed under the RMA to give effect to the objectives and policies of the NPS-UD, *where directed*, when developing statutory plans and plan changes”. The words ‘where directed’ could be taken to imply that the regional council does not need to give effect to the entirety of the NPS-UD, but only where it is directed to do so. That is not the case. Instead, the national policy statements must be read and given effect to holistically, rather than selectively. In the case of the NPS-UD, this would include, for example,

giving effect to clause 3.8 which relates to the consideration of plan changes that provide significant development capacity that are not otherwise enabled in a plan or not in sequence with planned land release.

### **Te Awarua-o-Porirua Whaitua Implementation Programme (WIP)**

**6.10** Section 5.12 of the s32 Report states that the WIP forms part of the Council's approach to implement the NPS-FM. I note that the WIP is a non-statutory document that has not been subject to the same evaluation of costs and benefits and community-wide public consultation requirements that RMA plans are required to undergo. Change 1 appears to implement many of the recommendations of the WIP, including the 2040 timeframe to achieve E.coli TAS, but without adequate analysis of costs and benefits as required by section 32 of the RMA.

**6.11** In my opinion, if that analysis had been undertaken in 2023 as part of the development of Change 1, it would have concluded that the requirements of Change 1 are unaffordable (and unachievable).

**6.12** I understand that the proposed 2040 timeframe comes from the WIP. Adopting this timeframe simply because it is in the WIP does not consider the timing of the WIP itself.

(a) Work on the WIP began in 2014, with the document published in 2019.

(b) At that time, the timeframe for achieving the desired water quality targets was 2040. It is unclear if the 2040 date was proposed as a concrete date, or if it was instead intended to allow for a 20–25-year period for improvements to be made (ie. from 2019 to 2040).

**6.13** If the intention was that approximately 20 years was considered a reasonable timeframe for achieving the water quality targets, then 11 years (at worst) or 6 years (at best) have since been lost. Effectively, the time to achieve the WIP targets keeps reducing, but whatever timeframes are set

they need to be supported by a framework that is affordable and achievable.

### **Changing regulatory landscape**

**6.14** It should also be recognised that the regulatory landscape affecting water in NZ is shifting, with major RMA reform, Local Government (Water Services) Bill 2024, a proposed new single standard for wastewater and stormwater environmental performance, and infrastructure delivery models changing under the Local Government (Water Services Preliminary Arrangements) Act 2024.

**6.15** Taumata Arowai, the Water Services Authority, is currently consulting on proposed national wastewater environmental performance standards. These standards will apply to public networks only. If the Local Government (Water Services) Bill 2024 comes into force as it is currently drafted, clause 269 will mean that the new national standards will prevail over any other rules, national direction, regional plans or policy statements, and district plans. I consider that it would be prudent for GW to align its regulatory framework with the proposed standards as early as possible to avoid the need for another plan change in the near future. Alternatively, GW could consider delaying decisions on Change 1 until the new national standards are in place, which is expected to be later this year, to avoid undesirable duplication and potential uncertainty.

## **7. E.COLI TARGET ATTRIBUTE STATE**

**7.1** As set out in Mr Mendonca's evidence, PCC strongly supports improving the water quality of TAoP. From a planning perspective, I support Objectives P.O2 and P.O3, in principle, setting a trajectory of measurable improvement towards restoration of TAoP's coastal and freshwater waterbodies.

**7.2** The Economic Assessment by Mr Walker provided by GW in February 2025 confirms the concerns raised in PCC's submission on Change 1. The fact that

this economic assessment now forms part of the Council's own evidence as part of this hearing highlights the lack of evidence supporting the notified Change 1 provisions, and the risks in adopting the recommendations in the section 42A Report. I discuss the s32 Report in further detail below at paras 7.51 – 7.74.

- 7.3** The s42A Report recommends relaxing the E.coli TAS in some part-FMUs where the targets are considered unaffordable and impractical to achieve within the 2040 period, as well as reducing the stringency of some enterococci targets (together, the **Revised TAS**). The Revised TAS are intended to be achievable and affordable. In order to satisfy s32AA, I would have expected an updated economic assessment to be provided that demonstrates that the Revised TAS are indeed affordable and achievable. I note that there is no economic assessment provided to justify the Revised TAS for E.coli at Pouewe, Takapu and Taupo part-FMUs, or the Revised TAS for metals recommended in the s42A Report. In the absence of this analysis, I consider it impossible to definitively state that the recommended changes are achievable and affordable.

#### **Economic evidence - Mr Walker 2024**

##### ***Economic assessment - summary***

- 7.4** In terms of spreading the cost over different timeframes, Mr Walker in his (freshwater) technical evidence considers that to meet the TAS in Change 1:
- (a) by 2040 – is unaffordable and unachievable (this is between 25% and 35% rates increase sustained for 16 years)
  - (b) by 2060 – rates could increase by 15% (average across the four councils) sustained for 36 years; workforce capacity would need to surge by up to 162% sustained for 16 years. Costs could be up to \$5.37 billion, excluding maintenance and servicing costs.
- 7.5** Mr Walker's evidence states to meet the MRI for E.coli:
- (a) by 2040 – rates could increase by up to 22% (average across the four councils) sustained for 16 years and need a surge in

workforce capacity of 20% to 69% sustained for 16 years. It would cost \$3.36 billion. This is \$2 billion less than PC1 as notified.

