

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE  
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED PLAN CHANGE  
1 TO THE NATURAL RESOURCES PLAN FOR THE WELLINGTON REGION**

<b>UNDER</b>	the Resource Management Act 1991 (the Act)
<b>AND</b>	
<b>IN THE MATTER</b>	of Hearing of Submissions and Further Submissions on Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region (PC1) under Schedule 1 of the Act

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**REPORTING OFFICER RIGHT OF REPLY OF MARY O'CALLAHAN  
ON BEHALF OF GREATER WELLINGTON REGIONAL COUNCIL  
HEARING STREAM 2 – OBJECTIVES, ECOSYSTEM HEALTH AND  
WATER QUALITY POLICIES**

**14<sup>th</sup> OF MAY 2025**

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## TABLE OF CONTENTS

RIGHT OF REPLY AUTHOR .....	3
SCOPE OF REPLY .....	3
RESPONSE TO MATTERS RAISED IN MINUTE 7 .....	3
<i>Environmental outcomes</i> .....	3
<i>Method M36A: Long-term wai ora Freshwater Action Plans</i> .....	5
<i>Objective WH.O1</i> .....	6
<i>Objective WH.O2</i> .....	7
<i>Objective WH.O3</i> .....	7
<i>Objective WH.O5</i> .....	12
<i>Objective WH.O9</i> .....	12
<i>E. coli recommendations</i> .....	12
<i>Table 8.4 anomalies</i> .....	14
<i>Objective WH.O10</i> .....	15
<i>Objective P.O2</i> .....	15
<i>Objective P.O3</i> .....	15
<i>Objective P.O5</i> .....	15
<i>Objective P.O6 and Table 9.2</i> .....	15
<i>Objective P.O7</i> .....	16
<i>Policies WH.P4 and P.P4</i> .....	16
RESPONSES TO QUESTIONS FROM THE PANELS DURING THE HEARING .....	17
<i>Wastewater consenting information</i> .....	17
INCORRECT ALLOCATION OF FURTHER SUBMISSION POINTS .....	19
CONCLUSION AND SECTION 32AA ASSESSMENT .....	20
APPENDIX 1: Further recommended amendments to provisions – Hearing Stream 2 – Objectives and Ecosystem Health and Water Quality policies	
APPENDIX 2: New and updated maps	
APPENDIX 3: Advice received on lake planting	
APPENDIX 4: Section 32AA assessment	

## RIGHT OF REPLY AUTHOR

- 1 My full name is Mary Elizabeth O’Callahan. I am a planning consultant employed by GHD Ltd.
- 2 My qualifications and experience are set out in my Section 42A report for the Objectives topic.
- 3 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court’s Practice Note 2023, as applicable to this Independent Panel hearing.

## SCOPE OF REPLY

- 4 This Reply follows the Hearing Stream 2 of PC1, which was held from 7-15 April 2025.
- 5 Minute 7 requested the Council and/or its experts submit a written Right of Reply in response to matters raised in the Minute by 14 May 2025.
- 6 This Reply covers:
  - Responses to questions raised directly by the Panels in Minute 7; and
  - Responses and further comments in response to questions asked by the Panels during the hearing.

## RESPONSE TO MATTERS RAISED IN MINUTE 7

### *Environmental outcomes*

- 7 At paragraph 5, Minute 7 requests consideration of whether a definition for ‘environmental outcome’ would be helpful to include, and if so, provide recommended wording.
- 8 I note that PC1 already contains a definition for ‘environmental outcomes’ which identifies the objectives in PC1 which are the environmental outcome objectives required by clause 3.9 of the National Objectives Framework (NOF) of the National Policy Statement for Freshwater Management (NPS-FM). The PC1 environmental outcomes definition reads as set out below:

***Environmental outcomes*** as required by the National Policy Statement for Freshwater Management 2020 are for:

- (a) ***Whaitua*** Te Whanganui-a-Tara Objectives – WH.O1, WH.O2, WH.O4 and WH.O5, and

