

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

Section 42A Hearing Report Hearing Stream 2

Topic: Objectives

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

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Report Date: 28 February 2025

Hearing Date: 7 - 17 April 2025

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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 Objectives, with the exception of objectives WH.O4 and P.O4 relating to nationally threatened freshwater species, which were covered previously in Hearing Stream 1.
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 609 submission and 751 further submission points were received and categorised to the 'Objectives' topic. The submissions on this topic, which are summarised in Appendix 2, were wide ranging from rewording of provisions, to technical matters, such as target attribute states (TAS) settings, plus concerns relating to the achievability of the outcomes sought. The following key issues are raised in submissions and are covered by this report:
 - Support for objectives
 - Concern/opposition due to achievability of objectives
 - Lack of robustness of evidence to support objectives
 - Reliance on 'broad brush' modelling
 - No data which identifies contributing sources (e.g. sediment/*E.coli* sources)
 - Lack of baseline states for coastal water objectives
 - Requests for additional water quality/ecosystem health parameters for coastal water objectives
 - Lack of baseline states for freshwater objectives
 - Requests to strengthen target attribute states (TAS) and include additional attributes
 - Requests that TAS be less restrictive/onerous
 - Concern TAS have not been set in accordance with the National Policy Statement for Freshwater Management 2020 (NPS-FM)
 - Timeframe for meeting TAS
 - Concern with the limited number of TAS sites and mapping of part Freshwater Management Units (part-FMUs)
 - Concern that TAS have been set without regard for natural factors (e.g. clarity)
 - Drafting of objectives – drafting should be more/less directive and a range of specific requests for amended drafting
4. Other issues raised by submitters in relation to this topic are also covered in this report, along with a range of consequential amendments that have arisen in responding to submissions.

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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.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents along with the technical evidence prepared by the Council's specialists, I recommend that PC1 be amended as set out in Appendix 4 of this report. The following key changes to the objectives are recommended:
 - Wording changes to the long term (2100) wai ora objectives WH.O1 and P.O1 to include recognition of social and economic use benefits. Also included is clarification that 'wai ora' is not expected to be achieved through the PC1 'generational' (2040) provisions or applied to resource consent processes.
 - Wording changes to the narrative 2040 freshwater outcome objectives WH.O2 and P.O2 to better link with the community and mana whenua values identified through the Whaitua Implementation Programmes (WIPs) for these whaitua. In addition, acknowledgement of the fishing, kayaking, rafting and social and economic use benefits has been added in response to gaps or values identified through submissions.
 - For the coastal objectives WH.O3 and P.O3, I recommend wording changes to clarify the narrative aspects of these objectives. For the tables, I recommend a number of changes including:
 - adding existing state data to indicate the baseline state, where this is currently available;
 - removal of the benthic marine invertebrate density and phytoplankton parameters from Table 8.1, and moving the enterococci targets into a separate table listing the specific bathing sites for application of enterococci targets;
 - reducing the stringency of some enterococci targets where I consider the targets are unaffordable and impractical to achieve within the 2040 time period;
 - changing the annual sedimentation rate targets for the Onepoto Arm and Pāuatahanui Inlet within Te Awarua-o-Porirua Harbour to discount the natural sediment rate, which has the effect of reducing the stringency of these targets.
 - For the lakes objective WH.O5, duplication between the narrative text and the numeric targets included within Table 8.2 with regard to submerged plants has been removed.
 - For the groundwater objectives WH.O6, WH.O7 and P.O5, drafting has been revised to make it clear that improvements are only required where waterbodies are degraded. A new clause has been added relating to enabling social and economic use benefits, where the other imperatives are not compromised. Both of these are necessary to reflect the direction of the NPS-FM.
 - For the freshwater primary contact site objective WH.O8 (Table 8.3), existing state data has been inserted to replace references to 'insufficient data'. Related to this,

I have recommended changes to the primary contact site definition and rationalising the duplication between this PC1 content and Schedule H (Contact recreation and Māori customary use) of the NRP.

- Wording changes have been made to the rivers TAS objectives WH.O9 and P.O6 to remove reference to Schedule B (Ngā Taonga Nui a Kiwa) within these objectives as this existing schedule in the NRP includes sites and values beyond just those relevant to freshwater and ecosystem health. This change is complemented by changes which set out relevant priorities for freshwater improvements to assist with prioritising improvements to wastewater and stormwater networks. Clarification is included in my text amendments to indicate the nature and application of the TAS objectives to resource consent processes for activities and discharges.
 - For the TAS tables which support WH.O9 and P.O6 (Tables 8.4 and 9.2) there are a number of substantive changes including:
 - existing state data has been inserted to replace references to 'insufficient data', where this is currently available;
 - removal of the fish community health and ecosystem metabolism TAS throughout, based on there being no existing data or accepted guidelines for measuring these;
 - removal of the part-FMU default TAS columns on the basis they duplicate text in the objectives that states the required maintenance or improvement (where TAS are not met) is required throughout the part-FMUs, not just at the monitoring point site;
 - reducing the stringency of the *E.coli* TAS in some part-FMUs where I consider the targets are unaffordable and impractical to achieve within the 2040 time period;
 - adjusting some TAS where noted by Dr Michael Greer (freshwater ecologist) as being a change that could be justified for scientific reasons, specifically where 'input TAS' were not aligned with 'end point TAS' outcomes (i.e., macroinvertebrate outcomes), and to accommodate natural sources that affect visual clarity and other anomalies.
 - New narrative interim target objectives WH.10 and P.O7 are added for each whaitua, setting out a 'no further decline' imperative by 2030.
7. I have also undertaken a section 32AA evaluation for the amendments I have recommended, and this is included in Appendix 4.
8. For the reasons outlined in the section 32AA evaluation in Appendix 4 and outlined in this report, I consider that the proposed objectives and tables, with the recommended amendments, are the most appropriate provisions.