- (b) by 2060 – rates could increase up to 10% (average across the four councils) sustained for 36 years excluding maintenance and servicing costs. However, work would be accommodated within the current workforce capacity.

**7.6** The step-change in rates required, average across four councils for various timeframes, according to Mr Walkers evidence is set out below:

	<b>2040</b>	<b>2050</b>	<b>2060</b>
MRI Low	15.3%	9.42%	6.8%
MRI High	21.6%	13.29%	9.6%
TAS Low	24.44%	15.04%	10.86%
TAS High	34.56%	21.27%	15.36%

**7.7** The step change in rates required in Porirua over various different timeframes, according to Mr Walkers evidence is:

	<b>2040</b>	<b>2050</b>	<b>2060</b>
MRI Low	13.85%	8.52%	6.16%
MRI High	14.68%	9.03%	6.52%
TAS Low	21.82%	13.43%	9.70%
TAS High	24.76%	15.23%	11.00%

**7.8** As set out in Mr Mendonca’s evidence, and indeed Mr Walkers own evidence, these costs and associated rate increases are likely to be very conservative. The actual costs to ratepayers will likely be much higher when also factoring in maintenance and servicing and business as usual increases in rates.

***PC1 as notified***

**7.9** Mr Walker’s assessment looks at the affordability and achievability of the Change 1 proposed freshwater TAS for E.coli, and dissolved zinc and copper.

In his economic assessment he makes it clear that the provisions of PC1 are unachievable and unaffordable. At para 71.1 he states:

“the costs to TAs of contributing to achieving the PC1 metals and E.coli TAS by 2040 is both unaffordable from a rates impact perspective and unachievable from a capacity perspective. Average rates could rise by up to 35% sustained for 16 years, while workforce capacity would need to surge by up to 162% sustained over 16 years. Excluding any servicing and maintenance costs, achieving the TAS could cost up to \$5.37 billion.”

**7.10** Change 1 as notified is therefore not sustainable and would not achieve the purpose of the RMA. I acknowledge and support the direction of the changes recommended in the s42A Report as these may reduce the likelihood of Change 1 being unaffordable and unachievable. However, the s42A recommendations do not go far enough, particularly in terms of timeframe.

**7.11** To extend the timeframe to 2060 to achieve PC1 metals and E.coli TAS, Mr Walker’s evidence states at para 71.2:

“Average rates could still rise by up to 15% sustained for 36 years, while the workforce capacity would need to surge by up to 17% sustained over 36 years. The longer timeframe allows the costs of improvements to be spread over a longer time period, but does not negate any of the \$5.37 billion in spending, nor the maintenance and servicing costs associated with that spending.”

**7.12** As noted above, Mr Walker acknowledges that the percentage rate increase does not factor in maintenance and servicing costs and will also be in addition to business-as-usual rate increases. The reality to ratepayers would therefore likely be rates increases of significantly more than 15%.

**7.13** PCC’s submission stated that a rates increase of 12–14% would be required to achieve E. coli in addition to a rates increase of around 10–30% for business-as-usual is ‘not a tenable option to expect ratepayers to afford this level of cost under the current cost living crisis’. As such, I consider that achieving the revised Change 1 TAS by 2060 is still likely to be unaffordable for the people and communities of Porirua. Further to this, PCC’s submission states that a rates increase of 6-7% ‘will still put a significant

strain on households'. The affordability of PC1 for Porirua ratepayers is further discussed in Mr Mendonca's Evidence.

***Achieving Minimum Required Improvement (MRI)***

**7.14** Mr Walker helpfully assesses the affordability and achievability of the MRI for E.coli as set out in the NPS-FM – being an improvement of one band from the baseline state. This is a helpful comparison and an option that I think should have been addressed in the s32 Report, as a reasonably practicable alternative option for consideration.

**7.15** Similarly, in terms of stormwater, dissolved copper and zinc are not included as a compulsory attribute in the NPS-FM and they do not have a MRI, or a national bottom line. However, unlike E.coli, Mr Walker has not provided economic assessment of NPS-FM minimum requirements in relation to dissolved copper and zinc – that is, that no target is required.

**7.16** Accordingly, reasonable alternatives considered through the s32 evaluation and through the plan change process (including after considering submissions) should include the option of meeting the minimum standards set out in the NPS-FM.

**7.17** Mr Walker surmises that achieving this less stringent E.coli MRI by 2040:

...could require rates to rise by up to 22% sustained for 16 years, while workforce capacity would need to surge by 20% to 69% sustained over 16 years (para 71.3). Achieving E.coli MRI would cost considerably less, at up to \$3.36 billion at the highest end of the estimates, excluding maintenance and servicing costs. This is \$2 billion less than the equivalent estimate for the cost of achieving the PC1 metals and E.coli TAS.

**7.18** A 22% rates increase is considered to be unaffordable for the Porirua community. Mr Mendonca's evidence for PCC dated 14 March 2025 explains this further.

**7.19** As shown in the rebuild efforts following the Canterbury Earthquake Sequence, it is important to recognise that increases in the capacity of the



required engineering, planning, construction and related industry workforces will also need access to appropriate supporting infrastructure such as housing, which could be challenging in our current housing shortage crisis. They and their families will also need access to other social services such as education and healthcare. This means that there are wider economic implications to consider.