- 9 An 'environmental outcome' under the NPS-FM means *'in relation to a value that applies to an FMU or part of an FMU, a desired outcome that a regional council identifies and then includes as an objective in its regional plan (see clause 3.9)'*.
- 10 The Panels note in Minute 7 that *'an environmental outcome is a statement of the desired outcome for a particular value'*. I agree with this statement. The Panels then go on to say that *'environmental outcomes can be stated as 'narrative outcomes' such as for mahinga kai (e.g. Objective WH.O5(e) and benthic cyanobacteria in (WH.O8(b); or they can be stated as numeric outcomes (e.g. Target Attribute States (TAS) for rivers Tables 8.4 and 9.2)'*. While this is true in a general planning sense, the reference to TAS does not align with my understanding of how the NOF envisages these or how environmental outcomes have been defined in PC1 under the above definition. This is because environmental outcomes are described in Clause 3.9 of the NPS-FM as a description of an outcome for a value. Then in Clause 3.10, the NOF sets up the attribute and TAS content for the achievement of environmental outcomes. Accordingly, my understanding is TAS are matters for the achievement of environmental outcomes. So, on this basis, the Panels' first example of WH.O5(e) is an environmental outcome rather than a narrative outcome for an attribute. This clause is within an objective defined as such in PC1 and it describes the state of a value in the Freshwater Management Unit (FMU), i.e. mahinga kai is a value. However, the other examples of benthic cyanobacteria in WH.O8(b) (i.e. the TAS in Tables 8.4 and 9.2) are not environmental outcomes as they are not defined in the definition for 'environmental outcomes' in PC1 and are not 'values' as per 'values' in Clause 3.9 of the NOF or the summary of the values applicable for the PC1 FMUs that I provided in Appendix 6 of my section 42A report. The TAS are numeric attributes in accordance with Clause 3.10(1) of the NOF and the benthic cyanobacteria is a narrative attribute and target for 'alternative criteria' to assess for the applicable value (in this case, contact recreation). This is because the science team have not been able to specify a numeric attribute, which is anticipated and allowed for by Clause 3.10(2) in the NOF.
- 11 I acknowledge the distinction between an environmental outcome and 'alternative criteria' where TAS were not possible is not immediately obvious, but this is probably not critical for plan users in the future, as collectively the provisions seek to implement the NPS-FM. Notwithstanding this, I have recommended some minor edits to the definition for environmental outcomes to make the link to 'values' clearer in the existing definition and to

remove reference to use of the term being defined, in the definition. This is set out in **green text** in Appendix 1 to this statement of evidence.

- 12 I note a related question from Commissioner Nightingale arose during the hearing (7/4/25) as to whether the TAS are objectives. I recall I clarified they were objectives at the time. Later during the hearing, this issue was also raised in legal submissions from Porirua City Council (PCC) in relation to the section 32 tests for consideration of alternatives for provisions that give effect to objectives. The PCC position, as I understand it, was that the environmental outcomes were the objectives of the plan change, and the TAS were provisions to give effect to this, i.e. not objectives. The PCC approach has been considered and addressed in the Council's legal submissions in reply, confirming that the TAS provisions can legitimately be objectives under the NPS-FM. As I understand the Council's legal submissions, the NPS-FM does not direct what type of provision the TAS should be included in (unlike other aspects of the NOF), so the issue is whether a TAS is an 'objective', i.e., an end state of affairs to which the drafters of the PC1 document aspire, and that this is an overarching purpose that the policies and rules of the document serve to implement. In PC1, the TAS set the measurable outcomes to be achieved through implementation of the policy and rule framework. In my view, the TAS meet the requirements of being an objective because they set the outcomes to be achieved in each part-FMU.
- 13 Notwithstanding this, the Council has endeavoured to consider alternative options through the section 42A reporting and economic evidence, to assist with informing me to make conclusions and recommendations on TAS settings, such that they meet the appropriateness test for objectives under section 32(1)(a) of the RMA.

*Method M36A: Long-term wai ora Freshwater Action Plans*

- 14 At paragraph 6, the Panels requested I consider whether territorial authorities should be noted in this method. I agree they are key stakeholders for the long-term vision and as such, it is helpful they be expressly noted in this plan method. As such I have added the Panels suggested amendment into M36A in Appendix 1.
- 15 In addition, I have also added a reference to the long-term freshwater vision objectives of the Regional Policy Statement for the Wellington Region (RPS) into this method, to respond to a question from Commissioner Nightingale during the hearing (7/4/25) where she asked me whether this new method should refer to the long-term visions in the RPS. I agree the new method should refer to these RPS objectives.

*Objective WH.O1*

- 16 At paragraph 7, the Panels asked me to consider whether adding the words '*where they would have naturally occurred*' is necessary in this objective which describes the wai ora state. The addition of this wording to WH.O1 (third bullet) responded to a question of Commissioner McGarry during the hearing. Commissioner McGarry suggested the directive for abundant species should be caveated to 'where naturally present in those environments' during day 1 of the hearing. The wording I included at the end of the hearing presentation was based on conferring with Dr Greer on the best wording to cover the Commissioners' interest in limiting the application of this expectation to locations where they would have naturally occurred originally.
- 17 In considering this matter further, I do not think it is necessary to add this 'caveat' to this clause of the wai ora objective as it likely leads to interpretation issues that do not need to be navigated at the current point in time. Furthermore, whether fish species might have naturally occurred in the past is probably just one relevant factor for re-establishing species throughout the Whaitua alongside whether the environment can support the species now or in the future in terms of topography, climate and other such matters, some of which will likely be outside the control of RMA plans. Some technical input and understanding of habitat suitability is expected to be needed to define actions and target areas identified to give effect to this long-term goal. These tasks can best be undertaken as part of developing the long-term wai ora Freshwater Action Plan set out in method M36A. On this basis, I think the objective is more appropriate without this caveat, simply expressed as a long-term whaitua-wide goal as it was originally drafted, noting my view that it is not intended to be applied to individual resource consent applications or implemented through the current PC1 provisions. On this basis, I have not included this caveat in the version of WH.O1 included in Appendix 1.
- 18 At paragraph 8, comment is requested on whether I support the Wellington International Airport Ltd (WIAL) request to reference 'notices of requirement' in the note to WH.O1. I do not agree it should be included. There is no reason for notices of requirement to be assessed under a regional plan as a notice of requirement does not authorise activities captured by regional plan rules, only activities captured by district plan rules. Section 171 applies to a territorial authority's consideration of a new notice of requirement. The relevant consideration factors include a plan or proposed plan. I have been involved in seeking numerous notices of requirement in the past and have not observed any situation where a