Interpretation

9. 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 [Proposed-Plan-Change-1-to-the-Natural-Resources-Plan-List-of-Abbreviation-of-Terms-and-Submitter-Names-.pdf /](#)

1.0 Introduction

1.1 Purpose

10. 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 received by the Council in relation to the Objectives topic² 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.
11. This report should be read in conjunction with the Officer's report 'Overarching' 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 PC1³.

1.2 Scope of this Report

12. 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 (FPI). These provisions are marked in the PC1 document with the freshwater icon.
 - The standard plan-making process in Part 1, Schedule 1 (P1S1).
13. This report addresses submission points and provisions under both the FPP and P1S1 processes.
14. 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

15. My name is Mary Elizabeth O'Callahan and I am employed by GHD Ltd, a multi-disciplinary consultancy. I hold a Bachelor of Science degree from Victoria University and a Bachelor of Planning degree from Auckland University. I am a full member of the New Zealand Planning Institute (NZPI) and an accredited RMA hearing commissioner.
16. I have 30 years of experience in resource management and planning. My experience comprises 10 years in local government policy planning and resource consent planning work and 20 years in private sector working predominantly for local government clients and infrastructure providers. During this time, I have undertaken a mixture of policy planning and resource consent planning work.

² The objectives topic covers all PC1 objectives other than objectives WH.O4 and P.O4 relating to nationally threatened freshwater species which was covered previously in Hearing Stream 1, within Sam O'Brien's 'Schedules and Threatened Species' section 42A report

³ <https://www.gw.govt.nz/assets/Plans-policies-bylaws/PNRP/Hearing-Documents/HS1/Overarching/Section-42A-Hearing-Report-Overarching-Matters.pdf>

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17. I have been involved in the development of the provisions for PC1 and the Section 32 evaluation report. My role in the development of PC1 was supporting the chapter leads with planning guidance and mentoring as sought, and peer reviewing the deliverables that the team comprising Council staff and contractors/consultants produced. This included review of Council committee papers, the plan change provisions and section 32 report as these were being developed. Review of deliverables was also undertaken by senior Council staff. My role did not include decision making on the plan change or section 32 content.
18. I also carried out review of submission summary work undertaken by my GHD colleagues and assisted the Council with online meetings to explain the plan change to various sector groups at the time of notification.
19. I am familiar with the NRP as both a plan user for consent applications I'm involved with on behalf of consent applicants, and from my previous work for the Council as the mediation lead for the appeals received on the NRP, prior to it becoming operative.
20. 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.
21. The scope of my evidence relates to submissions on the objectives of PC1, except for objective WH.O4 and P.O4 which were addressed in Hearing Stream 1. Other than 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.
22. 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.
23. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.4 Supporting Evidence

24. 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 briefs of technical evidence:
 - Mr James Blyth, water scientist - suspended sediment and visual clarity
 - Dr Amanda Valois, freshwater scientist - coloured dissolved organic matter
 - Dr Michael Greer, freshwater scientist - ecosystem health and human health
 - Dr Peter Wilson, coastal scientist - ecotoxicology
 - Dr Peter Wilson, coastal scientist - human health
 - Dr Megan Melidonis, coastal scientist - ecosystem health
 - Mr David Walker, economic impact

1.5 Key Issues

25. A number of submitters raised issues with the range of provisions relating to Objectives. A total of 609 submission and 751 further submission points were received on the provisions relating to this topic.
26. The following issues arise through the submissions on provisions covered by this report:
- Support for objectives
 - Concern/opposition due to achievability of objectives
 - Lack of robustness of evidence to support objectives
 - Reliance on 'broad brush' modelling
 - No data which identifies contributing sources (e.g. sediment/*E.coli* sources)
 - Lack of baseline states for coastal water objectives
 - Requests for additional water quality/ecosystem health parameters for coastal water objectives
 - Lack of baseline states for freshwater objectives
 - Requests to strengthen TAS and include additional attributes
 - Requests that TAS be less restrictive/onerous
 - Concern TAS have not been set in accordance with NPS-FM
 - Timeframe for meeting TAS
 - Concern with the limited number of TAS sites and mapping of part Freshwater Management Units (part-FMUs)
 - Concern that TAS have been set without regard for natural factors (e.g. clarity)
 - Drafting of objectives – drafting should be more/less directive and a range of specific requests for amended drafting
27. This report addresses these key issues. Other issues raised by submitters in relation to this topic are also covered in this report, along with a range of consequential amendments that have arisen in responding to submissions.

2.0 Statutory Considerations

28. 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 here⁴. However, it is necessary to provide the Hearing Panels with more detailed information with regard to how the provisions within the Objectives topic give effect to national direction, specifically the NPS-FM.

⁴ [Section-42A-Hearing-Report-Overarching-Matters.pdf](#), pages 2-9

2.1 National Policy Statement for Freshwater Management 2020

29. The Overarching S42A report, at paragraphs 22-31, sets out the Council's obligations to give effect to the NPS-FM in some detail. I do not repeat that here, but instead highlight how the NPS-FM is given effect within the 'Objectives' topic of PC1.
30. The Objectives topic of PC1 is a key component of giving effect to the National Objectives Framework (NOF), addressing clauses 3.9-3.11 and 3.13 of the NPS-FM. The following sub-sections set out how this part of the plan change gives effect to these clauses of the NPS-FM. The remaining clauses (3.12, 3.14-3.17) will be addressed by other topics in PC1 and will be detailed in future hearings.