**7.20** Extending the timeframe to 2060 for delivering MRI E.coli could reduce the required rates increases to 10% (average across the four councils), sustained for 36 years, without allowing for maintenance or servicing costs but would be able to be accommodated within current workforce capacity (para 71.4 of Mr Walker’s evidence).

**7.21** PCC’s submission states that an increase in rates of 6 -7% would be a strain to households in Porirua. I rely on that view and consider that 10% rates increase (in addition to BAU increases) will likely be considered unaffordable to many households in Porirua. As noted, this is discussed further in Mike Mendonca’s evidence.

***Caveats to the report***

**7.22** There are a number of caveats with respect to cost in Mr Walker’s report. These are discussed further in Mr Mendonca’s evidence. Taking the caveats into account, I consider that costs that would need to be met by ratepayers are likely to be much higher than those set out in Mr Walker’s economic report.

**Section 42A report - E.coli TAS and Coastal water objectives**

***E.coli TAS***

**7.23** Table 22 from Dr Greer’s evidence shows the attributes that will be “difficult to meet without significant mitigation and/or landuse change”. All five Part-FMU’s in TAoP are included in this Table. Table 2 of the s42A Report recommends the following TAS for E.coli in TAoP:

Part-FMU	Baseline	PC1 as notified	S42A
Pouewe	E	B	C
Taupo	E	B	C
Takapu	E	C	C
Wai-O-Hata	E	C	D
Te Rio o Porirua and Rangituhi	E	C	D

**7.24** Generally, across both whituas and part-FMUs, it appears the s42A Report author is recommending TAS for E.coli to be set at the MRI – i.e. one band improvement on the baseline state as required in the NPS-FM. However, for three part-FMUs in TAoP the report author has recommended a higher TAS – effectively two bands from the baseline. I consider that this is unnecessary and not sufficiently justified.

**7.25** For the Takapu part-FMU the s42A recommendation is two bands/states above the current state of E. However, Dr Greer notes that Band C is not expected to be achievable at Takapu because it requires significant improvements to network discharges. Specifically, the ‘comments’ section of Table 2 (s42A Report) states for Takapu:

“C noted by Dr Greer as not expected to be achievable here as it requires significant improvements to network discharges (59% load reduction needed, so only just above his threshold assumed for achievability) and contributes to affordability issues; current state still at E; however as the minimum required improvement D requires only a 15% improvement over current state I consider that retaining C-state is more reasonable and is only marginally over the assumed threshold for ‘not achievable’, and accordingly, is only moderately unaffordable”.

**7.26** I do not understand there to be a linear relationship between the effort required to improve water quality, the associated costs, and the actual outcome of improved water quality, as seems to be assumed by the section 42A Report author. Takapu FMU might need only a 15% load reduction to shift water quality from Band E up to Band D; however, the effort (or intervention) and investment required to achieve that 15% might be more significant than is apparently assumed. The S42A Report author

recommends a TAS of Band C because of assumed ease of achieving Band D, but has done this in the absence of knowing the cost or practicality of achieving this. Specifically, the economic evidence did not assess this recommendation.

**7.27** Additionally, I consider that the phrase ‘moderately unaffordable’ as used by the section 42A report author is ambiguous, and I do not understand its intended meaning. In my opinion ‘moderately unaffordable’ is still unaffordable. Achievement of Band D would likely be more affordable – and therefore also is likely to be more achievable.

**7.28** It must also be recognised that in setting a TAS, achievement of higher than required standards is not prevented. The regulatory framework set by having TAS is a backstop and sets a minimum standard that must be achieved. It is in PCC’s benefit to achieve higher standards of water quality. Mr Mendonca’s evidence outlines that the Council will always strive to do so (within its means). However, the ‘cost’ in terms of reputation and ability to acquire necessary consents of not achieving the TASs is significant, and therefore it is critical that TASs are set that are practically achievable.

**7.29** For Pouewe and Taupo part-FMU areas, the recommended TAS in the section 42A Report is Band ‘C’. I note Table 2 in the s42A Report shows the baseline state as Band ‘E’. To achieve a Band ‘D’ state, a load reduction of 48% and 49% respectively would be required.<sup>3</sup> Paragraph 241 of Dr Greer’s Technical Evidence states that “those TAS that require mitigations more than 50% of the stormwater or wastewater network have been identified as difficult to meet”. Footnote 40 further explains “50% was chosen *subjectively* as it reflects the point where most of the network is impacted” [*emphasis added*]. I consider this is an overly simplistic method.