territorial authority has considered a regional plan under clause 171(1)(iv) where the RMA directs territorial authorities to consider a 'plan or proposed plan'. If the concern is this could occur and therefore the note should be added, then I suspect it could have the perverse effect of giving cause for a territorial authority to then assess all provisions of a regional plan, which would add no value, given a notice of requirement does not relate to or override regional plans or regional council functions.

*Objective WH.O2*

- 19 While the Panels did not have any questions specific to WH.O2, I have set out minor amendments to this objective within Appendix 1. The amendments respond to a point made by Mr Kay for Forest & Bird on 11/4/25 where he noted the previous drafting had a mismatch linking language for 'improvement' with sources of sediment being 'reduced'. I consider the additional 'ands' I have added to clause (b) resolve this matter.

*Objective WH.O3*

- 20 At paragraph 9 of Minute 7, I am requested to consider adding 'coastal' into the chapeau of WH.O3. Rather than this amendment, I have completed an alternative amendment by revising the first line of the chapeau of this objective back to the original PC1 wording. I consider this was clearer overall and was clear that the objective related to 'coastal' water quality and ecosystem health.
- 21 In paragraph 10, the Panels ask whether bacterial contamination should have its own paragraph cross referencing to Table 8.1A. I do not consider a separate clause is needed to deal with bacterial contamination as the coastal water objective which manages this is the enterococci targets included in Table 8.1A. Accordingly, further narrative content to reference to bacterial contamination is superfluous in my opinion and not consistent with the drafting style in other objectives. The equivalent freshwater objectives (WH.O9 and P.O6), for example, do not have a bacterial reference and rely solely on the numeric targets, as should be the case here. 'Coastal water quality' refers to the bacterial water quality matter raised by the Panels, like 'water quality' in the freshwater objectives.
- 22 The Panels also comment that clause (b) of WH.O3 concerns point source discharges whereas bacterial contamination comes from non-point source discharges. My understanding is bacterial contamination can arise from point and non-point source discharges, e.g. wastewater network overflows, which are generally point source and animal sources, which are usually regarded as non-point sources.

- 23 In response to another point in paragraph 10 of Minute 7, I have clarified the intent of clause (b) through further amendments. Clause (b) is intended to apply to ‘hot spot’ stormwater contaminants which accumulate in specific localised locations causing toxicity effects on ecosystems, as distinct to the wider levels occurring throughout and in depositional areas for the wider coastal location (for example within a harbour). With reference to the Panels’ concern about non-point source discharges also generating contaminants, the edits I have made are to make this clause clearly about stormwater discharges. This means I am comfortable that there is no need to reference non-point sources of metals, as the issue the Council wishes to manage here only relates to point source stormwater discharges.
- 24 The Panels ask whether a map reference is needed for Table 8.1A, like that included in Table 8.1. I understand the Council has mapping information for the bathing sites used to formulate Table 8.1A. I requested this information be reproduced in a format suitable for inclusion in the NRP. Accordingly, I have added a reference to ‘Map 85a’ into the ‘site’ heading of this table. The new map for the TWT bathing sites is included in Appendix 2 to this statement.
- 25 Paragraph 12 of Minute 7 queries whether a reference to ‘Mākara and Wainuiomata Estuaries’ is suitable in Table 8.1A, given changes to ‘Other Estuaries’ in Table 8.1. I consider that this row can be deleted as the content is the same as the final row for ‘any other locations’ in that there is no current state data and so the target has been recommended as ‘maintain’ for the estuaries and the other locations (which is intended to cover the wai tai/open coast areas of each whaitua).
- 26 I also recommend further amendments to the coastal objectives to address matters raised during the hearing and to fix a few anomalies that had arisen through earlier amendments. I summarise the reasons for these here:
- 26.1 I have repurposed WH.O3 (a) to move some of the chapeau content down to this sub-clause, to make it clear the first ‘objective’ is to achieve the targets in the tables.
- 26.2 WH.O3 clause (c) has the amendments noted in paragraph 23 above.
- 26.3 I have moved the provisions which set ‘alternative criteria’, akin to those described in paragraph 10 above for freshwater, relating to fish, benthic invertebrates, nuisance macroalgal blooms and phytoplankton previously recommended in my section 42A recommendations to clauses (d)-(f). This is



because these parameters are ‘measures’ to manage negative water quality and ecosystem health impacts, similar to new (a) and (b).

