

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

I just note that before Kirsty goes through her summary statement. Other than that I'm obviously available to answer any legal questions that you have and Jo Lester is also here from the airport to answer any questions that you might have of her in relation to her evidence.

[00.30.10]

Chair: Thank you very much Ms Dewar. Yes, those were provisions that were presented by the reporting officer as an update, tabled on the morning of the 11<sup>th</sup>.

Ruddock: We have just received the updated summary of submissions from Kirsty at 8.50am today. I'm just going to get those printed off and brought down now.

Dewar: I will run through those with the Panel because I will appreciate that you will not have seen those because they're a summary. Apologies for that lateness but I will walk through those.

Chair: Mr Ruddock is it okay to email them to us as well so then that means we have them. Thank you.

Yes Ms Dewar, those were updated. The blue highlighting on those provisions indicates the amendments and they were changes that were discussed during the hearing up until that point and have now been presented by the reporting officer as the provisions that she now supports. I am not sure if the amendments concern the Airport's relief but quite a bit of it is relatively minor wording amendments.

Dewar: I think that was our assumption when we looked at them. There were a few things that were provisions that WIAL was concerned with, so perhaps if we could simply have leave to comment on that latest version if the need arises. There wasn't anything that particularly jumped out, but we simply had not had the opportunity to look at them thoroughly.

Chair: There will be a minute coming out hopefully this side of Easter with questions that we would like the Council experts and reporting officer to address in the reply. It's an issue of timing.

The issue is that because we are coming up to Hearing Stream quite quickly it's a timing issue. If the airport was able to [33.48] to us before Thursday then the Council reporting officer would be able to consider them as part of the reply but I think after that point they're going to be preparing their reply and probably also preparing for Hearing Stream 3; so we can't let the reply push out too long.

Sorry, I don't want to eat too much into your time so we'll pass over to you.

Dewar: Thank you. I'm sure we can deal with that time limit. I will just leave it to Kirsty to quickly go through her summary statement and we'll take it from there.

O'Sullivan: Mōrena.

[00.35.00]

My name is Kirsty O'Sullivan and I am a Partner at Mitchell Daysh Limited. I have over 15 years' experience in resource planning and environmental management consultancy. I hold a Bachelor of Science in Physical Geography and a postgraduate Master's degree in Planning from the University of Otago.

While this is not an Environment Court hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I agree to comply with the Code and I am satisfied that the matters which I address in my evidence are within my field of expertise. 1

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

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

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

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

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

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

Also just with Objectives WH.O2 and WH.O3, just making sure there's consistent use of terms and phrases between those objectives.

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

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

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

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

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

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

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

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

[00.40.10]

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

I think that's better placed after the first text there is "restored where deteriorated to the extent practicable," and that's just to clarify and make sure that that "extent practicable" reference isn't read with respect to freshwater bodies only.

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

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

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

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

bullet. So I have made some further changes to that bullet point to align it more with the drafting that has been used for Objective WH.O2.

With respect to the recommended inclusion that the reference to “Notices of Requirement” while I acknowledge the point made by the Reporting Officer, that Notices of Requirement apply to land use considerations under district plans and not regional plans, some Notices of Requirement can relate to the land use components of activities that are otherwise managed by Regional Councils. For example, a Notice of Requirement that makes provision for stormwater or wastewater infrastructure.

I also note that Plan Change 1 is proposing new provisions around “unplanned greenfield development areas”. Without changes to the definition and land use management approach set out in these provisions, I can foresee a future scenario whereby regional plan provisions are a relevant consideration for Notices of Requirement and District Council consent considerations.

For that reason I think that inclusion is necessary to retain it.

With respect to Objective WH.O2 that objective is largely fine. I have just got a note there making sure that there needs to be consistency between those three objectives.

Then WH.O3 is that same point, making sure that there is consistency between that last bullet point and recognition of the social and economic use benefits.

I appreciate I went through that reasonably quickly. If anybody has any questions or would like me to clarify any points?

Chair: Thank you very much. It was very helpful having your position on your relief presented in your talking points. That was very useful.  
Can I start by asking you a question about Objective WH.O1?

[00.45.00]

This first bullet point about āhua, some wording that we have been looking at that’s come from another submitter is that “āhua natural form and character is restored to the extent possible.” Then “freshwater bodies exhibit hydrology and character” and then “to the extent practicable is struck out.”

So āhua natural form and character is restored to the extent possible.

Do you have any immediate thoughts about that wording in comparison to your wording of “restored where deteriorated to the extent practicable?”

O’Sullivan: Sorry, would that be “as restored where deteriorated to the extent possible?”

