

Plan Change 1 to the Natural Resources Plan for the Wellington Region

Section 42A Hearing Report Hearing Stream 2

Topic: Ecosystem Health and Water Quality policies

Process: Freshwater Planning Process and Schedule 1, Part 1 Process

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Executive Summary

1. This report considers submissions and further submissions received by Greater Wellington Regional Council (the Council) in relation to the provisions of Plan Change 1 to the Natural Resources Plan for the Wellington Region (PC1) as they apply to the proposed Ecosystem Health and Water Quality (EH&WQ) policies set out under sections 8.2.1 and 9.2.1 of PC1, with the exception of Policies WH.P3 and P.P3 that relate to Freshwater Action Plans which are assigned to the Freshwater Action Plans topic, which will be heard in Hearing Stream 4.
2. This topic is following the Freshwater Planning Process and Schedule 1, Part 1 Process of the Resource Management Act 1991 (the RMA).
3. A total of 193 submissions and 58 further submissions were received on this topic. The submissions on this topic generally sought relatively minor drafting amendments, other than for WH.P2 and P.P2 where there was considerable opposition to the direction included in these policies which largely summarise other policies within PC1. The following key issues are raised in submissions and are covered by this report:
 - WH.P1 and P.P1 (improvement of ecosystem health) – policy drafting should be more/less directive and other requests for edits;
 - WH.P2 and P.P2 (managing activities) – concern reflects issues across future hearing topics as these policies summarise the regulatory approach i.e., issues relate to unplanned stormwater prohibition, stormwater offset, lack of scientific case to prevent forestry replanting on erosion risk land, and management of rural activities;
 - WH.P4 and P.P4 (contaminant load reductions) – issues covered the timeframe included in the policies, a lack of coastal baseline state data, the available evidence to support the sediment and metal load reductions sought, the relationship between these targets and those in objectives and the feasibility and cost of the load reductions sought.
4. Other issues raised by submitters in relation to this topic are also covered in the report, along with a range of consequential amendments that have arisen in responding to submissions.
5. As a result of analysing the submissions and key issues, I have recommended a number of amendments to the PC1 provisions to address concerns raised. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PC1 be amended as set out in Appendix 4 of this report. The following key changes to the policies are recommended:
 - Wording changes to policies WH.P1 and P.P1 to recognise that improvements are only needed when aquatic ecosystem health is degraded, and to refer more generally to non-regulatory methods in these policies.
 - Deletion of policies WH.P2 and P.P2 entirely, because these policies really summaries of the intent of other activity specific policies included in PC1, so were duplicative. The substantive policy issues have not been considered, enabling such issues to be considered in future hearing streams (i.e. stormwater, wastewater, forestry and rural land use topics).

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- Amendments to the text and tables included in policies WH.P4 and P.P4 which includes changes to the sediment load reductions calculated as being required to meet freshwater objectives related to visual clarity and removal of load reductions for coastal objectives relating to sedimentation and metals for Porirua Harbour.
6. I have also undertaken a section 32AA evaluation for the amendments I have recommended, and this included in Appendix 4 also.
 7. For the reasons outlined in the section 32AA evaluation in Appendix 4 and outlined in this report, I consider that the proposed policies and tables covered in this report, with the recommended amendments, are the most appropriate.

Interpretation

8. This report utilises a number of abbreviations and should be read in conjunction with the document 'Plan Change 1 to the Natural Resources Plan – List of Abbreviations of Terms and Submitter Names' available on the Plan Change 1 website¹.

¹ <https://www.gw.govt.nz/your-region/plans-policies-and-bylaws/updating-our-regional-policy-statement-and-natural-resources-plan/natural-resources-plan-2023-changes/>

1.0 Introduction

1.1 Purpose

9. This report is prepared under section 42A of the RMA. The purpose of this report is to provide the Freshwater Hearings Panel and the Part 1, Schedule 1 Hearings Panel (the Hearing Panels) with an analysis of submissions and further submissions received by the Council in relation to the EH&WQ policies topic of PC1. I make recommendations as to whether or not those submissions should be accepted or rejected, and where appropriate, provide recommendations for amendments to the PC1 provisions as well as recommendations for some consequential changes.
10. This report should be read in conjunction with my previous 'Overarching' officers report which provides the background to PC1, the statutory context, scope of the plan change, the approach to the categorisation of provisions, and administrative matters relating to PC1. This report also refers to and adopts material in the 'Objectives' report² for the current hearings stream, where relevant.

1.2 Scope of this Report

11. PC1 has been notified via two plan-making processes under Schedule 1 of the RMA:
 - The Freshwater Planning Process (FPP) under Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument. These provisions are marked in the PC1 document with the freshwater icon.
 - The standard plan-making process in Part 1, Schedule 1 (P1S1).
12. This report addresses submission points and provisions under both the FPP and P1S1 processes.
13. The provisions of PC1 that are addressed by this report are set out in Appendix 1. This table also includes the relevant page number in the notified plan change document, the relevant plan change process for each provision (FPP or P1S1), and the number of submission points received for each provision.

1.3 Author

14. My name is Mary Elizabeth O'Callahan and I am employed by GHD Ltd, a multi-disciplinary consultancy. My qualifications and experience are set out within my section 42A report for the Objectives topic, also part of this hearing stream.
15. I have read the Code of Conduct for Expert Witnesses contained in the Practice Note 2023 issued by the Environment Court. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
16. The scope of this evidence relates to submissions on policies WH.P1, WH.P2, WH.P4, P.P1, P.P2 and P.P4, relating to Ecosystem Health and Water Quality (EH&WQ), and consequential changes to provisions in other topics. I note that policies WH.P3 and P.P3 will be addressed in the Freshwater Action Plans topic in Hearing Stream 4. Other than

² Section 42A Hearing Report, Hearing Stream 2, Topic: Objectives

when I state that I am relying on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise.

17. Any data, information, facts and assumptions I have considered in forming my opinions are set out. Where I have set out opinions in my evidence, I have given reasons for those opinions.
18. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.4 Supporting Evidence

19. The evidence, literature, or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
 - Mr James Blyth, water scientist – suspended fine sediment and visual clarity
 - Dr Amanda Valois, freshwater scientist – coloured dissolved organic matter
 - Dr Michael Greer, freshwater scientist – freshwater ecosystem health and human health
 - John Oldman, coastal scientist – load reduction targets on sedimentation and surface sediment metal accumulation within Porirua Harbour
 - Dr Peter Wilson, coastal scientist – ecotoxicology
 - Dr Megan Melidonis, coastal scientist – coastal ecosystem health

1.5 Key Issues

20. A number of submitters raised issues with the range of provisions relating to the EH&WQ policies topic. A total of 193 submissions and 58 further submissions were received on the provisions relating to this topic.
21. The following are considered to be the key issues in contention:
 - WH.P1 and P.P1 (improvement of ecosystem health) – policy drafting should be more/less directive and other requests for edits;
 - WH.P2 and P.P2 (managing activities) – concern reflects issues across future hearing topics as these policies summarise the regulatory approach i.e., issues relate to unplanned stormwater prohibition, stormwater offset, lack of scientific case to prevent forestry replanting on erosion risk land, and management of rural activities;
 - WH.P4 and P.P4 (contaminant load reductions) – issues covered the timeframe included, a lack of coastal baseline state data, the available evidence to support the sediment and metal load reductions sought, the relationship between these targets and those in objectives and the feasibility and cost of the load reductions sought.
22. This report addresses each of these key issues, as well as any other issues raised by submissions.

2.0 Statutory Considerations

23. The section 42A report for the Overarching topic in Hearing Stream 1 sets out the statutory considerations for PC1 as a whole and this is not repeated here³. I briefly comment below how the provisions within this topic give effect to national direction, specifically the National Policy Statement for Freshwater Management 2020 (NPS-FM).

3.0 National Policy Statement for Freshwater Management 2020

24. The NPS-FM provides key direction for the objectives included in PC1 through the National Objectives Framework (NOF) guiding the steps to be undertaken. The NPS-FM also provides a mandatory requirement to include limits as rules in the plan in certain situations. However, the NOF is silent on specific requirements for policies and their inclusion in the regional plan in terms of the NOF process, notwithstanding they are required under the RMA and are necessary to support the rules (limits). The objective (hierarchy of obligations) and policies 1-15 of the NPS-FM are therefore the key relevant matters for this topic.

4.0 Regional Policy Statement for the Wellington Region (Operative and Proposed Change 1)

25. The relationship of these policies of this topic to the Regional Policy Statement for the Wellington Region 2013 (RPS) and Proposed Change 1 to the Regional Policy Statement for the Wellington Region (RPS Change 1) were illustrated on the diagram that I provided in the Hearing Stream 1 Right of Reply⁴. I have provided an updated version of the diagram in my Objectives Section 42A report⁵ for the current hearing stream, which is also relevant to this topic.