- 26.4 I have retained (g), (h), (i) (j) and (k), with the addition of ‘more’ safely connect, similar to elsewhere where I have recommended this edit, because it is not scientifically possible to assert that water will be safe for swimming and food gathering, just that it is ‘safer’ for these activities. I note the reordering from earlier drafting is because these clauses are more akin to the environmental outcomes required by the NPS-FM as they describe outcomes for values, rather than specific parameters that assist with the meeting the outcomes. The ‘parameters’ being those now listed at (a) to (e) which are akin to TAS in the freshwater context.
- 26.5 In Table 8.1, I have amended the recommended ‘muddiness’ unit change which Dr Melidonis recommended at paragraph 93.2 of her evidence in chief.<sup>1</sup> This was to change the percentage of mud from 50% to 25%. I missed the recommendation from her in my earlier work. The reasons for this change are explained in Dr Melidonis’ evidence in chief and are in summary, to align this threshold with the most recent version of relevant technical guidance for assessing muddiness within intertidal areas.
- 26.6 In Table 8.1, I have also amended previous content for the current state and target cells for macroalgae in Te Whanganui-a-Tara coastal water management unit. This change is made in response to Dr Melidonis’ evidence in reply which covers this. In summary, a “maintain” target is considered more suitable by her than the previously recommended rebuttal inputs of N/A (not applicable).
- 26.7 I have added a footnote to the ‘other estuaries’ column, to clarify which estuaries this applies to. The listed estuaries (Korokoro, Kaiwharawhara, Te Awa Kairangi/Hutt, Waiwhetū and Wainuiomata) are those that were identified in Te Whanganui-a-Tara (TWT) Whaitua Implementation Plan (WIP). I have provided an updated version of Map 83 in Appendix 2 to align with this and an earlier amendment in red text, which excludes the Te Whanganui-a-Tara estuaries from the ‘harbour’ column. That amendment arose as Dr Melidonis’

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<sup>1</sup> Evidence of Dr Megan Melidonis on Behalf of Greater Wellington Regional Council (dated 28<sup>th</sup> February 2025).

evidence was the TWT harbour targets were not suitable for the estuary areas located within the harbour area. As part of the updated mapping, the estuaries located within the harbour have been mapped to assist with plan interpretation. The amended map detail relies on existing Council mapping of these estuary locations.

- 26.8 I have reinstated the Wai Tai coastal water management unit that was previously recommended for deletion. The earlier change suggested was because the measures in the table were not intended to be monitored by Council as part of its state of the environment monitoring. However, on further consideration, I now consider it is preferable to retain this 'open coast' coastal water management unit, because without this, then there are arguably no coastal objectives applying to vast areas of the coastal marine area. Dr Melidonis has advised that the parameters that would then be applied in a consent application for a discharge are likely to be suitable for consideration and where not particularly relevant, would simply not be determinative in such a process. Such a consent will invariably be subject to localised monitoring which can include the parameters in the table, where relevant to the effects of a specific discharge.
- 26.9 I have added a new footnote for the copper and zinc objectives in Table 8.1 based on the banding information that Dr Wilson tabled during the hearing. This explains the nature of the numbers in the table, as they appear to permit a deterioration of water quality through copper and zinc discharges because the targets allow for a greater concentration of metals in sediment than the current state data. In the new footnote, the copper and zinc bands provided by Dr Wilson are set out to assist with interpretation and understanding that these objectives have been set to maintain concentration levels within the bands provided (A-C) to allow for natural metal accumulation rates only. This means that anthropogenic activities that discharge these contaminants will need to avoid any increase in the concentration of metals associated with their activity, to satisfy these objectives.
- 26.10 For Table 8.1A, I have recommended a reference to a new map (85a) to show the location of the enterococci target sites. The new map is included in Appendix 2.
- 26.11 For Table 8.1A, I have also added a timeframe column, consistent with that provided within Table 8.1.