Chair: No it would just be...

O’Sullivan: “Restored where possible.” I would prefer the drafting that I have put forward there. The difficulties with the use of the word “possible” is anything is possible. “Practicable” is reasonably well understood and tested in a range of considerations to be “brought into consideration”.

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 a bit of a paper rustle there.

- 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 waioara, 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 waioara provided by mana  
410                                 whenua which may provide additional information as to how waioara 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                                 waioara 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

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

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

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

[01.15.15]

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

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

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

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

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

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

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

[01.20.35]

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

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

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

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

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

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

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

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

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



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

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

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

[01.25.10]

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

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

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

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

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

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

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

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

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

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

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

[01.30.00]

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

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

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

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

O'Neill:

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

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

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

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

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

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

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

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

[01.35.00]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[01.40.00]

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

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

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

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

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

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

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

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

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

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

McGarry:

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

[01.45.00]

It's just under the line for the 2060 timeframe and then it steps down over time. It's quite a significant difference when you get out to 2060 between the mixed model and just leave them all at 2060. When he explained the difference at the beginning to us, he said that was an extra of about two percent difference between that sort of 2040 timeframe, and he suggested that that was within the 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 The WIP is something that should be considered and given some weight in this  
 1019 process. It is something that we need to have regard to but is not the only factor.



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

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

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

Whittington:

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

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

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

Stevenson:

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

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

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

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 [02.10.05]  
 1253 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[02.40.00]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[02.45.10]

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

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

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

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

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

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

- 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
- 1639 [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 Conservation 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 [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

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

From our perspective it's important.

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

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

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

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

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

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

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

[03.00.10]

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

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

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

- 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

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

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

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

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

[03.10.00]

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

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

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

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

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

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

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

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

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

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

First though, and not sticking to the sequence of the issues which I mentioned earlier, the Whaitua Improvement Plan.

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

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

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

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

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

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



[03.15.00]

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

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

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

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

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

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

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

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

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

With respect I disagree with that submission.

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

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

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

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

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

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

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

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

[03.20.00]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[03.25.00]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[End of recording – 03.30.13]

[Hearing Stream 2 – Day 6 – Part 2]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



The purpose of this statement is to provide a brief summary of my evidence.

Porirua City Council is committed to improving the health of Te Awarua-o-Porirua Harbour and its catchment. However, to meet the proposed target attribute states, a suite of interventions to reduce sewage escaping from the wastewater network, as well as new infrastructure such as wetlands, will be required.

Porirua City Council would need to rely on rates to fund these interventions and infrastructure requirements, unless any Crown funding is made available, which I consider unlikely.

I agree with Mr Walker that his estimated 25 percent rates increase for Porirua City Council to achieve the TAS is unaffordable for the Porirua community.

[00.05.05]

Water quality is one of several challenges facing the city including service delivery costs, climate change impacts, high costs of living, enabling growth and ensuring infrastructure is fit for purpose.

Porirua City Council's rates increase for the 2024/2025 year of 17.5 percent was already barely acceptable to the community.

Additionally, Porirua City Council is anticipating increased costs to Porirua City Council ratepayers as part of the potential establishment of a new Three Waters delivery entity, which is proposed to be a multi-council owned CCO. This is to address the overdue bow wave of Three Waters networks renewals, especially with the water supply network.

I note that Mr Walker's estimates are likely to be both low and uncertain because: firstly in Porirua City Council's experience the costs of projects targeted at water quality improvements have been higher than the costs estimated by Mr Walker. For example, a wastewater overflow retention tank at one of almost fifty known regular overflow locations in the city cost \$97M compared to an initial estimate of \$47M.

Porirua City Council also recently constructed an almost one-hectare wetland at a cost of \$14M whereas Mr Walker estimates a cost of \$4M per hectare.

Mr Walker's estimates also do not include operating costs which can be significant and ongoing. As a rule of thumb, operating costs have ten times greater impact on rates than capital costs.

The TAS proposed in Attachment 1 to the s42A report and recommended in Ms O'Callahan's rebuttal evidence (Revised TAS) would soften the impact on rates compared to the TAS originally proposed through Change 1, but I consider that they are still ambitious and challenging to deliver within the wider context of affordability to Porirua City's ratepayers.

I consider the timeframe for achieving the Revised TAS should be extended to 2060.

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

Kia ora.

Rodgers: Kia ora.

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

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

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

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

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

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

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

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

[00.10.00]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

My third concern with the mixed approach is that the expected rates increase remains high. Mr Walker estimates that the rates increase for Porirua will be around 11 percent from now until 2040 and then around 7 percent from 2040 to 2050. Based on Mr Mendonça's evidence, I consider these estimated rates increases are still likely to be unaffordable.