2.1 Section 32AA

26. I have undertaken an evaluation of my recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with section 32AA of the RMA.
27. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is set out in Appendix 4.
28. The section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the amendments that have been recommended in this report. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach or intent are not re-evaluated.

³ [Section-42A-Hearing-Report-Overarching-Matters.pdf](#), pages 2-9

⁴ [Tech Review of Right of reply.docx](#), page 8.

⁵ Figure 1, in section 2.2 of the section 42A Hearing Report for the Objectives topic

2.2 Trade Competition

29. Trade competition is not considered relevant to this topic within PC1. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

3.1 Report Structure

30. The issues raised in submissions and further submissions are addressed by sub-issues within this report. Some submissions cross several sub-issues and are therefore addressed under more than one sub-issue heading. Appendix 2 provides a description of the matters raised in submissions for each issue in table format, along with the relevant submission point references.
31. The RMA allows the Hearing Panels to address submissions by grouping them either by the provisions to which they relate, or the matters to which they relate.⁶ On this basis, I have undertaken my analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach.
32. Appendix 3 sets out my assessment of the categorisation of provisions within the Freshwater Planning Instrument component of PC1 in support of my analysis of submissions seeking recategorisation to the P1S1 process.
33. Appendix 4 sets out the amendments I am recommending to PC1 as a result of my analysis of submissions and my recommendations on whether to accept or reject individual submission points based on the analysis contained within the body of the report. These recommended amendments are supported by an evaluation in accordance with section 32AA of the RMA, which is provided in Appendix 4 also.
34. This report should be read in conjunction with the submissions and the summary of those submissions in Appendix 2. Appendix 5 includes a table setting out all submission and further submission points relevant to this hearing topic. In that table I have identified whether I recommend accepting/accepting in part or rejecting/rejecting in part the relief sought by submitters or make no recommendation. My reasons for these recommendations are explained in the body of this report.

3.2 Issue 1: Categorisation of Provisions to the Freshwater Planning Process

3.2.1 Analysis

35. At the time of notification of PC1, section 80A of the RMA provided the relevant tests for determining which parts of PC1 should form part of the FPI. While an amendment to section 80A(4)(b) was made post notification of PC1,⁷ that amendment does not have retrospective effect to PC1. Regardless, the amendment to section 80A(4)(b) of the RMA related to the date by which the Council was to notify a freshwater planning instrument to

⁶ Clause 49(4)(c) of Schedule 1, Part 4 of the RMA for the Freshwater Hearings Panel and Clause 10(3) of Schedule 1, Part 1 of the RMA for the P1S1 Hearings Panel.

⁷ Section 80A(4)(b) was amended on 12 December 2023 by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023.

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give effect to the NPS-FM 2020 (a change from 31 December 2024 to 31 December 2027) as opposed to the content of an FPI or categorisation of provisions.

36. I have not considered the amended version of section 80A as part of this assessment, and instead have assessed the relevant FPI provisions against the version of section 80A as it was when PC1 was notified.
37. Section 80A of the RMA provided that:
- regional coastal plan provisions are not part of a freshwater planning instrument (section 80A(8));
 - any part of PC1 that relates to objectives that give effect to the NPS-FM 2020 are part of a freshwater planning instrument (sections 80A(2)(d)(i) and 80A(6B)(a));
 - any part of PC1 which relates to freshwater, where the Council has decided to use the freshwater planning process is part of a freshwater planning instrument (section 80A(2)(d)(ii)); and
 - a proposed regional plan relates to freshwater if (section 80A(6A)):
 - i. it relates (in whole or in part) to an objective of the NRP or the RPS; and
 - ii. the objective relates to the performance of a function in section 30(1)(c), (e), (f), (fa), (g) or (ga).
38. The process the Council followed in determining which provisions should be notified as part of the FPI and which provisions should be part of the P1S1 process is set out in section 6.1 of the Section 32 report that was prepared in support of PC1⁸. I understand that definitions, schedule and maps were categorised based on their parent provision, which I agree is a suitable method.
39. I have assessed each provision addressed by this report according to the tests that were applied to categorise each provision in PC1 to either the FPP or to the P1S1 process at the time of notification, consistent with the Council's understanding of section 80A at the time. The result of my assessment is provided in Appendix 3. In summary, I agree with the categorisation of the freshwater provisions to the FPP undertaken when PC1 was notified.
40. I note the submission of Winstone Aggregates [S206.022]⁹ raises concern with provisions being subject to the FPP where freshwater is only a peripheral issue to which the provision relates, and the submitter considers this scenario represents an inappropriate use of the FPP, resulting in restricted appeal rights. I note this same submission point was also assigned to the Objective's topic and potentially other future hearing topics too. Accordingly, as part of my assessment of the provisions addressed by this report in terms of the tests applied to categorise to either the FPP or to the P1S1 process at the time of notification.
41. In specifically addressing the Winstone Aggregates submission, in the case of the first two policies in each chapter¹⁰, these are coastal provisions and must follow the P1S1 process, so appeal rights are not restricted. For WH.P4, the policy and table of sediment load targets only apply to freshwater, so this provision has reasonably been assigned to the FPP

⁸ [Proposed-Plan-Change-1-Section-32-report.pdf \(gw.govt.nz\), from page 22.](#)

⁹ Supported by Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.018]

¹⁰ WH.P1, WH.P2, P.P1 and P.P2

process. Finally, P.P4 has both coastal targets and freshwater sediment targets and has been assigned to the P1S1 process. Accordingly, I consider there is no basis for the concerns raised by Winstone Aggregates in respect of these provisions and this submission should be rejected in so far as it relates to the provisions contained within the EH&WQ policies topic.

42. The result of my assessment in Appendix 3 and here is that I agree with the categorisation of the freshwater provisions to the FPP undertaken when PC1 was notified.

3.2.2 Recommendations

43. As a result of the assessment here and in Appendix 3, I recommend that there is no recategorisation of provisions in the EH&WQ policies topic between the FPP and P1S1 processes.
44. I recommend that the Winstone Aggregates submission [S206.022]¹¹ and associated further submission be rejected, as detailed in Appendix 5, subject to the outcomes of subsequent hearing reports that may address the same submission point number in relation to other PC1 provisions.

3.3 Issue 2: Policies WH.P1 and P.P1 – Improvement of aquatic ecosystem health

3.3.1 Analysis

General support

45. I acknowledge the submissions from WWL¹², Taranaki Whānui [S286.031]¹³, the Fuel Companies [S258.006 and S258.028], PCC¹⁴, Kāinga Ora [S257.040], WCC [S33.034 and S33.082] and Pareraho Forest Trust [S213.015] providing general support for policies WH.P1 and/or P.P1 and seeking retention of the policies as notified, with some highlighting specific aspects of the plan change they support. I recommend accepting these submissions in part as these policies will be retained, but I am recommending amendments to respond to other submissions.
46. I note the submissions from Yvonne Weeber¹⁵, Fish and Game¹⁶ and Guardians of the Bays [S186.102] who generally support WH.P1 and P.P1; however, there is no relief sought and therefore I make no recommendation on these submissions.

¹¹ Supported by Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.018]

¹² [S151.072] (opposed by Forest & Bird [FS23.1399]) and [S151.108] (opposed by Forest & Bird [FS23.1435])

¹³ Supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.028] and Rangitāne o Wairarapa [FS24.031]

¹⁴ [S240.032] (opposed by NZFFA [FS9.129])

¹⁵ [S183.190] (supported by MPHRCI [FS27.190]) and [S183.274] (supported by MPHRCI [FS27.274])

¹⁶ [S188.039] (supported by Forest & Bird [FS23.1195], MPGC [FS21.044], and MPHRCI [FS27.1128]), opposed by NZFFA [FS9.039]) and [S188.073] (supported by Forest & Bird [FS23.1229], MPGC [FS21.078] and MPHRCI [FS27.1162], opposed by NZFFA [FS9.073])

Natural form and character

47. In response to submissions from EDS¹⁷ and Forest & Bird¹⁸ who seek amendments to include natural form and character in clause (b) of both policies, I consider this policy is related to aquatic ecosystem health and this particular clause of the policy is related to restoring aquatic habitat. I understand that natural form and character will improve as a result of improved aquatic ecosystems and good management of water flows and levels (also covered by this policy). While I have recommended including reference to natural form and character in some objectives, this is to reflect this value being present within these whitua and because it is expected to improve to some level as an 'added benefit' of the PC1 provisions, not a specific objective requiring this. There is no case to include specific actions for natural form and character in their own right in this policy, as this is not intended as the focus for regulatory measures (e.g., through new controls on bed disturbance activities) or non-regulatory methods such as riparian planting. While riparian planting is promoted in PC1 provisions to offer shading of streams to improve habitat for aquatic species and to reduce stream bank erosion and sedimentation, both these things will also potentially improve natural form and character. However, this is not the primary goal for PC1. Given natural character is covered by policies in the operative NRP at P23 and P24 which do not direct restoration, including a natural form and character restoration policy here would be overreaching from the intended focus for PC1 and the priorities for improvements identified. Accordingly, I recommend rejecting these submissions.