3 Statement of Evidence of Dr Michael John Crawshaw Greer on behalf Greater Wellington Regional Council (Technical Evidence) dated 28 February 2025 <<https://www.gw.govt.nz/assets/Plans-policies-by-laws/PNRP/Hearing-Documents/HS2/Technical-and-Legal/18-HS2GWRC-Technical-Evidence-of-Dr-Michael-Greer-280225-Freshwater.pdf>>

- 7.30** I note the load reductions required for Pouewe and Taupo are very close to the threshold of 50% – within 1-2% - and therefore I anticipate would still be very challenging to meet to Band D. It would be even more difficult to meet Band C. The specific load reduction required to meet Band C (as recommended by the s42A reporting officer) has not been provided in her report, nor in Dr Greer’s evidence. However, according to Table 11 of Dr Greer’s technical evidence, to achieve Band B involves a load reduction of 67% for Pouewe and 99% for Taupo part-FMU. To achieve D, a load reduction of 48% and 49% respectively is required.
- 7.31** Assuming a linear relationship between the percentage load reduction and the achievement of Bands B and D, achieving Band C may require in the order of a 55 – 60% reduction for Pouewe and a 70 – 80% reduction for Taupo. Accordingly, in the absence of the necessary evidence to support the s42A recommendations, and using Dr Greer’s assessment metric of a 50% load reduction, I consider it likely that achievement of State C for Pouewe and Taupo FMU areas as recommended in the s42A Report to be unaffordable and/or unachievable by 2040 because the likely load reductions to achieve Band C would likely exceed the 50% threshold.
- 7.32** It would have been more helpful if Dr Greer could provide the load reduction required for Pouewe and Taupo to achieve the recommended S42A TAS – Band C, so that an informed evidence-based decision could be made.
- 7.33** I consider that the economic evidence should also be updated in order to more fully understand the effects of the provisions recommended by the s42A author (especially for Pouewe, Taupo and Takapu part FMUs), in accordance with the requirements of s32AA. Without this updated economic evidence, the recommended provisions cannot be made out as the most appropriate in section 32 terms.
- 7.34** I also note paragraph 334 of the s42A Report that states it is the report author’s preference “to get to a point through this hearing process, where

there are reasonable targets in the tables...". This suggests the report author anticipates changes to their s42A recommendations. I consider that the E.coli TAS should be amended from State C to State D for Part-FMU areas Pouewe, Taupo and Takapu for the reasons outlined above. This would also be consistent with paragraph 299 of the s42A Report where it states:

...my recommendation for the Hearing Panels is to consider achievability, and where the evidence indicates targets will be very difficult to achieve, to reduce the target where possible, i.e where this can be done without compromising any national bottom lines minimum required improvement that must be met under the NPS-FM.

### ***Coastal Water Objectives***

**7.35** In terms of the coastal environment, Dr Wilson's evidence on coastal human contact, states at paragraph 27:

Making the freshwater TAS more lenient and only requiring the NPS-FM 2020 E.coli MRI is likely to result in freshwater TAS that are still generally consistent with achieving the enterococci coastal objectives through most of TAoP Harbour. This suggests that in addition to being consistent with the best available MfE/MoH (2003) guidance, the current enterococci objectives for TAoP Harbour are also likely to be achieved through the actions necessary to meet the E.coli requirements of the NPS-FM 2020. Importantly, however, this does not apply at the Waka Ama site.

**7.36** In terms of TAoP, Dr Wilson's evidence at paragraph 26.2 states that if E.coli loads are reduced to the extent required to achieve MRI, three out of four monitoring sites in the TAoP Harbour would meet the PC1 objective of less than 500 enterococci/100mL. However, at the Waka Ama site enterococci levels would still be more than two times higher than the PC1 objective.

**7.37** My understanding, based on the evidence of Dr Wilson is that in terms of health and safety to the public, the Waka Ama site can be managed through signage to inform the public of health risks at this location, until such time further improvements can be realised.

***NPS-FM Clause 3.11 Setting target attribute states***

- 7.38** I consider that Change 1, with respect to freshwater TAS, does not give effect to Clause 3.11(6) of the NPS-FM, nor its associated MfE guidance, and that interim targets are required.
- 7.39** Change 1 does not set interim target states for freshwater targets. I consider that it does not comply with Clause 3.11 (6) of the NPS-FM which states:
- Timeframes for achieving target attribute states may be of any length or period, but if timeframes are long term:
- (a) they must include interim target attribute states (set for intervals of not more than 10 years) to be used to assess progress towards achieving the target attribute state in the long term; and
- (b) if interim target attribute states are set, references in this National Policy Statement to achieving a target attribute state can be taken as referring to achieving the next interim target attribute state.
- 7.40** MfE guidance on the National Objectives Framework of the NPS-FM states that ‘for timeframes longer than 10 years, councils must set interim target states, at intervals of no longer than 10 years, as stepping stones’. Given 2040 is more than 10 years away, and that the delivery of the work programme to achieve the TAS far exceeds 10 years, I consider that Change 1 in respect of freshwater targets should set out interim TAS, as required by the NPS-FM and further supported through MfE guidance.
- 7.41** With regards to timeframes (for example 2040, 2050 or 2060) the s32 Addendum confirmed that “the original wording of the policy related to interim timesteps to achieve the E.coli TAS if the timeframe was 2050 or 2060. With a timeframe of 2040, this policy is not required.” I do not agree with that conclusion.
- 7.42** The s42A reporting officer does not consider a timeframe of 2040 to be ‘long term’, and that PC1’s long term timeframe is expressed within the plan change’s 2100 wai ora objectives. However, I consider the NPS-FM and associated guidance is clear, and that interim target attribute states should be provided, set at intervals of not more than 10 years.