I remain of the view that achieving the MRI across all part-FMU's with a timeframe of 2060 is the most affordable and achievable option for ratepayers of Porirua.

Should the Panel recommend pursuing a mixed timeframe approach, I consider the timeframe for achievement of Band D for Taupo FMU in Table 9.2 should be amended from 2040 to 2060 to be consistent with Mr Walker's recommendations in Figure 1 of his rebuttal evidence.

[00.15.15]

It is unclear to me why this timeframe was not adopted by Ms O'Callahan in her rebuttal evidence, as other recommendations made by Mr Walker were.

Appendix 1 to my evidence sets out my recommended amendments to various Objectives. This included moving the timeframe to 2060 and setting the TAS for E.coli at the MRI – as I've talked about just now. But, it also included other minor wording changes to Objectives P.O3 and P.O6.

I continue to support these recommended amendments.

I also note that I have read the updated version of some of the policies and one of my recommended changes has been carried through, so I am supportive of that, but there are still a couple outstanding.

Just for fulsomeness and with regard to Police P.P2 I agree that this policy is duplicated by other policies and I support the removal of Policy P2 in its entirety as recommended by the s42A report.

Thank you.

Chair:

Thanks very much. Maybe just an overarching point to raise, just to start things off. We have heard mana whenua including Ngāti Toa saying that what you are seeking, so more Band D by 2060 is really disappointing. They feel frustrated by that, that it's very unambitious and it will not achieve certainly their expectations for Te Awarua-o-Porirua.

I hear what you have said about the work and how that was that process and it wasn't a document that the Council adopted and we are now looking at the provisions in this regulatory framework.

Any comments that you would like to make to Ngāti Toa in response to certainly what came across as their very clear frustration with the views of all the TAs?

Mendonça:

Of course we have a very close relationship with Ngāti Toa and we have heard first-hand I'm sure the same stories that you have heard about their aspiration around the harbour. We actually share those aspirations. I would love to be able 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 difference 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.

Cannon's Creek Park we are constructing a wetland, that's \$20M.

We have just replaced and opened a couple of weeks ago a new sewer in eastern Porirua. It's called the Bottomly Park Sewer, but actually it has taken a whole bunch of wastewater out of the harbour.

The final thing is the wastewater treatment plant itself which we are about to invest \$28M into reducing the sludge that goes through there, to minimise the risk of sludge spilling in Titahi Bay.

[00.30.00]

So there's about \$230M worth of capital investment. Ngāti Toa is involved in the planning and development of all of those capital projects.

Probably the more high profile issues that we have are actually operating the projects. There's a project we have called 'Know Your Pipes' which as Ms Rodgers says, this is the one that looks at where private pipes are broken, sewerage pipes. We got looking for those. We find them and then we have a process whereby we hold private property owners to account for fixing their own pipes. We've found about 570 broken pipes since we started that in 2021.

The final operating project that we have is riparian planting. We've planted about 350,000 plants since 2021 in riparian areas in an effort to minimise slips and sediment into freshwater.

All those things together heavily involve Ngāti Toa. As I mentioned before, we do have a very close relationship with them on all of those activities.

Chair: Just while they're talking, it looks like there might be another comment on that.

Ms Rodgers, thank you for your points about Dr Greer's rebuttal and the load reduction for Pouewe. I'm sure Dr Greer will provide a response on that. I had a quick look at Table 11 as well and I see the point you're making about the 48 percent. We will get Dr Greer's response on that.

Wakefield: Thank you. Just through the Chair I just wanted to pick up on that question from Commissioner Kake around partnership.

The Council and Ngāti Toa do have a very strong work relationship and I understand they do have an agreement which reflects their partnership and shared aspirations. I wasn't quite clear whether the question was directed at partnership in a substantive sense in this process because the NPS-FM does set out some provisions that do directly engage with the extent to which local authorities have to actively involve tangata whenua in these processes.

That language is consistent with the way that type of terminology is reflected in the local government act, where it's about providing opportunities as opposed to an expressed provision regarding partnership.

I just wanted to make that point because I wasn't quite clear whether we had navigated that little area or not.

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



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

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

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

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

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

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

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

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

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

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

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

[00.55.05]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[01.00.10]

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

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

In conclusion, the Porirua Harbour Trust expectations are:

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

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

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 whakamaui*  
 3217 *Kia tina! TINA! Hui e! TĀIKI E!*

3218  
 3219  
 3220 [End of Hearing Stream 2 – Day 6 – Part 2 – 01.17.01]