Improve or enhance only where TAS not met

48. I acknowledge the submissions from Guildford Timber, Silverstream Forest and Goodwin Estate [S210.024], R P Mansell; A J Mansell, & M R Mansell [S217.005 and S217.015], Horokiwi Quarries [S2.018], Winstone Aggregates [S206.035 and S206.063] and WWL¹⁹ who seek amendments to provide more flexibility than the mandatory 'improve' direction that they consider the policy currently prescribes. I agree with these submitters that the objectives of PC1 (and NPS-FM) do not prescribe a mandatory improve direction everywhere, with maintain an appropriate response where TAS or coastal objectives are already met. My understanding is that WH.P1 and P.P1 are intended to be high level scene setting policies that explain the key methods for improving aquatic ecosystem health, specifically those implemented by PC1. Therefore, they do not need to link back to specific TAS, as sought by some of these submitters. However, I do agree that improvement is only required by the objectives of PC1 where TAS or a coastal objective is not met. Policies and

¹⁷ [S222.034] (supported by Forest & Bird [FS23.190] and MPHRCI [FS27.926]; opposed in part by R P Mansell; A J Mansell, & M R Mansell [FS26.051] and Transpower [FS20.006]; opposed by Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.063], NZFFA [FS9.215], WIAL [FS31.015] and Winstone Aggregates [FS8.014]) and [S222.080] (supported by Forest & Bird [FS23.236] and MPHRCI [FS27.972], opposed in part by R P Mansell; A J Mansell, & M R Mansell [FS26.057] and Transpower [FS20.013], opposed by NZFFA [FS9.261])

¹⁸ [S261.062] (supported by MPHRCI [FS27.681]; opposed in part by Enviro NZ Services Ltd (Enviro NZ) [FS10.30], Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.033], R P Mansell; A J Mansell, & M R Mansell [FS26.017] and Transpower [FS20.023]; opposed by NZFFA [FS9.389], WIAL [FS31.016] and WWL [FS39.024 and FS39.041]) and [S261.141] (supported by MPHRCI [FS27.760]; opposed in part by R P Mansell; A J Mansell, & M R Mansell [FS26.028] and Transpower [FS20.038]; opposed by NZFFA [FS9.468] and WWL [FS39.028 and FS39.045])

¹⁹ [S151.072] (opposed by Forest & Bird [FS23.1399]) and [S151.108] (opposed by Forest & Bird [FS23.1435])

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rules need to reflect this also. Accordingly, I recommend amendment to the chapeau of these policies to reflect this. By default, this then cascades to all subsequent sub-clauses as generally sought through these submissions. I further note, that to not make this amendment, there might be improvement efforts directed (through either regulatory or non-regulatory means) to waterbodies where TAS are already met, therefore limiting the potential funds available for improvement where it is most important. I therefore recommend these submissions are accepted in part.

More strategic or prioritised approach

49. I acknowledge submissions from WFF²⁰ and UHCC [S225.066] who are concerned about alignment with the WIP recommendations and the ability to achieve the requirements of PC1 within the relevant planning cycles and seeking consideration of a more prioritised approach. I note WFF also request a new clause to include provision for buy-outs where changes in land use may be required. As noted above, the policy is not intended to direct a specific approach, rather it is intended to set out in general terms, if the actions in the policy are implemented then aquatic ecosystem health will be improved. As noted above, I have recommended an amendment to only require this policy apply where aquatic values are deteriorated in response to other submissions, consistent with the approach in the objectives. This amendment therefore has the effect of prioritising such locations as distinct to requiring whaitua wide improvements. I have also recommended the addition of prioritisation text for the TAS objectives WH.O9 and P.O6 in my section 42A report for the Objectives topic. While these changes in response to other submissions may go some way to meeting the concerns of these submitters, no specific amendments are adopted from these points, so I therefore recommended rejecting these submissions for the reasons outlined.
50. I acknowledge the concerns of NZTA,²¹ who seek further information before targets are adopted and further consideration of the feasibility of the costs of meeting the targets. This information has been provided in my section 42A report for the Objectives topic and the associated technical reports, including the economic assessment and as a result, recommendations to relax some targets have been made to address achievability issues. I do not consider changes to policies WH.P1 and P.P1 are necessary if the objectives are set appropriately. Accordingly, I recommend rejecting this submission.

Work programmes

51. I acknowledge submissions from WWL²², Horokiwi Quarries [S2.018] and Winstone Aggregates²³ requesting clarity around the intent of work programmes, the activities the work programmes cover and how they are being co-ordinated and prioritised. I agree with these submitters that the meaning and intent of work programmes is uncertain and have recommended amendments to clarify that the policy should promote rather than co-ordinate and that work programmes are non-regulatory methods that seek to improve aquatic ecosystem health, specifically those identified in methods in the plan and

²⁰ [S193.067] supported by NZTA [FS28.063], opposed by Forest & Bird [FS23.1023] and [S193.119] supported by NZTA [FS28.064], opposed by Forest & Bird [FS23.1075]

²¹ [S275.011] (supported by WWL [FS39.104], opposed by Forest & Bird [FS23.705])

²² [S151.072] (opposed by Forest & Bird [FS23.1399]) and [S151.108] (opposed by Forest & Bird [FS23.1435])

²³ [S206.035 and S206.063]

potentially also current and future non-regulatory methods that sit outside of the plan. I consider reference to non-regulatory methods to be clearer to plan users than 'work programmes' and have included a link to the relevant non-regulatory methods introduced by PC1 within the policy, to be clear where the non-regulatory methods are set out, so it is clear they are not intended to apply to resource consent decision making. I therefore recommend these submissions be accepted in part and I recommend an amendment to clause (d) as shown in Appendix 4.

Scope of land use in clause (d)

52. In response to the submission from CFG²⁴ requesting amendments to clause (d) of WH.P1 and P.P1 to specifically reference urban land use, I do not consider specific reference to urban land use is required as my recommended amendments make it clear that the intent of the policy is to promote non-regulatory methods that improve aquatic ecosystem health. In my opinion, there is nothing in the policy that suggests this does not apply to urban land uses. I therefore recommend this submission is rejected.

Particular recognition for RSI

53. I acknowledge the concerns of WIAL [S101.042] about the ability for RSI to meet the requirements of WH.P1 however as discussed in paragraph 48, the policy is a high-level scene setting policy that is intended to indicate to plan users that if the actions in the policy are implemented then aquatic ecosystem health will be improved, it does not specifically direct an 'improve' approach for resource consent applicants or infrastructure providers specifically. In any event, while the NPS-FM does not recognise or exempt RSI from the obligations of the NOF process, Objectives O9 and O10, along with Policies P11 and P13 relating to RSI remain in place in the NRP and as such can be considered alongside the PC1 provisions when assessing resource consent applications. These provisions recognise the benefits of RSI and seek it be enabled appropriately. This means that specific recognition within the PC1 provisions is unnecessary to give effect to RPS provisions for RSI as existing provisions already give effect to that direction. PC1 does not need to include additional provisions to give effect to NRP Objective O9 as implied by the submitter. I therefore recommend the submission from WIAL be rejected.

Amend for consistency with NZCPS

54. I acknowledge the submissions of the Minister of Conservation²⁵ seeking amendments to policies WH.P1 and P.P1 for consistency with Policy 23 of the NZCPS which includes policy direction for the discharge of contaminants to water in the coastal environment. In my opinion, as described above, policies WH.P1 and P.P1 indicate the overall actions that are required to improve aquatic ecosystem health, and in the context of this submission, includes content about reducing loads and concentrations of contaminants. However, the methods and specific policies which outline the actions needed, are provided by the more specific policies related to the relevant activity – these are the topic specific policies to be covered in future hearing streams. I therefore recommend rejecting the submission from the Minister of Conservation.

