

HEARING STREAM 2 – Day 6**Greater Wellington Regional Council****HEARING STREAM 2****Day 6****Ecosystem Health and Water Quality Policies**

Date: Tuesday 15<sup>th</sup> of April 2025

Time: 8.45am

Hearing Stream: Two

Venue: Greater Wellington Regional Council Chambers  
100 Cuba Street, Te Aro, Wellington

Hearing Panel: Dhilum Nightingale (Chair)  
Sharon McGarry (Deputy Chair)  
Gillian Wratt  
Sarah Stevenson  
Puawai Kake

**[Hearing Stream 2 – Day 6 – Part 1]**

1 [Begins 25.00]

2

3 Ruddock: *Whakataka te hau ki te uru*  
4 *Whakataka te hau ki te tonga*  
5 *Kia mākinakina ki uta*  
6 *Kia mātaratara ki tai*  
7 *E hī ake ana te atakura*  
8 *He tio, he huka, he hau hū*  
9 *Haumi e, hui e! TĀIKI E!*

10

11 Chair: Tēnā koutou katoa. Nau mai haere mai. [25.08] kuapapa ō te Rā. Good morning  
12 and a warm welcome everyone to the sixth and final day of Hearing Stream 2, a  
13 hearing of submitters.

14

15 We will do some very brief introductions and then we will welcome Wellington  
16 International Airport as our first submitter of the day.

17

18 Ko Dhilum Nightingale tōku ingoa. I'm a Barrister and Commissioner chairing  
19 the freshwater panel and Part 1, Schedule 1 Panel.

20

- 21 McGarry: Mōrena. My name is Sharon McGarry. I'm an Independent Commissioner from  
22 Ōtautahi, Christchurch.  
23
- 24 Mōrena: Puawai Kake. A Planner and Independent Commissioner from Northland, Te Tai  
25 Tokerau.  
26
- 27 Wratt: Mōrena. Gillian Wratt. Independent Commissioner based in Whakatu, Nelson.  
28
- 29 Stevenson: Mōrena, I'm Sarah Stevenson, a Planner and Independent Commissioner based  
30 here in Te Whanganui-a-Tara, Wellington.  
31
- 32 Chair: Thank you. I will note as well that I am based in Taputeranga in Te Whanganui-  
33 a-Tara Wellington.  
34
- 35 For transcription purposes, for those who are presenting in the room please press  
36 the button, the microphone and say your name – that helps the transcript. We  
37 will do the same. If could also just introduce the Council team. I'm not very good  
38 at remembering to do this. If we could introduce the Council team who's in the  
39 room. Thank you.  
40
- 41 O'Callahan: Kia ora I'm Mary O'Callahan. I'm from Consultancy GHD and I'm the reporting  
42 officer for the Regional Council on this topic.  
43
- 44 Ruddock: Tēnā koutou Josh Ruddock, Hearing Advisor here. I am controlling the bell.  
45
- 46 Annistead: Kia ora, Chloe Annistead, Senior Policy Advisor.  
47
- 48 Chair: Thank you very much. Just a reminder as well to have cell phones and devices  
49 turned to silent mode. Is Wellington Water online?  
50
- 51 Ruddock: We have Kirsty O'Sullivan on line and she's been made a presenter so she will  
52 now have control over her camera. We also have Amanda Dewar and Jo Lester  
53 from Wellington International Airport.  
54
- 55 Chair: Good morning. Welcome. Good to see you all. We've just done introductions.  
56 Sorry, we're a couple of minute early, but if you're ready to kick off now we'll  
57 pass over to you. We've read your legal submissions Ms Dewar and the planning  
58 and corporate evidence. I think those were all the things that we had from you.  
59 We will pass over to you for your presentation. Thank you.  
60
- 61 Dewar: Good morning. I'm not going to repeat obviously my legal submissions. I gather  
62 that Kirsty has forwarded a summary statement which also includes a table of  
63 her latest iteration of the provisions that WIAL is still concerned with. I will just  
64 let her go through those.  
65
- 66 I note that there was a later updated set of provisions which from the website I  
67 wasn't quite sure where it hailed from. It describes it as being from the hearing  
68 on the 11<sup>th</sup> and I don't know whether that was a Council officer s42A version or  
69 stemmed from one of the presentations from last week. We've had a very quick  
70 look at them but haven't really had a chance to do much about them in the time  
71 that we have been given.  
72

- 73 I just note that before Kirsty goes through her summary statement. Other than  
74 that I'm obviously available to answer any legal questions that you have and Jo  
75 Lester is also here from the airport to answer any questions that you might have  
76 of her in relation to her evidence.
- 77 [00.30.10]  
78 Chair: Thank you very much Ms Dewar. Yes, those were provisions that were presented  
79 by the reporting officer as an update, tabled on the morning of the 11<sup>th</sup>.  
80
- 81 Ruddock: We have just received the updated summary of submissions from Kirsty at  
82 8.50am today. I'm just going to get those printed off and brought down now.  
83
- 84 Dewar: I will run through those with the Panel because I will appreciate that you will not  
85 have seen those because they're a summary. Apologies for that lateness but I  
86 will walk through those.  
87
- 88 Chair: Mr Ruddock is it okay to email them to us as well so then that means we have  
89 them. Thank you.  
90
- 91 Yes Ms Dewar, those were updated. The blue highlighting on those provisions  
92 indicates the amendments and they were changes that were discussed during the  
93 hearing up until that point and have now been presented by the reporting officer  
94 as the provisions that she now supports. I am not sure if the amendments concern  
95 the Airport's relief but quite a bit of it is relatively minor wording amendments.  
96
- 97 Dewar: I think that was our assumption when we looked at them. There were a few things  
98 that were provisions that WIAL was concerned with, so perhaps if we could  
99 simply have leave to comment on that latest version if the need arises. There  
100 wasn't anything that particularly jumped out, but we simply had not had the  
101 opportunity to look at them thoroughly.  
102
- 103 Chair: There will be a minute coming out hopefully this side of Easter with questions  
104 that we would like the Council experts and reporting officer to address in the  
105 reply. It's an issue of timing.  
106
- 107 The issue is that because we are coming up to Hearing Stream quite quickly it's  
108 a timing issue. If the airport was able to [33.48] to us before Thursday then the  
109 Council reporting officer would be able to consider them as part of the reply but  
110 I think after that point they're going to be preparing their reply and probably also  
111 preparing for Hearing Stream 3; so we can't let the reply push out too long.  
112
- 113 Sorry, I don't want to eat too much into your time so we'll pass over to you.  
114
- 115 Dewar: Thank you. I'm sure we can deal with that time limit. I will just leave it to Kirsty  
116 to quickly go through her summary statement and we'll take it from there.  
117
- 118 O'Sullivan: Mōrena.  
119 [00.35.00]
- 120 My name is Kirsty O'Sullivan and I am a Partner at Mitchell Daysh Limited. I  
121 have over 15 years' experience in resource planning and environmental  
122 management consultancy. I hold a Bachelor of Science in Physical Geography  
123 and a postgraduate Master's degree in Planning from the University of Otago.  
124

125 While this is not an Environment Court hearing, I confirm that I have read the  
126 Code of Conduct for Expert Witnesses contained in the Environment Court  
127 Practice Note 2023. I agree to comply with the Code and I am satisfied that the  
128 matters which I address in my evidence are within my field of expertise. I

129  
130 As noted in my Evidence in Chief, Wellington International Airport comprises  
131 regionally and nationally significant infrastructure which plays a critical role in  
132 providing for the economic and social wellbeing of the Wellington Region.

133  
134 The importance of nationally and regionally significant infrastructure is  
135 recognised throughout higher order documents prepared under the RMA  
136 including: the New Zealand Coastal Policy Statement, the National Policy  
137 Statement for Freshwater Management, the National Policy Statement for Urban  
138 Development, the Operative Greater Wellington Regional Policy Statement and  
139 Plan Change 1 to the RPS. Of course there are others, but I have just noted the  
140 ones of relevance to this hearing.

141  
142 Given the higher order directives within these documents, it is imperative that  
143 Plan Change 1 to the Greater Wellington Natural Resources Plan also recognises  
144 and provides for nationally and regionally significant infrastructure, such as the  
145 Airport, in a way that is consistent with policy directives of those documents.

146  
147 With respect to the Plan Change 1 Objectives and Policies, while I support a  
148 number of the Reporting Officer's recommendations both in the initial s42A  
149 report and the further amendments made through rebuttal evidence, there are  
150 residual points of difference which I briefly set out, for the assistance of the Panel  
151 in Attachment 1.

152  
153 I will go through those once I have finished my summary here.

154  
155 In summary, they relate to within Objective WH.O1 - the location of the qualifier  
156 "to the extent practicable" within the first waiora statement; my recommended  
157 reference to regionally significant infrastructure within the last waiora state  
158 bullet point; and, my recommended reference to Notices of Requirement within  
159 the note.

160  
161 Also just with Objectives WH.O2 and WH.03, just making sure there's  
162 consistent use of terms and phrases between those objectives.

163  
164 Further to Ms Dewar's point earlier, I note that while I understand there have  
165 been further amendments recommended by the Reporting Officer throughout the  
166 course of last week's hearing, these were only brought to my attention yesterday,  
167 so I have not addressed them in this summary statement.

168  
169 I will just finish this section on rivers and then I run through that table.

170  
171 In my Evidence in Chief, I raised some concerns about the rivers shown in Map  
172 79. These appeared to be an error insofar as the Airport's landholdings were  
173 concerned, as the Airport comprises of reclaimed land and in some areas,  
174 impervious surfaces where no rivers are present; and, the mapped rivers are not  
175 reflective of Wellington International Airport stormwater management system.  
176

177 No amendments have been recommended to Map 79 by the Reporting Officer,  
 178 citing (with reference to the response Transpower’s similar submission point)  
 179 that the river layer is not spatially accurate to the land parcel level and so a degree  
 180 of pragmatism is used when applying rules.

181  
 182 In my view, this raises the very issue with the proposed mapping being included  
 183 in Plan Change 1. In terms of section 32 of the RMA, I am unsure how the  
 184 evaluation has concluded that Map 79 is the most appropriate way to achieve the  
 185 objectives of the Regional Plan, or that the maps are efficient and effective.

186  
 187 While I appreciate there could be perverse outcomes if the entire map layer was  
 188 to be deleted, a simple review of the aerial photographs or a site visit would  
 189 clearly confirm that there are no rivers present within the Airport’s landholdings.

190  
 191 I therefore maintain that it is appropriate for the mapped rivers within Wellington  
 192 International Airport Limited’s landholdings to be deleted as their inclusion has  
 193 not been adequately justified in terms of section 32 and the rivers simply are not  
 194 present

195  
 196 There are very few in my view I guess points of difference here. If you turn to  
 197 page-4, Table 1. Red changes were the s42A Reporting Officer’s  
 198 recommendations in the s42A report. The blue amendments are subsequent to  
 199 receiving everybody’s evidence, so as per the Reporting Officer’s rebuttal  
 200 evidence. And, the purple is my changes.

201 [00.40.10]

202 If we focus in first on the waiora state objective the āhua objective, on further  
 203 reflection I note that the text to the extent practicable kind of sits at the end of  
 204 that bullet point, but I acknowledge that was actually included in my evidence  
 205 in chief.

206  
 207 I think that’s better placed after the first text there is “restored where deteriorated  
 208 to the extent practicable,” and that’s just to clarify and make sure that that  
 209 “extent practicable” reference isn’t read with respect to freshwater bodies only.

210  
 211 So to address the issues raised in my evidence in chief it needs to be earlier in  
 212 the sentence, just to make sure it is applied more broadly and not just to that  
 213 freshwater reference.

214  
 215 If we flick to the last waiora bullet point, the s42A Reporting Officer has not  
 216 supported my recommended changes to the last bullet point. For the reasons set  
 217 out in my Evidence in Chief, I consider these amendments are necessary to  
 218 ensure the second and third priorities of te mana o te wai, Objective TWT of the  
 219 decisions version of the RPS are provided for.

220  
 221 The specific recognition sought for regionally significant infrastructure also  
 222 aligns with the relevant provisions of the RPS and Decisions version RPS which  
 223 recognise and provide for regionally significant infrastructure.

224  
 225 With respect to that last bullet point as well, it is not clear if the term used also  
 226 contemplates activities such as assimilative capacity of the water for discharges.  
 227 As discharges support the social and economic use benefits, particularly for  
 228 regionally significant infrastructure, it is important that is captured within the

229 bullet. So I have made some further changes to that bullet point to align it more  
 230 with the drafting that has been used for Objective WH.O2.  
 231  
 232 With respect to the recommended inclusion that the reference to “Notices of  
 233 Requirement” while I acknowledge the point made by the Reporting Officer,  
 234 that Notices of Requirement apply to land use considerations under district plans  
 235 and not regional plans, some Notices of Requirement can relate to the land use  
 236 components of activities that are otherwise managed by Regional Councils. For  
 237 example, a Notice of Requirement that makes provision for stormwater or  
 238 wastewater infrastructure.  
 239  
 240 I also note that Plan Change 1 is proposing new provisions around “unplanned  
 241 greenfield development areas”. Without changes to the definition and land use  
 242 management approach set out in these provisions, I can foresee a future scenario  
 243 whereby regional plan provisions are a relevant consideration for Notices of  
 244 Requirement and District Council consent considerations.  
 245  
 246 For that reason I think that inclusion is necessary to retain it.  
 247  
 248 With respect to Objective WH.O2 that objective is largely fine. I have just got  
 249 a note there making sure that there needs to be consistency between those three  
 250 objectives.  
 251  
 252 Then WH.O3 is that same point, making sure that there is consistency between  
 253 that last bullet point and recognition of the social and economic use benefits.  
 254  
 255 I appreciate I went through that reasonably quickly. If anybody has any  
 256 questions or would like me to clarify any points?  
 257  
 258 Chair: Thank you very much. It was very helpful having your position on your relief  
 259 presented in your talking points. That was very useful.  
 260 Can I start by asking you a question about Objective WH.O1?  
 261 [00.45.00]  
 262 This first bullet point about āhua, some wording that we have been looking at  
 263 that’s come from another submitter is that “āhua natural form and character is  
 264 restored to the extent possible.” Then “freshwater bodies exhibit hydrology and  
 265 character” and then “to the extent practicable is struck out.”  
 266  
 267 So āhua natural form and character is restored to the extent possible.  
 268  
 269 Do you have any immediate thoughts about that wording in comparison to your  
 270 wording of “restored where deteriorated to the extent practicable?”  
 271  
 272 O’Sullivan: Sorry, would that be “as restored where deteriorated to the extent possible?”  
 273  
 274 Chair: No it would just be...  
 275  
 276 O’Sullivan: “Restored where possible.” I would prefer the drafting that I have put forward  
 277 there. The difficulties with the use of the word “possible” is anything is possible.  
 278 “Practicable” is reasonably well understood and tested in a range of  
 279 considerations to be “brought into consideration”.  
 280  
 281 My initial reaction is that I do prefer that reference to “the extent practicable”.

282  
 283 Dewar: Perhaps if I could butt in here, just to add from a legal perspective how those  
 284 two terms have been defined through courts. As Ms O’Sullivan has said, “where  
 285 practicable” has been well tested by the courts and brings into consideration  
 286 things that infrastructure are particularly cognisant of, because sometimes you  
 287 could do more but it's not practicable for a whole lot of reasons.  
 288

289 Getting rid of the “where deteriorated” is also of a concern from a legal  
 290 perspective and that goes back to both my legal submissions and Ms  
 291 O’Sullivan’s Evidence in Chief, is that if this policy is to apply to both  
 292 freshwater and coastal water and hence needs to be in accordance with the New  
 293 Zealand Coastal Policy Statement then it needs to stem from the words used in  
 294 those policies, and that’s where I think Ms O’Callahan herself has got that phrase  
 295 “where deteriorated”.  
 296

297 In my submission taking out all of those words would mean that it wouldn’t meet  
 298 the New Zealand Coast Policy Statement and it would set the bar way too high  
 299 in terms of the world that at least RSI and infrastructure live in.  
 300

301 Chair: Thank you Ms Dewar. We discussed last week the other provisions in the RPS  
 302 and I’m sorry I can’t recall the reference. They’re not part of PC1 but the  
 303 provisions that recognise regionally RSI benefits and its technical and  
 304 operational constraints. This provision objective, WH.O1 would of course have  
 305 to be read alongside those other provisions that are specific to RSI.  
 306

307 Is it your submission that specific recognition of constraints is needed in this  
 308 objective?

309 Dewar: I do and I think it's because the objective is albeit sort of aspirational, waiora is  
 310 obviously a term that’s not defined in the Act or any of the higher order statutory  
 311 documents.  
 312

[00.50.10]

313 In my mind – and excuse me from my understanding of what that means – it's a  
 314 very high bar. In my reading of various decisions over the last few years  
 315 obviously we’re all aware that every word has to have meaning. My concern is  
 316 that if the goal is waiora, which is not pristine but back to natural in its fullest  
 317 sense (and excuse me if I haven’t characterised that very well) but that means  
 318 that the bar is being set too high and a waiora state in my submission has to also  
 319 recognise the realities of the world that we live in. Certainly it is aspirational and  
 320 it's a good aspiration, but there has to be limitations to that. We can’t set the bar  
 321 too high.  
 322

323 Obviously I’m looking at it from an infrastructure perspective, but that narrows  
 324 the needle so tight that nothing will get through it.  
 325

326 That’s sort of the basis of my submission.  
 327

328 Chair: Thank you. Just one final question on this.  
 329

330 Given the note at the end of the objective, which is that consent applicants don’t  
 331 need to demonstrate, and I think you’re also seeking that that applies to [52.10].  
 332

333 Dewar: Sorry, I didn’t hear the last two words, there was as bit of a paper rustle there.  
 334

- 335 Chair: In relation to the note at the end of the objective, given that consent applicants  
336 and you also are seeking notices of requirements don't need to align with this  
337 objective, how do you see this objective being relevant to the Airport in its  
338 projects and involvement in planning documents?  
339
- 340 Dewar: I suppose the easiest one is if to say it was a stormwater application for a  
341 discharge of stormwater, even though it starts on land there will be an exit into  
342 the CMA and in those circumstances this objective would be relevant. That's  
343 one example.  
344
- 345 There will be even the Airport's current project for the renewal of the seawalls  
346 which have to be replaced because they've reached the end of their economic  
347 life. Some of that seawall is actually in the CMA and will require quite a bit of  
348 disturbance, as you can imagine, to replace that and make it better for the future,  
349 for both the airport and also the surrounding infrastructure and roads.  
350
- 351 There is no doubt in my mind that that objective will become relevant at some  
352 time in the future for the Airport, and other infrastructure providers who have to  
353 operate in the CMA.  
354
- 355 O'Sullivan: If I can just add to that. Given that it's an aspirational objective it will apply to  
356 plan changes in the future and I think the Reporting Officer and I both noted that  
357 point. If this the objective that guides those plan changes into the future, without  
358 those qualifiers you're going to see increasing change in the policy directives  
359 that stem from future plan changes if these provisions aren't appropriately  
360 qualified in the way that I've sought, which will have real implications for the  
361 likes of the Airport.  
362
- 363 If I use that natural character one as an example and the seawall, that's a really  
364 live example that the Airport is having to work through at the moment; that  
365 natural character practicably cannot be restored in that particular area.  
366 [00.55.10]
- 367 I acknowledge that these are policies generally relating to freshwater, but this is  
368 where the difficult comes in, that there's a bit of a conflation between the  
369 freshwater and the coastal water in drafting of some of these objectives.  
370
- 371 Chair: Thank you. I think Commissioner McGarry has a question.  
372
- 373 McGarry: Just a clarification Ms O'Callahan before I ask this question. We had discussed  
374 the chapeaux of Objective WH.O1 and it talks about the coastal marine area.  
375 Then the third bullet point is coastal waters. Verbally you thought that the third  
376 bullet point should be the coastal marine area, but you haven't picked that one  
377 up in the updated version. I just wonder if you've changed your position on that  
378 before I ask the question?  
379
- 380 O'Callahan: Yes I have changed my position on that. What I think this objective is about, is  
381 about the coastal water will be improved and that will contribute to  
382 improvements to overall coastal marine area health. The scope of the plan  
383 change isn't for broader aspects of the coastal marine area.  
384
- 385 McGarry: Thank you for clarifying that. I just was going to test that with the Airport if that  
386 was one of the [56.34]. Thank you.  
387