**7.43** I note the s42A reporting officer’s recommendation for a new Objective P.O7 which would provide an interim objective preventing further decline of the health and wellbeing of TAoP’s rivers. This is recommended “on the basis it would make the alignment between PC1 and the NPS-FM clearer” (para 103 s42A Report). It is unclear whether this is in response to Clause 3.11(6) of the NPS-FM. If so, I do not consider that it meets the requirements of that clause.

### ***Setting a long-term vision***

**7.44** Clause 3.3(2) of the NPS-FM states:

- (1) Every regional council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement.
- (2) Long-term visions:
  - (a) May be set at FMU, part of an FMU, or catchment level; and
  - (b) Must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and
  - (c) Identify a timeframe to achieve those goals that is both ambitious and reasonable (for example 30 years after the commencement date).

**7.45** The long-term vision for TAoP is for the year 2100 as set out in RPS Objective TAP and PC1 Objective P.O1. There are 75 years to achieve the vision. In my opinion, given the long-term timeframe to year 2100, there is an unreasonable expectation on achieving E.coli targets set in PC1 in a comparatively short period of time, bearing in mind the high financial costs to the community, and the workforce capacity and capability that would be required. I consider that the 2060 timeframe would be ambitious, let alone the impossible proposed 2040 date.

### ***Timeframes***

**7.46** I note clause 3.11(7) of the NPS-FM. This states “Every regional council must ensure that target attribute states are set in such a way that they will achieve the environmental outcomes for the relevant values, and the relevant long-term vision”. Evidence from Mr Walker strongly suggests that by 2040 the environmental outcome of improved water quality for coastal and freshwater in terms of the E.coli TAS cannot be achieved. This is therefore not an effective or efficient target.

**7.47** Therefore, because the TAS cannot be lower than one band above the current state to meet the requirements of the NPS-FM, the timeframe to achieve the TAS becomes the critical variable.

**7.48** The year 2040 provides only 15 years to achieve the revised TAS for E.coli. Based on the evidence presented, more time is required to achieve the Revised TAS. I consider that setting a more realistic timeframe of 2060 for achieving the Revised TAS would still provide an ambitious, but feasible pathway for achieving the long-term vision for 2100. In other words, a timeframe of 2060 to achieve MRI E.coli would still likely achieve the long-term vision while also enabling people and communities to better provide for their social, cultural and economic wellbeing.

**7.49** I further note para 213 of the s42A Report:

I agree that it is important the objectives are set to be achievable in terms of the actions required, but consider it is preferable to adjust the level of expected improvement where objectives are too onerous than to allow more time. Extending the timeframe comes with it, a risk of delayed action.

**7.50** I note that the risk of delayed action can be significantly mitigated through effective project management of those stakeholders who have an impact on the TAS (including territorial authorities), and supporting non-statutory actions and other methods by GW to partner with those organisations and assist to drive change. Additionally, I consider that setting an unachievable timeframe poses a significant risk that the targets are not taken seriously. The s32 Report also recognises this risk: “This means that setting overly ambitious TAS and coastal water objectives could result in consenting or enforcement issues if Wellington Water cannot demonstrate achievement of the objectives. This could, then in turn, result in a perverse outcome of delaying the upgrade work programme” (paragraph 98, Part C).



### **Response to Section 32 assessment**

- 7.51** Section 32 of the RMA is integral to ensuring transparent, robust decision-making on RMA plans and policy statements (proposals). The requirements of Section 32AA for undertaking and publishing further evaluations are also important at this stage of the process.
- 7.52** I consider that the s32 Report falls short of the requirements set out in s32 (a) to (c), and fails with regards to s32AA because a further evaluation was not undertaken following the decision in 2023 to change the timeframes for the E.coli TAS and enterococci coastal water objectives from 2060 to 2040. In my opinion, the s32 Addendum inserted in the s32 Report does not meet s32AA requirements, nor does it provide an assessment that the change of timeframe is the most appropriate to achieve the purpose of the Act.
- 7.53** The S32 evaluation report produced for PC1 contains several conflicting statements and inconsistencies on whether PC1 is effective and efficient. For example, in discussing ‘predicted achievement of TASs and coastal objectives’ para 90 Part C of the s32 report states:
- PC1 acknowledges that there is a limit to what can be achieved by rules. In a practical sense, rules must be reasonable and able to be implemented by Greater Wellington and resources users in an effective way. Accordingly, the regulatory provisions of PC1 have been developed to drive a level of change at a rate where the costs to resource users and the community are manageable’.
- 7.54** Mr Walker’s economic evidence and Mr Mendonca’s evidence for PCC clearly demonstrates that the cost to the community of achieving PC1 is not ‘manageable’, and Mr Walker concludes that the provisions are both unaffordable and unachievable.
- 7.55** Section 3.3.3 of Part C of the s32 Report poses the question: “Are the E.coli TAS and enterococci coastal water objectives achievable within the timeframes set in the WIPs?” No clear definitive ‘Yes’ or ‘No’ answer to that question is provided in the s32 Report. Rather paragraph 115 states, “the officers’ advice was that it would be very challenging that a timeframe of

2040 could be met. A longer timeframe of 25 years in TAoP and 35 years in TWT for completion of the works was therefore recommended to Council by officers to be appropriate.” I note the 25 and 35 year timeframes are for the ‘**completion of works**’ and not the achievement of the TAS. PC1 as notified is **to meet the TASs** by 2040. This is inherently in conflict.