²⁴ [S288.045] (opposed by Forest & Bird [FS23.069]) and [S288.086] (opposed by Forest & Bird [FS23.110])

²⁵ [S245.002] (supported by Forest & Bird [FS23.464] and WWL [FS39.144], opposed by NZTA [FS28.021]) and [S245.018] (supported by Forest & Bird [FS23.480] and WWL [FS39.147], opposed by NZTA [FS28.033])

3.3.2 Recommendations

55. I recommend that Policies WH.P1 and P.P1 be amended as shown in Appendix 4.
56. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.4 Issue 3: Policies WH.P2 and P.P2 – Management of activities to achieve target attribute states and coastal water objectives

3.4.1 Analysis

57. Policies WH.P2 and P.P2 are intended set out how activities are to be managed to achieve the TAS and coastal water objectives. The policies link those activities that do not have explicit links to the TAS and coastal water objectives to the achievement of the TAS and coastal water objectives. A number of submissions have been received on these policies including general support, opposition to the direction set in the clauses, and concerns about duplication between clauses and with other policies in PC1.
58. I have reviewed these policies in the context of submissions received, the wider plan change and the Operative NRP. I have concluded that the policies are unnecessary and should be deleted on the basis they duplicate other policies or rules and schedules in PC1 or the NRP. In many cases, the nuanced nature of the more detailed policies are not reflected well in the summary policies of WH.P2 and P.P2. **Table 1** sets out which provisions the clauses duplicate.

Table 1 Duplication in Policies WH.P2 and P.P2

Clause	Policy/clauses it duplicates
(a)	<ul style="list-style-type: none"> • Policies WH.P15 and P.P14 • Policies WH.P16 and P.P14
(b)	Clauses (c) and (d) of Policies WH.P2 and P.P2
(c)	<ul style="list-style-type: none"> • Policies WH.P10 and P.P9 • Policies WH.P14 and P.P13
(d)	<ul style="list-style-type: none"> • Clause (b) • Policies relating to contaminant loads from urban wastewater and stormwater networks.
(e)	Stock exclusion requirements in the operative NRP
(f)	Activity specific policies, the rules and schedules which direct how these activities are to be managed in both PC1 and the NRP
(g)	More specific policies, rules and schedules which direct how soil conservation treatment should be undertaken for rural land use activities, forestry and vegetation clearance, respectively
(h)	More specific policies which describe when Farm Environment Plans are required, rules which require provision of Farm Environment Plans, and Schedule 36 which outlines what information a Farm Environment Plan is required to contain

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59. There remains a link between the activities and the TAS, as I have recommended amendments to objectives WH.O9 and P.O6 in my Objectives report to provide the link between the activity policies and the TAS. Scope is provided for the deletion of these policies in the submission from Taumata Arowai²⁶, who seek the removal of unnecessary duplication, and broader submissions on PC1 seeking the deletion of withdrawal of the plan change in its entirety (addressed in Hearing Stream 1).
60. I acknowledge the wide range of submissions on these policies, seeking specific relief in relation to specific clauses. I do not address these in detail in this report, other than where I have considered a specific response is necessary below under 'other matters', given my recommendation is to delete the policies in their entirety. I consider the deletion of the policies will address many of the concerns raised by submitters, or will address their concerns in part, as they relate to this policy. I also note several of these submissions raise matters that will be addressed in subsequent hearing streams, including:
- Prohibited activity rules for unplanned greenfield development (Hearing Stream 4 – Stormwater)
 - Financial contributions (Hearing Stream 4 – Stormwater)
 - The relationship between freshwater action plan provisions and TAS provisions, network discharge consent provisions and Schedule 31 and 32, and the relationship between non-regulatory methods and work programmes (Hearing Stream 4 – Stormwater, Wastewater and Freshwater Action Plans)
 - Hydrological control (Hearing Stream 4 – Stormwater)
 - Contaminant load reductions from wastewater and stormwater networks (Hearing Stream 4 – Stormwater and Wastewater)
 - Vegetation clearance and forestry best practice management (Hearing Stream 3 – Forestry)
 - Farm Environment Plans (Hearing Stream 3 – Rural land use)

Other matters

61. I note the submissions from Horokiwi Quarries²⁷ and Winstone Aggregates²⁸, in relation to Policy WH.P2(e), who seek amendments to recognise planting of riparian margins might not always be practicable and WFF²⁹, in relation to Policy WH.P2(e) and Policy P.2(e), who seek deletion of these policies and replacement with amendments for consistency with the WIP recommendations and Method M12 of the NRP. While I do acknowledge PC1 does direct planting of riparian margins as an offset when stock exclusion is not achievable through Farm Environment Plans for small rivers in Schedule 36, I cannot see any requirement in PC1 related to the planting of riparian margins to stabilise stream banks. I consider the provisions in PC1 encouraging the planting of riparian margins refer to

²⁶

²⁷ S2.019 supported by Enviro NZ [FS10.32]

²⁸ S206.036 supported by WMNZ [FS46.061] and S206.064

²⁹ [S193.068] supported in part by Meridian [FS47.162], opposed by Forest & Bird [FS23.1024] and [S193.120] supported in part by Meridian [FS47.312], opposed by Forest & Bird [FS23.1076]

reducing diffuse discharges and providing shading and not to manage stream bank erosion, which is an important element for sediment reduction. This appears to be a gap in the activity specific policies for rural land use. I consider it would be more appropriate for the direction related to riparian planting in WH.P2/P.P2 to be reflected in the relevant activity specific policies and therefore recommend an amendment to policies WH.P27 and P.P25 to capture the intent of WH.P2/P.P2 and enable removal of this clause within the otherwise duplicative WH.P2 and P.P2 policies. Accordingly, I recommend that submissions from Horokiwi Quarries, Winstone Aggregates and WFF are accepted in part.

62. NZTA³⁰ supports the intent of reducing contaminant loads in P.P2, however considers it is unclear if and how the reduction can be sustained, noting further information should be provided before such targets are adopted. NZTA seeks further consideration of the feasibility and costs of the targets of Policy P.P2, noting concerns regarding the sufficiency of the section 32 assessment on economic costs. I note this submission is consistent across objective P.O3, P.P1, P.P4 and P.P12. As described above, economic assessment has been undertaken on the local authority and stormwater and wastewater network costs in relation to metals and *Ecoli*. The results of that assessment have informed my recommendations for the objectives in my section 42A report for that topic. I have recommended those changes with consideration for feasibility and costs. Accordingly, with the recommended deletion of WH.P2 and P.P2 and changes to WH.O3, WH.O9, P.O3, and P.O6 I have recommended in line with the concerns of this submitter, I recommend accepting this submission in part.
63. I note the submissions from Forest & Bird [S261.063 and S261.142] seeking additional direction to give clear scope for the management of rural land uses and a new clause to policies WH.P2 and P.P2. For the reasons outlined above, I recommend deletion of WH.P2 and P.P2 in their entirety as the requirements in the respective clauses are either duplicate provisions of the NRP or PC1 or are not consistent with other provisions. The overarching intent of PC1 is to maintain water quality and ecosystem health where it does meet the desired outcomes of mana whenua and the community and improve water quality and ecosystem health where currently it does not meet these desired outcomes. I also note I have recommended two new objectives, Objective WH.10 and Objective P.O7, in my report for the Objectives topic which require no further decline of the health and wellbeing of TWT's lakes and rivers and TAoP's rivers. Therefore, if PC1 is implemented as intended there will be no decline in water quality and therefore an additional clause to prohibit a decline in water quality is unnecessary in my opinion. Accordingly, I recommend this submission is rejected.
64. I also note the submission from the Minister of Conservation³¹ supporting the intent of Policies WH.P2 and P.P2 and seeking amendments to be consistent with Policy 23 of the NZCPS, specifically a reference to reducing stormwater flows at source. As I am recommending deleting both WH.P2 and P.P2, as discussed above and because stormwater matters are covered by detailed policies later in the PC1 document, I recommend rejecting the Minister of Conservation submissions noted here.

³⁰ [S275.012] supported by WWL [FS39.105] opposed by Forest & Bird [FS23.706]

³¹ [S245.003] supported by Forest & Bird [FS23.465], opposed in part by WIAL [FS31.022], with a neutral/not stated stance from WMNZ [FS46.048] and [S245.019] supported by Forest & Bird [FS23.481])

3.4.2 Recommendations

65. I recommend that WH.P2 and P.P2 be deleted as shown in Appendix 4.
66. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.5 Issue 4: Policy WH.P4 and Table 8.5: Achievement of the visual clarity TAS

3.5.1 Analysis

General support

67. I note the submissions³² that support, and in some cases, specifically seek retention of Policy WH.P4 and Table 8.5. I support retention of this policy in a modified form in response to more detailed submissions discussed below. Accordingly, I recommend accepting in part those submissions that sought this policy be retained. For those that did not request an outcome or decision, I make no recommendation.