388 Kake: Mōrena. Just a couple of questions to seek some clarification as well.  
389  
390 Ms O’Sullivan in your primary evidence at paragraph 3.12 with respect to the  
391 discharge permit there’s some subsequent paragraphs under that with respect to  
392 monitoring, and some of the monitoring requirements that the Airport  
393 undertakes.  
394  
395 I’m just wondering how that information is shared with mana whenua. Is it as  
396 mentioned at 3.12.5?  
397  
398 O’Sullivan: If I could possibly defer that question to Ms Lester.  
399  
400 Lester: Jo Lester, Planning Manager at the Airport. We share all our monitoring data  
401 with both Ngāti Toa and Taranaki Whānui – all our reporting.  
402  
403 Kake: Thank you. Just a subsequent question and I’m not sure who is going to answer  
404 this one. The particular point around waiora, I’m just wondering has Wellington  
405 Airport read Te Mahere Wai?  
406  
407 Lester: No I haven’t sorry.  
408  
409 Kake: Additional to that there is a framework with respect to waiora provided by mana  
410 whenua which may provide additional information as to how waiora might be  
411 met over subsequent timeframes. I suppose the question around that is, given  
412 there is information sharing going on between entities the ability to achieve  
413 waiora via a framework with western science and mātauranga Māori it could be  
414 worked towards.  
415  
416 The question I suppose, and maybe this is a planning question, the importance  
417 of policy (gosh, and now I’m testing myself) under the NPS-FM the concept of  
418 integrated management and [59.04], that concept of the integration of these  
419 waterbodies. Have you got a response to that?  
420  
421 Lester: Sorry, there was a lot in that question. Are you possibly able to rephrase the  
422 question?  
423  
424 Kake: The point is around the definition of “river” and how that might be applied  
425 through this process. Given the importance of the policy or the objective of the  
426 clause under the NPS-FM, with respect to integrated management how the  
427 Airport might provide for that integration in the management of the rivers, the  
428 estuary and the harbours.  
429 [01.00.00]  
430 Lester: We don’t have any rivers.  
431  
432 Kake: Sorry?  
433  
434 Lester: We don’t have any rivers or estuaries in our surrounds.  
435  
436 Kake: Is that because it's been reclaimed?  
437  
438 Lester: Yes it's been reclaimed.  
439

- 440 Wratt: Apologies, I know that Josh did his double bell tap which means we're at the  
 441 end of the time, but I did have a question about reference to RSI, and I notice  
 442 for example in your submission, and that's Ms O'Sullivan's submission, in  
 443 WH.O3 you are requesting an additional clause in relation to people and  
 444 communities providing social and economic use benefits. You had in your  
 445 submission including the RSI but then in your summary the RSI reference is not  
 446 included.  
 447  
 448 Does that mean that you're now comfortable that clauses around people and  
 449 communities providing for social and economic use benefits does incorporate  
 450 RSI adequately?  
 451
- 452 Dewar: Correct. I do have a subtle difference between the first objective and the  
 453 subsequent 2, because that first one is more aspirational so I didn't want the RSI  
 454 to be lost from that bigger picture. Then for Objective 2 and 3 I think you can  
 455 consider all of those other objectives and policies that are in the plan as well,  
 456 alongside this one. So yes in short. That was a long way to say yes.  
 457
- 458 Wratt: Just to clarify and I may have missed something in what's already been  
 459 discussed, you're wanting reference to RSI in Objective WH.O1?  
 460
- 461 Dewar: Correct.  
 462
- 463 Wratt: But, not in the other objectives?  
 464
- 465 Dewar: No.  
 466
- 467 Chair: I think it was Mrs Lester but maybe it was you Ms O'Sullivan. I was just trying  
 468 to see where in your evidence you talked about your current stormwater  
 469 discharge consent. I'm just interested in knowing when that is coming up for  
 470 renewal.  
 471
- 472 O'Sullivan: I mentioned it in 3.12. I can refer back to Ms Lester's but that's a reasonable  
 473 recent consent isn't it Ms Lester?  
 474
- 475 Lester: Yes. It was granted maybe a year ago for a period of fifteen years I think. It was  
 476 post the natural resources plan, the coming operative.  
 477
- 478 Dewar: That doesn't deal with the entire Airport site. It's for the current campus. There  
 479 will be future stormwater applications associated with the eastern extension to  
 480 the Airport – just for your information.  
 481
- 482 Chair: In paragraph 3.13 Ms O'Sullivan you talk about the receiving water of those  
 483 discharges being within the target parameters set for the coastal management  
 484 units. I'm just trying to understand if those coastal management units – how that  
 485 would relate to the receiving environment that will be monitored under the  
 486 coastal objectives.  
 487 [01.05.00]  
 488 Maybe this a question that's better addressed in the future – I'm assuming you'll  
 489 be presenting in Hearing Stream 4.  
 490
- 491 O'Sullivan: Yes, correct.  
 492

493 Chair: It might be a question for that hearing stream. Table 8.1, the coastal water  
494 objectives, for Te Whanganui-a-Tara paragraph (e) would it mainly be copper  
495 in sediment and zinc in sediment that would be I guess the discharges that would  
496 need to be addressed for the Airport in relation to these objectives?

497  
498 O'Sullivan: I'm going to say tentatively yes. I'll make sure I cover this off in more detail in  
499 Hearing Stream 4. Based on the monitoring to date and the quality of the  
500 discharges that are currently leaving the Airport, the parameters set out in Table  
501 8.1 and 8.1A do not present any particular difficult for the Airport at present.  
502 But, the copper and zinc would need to be picked up.

503  
504 Chair: Thank you. I think you have just touched briefly in your evidence and there  
505 might be more evidence on this in Hearing Stream 4 about the techniques and  
506 options available for mitigating copper and zinc from those discharges. I'm sure  
507 we'll hear more about that in that hearing stream.

508  
509 I think that was all that we had for you. Thank you. Your evidence was very  
510 clear. There's a point about the maps and we haven't asked about that, but that  
511 is clear, we are understanding the issues there. Thanks very much.

512  
513 Dewar: Thanks for your time.

514  
515 O'Sullivan: Thank you very much.

516  
517 **Wellington City Council**

518  
519 Chair: Good morning. Welcome the team from Wellington City Council. We'll run  
520 through some very brief introductions. I don't know whether Mr Ruddock wants  
521 to also talk about any health and safety issues because you're presenting in  
522 person.

523  
524 Ruddock: Kia ora Wellington City Council team. Just quickly, for those who may not have  
525 been in the office before, if the fire alarm sounds please head towards the nearest  
526 exit located behind the Commissioners seats through these glass doors here. Do  
527 not re-enter the building until the all clear is given by staff. If you require  
528 assistance during the evacuating situation please come to me. As for an  
529 earthquake drop, cover and hold. Do not evacuate unless instructed to do so.  
530 Then follow the instructions of the Hearing Advisor and Safety Wardens.

531  
532 As for the microphones in front of you, we have some little instructions printed,  
533 but red means they're active and you're live; green means that it's on but can  
534 only have three microphones live at a time, so it just means it's not going through  
535 live and you just have to wait for someone else to turn those on.

536 [01.10.00]

537 As you may have heard we ask if you could please state your name for each  
538 instance in speaking for transcription purposes and then we've got the little  
539 timing bell. This dings once to indicate ten minutes before finishing time, and  
540 then twice to indicate the speaking slot is finished. However, the Commissioners  
541 may continue post that if they have more questions or if there's more to talk  
542 about.

543  
544 Thank you so much.

545

- 546 Chair: Thank you Mr Ruddock.  
547
- 548 Ko Dhilum Nightingale tōku ingoa. I'm a Barrister and Independent  
549 Commissioner based here in Te Whanganui-a-Tara and am chairing both Panels.  
550
- 551 McGarry: Kia ora koutou. My name is Sharon McGarry. I'm an Independent  
552 Commissioner based in Ōtautahi, Christchurch.  
553
- 554 Kake: Ata mārie. Puawai Kake. Planner and Independent Commissioner from  
555 Northland, Te Tai Tokerau.  
556
- 557 Wratt: Mōrena. Gillian Wratt. Independent Commissioner based in Whakatu, Nelson.  
558
- 559 Stevenson: Ngā mihi nui kia koutou. I'm Sarah Stevenson, a Planner and Independent  
560 Commissioner based here in Te Whanganui-a-Tara, Wellington.  
561
- 562 Chair: We have pre-read your submission and your legal submissions Mr Whittington,  
563 and your evidence statements Mr Jeffries and Mr O'Neill. We will pass over to  
564 you for your presentation and if you are able to focus in on the areas where you  
565 remain in disagreement with the Reporting Officer that would be helpful. Thank  
566 you.  
567
- 568 Whittington: Tēnā koutou. Ko Nick Whittington ahau [01.11.50]. I am Nick Whittington a  
569 Barrister in Wellington and I am here on behalf of the Wellington City Council.  
570 I have to my right Joe Jeffries who is Principal Planner in the Council's Planning  
571 Department, Gerry O'Neill who is a Principal Advisor in the Infrastructure  
572 Department and Tiffany who is from the Council's internal legal team.  
573
- 574 Thank you for the indication about what we should cover. I'm going to say at  
575 the outset, because I think it's important to do so, that the Wellington City  
576 Council wants to see improvement to the health of waterbodies and freshwater  
577 ecosystems. The only real issue I think for the Wellington City Council visa-vis  
578 Greater Wellington, is how we get there.  
579
- 580 The Wellington City Council is concerned that the setting of the TAS (and I've  
581 been debating with myself whether that should be TAS or TAS's but I'm just  
582 going to say TAS in the singular and the plural) it's concerned the setting of the  
583 TAS in the relevant objectives is unaffordable and unachievable and that will  
584 actually be counterproductive to the overall objective that we are all here trying  
585 to achieve.  
586
- 587 In the course of my submissions I will reiterate some of the points I've made,  
588 but I will mainly try to focus on my response to the rebuttal legal submissions  
589 provided by the Regional Council's legal team and will respond to those.  
590
- 591 Before I do that, there are two preliminary points that I would like to note. The  
592 first is that since filing my written submissions I have also reviewed the legal  
593 submissions for the Porirua City Council which came in afterhours. I agree with  
594 those submissions - I hesitate to say almost entirely. They make largely the same  
595 points that I did and it's actually I think quite significant that those submissions  
596 have been filed entirely independently. The first conversation I had with Mr  
597 Wakefield about them was late last night as we were both preparing. So in my

598 submission that's a reasonably telling indication of some of the concerns that on  
599 this side of the table we hold about the s32 report in particular.

600  
601 The second thing is the preliminary point in my submission, that it's actually  
602 rather regrettable that the Wellington City Council evidence and submissions  
603 appear to have been taken not entirely in the way that they were meant. Because  
604 as I say, we all here want good regulation.

605  
606 Mr Jeffries in his evidence identified a number of gaps in the evidence base for  
607 this regulation and it was suggested in the legal submissions at least, if not in the  
608 s42A report, that the Council's position was unhelpful to you as Commissioners.

609 [01.15.15]

610 I want to say as strongly as I can that, that is not how this evidence and how  
611 these submissions were meant. This was not an exercise in point scoring and in  
612 fact in my submission the evidence that you have from Mr Jeffries ought to be  
613 considered to be very helpful, because it's your task, your very difficult task to  
614 grapple with the evidence, including grappling with the gaps in the evidence and  
615 to take it all into account and come up with a set of objectives, a plan that gives  
616 effect to the NPS-FM and puts us on the right course towards improving our  
617 waterbodies and meeting the targets that are set. To do that you can't just ignore  
618 the gaps in the evidence base, despite the Council legal submission saying that  
619 that's possible.

620  
621 By identifying the matters that he did in his evidence, Mr Jeffries was trying to  
622 indicate what evidence would assist you, and assisting you to make what is a  
623 difficult decision.

624  
625 I also want to come at that issue in a slightly different way. Mr Jeffries, together  
626 with many of the other witnesses that are appearing before you, has considered  
627 and agreed to comply with the Expert Witness Code of Conduct. That code  
628 required him to state the assumptions and the material facts that he was relying  
629 on. He was assiduous in stating that the various assumptions he made, noting  
630 that he hoped that the Regional Council would confirm or in fact deny, or point  
631 out where the assumptions he had made were incorrect. That hasn't actually  
632 happened in the rebuttal evidence.

633  
634 That's why I say that standing back and in the round it's rather regrettable that  
635 that's the position that has been taken, because he has acted impartially and  
636 consistently with his obligations under the Code; and then the Council's position  
637 has been criticised in the legal submissions in particular.

638  
639 That said I am going to now turn to the issues. I will just briefly address the s32  
640 report and the evidence base in general, then I will finish with affordability and  
641 achievability. I will then pass over to Mr O'Neill. He will continue the  
642 discussion about achievability and affordability, and then Mr Jeffries will draw  
643 us to a conclusion.

644  
645 At a big picture level before we get into the detail of s32, the NPS-FM gives a  
646 regional authority some discretion as to how to set these TAS – both in terms of  
647 the actual targets that are selected, and the timeframes over which those targets  
648 are to be implemented.

649

650 Considered in that light it seems to me rather odd to say the least that the  
651 Council's legal team appears to be suggesting that there's no debate to be had  
652 about the TAS, because of the particular wording of s32. The reason for that is  
653 that this is an unusual situation where actually the objectives that we are talking  
654 about are not the sort of 'run of the mill' objectives that we often talk about in  
655 plan change situations. These are objectives that contain a high degree of policy  
656 content and inherent in them are the standards that are being set, the TAS.  
657 They're quite unusual objectives to begin with and it effectively defeats the  
658 entire thrust of s32 if we can't engage in a debate about what the reasonably  
659 practical options for setting those TAS are – simply because they are contained  
660 in an objective.

661 [01.20.35]

662 If the Council's position is right I suggest that's actually a real problem with  
663 s32, because to fail to consider a range of objectives or a range of ways of giving  
664 effect to the sustainable management purpose of the RMA is bad policy making.

665  
666 If you go to s32, section 32.1(a) requires the evaluation report to "examine the  
667 extent to which the objectives of the proposal being evaluated are the most  
668 appropriate way to achieve the purpose of the Act."

669  
670 The most appropriate way is a phrase that necessarily includes within it, or it's  
671 inherent in it, that there will be multiple ways, multiple appropriate ways of  
672 giving effect to the purpose of the Resource Management Act.

673  
674 There are multiple appropriate ways of giving effect to the NPS-FM. I don't  
675 understand it to be suggested by the Regional Council's reporting team that the  
676 Wellington City Council's proposed timeframes does not give effect to the NPS-  
677 FM, it just prefers its approach. It considers that its approach is more appropriate.

678  
679 So we are here to debate which approach is more appropriate and to suggest that  
680 there is no debate to be had, which is the way I understand the Regional  
681 Council's legal submissions, is therefore wrong.

682  
683 I will turn to the Regional Council's legal submissions now in particular and just  
684 identify a couple of points that I disagree with. The first one is in paragraph 22  
685 where the submissions suggest that the NPS-FM does not anticipate that the  
686 process of achieving TAS will be simple or cheap.

687  
688 Wellington City Council agrees with this. Wellington City Council does not  
689 consider that it is proposing a way of giving effect to the NPS-FM that is simple  
690 and cheap, or even the most simple or the most cheap.

691  
692 Mr Jeffries' evidence is that the high costs of achieving an environmental target  
693 are not a sufficient reason alone to determine that the target is inappropriate. The  
694 Council agrees with that. There's no dispute about that, though it's put in that  
695 way to suggest that that is the Wellington City Council's intention.

696  
697 The next one is paragraph 27 which leads through the argument I've just led you  
698 through about s32 and then concludes in a rather conclusory way that "the  
699 criticism that the Regional Council should have assessed alternative options for  
700 the TAS is therefore unfounded". I find that confusing because the Regional  
701 Council did in fact assess alternative options for the TAS timeframes. Mr Jeffries  
702 expressed assumption in his evidence is that the plan change as originally drafted

703 was based on 2060 timeframes and it was changed at a late stage before  
704 notification to include 2040 timeframes. So at least in the background the  
705 Regional Council has considered both 2040 and 2060 timeframes in some way.  
706

707 The problem is that there has been no transparency as to how that assessment  
708 was made through the s32 evaluation, and that's the key point of Mr Jeffries'  
709 evidence.

710  
711 The point about stating the assumptions that Mr Jeffries has made in his evidence  
712 under the Code of Conduct – it's to enable those assumptions to be tested, but  
713 the rebuttal evidence from the Council does not say one way or the other whether  
714 he is right about that.

715 [01.25.10]

716 The next paragraph is paragraph 28 which says that “the panels cannot put the  
717 NPS-FM to one side and assess the provisions of PC1 solely against s32 of the  
718 RMA.”

719  
720 With respect, that's an odd submission because again the Wellington City  
721 Council is not suggesting that you should. But, the NPS-FM does not alter s32.  
722 It does not say that you do not need to do a s32 analysis. It does not change the  
723 way you go about a s32 analysis. It assumes that for the purposes of making  
724 decisions about how you implement the NPS-FM you undertake the process that  
725 s32 mandates.  
726

727 The Wellington City Council has recommended 2060 timeframes are consistent  
728 with the NPS-FM. We can debate whether they are the most appropriate  
729 approach, but it can't be denied that they are not consistent.  
730

731 The purpose of s32 therefore is to provide the evidence base to justify why one  
732 option, one approach, one timeframe is preferable to the other ones that have  
733 been considered.  
734

735 The next one is paragraph 30 where it says, “Finally it is submitted that  
736 criticisms of the s32 assessment are not particularly helpful at this point in the  
737 plan change process, and it does not help the panel's understanding in making  
738 decisions on the key matters of contention for this hearing stream.”  
739

740 I reiterate the point I made earlier: it is helpful to the panel, because you have to  
741 grapple with that evidence. If the gaps in that evidence are not highlighted to  
742 you then you risk falling into error in making your recommendations.  
743

744 Finally, paragraph 31 it says, “In any event, the Territorial Authorities (and this  
745 is now including Porirua City Council in this) all appear to now consider they  
746 have enough information to put forward what they seek and will seek a 2060  
747 timeframe.”

748 Actually, I think that misrepresents the evidence on behalf of the Wellington  
749 City Council, because Mr Jeffries doesn't consider that he has enough  
750 information to put forward a 2060 timeframe, but he is left with that conclusion  
751 effectively as a default in the absence of there being clear evidence to justify a  
752 2040 or other timeframe. He is very clear in his evidence at paragraph 60 as to  
753 the basis on which he was putting that position forward.  
754

755 I just thought I would read that. This is just before his conclusion where he states  
 756 expressly the limitations of his evidence, as a good expert witness should. He  
 757 says, "There are some key pieces of information missing from the PC1 evidence  
 758 base that I have listed below. I outline these here to assist the Panel in its  
 759 assessment and recommendations, to note the factors that have limited my  
 760 ability to respond to the s42 recommendations and to note where I have made  
 761 assumptions in the absence of clear information."

762  
 763 He then goes on to explain how those limitations affect his ability to make a  
 764 recommendation about which is most appropriate between a 2040 timeframe and  
 765 a 2060 timeframe.

766  
 767 That's all I wanted to say about s32. I am happy to have questions as we go, or  
 768 move on and have them at the end. The next part is achievability and  
 769 affordability and you will have read Mr O'Neill's evidence on that. His evidence  
 770 highlights the unaffordability of the proposed TAS and in particular the  
 771 timeframe. It's worth saying that so does Mr Walker for Greater Wellington, and  
 772 so do other witnesses such as Mr Hutchison, Mr Foster and Mr Mendonca.

773 [01.30.00]

774 There is no real dispute about this question of the unaffordability of what's  
 775 proposed. It's hard with respect to draw any conclusion as a result as to why, or  
 776 it's hard to reach the conclusion that a 2040 timeframe is the most appropriate  
 777 way to achieve the purpose the Act. I acknowledge of course the updated  
 778 position of the Regional Council with a more graduated set of timeframes, with  
 779 a 2050 timeframe in the middle for some of the TAS.

780  
 781 Part of the issue with that is trying to work out, and obviously the Wellington  
 782 City Council considers that's a step in the right direction, but the difficulty is in  
 783 working out what does that mean from an affordability perspective, because  
 784 there hasn't been enough analysis to work out where they're changing those  
 785 timeframes or setting them back ten years to 2050 actually makes a difference  
 786 to the amount of money that will need to be spent to give effect to them. It may  
 787 well be for example that it makes very little difference at all.

788  
 789 So that's work that in my submission needs to be done.

790  
 791 Rather than me run through his evidence by proxy I think I might hand over to  
 792 Mr O'Neill at this point. I think he has a summary of his statement that he has  
 793 prepared.

794  
 795 O'Neill: I would like to acknowledge and thank Ms O'Callahan for amending this  
 796 Wellington Regional Council's portal for extending the timeframes for some of  
 797 the outcomes. I would also like to acknowledge the work that Mr Walker has  
 798 undertaken.

799  
 800 My evidence isn't to dispute the proposals, it's rather to provide some context  
 801 from an infrastructure point of view to inform and to seek the best outcomes for  
 802 our communities.

803  
 804 I note the difficulties that Mr Walker has faced with determining approximation  
 805 of costs to enable discussions. I also note his analysis that Mr Walker has  
 806 excluded maintenance costs which are likely to be considerable, as well as  
 807 private owner costs, developer costs, debt servicing costs, NZTA and

808 Wellington Airport costs. These are all costs that the community still need to  
809 bear, whether it's through their rates or otherwise.