**7.56** Paragraphs 107 – 113 of Part C s32 Report, set out the various cost, time and resource issues required to undertake the infrastructure upgrades. Paragraph 112 recognises that:

the most important consideration when setting an appropriate timeframe for the achievement of the E.coli and enterococci objectives is the length of time required to complete the physical works. The infrastructure upgrades are significant. They will require investment and resource that does not currently exist. Time will be required to generate funding, develop capability and capacity within the workforce and then set up a work programme to investigate, design, procure and then construct the upgrade works. It is likely to take several years to achieve this within each wastewater catchment. The current resource shortages apply to Wellington Water as well as the consulting and construction industry (not just in Wellington but also nationally).

**7.57** Paragraph 113 states that Wellington Water Limited expects that for each sub-catchment (and there are between 26 and 35):

it will take between six to ten years to complete planning, detailed design, investment, consenting, land acquisition, procurement, construction, and follow-up’.

**7.58** It further states that the process will be iterative, that several iterations will be required and ‘hence it will take longer than ten years’.

**7.59** Given this context, in my opinion the provisions in PC1, particularly in relation to the 2040 timeframe, were not sufficiently justified, analysed or assessed as the most appropriate in accordance with s32 RMA.

***Reasonably practicable options***

**7.60** MfE guidance ‘A guide to section 32 of the Resource Management Act 1991 *Incorporating change as a result of the Resource Legislation Amendment*

Act 2017<sup>4</sup> on s32 analysis states that the value of the s32 Report to the planning process is that it should help planners demonstrate that:

- Objectives, policies and methods of proposed RMA planning documents have been well tested against the purpose of the RMA;
- the anticipated benefits of introducing new regulation outweigh the anticipated costs and risks.

**7.61** A significant issue with the s32 Report is that it does not consider other more reasonably practicable options for achieving the TAS for E.coli, and therefore justifying the proposed approach as the most appropriate. MfE guidance on section 32 reports states at section 3.2 that other alternatives could include 'requiring different timeframes for achieving the same outcome'; and 'seeking to either fully or partially achieve identified community outcomes'.

**7.62** I consider, as a minimum, that these options should have been further explored in relation to the TAS for E.coli and for enterococci. Reasonably practicable options for Objectives P.O2, P.O3 and P.O6 (and related Tables 9.1 and 9.2) would include different timeframes to achieve the objective – for example an option to achieve by 2040 and an option to achieve by 2060 (or later). This would have enabled thorough understanding on costs to people and communities of the Wellington region of achieving each option/timeframe and also consideration of the physical practicality of achieving each option and the social costs of each.

**7.63** Given the two timeframes 2040 and 2060 were included in the pre-notification consultation and that many respondents, including PCC, requested further information to make an informed decision, including cost benefit modelling of both scenarios; I consider that at least these two timeframes should have been considered through the s32 process, rather than giving effect to, without thorough analysis, the WIP timeframes.

4 Ministry for the Environment *A guide to section 32 of the Resource Management Act 1991 Incorporating change as a result of the Resource Legislation Amendment Act 2017* (Ministry for the Environment, ME 1304) <<https://environment.govt.nz/assets/Publications/Files/guide-to-section-32-of-resource-managemnt-amendment-act-1991.pdf>>

**7.64** I further note that the MfE s32 guidance states “the requirement in s32 is to identify all options, but not necessarily to assess all of these options in detail. However, good practice will require at least a screening of other options, or a full assessment of a number of options depending on the scale and significance of the proposal.” The MfE Guidance, page 17 further states that:

The Court of Appeal has also commented that the range of reasonably practicable options must be seriously considered before choosing the preferred option. In other words, the options should not be pre-determined.

**7.65** In summary, I consider the s32 report did not identify all options for achieving TAS for E.coli, and therefore it was not possible to screen the 2060 timeframe (and other options) out. I do not consider there has been adequate evidence of consideration of reasonably practicable options in achieving TAS for E.coli set out through the s32 evaluation report.

**7.66** A further reasonably practicable option to consider during the plan making process would be to achieve the minimum of what is required by National Direction, i.e. the NPS-FM. The s32 evaluation has not considered this option. In my opinion the necessary analysis required to determine if the proposed approach is the most appropriate to achieve the purpose of the Act has not been undertaken. Accordingly, the proposed approach in PC1 as notified, particularly in relation to E.coli and enterococci, is not justified.

**7.67** I note that the s32 report itself states at para 36 Part D:

‘Not all costs have been economically quantified, and the environmental and cultural benefits have not been quantified through a specialist economic impact assessment. The value in doing such an assessment was determined to be very complex and of limited relevance for implementation of the **mandatory requirements of the NPS-FM**. This is because we consider, had the benefits been quantified (e.g. a financial value assigned to represent how much society is willing to ‘pay’ for clean water) **the benefits would likely not outweigh the significant costs associated with improving the environment in the manner directed by the NPS-FM – particularly in the urban areas**. That is, there would likely remain a gap or an ‘economic impact assessment’ disbenefit, which would be counter to a logical economic impact assessment of ‘*efficiency*’

whereby benefits exceed costs in an economic sense. The traditional economic approach does not necessarily align well with the hierarchy of obligations in the NPS-FM which prioritise the environmental benefits.’ (Emphasis added.)