Clause 3.9 Identifying values and setting environmental outcomes as objectives

31. Freshwater values were identified in the documents produced by the Whaitua Te Whanganui-a-Tara (TWT) and Te Awarua-o-Porirua (TAoP) Whaitua Committees and informed the objectives (environmental outcomes) of PC1, as follows:
 - Objectives WH.O1 and P.O1 set long-term environmental outcomes for each whaitua
 - Objectives WH.O2 and P.O2 set narrative generational (i.e. to 2040) environmental outcomes for groundwater, rivers (and lakes for TAoP) and wetlands within each whaitua
 - Objectives WH.O3 and P.O3 set outcomes for coastal water
 - Objective WH.O5 set narrative environmental outcomes (and TAS) for Parangarahu Lakes and associated wetlands within TWT.
32. More detail on the intent of these objectives is provided in section 2.1, Part C of the PC1 section 32 report⁵.

Clause 3.10 Identifying attributes and their baseline states, or other criteria for assessing achievement of environmental outcomes

33. PC1 includes objectives WH.O6, WH.O7 and P.O5 which set performance outcomes for groundwater flows, levels, and water quality to achieve the environmental outcomes. These are supported by numeric water allocation policies and rules in PC1 (TAoP), and existing NRP water allocation provisions (TWT).
34. Informed by the TWT and TAoP WIPs, PC1 identifies ecosystem health and water quality target attribute states for each whaitua. The TWT WIP set TAS for rivers and lakes for all Appendix 2A and Appendix 2B attributes identified in the NPS-FM 2020 relevant to the waterbodies in these whaitua, except ecological metabolism. Due to the timing of the TAoP WIP, the river attributes identified for TAoP were based on the NPS-FM 2017 NOF attributes and freshwater objectives were set rather than target attribute states.
35. Both the TWT and TAoP WIPs identify dissolved copper and dissolved zinc as attributes (which are not required by the NPS-FM 2020) as they act as proxies for some of the other contaminants found in urban areas and pose the greatest toxicity risk in freshwater and

⁵ <https://www.gw.govt.nz/assets/Documents/2023/10/Proposed-Plan-Change-1-Section-32-report.pdf>

marine environments that are impacted by urban stormwater. PC1 included dissolved copper and dissolved zinc as target attribute states.

36. The NPS-FM requires the Council to identify the baseline state for each attribute. The concept of baseline state has been defined in the NPS-FM, as follows:

***baseline state**, in relation to an attribute, means the best state out of the following:*

(a) the state of the attribute on the date it is first identified by a regional council under clause 3.10(1)(b) or (c)

(b) the state of the attribute on the date on which a regional council set a freshwater objective for the attribute under the National Policy Statement for Freshwater Management 2014 (as amended in 2017)

(c) the state of the attribute on 7 September 2017

37. For rivers in TWT and TAoP, the baseline state for all the compulsory attributes is the state of the attribute on 7 September 2017 because the Council had not set freshwater objectives under previous versions of the NPS-FM.
38. For copper and zinc, the baseline state was the better of the state of the attribute on 7 September 2017 and when the attribute was first identified, the latter being the time the WIPs were produced (i.e., 2019 and 2021 for TAoP and TWT respectively).
39. The ability to calculate baseline states varies across attributes and across TAS sites. Where information was available, the Council used the best available information (as required by clause 1.6 of the NPS-FM) to set baseline states. There were three baseline state setting scenarios:
- Where the Council held long term monitoring records, baseline state was calculated using monitoring data that met the data requirements of the NPS-FM:
 - Where the Council held limited data, baseline state was based on the best information available at that time. There were two circumstances here:
 - baseline state was calculated from monitoring data, but the monitoring record was too short and did not meet the data requirements of the NPS-FM.
 - baseline state was calculated from modelled data.
 - Where the Council held insufficient data, baseline state could not be calculated. This occurred in three circumstances:
 - where the proposed TAS site was not in the same place as an existing monitoring site.
 - where the TAS site was an existing monitoring site, but not all attributes were monitored at that site
 - where the attribute was a new attribute that the Council had not monitored before (i.e., ecosystem metabolism).

40. Table B4 in the section 32 Report⁶ set out how the baseline state for each river attribute was set for each part FMU.
41. For the Parangarahu Lakes in TWT, the section 32 report confirms that the Council undertook an updated assessment of the baseline/current state of the lake attributes following the TWT whitua process. Water quality monitoring data for the lakes is scarce so the Council used all available data to inform the baseline state. Baseline state is therefore effectively the current state. The exception to this was the aquatic plant attributes, for which a 2016 baseline state could be determined in the TWT WIP because both lakes had been assessed on several occasions following appropriate methods. While all available data was used to establish baseline states, the section 32 report notes the limitations of the lakes data in meeting the NPS-FM requirements⁷.
42. There are 10 freshwater primary contact sites⁸ which are intensively monitored by the Council through the summer bathing period and this monitoring data has been used to calculate the baseline states for these sites as at 7 September 2017, except for 2 sites⁹ which were established after that date. All the sites are within TWT and were confirmed by Council officers after completion of the TWT WIP. The TAO P WIP did not identify any freshwater primary contact sites and there are no identified freshwater primary contact sites within this whitua that the Council monitors through the summer bathing period.
43. PC1 does not include the current state for each attribute, but this was identified and documented in each of the Whitua processes. Current state information is regularly updated and available on the Council's website¹⁰.

Clause 3.11 Setting target attribute states

44. The TWT and TAO P WIPs set banded objectives for the relevant NOF attributes at the time they were developed. These objectives were the starting point for the TAS tables in PC1¹¹. Each TAS was set at a site.