810  
811 I draw your attention to the well-published funding constraints that Council are  
812 managing on behalf of the community. I would also like to bring to your  
813 attention the size and magnitude of the network that we manage 2,653kms of  
814 pipes, 65 reservoirs, 103 pump stations and three treatment plants.

815  
816 Wellington City Council wants to make things better. We want to improve the  
817 environmental outcomes and as such we're investing in wastewater treatment  
818 upgrades including UV disinfection systems, aeration systems and pumps at the  
819 treatment plants. We are also investing in network improvements such as  
820 upgrading pump stations, repairing pipes, undertaking investigations into the  
821 network to determine where issues arise, operational work such as flushing pipes  
822 and clearing blockages and pipe renewals.

823  
824 However, we are facing a funding crisis. We cannot afford to maintain the  
825 network in its current condition, let alone make improvements. Nor are the  
826 resources available in the way of contractors in the Wellington region.

827  
828 In November 2024 Wellington's Water CEO Pat Dougherty said, "If all councils  
829 opened up their cheque books and provided unconstrained funding it would take  
830 eleven years to bring the network back to the condition it is today." That's  
831 because the network is getting older every day and into worse condition. Things  
832 are going to get worse. It's aging and it's aging faster than we are fixing it.

833 [01.35.00]

834 This is not through a lack of will. In the 2024 to '34 LTP Council allocated  
835 \$1.8B for Three Waters. This is the most it's ever allocated. Wellington Water  
836 at the time said it would take \$30B to fix the network. If I speak plainly to you,  
837 to put that into some sort of context, \$1.8B I've been through my rates and  
838 separated the water portion of my rates out and it comes to \$1,709 per annum. I  
839 pay in my rates for water.

840  
841 If it's \$30B over a ten year period then we are talking about \$28,500 a year just  
842 for the water portion of my rates. If they extend that over a thirty year period  
843 then we are looking at about \$9,500 that I would have to pay in my rates just for  
844 water. So when I say it's unaffordable, it really is unaffordable. It's not through  
845 a lack of will.

846 I ask you to consider the funding constraints when you're making your  
847 determination for water based for the community.

848  
849 That's really all I have got to say on that. Thank you for listening.

850  
851 Chair: Thank you very much. Mr Jeffries, did you want to present as well or are you  
852 happy to take questions.

853  
854 Jeffries: I've got a presentation, thank you.

855  
856 My name is Joe Jeffries. I am Principal Planner at Wellington City Council. I  
857 have provided planning evidence on behalf of Wellington City.

858  
859 The key matter addressed in my evidence is the timeframes for achieving target  
860 attribute states and coastal water objectives. While the Wellington City

861 submission sought changes to a wide number of timeframes, I want to focus on  
862 the ones that are most relevant to the Wellington City here and these are the TAS  
863 rivers set out in Tables 8.4 and 9.2, and the coastal water objectives in Tables  
864 8.1 and 9.1.

865  
866 I have recommended adopting a 2060 timeframe for achieving the targets  
867 recommended in the s42A report, on the basis that a 2040 timeframe is  
868 unachievable and unaffordable and has not been demonstrated as the most  
869 appropriate means of achieving the purpose of the plan change under s32.

870  
871 In my view a 2060 timeframe is more appropriate as it is more practicably  
872 achievable, it's more affordable, it meets the requirement of the NPS-FM, and it  
873 more appropriately balances economic costs with environmental benefits.

874  
875 The tables at paragraphs 43 and 45 of my evidence set out the step-change in  
876 rates and workforce required to achieve the notified and s42A targets for a 2040  
877 and 2060 timeframe, based on information drawn from Mr Walker's evidence.

878  
879 This shows that achieving the less stringent targets recommended in the s42A  
880 report by 2040 reduces costs in comparison to the notified target. However, a  
881 longer timeframe for achieving the targets of 2060 has a much greater impact on  
882 affordability and achievability.

883  
884 Turning now to the Regional Council's rebuttal, in his rebuttal statement David  
885 Walker concurs with my statement and recommends the relaxation of  
886 timeframes for some part FMUs to 2060. Ms O'Callahan adopts these  
887 recommendations in her rebuttal.

888  
889 With these changes the three urban catchments relevant to Wellington City now  
890 have timeframes for achieving E.coli targets of 2040, 2050 and 2060. This  
891 significantly improves affordability and achievability compared to a 2040  
892 timeframe, and I partially support these changes on that basis.

893  
894 However, it is unclear to me why a 2060 or 2050 timeframe is recommended for  
895 some part FMUs but not others.

896 [01.40.00]

897 Turning to the legal rebuttal. The legal rebuttal and the rebuttal of Ms  
898 O'Callahan state that the criticisms of the s32 assessment in my evidence are not  
899 helpful for the panel's decision-making.

900  
901 The legal rebuttal also states criticism that the Regional Council should assess  
902 alternative options for the TAS is unfounded. I disagree with those two  
903 statements. Assessing costs, benefits and alternative options is fundamental to  
904 good policy making. It's not just strictly a matter of following the law, or just an  
905 administrative box-ticking exercise.

906  
907 So, 2040, 2060 and mixed timeframes have all been considered by the Regional  
908 Council in some form, but the reasoning process behind this exercise has not  
909 been made obvious. There has not been a clear justification provided for the  
910 recommended timeframe.

911  
912 In my view, clearly setting out the reasoning for adopting one option over  
913 another in a s32 evaluation is helpful to the Panel's decision-making.

914 The legal rebuttal also counters criticism of the s.32 evaluation by pointing out  
 915 that the TAs consider they have enough information to put forward what they  
 916 see. While my recommended changes were based on the information available  
 917 they were limited by gaps in the evidence base. I had to make a number of  
 918 assumptions in the absence of clear information and reasoning from the Regional  
 919 Council.  
 920

921  
 922 I pointed out these gaps in the evidence base and the assumptions I've had to  
 923 make around those at paragraph 60 of my evidence, and some of these matters  
 924 have now been addressed through rebuttal, but there are gaps in the evidence  
 925 that remain.  
 926

927 In particular, the economic evidence assesses cost to meet the E.coli and metals  
 928 targets, but not any of the other attributes. I understand that E.coli and metals  
 929 are the key attributes relevant to wastewater and stormwater infrastructure  
 930 respectively, and that improvements to these will generally lead to  
 931 improvements to other attributes. However, it still remains unclear whether  
 932 achieving the other attribute states will have additional cost implications on the  
 933 infrastructure upgrades required.  
 934

935 The economic evidence also does not assess the cost of achieving the coastal  
 936 water objectives and it would be reasonable to assume that improvements to  
 937 freshwater would lead to improvements to coastal water. However, it remains  
 938 unclear whether achieving the coastal water objectives will have additional costs  
 939 that are not already accounted for. This is of particular concern now that there  
 940 are different timeframes recommended for the freshwater and coastal water  
 941 objectives; meaning that the freshwater targets cannot be relied on as a proxy for  
 942 achieving coastal objectives.  
 943

944 In my evidence I recommended that more work was undertaken to establish  
 945 interim targets so that the plan is consistent with the NPS-FM, and Ms  
 946 O'Callahan has now recommended the introduction of two new objectives on  
 947 achieving interim targets and I support the inclusion of those in principle.  
 948

949 In conclusion, while I partially support the mixed timeframe recommended  
 950 through rebuttal, I continue to recommend at 2060 timeframe for all catchments  
 951 and targets relevant to Wellington City, as on current information this option  
 952 provides greater certainty around achievability and affordability and ensures  
 953 consistency between freshwater and coastal targets. Thank you.  
 954

955 McGarry: Thank you for your presentation. I just wanted to cut to the chase for myself,  
 956 which was Figure 4 of Mr Walker's rebuttal. He explained that to us and what  
 957 that shows is in fact the mixed model results in a lower cost over time than the  
 958 2060 for all part FMUs. So you can see that in the step down. The extended  
 959 timeframe there is in the middle. I think it might be in green.  
 960

[01.45.00]

961 It's just under the line for the 2060 timeframe and then it steps down over time.  
 962 It's quite a significant difference when you get out to 2060 between the mixed  
 963 model and just leave them all at 2060. When he explained the difference at the  
 964 beginning to us, he said that was an extra of about two percent difference  
 965 between that sort of 2040 timeframe, and he suggested that that was within the  
 966 standard deviation with a margin of error, with this high level assessment.

967  
 968 So I'm interested in your comment on how you think 2060 is better than the  
 969 mixed model, on the basis of this evidence?  
 970

971 Jeffries: The mixed timeframe does have higher costs out to 2040 compared to 2060.  
 972 That was one element of it. There is also, as I pointed out, some aspects with  
 973 potential cost implications that haven't been covered by Mr Walker. I have  
 974 grappled with accepting the mixed timeframe but there remains gaps that makes  
 975 me a little bit cautious around doing so. There is more information I would like  
 976 to see to do that.  
 977

978 Again it wasn't clear to me how that cost was broken down and why he  
 979 recommended the timeframes for some part FMUs was set back and others were  
 980 not; or whether there was different costs for those different part FMUs.  
 981

982 I'm open to considering this, but I think there is some information missing, and  
 983 it does have higher costs in the medium term out to 2040.  
 984

985 Wratt: Just a follow-up question in terms of the mixed 2040/2060. Have you looked at  
 986 the specifics of which TAS now 2040 and which of those you could live with  
 987 and which you couldn't? I'm sure if you've been listening to the hearings you've  
 988 heard some very impassioned presentations to us about why we should stick with  
 989 the targets that have been developed through the WIP process.  
 990

991 Have you, or would you be prepared to look at the specifics of what is proposed  
 992 in that mixed model still to be retained at 2040?  
 993

994 Jeffries: Yes, I'm prepared to consider that. But again there is some factors unknown to  
 995 me. We only have costs on metals and E.coli or those freshwater targets. We  
 996 don't have costs for coastal and we don't have costs for the other targets. There  
 997 may not be additional costs but if there's not it would be good for that to be  
 998 clarified.  
 999

1000 Again I don't know the basis for distinguishing between the part FMUs on  
 1001 timeframes. Wellington has three urban part FMUs relevant to us – one of them  
 1002 is partially in Porirua. One of them remains at 2040 – that's the Kaiwharawhara  
 1003 Catchment. I am not sure why that one was recommended to retain a 2040  
 1004 timeframe and not the other ones.  
 1005

1006 Wratt: Thank you for that. Another question.  
 1007

1008 I guess I'm just struggling a little bit with the transition from the WIP process to  
 1009 this process and that as I understand it the councils, the TAs have been involved  
 1010 in those WIP processes; yet we have now come to a stage where we're being  
 1011 told by the councils that the targets and timeframes that came out of the WIP  
 1012 processes are not achievable and affordable.  
 1013

1014 Do you have any comment on that?  
 1015

1016 Jeffries: Yes. I may also get Mr Whittington to also speak to that.  
 1017 [01.50.00]  
 1018  
 1019 The WIP is something that should be considered and given some weight in this  
 process. It is something that we need to have regard to but is not the only factor.

1020 It is reasonable to update that position in response to balancing factors in that  
 1021 the costs and achievability are important factors that may not have been known  
 1022 at that time.

1023  
 1024 The 2060 timeframe is sought in the Wellington City's submission. That was a  
 1025 submission what was signed off politically. It is the position of Wellington City  
 1026 as an organisation.

1027  
 1028 I'm not sure if you have any additional comments on that.

1029  
 1030 Whittington: I do. The Whaitua processes is one input into your decision. It's an important  
 1031 one. Counsel doesn't suggest that it's not important at all. But, the legal standard  
 1032 you have to apply is to have regard to it. You have to weigh it up with all the  
 1033 other evidence that you have in front of you. You have a discretion about how  
 1034 you apply that weight, and you might decide in the context of all the evidence it  
 1035 deserves significant weight. But, in making that assessment you also need to  
 1036 consider that the output of that process, the WIP, and I'm looking at here on my  
 1037 screen for the Whaitua Te Whanganui-a-Tara Committee, does not contain any  
 1038 economic analysis. It does not go through a s32 process and it is I guess a  
 1039 working committee that is the result of a number of different members of the  
 1040 community, iwi and councils coming together and working together to provide  
 1041 this input into your process.

1042  
 1043 If you go so far as to treat it as presumptive or the starting point of your  
 1044 discussion, then in my submission that's an error of law. It is something that  
 1045 absolutely should have and did inform the development of the plan for the  
 1046 purposes of notification, but that's as far as it goes because now the RMA says  
 1047 we put it through the freshwater management process, we apply s32 and you  
 1048 make recommendations, and if you ignore the economic analysis and put all of  
 1049 the weight on this then that defeats the process that the RMA has set up.

1050  
 1051 I'm not by any stretch trying to diminish the importance of this document, but I  
 1052 do caution you against giving it too much weight or treating it as if it's a  
 1053 presumptive starting point in the discussion, or in your assessment.

1054  
 1055 Stevenson: Thank you for your submission and presentation, it's very clear. I just wanted to  
 1056 acknowledge Mr O'Neill's point too. It sounds like the funding model is  
 1057 problematic if it's to use your words "unaffordable now to keep the network in  
 1058 its current state". So there is something fundamentally wrong there.

1059  
 1060 Notwithstanding that, you spoke about the debate about what is the most  
 1061 appropriate way to give effect to the purpose of the Act and the NPS-FM. I  
 1062 wanted to acknowledge, and you may have been listening to previous presenters,  
 1063 we've heard from Ngāti Toa Rangatira and Taranaki Whānui in very compelling  
 1064 and clear terms about the generations of trauma they've experienced as a result  
 1065 of these matters not being given a priority. They set somewhat of a wero to us  
 1066 to acknowledge the significance of those issues and the fact that they are values  
 1067 and priorities, notwithstanding these affordability constraints.

1068  
 1069 Some of those matters do come in our considerations about what is the best way  
 1070 to give effect to the purpose of the Act.

1071

- 1072 I'm interested. If you can find a question in there it is, what's your response to  
 1073 those mana whenua values and aspirations?
- 1074 [01.55.05]  
 1075 Jeffries: I agree that it's an important consideration. You mentioned the words  
 1076 "intergenerational" and this is a problem that has emerged over multiple  
 1077 generations. I don't think it's really been responded to seriously. It's all very  
 1078 recently.
- 1079  
 1080 We definitely support addressing this. It's taken multiple generations to emerge  
 1081 and we're setting our target to solve that in fifteen years. I think it's just a matter  
 1082 of needing more time to get there.
- 1083  
 1084 Whittington: The Council undoubtedly acknowledges those same concerns and it shouldn't  
 1085 be taken at all as in any way trying to diminish the importance of those. The  
 1086 purpose of the RMA, the sustainable management purpose includes the  
 1087 importance of social and cultural considerations.
- 1088  
 1089 I think Mr Jeffries' point that he has just made is a really good one. As we try to  
 1090 restore and remediate the harm that has occurred through this historic  
 1091 underfunding, it's important that we [nil audio 01.56.36] if we over-reach we  
 1092 could set the entire objective backwards. That's not really something that we can  
 1093 'game out' in this forum because we don't know what the political reaction to  
 1094 these decisions is; and I don't recommend that you take that into account or think  
 1095 about that necessarily in your decision, but it is a risk of over-reach if we try to  
 1096 do too much too quickly.
- 1097  
 1098 O'Neill: The majority of the problem is it's a funding issue. It's not the only problem that  
 1099 we have. There isn't enough contractors and resources around to actually fix  
 1100 things in the short-term. It takes time for contractors to buy plant, to hire staff,  
 1101 to train them up and so it will take time to build that base up.
- 1102  
 1103 We've got a situation where decades we have underfunded the network and our  
 1104 assets. It is going to take us a long time to get back there. So it is time to move  
 1105 in that direction, but it will take time to get there.
- 1106  
 1107 McGarry: I hear your concerns about the coastal objectives. I just wonder whether you  
 1108 have seen the amendments, the rebuttal of Ms O'Callahan. Because when I look  
 1109 at those amendments I'm struggling to see what your concern is because they all  
 1110 now say "maintain". I can't see any parameters that actually require any action  
 1111 based on the current state and the data that we have at this point in time.
- 1112  
 1113 I'm trying to understand what your concerns are. There seems to be a knee-jerk  
 1114 reaction to an overall concern that this is going to cost a lot of money without a  
 1115 detailed analysis of exactly what triggers might be required where.
- 1116  
 1117 I just want to understand what it is about the coastal objectives you might be  
 1118 concerned about, given the position of the reporting officer now. Enterococci  
 1119 has been struck off. I'm trying to understand what your actual concern is. They  
 1120 haven't costed it because there is no great cost that sits associated just with the  
 1121 coastal objectives at this point.
- 1122

- 1123 Jeffries: I'm happy to be corrected. If there are no additional costs associated with the  
1124 coastal objectives I think that should just be clarified by the Regional Council.  
1125 I'm happy to accept that information if that's the case.  
1126
- 1127 McGarry: That's Table 8.1. That's given more up-to-date information. There is the three  
1128 [02.00.00] part FMUs where the officer has... which some of these will relate to the  
1129 upgrades of some of the treatment plants that you talked about before.  
1130
- 1131 I want to understand what is the cost that you're concerned about? What is the  
1132 missing information for the coastal objectives that you think you haven't got at  
1133 this point?  
1134
- 1135 Whittington: Can I just clarify, are you talking about Ms O'Callahan's rebuttal evidence? Not  
1136 a different document?  
1137
- 1138 McGarry: She's updated Table 8.1 which has given more information about the current  
1139 state and some said "maintain or improve". All of those have now changed.  
1140 That's been struck out. They're all maintain – in the rebuttal.  
1141
- 1142 I guess I'm looking from the Council for a bit of a refined analysis, instead of  
1143 just...  
1144
- 1145 Jeffries: It's simply a matter of clarification. If the Regional Council's position is that the  
1146 coastal objectives as they stand in the rebuttal have no additional cost  
1147 implications, above what's already been accounted for, I think they should that  
1148 and I'm happy to accept that and update my position in response to that. It's just  
1149 not clear.  
1150
- 1151 McGarry: Then the other table that's also been updated is the new Table 8.1A which is  
1152 where some of those have moved to the fifty percent improvement. I'm just  
1153 hoping you're bringing us an updated position here today in light of where the  
1154 officer has moved to, because you just seem to be holding onto the 2060  
1155 everywhere.  
1156
- 1157 Jeffries: Again, it is not obvious or clear to me, or I think anyone, if there are additional  
1158 costs associated with that. There may well not be. If there is not I think that  
1159 should just be clarified. If it's clarified I'm happy to update my position. But, on  
1160 the current information, that's not an obvious fact, that there is not any additional  
1161 cost **for implications** [02.02.10].  
1162
- 1163 Wratt: Your comment that you want confirmation from Wellington Regional Council  
1164 that there's no additional costs, isn't that up to you to look at what's in here and  
1165 actually identify are there additional costs that would be incurred by Wellington  
1166 City Council? Is Wellington Regional Council actually in the position – they've  
1167 identified and shifted in their rebuttal report.  
1168
- 1169 I guess I would be saying to you, "Look at those and see what is it in there that  
1170 specifically concerns you."  
1171
- 1172 Jeffries: I think I've stated my position. It's just lack of clarity. If it's a simple matter to  
1173 clarify then the Regional Council should do that.  
1174
- 1175 Chair: I know we are at time but if you're okay to continue for a few more minutes.