***Criteria for assessing objectives***

**7.68** The criteria used in the s32 report to assess the appropriateness of objectives were adapted from the MfE s32 guide (footnote 6 of s32 Report). Section 3 of Part C of the s32 report states the criteria as follows:

- Relevance:
  - Are the objectives related to addressing resource management issues?
  - Are the objectives focussed on achieving the purpose of the RMA?
  - Do the objectives give effect to national direction?
  - Do the objectives give effect to RPS direction?
- Feasibility:
  - Acceptable risk and level of uncertainty
  - Realistically able to be achieved within Council’s powers, skills and resources.
- Reasonableness:
  - Are the objectives consistent with identified mana whenua and community outcomes?
  - Can the objectives be reasonably achieved?
  - Will it impose an unreasonable cost and disruption to the community?

**7.69** Most of the criteria above are very similar to the criteria in the MfE s32 guide. However, I note the last bullet point above differs from the MfE criteria which is framed as “Will not result in unjustifiably high costs on the community or parts of the community”.

**7.70** The s32 Report provides, in my opinion, a thin evaluation against the above criteria. However, at section 3.3 of Part C the criteria for assessing ‘Reasonableness’ is changed significantly and the criteria set out above is not used. Rather at section 3.3 the following criteria are used:

- Reasonableness
  - Are the objectives consistent with identified mana whenua and community outcomes?
  - Are the generational objectives and TAS too ambitious?
  - More specifically, are the E.coli TAS and enterococci coastal water objectives reasonable, including the extent of the regulatory impact, within the timeframes set in the WIPs?

**7.71** The amended criteria above are not impartial in my view. It appears the criteria were changed to enable support for Change 1 as notified, and the 2040 timeframe. However, para 115 of Part C conflicts with any support for Change 1, by stating:

‘In summary, the programme of works required to upgrade the wastewater network to achieve the objectives within PC1 is substantial. The capacity to undertake the investigation, design and the physical works is not available at present. The officers’ advice was that it would be very challenging that a timeframe of 2040 could be met. A longer timeframe of 25 years in TAoP and 35 years in TWT for completion of the works was therefore recommended to Council by officers to be appropriate. ...Officers acknowledged that their recommended timeframe is longer than mana whenua and the community would have liked but factored in the considerable amount of work required across the two whaitua.’

***Summary evaluation on 32 Report***

**7.72** In my opinion, the s32 report sets out these financial and practical issues to achieving the TAS for e-coli and enterococci but fails to appropriately consider and respond to these very relevant issues. Instead, in the summary section, para 116 states:

Considering the assessment above, the proposed objectives are considered to be the most appropriate way to achieve the purpose of the Act. The proposed objectives also give effect to the higher

order planning documents, including the NPSFM, NZCPS and RPS which all in turn achieve the purpose of the RMA.

- 7.73** I consider that the timeframes are an integral part of Objectives P.O2, P.O3 and P.O6. The timeframe of 2040 is, in my opinion, unachievable – both financially and from a skilled workforce and equipment resource perspective. The expert evidence presented by GW also reaches this conclusion.
- 7.74** Accordingly, I consider the s32 Report on PC1 is flawed. In my opinion, it is clear the report was prepared and justified relative to a 2060 timeframe. The fact that GW’s elected members resolved to change the timeframe is not relevant, as the Change 1 provisions need to be justified on their terms, against section 32. As a result, if a section 32AA evaluation had been undertaken, I consider that the notified timeframe would have been different.

#### **Overall conclusion on E.coli Target Attribute State**

- 7.75** Taking the above results affecting coastal waters into account, together with Mr Walker’s evidence on costs and workforce capacity, and the long-term freshwater vision to year 2100 as well as the NPS-FM minimum requirements, I consider the most appropriate approach to meeting the purpose of the Act would be to use the MRI for all E.coli TAS. This means that the E.coli TAS for Pouewe, Taupo and Takapu should be amended to D.
- 7.76** In its submission PCC said that a timeframe of 2060 with a rates increase of 6-7% would put a significant strain on Porirua households. Based on the information available there does not appear to be evidence of a timeframe shorter than 2060 that would be affordable. Therefore, I support a modified timeframe for the achievement of the MRI, which is 2060.
- 8. POLICY P.P2: MANAGEMENT OF ACTIVITIES TO ACHIEVE TARGET ATTRIBUTE STATES AND COASTAL WATER OBJECTIVES**The s42A report recommends removing policy P.P2 in its entirety – a recommendation I fully support. I consider it important to set out the problematic nature of policy

P.P2 as notified to ensure that the Panel are sufficiently informed on this matter.