- 27 Finally in respect of this coastal objective, Commissioner McGarry asked a WCC witness, Mr Jefferies<sup>2</sup>, about his concerns for additional costs arising from coastal enterococci objectives that were not considered in the economic evidence of Mr Walker. I have discussed this matter with Dr Greer to understand whether the achievement of the *E. coli* TAS will cause a flow on improvement for coastal objectives (in terms of enterococci) so to include costs of the wastewater network improvements needed to meet the coastal targets in addition to the *E. coli* TAS would be double-counting in locations where the main source of faecal bacteria arrives via freshwater streams and rivers, as represented by elevated *E. coli* levels. I understand this is the case for TAoP where most faecal bacteria arrive in the harbour via *E. coli* in freshwater bodies<sup>3</sup>. However, for the harbour and some open coast areas of TWT, a large portion of the coastal enterococci is assumed to be directly discharged to the coastal marine area from piped sources that discharge directly to the coastal marine area, due to the absence of natural freshwater bodies in the central city, and areas in the southern and eastern suburbs and thus there is no opportunity to double count. The Kaiwharawhara and Karori catchments are likely to convey any faecal bacteria present in discharges via freshwater systems, the presence of which will be monitored by *E. coli* testing. Whilst there will not be an increase in capital or operating costs associated with the infrastructure itself, there will be some additional costs associated with the enterococci sampling and laboratory testing for the coastal waters. On this basis, there are likely to be some unquantifiable additional costs on wastewater network owners arising from coastal enterococci targets within TWT beyond the *E.coli* TAS costs quantified by Mr Walker.
- 28 Dr Greer also addresses this issue from the perspective of the extent to which the freshwater *E. coli* TASs will achieve the coastal enterococci objectives in his reply evidence. He confirms an absence of coastal modelling data means it is not possible to confirm the load reductions required to achieve the TAoP Open Coast enterococci objectives or any of the TWT coastal enterococci objectives that require an improvement. Therefore, economic analysis to quantify additional costs is not possible.
- 29 It is envisaged that load reductions required to achieve all objectives will be provided under the PC1 Schedule 32 assessment process as part of wastewater network overflow consenting. The territorial authorities and Wellington Water may be able to assist with

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<sup>2</sup> On 15/4/25

<sup>3</sup>I acknowledge that *E. coli* and enterococci are two different faecal indicator bacteria that are used to indicate the relative presence of faecal pathogens in a sample. I understand that *E.coli* is the preferred parameter for testing in a freshwater environment, and *enterococci* is a better indicator of faecal contamination in salt water.

providing information for the expert caucusing process to assist with understanding potential additional costs with improvements to wastewater networks directly overflowing or leaking to the coast based on their knowledge of the networks and expected improvements needed, if this matter remains a concern for the territorial authority submitters and/or the Panels.

*Objective WH.O5*

- 30 In response to the Panels' request, the advice I received from Mr Alton Perrie of the Council, that informed the proposed 20m riparian vegetation planting metric for the Parangarahu Lakes that I recommended in my rebuttal evidence, is attached as Appendix 3 to this statement.

*Objective WH.O9*

- 31 I agree with the additional references to 'discharge' set out in the Panels' paragraph 14 and have made these changes in my Appendix 1. This makes the references within the clause consistently applying to both activities and discharges.
- 32 In consideration of the evidence provided by Dr Greer on the Panels questions at paragraph 16, on whether a TAS of 'improve within C band' is suitable. I concur with Dr Greer's reasoning and suggested numbers that provide a numeric measure for 'improvement within C band' for the attributes concerned. Accordingly, I have included these new values within my Appendix 1 and recommend these be adopted by the Panels.
- 33 The question asked at paragraph 17 of Minute 7 relates to updates on insufficient data remaining in the TAS tables. Dr Greer has provided an update to a table that I included with my rebuttal evidence on the remaining 'insufficient data' cases at Table 11 of his reply evidence. He has provided expert opinion to assist with the Panels' consideration of the targets associated with the remaining TAS locations which have insufficient or no baseline or current data. His opinion, which has been informed by input from Dr Valois also, is that there is no evidence to suggest the recommended targets are inappropriate. He has also provided guidance on matters relating to their achievability, where relevant. Based on this evidence, I recommend the targets he addresses as being 'appropriate objectives. This recommendation is made despite the lack of baseline data and relies on this expert opinion of their suitability and noting there was no evidence to the contrary presented at the hearing on this issue.

*E. coli recommendations*

- 34 In paragraphs 19-20 of Minute 7, the Panels seek more guidance on my *E. coli* recommendations along with some information from Dr Greer which he provides in his reply evidence. I confirm that my recommendations were, as the Panels understood it, informed by the financial constraints, i.e., based on the evidence of Mr Walker, the expected improvements to meet the targets specified in PC1 were unaffordable for the communities' responsible for funding the wastewater network improvements necessary (through rates increases). Such costs are anticipated to be necessary to make the required commensurate contribution to the *E. coli* targets. Furthermore, the 'step up' for the construction sector would, according to Mr Walker, be likely unachievable from an implementation perspective, with consideration for available resources to deliver the improvements in the timeframe specified in the notified version of PC1, i.e. by 2040, based on current resources and capital project delivery levels in the region. These issues affect the appropriateness of the objectives, in terms of the test in section 32(1)(a) of the RMA.
- 35 Related to the appropriateness of the settings for *E. coli* and section 32(1)(a), is also the impact these have on mana whenua values and the community expectations encapsulated by the WIPs. The submissions presented to the Panels by mana whenua at the hearing are acknowledged. I note also the differing positions expressed by the territorial authorities on whether the TAS settings should be adjusted, or just the timeframes were in recognition of their relationships with mana whenua. In my view, the position of the territorial authorities, as the representatives for the ratepayers directly impacted by the costs, are an important consideration for the Panels. In summary, I note that:
- 35.1 HCC sought to retain the PC1 targets, rather than the option of lower minimum required improvement targets (MRIs) prescribed by the NPS-FM; HCC sought only to extend the timeframe;
- 35.2 UHCC were agnostic on the settings for the targets, but sought the longer timeframe; and
- 35.3 WCC and PCC sought both lower targets and the longer timeframe.
- 36 To assist the Panels and the signalled expert caucusing, I requested Mr Walker provide a further breakdown of the costs to enable the territorial authorities to interrogate the assumptions and costing approach further, notwithstanding there is no alternative comparable evidence for the Panels to consider.<sup>4</sup> Included in Mr Walker's reply evidence is