- 1176  
1177 Whittington: Yes, of course.  
1178
- 1179 Chair: Mr Whittington, you talked about the risk of these objectives over-reaching. I  
1180 think you said that that could have the unintended effect of moving things  
1181 backwards rather than forwards. I'm not sure I quite understand that. If there are  
1182 ambitious targets, and I note the NPS-FM talks about these environmental  
1183 outcomes and describes them as "desired outcomes". If they are desired  
1184 outcomes which come through the community mana whenua engagement  
1185 processes, won't setting them at an ambitious level drive innovation and ensure  
1186 prioritisation of the hotspots that we were talking about with Wellington Water?  
1187 Won't it have that effect, and then ensure that Mr O'Neill's team is targeting the  
1188 funding and the resources at the most degraded areas where the improvements  
1189 are really needed to achieve waiora by 2100?  
1190
- 1191 Whittington: Within the framework of the NPS-FM, and I acknowledge this in what I said,  
1192 it's difficult to bring what I am talking about into the legal framework that you're  
1193 operating under.  
1194
- 1195 [02.05.00] I'm kind of talking at a more political level than I worry for the objective. If  
1196 there's over-reach there might be backlash the other way.  
1197
- 1198 It's not really something that I think you can actively take into account; it's just  
1199 an innate fear I have about [02.05.20 – nil audio]  
1200
- 1201 Chair: ... continuing degradation of waterbodies and coastal waters.  
1202
- 1203 Whittington: You're absolutely right – an ambitious target can act as an impetus to focus  
1204 attention on things that need to happen. There's no suggestion otherwise from  
1205 this side of the table. But, this side of the table happens to think that setting an  
1206 ambitious target by 2060 with interim targets thereby becoming necessary is the  
1207 most appropriate to bring it about in a way that will achieve that desired  
1208 outcome; whereas I worry that if the outcome set, ambitious though they be in  
1209 the benefits of an ambition, are granted.  
1210
- 1211 If it becomes unachievable or it is unachievable from the beginning then we  
1212 really are moving towards a routine non-compliance that in my experience the  
1213 resource management system struggles to deal with effectively; and I'm thinking  
1214 of areas of say Queenstown where the way systems were designed, wastewater  
1215 systems in particular were designed, doesn't meet our expectations of modern  
1216 life. Councils react by seeking for example to consent their non-compliance  
1217 situation and you end up in a cycle of non-compliance that's not helpful.  
1218
- 1219 These are all very difficult issues for you to grapple with and all I can say is this  
1220 side of the table is trying to assist you in that, rather than hinder you in that.  
1221
- 1222 Chair: Thank you. Mr O'Neill, would you mind talking a bit more about how you work  
1223 with Wellington Water and identify the prioritisation given that there is a limited  
1224 pool of funding that's available for maintenance and upgrade work on the  
1225 infrastructure? How does that currently work and how do you see that perhaps  
1226 changing when the target attribute states are in place?  
1227

- 1228 O'Neill: Wellington Water have a degree of autonomy with regard to the programme  
1229 works. Council provides them with an annual budget under which they need to  
1230 comply with, both CapEx and OpEx. Wellington Water come up with a  
1231 programme of work which they submit to Wellington Council. There is some  
1232 discussion around priorities and around what we see as priorities versus theirs.  
1233 There's a discussion around it and some agreement.  
1234
- 1235 Part of the problem we have is the network is old and it breaks and so they have  
1236 planned works to say, "We're going to renew this section here, we're going to  
1237 renew this and that's." Then a few weeks later they'll have a large water main  
1238 burst somewhere else and then they need to take that budget because there's no  
1239 other budget for them. They need to take that budget from somewhere else,  
1240 which means that planned works don't get done.  
1241
- 1242 So the budget is constantly getting reprioritised all the time and towards the end  
1243 of the year you will find that only a percentage of the planned works have  
1244 actually been delivered.  
1245
- 1246 There is a negotiation between it.  
1247
- 1248 Your question about how we go about achieving the target states, I imagine it's  
1249 probably going to be very similar. You'll come up with a planned approach to  
1250 meeting it and there will be some agreement about what needs to be done, and  
1251 what's the priorities.  
1252
- 1253 [02.10.05] I imagine that we'll try to work the TAs in with the plan renewals that we were  
1254 already intending to do, so rather than upgrading pipes that are in good condition  
1255 they will probably focus on trying to upgrade pipes that are near their end of life  
1256 and are likely to break anyway.  
1257
- 1258 As time goes on those things will be reprioritised depending on [02.10.31] the  
1259 CBD and say "We're not going to fix it today."  
1260
- 1261 I hope that answers your question.  
1262
- 1263 Wratt: Just one specific question and it relates to Appendix 1 which is a memo from  
1264 Stantec. I think Wellington provided the same table. It has alignment of Whaitua  
1265 CMUs, part FMUs, sub-captions and TAS sites. There's a column there for  
1266 "current state" and I am just curious as to where those current states came from  
1267 and how they relate to baseline states which are in the tables in PC1. We also  
1268 now have some baseline states and consideration of current states, and in  
1269 achieving the TAS the comment from Council officers has been that there's the  
1270 baseline state, then you've got the current state which you need to look at in  
1271 terms of what is now going to be required to achieve the TAS.  
1272
- 1273 Jeffries: Sorry, is there a question?  
1274
- 1275 Wratt: The question was, those current states, where they come from – the current state  
1276 information that's in those tables where has that come from?  
1277
- 1278 Jeffries: I'm not sure I'm in a position to answer that.  
1279
- 1280 O'Neill: To be honest with you, I don't know where it's come from.

- 1281
- 1282 Jeffries: I'm not able to answer that.
- 1283
- 1284 Kake: Just going to some maps as well, the first question is hopefully a quick one.
- 1285
- 1286 Wellington City Council were aware of the establishment of the WIP process in
- 1287 the Whaitua programme when it was initiated?
- 1288 Jeffries: Yes, Wellington City was involved in that process.
- 1289
- 1290 Kake: The next question I think is in relation to Mr O'Neill's evidence with respect to
- 1291 infrastructure planning. Paragraph 28 in your primary evidence – I suppose I
- 1292 will take a step back and acknowledge that this has been quite a big complex
- 1293 issue that has been discussed for a number of years. We've heard the collective
- 1294 nature and response that's required from multiple agencies to achieve some of
- 1295 these objectives and target attribute states.
- 1296
- 1297 I suppose the question I've got is, there's a statement in terms of what's
- 1298 achievable within a particular time. Is it eleven years to get the pipes in the
- 1299 systems to the state that they currently are? Is eleven years better than a
- 1300 generation?
- 1301
- 1302 Jeffries: Who was that question directed at?
- 1303
- 1304 Whittington: I think the answer to that is obviously yes. Just while I have been looking at this
- 1305 document Commissioner Wratt about the current states, I can only infer from
- 1306 the memorandum that it is information that Stantec is analysing that it has
- 1307 received from Wellington Water. It's a memorandum from Stantec to Wellington
- 1308 Water. I can only infer it's information that Wellington Water has given to
- 1309 Stantec for it to analyse.
- 1310
- 1311 Wellington Water would be in the best place, I would imagine, to understand the
- 1312 current state of the different parts of the network as well.
- 1313
- 1314 Wratt: [Inaudible 02.14.51] question. I don't think they provided me with an answer
- 1315 either, but I think they were going to follow up. Thank you.
- 1316 [02.15.00]
- 1317 Kake: Just one last quick question with regards to the network consent that Wellington
- 1318 City Council has. It's a global consent as we understand it, that Wellington Water
- 1319 also helps to manage. That consent was lodged when, and do you know when it
- 1320 comes up for renewal?
- 1321
- 1322 Whittington: I don't know I'm afraid. I can go away and check that. My understanding is the
- 1323 same as yours but I don't know when it was last sought or extended, so I don't
- 1324 know when it comes up for renewal. If that's important information I can
- 1325 certainly find that out.
- 1326
- 1327 Chair: We are at time. Thank you very much. We didn't ask any questions about the
- 1328 s32 and the discussion in the legal submissions from you and the Regional
- 1329 Council about the requirements there, but we understand the different positions
- 1330 and we'll need to consider that.
- 1331
- 1332 Thank you very much for your time. I'm sure we'll be hearing from you again
- 1333 in future hearing streams. We'll look forward to that. Thank you.

- 1334  
1335 Whittington: Thank you very much for your time.  
1336  
1337 Jeffries: Thank you.  
1338  
1339 O'Neill: Thank you.  
1340  
1341 Chair: We will be back for Wellington Fish & Game at 11.00am. Thank you.  
1342  
1343 [Hearing adjourned – Morning Break – 02.17.00]  
1344 [Hearing resumes – 02.33.15]  
1345  
1346 **Wellington Fish & Game Regional Council**  
1347  
1348 Chair: Kia ora. Welcome back everyone. We are with Wellington Fish & Game  
1349 Regional Council who are online.  
1350  
1351 Thank you very much, we have your speaking notes. Thank you. They're very  
1352 helpful. Would you like to take us through those and then leave time for  
1353 questions?  
1354  
1355 Coughlan: Absolutely. I would love to. Thank you for the introduction and the time.  
1356  
1357 Chair: Sorry, we should probably introduce ourselves very briefly, sorry about that. We  
1358 of course met during the RPS, but ko Dhilum Nightingale tōku ingoa. Chairing  
1359 both panels.  
1360  
1361 McGarry: Mōrena. Sharon McGarry. Independent Commissioner based in Ōtautahi,  
1362 Christchurch.  
1363  
1364 Kake: Mōrena. Puawai Kake. Planner and Independent Commissioner based out of Te  
1365 Tai Tokerau, Northland.  
1366  
1367 Wratt: Mōrena. Gillian Wratt. Independent Commissioner based in Whakatu, Nelson.  
1368  
1369 Stevenson: Mōrena. I'm Sarah Stevenson. Planner and Independent Commissioner based  
1370 here in Te Whanganui-a-Tara, Wellington.  
1371  
1372 Chair: And, the Council team who is in the room, I will just ask if they could introduce  
1373 themselves too.  
1374 [02.35.05]  
1375 Ruddock: Tēnā koe. Josh Ruddock, Hearing Advisor.  
1376  
1377 O'Callahan: Mary O'Callahan, Reporting Officer.  
1378  
1379 Annistead: Chloe Annistead, Senior Policy Advisor.  
1380  
1381 Chair: Thanks very much. Over to you Ms Coughlan.  
1382  
1383 Coughlan: Thank you. Nice to meet you all via this medium again.  
1384

1385 As mentioned my name is Amy Coughlan. I am speaking to this submission  
1386 from Wellington Fish and Game Council on this natural resources Proposed Plan  
1387 Change 1.  
1388

1389 I'm going to just go off notes a little bit and say I apologise if I speak too fast or  
1390 if things are a bit garbled. I am currently fighting a migraine and I think it's  
1391 winning, but I will do my very best.  
1392

1393 Just a brief background, Wellington Fish & Game is the statutory body  
1394 established under the Conservation Act responsible for the management of  
1395 sports fishing and game bird resources in the Wellington Fish & Game region.  
1396

1397 These statutory functions include the maintenance and enhancement of the  
1398 habitat of sports fish and game birds, the rivers, lakes, streams and wetlands  
1399 within which sports fish, game birds and many indigenous species thrive.  
1400

1401 I wish to provide some context today for the amendment sought by Fish & Game  
1402 to the proposed Plan Change 1 and included in this Hearing Stream 2.  
1403

1404 The preface this discussion I would like to mention a few points from the recent  
1405 'Our Environment 2025 Report' from the Ministry of Environment. Nationwide  
1406 in that report models estimate that 45 percent of the country's total river length  
1407 was not suitable for swimming between 2016 and 2020 based on E.coli data.  
1408 Further between 2001 and 2020 the E.coli trends were worsening at 41 percent  
1409 of river monitoring sites. Between 2016 and 55 percent of the country's river  
1410 length of modelled MCI scores indicating moderate or severe organic or nutrient  
1411 pollution, and [02.36.54] the MCI trends 56 percent of river monitoring sites  
1412 were worsening between 2001 and 2020.  
1413

1414 They go on to state that wastewater is an important contributor of freshwater  
1415 contaminants including pathogens and heavy metals. In the year from 2021 to  
1416 2022 nationally 3,121 untreated overflows were reported and it was likely that  
1417 many more went unnoticed and unreported.  
1418

1419 New Zealand has lost around 90 percent of its historical wetland area –  
1420 obviously this is different per region; and wetlands continue to be lost and  
1421 degraded by drainage and disturbance particularly by roading and grazing.  
1422

1423 I believe this reinforces the need to continue to protect and restore the regions  
1424 freshwater habitats.  
1425

1426 In support, Wellington Fish & Game Council continues to support the  
1427 objectives, policies and rules which we supported in our original submission on  
1428 the draft NRP.  
1429

1430 Changes to these to extend the timeframes or make targets less stringent are not  
1431 supported, as they are likely to be incompatible with the stated goal of achieving  
1432 waiora by 2100.  
1433

1434 In the notes on the target attribute states for estuaries, wetlands and groundwater,  
1435 in the s42a report it was stated there is not enough research, benefits or need  
1436 established by the submitter to seek target attribute states for wetlands. It is not

1437 a key risk area necessitating TAS, and that existing NRP and NES-F provisions  
 1438 for physical wetland disturbance address the key threats to them.

1439  
 1440 However, reinforcing our environment 2025 Report, the Greater Wellington  
 1441 website also acknowledges that only three percent of wetlands remain in the  
 1442 region, whereas in 1999 a report showed around ten percent of wetlands  
 1443 remained.

1444  
 1445 This indicates, to me anyway, that there are indeed ongoing risks of wetland  
 1446 loss, and that wetlands are an incredibly threatened biome.

1447  
 1448 If the operative regional plans and national policies indeed adequately address  
 1449 key threats to wetlands, we would likely see an increase in wetland type,  
 1450 abundance, and distribution; however it seems unlikely, based on historical and  
 1451 ongoing loss, that wetlands are currently able to be protected adequately, let  
 1452 alone restored.

1453  
 1454 Policy 6 of the NPS-FM 2020 states that we must avoid any further loss of  
 1455 natural inland wetlands and promote wetland restoration and protect their values.  
 1456 And, Policy 3.22 and 3.23 also direct wetland restoration and protection.

1457  
 1458 There are no attributes for wetlands in the NPS-FM however there are clear  
 1459 values for wetlands, for example and most importantly mahinga kai, and target  
 1460 attributes could be set for each of these identified values to clarify how wetlands  
 1461 would be identified, mapped, protected and restored where necessary.

1462  
 1463 As the key risk areas which may necessitate the target attribute state, ongoing  
 1464 loss and degradation of wetlands in the Wellington region is a reality that we are  
 1465 all very eager to remedy. This loss generally by stealth may be in part due to  
 1466 difficulties with monitoring and compliance and in this case basic targets such  
 1467 as type, abundance and distribution of wetlands could clarify which areas are to  
 1468 be monitored and how compliance could best be achieved.

1469  
 1470 Policy 45: we appreciate and support retaining trout habitat protections as in the  
 1471 operative NRP and PC1 as per national legislation requirements. Thanks for that.

1472 [02.40.00]

1473 Objectives WH.O1 and P.O1: the suggested amendments of rejecting interim  
 1474 timeframes, including social and economic use benefits, and providing for  
 1475 primary production all have some potential to work against the stated long term  
 1476 goal setting for environmental outcomes for both Whaitua.

1477  
 1478 It is understood that these goals are long term, and will not be achieved by 2040,  
 1479 however without a stepwise framework of goals, monitoring and reporting, it  
 1480 will be difficult to ascertain whether the actions taken are effective if they are  
 1481 less than effective, or whether they need to be relaxed.

1482  
 1483 With the later stated goals in WH.O10 and P.O7 being that of ‘no deteriorating  
 1484 trend’ or similar phrases already holding that line for ‘no degradation’ there is a  
 1485 real scope, I feel, for WH.O1 and P.O1 to be aspirational and to establish logical  
 1486 and pragmatic guidelines to make progress towards ecosystem health.

1487  
 1488 Further concerns were raised when targets throughout the Plan Change are made  
 1489 less stringent such as E. coli, metals and sediment.

1490  
1491 While pragmatism, achievability and affordability are indeed vital, so is  
1492 progression towards the end goal of a wonderful and resilient environment that  
1493 supports us and all other life, and enhances our physical, mental, spiritual,  
1494 cultural and emotional needs – including those of pride in place, and a sense of  
1495 self as part of the natural world.

1496  
1497 Objective 19: reading through further it is my understanding that Objective 19  
1498 has been replaced by Objectives WH. O3 and P. O3 for coastal waters; and  
1499 WH.O6 and .O7 for groundwater, and, that Objective O.19 now only applies to  
1500 natural wetlands within these Whaitua.

1501  
1502 In our original submission we were looking for directive towards restoration of  
1503 a degraded aquatic ecosystem and mahinga kai values and maintenance of  
1504 healthy ecosystems, rather than merely encouraged. I would still hope that we  
1505 could perhaps strengthen some of those up if possible, so that would actually  
1506 more than encourage restoration where possible.

1507  
1508 Objectives WH.O2 and P.O2 Wellington Fish and Game supports the addition  
1509 of the reference to natural form and character, ecosystem health, and of fishing  
1510 benefits to these objectives. We really do. Thank you for that.

1511  
1512 Our original submission sought reference to introduced species to be added to  
1513 clause (d). The S42A author considered it preferable to instead recognise the  
1514 activity of fishing in this environmental outcome objective, as this is the value  
1515 identified through the values identification work completed during the WIP  
1516 phase.

1517  
1518 However, to explain a little further, what was sought in the initial submissions  
1519 was an embedded reference to habitat and species value. While trout and salmon  
1520 are the key species referenced in national legislation, waterfowl and game birds  
1521 also require freshwater, particularly wetlands and rivers.

1522  
1523 A clause which allows for robust communities which involve these species in  
1524 the appropriate abundances and places could strengthen access to food gathering  
1525 as well as exposure to a thriving biodiverse ecosystem.

1526  
1527 I would also like to point out that food gathering values are not limited to fishing,  
1528 and include harvesting of game birds and waterfowl. In those regions game birds  
1529 and waterfowl hunting sites are found in the Mangaroa Valley, Pencarrow  
1530 Lakes, Baring Head and along the western coast to Porirua.

1531  
1532 Objective WH.03: the report recommended rejecting our submission request to  
1533 add valued introduced species into clause (c) of this objective, stating that none  
1534 of the trout habitat locations identified in the Schedule I or mapped in the NRP  
1535 include any coastal waters, only rivers and streams, and so it is unclear why an  
1536 amendment to these coastal objectives to reference introduced species would be  
1537 necessary. I completely understand that by the way.

1538  
1539 However, just to explain our point on our perspective on this further, waterfowl  
1540 utilise coastal wetlands, and trout are a highly mobile species with individuals  
1541 often moving into lowland river or estuarine waters during an annual semi-

1542 migratory cycle, and some trout individuals becoming ‘sea run’ – where they  
1543 move out to sea and then return to freshwater later in life.

1544  
1545 Requesting acknowledgement of valued introduced species is in effect a request  
1546 to lay a protection for freshwater to assist in the aims of restoring ecosystem  
1547 health, and acknowledging that although not in Schedule I they are there and it  
1548 is important to the population.

1549  
1550 The new clause (h) requires that fish and benthic invertebrate communities are  
1551 resilient and their structure, composition and diversity are maintained, that there  
1552 is no increase in the frequency of nuisance macro-algal blooms, and that  
1553 phytoplankton levels are maintained and monitored in applicable areas.

1554  
1555 As mentioned previously, while it is imperative that degradation is halted, (and  
1556 I acknowledge and support those clauses for that) they do not seek improvement  
1557 towards aquatic ecosystem health, and I cannot see how they will progress the  
1558 coastal waters towards ecosystem health.

1559  
1560 Objectives WH.04 and P.O4: the report rejects suggestions that Fish and Game  
1561 should be involved in management plans and strategy creation as the statutory  
1562 managers of sports fish and game birds, as ‘annual reports produced are  
1563 “expected” to be made available to view on the Council's website and updated  
1564 regularly.’

[02.45.10]

1565  
1566 These reports do provide information, but the described process is one-way  
1567 communication and not collaboration with statutory managers of specific fields  
1568 such as Fish and Game.

1569  
1570 When discussing cooperation it would be focused on management initiatives  
1571 impacting trout habitat and wetlands and any area where there is perceived or  
1572 actual conflict between sports fish or game bird habitats, and the habitat of  
1573 indigenous species, or the presence of sports fish, if there are questions about  
1574 interactions with threatened indigenous freshwater species.

1575  
1576 Finally, Objectives WH.O10 and P.O7. I understand that this objective is  
1577 designed to reflect the Councils initial goal to halt environmental decline in the  
1578 first instance. I support the intention of this, as an interim step and as a progress  
1579 report timeframe.

1580  
1581 I am concerned that, aligned with the language in other objectives, the overall  
1582 perspective appears to be that of a ‘holding pattern’ right the way through to  
1583 2040.

1584  
1585 For this reason, relaxing stringency of targets suggested in the draft PC1 may  
1586 accidentally enforce this narrative of preventing degradation but not  
1587 encouraging restoration, which will not achieve the needed steps towards  
1588 ecosystem health.

1589  
1590 I also just want to just quickly say, it appears I’m sandwiched between two  
1591 Territorial Authorities. I enjoyed listening to Wellington City Council before  
1592 and I believe that this will be completely different to what they are asking for,  
1593 and I have a definite amount of sympathy for that.