Identifying TAS sites

45. The TWT and TAO P WIPs identified smaller spatial units within the whitua and set numeric objectives (similar to target attribute states) applying to all waterbodies within those smaller spatial units. For the development of PC1, the section 32 report confirms that the Council undertook a technical work programme to identify TAS sites and delineate part FMUs. The TAS site selection was a refinement of the existing monitoring network. PC1 also identifies additional *E.coli* TAS sites at primary contact sites.

⁶ [Proposed-Plan-Change-1-Section-32-report.pdf](#), Part B, pages 43-48.

⁷ [Proposed-Plan-Change-1-Section-32-report.pdf](#), Part B, page 37.

⁸ Pākuraahi River at Hutt Forks, Pākuraahi River at Kaitoke Campground, Akatarawa River at Hutt Confluence, Hutt River at Birchville, Hutt River at Māoribank Corner, Hutt River at Poets Park, Hutt River upstream Silverstream Bridge, Hutt River at Taita Rock, Hutt River at Melling Bridge, Wainuiomata River at Richard Prouse Park

⁹ Hutt River at Taita Rock and Pākuraahi River at Kaitoke Campground

¹⁰ <https://www.gw.govt.nz/environment/environmental-data-and-information/water-monitoring/>

¹¹ Table 8.2, Table 8.3, Table 8.4, and Table 9.2.

Setting TAS for rivers in PC1

46. The section 32 report sets out the process the TWT and TAoP Committees followed for setting freshwater objectives for rivers and for brevity is not repeated here¹². However, it is important to note that the work of the Committees has underpinned the final TAS in PC1. The committees set numeric objectives, similar to TAS, which were adopted in PC1, where available, and used as the basis to develop the full set of TAS in accordance with the NPS-FM. Further technical work was undertaken which resulted in some minor departures from and additions to the WIP numeric objectives. This technical work and the minor changes and additions to the numeric objectives is summarised in the section 32 report¹³.
47. Table B4 of the section 32 report provides a summary of how both baseline states and TAS were set for river attributes in PC1.¹⁴

Setting TAS for Lakes in PC1

48. For the Parangarahu Lakes, the TWT WIP included direction from the Rōpū Tiaki, a group that jointly manages the lakes with representatives from Greater Wellington and Taranaki Whānui. The section 32 report confirms that the TWT WIP was used as the basis of the TAS set for the lakes.

Setting coastal water objectives in PC1

49. While the NPS-FM only requires objectives to be set for freshwater, clause 3.11 requires Councils to have regard to the environmental outcomes and TAS of any receiving environments and the connection of waterbodies to receiving environments. On this basis, freshwater objectives must be set to achieve any relevant coastal objectives. Both the TWT and TAoP committees set coastal water objectives, given the importance of coastal water receiving environments to mana whenua and the community, and the potential impacts of contaminants received from freshwater bodies and surrounding land uses.
50. The section 32 report sets out the process the two whitua committees took to identify coastal water objectives¹⁵. Further technical work was carried out as part of the plan change development process which resulted in the 'Percentages of exceedances over 500 Enterococci per 100ml' statistic not being included in PC1 as it was found to be inappropriate for use in the plan change. This work also confirmed a precautionary approach to maintaining zinc and copper concentrations in harbour sediments.

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

51. I provided an overarching summary of how the RPS and Proposed Change 1 to the RPS relate to PC1 in my section 42A report for Hearing Stream 1¹⁶. Since that report was published, the Council has made decisions on Change 1 to the RPS and I provided the Panel with a diagram of how PC1 gives effect to the RPS, including an indication of which provisions are beyond the point of legal challenge and those which are subject to appeal,

¹² [Proposed-Plan-Change-1-Section-32-report.pdf](#), Part B, paras 135-146.

¹³ [Proposed-Plan-Change-1-Section-32-report.pdf](#), Part B, paras 147-150.

¹⁴ [Proposed-Plan-Change-1-Section-32-report.pdf](#), Part B, pages 43-48.

¹⁵ [Proposed-Plan-Change-1-Section-32-report.pdf](#), Part B, paras 157-160.

¹⁶ [Section-42A-Hearing-Report-Overarching-Matters.pdf](#), paras 41-50

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in my Right of Reply¹⁷. That diagram has been updated to reflect that the Council now has no appeals on the Freshwater Chapter provisions in RPS Change 1, as Wellington Water Ltd withdrew its appeal. Accordingly, freshwater provisions noted on the earlier version of this diagram are all now beyond challenge. The updated diagram is provided below. I understand that the Council has yet to decide when to make these provisions fully operative.

¹⁷ [Tech Review of Right of reply.docx](#), page 8.