Timeframes

68. WCC³³, WWL³⁴, Kāinga Ora³⁵, UHCC³⁶ seek an extended timeframe or amendment of the 2040 timeframe to 2060. As for other submissions of this nature in this topic and the Objectives topic, my preference is to modify any targets that are likely to be unachievable rather than extend the timeframe, due to the risk of delayed action and uncertainty associated with long duration targets. The load reductions contained within Table 8.5 of this policy simply convert the suspended fine sediment TAS (also referred to as visual clarity in the policy heading) in Table 8.4 into an average annual load reduction. The evidence basis for their calculation is addressed in the evidence of Mr Blyth. I do not recommend extending the timeframe for the sediment load reductions as this would cause misalignment with the timeframe for the related visual clarity TAS, so my recommendation is these submissions are rejected.

³² Yvonne Weeber [S183.193] supported by MPHRCI [FS27.193] and [S183.194] supported by MPHRCI [FS27.194], Guardians of the Bays [S186.105] supported by MPHRCI [FS27.528]) and [S186.106](supported by MPHRCI [FS27.529], Guildford Timber, Silverstream Forest and Goodwin Estate [S210.026], Pareraho Forest Trust [S213.018], Fish and Game [S188.042] supported by Forest & Bird [FS23.1198], MPGC [FS21.047] and MPHRCI [FS27.1131], opposed by NZFFA [FS9.042], EDS [S222.037] supported by Forest & Bird [FS23.193] and MPHRCI [FS27.929], opposed by NZFFA [FS9.218], Forest & Bird [S261.065] supported by MPHRCI [FS27.684], opposed by NZFFA [FS9.392], Taranaki Whānui [S286.034] (supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.031] and Rangitāne [FS24.034]) and [S286.035] (supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.032] and Rangitāne [FS24.035])

³³ [S33.038] supported by WWL [FS39.241] and [S33.037] supported by WWL [FS39.240]

³⁴ [S151.075] opposed by Forest & Bird [FS23.1402] and [S151.076] supported by NZTA [FS28.141], opposed by Forest & Bird [FS23.1403]

³⁵ [S257.012 and S257.013]

³⁶ [S225.069] opposed by Forest & Bird [FS23.897]

Oppose WH.P4/Table 8.5

69. WWL³⁷ sought for policy WH.P4 and Table 8.5 to be withdrawn until further detail is added, noting their other relief sought for these provisions (referring to their submissions in this topic on extending timeframes and TAS for visual clarity and deposited sediment). I make no recommendation on this submission, on the basis it appears to summarise or duplicate other points made.
70. WFF³⁸ seeks the deletion of sub-clauses (a), (b) and Table 8.5, noting there is insufficient evidence to support the proposed reductions and that the national bottom lines are aspirational, including for Mākara and Mangaroa. WFF also note the baseline sediment loads are uncertain. The evidence which has informed the load reductions has been addressed by Mr Blyth, who supplements the earlier work with new evaluation that utilises a longer visual clarity/suspended fine sediment dataset (11 years rather than 5 years) and colour adjusted TAS for Mangaroa (from the evidence of Dr Valois). Mr Blyth partially agrees with the submitter that the mean annual load column in Table 8.5 is not suitable as the modelled loads may change over time. Mr Blyth confirms the percentage load reduction column, with his proposed amendments, is based on observed state of the environment monitoring data and while noting the applicable limitations he considers there is no scientific reason for deletion of the table due to evidence uncertainty. I adopt Mr Blyth's recommendations and have amended Table 8.5 with his new numbers, one of which indicates a materially lower load reduction is needed from that included in the notified version of this table (Te Awa Kairangi rural streams and rural mainstems). The reasoning for this lower load reduction is the change to accommodate the colour adjusted TAS for Mangaroa, which relates to the TAS setting, rather than the relationship between the TAS and the predicted load reduction. There are others that are the same or are marginally higher. I note the load reductions specified in Table 8.5 are those required to achieve the TAS from the baseline TAS i.e., the visual clarity state in the period 2012-2017. Mr Blyth has also recalculated these based on additional monitoring data from the 2019-2024 current state to understand whether the load reduction targets have changed. This is set out in Table 3 of his evidence. This shows the load reductions required are different if you look at current loads. Notably Takapū and Te Awa Kairangi at Boulcott are nearly met, Wainuiomata rural streams is met, and for Mākara the required load reduction has increased from 38% to 48%. I have included Mr Blyth's new load reduction targets from the baseline period (2012-2017) in my updated version of Table 8.5. I have also deleted the column Mr Blyth has indicated is unsuitable and adjusted the text in the policy itself to respond to these technical changes. Accordingly, I recommend accepting in part the WFF submission on the basis of the adjustments to the load reductions in response to the further technical work undertaken by Mr Blyth in response to this submission.
71. In response to WWL's³⁹ submission that sought WH.P4 and Table 8.5 be amended to set TAS for suspended fine sediment/visual clarity and deposited sediment by taking into consideration all contributing sediment sources, I note that WH.P4 does not set the

³⁷ [S151.075] opposed by Forest & Bird [FS23.1402] and [S151.076] supported by NZTA [FS28.141], opposed by Forest & Bird [FS23.1403]

³⁸ [S193.070] opposed by Forest & Bird [FS23.1026]) and [S193.071] opposed by Forest & Bird [FS23.1027]

³⁹ [S151.075] opposed by Forest & Bird [FS23.1402] and [S151.076] supported by NZTA [FS28.141], opposed by Forest & Bird [FS23.1403]

suspended fine sediment/visual clarity TAS. Objective WH.O9 sets the TAS in Table 8.4. WWL also sought clarification on how sediment load reductions will be measured in the future and how proportionate contributions to sediment generation and the necessary reductions, will be measured. My understanding is this policy is intended as an overarching policy applicable to all sediment generating activities in the whitua, which are then managed by more specific policies and rules for key sediment generating activities. Activity specific provisions that give effect to this policy are rural land use (i.e. farming), forestry and earthworks. I do not expect this policy will have a material effect on WWL's activities other than construction activities necessitating earthworks and hydrological control for stormwater discharges to reduce stream bank erosion, unless WWL is aware of other sediment risks associated with their interests.

72. In the case of earthworks, if the policy and rule expectations for earthworks are met (alongside the same for rural land use activities and forestry) then the load reductions in Table 8.5 are expected to be met. In the event there are other unanticipated activities that contribute materially to sediment loads in water within a part-FMU where a sediment reduction is needed to meet the suspended fine sediment/visual clarity TAS, then WH.P4 can be applied to any consent sought for such activity. In the case of an existing activity, a level of reduction akin to the overall reduction sought as noted in Table 8.5 for a part-FMU would be a reasonable approach in order demonstrate alignment with this policy. As the change sought by WWL to WH.P4 and Table 8.5 is essentially beyond the scope of these provisions as they do not set a visual clarity TAS, I make no recommendation.
73. WFF [S193.070]⁴⁰ seeks for the addition of a clause to Policy WH.P4 which directs sediment source studies to establish fit for purpose information and consideration of natural factors impacting clarity (e.g. Mangaroa peat and Pauatahanui soft-bottom substrate). These have been addressed by the Council's science team. Further sediment work has been undertaken and reported in the evidence of Mr Blyth. Dr Valois has addressed the natural factors impacting visual clarity in Mangaroa and adjustments have been made to the visual clarity TAS for the Te Awa Kairangi rural streams and rural mainstems part-FMU that have subsequently reduced the sediment load reductions required for this part FMU in WH.P4. The Pāuatahanui soft-bottom substrate is relevant to the load reduction required for the Takapū part-FMU covered by Policy P.P4. Dr Greer considers this at paragraphs 149-150 of his evidence and confirms there is no scientific basis for an adjustment to the TAS for natural factors impacting sediment here, or the associated sediment load reduction. On this basis, I recommend accepting in part this submission on the basis of the adjustment made for Mangaroa.
74. Dr Greer addresses⁴¹ the PF Olsen submission [S18.024 and S18.025] which raised concern that the TAS are not aligned with Clause 3.11(8) of the NPS-FM. I have nothing further to add in response to this submission. Accordingly, as no recommendations are suggested by Dr Greer, I recommend rejecting this submission.
75. NZFFA Wellington [S36.038] considers the suspended fine sediment (visual clarity) TAS for Mangaroa are inappropriate, due to naturally occurring input from a major peat swamp. The submitter also questions the target for Wainuiomata urban stream/Black Creek, noting it may also be subject to natural brown water. While this issue is primarily relevant to the

⁴⁰ Opposed by Forest & Bird [FS23.1026]

⁴¹ Paragraphs 183-185 of Dr Greer's evidence

Objectives report, I conclude here also that Mangaroa peat natural sources were not initially allowed for in respect of Mangaroa and should be, but this is not the case for Wainuiomata urban stream/Black Creek relying on the evidence of Dr Valois. Accordingly, I recommend accepting this submission in part, on the basis that the sediment load reduction in Table 8.5 for the Te Awa Kairangi rural streams and rural mainstems part-FMU containing the Mangaroa Stream has been adjusted to account of the peat swamp impact on the related visual clarity TAS.