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<sup>4</sup> Reply Evidence of David Walker on Behalf of Greater Wellington Regional Council (dated 14 May 2025)

a breakdown of raw costs assumed by part-FMU and the collated costs at a territorial authority level for the four different TAS and timeframe combinations considered through my section 42A report and rebuttal evidence. Also included in Mr Walker's reply evidence are the assumptions for which territorial authorities (if any) have wastewater pipe networks within each part-FMU where *E. coli* targets have been set. I understand that conferencing on this matter is intended. Accordingly, I have not made any substantive comments or conclusions arising from the more detailed information at this point.

37 I understand the Council has requested (through counsel) that mana whenua be involved in the expert caucusing, as advisors informing planning conferencing to refine and where possible, agree appropriate settings and timelines for *E. coli* objectives. On the basis that conferencing is still to occur on this matter, which may be informed by mana whenua input, I have not made any substantive comments on the input from mana whenua presented during the hearing at this point, as I expect it will inform the expert caucusing which it is related to.

38 In relation to recommendations for *E. coli* targets and the signalled expert caucusing, I also note there is some new information provided by Dr Greer in response to Minute 7 and questions he received during the hearing relating to the 'swimmability' impacts of different TAS options. This includes detailed discussion and tabled information set out in Tables 4-6 of his reply statement. This material is also expected to be helpful for the expert conferencing process. Accordingly, I have not made any substantive comments or conclusions arising from the more detailed information from the Council's scientist at this point.

*Table 8.4 anomalies*

39 In paragraph 21, the Panels ask that Dr Greer and I check for anomalies in Table 8.4. I have made updates to Table 8.4 because of this review, for the reasons set out in Dr Greer's evidence in reply.

40 In addition, I note that an amendment had been shown in my section 42A appendix for Table 8.4 for the dissolved reactive phosphorous (DRP) TAS for the Wainuiomata rural streams part-FMU, which was highlighted by Dr Greer in his response to this question. This amendment was an error, and it has now been removed from the updated version of Table 8.4 in Appendix 1. The recommendation recorded for the applicable submissions is addressed at paragraphs 319-320 of my section 42A report. That recommendation is to reject the suggestion from Fish and Game for amendments to DRP concentrations.

Furthermore, a DRP TAS change for this part-FMU was not recorded in Table 2 of my section 42A report, which summarised my recommended changes to TAS.

*Objective WH.O10*

41 At paragraph 22, the Panels referred to an amendment I addressed them on at the hearing, in response to legal submissions from Forest & Bird. I consider that the reference to ‘overall’ where ‘overall improvement’ is used in objective WH.O10 is superfluous where it is used in the drafting of this objective and potentially creates interpretation uncertainty. As such, I recommend removal of ‘overall’. I consider ‘improvement’ needs to be retained for the provision to make sense. I have made this amendment in Appendix 1.<sup>5</sup>

*Objective P.O2*

42 I confirm that the term ‘environmental outcomes’ is intended to be a defined term and as such is correctly identified in bold text to indicate the associated definition.

*Objective P.O3*

43 The Panels, in Minute 7, suggested a grammatical drafting amendment to the chapeau of objective P.O3 in paragraph 26, which I support and have adopted in Appendix 1.

44 I have addressed the Panels’ question at paragraph 27 on whether clause (b) of WH.O3 should also refer to non-point source discharges in my paragraph 23 above. In summary, with my other revisions as per the discussion in my paragraph 23, the clause only needs to refer to point source discharges as it relates to stormwater discharges from piped sources.

45 I have made a similar series of amendments to P.O3, as outlined above in paragraph 26 for WH.O3. I have added a reference to ‘Map 85b’ into the ‘site’ heading of Table 9.1A. The new map for TAoP is included in Appendix 2 to this statement. The main difference is Dr Melidonis has advised me that there are no locations in TAoP which experience riverine mouth closures with limited water mixing. Accordingly, I have removed any reference to this in P.O3 in relation to the phytoplankton clause.