1594

- 1595 Chair: Thank you Ms Coughlan. I'm just looking at the last sentence of your talking  
 1596 points and I'm not sure I follow that. Could you explain that a bit more? You're  
 1597 talking about the holding pattern and relaxed stringency of targets may  
 1598 accidentally enforce this narrative of preventing degradation. What do you mean  
 1599 by that?  
 1600
- 1601 Coughlan: Having a read through, for a start we are very, very happy to see this draft  
 1602 coming through with quite strong directives towards prevention of degradation  
 1603 and encouraging restoration. As these submissions have come through and the  
 1604 rebuttals have come through, and watching the amendments happen, we've got  
 1605 now a relaxation of some of these targets that we had for metals for sediment,  
 1606 particularly in Porirua. Then alongside that we have a slight shift in language, in  
 1607 the way I have read it regardless, towards holding that line – preventing no  
 1608 further degradation, maintaining it where it is. I can't see where that would take  
 1609 us any steps towards improvement.  
 1610
- 1611 As I said it's very, very important that it doesn't get worse, but what I think  
 1612 would be great to see would be a step wise progress towards improvement and  
 1613 restoration as it becomes affordable and achievable, but there is a real need to  
 1614 get on with making things better.  
 1615
- 1616 Chair: Thank you very much. That's an interesting point. So are you saying even  
 1617 though we've got the objective WH.O1 which has the longer term objective of  
 1618 waiora by 2100, are you saying that where the TAS are set as currently supported  
 1619 by the officer's rebuttal, that that's not in all instances but in some instances just  
 1620 maintain, and so how are we actually going to then get beyond that to waiora?  
 1621
- 1622 Coughlan: Exactly.  
 1623
- 1624 Chair: An interesting point. So this objective you think in itself won't be enough to  
 1625 drive that outcome?  
 1626
- 1627 Coughlan: I would like to hope it would, but I'm not sure it's aspirational enough to gather  
 1628 the rest with it. I was really excited to see a 2030 semi-interim target there, and  
 1629 then there appears to be nothing more from there. It's possibly on my information  
 1630 gathering skills, but I didn't see what was going to be reported at that 2030  
 1631 interim stopgap to say, "Are we making progress?"  
 1632
- 1633 My main concern is that we've got this wonderful goal of things being better in  
 1634 2100 and we know right now that things aren't great and are in many cases  
 1635 getting worse, but without step-wise progress towards it, where we can say,  
 1636 "Have we achieved this? Are we going too hard? Do we need to come back? Or,  
 1637 maybe we need to actually increase this one and not that one." Without regular  
 1638 check-ins and regular check-ins programmed how will we know?  
 1639
- 1640 [02.50.25]  
 1640 Kake: Just a quick question and this might be for the Reporting Officer with respect to  
 1641 the existing provisions under the NRP, around protecting natural wetlands. Will  
 1642 those still apply to these two Whaitua? I can see there's number of provisions  
 1643 under the Operative Plan, and some of the wording is around enhancement,  
 1644 maintaining and improving.  
 1645
- 1646 I will just go to Objective O7 for instance, Objective O12 and then the  
 1647 subsequent clauses, Objective 14. I am just trying to understand Ms Coughlan

- 1648 the requirement I suppose under the NPS-FM to look at the wetlands with  
 1649 respect to PC1 and what the current provisions provide for under the Operative  
 1650 Plan.  
 1651
- 1652 O'Callahan: The key water quality ecosystem health objectives still apply for wetlands, so  
 1653 the not applicable Whaitua is not applied to Objectives 18 and 19, rather there's  
 1654 a note that explains that they remain in place for wetlands.  
 1655
- 1656 Then there are other provisions throughout the plan dealing with wetlands and  
 1657 their management that are unaffected.  
 1658
- 1659 Wratt: A specific question around waterfowl and game birds. You note that you're  
 1660 wanting recognition of valued introduced species. I guess when you look at the  
 1661 history of introduced species into New Zealand and what impacts they have had  
 1662 on our indigenous biodiversity I get really nervous when I see protection for  
 1663 introduced species. I acknowledge that trout and salmon are in a different  
 1664 category.  
 1665
- 1666 Game birds I look at Canada geese. They're a game bird and they're a serious  
 1667 pest across certainly in the South Island. So I'm wondering what you're looking  
 1668 to when you're talking about valued introduced species and how you determine  
 1669 what is a valued introduced species.  
 1670
- 1671 Coughlan: Thanks for the question. Just a quick clarification: Canadian geese aren't a game  
 1672 bird. They were a game bird and they were taken from the game bird and put on  
 1673 the pest register and since then the numbers have exploded.  
 1674
- 1675 That may go in part towards explaining what I am talking about. When Fish &  
 1676 Game manage a species we manage to not, as far as we can, over-rule and over-  
 1677 run. That was my comment: in the right abundance and in the right places.  
 1678
- 1679 The value of hunting of food gathering is an important value and where valued  
 1680 introduced species come into it is when they are those ones who are being  
 1681 hunted, for example Mallard ducks and pheasants, then those populations are  
 1682 monitored really carefully by us. Will we increase bag limits if they seem to be  
 1683 increasing, or decrease them so that we have a stable population that doesn't  
 1684 have an impact to the best of our abilities on what's around.  
 1685
- 1686 I completely understand the nervousness and it's something that we work really,  
 1687 really hard on, trying to make sure that it fits in balance with what our licence  
 1688 holders need and what's in our statutory obligations under the Conversation Act  
 1689 to provide for, and to make sure that it is in balance with those things.  
 1690
- 1691 So when we are talking about that, there is a specific game bird list and a specific  
 1692 sports fish list and things that are not on that list we do not manage, and that  
 1693 includes unfortunately still Canadian geese.  
 1694
- 1695 [02.55.00]  
 1695 Wratt: Is that in essence that valued species are the ones that are on those lists and my  
 1696 question then would be Fish & Game already, you've identified, does manage  
 1697 them. Does there need to be any specific reference to them in PC1?  
 1698
- 1699 Coughlan: Our request for it is it tends to get swept away and rightfully so. It is a secondary  
 1700 thing to the need to protect and explicitly protect and encourage indigenous

1701 species. But, with it not being mentioned in any policies and plans it starts to not  
 1702 be there. We start to be able to be ignored and people just leave us off consent  
 1703 applications. It comes a value that gets swept under the rug. The values of food  
 1704 gathering, the values of hunting, the values of harvesting the game and of  
 1705 angling, are important for us, as well as valued introduced species if and when  
 1706 it is appropriate; because it is a real cultural thing for a significant amount of the  
 1707 population, and it is something that is becoming harder and harder for people to  
 1708 be able to partake in.

1709  
 1710 From our perspective it's important.

1711  
 1712 Stevenson: Thanks Ms Coughlan for your submission and presentation. Apologies if you  
 1713 have addressed this, but I know you mentioned concerns around having a target  
 1714 but not adequately being able to measure progress. Have you considered  
 1715 proposed Method 36A that sets out through instruments including freshwater  
 1716 action plans a stages and planned approach to improvements, to ultimately get  
 1717 to waiora in 2100?

1718  
 1719 Ms O'Callahan may be able to clarify for me where it is. Thank you.

1720  
 1721 O'Callahan: That's been set out in Appendix 2 to my rebuttal evidence. It's a new Method  
 1722 towards the front of the Appendix 2 document.

1723  
 1724 Coughlan: I have not seen it so I haven't considered it. Anything that actually does progress  
 1725 that we would support.

1726  
 1727 Chair: Ms Coughlan, I was also actually wondering if you had seen the rebuttal version  
 1728 of WH.O10, but you may not have based on your previous comment. That  
 1729 provision the officer is now supporting interim targets. For those TAS that  
 1730 requirement an improvement it targets that "show no deteriorating trend by  
 1731 2030." That wording may address the relief that Fish & Game are seeking.

1732  
 1733 There was I think a previous submitter this morning who also had not had a  
 1734 chance to look at these revised provisions. We said to them that if they did have  
 1735 any comments, if they were able to get them to us before the Easter break, that  
 1736 would allow enough time for them to be considered as part of the Officer's reply;  
 1737 so just extending that invitation to you as well if you would like that.

1738  
 1739 Any comments on these rebuttal provisions, I think they speak directly to the  
 1740 relief you're seeking. If you are able to send them to the Hearing Advisor by  
 1741 close of day Thursday then they can be considered in the reply.

1742 [03.00.10]

1743 Coughlan: I really appreciate that one. I have actually seen Objective WH.O10 and P.07.  
 1744 As I said, I do enjoy that addition and I think it's a really, really good start. It just  
 1745 seems that's a great start in terms of 2030 and then it doesn't really seem to go  
 1746 further.

1747  
 1748 I will have a look at Method 36A. If there's any comments, which there may be,  
 1749 I will definitely send them through. I very much appreciate that invitation to do  
 1750 so. Thank you very much.

1751  
 1752 I will also put my thinking cap on around WH.O10 as well.

1753

- 1754 Chair: Is the concern that the WH.O10 has an interim 2030 but you're saying there's  
1755 nothing after that timeframe; so there's a long gap between that and 2100 waiora  
1756 state?  
1757
- 1758 Coughlan: There's a long time between that.  
1759
- 1760 Wratt: Can I just check. WH.O10 was in the s42A report I think but then it has been  
1761 elaborated on further in the rebuttal. Are you looking at the rebuttal version,  
1762 because that then has interim targets A and then B for target attribute states, with  
1763 a timeframe for improvement set at 2050, and then another one 2060. That has  
1764 been expanded on.  
1765
- 1766 Coughlan: Great. Thank you. That one had slipped by me. That does sound really, really  
1767 promising. I will add that into my comments.  
1768
- 1769 Chair: Thank you. I will just see anyone has anything else.  
1770
- 1771 Ms Coughlan I know āhua natural form and character is also an issue, and sorry  
1772 I don't have Fish & Game's submission. I have read it. Were you happy with  
1773 where the natural form and character wording had landed? This might be  
1774 something else that you want to have a look at, because I'm pretty sure Fish &  
1775 Game did have a submission point on natural form and character. So just whether  
1776 you had any views as well on the officer's rebuttal wording of WH.O1 and the  
1777 natural form and character bullet point.  
1778
- 1779 Coughlan: I did appreciate seeing it in that other Method that I have mentioned. I will add  
1780 that to the list of comments of things I have not read for today.  
1781
- 1782 Chair: Thank you. I think that was all that we had. Thank you very much again for your  
1783 time. Thank you for having a further look at those provisions. We will appreciate  
1784 seeking your views on them. Sorry for the short timeframe.  
1785
- 1786 Coughlan: It's absolutely perfect. Thank you all for your time.  
1787
- 1788 Chair: Thank you.  
1789
- 1790 **Porirua City Council**  
1791
- 1792 Chair: We'll welcome the Porirua City Council team. Kia ora.  
1793
- 1794 Nau mai haere mai. Just as you're settling in there we'll do some very quick  
1795 introductions.  
1796
- 1797 Ko Dhilum Nightingale tōku ingoa. Barrister, Freshwater Commissioner,  
1798 Independent Commissioner chairing both panels.  
1799
- 1800 McGarry: Kia ora koutou. Sharon McGarry. Independent Commissioner based out of  
1801 Ōtautahi, Christchurch.  
1802
- 1803 Kake: Mōrena. Te mārie. Puawai Kake. Planner and Commissioner from Northland.  
1804 Tena tātou.  
1805
- 1806 Wratt: Mōrena. Gillian Wratt. Commissioner based in Whakatu, Nelson.

- 1807  
1808 Stevenson: Ngā mihi nui kia koutou. I'm Sarah Stevenson, a Planner and Independent  
1809 Commissioner based here in Te Whanganui-a-Tara, Wellington.  
1810 [03.05.00]  
1811 Chair: You may know the Council's team, but just a quick introduction from them as  
1812 well.  
1813  
1814 O'Callahan: My name is Mary O'Callahan. I'm a Planning Consultant from GHD and I am  
1815 the Reporting Officer for this hearing stream.  
1816  
1817 Ruddock: Tēnā koutou. Josh Ruddock, Hearing Advisor.  
1818  
1819 Annistead: Kia ora koutou. Chloe Annistead, Senior Policy Advisor – just taking notes.  
1820  
1821 Chair: Thank you. We have your legal submissions Mr Wakefield and also your  
1822 planning evidence Ms Rodgers, and corporate operational evidence Mr  
1823 Mendonca. Thank you very much for that. It's all been pre-read, but if you would  
1824 like to take us to your key points.  
1825  
1826 We do have quite a bit of time with you which is good, but time does go past  
1827 quickly.  
1828  
1829 Over to you. We do have questions.  
1830  
1831 Wakefield: Thank you very much. Just some quick introductions and noting that you have  
1832 read the evidence that has been filed by the PCC in advance. Thank you for that  
1833 indication. We do have Ms Rodgers here who is the Council's planning witness.  
1834 She is employed by Porirua on the Policy Team; and we have Mike Mendonca  
1835 who is here providing the corporate evidence on behalf of PCC.  
1836  
1837 We last week prepared a couple of summary statements for both of these  
1838 witnesses and sent them into Greater Wellington. I'm not quite sure – we haven't  
1839 seen them uploaded on the Council's website, so I assume that they perhaps  
1840 haven't made it through to yourselves as the Panel members.  
1841  
1842 The context there is that we thought it might be useful for them to prepare  
1843 snapshots of their evidence, but for them to also pick up on what they reviewed  
1844 through the rebuttal, so you have their most up-to-date position before you.  
1845  
1846 In the context of them perhaps not making their way through to the Panel  
1847 members, maybe they could read those out after I deliver some brief legal  
1848 submissions, and we have got some copies that can be handed up as well so you  
1849 have got the same document before you.  
1850  
1851 Chair: That would be really helpful. We do have them. They came through Friday  
1852 afternoon, but I think given that we do have a fair amount of time I think it would  
1853 be helpful for you to go through them after the legal submissions.  
1854  
1855 Wakefield: Thank you. The decision was made by Porirua to file those statements  
1856 acknowledging that Greater Wellington through its rebuttal had shifted its  
1857 position somewhat, but as you indicated with Wellington City Council this  
1858 morning you're most interested in understanding the points that are still in  
1859 contention between Porirua and Greater Wellington. Those summary statements

1860 are designed to try and draw out those remaining issues of disagreement. So it  
1861 might be most efficient for our witnesses to just speak through those and then  
1862 be able to take questions after the fact. We can do that now if that's easiest.  
1863

1864 Through the Chair there are three key issues that I will address you on this  
1865 morning and then my witnesses will be ready and able to answer questions  
1866 about; and they relate to from a legal perspective and also from a planning  
1867 perspective: what is the objective for the purpose of s32 that we are tasked with  
1868 considering here; and stemming from that, what are the options available to this  
1869 Panel in terms of forming what that objective is seeking to achieve?  
1870

1871 Then the other issue which we will touch on will be the WIP process which I  
1872 acknowledge you heard about this morning from Wellington City's perspective.  
1873

1874 In order to frame Porirua City Council's position and indeed the summaries that  
1875 have been prepared by Ms Rodgers and Mr Mendonca, I thought I would just  
1876 quickly capture the key points that we will discuss with you today.  
1877

[03.10.00]

1878 Firstly we want to acknowledge the work that has gone into this challenging  
1879 process led by Ms O'Callahan and the rest of the Greater Wellington team. We  
1880 know that it's a demanding task and credit to them for the effort that has been  
1881 put in.  
1882

1883 Porirua has also in its evidence accepted that the TAS need to be set at some  
1884 level and acknowledges that there are minimum requirements in the NPS-FM  
1885 which the Council cannot depart from for its identified freshwater management  
1886 units.  
1887

1888 We also accept that this is the framework that we are all operating in, but we  
1889 remain of the view that the Panel's tasks need to consider the options for the  
1890 variables that are inherent in the NPS-FM framework. And, in that vein, when  
1891 doing so a broader assessment against s32 is warranted in my submission.  
1892

1893 No matter which way those variables land PCC's evidence does make it clear  
1894 that we are entering into a very demanding period with significant additional  
1895 costs for all Territorial Authorities and their ratepayers who provide them with  
1896 the necessary revenue to deliver on these outcomes. It's those councils that have  
1897 consistently raised concern about that particular aspect of the Change 1 proposal.  
1898

1899 In this way we agree with the legal submissions made by Greater Wellington  
1900 that the NPS-FM does not anticipate that the process of achieving the TAS will  
1901 be simple or cheap. I think that's the uniformly accepted point here: there is  
1902 nothing simple and there is certainly nothing cheap about it.  
1903

1904 But, linked to that point is the benefit and the relevance of close consideration  
1905 of the overall appropriateness of what is being proposed, and whether it is in fact  
1906 in the Council's evidence terms achievable in both economic and social terms.  
1907

1908 Beyond that point Ms Rodgers evidence talks about the practical challenges of  
1909 achieving those objectives, which relate to funding but also the workforce issues  
1910 required to deliver the improvements needed.  
1911

1912 What my submissions will say is that when you read the NPS in a broader way  
1913 there are provisions which speak to the reasonableness of the outcomes that are  
1914 sought to be achieved by the objectives. PCC's position in a nutshell is that  
1915 reasonableness, the appropriateness and overall achievability all need to be  
1916 considered when the Panel undertakes its task. Section 32 and s32AA provide  
1917 you with that ability.

1918  
1919 I note the PCC has sought, particularly through Ms Rodgers' evidence, to be  
1920 constructive here. We are not opposing outright what Greater Wellington is  
1921 looking to achieve; we are just wanting for it to be modified to reflect the  
1922 Council's concerns.

1923  
1924 Ms Rodgers in her evidence has identified that a 2060 timeframe for example  
1925 for the TAS achievement will be a better and more appropriate framework to be  
1926 operating in and she will be able to speak to you about that and the reasons for  
1927 it today.

1928  
1929 First though, and not sticking to the sequence of the issues which I mentioned  
1930 earlier, the Waitua Improvement Plan.

1931  
1932 We have already heard from Wellington City this morning and I broadly agree  
1933 with Mr Whittington in terms of the views expressed on the WIP programme  
1934 and what it meant. It was a non-statutory process. It was also developed by a  
1935 committee that was an advisory committee of the Council; and there's a  
1936 distinction there between an advisory committee and a joint committee,  
1937 particularly in terms of its composition.

1938  
1939 While the Council had a role it had one member on that committee. It wasn't a  
1940 full joint committee in other context – where there's a lot of composition from  
1941 Porirua City Council in particular.

1942  
1943 The other point that we want to touch on is that in developing the WIP, and this  
1944 having reviewed the terms of reference for the committee programme, it  
1945 involved the consideration of a number of factors. Economics and impact on  
1946 ratepayers weren't forming part of that group of considerations.

1947 That's the point that the Council is particularly wanting to raise for your  
1948 attention because it ties into the fact that the WIP while producing a series of  
1949 outcomes and recommendations didn't factor in the overall impact on those to  
1950 the PCC ratepayers.

1951  
1952 The Council, noting it had a role as part of the committee, then received the  
1953 eventual recommendations and it reported to its Council about those. In that  
1954 report it acknowledged that Council (as this document was non-statutory) wasn't  
1955 bound by the recommendations but it was tasked with some further investigation  
1956 into the recommendations, including the costs and benefits of implementing  
1957 them through respective work programmes.

1958  
1959 What that highlights is the Council understood that this document did not set in  
1960 train a direction that had to be followed. There was a further degree of exercise  
1961 and process around understanding what those recommendations were and the  
1962 extent to which they could be implemented meaningfully by the Council.

1963

1964 That report also noted that in large part recommendations of the WIP were for  
 1965 this council, the Regional Council, to then implement through regulatory means,  
 1966 and that's also what the NPS-FM requires.

[03.15.00]

1967  
 1968 The minute from the City Direction Committee which was issue in August 2019  
 1969 acknowledged, rightly so, the four years of work that community members had  
 1970 made and contributing to preparing the plan, but again noted that the relevant  
 1971 Council teams would need to determine how to integrate those recommendations  
 1972 into the Council's delivery programme. That's a point that Ms Rodgers and Mr  
 1973 Mendonca pick up in their evidence, when they say, "Yes we were aware that  
 1974 the WIP programme existed, but the Council already had other strategic  
 1975 priorities and continues to do so that align with the outcomes of the WIP  
 1976 programme; and it's here now in a submitter context to inform the regulatory  
 1977 decision-making that Greater Wellington is required to do in this context.

1978  
 1979 The other two issues that I thought I would touch on with the WIP programme  
 1980 is that the timing is considered relevant. We know that the WIP and its eventual  
 1981 recommendations were produced in 2019. That predated the NPS-FM 2020 and  
 1982 now the more updated version of 2024.

1983  
 1984 What that means is that timing is a question here and the reliability on the WIP  
 1985 is a live issue for the Panel. We had a WIP that was prepared against an NPS-  
 1986 FM that's not the up-to-date version, but which also hasn't captured the cost  
 1987 escalation issues and Covid related impacts that councils have been grappling  
 1988 with over the intervening five years.

1989  
 1990 What that means is that the recommendations in that report might not have  
 1991 considered costs to ratepayers at that time, but if it had the cost to ratepayers  
 1992 looks quite different now five years down the path; and we don't yet have final  
 1993 recommendations through the Change 1 provisions; and depending on the timing  
 1994 of that we could well be dealing with different costs all over again if escalation  
 1995 suddenly ramps up.

1996  
 1997 So that's all I wanted to say on the WIP programme. I note that both of the  
 1998 Council's witnesses can answer questions on the way in which that was  
 1999 understood from a Council perspective as well.

2000  
 2001 Turning to the legal submissions, and I note that you had a discussion with my  
 2002 friend Mr Whittington this morning, and I think he quite rightly observed the  
 2003 position for Wellington City fairly aligned with Porirua City Council's legal  
 2004 submissions.

2005  
 2006 I thought I would just focus in on a couple of points that were touched on by  
 2007 him, but also in the context of submissions filed for Greater Wellington. I have  
 2008 got those submissions in front of me, and I thought the best option here would  
 2009 be to take you to the specific paragraphs in there that I just wanted to provide  
 2010 some comment on, starting with paragraph 21.

2011  
 2012 The third sentence of that paragraph when talking about the correct test against  
 2013 which PC1 provisions are assessed, there's a final comment there which says,  
 2014 "In terms of TAS (which are objectives) the specific test is that they are the most  
 2015 appropriate way to achieve the purpose of the Act."