Insufficient water quality monitoring

76. I note the CFG [S288.048]⁴² submission states they do not object to the aggregated outcome reflected at the water quality monitoring site, however they consider there is insufficient water quality monitoring in the wider sub-catchment to determine the primary cause of poor clarity and therefore considers the action to achieve the outcome may be mistargeted. I agree with the submitter that there needs to be an evidence case for regulating land use activities in part-FMUs. Regulation may be needed to 'maintain' water quality and in some locations, 'improve' it, depending on whether the TAS for the applicable part-FMU is met or not. Such regulation needs to be based on a link between the problem and the activity (or direct discharge) causing the effect which needs to be managed or changed. Policy WH.P4 does not target any specific activity or discharge in that it applies to all. However, it is intended as an overarching policy supported by more detailed activity specific policies applying to farming, forestry and earthworks. The case for which of these activities need to be managed and how to contribute 'their bit' to achieving the TAS, and the evidence basis for that, is a matter for the future hearing streams covering the policies and rules for rural land use, forestry and earthworks (Hearing Stream 3). On the basis that no change to PC1 was sought in this submission, I make no recommendation on it.

3.5.2 Recommendations

77. I recommend that WH.P4 and the associated table are amended as shown in Appendix 4.
78. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.6 Issue 5: Policy P.P4, Table 9.3 and Table 9.4: Contaminant load reductions

3.6.1 Analysis

General support

79. I note the submissions⁴³ that support, and in some cases, specifically seek retention of Policy P.P4 and Table 8.5. I support retention of this policy in a modified form in response to more detailed submissions discussed below. Accordingly, I recommend accepting in

⁴² Opposed by Forest & Bird [FS23.072]

⁴³ WCC [S33.085], Yvonne Weeber [S183.277] supported by MPHRCI [FS27.277], [S183.278] supported by MPHRCI [FS27.278] and [S183.279] supported by MPHRCI [FS27.279], Fish and Game [S188.076] supported by Forest & Bird [FS23.1232], MPGC [FS21.081] and MPHRCI [FS27.1165], opposed by NZFFA [FS9.076], PCC [S240.035] opposed by NZFFA [FS9.132]

part those submissions that sought this policy be retained. For those that did not request an outcome or decision, I make no recommendation.

Timeframes

80. In relation to the EDS [S222.082]⁴⁴ submission that seeks for the Table 9.3 timeframe to be amended to 2040 to address the urgency of freshwater and biodiversity issues, I note this timeframe is already included, so I recommend accepting this submission.
81. Forest & Bird⁴⁵ seek for the Table 9.3 targets to be set for 2030 or if not, interim states to be set at no longer than 10-year intervals. Additionally, Forest & Bird [S261.146]⁴⁶ seek the inclusion of a timeframe for Table 9.4. I do not support the requested date of 2030 as this would cause misalignment with the timeframes for the other water quality improvements sought by PC1. While an interim objective has been recommended in my section 42A report for the Objectives topic, I do not think this needs to be replicated here in the policies as the monitoring will occur in respect of the objectives. I agree with the submitter that it would be clearer for the timeframe to move from the policy text (between Tables 9.3 and 9.4) into Table 9.4 to match how this is presented in the case of the Table 9.3 sediment load reductions. Accordingly, I recommend accepting in part this submission.
82. WCC⁴⁷, WWL⁴⁸ and Kāinga Ora⁴⁹ seek an extended timeframe or amendment of the 2040 timeframe to 2060. I recommend these submissions are rejected for the reasons outlined above in paragraph 68 for similar submissions on the equivalent TWT policy.

Oppose P.P4 and Tables 9.3 and 9.4

83. WFF⁵⁰ seeks the deletion of the policy text and tables, noting that there is insufficient evidence to support the proposed reductions. There are two parts (and tables) within this policy. Table 9.3 contains the sediment load reductions to meet the specified 1mm/year (Onepoto Arm) and 2mm/year (Pāuatahanui Inlet) coastal sedimentation rate targets for Porirua Harbour⁵¹. Also included in Table 9.3 are metal load reductions to 'compensate' for the sediment reduction from an assumed increased concentration of metals that would arise with reduced sediments entering the Porirua Harbour. The second table (Table 9.4) in P.P4 is a freshwater sediment load reduction table which sets out the calculated load reduction needed to meet the only freshwater visual clarity improvement needed, which is for the Takapū part-FMU. The evidence basis for the coastal and freshwater load reductions have been revisited by the science team for the Council, which I summarise next.
84. In the case of the coastal sedimentation rate targets of 1mm/year for Onepoto Arm and 2mm/year for Pāuatahanui Inlet, this is addressed in the evidence of Dr Melidonis. There

⁴⁴ supported by Forest & Bird [FS23.238] and MPHRCI [FS27.974], opposed by Kāinga Ora [FS45.025], NZFFA [FS9.263] and WWL [FS39.018]

⁴⁵ [S261.144] supported by MPHRCI [FS27.763], opposed by NZFFA [FS9.471] and WWL [FS39.067] and [S261.145] supported by MPHRCI [FS27.764], opposed by NZFFA [FS9.472] and WWL [FS39.068]

⁴⁶ supported by MPHRCI [FS27.765], opposed by NZFFA [FS9.473] and WWL [FS39.069]

⁴⁷ [S33.086] supported by WWL [FS39.246] and [S33.087] supported by WWL [FS39.247]

⁴⁸ [S151.110] opposed by Forest & Bird [FS23.1437] and [S151.111] opposed by Forest & Bird [FS23.1438]

⁴⁹ [S257.042 and S257.043]

⁵⁰ [S193.122] opposed by Forest & Bird [FS23.1078]), [S193.123] opposed by Forest & Bird [FS23.1079] and [S193.124] opposed by Forest & Bird [FS23.1080]

⁵¹ Contained within Objective P.O3, Table 9.1

has been an adjustment noted by Dr Melidonis for these objectives to 2.7mm/year for Onepoto Arm and 3.2mm/year for the Pāuatahanui Inlet to accommodate natural state sedimentation, which I addressed in my section 42A report for the Objectives topic. These rates are now proposed to be less stringent as they are recommended to be ≤ 2.7 and ≤ 3.2 . Accordingly, this means the associated sediment load reduction would need to be reduced in Table 9.3 for Onepoto Arm and Pāuatahanui Inlet. Dr Melidonis considers options for a revised sediment load reduction in Table 9.3 but concludes that the inclusion of sediment load reduction targets here are unlikely to provide an accurate representation of the actual reduction required to achieve the sedimentation rate objectives. On this basis, I recommend removing the sediment load reduction content from Table 9.3, noting that it is not necessary for PC1 to contain this information as the key target is adequately represented by the sedimentation rate objective in Table 9.1 of P.O3.

85. Dr Melidonis also covers the related coastal metal load reduction targets in Table 9.3, as does Dr Wilson. As I understand it, these metal load reductions were originally included in PC1 on the basis that a risk had been identified with the harbour sediment load reductions required by PC1. The assumed risk then was metal concentrations could increase faster in the environment and cause adverse effects, as a result of successful implementation of the PC1 sediment reduction measures. These assumptions were revisited by the science team as part of preparing evidence for this hearing. Dr Wilson provides options for revising metal load reductions to fit the revised sedimentation rate objectives for Porirua. This included a rate of metal accumulation that did not increase from the current rate of metal accumulation, a more lenient accumulation number, and an option for removing the metal load reduction altogether, based on ecotoxicity findings. Ecotoxicology findings showed there would be no material additional cumulative ecotoxicity effects on aquatic life with metals increasing in the harbour as a consequence of sediment reduction. Accordingly, I consider there is no case for setting a load reduction target for metals based only on a goal of keeping the rate of accumulation of metals the same as the current rate to offset possible metal accumulation arising from sediment load reductions. That is, if the metal accumulates at a level that remains suitable for aquatic life, as stated by Dr Wilson, then there is no planning case to manage for these metal reductions purely on the basic goal to maintain their current rate of accumulation. It appears, while an increase in natural metal accumulation may arise with sediment reductions, it is not expected to cause environmental harm to a level supporting this consequential regulatory intervention. Accordingly, I recommend deleting the zinc and copper load reductions in Table 9.3, as indicated in Appendix 4. I note in my Objectives report I address revised coastal metal targets, utilising banded levels, rather than the notified PC1 maintain targets. I understand Dr Wilson's evidence is that these numbers will accommodate the natural accumulation, assuming that human sources (from stormwater, etc) are maintained as per the notified objectives – i.e. the stormwater management obligations from the coastal objectives (while redrafted) do not change.
86. Finally, the evidence basis for Table 9.4 (freshwater sediment load reduction) has been reviewed in the evidence of Mr Blyth. He recommends a minor adjustment that has the effect of slightly increasing the target suspended sediment load reduction needed to achieve the visual clarity TAS in the Takapū part-FMU. This is not a material change to a TAS setting, rather it is indicative of a slight worsening of the expected amount of suspended sediment reduction needing to be achieved, since the initial estimates were made.