- 8.2** I agree with PCC's submission that use of the prohibited activity status is a blunt instrument that requires a high and thorough level of evaluation to justify its use. I agree with PCC's submission that the s32 evaluation does not adequately justify the use of the prohibited activity status in relation to unplanned greenfield development.
- 8.3** I also agree with PCC's submission that, in regards to Policy P.P2, an opportunity for a consenting pathway is important. A prohibited activity status for 'unplanned greenfield development' will likely result in negative unintended consequences. For example, there is no consenting pathway to be able to consider a proposal located in these areas that may have positive environmental outcomes, including positive outcomes for freshwater. It is not clear for example, whether a catchment scale water quality improvement project would be captured by the prohibited activity. If the project were for treatment of urban stormwater or wastewater and located within the mapped areas, I would presume it would be considered a prohibited activity.
- 8.4** The purpose of a regional plan is to assist the regional council to fulfil its functions and achieve the purpose of the Act. Coast, air, water and land are resources regional councils manage through their regional policy statement and regional plans. District plans establish a policy and regulatory framework for land use, subdivision and associated environmental effects.
- 8.5** Both the regional council plan(s) and city/district plans must give effect to all national policy statements, including NPS-UD. It is my opinion that proposed policy P.P2 in PC1 as notified does not give effect to NPS-UD Policy 8 as it does not enable the regional council to be responsive to plan changes to district plans that would result in significant additional development capacity, but rather creates an additional barrier to such changes.



- 8.6** I do not consider it is efficient for a regional plan to map areas as unplanned greenfield in its region. The long-term spatial plan for the region is more appropriately set out in the Future Development Strategy (FDS), as required under the NPS-UD. A regional council must ‘have regard to’ the FDS in relation to a regional plan.
- 8.7** In my opinion, Policy P.P2 clauses (a) – (c) are encroaching on the functions of district and city councils. While I acknowledge that GW has as one of its functions controlling the use of land for the purpose of managing water quality, the District Plan is the most appropriate tool to promote integrated management in managing urban development, as set out in Clause 3.5(4) of the NPS-FM. I also note clause 3.5(3) that states:
- ‘in order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.’
- 8.8** Additionally, mapping areas as unplanned greenfield for only two whitua areas, potentially raises equity issues for the region and will likely lead to negative unintended consequences. An outcome could be that greenfield development will likely be pushed further out to Kapiti and the Wairarapa.
- 8.9** Should the need arise to undergo a zone change in the district plan that would affect ‘unplanned greenfield development areas’ it would not be efficient nor effective to require two plan changes (to the regional plan as well as to the district plan). This approach has several practical flaws and inefficiencies. First, it is not clear who requests the plan change in the first instance. If PCC wish to initiate a plan change to provide for growth outside of the currently planned areas, PCC would likely need to undertake a private plan change request to the regional plan before amending its own plan. If there is agreement between the councils, two separate plan changes would be required in any event. This would be inefficient.

- 8.10** In order for the district plan to give effect to the regional plan (as required by s75(4)(b)) the regional plan would need to be changed first. That would likely mean a minimum of 2 years before the associated district plan could begin its plan change process.
- 8.11** For planned greenfield developments, I note that Policy P.P2(a) as notified allows for financial contributions to offset adverse effects from residual stormwater contaminants. It appears to me that, on the one hand the regional plan accepts adverse effects on waterways from planned greenfield development and addresses such effects through financial contributions to improve water quality elsewhere. However, development in areas currently ‘unplanned’ for development would potentially create the same type and scale of effects, yet such development is proposed to be a prohibited activity. On an effects management basis, I consider the prohibited approach is unjustified and that it conflicts with the effects-based regime of the RMA.
- 8.12** I agree with PCC’s submission that Map 86 shows unplanned greenfield development areas that are incorrect and inconsistent with the Decisions Version of the PDP. The map does not provide any information that is not displayed on district plan maps. I consider that the maps of ‘unplanned greenfield development’ should be removed from Change 1 and the NRP. However, if the Panel concludes that such maps should be retained, they must at least be consistent with relevant district plans.
- 8.13** As an example of potential unintended consequences and inefficient planning, a minor amendment to the Future Urban Zone in the PDP to better align with more detailed technical evidence and evaluation would likely require a full plan change process to change Map 86 of the NRP. This would not be effective or efficient.
- 8.14** I note recommendation 27 of the TAoP WIP was to ‘include a policy and rules framework that identifies the urban areas with a more stringent rule activity status outside existing urban areas’. A prohibited status is not

necessary to achieve this recommendation. A discretionary (or non-complying) activity status would be sufficient to give effect to this recommendation.

### ***Section 42A Report***

- 8.15** The s42A report author concludes that policies WH.2 and P.P2 are unnecessary and should be deleted on the basis they duplicate other policies or rules and schedules in Change 1 or the NRP. I agree with this conclusion. Indeed, PCC's submission also raised the issue of duplication of policy P.P2(a) with policy P.P15. Identification of the duplicates is set out in Table 1 of the s42A Report on Ecosystem Health.<sup>5</sup>
- 8.16** The s42A report states that the substantive policy issues involved within policy P.P2 have not been considered, enabling such issues to be considered in future hearing streams. I agree.

## **9. CONCLUSION**

- 9.1** The section 42A report has recommended a number of changes, which I generally agree with. Further changes are needed to align the TAS with the minimum required improvements in accordance with the NPS-FM, specifically to the E.coli TAS for the Takapu, Taupo and Pouewe part-FMUs.
- 9.2** In addition, the date for the achievement of the TAS should be amended to 2060, to ensure that these are achievable and affordable, and able to be justified as the most appropriate framework for the TAS applying to the Wellington region.

**Vanessa Rodgers**

14 March 2025

<sup>5</sup> For accuracy, I point out the typo in Table 1 of policies duplicating clause (a). Clause (a) is duplicated by policies P.P14 and P.P15