2016

2017 With respect I disagree with that submission.  
 2018

2019 I am going to turn to Objective P.06 because I think that's the most relevant  
 2020 issue that's come through in the Council's evidence. This is P.06 which relates  
 2021 to Table 9.2 that incorporates the TAS and the timeframes by which they're to  
 2022 be achieved.  
 2023

2024 What we have is Objective P.06 which provides a narrative description of the  
 2025 overall environmental outcome sought to be achieved by that objective. Then  
 2026 within that objective in clauses (a) and (b) and elsewhere we have a reference to  
 2027 Table 9.2.  
 2028

2029 Table 9.2 over the page includes the target attribute states and the timeframes,  
 2030 which in my submission are the variables which have to be determined through  
 2031 this process.  
 2032

2033 Table 9.2 in my submission captures the ways in which the objective is  
 2034 implemented or achieved, and that's consistent with what the NPS-FM  
 2035 anticipates for this exercise.  
 2036

2037 It's not in fact safe, as per the legal submissions to say that the TAS are a  
 2038 standalone objective in their own right, because if you were to pick up Table 9.2  
 2039 that doesn't outline any objective that are sought to be achieved; it simply sets  
 2040 out the implement and measures or the metrics by which an objective is  
 2041 achieved. They form part of the overall package that implements the objective  
 2042 rather than being an objective in their own right.  
 2043

2044 I'm going to come back to that point further.  
 2045

2046 Our key position is that overall view is that the objective and the provisions in  
 2047 Table 9.2 work as a collective package, rather than the TAS being an objective  
 2048 in its own.  
 2049

2050 I think that's consistent with the construct of the NPS-FM as well.  
 2051

[03.20.00]

2052 The Greater Wellington submissions take you through the way in which the  
 2053 national objectives framework operates. I think that's in paragraph 7. But, if I  
 2054 was to summarise it and 3.7 helps with this exercise in the NPS-FM, the NOF  
 2055 process requires regional councils to work through a number of different steps.  
 2056 First you identify your freshwater management units. You then identify their  
 2057 values for each FMU, which are assisted by the appendices in NPS-FM. You  
 2058 then set your environmental outcomes for each value and include them as  
 2059 objectives. Beyond that point you identify attributes for each value and baseline  
 2060 states and then your target attribute states. In 3.72(e) it clarifies that the target  
 2061 attribute states, environment flows and levels and other criteria are to support  
 2062 the achievement of the environmental outcomes.  
 2063

2064 So they have a direct relationship to those outcomes which have to be objectives,  
 2065 but they are achievement provisions.  
 2066

2067 Beyond that it goes into (f) which is referring setting of rules and action plans  
 2068 as appropriate, again to achieve the environmental outcomes; and if you flip  
 2069 further you've got 3.11 and 3.116 which refer further to setting target attribute

2070 states and consistently note that they are in order to achieve the outcomes or to  
2071 achieve the attribute states.

2072  
2073 The reason why I am wanting to raise this with you is that when I say “variables”  
2074 it's my interpretation of the NPS-FM that setting the target attributes states and  
2075 the timeframes for achieving those attribute states is not a blunt exercise where  
2076 you have to adopt a certain metric. There is discretion to be exercised because  
2077 there's a consideration as to what is appropriate for achieving the environmental  
2078 outcomes set by your objectives.

2079  
2080 In that way it's our interpretation that the TAS while referenced in the objectives  
2081 are not objectives in their own right. They are part of the provisions that  
2082 implement and achieve that outcome.

2083  
2084 Let's got to paragraph 25 of the submissions for Greater Wellington. In this  
2085 paragraph the submission is made that the TAS is set in the objectives and  
2086 therefore the requirement at s32.1A is for the objectives to be the most  
2087 appropriate way to achieve the purpose of the RMA.

2088  
2089 They note there that the other provisions, defined to me in policies, rules or other  
2090 methods are not assessed in the same way as objectives, and they're assessed  
2091 against s32.1B which engages reasonably practicable options and efficiency and  
2092 effectiveness.

2093  
2094 They refer in their submissions to the 'Matai Decision' but I think in my  
2095 submission here we are dealing with something different. We are dealing with  
2096 their view of an objective that does everything all at once; rather than reflecting  
2097 that the objective is supported by provisions which explain how that objective is  
2098 to be achieved.

2099  
2100 If GW's interpretation of s32 was correct, then there would be potential for  
2101 mischief because there would be no or very limited ability for this Panel to be  
2102 able to consider amendments to these other provisions that work with this  
2103 objective; and allow the Panel to consider the other options and whether or not  
2104 other options might be more reasonable, effective or efficient for achieving.

2105  
2106 I don't think that's consistent with what the NPS-FM is trying to achieve here.

2107  
2108 I just want to take a different approach to the legal submissions that have been  
2109 made by Greater Wellington and just speculate a little bit on what the  
2110 circumstance would be if this objective was framed or expressed in a different  
2111 way.

2112  
2113 Having looked at that particular provision we have a reference to Table 9.2. If  
2114 that reference had been to Policy 9.2 or rule or standard 9.2 then it would be  
2115 much, much easier to be having a quite different discussion because it would be  
2116 more expressed that the policy or the rule or standards contained the  
2117 implementing provisions for the objective. What we have however is a reference  
2118 to Table 9.2 but the context is no different if a table contains provisions which  
2119 achieve the objective.

2120

2121 In effect it's an issue of form over substance in my submission. The TAS and the  
2122 timeframes are intended to implement and that's what the NPS-FM is trying to  
2123 design.

2124  
2125 The other point that Greater Wellington make in their submissions is that the  
2126 focus needs to be on the overall appropriateness for achieving purpose of the  
2127 Resource Management Act.

[03.25.00]

2128  
2129 I just note that in the s32 report for this particular objective – and I'm not sure if  
2130 the Panel has that before it. It's part C and at paragraph 35, page-9, if that would  
2131 help.

2132  
2133 That report frames the way in which its considered appropriateness is a concept,  
2134 and in paragraph 35 there is notes that appropriateness of being assessed with  
2135 reference to the following criteria; so you've got relevance, you've got  
2136 feasibility and then you've got reasonableness.

2137  
2138 Under that reasonableness sub-heading the second and third bullet points there  
2139 say, "Can the objectives be reasonably achieved?" You've got a link there to  
2140 effectiveness and efficiency, and then you've got "Will it impose an  
2141 unreasonable cost and disruption to the community?"

2142  
2143 So it goes beyond pure policy or objective terms and it starts to raise other issues  
2144 which in our view come back more to the 31.1B considerations that should be  
2145 involved.

2146  
2147 Over the page it says very clearly "the appropriateness evaluation does not need  
2148 to consider options" but in my submission, suggesting that there is no ability to  
2149 debate the options for objectives ignores the fact that the appropriateness of  
2150 assessment could land on a position that the objectives cannot be reasonably  
2151 achieved; or that those objectives couldn't pose an unreasonable cost or  
2152 disruption to the community.

2153  
2154 Without an ability to consider options for objectives, you're actually removing  
2155 the Panel's ability to consider what is best in achieving the NPS-FM.

2156  
2157 I will accept however that if the objective is framed in a different way and didn't  
2158 include variables, which can be considered on their own terms, we might have a  
2159 different discussion on that point, but I don't feel that we're in that space yet.

2160  
2161 The PCC's essential view is that the TAS and timeframes are variables that are  
2162 distinct from the objective and as a result there is a requirement to consider and  
2163 engage 32.1B when considering those variables. There's a discretion to the  
2164 exercise and I don't want you to be convinced that you can just ignore that.

2165  
2166 Paragraph 28 of the submissions makes the point that focusing on the  
2167 achievability requirements of s32 overlooks the specific requirements contained  
2168 within the NPS-FM. The submission is that the Panel cannot put the NPS-FM to  
2169 one side and assess the provisions solely against s32 of the RMA.

2170  
2171 I don't think that's what we are saying in our legal submissions. We are saying  
2172 that s32 and its requirement to consider options, effectiveness and efficiency  
2173 relate to the setting of the variables that achieve the objective.

2174  
2175 We are also not saying that s32 forms the sole consideration because when you  
2176 look at s32.1B it also talks to what is most appropriate for achieving the  
2177 objectives. The objectives here we would all agree come from the higher order  
2178 framework provided by Part 2 that flows into the National Policy Statement.

2179  
2180 Instead we are saying that the provisions have been designed to operate as a  
2181 package and that when considered in that way the objective is an outcome; the  
2182 TAS and the timeframes are an implementing set of provisions and they warrant  
2183 consideration against 32.1B.

2184  
2185 I spoke about mischief briefly before and I just want to touch on that point again.

2186  
2187 The issue that I can see arising, if the Greater Wellington interpretation was  
2188 correct, is that you might find local authorities whether regional or TAs when  
2189 promoting plan change processes wanting to load up objectives with  
2190 implementing provisions to try and remove them from 32.1B.

2191  
2192 That would remove the ability to consider other options when it would be  
2193 obvious that the way in which you achieve an objective is hard-baked into the  
2194 objective itself. That can't be correct because that's not what 32 is about. It's  
2195 about assessing how the provisions work as a collective whole [03.29.44].

2196  
2197 It would be perhaps different if there was an existing objective however that  
2198 wasn't sought to be changed, but a plan change seeking to amend the policies or  
2199 other rules and standards that sit below that objective. In that context we would  
2200 be accepting that the objective stands on its terms and if it's considered  
2201 appropriate to achieve the purpose of the Act that's fine; but when going through  
2202 that exercise....

2203  
2204 [End of recording – 03.30.13]  
2205 [Hearing Stream 2 – Day 6 – Part 2]

2206  
2207 Wakefield: [continued] ... clearly the scope of 32.1B and 32.AA that you consider whether  
2208 or not those implementing provisions are affected or are the best option.

2209  
2210 I just want to note that there is no presumption under the RMA that notified  
2211 provisions are best, or that provisions promoted by the s42A author are the most  
2212 appropriate. If the Panel agrees that the objectives in the NPS-FM can be met by  
2213 adopting a less restrictive implementing regime, then that regime can be  
2214 recommended and adopted.

2215  
2216 At paragraph 30 (and I'm almost finished here) Greater Wellington makes a  
2217 submission that criticisms of the s32 assessment are not particularly helpful, and  
2218 that it does not inform the Panel's understanding or make decisions on the key  
2219 matters of contention.

2220  
2221 I know Mr Whittington for Wellington City spoke about this point this morning.  
2222 I would just like to echo his submission that I think it's an unfair comment.

2223  
2224 Section 32A of the RMA states that is a person is minded to challenge and  
2225 objective on the ground that an evaluation report has not been prepared or  
2226 properly prepared, then that should happen in a submission. That's what PCC

2227 has done here through its submission and now its evidence. It's raising concerns  
2228 about the narrow approach taken by Greater Wellington to evaluate the variables  
2229 within this objective, being the TAS and the timeframe.  
2230

2231 The PCC is absolutely entitled to raise these concerns and its evidence in my  
2232 submission that is in fact helpful to raise these issues for the Panel's attention  
2233 supported by the legal arguments we're having now, and informing the matters  
2234 on which the Panel will have to make its decisions.  
2235

2236 The criticism is perhaps another attempt to limit the focus of this hearing and it  
2237 is highlighting that by baking into objective all of these other variable aspects,  
2238 it's trying to remove the s32 analysis or sidestep it in some way, which we don't  
2239 think is warranted.  
2240

2241 We note there of course that if the Panel is minded to make changes it is going  
2242 to have to engage with 32AA which involves an assessment that accords with  
2243 s32.  
2244

2245 These are issues that the Panel will have to tackle in response to its consideration  
2246 submissions.  
2247

2248 There was some discussion earlier this morning with Wellington City about  
2249 whether or not there was sufficient information or a lack of information that  
2250 caused them to be concerned about what their effective position was. Ms  
2251 Rodgers has raised in her evidence that there is a lack of evidence around what  
2252 other timeframes would be available and I think that's a consequence of the  
2253 narrower approach to assessing reasonable practicable options that's been taken  
2254 by Greater Wellington and it's reporting team.  
2255

2256 I don't mean to be critical of that but what we have here is an information deficit  
2257 or gap perhaps. Ms Rodgers has quite pragmatically suggested a 2060 timeframe  
2258 is more appropriate in this context, bearing in mind what evidence we do have  
2259 available to us, but if the Panel is forming the view that it's not got sufficient  
2260 evidence to inform its own work, I note that there are powers under the Resource  
2261 Management Act to issue directions requesting information from submitters or  
2262 from the proponent as well.  
2263

2264 That brings me to the end of the points that I will make. I am to answer to any  
2265 questions or perhaps we might then move to I think Mr Mendonca first reading  
2266 his summary.  
2267

2268 Chair: Let's finish the presentations and then we can have questions after that. Thank  
2269 you.  
2270

2271 Mendonca: For the avoidance of doubt my name is Mike Mendonca.  
2272

2273 My full name is Michael Anthony Mendonça. I prepared a statement of evidence  
2274 on behalf of Porirua City Council in relation to Hearing Stream 2 for Proposed  
2275 Change 1, to the Natural Resources Plan for the Wellington Region.  
2276

2277 I refer to my qualifications and experience in my original statement dated 14  
2278 March 2025, and I do not repeat those matters here.  
2279

2280 The purpose of this statement is to provide a brief summary of my evidence.  
2281  
2282 Porirua City Council is committed to improving the health of Te Awarua-o-  
2283 Porirua Harbour and its catchment. However, to meet the proposed target  
2284 attribute states, a suite of interventions to reduce sewage escaping from the  
2285 wastewater network, as well as new infrastructure such as wetlands, will be  
2286 required.  
2287  
2288 Porirua City Council would need to rely on rates to fund these interventions and  
2289 infrastructure requirements, unless any Crown funding is made available, which  
2290 I consider unlikely.  
2291  
2292 I agree with Mr Walker that his estimated 25 percent rates increase for Porirua  
2293 City Council to achieve the TAS is unaffordable for the Porirua community.  
2294 [00.05.05]  
2295 Water quality is one of several challenges facing the city including service  
2296 delivery costs, climate change impacts, high costs of living, enabling growth and  
2297 ensuring infrastructure is fit for purpose.  
2298  
2299 Porirua City Council's rates increase for the 2024/2025 year of 17.5 percent was  
2300 already barely acceptable to the community.  
2301  
2302 Additionally, Porirua City Council is anticipating increased costs to Porirua City  
2303 Council ratepayers as part of the potential establishment of a new Three Waters  
2304 delivery entity, which is proposed to be a multi-council owned CCO. This is to  
2305 address the overdue bow wave of Three Waters networks renewals, especially  
2306 with the water supply network.  
2307  
2308 I note that Mr Walker's estimates are likely to be both low and uncertain  
2309 because: firstly in Porirua City Council's experience the costs of projects  
2310 targeted at water quality improvements have been higher than the costs  
2311 estimated by Mr Walker. For example, a wastewater overflow retention tank at  
2312 one of almost fifty known regular overflow locations in the city cost \$97M  
2313 compared to an initial estimate of \$47M.  
2314  
2315 Porirua City Council also recently constructed an almost one-hectare wetland at  
2316 a cost of \$14M whereas Mr Walker estimates a cost of \$4M per hectare.  
2317  
2318 Mr Walker's estimates also do not include operating costs which can be  
2319 significant and ongoing. As a rule of thumb, operating costs have ten times  
2320 greater impact on rates than capital costs.  
2321  
2322 The TAS proposed in Attachment 1 to the s42A report and recommended in Ms  
2323 O'Callahan's rebuttal evidence (Revised TAS) would soften the impact on rates  
2324 compared to the TAS originally proposed through Change 1, but I consider that  
2325 they are still ambitious and challenging to deliver within the wider context of  
2326 affordability to Porirua City's ratepayers.  
2327  
2328 I consider the timeframe for achieving the Revised TAS should be extended to  
2329 2060.  
2330

2331 Having considered Ms Rodger's evidence it is my view that this longer  
 2332 timeframe will deliver much of the original intention while being more realistic  
 2333 - but still very challenging for the community to fund.

2334  
 2335 Kia ora.

2336  
 2337 Rodgers: Kia ora.

2338  
 2339 In principal I support setting a trajectory of improvement through the use of  
 2340 target attribute states (TAS) in relation to the restoration of Te-Awarua-o-  
 2341 Porirua's freshwater and coastal water bodies.

2342  
 2343 However, the TAS as notified and now recommended through GW's (Greater  
 2344 Wellington's) rebuttal position (herein Revised TAS) are not affordable or  
 2345 achievable in the timeframes set for the Revised TAS - being 2040 for most part  
 2346 Freshwater Management Units (FMU).

2347  
 2348 This is discussed in the evidence presented by Mr Walker and Mr Mendonça,  
 2349 and in the evidence filed by other submitters.

2350 The Revised TAS continue to largely adopt the timeframes of the Te Awarua-o-  
 2351 Porirua Whaitua Improvement Plan (WIP). The WIP is a non-statutory  
 2352 document, which has not been subject to the same level of evaluation of costs  
 2353 and benefits, or community-wide input through public consultation, that plans  
 2354 under the RMA are required to involve.

2355  
 2356 I also note that the WIP was not adopted by Porirua City Council, and so I do  
 2357 not consider it sound to say that Porirua City Council was or should have been  
 2358 expected to commence steps to implement the WIP.

2359  
 2360 Regardless, Porirua City Council has a strategic priority to commit to the health  
 2361 of Te Awarua-o-Porirua Harbour and its catchment through investment,  
 2362 advocacy and regulation, and has taken significant actions to improve the quality  
 2363 of the harbour, including through its District Plan, wastewater projects,  
 2364 establishing wetlands and riparian planting schemes. This is covered in Mike  
 2365 Mendonça's evidence.

2366  
 2367 While I appreciate the level of work that went into producing the WIP (and that  
 2368 that work was acknowledged by Porirua City Council), it is not clear that the  
 2369 WIP Committee were aware of the significant costs involved in delivering the  
 2370 recommendations set out in the WIP, or whether the community (through the  
 2371 WIP engagement work done) were aware of the significant costs and their  
 2372 implications on rates in particular.

2373  
 2374 I understand that in or about June 2018, a memorandum was presented to the  
 2375 WIP Committee which advised that the projected wastewater improvement costs  
 2376 were 'around \$50 - \$60 per dwelling per year over and above existing  
 2377 wastewater costs - at that time they were \$365 per residential dwelling per year  
 2378 for Porirua City ratepayers.

2379 [00.10.00]  
 2380 Based on this evidence before this Panel, that increase in costs is well less than  
 2381 the current estimates for implementation. I can provide a copy of that  
 2382 memorandum if required, but note that it does not displace the evidence already  
 2383 before the Panel.

2384  
2385 Due to the practical affordability issues identified in the economic analysis,  
2386 including with the 2040 timeline, I consider that the 2060 timeframe warranted  
2387 careful consideration, and that that this did not occur.

2388  
2389 In terms of the economic evidence, some analysis of different approaches has  
2390 been provided through Mr Walker's evidence dated 28 February 2025, including  
2391 different implementation timeframes. In my view, this information should have  
2392 been considered as part of the s32 process.

2393  
2394 In three of the five fresh water management units applicable to Porirua (Pouewe,  
2395 Taupo and Takapū), the TAS recommended by the s42A Report are set above  
2396 the MRI – the minimum required improvement.

2397  
2398 The rebuttal evidence of Ms O'Callahan has since amended Taupo and Takapū  
2399 to the MRI (State D). I support this change. However, Pouewe remains at Band  
2400 C – two bands above the current state of E.

2401 I consider the TAS for E.coli at Pouewe should be set at the MRI – that is, Band  
2402 D.

2403  
2404 Table 1 of Dr Greer's rebuttal evidence shows Pouewe to require a 48 percent  
2405 load reduction to meet the TAS recommended by Ms O'Callahan in the s42A  
2406 Report (being Band C).

2407  
2408 However, Table 11 of Dr Greer's primary evidence states a 48 percent load  
2409 reduction is required to achieve Band D.

2410  
2411 It is not therefore clear to me that the load reduction has been recalculated for  
2412 Band C for Pouewe. It would be helpful if Dr Greer could recalculate the load  
2413 reduction required to achieve Band C at Pouewe.

2414  
2415 In the absence of such evidence, I expect the recalculated load reduction for  
2416 Band C would exceed the 50 percent threshold and be 'difficult to achieve'.

2417  
2418 In line with the approach taken in Table 12 row 1 of Ms O'Callahan's rebuttal  
2419 evidence, I consider the E.coli TAS for Pouewe set out in Table 9.2 should be  
2420 amended from Band C to Band D.

2421  
2422 As stated in my evidence, I consider achievement of the MRI is appropriate.  
2423 Therefore, timeframe is the variable factor. Mr Walker's rebuttal evidence has  
2424 introduced a mixed implementation timeframe. I have some concerns with this  
2425 approach. First, it is not clear how the dates 2040, 2050 and 2060 have been  
2426 assigned to each FMU. Secondly, it is not clear if these mixed implementation  
2427 dates will affect the coastal water objective targets.