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Accordingly, I recommend accepting in part the submission of WFF noted in paragraph 83 above.

87. WWL⁵² seeks the withdrawal of the tables until further details are added, noting their other relief sought around timeframes and the need for consideration of all contributing sediment sources. In the related contributing sediment source submission, WWL⁵³ sought P.P4 and Table 9.4 be amended to set TAS for visual clarity and deposited sediment by taking into consideration all contributing sediment sources. I note that P.P4 does not set the visual clarity TAS, that occurs in the objective, in this case Table 9.2 in Objective P.O6. I explain how the sediment reductions policy and table support the freshwater visual clarity TAS above (paragraph 71) in relation to the equivalent TWT policy and table. As the change sought by WWL to P.P4 and Table 9.4 is essentially beyond the scope of these provisions as they do not set a TAS, I make no recommendation.
88. In relation to the WFF [S193.122]⁵⁴ submission seeking the addition of a clause to Policy P.P4 which directs sediment source studies to establish fit-for-purpose information, I do not consider this would be a suitable policy amendment. A policy which directed further studies on relative sources and spatial-temporal patterns, including consideration of natural factors impacting clarity, and to help identify and prioritise catchments/actions is more akin to a non-regulatory method. Accordingly, I recommend rejecting this submission. Notwithstanding this, as noted above in paragraphs 83-86 response to another WFF submission point, the evidence base informing the technical content of this policy has been revisited and changes made.
89. In response to the Pukerua Property Group⁵⁵ and Land Matters⁵⁶ submissions, which consider the use of stormwater control to effectively manage or prevent land use is inconsistent with integrated management principles of the RMA and seek the deletion of Policy P.P4 or the removal of avoidance principles to have the same effect/guidance of the NRP before PC1. While this submission is somewhat unclear in the context of this policy, I expect it may have arisen because of the coastal metal load reductions it covered. I recommend removing these in response to another submission and the Council's technical evidence as addressed in paragraph 85 above. While this may address the submitters' concerns with this policy to some extent, it is not expected to alter the case for stormwater management controls in PC1 needed to maintain metal loads in coastal sediment and/or to meet freshwater TAS. The case (or otherwise) for the stormwater avoidance policies and rules will be dealt with in Hearing Stream 4 as part of the stormwater topic. On this basis of the recommended removal of the metal load reductions from Table 9.3, I recommend accepting this submission in part.
90. The PF Olsen⁵⁷ submission is the same as that addressed above in paragraph 74, so my recommendation to reject this submission is for the same reasons provided there.

⁵² [S151.111] opposed by Forest & Bird [FS23.1438] and [S151.112] supported by NZTA [FS28.169], opposed by Forest & Bird [FS23.1439]

⁵³ [S151.112] supported by NZTA [FS28.169], opposed by Forest & Bird [FS23.1439]

⁵⁴ Opposed by Forest & Bird [FS23.1078]

⁵⁵ [S241.024] supported in part by Land Matters [FS13.025 and FS13.047]

⁵⁶ [S243.012]

⁵⁷ [S18.048, S18.049 and S18.050]

91. The Minister of Conservation⁵⁸ supports the intent of Policy P.P4, however seeks for it to be amended for consistency with Policy 23 of the NZCPS. I discussed a similar submission in paragraph 54 previously. The situation is the same here, in that Policy P.P4 indicates the sediment load reduction needed to meet visual clarity outcomes. The methods and specific policies which outline the actions needed from land use and discharges, i.e. the matters prescribed in Policy 23 of the NZCPS, are provided by the more specific policies and rules related to activities, i.e. the topic specific policies and rules to be covered in future hearing streams. I therefore recommend rejecting the submission from the Minister of Conservation.
92. The NZTA⁵⁹ submission relating to the provisions for reducing contaminant loads, which raises concern about feasibility and costs is the same as one addressed in my section 42A report for the Objectives topic. Changes to the coastal objectives for metals are recommended to make these clearer in the context of consents for discharges of stormwater from roads, where they directly discharge to the coast. Notwithstanding this, I recommend removing the metal load reductions from Table 9.3 in response to another submission and the Council's technical evidence as addressed in paragraph 85 above. While this may address the submitters' concerns with this policy to some extent, it is not expected to negate the need for some stormwater management controls in PC1 to maintain metal levels and avoid significant localised adverse effects of metal loads in coastal sediment. The case (or otherwise) for the stormwater avoidance policies and rules will be dealt with in Hearing Stream 4 as part of the stormwater topic. On the basis of the recommended removal of the metal load reductions from Table 9.3, I recommend accepting this submission in part.
93. I note the submission of CFG⁶⁰ seeks clarification on whether "land use" includes urban land use. The simple answer is land use includes urban land use. In relation to the sediment load reduction, the key issue (that is managed by activity specific policies and rules) is earthworks for the establishment of urban land use. Once constructed, urban land use is not a high generator of sediment. The metal load reductions in Table 9.3, which I recommend removing, removes one aspect for metals to be managed under my proposed changes to P.P4. However, the freshwater TAS and the coastal objectives for metals (copper and zinc targets) remain. I do not consider further changes to P.P4 are needed and none were expressly sought, so on this basis, I make no recommendation on this submission.

3.6.2 Recommendations

94. I recommend that P.P4 and the associated tables are amended as shown in Appendix 4.
95. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 6.

⁵⁸ [S245.020] supported by Forest & Bird [FS23.482]



⁵⁹ [S275.013] supported by WWL [FS39.106], opposed by Forest & Bird [FS23.707]

⁶⁰ [S288.089] opposed by Forest & Bird [FS23.113]

3.6.3 Issue 6: Not applicable to whitua

3.6.4 Analysis

96. There are several region-wide provisions within the operative NRP which, as proposed through PC1, will no longer be applicable to TWT and TAoP. PC1 indicates which provisions will no longer apply to the whitua through two mechanisms:

- the application of the  icon for TWT and the  icon for TAoP
- the addition of a 'note' within a provision explaining which parts of a provision no longer apply to one or both of these whitua

97. I addressed some similar submission points on the 'not applicable to whitua changes, namely those submissions identified by Council staff as being out of scope or partially out of scope in the Overarching topic in Hearing Stream 1. This report addresses submissions on the 'not applicable to whitua icons inserted on Policies P30, P36, P45, P65 and P77. Scope issues do not arise in these submissions, however in some cases, submissions supporting a policy impacted by an icon are not always clear whether they intended their support to relate to retaining the wording of the policy subject to the icon, or its deletion from these whitua. I have set out the submissions for this topic along with my recommendations and reasons in Table 2 below.

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Table 2 Submissions and recommendations for 'not applicable to TWT and TAoP' icons and notes