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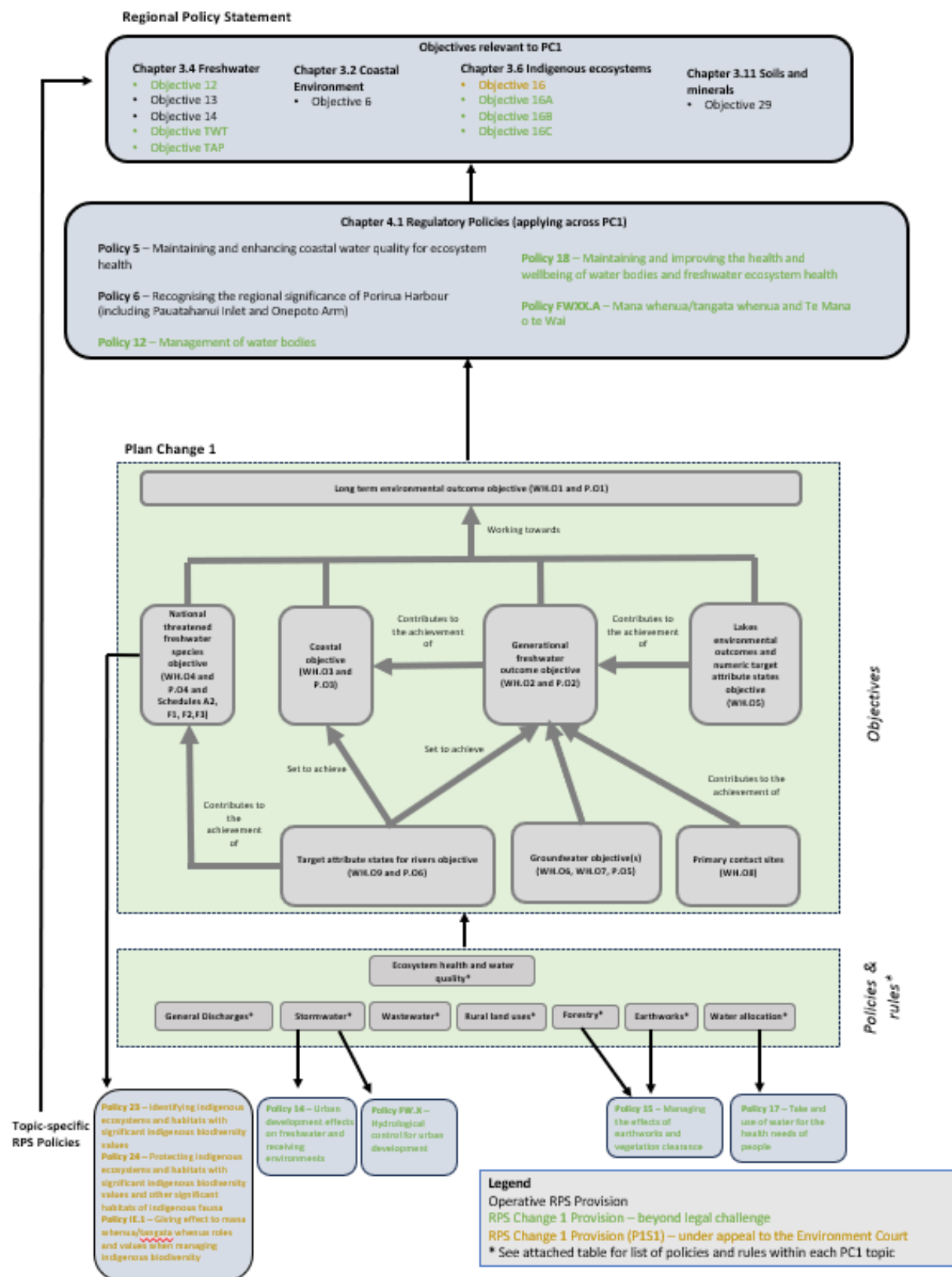


Figure 1 Wiring diagram

2.3 Section 32AA

52. 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.
53. 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.
54. 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.

2.4 Trade Competition

55. 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

56. The issues raised in submissions and further submissions are addressed by sub-issues within this report. Appendix 1 includes a table setting out the plan change provisions included in this hearing topic. Appendix 2 provides a description of the matters raised in submissions for each issue in table format, along with the relevant submission point references. Some submission points cross several sub-issues and are therefore addressed under more than one sub-issue heading. These submission points are identified at the end of the Appendix 2 document.
57. 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.¹⁸ On this basis, I have undertaken my analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach.
58. Appendix 3 sets out my assessment of the categorisation of provisions within the FPI component of PC1, in support of my analysis of submissions seeking recategorisation of those provisions to the Part 1, Schedule 1 (P1S1) process.
59. 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 this report is in Appendix 5. These recommended amendments are supported by an evaluation in accordance with section 32AA of the RMA, which is provided in Appendix 4.

¹⁸ 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.

60. This report should be read in conjunction with the submissions and the summary of those submissions in Appendix 2. The reasons for my 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

61. 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 PC1,¹⁹ 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 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.

62. 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.

63. Section 80A of the RMA provided that:

- regional coastal plan provisions are not part of a FPI (section 80A(8));
- any part of PC1 that relates to objectives that give effect to the NPS-FM 2020 are part of a FPI (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 FPP is part of a FPI (section 80A(2)(d)(ii)); and
- a proposed regional plan relates to freshwater if (section 80A(6A)):
 - it relates (in whole or in part) to an objective of the NRP or the RPS; and
 - the objective relates to the performance of a function in section 30(1)(c), (e), (f), (fa), (g) or (ga).

64. 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 PC1²⁰.

65. 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.

66. 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.

67. I note the submission of Winstone Aggregates [S206.022]²¹ raises concern with provisions being subject to the FPP where freshwater is only a peripheral issue to which the provision

¹⁹ 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.

²⁰ [Proposed-Plan-Change-1-Section-32-report.pdf \(gw.govt.nz\), from page 22.](#)

²¹ Supported by Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.018]

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 Ecosystem Health and Water Quality policies 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, I have also considered the Winstone Aggregates submission, I comment below for each objective:

- In the case of WH.O1 and P.O1 have both coastal and freshwater content and have been conservatively assigned to the P1S1 process.
- Objectives WH.O2 and P.O2 specify narrative outcomes for freshwater which only apply to freshwater, so freshwater is the central issue for these objectives. Accordingly, this provision has reasonably been assigned to the FPP process.
- WH.O3 and P.O3 are coastal provisions and not freshwater, so a P1S1 process where appeal rights are not restricted is appropriate.
- For WH.O5, the objective and TAS only apply to lakes, so this provision has reasonably been assigned to the FPP process.
- The groundwater provisions of WH.O6, WH.O7 and P.O5 are assigned to the FPP process and the primary issue is the freshwater contained within groundwater. The only coastal issue is prevention of salt-water intrusion, but this is to protect the freshwater resource, not coastal values, so the FPP process is suitable given the freshwater issue is the primary matter here.
- The primary contact site objective WH.O7 only relates to freshwater sites.
- The TAS objectives for rivers (WH.O9 and P.O6) are also clearly freshwater provisions as they set the targets for freshwater only.