2428  
2429 Dr Wilson stated in his primary evidence that enterococci objectives for Te  
2430 Awarua-o-Porirua Harbour are likely to be achieved through the actions  
2431 necessary to meet the E.coli requirements of the NPS-FM - although not the case  
2432 at Waka Ama site.

2433  
2434 It is not clear in the evidence provided that the enterococci targets will similarly  
2435 be achieved if E.coli targets for Taupo and Te Rio o Porirua and Rangitūhi  
2436 (that's the Porirua Stream) FMU are set to 2060 and 2050, respectively.

2437  
 2438 My third concern with the mixed approach is that the expected rates increase  
 2439 remains high. Mr Walker estimates that the rates increase for Porirua will be  
 2440 around 11 percent from now until 2040 and then around 7 percent from 2040 to  
 2441 2050. Based on Mr Mendonça's evidence, I consider these estimated rates  
 2442 increases are still likely to be unaffordable.  
 2443  
 2444 I remain of the view that achieving the MRI across all part-FMU's with a  
 2445 timeframe of 2060 is the most affordable and achievable option for ratepayers  
 2446 of Porirua.  
 2447  
 2448 Should the Panel recommend pursuing a mixed timeframe approach, I consider  
 2449 the timeframe for achievement of Band D for Taupo FMU in Table 9.2 should  
 2450 be amended from 2040 to 2060 to be consistent with Mr Walker's  
 2451 recommendations in Figure 1 of his rebuttal evidence.  
 2452 [00.15.15]  
 2453 It is unclear to me why this timeframe was not adopted by Ms O'Callahan in her  
 2454 rebuttal evidence, as other recommendations made by Mr Walker were.  
 2455  
 2456 Appendix 1 to my evidence sets out my recommended amendments to various  
 2457 Objectives. This included moving the timeframe to 2060 and setting the TAS  
 2458 for E.coli at the MRI – as I've talked about just now. But, it also included other  
 2459 minor wording changes to Objectives P.O3 and P.O6.  
 2460  
 2461 I continue to support these recommended amendments.  
 2462  
 2463 I also note that I have read the updated version of some of the policies and one  
 2464 of my recommended changes has been carried through, so I am supportive of  
 2465 that, but there are still a couple outstanding.  
 2466  
 2467 Just for fulsomeness and with regard to Police P.P2 I agree that this policy is  
 2468 duplicated by other policies and I support the removal of Policy P2 in its entirety  
 2469 as recommended by the s42A report.  
 2470  
 2471 Thank you.  
 2472  
 2473 Chair: Thanks very much. Maybe just an overarching point to raise, just to start things  
 2474 off. We have heard mana whenua including Ngāti Toa saying that what you are  
 2475 seeking, so more Band D by 2060 is really disappointing. They feel frustrated  
 2476 by that, that it's very unambitious and it will not achieve certainly their  
 2477 expectations for Te Awarua-o-Porirua.  
 2478  
 2479 I hear what you have said about the work and how that was that process and it  
 2480 wasn't a document that the Council adopted and we are now looking at the  
 2481 provisions in this regulatory framework.  
 2482  
 2483 Any comments that you would like to make to Ngāti Toa in response to certainly  
 2484 what came across as their very clear frustration with the views of all the TAs?  
 2485  
 2486 Mendonca: Of course we have a very close relationship with Ngāti Toa and we have heard  
 2487 first-hand I'm sure the same stories that you have heard about their aspiration  
 2488 around the harbour. We actually share those aspirations. I would love to be able  
 2489 to eat cockles from the harbour by the year 2040. Again, the truth is it took us

2490 150 years to get to this point where are now and it's going to take us a while to  
2491 get to where we want to be again.

2492  
2493 We hear Ngāti Toa. We absolutely understand their point of view and we share  
2494 their aspiration, as I said. We signed the Porirua Harbour Accord alongside  
2495 [Māori 18.45] and Rawiri at Ngāti Toa.

2496  
2497 I guess there are some practicalities around how we actually get there and how  
2498 long it is going to take us.

2499  
2500 I would love to as a legacy personally have this done by 2040, but the fact is I  
2501 plan to be dead by 2060, so my grandchildren will just have to thank me for it,  
2502 posthumously.

2503 Wakefield: I think if I could provide one further comment on that, and this again  
2504 acknowledging that Ngāti Toa play a key role as one of the Council's most  
2505 important stakeholders and that they have contributed to this process throughout,  
2506 the Council is absolutely acknowledging that, but I think the position we're in is  
2507 that there is just a difference of opinion as to what it is the most appropriate  
2508 timeframe to achieve what we are all trying to achieve.

2509  
2510 At clause 3.3 of the NPS-FM I think starts a conversation around timeframes  
2511 and what goals this NPS is trying to deliver on. Clause 3.3 speaks to the long-  
2512 term visions for freshwater which have to be incorporated in a regional policy  
2513 statement. The long term visions in 3.3(2)(b) and (c) are to set goals that are  
2514 ambitious but reasonable. That is difficult to achieve but not impossible.

2515  
2516 To identify a timeframe to achieve those goals that is both ambitious and  
2517 reasonable. I think everyone is accepting here that whatever we do it's going to  
2518 be ambitious. But, whether or not the timeframes are reasonable or not is the  
2519 questions that is before you.

2520 [00.20.15]

2521 The Council's view based on its understanding of its community's tolerance for  
2522 rates increases and indeed its own ability to fund improvements, has formed the  
2523 view that at a corporate level and also from a planning perspective, the 2060  
2524 timeframe with perhaps interim targets along the way is what is most reasonable.

2525  
2526 On 3.11 which speaks to the target attribute states and how you go about setting  
2527 those, 3.7(7) refers to regional councils ensuring that target attribute states are  
2528 set in such a way that will achieve the environmental outcomes. We are not in  
2529 dispute about the environmental outcomes overall, we are just talking about how  
2530 you achieve them; and so again that's a point of difference between Porirua,  
2531 Wellington City and Greater Wellington, and indeed some of our stakeholders.

2532  
2533 What we were saying in my submissions earlier is that outcomes and how you  
2534 achieve – the how sorry, not the why – is where there is some discretion to be  
2535 exercised. That's why we say the options need to be factored in by the Panel.

2536  
2537 Chair: Thanks Mr Wakefield. The 3.3 and the long-term visions, those of course have  
2538 been set in the RPS up to 2100 and are beyond challenge. These PC1 provisions  
2539 we are looking at are obviously set out how the Regional Plan is going to achieve  
2540 those.

2541

- 2542 Wakefield: I acknowledge that those RPS provisions that aren't before you today. We're  
 2543 talking about a regional planning framework to try and achieve those same  
 2544 outcomes.  
 2545
- 2546 Chair: I understand the point you're making about the TAS provisions implementing  
 2547 the environmental outcomes. I understand the point you're making in relation to  
 2548 s32. It's understood and we'll continue to consider that. Thank you for your  
 2549 submissions on that.  
 2550
- 2551 McGarry: I see you referred to Dr Walker's evidence in your statements, but you haven't  
 2552 referred to his rebuttal and Figure 4 which shows there the difference between  
 2553 the 2040, the 2060 and the mixed timeframe. I just wonder why you haven't. He  
 2554 told us that there was a two percent different between the 2060 and the mixed  
 2555 model and that two percent was really within the standard deviation veer of his  
 2556 assessment and that there's a significant drop from 2040 to 2060 below what the  
 2557 2060 timeframe would deliver. I just wondered if you could explain to us why  
 2558 you're still holding onto the position of 2060.  
 2559
- 2560 Rodgers: I did look at Figure 4. My first comment on that is it's not Porirua City Council  
 2561 specific, it's across all of the councils so it's hard to exactly quantify what the  
 2562 cost to our ratepayers will be. I took Figure 4 and I also looked at Figure 2 which  
 2563 does break down a step-change in rates for each of the councils and for me, that's  
 2564 what tells me what the cost to Porirua is going to be. That's where I got the 11  
 2565 percent rates increase from now until 2040 and then around 7 percent from 2040  
 2566 to 2050.  
 2567  
 2568 Then I compared that against the raw data in his primary evidence for the MRI,  
 2569 which is what I am asking for and that tells me at 2060 the rates increase is  
 2570 around, depending on whether it's a lower or higher estimate, between 6 and 6.5  
 2571 percent. That's consistent with the Porirua City Council's submission which was  
 2572 signed off by the Council.  
 2573
- 2574 [00.25.00] So that is why I am justifying in my evidence the MRI to 2060, because that's  
 2575 the evidence I have from Porirua City Council signed off by the Council when  
 2576 making the submission. I think the words of our submission were "even that was  
 2577 going to be challenging, but it was significantly better than..." was it the 17  
 2578 percent increase at that time.  
 2579
- 2580 You've got to remember, all the time when I'm thinking about that, I'm also  
 2581 mindful of the fact that that figure, whatever that rates increase is, it still excludes  
 2582 business as usual rates increases; it excludes serving and maintenance cost; it  
 2583 excludes cross-connections and I recognise that that's a private land owner cost,  
 2584 but it's still going to be met by the people of Porirua.  
 2585
- 2586 I don't know if Mike Mendonca wants to add to that.  
 2587
- 2588 Mendonca: Can I just add a point that Mr O'Neill made this morning around our ability to  
 2589 actually do all of this Mahi. Currently in the sector we have about 4,000 people  
 2590 and we know we need about 11,000 people to actually get to where we need to  
 2591 be. It's going to take us a while to ramp up the industry to even start to do the  
 2592 work that we need to so; so I think there's an actual deliverability question  
 2593 around actually achieving this as well.  
 2594

- 2595 McGarry: We've heard of least of the TAs come out and acknowledge that there's been an  
 2596 under-investment in infrastructure over time, and we've heard also  
 2597 acknowledgements that there is fire-fighting going on and not the ability to  
 2598 front-foot the replacement programme.  
 2599
- 2600 I don't see either of those acknowledgements with Porirua. Is that the situation  
 2601 for Porirua as well?  
 2602
- 2603 Mendonca: Yes, absolutely. I will just make the point that it's the same across all Three  
 2604 Waters. We're talking about wastewater here mainly but actually drinking water  
 2605 we have the same issue. In Porirua of the 16 water reservoirs that we have 15  
 2606 are actually seismically vulnerable along with the pipes. That's actually what  
 2607 keeps me awake at night – stormwater too; and stormwater is not so much about  
 2608 the quality of stormwater it's about flooding.  
 2609
- 2610 It's fair to say across all Three Waters we have under-invested and we  
 2611 acknowledge that. There's a whole bunch of renewal work that we have to do  
 2612 and we know that we need to spend almost double what we are currently  
 2613 spending in order to catch-up on that backlog.  
 2614
- 2615 McGarry: I guess that's what I'm struggling with on this side of the table; that if this has  
 2616 been going on for a number of years, where fire-fighting takes over planned  
 2617 work, why has the workforce and the budgets not been increasing incrementally  
 2618 or slowly over time. Why is it taking this plan change as a starting point? I don't  
 2619 understand.  
 2620
- 2621 Mendonca: This plan changes isn't the starting point; the whole sector has been looking to  
 2622 reform itself for about the last four or five years, even under the previous  
 2623 government, because of the under-investment that you've identified. It just  
 2624 happens that the plan change is at this point. The reformed programme that's  
 2625 been ongoing for at least four years.  
 2626
- 2627 Kake: Just wanting to explore that point a little bit and pick up on something that was  
 2628 mentioned with respect to stakeholders. Does Porirua City Council agree that  
 2629 mana whenua were partners through this process?  
 2630
- 2631 [Nil audible reply]  
 2632
- 2633 Thank you. So through the implementation of this programme, just wanting to  
 2634 get some clarification around the operations of the Council working with Ngāti  
 2635 Toa. You mentioned the Harbour Accord. There's a number of statements in that  
 2636 that talk to other methods I suppose in terms of partnership and working  
 2637 together. Is there anything happening on the ground with respect to that  
 2638 monitoring say with boots on the ground and Council staff.  
 2639
- 2640 Mendonca: Yes. First of all we have some large capital projects that Ngāti Toa is involved  
 2641 with and a couple of operating ones as well. If I can just quickly run through  
 2642 those.  
 2643
- 2644 The first one is the wastewater holding tank that's been mentioned a couple of  
 2645 times – the \$97M project that is just on the left hand side. For Wellingtonians  
 2646 it's on the left hand side as you drive through Porirua. There's big roadworks.  
 2647 You can see it.

2648  
 2649 Cannon's Creek Park we are constructing a wetland, that's \$20M.  
 2650  
 2651 We have just replaced and opened a couple of weeks ago a new sewer in eastern  
 2652 Porirua. It's called the Bottomly Park Sewer, but actually it has taken a whole  
 2653 bunch of wastewater out of the harbour.  
 2654  
 2655 The final thing is the wastewater treatment plant itself which we are about to  
 2656 invest \$28M into reducing the sludge that goes through there, to minimise the  
 2657 risk of sludge spilling in Titahi Bay.  
 2658 [00.30.00]  
 2659 So there's about \$230M worth of capital investment. Ngāti Toa is involved in  
 2660 the planning and development of all of those capital projects.  
 2661  
 2662 Probably the more high profile issues that we have are actually operating the  
 2663 projects. There's a project we have called 'Know Your Pipes' which as Ms  
 2664 Rodgers says, this is the one that looks at where private pipes are broken,  
 2665 sewerage pipes. We got looking for those. We find them and then we have a  
 2666 process whereby we hold private property owners to account for fixing their own  
 2667 pipes. We've found about 570 broken pipes since we started that in 2021.  
 2668  
 2669 The final operating project that we have is riparian planting. We've planted  
 2670 about 350,000 plants since 2021 in riparian areas in an effort to minimise slips  
 2671 and sediment into freshwater.  
 2672  
 2673 All those things together heavily involve Ngāti Toa. As I mentioned before, we  
 2674 do have a very close relationship with them on all of those activities.  
 2675  
 2676 Chair: Just while they're talking, it looks like there might be another comment on that.  
 2677  
 2678 Ms Rodgers, thank you for your points about Dr Greer's rebuttal and the load  
 2679 reduction for Pouewe. I'm sure Dr Greer will provide a response on that. I had  
 2680 a quick look at Table 11 as well and I see the point you're making about the 48  
 2681 percent. We will get Dr Greer's response on that.  
 2682  
 2683 Wakefield: Thank you. Just through the Chair I just wanted to pick up on that question from  
 2684 Commissioner Kake around partnership.  
 2685  
 2686 The Council and Ngāti Toa do have a very strong work relationship and I  
 2687 understand they do have an agreement which reflects their partnership and  
 2688 shared aspirations. I wasn't quite clear whether the question was directed at  
 2689 partnership in a substantive sense in this process because the NPS-FM does set  
 2690 out some provisions that do directly engage with the extent to which local  
 2691 authorities have to actively involve tangata whenua in these processes.  
 2692  
 2693 That language is consistent with the way that type of terminology is reflected in  
 2694 the local government act, where it's about providing opportunities as opposed to  
 2695 an expressed provision regarding partnership.  
 2696  
 2697 I just wanted to make that point because I wasn't quite clear whether we had  
 2698 navigated that little area or not.  
 2699

- 2700 McGarry: I just wanted to understand whether you've had the chance to look at the  
2701 amendments to the rebuttal, that came along with the rebuttal from Ms  
2702 O'Callahan, and particularly in terms of the three FMU parts where the target  
2703 has gone to the 50 percent reduction for the time period. That movement there  
2704 we've touched on some of the other things in terms of the amendments. Have  
2705 you had the chance to consider what that actually means financially for you?
- 2706 Rodgers: Just to clarify, are you meaning Objective P.07 which is the interim targets?  
2707
- 2708 McGarry: I am meaning the new table which is 9.1A – am I correct?  
2709
- 2710 Rodgers: The coastal?  
2711
- 2712 McGarry: Yes, the coastal objectives where they've gone to the 50 percent reduction now,  
2713 in that timeframe, and the three part FMUs.  
2714
- 2715 Rodgers: The timeframe is interesting. That relates to P.03 and so my reading of that is  
2716 we've have to achieve that 50 percent by 2040. That's my reading of the  
2717 objective.  
2718
- 2719 McGarry: I think that's correct.  
2720 [00.35.00]
- 2721 Rodgers: Just to fill you in, in some questions to Ms O'Callahan I have been trying to  
2722 understand how that would work and whether that's just a 50 percent in that  
2723 number that's on there; whether you take the 500 off and then split it in two and  
2724 somebody [35.09] submitter, Ms O'Callahan it's specifically being left flexible  
2725 and that could be demonstrated in a number of ways. It could be length of pipe  
2726 improved, it could be many other measures. It's been specifically not prescribed  
2727 how that 50 percent improvement would be so that it could be demonstrated in  
2728 a number of ways.  
2729
- 2730 I just wanted to let you know that.  
2731
- 2732 Rodgers: That's definitely an improved position on where we were at. My query on that  
2733 would be whether Mr Walker has taken that into account and costed it.  
2734
- 2735 How it seems to me is when there's been changes in planning provisions they  
2736 sort of follow after Mr Walker's evidence. For example, just on costs, the new  
2737 objective for the interim targets it's not clear to me that Mr Walker has taken this  
2738 new objective into account. I don't think we have got any economic evidence on  
2739 how much it is going to cost to achieve 50 percent.  
2740
- 2741 I'm stepping away a little bit and talking about Table 9.2 but I think it's  
2742 somewhat related.  
2743
- 2744 For the timeframes that aren't 2040, so where they are 2050, this interim  
2745 objective says, "the state of the attribute must be approved by 50 percent of the  
2746 overall improvement required by 2040."  
2747
- 2748 So actually how I read that is that there needs to be improvement happening  
2749 everywhere by 2040. I don't think I have seen evidence by Mr Walker on the  
2750 costings of that new interim objective. I'm pretty certain that Mr Walker hasn't  
2751 provided any economic evidence of the workability and cost of achieving that

- 2752 new objective. That's something that I would like to see that might come out in  
2753 the next s32AA for example.  
2754
- 2755 Chair: I just have one more point I just want to raise. Mr Wakefield this is in your legal  
2756 submissions, around paragraph 5.11 I think. I think you were talking about  
2757 supporting the officer's recommendation to delete P.P2.  
2758
- 2759 Wakefield: Yes, that's correct. Ms Rodgers' evidence supports that change as well.  
2760
- 2761 Chair: As I understand it, the reason for the deletion is really that limited use of having  
2762 a signposting provision like this, and these are all provisions that come up in  
2763 Hearing Stream 3 and 4 and that's where they will be considered.  
2764
- 2765 That aside, I'm just interested in your submissions on this point. Talking about  
2766 duplication of functions and where are these provisions going to bite. I'm  
2767 paraphrasing here. So in terms of requirements around the regulation of land use,  
2768 things that are able to be regulated to minimise the discharge of contaminants  
2769 into the stormwater, into discharges.  
2770 [00.40.05]
- 2771 My question is have you thought about what these provisions are going to mean  
2772 for Porirua City Council when it comes to assessing consent applications?  
2773 We've got some notes at the bottom of some of these objectives that say these  
2774 consent applicants don't need to demonstrate their activities align with these  
2775 objectives, but then there's also a provision, or a policy that talks about  
2776 applicants needing to show that (again paraphrasing) that load reductions are  
2777 commensurate so you're demonstrating progress towards achieving the TAS.  
2778
- 2779 Do you have concerns with this framework and how these provisions are going  
2780 to apply to the Council when it is assessing consent applications in Porirua City?  
2781
- 2782 Wakefield: I might just take a minute, if that's okay.  
2783
- 2784 Is this question more about how the Change 1 provisions as a collective will be  
2785 given effect to in a Porirua City context? You're moving beyond Policy P.P2 if  
2786 that's correct.  
2787
- 2788 Chair: Yes, Objective P.06 is another one that talks about how the targets in the attribute  
2789 tables are going to impact consenting applications. Just wondering if you've  
2790 given thought to how this is actually going to affect the assessment of consents  
2791 for your Council officers.  
2792
- 2793 Wakefield: I guess my first observation there will be that the Regional Council has a role as  
2794 a consent authority, and so to the extent that the Change 1 objective, the one we  
2795 are looking at here, P.06, is then implemented through a rule which acts as a  
2796 consent trigger. It will be the Regional Council that is front and centre of that  
2797 particular process; but to the extent that the District Councils, TAs, when they  
2798 go through their own Schedule 1 exercises to implement this, or align with this  
2799 regional plan then also the other similar or even equivalent consent triggers that  
2800 are captured through land use applications.  
2801
- 2802 The submissions we made on the prohibited activity point is that duplication  
2803 across different plans and across different consent authorities is undesirable. It's

- 2804 not specifically excluded by the Resource Management Act, but when  
 2805 comparing s30 with s31 functions there is some scope for overlap.  
 2806 What we need to make sure is if there any overlap it's for relevant Resource  
 2807 Management reasons and that it's not creating this inherent uncertainty for  
 2808 would-be applicants who are seeking consent for particular activities.  
 2809  
 2810 I think the question that you've asked is difficult to answer at the moment until  
 2811 we know where these objectives and provisions land and what policies and other  
 2812 implementing provisions might require of either greater Wellington or the  
 2813 Territorial Authorities.  
 2814  
 2815 The point is a future exercise of change might be required for Porirua's district  
 2816 plan fully aligns with what this framework is trying to achieve.  
 2817 [00.45.00]  
 2818 Chair: What I was wondering is whether you had any views. Wellington Water said to  
 2819 us "This can't just all be about them and them making changes to their  
 2820 infrastructure to reduce contaminant loadings," for instance. There's a sense of  
 2821 everyone being in this together to support land use change that is going to result  
 2822 in improved freshwater and coastal incomes.  
 2823  
 2824 It was really just asking what sort of thinking, planning is Porirua City doing to  
 2825 get ready for this? But, I think what I'm hearing you say is it's perhaps too early.  
 2826  
 2827 Wakefield: I don't think that's fair. Mr Mendonca might be able to make some points here.  
 2828 The collective impact of development on discharge is something that the District  
 2829 Plan is trying to address already.  
 2830  
 2831 Do you want to add anything?  
 2832  
 2833 Mendonca: My observation was the asset owner is the consent holder. That answers your  
 2834 question. I think it's a bit different than it is when we're wearing a regulatory  
 2835 hat. It depends which hat you're wearing as a TA as to what the answer might  
 2836 be to your question.  
 2837  
 2838 Wakefield: Wellington Water on behalf of the TAs is the asset owner, asset manager.  
 2839  
 2840 Chair: I think that was all we had. Thank you very much.  
 2841  
 2842 Wakefield: Thank you very much for your time and for your questions.  
 2843  
 2844 Chair: I'm sure we will see you at future hearing streams. Thank you.  
 2845  
 2846  
 2847 **Te Awarua-o-Porirua Harbour & Catchment Communities Trust and**  
 2848 **Guardians of Pāuatahanui Inlet**  
 2849  
 2850 We have our final submitter for Hearing Stream 2, Te Awarua-o-Porirua  
 2851 Harbour and Catchments Community Trust and Guardians of Pāuatahanui Inlet.  
 2852 Kia ora. Welcome.  
 2853  
 2854 Shall we run through some quick introductions of who we are?  
 2855  
 2856 Teal: That would be great, thank you.