Provision	Nature of PC1 change	Submission summary	Impact of requested change and recommendation
Policy P30	Amendment to clause (b) to reference Objectives within Chapters 8 and 9 in addition to existing objectives in Tables 3.4, 3.5, 3.6, 3.7 and 3.8 of objective O19 of the operative NRP. The amendment has the effect of applying the policy within TWT and TAoP in relation to water quality matters.	<p><u>General support</u> Lynn Cadenhead [S22.016] and Guildford Timber, Silverstream Forest and Goodwin Estate [S210.017] support Policy P30 and seek that it is retained as notified. Yvonne Weeber [S183.096] (supported by MPHRCI [FS27.096]), Guardians of the Bays [S186.043] (supported by MPHRCI [FS27.466]) and Fish and Game [S188.020] (supported by Forest & Bird [FS23.1176], MPGC [FS21.025] and MPHRCI [FS27.1109], opposed by NZFFA [FS9.020]) support Policy P30 with no reasons stated or decision sought.</p> <p><u>Retain application to whitua</u> WIAL [S101.031] (opposed by Forest & Bird [FS23.1284]) seeks the deletion of the proposed note in Policy P30 which excludes the application of the objective and Tables 3.7 and 3.8 to Whaitua Te Whanganui-a-Tara, should their relief sought for Chapter 8 of the NRP not be accepted, WIAL [S101.001] (opposed by Forest & Bird [FS23.1254]) also opposes the exclusion of Policy P30(b) as it relates to Whaitua Te Whanganui-a-Tara and seeks for its applicability to the whitua to be retained, should their relief sought for Chapter 8 of the NRP not be accepted.</p>	<p>I acknowledge the submissions of Lynn Cadenhead and Guildford Timber, Silverstream Forest and Goodwin Estate in support of Policy P30 and seeking it be retained as notified. I recommend accepting these submissions. I make no recommendation on the submissions from Yvonne Weeber, Guardians of the Bays and Fish and Game as no decisions were sought. With regard to WIAL's submission, I am unclear what 'note' the submitter is referring to as there is no such note proposed for Policy P30. PC1 does not relate to natural wetlands and so Table 3.7 remains applicable to TWT.</p> <p>In terms of Table 3.8, I have also recommended many amendments in response to submissions on the coastal objectives of PC1 in my section 42A report for the Objectives topic in response to submissions, which I have noted there is preferable to abandoning the new numeric objectives entirely. The effect of the amendment to Policy P30 is to simply reflect the addition of whitua-specific objectives in Chapters 8 and 9 which are now relevant to the application of Policy P30. It does not exclude clause (b) from TWT. It is the application of the icon next to the relevant table that determines whether or not the table applies to the whitua, and where it no longer applies the relevant objectives of Chapters 8 and 9 will be applied. I expect the policy will be applied as relevant to the particular location and</p>

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Provision	Nature of PC1 change	Submission summary	Impact of requested change and recommendation
			this, coupled with the application of the icon to Tables 3.4, 3.5, 3.6 and 3.8 makes it clear when the tables referenced in the policy will apply. I recommend rejecting the relief sought by WIAL.
Policy P36	The policy sets direction for the restoration of Te Awarua-o-Porirua, Wellington Harbour (Port Nicholson) and Wairarapa Moana. PC1 amends the policy title and chapeau to remove the application of the policy to Te Awarua-o-Porirua Harbour and Wellington Harbour (Port Nicholson)	<p><u>General Support</u> Yvonne Weeber [S183.097] (supported by MPHRCI [FS27.097]) and Guardians of the Bays [S186.044] (supported by MPHRCI [FS27.467]) support the policy with no reasons stated or decision sought.</p> <p><u>Include Wellington Harbour</u> Sofia Holloway [S13.002] seeks the inclusion of Wellington Harbour (Port Nicholson) in Policy P36, requesting it be amended to the following wording: <i>Policy P36: Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana</i> <i>The ecological health and significant values of Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana will be restored including by:</i></p> <p><u>Retain application to whaitua</u> Should WIAL's [S101.032] (opposed by Forest & Bird [FS23.1285]) relief sought for Chapter 8 of the NRP not be accepted, WIAL opposes the exclusion of Policy P36 to Wellington Harbour, and seeks for the proposed amendments to be deleted.</p>	<p>I make no recommendation on the submissions from Yvonne Weeber and Guardians of the Bays as no decision is sought.</p> <p>I recommend rejecting the relief sought by Sofia Holloway and WIAL on the basis there are whaitua-specific provisions which collectively contribute to the management of the ecological health and significant values of the waterbodies in the whaitua. Retaining the applicability of Policy P36 would duplicate the new provisions.</p>

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Provision	Nature of PC1 change	Submission summary	Impact of requested change and recommendation
Policy P45	Amendment to clause (a) of the policy to include reference to Table 8.4 of Objective WH.O9 and Table 9.2 of Objective P.O6, such that the effects of use and development in and around rivers with important trout habitat (Schedule I of the operative NRP) are managed to maintain or improve water quality in accordance with these objectives.	<p><u>General Support</u> Fish and Game [S188.021] (supported by Forest & Bird [FS23.1177], MPGC [FS21.026] and MPHRCI [FS27.1110], opposed by NZFFA [FS9.021]) supports the policy with no reasons stated or decision sought.</p> <p><u>General oppose</u> Yvonne Weeber [S183.098] (supported by MPHRCI [FS27.098]) opposes the policy, noting that trout are an invasive introduced species.</p>	<p>I make no recommendation on the submissions in general support of Policy P45 as no decision is sought by these submitters.</p> <p>In relation to Yvonne Weeber's submission I note Policy P45 is an existing policy in the operative NRP and the only change that is proposed through PC1 is the inclusion of references to Tables 8.4 and Table 9.2 to clarify that these whitua-specific objectives also apply to this policy. In any case, Policy 10 of the NPS-FM directs the protection of trout habitat where this is consistent with the protection of habitats of indigenous freshwater species (Policy 9 of the NPS-FM) i.e. the priority is the protection of habitats of indigenous freshwater species, but there is also a requirement to protect the habitat of trout. Ms Weeber has not sought any specific relief in relation to this submission point and on this basis, I make no recommendation.</p>
Policy P65	Policy will no longer apply to Whaitua-Te-Whanganui-a-Tara or Te Awarua-o-Porirua Whaitua.	Yvonne Weeber [S183.078] (supported by MPHRCI [FS27.078]) and Guardians of the Bays [S186.032] (supported by MPHRCI [FS27.455]) support the policy with no reasons stated or decision sought.	<p>I make no recommendation on these submissions as no decision was sought by the submitters.</p> <p>However, I note that while this policy is listed on page 21 of the plan change document as no longer applying to the whitua, it has not been included in the list of provisions in Appendix 1 of the plan change document, where the 'not applicable' icons are shown for other similar provisions. I understand this was an omission at the time of notification. I therefore recommend an amendment to apply the TWT and TAoP 'not applicable' icons to Policy P65, which was clearly the Council's intention as shown on page 21 and</p>

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Provision	Nature of PC1 change	Submission summary	Impact of requested change and recommendation
			have noted this as a Clause 16 amendment in my Appendix 4.
Policy P77	Policy will no longer apply to Whaitua-Te-Whanganui-a-Tara or Te Awarua-o-Porirua Whaitua. The icons have been applied to the policy as shown in Appendix 1 of the plan change document.	<p><u>General support</u> Yvonne Weeber [S183.085] (supported by MPHRCI [FS27.085]) supports the policy with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u> Should WIAL's [S101.026] (opposed by Forest & Bird [FS23.1279]) relief sought for Chapter 8 of the NRP not be accepted, WIAL opposes the exclusion of Policy P77 as it relates to Whaitua Te Whanganui-a-Tara, and seeks for its applicability to the whaitua to be retained. WFF [S193.035] (supported by Meridian [FS47.139], opposed by Forest & Bird [FS23.991]) seeks for the policy to be retained for all whaitua.</p>	<p>I make no recommendations on the submissions in general support of the policy as no decision was sought by the submitters.</p> <p>I recommend rejecting the relief sought by WIAL and WFF because this policy, which covers 'improving water quality for contact recreation and Māori customary use' will duplicate and conflict with the whaitua-specific objectives covering human health parameters (i.e. E.coli and enterococci) proposed through PC1. These also seek to maintain or improve water quality for contact recreation and Māori customary use. I have recommended a number of amendments to the objectives and the TAS in my section 42A report for the Objectives topic in response to submissions and on this basis I see no need to revert to this existing policy.</p>

3.6.5 Recommendations

98. I recommend a Clause 16 amendment to Policy P65 to make sure both the TWT and TAoP icons proposed under PC1 appear on this policy in line with the list on page 21 of PC1, as shown in Appendix 4.
99. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 6.

4.0 Conclusions

100. A range of submissions have been received in support of, and in opposition to the provisions relating to Ecosystem Health and Water Quality policies topic of PC1.
101. After considering all the submissions and reviewing all relevant statutory documents, I recommend that PC1 should be amended as set out in Appendix 4 of this report.
102. I consider that the amended provisions will be the most appropriate, for the reasons set out in the Section 32AA evaluations undertaken.

Recommendations:

103. I recommend that:
 - 103.1. PC1 is amended in accordance with the changes recommended in Appendix 4 of this report; and
 - 103.2. The Hearing Panels accept, accept in part, reject or make no recommendation on the submissions (and associated further submissions) as outlined in Appendix 5 of this report.

These appendices can be found on the Greater Wellington Regional Council public website along with the section 42A report.

Appendix 1: Table of Provisions within Ecosystem Health and Water Quality policies topic and supporting information

Appendix 2: Description of matters raised by Submitters

Appendix 3: Assessment of the categorisation of provisions in the Freshwater Planning Instrument provisions

Appendix 4: Recommended amendments to provisions and section 32AA evaluation of recommended amendments to provisions

Appendix 5: Table of Recommendations on Submissions