68. 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 Objectives topic.
69. 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

70. As a result of the assessment undertaken in Appendix 3 and here, I do not recommend any changes to the categorisation of the provisions within this topic between the FPP and P1S1 process.
71. I recommend that the Winstone Aggregates submission [S206.022]²² and the 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.

²² Supported by Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.018]

3.3 Issue 2: General comments

3.3.1 Analysis

General support

72. Forty-one submitters and further submitters provided general comments in support of the provisions within the objectives topic. I acknowledge these submissions and note their broad support for the provisions.
73. Of these submissions, 16 submitters²³ did not seek any specific relief, and on this basis, I provide no recommendation on these submission points.
74. A further 3 submitters²⁴ requested the objectives be retained as notified. I recommend accepting these submissions in part, on the basis that I am recommending amendments to the objectives in response to other submissions addressed under the specific issues in this report, but they will otherwise be retained, or merged in the case of WH.O6 and WH.O7 as detailed in Issue 10.
75. Nine submitters²⁵ stated their support for the Te Mana o te Wai concept and the hierarchy of obligations and requested that ecosystem health and contact recreation be prioritised in the plan. I note the objectives in PC1 include ecosystem health and contact recreation health as the outcomes to be achieved. I agree these matters are a priority in implementing Te Mana o te Wai in the region. On this basis, I recommend accepting these submissions.
76. I note seven of the general support submitters²⁶, in providing their support for the water quality targets, have requested as much work as possible to achieve the targets through environmental limits. This request is general and as no specific work or limits were requested, I make no recommendation in relation to these submissions. I note that environmental limits (i.e. rules in terms of clause 3.12 of the NPS-FM NOF process) are matters that will be addressed in later hearing topics.

Broad/overarching concerns

77. Friends of Waipāhihi Karori Stream [S107.002 and S107.006] make comments that the Waipāhihi Karori Stream shows poor water quality and comment the timeline for improvement is important for the community there. No change to the PC1 provisions is requested in relation to this comment so on this basis I make no recommendation.

²³ Friends of Waipāhihi Karori Stream [S107.003], Yvonne Weeber [S183.003] (supported by MPHRCI [FS27.003], supported by the Minister of Conservation [FS42.004]), Guardians of the Bays [S186.002] (supported by MPHRCI [FS27.425]), Guardians of the Bays [S186.003] (supported by MPHRCI [FS27.426]), WFF [S193.001] (opposed by Forest & Bird [FS23.957]), Te Rūnanga o Toa Rangatira [S216.002], Generation Zero [S221.003], Generation Zero [S221.004], Generation Zero [S221.007], Mary Beth Taylor [S230.001] (supported in part by Meridian [FS47.029]), Isabella Cawthorn [S249.001], Christine Stanley [S26.001], Jonny Osborne [S28.004], Friends of Waiwhetū Stream [S284.001] (supported by MPHRCI [FS27.1187]), Pamela Govan [S40.002], Pamela Govan [S40.003]

²⁴ Pauatahanui Residents Association [S16.008], Lynn Cadenhead [S22.028], Neil Deans [S29.015]

²⁵ Ray Beentjes [S185.005], Greg Davies [S197.004], Te Rūnanga [S216.001], Calum Bradbury [S233.005], Shonaugh Wright [S235.004], Andrew Esler [S244.004], John Western [S253.004], Todd Henry [S283.004], Victoria University Canoe Club [S187.004]

²⁶ Ray Beentjes [S185.004], Greg Davies [S197.006], Calum Bradbury [S233.004], Shonaugh Wright [S235.006], Andrew Esler [S244.006], John Western [S253.006], Todd Henry [S283.006]

78. Various submitters²⁷ comment on sediment, *E.coli* and, river engineering and slash in the Pākuratahi and Hutt Rivers affecting recreation and amenity, but do not request any amendments to the objectives as part of these general comments. On this basis, I make no recommendations on these submissions.
79. Heather Phillips [S212.004, S212.007 and S212.009] considers more gravel extraction from the Hutt River will be needed to cope with previous flood volumes, and that more sediment will enter the Te Whanganui-a-Tara Harbour when the stop banks are breached necessitating planning for extreme events. This issue appears to be outside the scope of PC1 which does not relate to climate change effects on flood control defences and indeed no amendments to the objectives are requested with this general comment. The submitter also notes a lack of mention of the 'Whakatikei River' and 'Little Wainui River' in PC1, noting these are surrounded by Council forestry with potential for sedimentation problems. I confirm that the Whakatikei River is included within the '*Ōrongorongo, Te Awa Kairangi and Wainuiomata small forested and Te Awa Kairangi forested mainstems*' part-FMU shown on Map 79. I am unclear on the exact location of the other watercourse noted by this submitter, but for those familiar with the location of this specific tributary of the Wainuiomata River, can likely determine the relevant part-FMU from viewing Map 79, or using the Council's Web Map Viewer²⁸, and/or by contacting the Friend of Submitter service²⁹ established to assist submitters with matters relating to this hearing process³⁰. In any case, all freshwater bodies in TWT and TAO are captured by the PC1 objectives (and provisions) whether or not they are specifically 'mentioned' in the plan change. The submitter also considers the inclusion of trout protection within PC1 is inconsistent with statements from other government departments. I consider that PC1 does not alter the way in which trout are protected within the NRP, i.e. all existing references are retained or where new rules replace existing NRP rules for these whaitua, trout references are carried over to updated rules. This is consistent with section 7(h) of the RMA which requires regard be had to the protection of the habitat of trout and salmon. As no specific amendments were requested in these general comments, I make no recommendations on them.
80. Generation Zero [S221.007] noted their support for Policy Package 1 (the PC1 stormwater policies and rules as outlined in the section 32 report), in response to their concern for the number of part-FMUs where copper and zinc baseline are recorded at D and C. I understand this submission does not seek any amendments given their support so on this basis I make no recommendation.
81. David and Pauline Innes [S234.004 and S234.008] and Craig Innes [S277.003 and S277.007] sought clarification on whether the stream near their property is scheduled and what wildlife has been identified. They also seek investigation of the extent of the wetland at the end of Moores Valley Road. None of these requests are matters to be actioned or determined through PC1 (i.e. they do not seek a change to the plan change provisions) therefore I make no recommendation on these points.