*Objective P.O5*

46 I confirm that there should be a sub-clause (b) inserted into this objective as noted by the Panels in paragraph 29 of Minute 7. I have made this amendment in Appendix 1.

*Objective P.O6 and Table 9.2*

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<sup>5</sup> All changes in Appendix 1 are illustrated as changes to the black notified text of PC1, so this change is not readily apparent as it is a deletion of new blue text rather than an amendment to a notified PC1 provision

- 47 In paragraph 30, the Panels ask that Dr Greer and I check for anomalies in Table 9.2. I have made updates to Table 9.2 because of this review, for the reasons set out in Dr Greer's evidence in reply.

*Objective P.O7*

- 48 The Panels ask if I support an amendment proposed by WIAL for the Note in objective P.O7 which is the new 'interim targets' objective that I have proposed for PC1. The Panels refer in their question to a different note I've drafted for WH.O1, the long-term wai ora objective for TWT. For the same reasons as I outlined for that matter in my paragraph 18, the NRP and PC1 do not apply to notices of requirement so I see no need for either of the notes to refer to them.

*Policies WH.P4 and P.P4*

- 49 In paragraphs 34 and 36 of Minute 7, the Panels ask whether the percentage load reduction referred to in these policies should be a reduction for an activity itself rather than the total annual load as described in this policy. The intent of these policies is correctly described as drafted. The policies convert the visual clarity TAS where an improvement is required into an annual load reduction for some of the part-FMUs in each of the whaitua, so it is not intended to be activity based or applied to individual consent application – it really informs the approach taken to manage sediment across the rural land use, forestry and earthworks topics that will be considered in Hearing Stream 3. Whether plan users will easily understand this is the intent and not attempt to apply it to individual consents remains to be seen I suspect. If the Panels are concerned, then the options to clarify its intent and application are:

- 49.1 Add a policy sub-clause or note, like clause (e) that I have drafted for objective WH.O9 whereby the policy is only applied when an activity for which consent is sought does not align with the activity specific provisions in PC1 (i.e. the rural land use, forestry and earthworks topics); or
- 49.2 Delete policies WH.P4 and P.P4 in their entirety as they are not strictly needed for plan implementation as they simply interpret the sediment loads required by the visual clarity TAS objectives, so primarily offer information. I note that this has been recommended by me in relation to the coastal sedimentation rate aspect of policy P.P4 in any case – but in that case, due to the technical difficulties in accurately estimating the load reduction in this matter.



- 50 I suggest this matter be revisited in Hearing Stream 5 (integration Right of Reply), once the sediment related provisions in Hearing Stream 3 officer recommendations and other evidence arising from that part of the plan change can be factored into a response for the Panels.
- 51 I note I have made one other recommended change to these provisions that was discussed during the hearing. That is, an addition to the righthand column in each of the tables to make it clear that the load reduction is taken from the baseline period of 2012-2017. This addition is adding the words 'from baseline' into the heading of this column.
- 52 In paragraph 35, the Panels ask whether a reference to Table 9.4 in the chapeau of policy P.P4 should be Table 9.2. This is correct. I have fixed this error in Appendix 1.

## **RESPONSES TO QUESTIONS FROM THE PANELS DURING THE HEARING**

### *Wastewater consenting information*

- 53 During the hearing (9/4/25), I was asked for information on wastewater overflow consents in these whaitua. I provided a summary during the hearing based on information provided to me by Council officers. Council officers have also provided further information in relation to consent applications currently in progress. The information provided to me is set out below.

- 53.1 The current active consents (including those operating under section 124 of the RMA, but excluding those associated with wastewater treatment plant bypasses as they are generally consented separately with the treatment plant), are:

#### Hutt Valley

- The occasional wet weather overflow of untreated wastewater from the Point Arthur Pumping Station into the main outfall pipeline which discharges to Cook Strait at Bluff Point (WGN180461[35592], granted 31 May 2019);
- Barber Grove Pump Station Consent No. WGN960002 (02) - To intermittently discharge wastewater to the Te Awa Kairangi / Hutt River. 14 July 1999 to 17 June 2019;
- Wellington Road Pump Station Consent No. WGN010101 [20893] To discharge sewage overflows from the Wellington Road Pump Station to the Black Creek during extreme wet weather events. 24 July 2001 to 24 July 2019;