2857 Chair: Ko Dhilum Nightingale tōku ingoa. I'm chairing both panels. And I live in Island  
2858 Bay in Te Whanganui-a-Tara.  
2859

2860 McGarry: Kia ora. My name is Sharon McGarry. I'm an Independent Commissioner from  
2861 Ōtautahi, Christchurch.  
2862

2863 Kake: Kia ora. Puawai Kake. Planner and Independent Commissioner from Te Tai  
2864 Tokerau, Northland.  
2865

2866 Wratt: Mōrena. Gillian Wratt. Independent Commissioner based in Whakatu, Nelson.  
2867

2868 Stevenson: Ngā mihi nui kia koe. I'm Sarah Stevenson, Planner and Independent  
2869 Commissioner based here in Te Whanganui-a-Tara, Wellington.  
2870

2871 [48.17 – nil audio]  
2872

2873 Ruddock: Sorry, apologies Mr Teal. Your microphone is turned off at the moment. Are  
2874 you able to start from the top for our transcription purposes?  
2875

2876 Teal: Right from the go?  
2877

2878 Ruddock: Yes. Sorry. Thank you so much.  
2879

2880 Teal: My name is Phil Teal. I'm presenting this supplementary submission on behalf  
2881 of the Porirua Harbour Trust, which has got a formal name of Porirua Harbour  
2882 and Catchments Community Trust.  
2883

2884 Apologies that Michael Player the Chair of the Trust and Lindsay Gow could  
2885 not attend today. I'm presenting the submission on behalf of the Trust.  
2886

2887 Appendix 1 has what the Trust is and about the Trust. It's an independent entity  
2888 with a role of monitoring and advocating for sustainable management and  
2889 environmental health of the Porirua Harbour and catchments.

2890 [00.50.20]  
2891 We've got a number of Objectives which are listed in Appendix 1, but just for  
2892 clarity, the rohe or the area of interest is the Porirua Harbour and catchments for  
2893 the natural resources plan in the submission.  
2894

2895 The submission itself is intended to be high level and it's providing another voice  
2896 from the community on what the expectations are. There's some detail in there  
2897 but it's absolutely not intended to be a legal evidence, planning evidence or  
2898 technical evidence submission.  
2899

2900 The original submission by the Porirua Harbour Trust in December 2023  
2901 highlighted the degradation of the Te Awarua-o-Porirua Harbour and support  
2902 for positive regulatory outcomes which include limits, target attribute states, and  
2903 coastal water objectives. This provides a clear direction for restoration of  
2904 ecosystem health within the Plan Change proposed.  
2905

2906 The submission points are in tabular form as the staff have gathered, but I  
2907 probably won't be focusing on that level of detail in this submission.  
2908 The current legislation gives guidance to the consideration of principles that  
2909 provide outcomes for waterbodies that the health and well-being of degraded

2910 water bodies and freshwater ecosystems is improved. It's pretty much Policy 5,  
2911 which you will obviously be aware of. In status quo and acceptance of a  
2912 degraded state is not acceptable.

2913  
2914 The Porirua Harbour Trust supports the outcomes from the Natural Resources  
2915 Plan that environments with degraded ecological states are reversed, can recover  
2916 and are improved - where practicable.

2917  
2918 Just a few of the recent experiences and observations: the Porirua Harbour is in  
2919 a degraded state and declining state. There's a huge amount of evidence that has  
2920 been collected from the 1970's on which provided that. The original submission  
2921 provides a list of relevant references and also the Parliamentary Commission for  
2922 the Environment provided an overview of how the harbour is managed and the  
2923 degradation that's occurred over time.

2924  
2925 It's recognised that the significant improvements need to halt further decline.

2926  
2927 Continued sediment and pollutant input from urban areas and development such  
2928 as Transmission Gully Construction – non-compliance incidents for the latter  
2929 resulted in pulses of sediment and contaminants entering the harbour, and this  
2930 affects a whole lot of technical aspects of the Zostera eel grass beds and the eco-  
2931 system functioning.

2932  
2933 There's been a considerable amount of work by the Whaitua Committee which  
2934 resulted in the recommendations detailed in the April 2021 WIP, which you are  
2935 obviously very well aware of, and you've been dealing with that in Hearing  
2936 Stream 2 and Hearing Stream 1.

2937  
2938 The recommendations do provide a clear basis for change to the NRP to reflect  
2939 community values and expectations.

2940  
2941 The recent signing of the Porirua Harbour Accord is a commitment for the  
2942 parties to be accord, including Greater Wellington Regional Council to follow  
2943 through with the plan changes and halt the degradation of the estuary and  
2944 harbour. This is required to maintain the integrity of the Council to the wider  
2945 community and to the commitments made to the Accord.

2946  
2947 It is noted that conclusions made by the Porirua Harbour Trust in identifying  
2948 issues, outcomes sought and potential responses are well-aligned to those in the  
2949 submission dated 14<sup>th</sup> March 2025 by the Ngāti Toa submission.

2950  
2951 The community expects timely implementation of the Whaitua Committee's  
2952 recommendations given the clear issues, actions and timelines. The Porirua  
2953 Harbour Trust strongly supports including these recommendations in the Plan  
2954 Change 1 to the Natural Resources Plan.

2955  
2956 Paragraph 4, just for reference: a commitment to the Porirua Harbour Accord in  
2957 the NRP. The Porirua Harbour Accord is a partnership between Ngāti Toa, the  
2958 Regional Council, the City Councils and Wellington Water or the subsequent  
2959 body that is established or maintained, to restore the health of the Porirua  
2960 Harbour.

2961 [00.55.05]

2962 It supports the Porirua Whaitua Implementation Plan and Ngāti Toa Rangatira  
2963 statement providing a shared framework for prioritising actions and monitoring  
2964 restoration.

2965

2966 The Accord aims to align partners and stakeholders around a common vision  
2967 and guide future measures and targets to improve the harbour.

2968

2969 The targets need to be set to provide meaningful improvement to ecosystem  
2970 health. The s42A reports have considered the various submissions and are  
2971 informed by the expert evidence which have looked at the targets and practicality  
2972 of the measures. As a result a range of amendments have been proposed and I  
2973 will make reference to two of them.

2974

2975 The Porirua Harbour Trust are concerned that the 2040 target is being ‘watered  
2976 down’. The reduction of sediment targets is part of the coastal water objectives  
2977 in Table 9.1 basically for the Onepoto arm of the harbour from 1mm to 2.7mm  
2978 would be the target revision; and 2mm to 3.2mm in the Pāuatahanui Inlet.

2979

2980 The total loads entering the harbour should be focused on the total rather than  
2981 looking at just the natural accumulation as being higher than previously thought,  
2982 if we don’t have control over that natural accumulation.

2983

2984 Accumulation for land use should potentially have more stringent controls then  
2985 if that is the case, which we do have some control over.

2986

2987 We are concerned reducing sedimentation targets will undermine the health and  
2988 wellbeing of ecosystems and habitats of the harbour.

2989

2990 Lowering the enterococci targets for sites within the harbour: the recommended  
2991 lower E.coli targets as well as original goals are now seen as unachievable by  
2992 2040. This is not supported and there should be greater efforts to achieve the  
2993 original targets.

2994

2995 The Porirua Harbour Trust supports the long-term visions targets, but the  
2996 progress to achieving these targets needs to be meaningful and funded  
2997 accordingly. The list there is objectives that the Trust supports.

2998

2999 The Harbour Trust also supports adding a clause which clarifies the need to  
3000 improve wastewater and stormwater networks and links activity assessments to  
3001 achieving these targets when policies aren’t met.

3002

3003 There is a new objective, P.07 which is aiming for no further decline in river  
3004 health by 2030, but this also doesn’t really define what ‘no further decline’  
3005 entails.

3006

3007 Timeframes must include interim and measurable milestones. The retention of  
3008 the dates recommended by the Whaitua Committee, rather than pushing the  
3009 dates out of achieving an improved attribute state by decades.

3010 The Porirua Harbour Trust has an expectation to meet the target attribute states  
3011 of water quality by 2040 and any delay will mean that the community will have  
3012 to continue living with an increasingly degraded environment.

3013

3014 Furthermore, the longer this degraded environment continues, the more costly  
3015 its rehabilitation will be.

3016  
3017 We've heard today about the affordability and achievability as an issue. Targets  
3018 should be set according to community values and expectations of outcomes.  
3019 There is evidence that has been produced that questions the 'affordability' of  
3020 making improvements to discharges entering Porirua Harbour in the proposed  
3021 timeframe.

3022  
3023 This type of economic argument should not be used as a reason for inaction or  
3024 for doing things slowly. Even if this creates an uncomfortable position for TLAs  
3025 it is their responsibility to find solutions.

3026  
3027 I draw your attention to a recent news article relating to the High Court  
3028 declarations currently underway that Ngāi Tahu are seeking.

3029  
3030 Brian Smith who was appointed the Chief Advisor for Freshwater at the Ministry  
3031 for the Environment provided evidence, and Chris Finlayson, Kings Council was  
3032 cross-examining Mr Smith. Basically, to use this an example, the issues are seen  
3033 as too complex and too expensive and just can't be done.

3034 [01.00.10]

3035 Mr Finlayson referred to Mr Smith's distinguished career also in the Canterbury  
3036 Earthquake Recovery Authority. It was confirmed that the post-quake  
3037 reconstruction and recovery work was extremely complex.

3038  
3039 Finlayson said what the Canterbury disaster showed was what was possible if  
3040 the Crown moved very quickly to solve complex issues. "It can happen, yes,"  
3041 Smith said. "If there's a will?" asked Finlayson. Smith replied "If there's an  
3042 imperative, yes."

3043  
3044 In conclusion, the Porirua Harbour Trust expectations are:

- 3045 • The degraded ecosystems of the harbour and catchments that flow into the  
3046 harbour must be improved.
- 3047 • The actions to improve ecosystem health are undertaken with haste, with  
3048 long-term achievement of attribute targets by 2040.
- 3049 • The community is engaged and kept informed of the progress made, so that  
3050 regular reporting provides transparency.
- 3051 • The changes required to the Natural Resource Plan must retain the  
3052 confidence of the community and integrity of all the processes that Greater  
3053 Wellington have sponsored. This includes the intentions that the Waitua  
3054 Committee had undertaken, the development of other strategy and action  
3055 plans which should be complemented by an appropriate regulatory  
3056 framework, and also the Porirua Harbour Accord which provides the  
3057 commitment of the Regional Council to implement changes to support the  
3058 improvement of ecosystem health.
- 3059 • There is also an expectation that the implementation of actions that result  
3060 from these plan changes will be appropriately resourced and funded – and  
3061 not be an excuse for inaction.

3062  
3063 Hopefully this provides a final overview of community thought and a segue into the  
3064 conclusion of your hearings.

3065

- 3066 Thank you for your time and I appreciate the opportunity.  
3067
- 3068 Chair: Thank you very much Mr Teal.  
3069
- 3070 Wratt: You present this as a community perspective and thank you very much for that. It was  
3071 very clear. Can you expand a little bit on what exactly the Trusts membership is and  
3072 who it represents in terms of community?  
3073
- 3074 Teal: Basically it has its origins from a Trust that was set up to have an overview of the  
3075 management and advocacy for the harbour; that's the original membership, had the  
3076 Regional Council and the City Councils and then that moved or morphed into a trust  
3077 which is just providing that advocacy function.  
3078
- 3079 The trustees are skilled volunteers and it's basically there's not an elected representation  
3080 per se, but it's one where you have got experts that provide volunteer help basically for  
3081 an advocacy for the harbour and to bring, the hope is, what issues are relating to the  
3082 harbour and the catchments.  
3083
- 3084 Wratt: The reason for my question is really just thinking in terms of not just the Porirua City  
3085 Council, the city councils have all talked about ratepayers, rates and increases in rates.  
3086 I hear your comment from Finlayson that if it's urgent enough or important enough then  
3087 there are ways forward; but the funding does have to be found from somewhere.  
3088
- 3089 So, as community representatives what's your response to those council comments  
3090 about concerns with costs to the ratepayers and the overall affordability?  
3091
- 3092 Teal: Obviously they're focused on the current funding model. It's certainly something where  
3093 in the Wellington City Council, which I am not referring to the Porirua Harbour aspects,  
3094 but it sounded like a lot of the maintenance was chewing up a lot of the budget; so the  
3095 actual improvements, the capital works was being either deferred or not being done at  
3096 all.
- 3097 [01.05.00]  
3098 The councils have to come up with a solution.  
3099
- 3100 Wratt: Does it have to be a solution that doesn't increase rates?  
3101
- 3102 Teal: It's up to them to come up with the solution.  
3103
- 3104 Wratt: Thank you.  
3105
- 3106 Kake: Just a quick question. There is quite a bit of detail in the table that has been provided  
3107 with respect to some of the provisions. I'm just wondering if the Trust will be essentially  
3108 going through the process of the next hearing streams and whether the Trust has sought  
3109 access to friends of the submitter of some sort, or looking at the rebuttal evidence that's  
3110 coming through the process as well – as it is changing quite a bit as we go through.  
3111 I'm just wondering if the Trust has sought some of that additional help?  
3112
- 3113 Teal: I acknowledge that the rebuttal evidence and amendments are coming through at a  
3114 regular pace. It's something where we have an awareness of the detail. We've taken a  
3115 position to take bit of a higher level submission at this point, simply because we want  
3116 to get the principles established. We won't be able to afford technical evidence or  
3117 probably legal evidence on each hearing stream; so it's something we'll obviously take  
3118 an advocacy position, and that's why we have decided to take that course of action.  
3119 Thank you.

- 3120  
3121 Stevenson: Thank you for your submission and presentation. It was very clear. You have,  
3122 intentionally I'm sure, honed in on one of the big issues that we need to grapple with as  
3123 a panel – the aspirations of waiora of 2100 and the realities as they are being set out  
3124 around achievability and affordability.  
3125  
3126 I know you're not engaging at a detailed level with the changes coming through from  
3127 reporting officers. I will try and keep it a higher level.  
3128  
3129 So the plan as notified work towards a 2040 timeframe for a lot of the target attribute  
3130 states. In response to submissions and additional evidence that's come through the  
3131 reporting officer has attempted to meet both ends of the spectrum, so some timeframes  
3132 have been pushed out, some target attributes have been softened, acknowledging that  
3133 the current state wasn't as bad as originally thought.  
3134  
3135 I guess high level is a happy medium, acceptable or encouraging?  
3136  
3137 Teal: I think it really depends on how much action is going to be happening in that interim  
3138 period, and that 2040 is fifteen years away. That does seem like a relatively long  
3139 timeframe.  
3140  
3141 I don't buy into the "It's taken 150 years to get to where are and we can't put it right."  
3142 I think there needs to be more urgency. We essentially are in crisis and we should be  
3143 acting accordingly.  
3144  
3145 With other examples the ability is there. They just need to find solutions.  
3146  
3147 Stevenson: Thank you. I would just emphasise that we have heard very similar and beautifully  
3148 articulated commentary from Taranaki Whānui and Ngāti Toa Rangatira, and a number  
3149 of other groups.  
3150 [01.10.00]  
3151 Teal: Thank you for that comment too. We often come to the same conclusions through  
3152 different eyes. We might call it ecosystem health and they might call it mahinga kai,  
3153 which is a result of ecosystem health so to speak. That is quite often how with  
3154 conclusions we are aligned with the principles.  
3155  
3156 Chair: Mr Teal, I'm interested in your comments about the sedimentation rate for the Onepoto  
3157 Arm and Pāuatahanui Inlet. As Commissioner Stevenson said, the latest science and  
3158 modelling that we've been presented, particularly for the Pāuatahanui Inlet, the  
3159 condition is better than what was thought and understood at the time these provisions  
3160 were notified.  
3161  
3162 That is the science that we have been given.  
3163 At the bottom of your page-2 what's this point about "accumulation from land use  
3164 should potentially have even more stringent controls." Are you able to explain that a bit  
3165 more?  
3166  
3167 Teal: I noted that the amendments they were saying that the natural accumulation was higher,  
3168 so therefore that should be amended accordingly. The total amount of sediment entering  
3169 the Pāuatahanui Inlet for instance, some of the events that occurred when Transmission  
3170 Gully was being constructed were substantial. They might not show up on the five year  
3171 means as much, but certainly some of the eel grass was covered and that put a whole  
3172 lot of stresses on the ecological aspects of it.  
3173

3174 If you have the total and a component of that is natural, you increase the natural, you'll  
 3175 probably want to be looking at saying, "What can we control?"

3176  
 3177 The feedback that I get from science staff that monitor is that the number one thing that  
 3178 we should be advocating for as a group is reducing the amount of sediment coming  
 3179 from subdivision aspects and what's coming through the stormwater system that's  
 3180 entering the harbour.

3181  
 3182 Those are key elements which people on the ground are telling us is what it is. Sure the  
 3183 modelling might say that it's better than it is – that's modelling. What's actually on the  
 3184 ground is what we are referring to.

3185  
 3186 Chair: I see that you've also given us sufficient points that relate to other hearing streams. We  
 3187 look forward to hearing further from you in Hearing Streams 3 and 4.

3188  
 3189 Teal: Thank you very much for your time. I certainly appreciate the opportunity and I'm sure  
 3190 the other trustees are likewise. Thank you.

3191  
 3192 Chair: Thank you.

3193  
 3194 That brings us to the end of hearing of submitters for Hearing Stream 2. Thank you very  
 3195 much to everyone who has participated. Thanks again to Ms O'Callahan, Dr Greer and  
 3196 the other Council experts; and Mr Ruddock for helping ensure a very smooth hearing  
 3197 stream.

3198  
 3199 Obviously we're not closing anything today. There will be a minute that will be coming  
 3200 out with some further issues that we would like the Council to address as part of their  
 3201 reply, and that won't be of course limiting them only to respond on those issues. There  
 3202 has been a lot of very interesting points that have come out through the hearing of  
 3203 submitters and so we look forward to the Council's response to those.

3204  
 3205 Unless there's any other points of process that we need to cover – is there anything Ms  
 3206 O'Callahan in your view? Okay.

3207  
 3208 We will end with karakia.

3209

3210 Ruddock: *Tukua te wairua kia rere ki ngā taumata*  
 3211 *Hai ārahi i ā tātou mahi*  
 3212 *Me tā tātou whai i ngā tikanga a rātou mā*  
 3213 *Kia mau kia ita*  
 3214 *Kia kore ai e ngaro*  
 3215 *Kia pupuri*  
 3216 *Kia whakamaua*  
 3217 *Kia tina! TINA! Hui e! TĀIKI E!*

3218

3219

3220 [End of Hearing Stream 2 – Day 6 – Part 2 – 01.17.01]