²⁷ Ray Beentjes [S185.002], Victoria University Canoe Club [S187.002], Greg Davies [S197.002], Calum Bradbury [S233.002], Shonaugh Wright [S235.002], Andrew Esler [S244.002], John Western [S253.002] and Todd Henry [S283.002]

²⁸https://mapping.gw.govt.nz/GW/GWpublicMap_Mobile/?webmap=85393478ca2847f4a37079037e1d79ea

²⁹ Access this service by emailing: Friend.of.Submitter@gw.govt.nz

³⁰https://mapping.gw.govt.nz/GW/GWpublicMap_Mobile/?webmap=85393478ca2847f4a37079037e1d79ea

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

Hearing Stream: 2

Officer's Report: Objectives

82. I acknowledge the Friends of Waiwhetū Stream [S284.002] (supported by MPHRCI [FS27.1188]) raise concern regarding the poor quality of the Waiwhetū Stream, noting their support for targets for reduced contamination, especially for *E.coli*. They seek that territorial authorities repair/maintain wastewater pipes and detect and remediate leaks and cross-contamination at properties and that alternative funding options for councils are provided for this work. Given support is noted for PC1, including the *E.coli* targets (which are recommended be retained, but in an amended form as detailed in Table 2 in paragraph 330) I recommend accepting this submission in part.

General suggestions

83. I acknowledge the concern raised by Lynn Cadenhead [S22.002] and Neil Deans [S29.003] that community values of many waterbodies have been compromised and the need for collective action through the regional plan to secure and improve waterbodies and ensure they remain community assets. I generally agree with this sentiment and consider PC1 will assist with this. I note the submitters have not provided any specific relief in relation to this matter so on this basis I make no recommendation.
84. Heather Blissett [S45.004] suggests that the Regional Emergency Plan and restoration of mauri should include being able to drink water from anywhere. I think it is unrealistic for river water to attain drinking water status as disinfection is a critical step in ensuring any water is safe for drinking purposes, particularly during emergency situations. It is not the direction of the NPS-FM to require fresh waterbodies be suitable for drinking in an emergency. On this basis I recommend rejecting submission S45.004.
85. Isabella Cawthorn [S249.002] requests that 'measurable' is defined in relation to the use of the "*on a trajectory of measurable improvement*" language in objectives. The submitter seeks the inclusion of a statistically significant or appropriate measure of magnitude. This language occurs in objectives WH.O2 and P.O2. WH.O2 and P.O2 are the generational environmental outcome objectives required by clause 3.9(3)-(5) of the NPS-FM. They are intended to set outcomes for the values identified for freshwater through the community planning process as per clause 3.9(1)-(2) of the NPS-FM. I consider that the reference to 'measurable' in these objectives is misleading, as there is no requirement that this type of objective be measured in a scientific manner. The NOF requires environmental outcomes for the identified values be described in a way that enables an assessment of their effectiveness. I consider this envisages environmental objectives which describe, in narrative terms, the outcome envisaged. 'Measuring' is the role of the TAS objectives in PC1, i.e. WH.O9 and P.O6 for rivers. In the case of WH.O5 for lakes, the measured targets and the narrative environmental outcomes are comprised in a single objective, so this relationship is more apparent than in the case of the river objectives.
86. The relationship of the PC1 objectives is illustrated below on Figure 2.