- Silverstream Storage Facility Consent No. WGN96002 [23747] To intermittently discharge wastewater to the Te Awa Kairangi / Hutt River. 14 July 1999 to 17 June 2019;
- Malone Road Consent No. WGN090321 [32525] To discharge untreated wastewater from the wastewater overflow structure at Malone Road, Lower Hutt to the Waiwhetū stream during and/or immediately after heavy rainfall events when the quantity of wastewater arriving at the Malone Road Pump Station exceeds the pumping capacity of the pump station and its storage capacity is reached. 12 April 2010 to 12 April 2025;
- Hinemoa Street Consent No. WGN090321 [32526] To discharge untreated wastewater from the wastewater overflow structure at Hinemoa Street, Lower Hutt to the Waiwhetū stream during and/or immediately after heavy rainfall events when the quantity of wastewater arriving at the White Line East Pump Station exceeds the pumping capacity of the pump station and its storage capacity is reached. 12 April 2010 to 12 April 2025;
- Wainuiomata Pump Station Storage Tank Consent No. WGN110494 [31241] To discharge screened and settled wastewater from the Wainuiomata pump station storage tank outlet structure to the Wainuiomata River during and /or after heavy rainfall events when the quantity of wastewater exceeds the storage capacity of the storm tank (2,500m<sup>3</sup>). 19 December 2014 to 19 December 2029;

#### Wellington

- The occasional discharge of milli-screened (partially treated) effluent to the Wellington South Coast coastal marine area (Cook Strait in the vicinity of the Karori Stream Mouth) via an existing outfall during significant wet weather events (WGN060283 [25227], granted 28 July 2010, expires 28 July 2035);
- The occasional discharge of up to 4,500 litres per second of mixed disinfected secondary treated and milli-screened wastewater to the coastal marine area via an existing submarine outfall during and/or immediately after heavy rainfall, when the quantity of wastewater arriving at the Moa Point Wastewater Treatment Plant exceeds 3000 litres per second (WGN080003 [35047], granted 11 May 2009, expires 11 May 2034);

- 53.2 WWL and their client councils have applied for global discharge permits to cover all wet weather discharges<sup>6</sup>. These are split into the networks that service each wastewater treatment plant. These applications are currently in the consent processing phase. These applications have been reviewed by the Council's technical experts and draft section 92 requests have been circulated to the applicant. Processing timeframes have been extended under section 37A(5) of the RMA and the applications are on hold. The reasons for the extension are to allow time for the application to be reviewed by the Council for further information and to allow time for the applicant to consider amendments to the application following the notification of PC1 and repeal of the Three Waters legislation and introduction of Local Water Done Well legislation.
- 53.3 It is anticipated that once there is more certainty around the client councils and the nature of the water entity, these applications will be progressed. Given the notification of PC1 following lodgement, an amended application is likely to be submitted (or further information in relation to the PC1 requirements will be requested).
- 53.4 At the time of applying for the wet weather consent application (prior to PC1), dry weather discharges were unconsentable, so no applications have been for these types of discharges.
- 53.5 Where there are no consents held for wastewater network discharges, they are subject to the requirements of section 330 of the RMA. The Council is notified of some discharges but possibly not all.

#### **INCORRECT ALLOCATION OF FURTHER SUBMISSION POINTS**

- 54 In Waste Management NZ's further submission (FS46.042), they support Kāinga Ora's submission to remove the reference to prohibiting unplanned greenfield development in Policy WH.P2(a), citing submission point number S287.011. However, S287 is not the correct submitter number for Kāinga Ora, which instead should be S257. As a result of this error, FS046 was allocated to a submission point in the Rural Land Use reporting topic and was not identified until after Hearing Stream 2 concluded. Accordingly, I recommend accepting

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<sup>6</sup> WGN230306 Wet weather overflows from the Hutt Valley and Wainuiomata wastewater networks, WGN230320 Wet weather overflows from the Wellington wastewater network, and WGN230231 Wet weather overflows from the Porirua and Wellington (Northern Suburbs) wastewater networks

in part FS46.042 as I have recommended the deletion of Policy WH.P2, for the reasons set out in my section 42A report.

- 55 Similar to FS46.042 from Waste Management NZ, they submit in FS46.054 their support for Wellington City Council's submission on Policy WH.P2(a) to remove the reference to prohibiting unplanned greenfield development, citing an incorrect submission point number. This has now been corrected, and I recommend accepting in part FS46.054 for the same reasons as set out above.

## **CONCLUSION AND SECTION 32AA ASSESSMENT**

- 56 I recommend the further drafting amendments shown in green text in Appendix 1, as arising from this reply evidence.
- 57 I have prepared an updated section 32AA assessment which considers the tests from this section of the RMA for the amendments I have recommended be made to the provisions in both my rebuttal<sup>7</sup> and reply phase evidence on the objectives and ecosystem health and water quality policy provisions. This is included as Appendix 4 of this statement.

**DATE: 14<sup>th</sup> May 2025**



**MARY O'CALLAHAN**

**TECHNICAL DIRECTOR PLANNING, GHD**

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<sup>7</sup> No section 32AA assessment was supplied with my rebuttal evidence

*These appendices can be found on the Greater Wellington Regional Council public website along with this Right of Reply evidence.*

**APPENDIX 1: Further recommended amendments to provisions – Hearing Stream 2 – Objectives and Ecosystem Health and Water Quality policies**

**APPENDIX 2: New and updated maps**

**APPENDIX 3: Advice received on lake planting**

**APPENDIX 4: Section 32AA assessment**