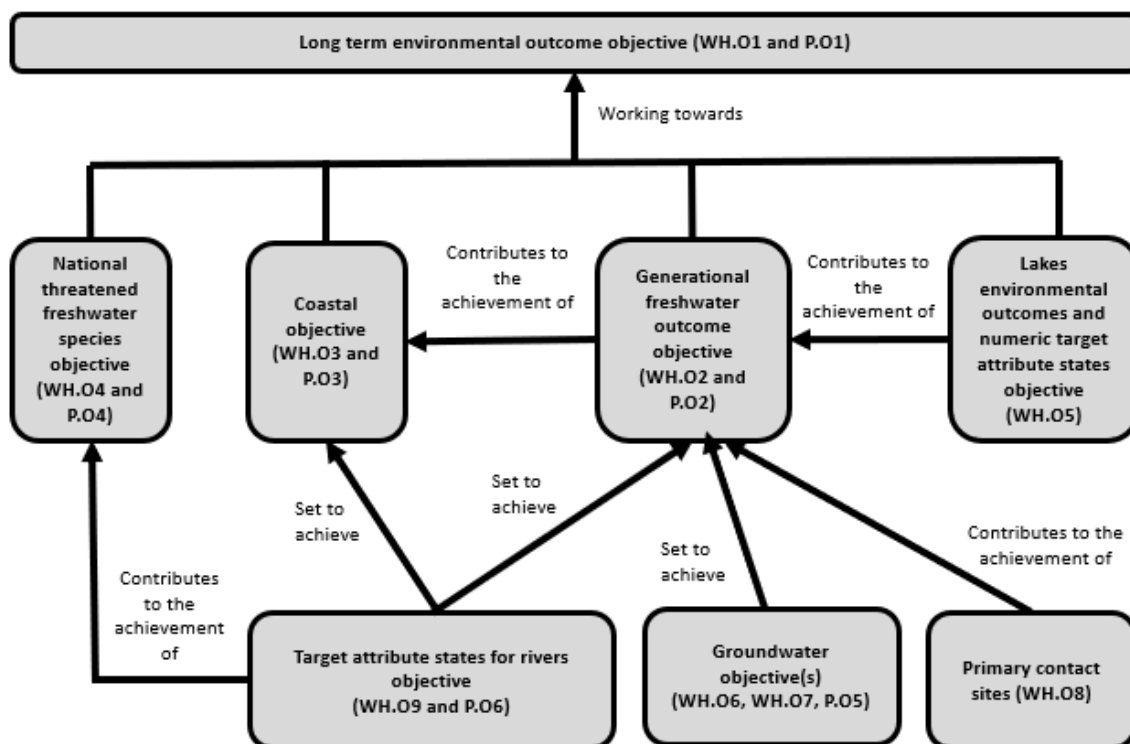


Figure 2 Summary of objectives

87. Edits to make the relationship between the narrative outcome and measurement objectives clearer and removing the reference to ‘measurable’ would assist with clarifying this content. On this basis I recommend accepting in part the submission from Isabella Cawthorn in so far as it relates to the changes set out in Appendix 4. These recommendations include removing reference to ‘measurable’ from the applicable objectives (WH.O2 and P.O2) and adding a link within sub-clause (a) to each of WH.O2 and P.O2 through to the TAS objectives that record the level of improvement required.

Increase/improve protection measures

88. I understand the level of protection offered by the PC1 macroinvertebrate TAS will provide a suitable level of protection for waterways containing giant kōkopu, shortjaw kōkopu and lampreys, as sought by Lynn Cadenhead [S22.007]. Dr Greer comments at paragraph 161 of his evidence that the species noted are no more sensitive than other native fish, and, concludes at paragraph 216 that there is no evidential basis to support amending the TAS to provide additional protection for giant kōkopu, shortjawed kōkopu or lamprey. No specific changes to the PC1 objectives were sought in this submission, so on this basis I make no recommendation on it.

89. In response to Porirua Harbour Trust & Guardians of Pāuatahanui Inlet [S176.009] who sought the clarification and strengthening of rules and methods to support actions to increase wetland habitat, I consider that the scope of PC1 does not include protection of wetlands specifically, as it relates to water quality improvements for human and ecosystem health. The environmental outcomes objectives of PC1 cover wetlands in terms of water quality and hydrology outcomes, but do not cover protection or increases to

habitat extent. Objective O22³¹ already covers this and remains in place under PC1, as does Table 3.7 which it references. Rules concerning protection of wetlands are covered in the Operative NRP and NES-FW. In addition, methods M12 and M23 in the operative NRP set out the non-regulatory actions that the Council has committed to, improve the extent and quality of wetlands across the region. On this basis, I recommend rejecting the request of Porirua Harbour Trust & Guardians of Pāuatahanui Inlet as the matter sought is already addressed in the NRP.

90. In response to recreation-related submitters³² seeking recognition in PC1 of outstanding kayaking/packrafting/rafting values in the TWT whaitua, particularly the outstanding kayaking, amenity and landscape values of the Hutt Gorge, I note Appendix 1 of the Operative RPS includes the Hutt River as a river with significant recreational values requiring protection, along with values for other waterbodies within TWT. The RPS requires the NRP to include policies, rules and/or other methods to maintain or enhance amenity and recreational values of rivers, including those with significant values listed in Appendix 1 of the RPS³³. Suitable water quality, which is needed for kayaking and rafting-based recreation, is within the scope of PC1. Given that kayaking and rafting values have been recognised in many submissions and the RPS in terms of Te Awa Kairangi/the Hutt River, I recommend acknowledging this river specific value in the environmental outcome objective for TWT, i.e., WH.O2. I recommend this be added to sub-clause (g) of this objective. Suggested wording is included in Appendix 4.
91. The above recreation-related submissions also seek targets for natural character and monitoring of this, 'where influenced by flood protection activities' in a similar away to targets for water quality and ecosystem health TAS. While natural form and character is a 'value that must be considered' in developing this plan change under clause 3.9 of the NOF as it is included in Appendix 1B of the NPS-FM, policies or rules for management of flood protection activities are not included in the plan change. In addition, objectives and policies related to protecting the natural character of the coastal environment, wetlands, lakes and rivers are already contained within the NRP³⁴. In relation to requests for target attributes for natural character, Dr Greer comments on the request for natural character targets in detail at paragraphs 162 - 166 of his evidence, which highlights the absence of a robust attribute state framework and targets for natural character at a measurable scale. I expect there is also limited or no baseline information available and furthermore, the key activities which impact natural character are not managed by PC1 so there is little point in including such targets as rules for flood management activities already exist in the NRP and altering these now, would be in my view, beyond the scope of PC1 as parties involved in such activities would not have an opportunity to submit on such provisions. In my opinion, this request would be difficult to meaningfully implement as part of a response to

³¹ Objective O22: The extent of natural wetlands is maintained or increased, their values are protected, and their condition is restored. Where the values relate to biodiversity, aquatic ecosystem health and mahinga kai, restoration is to a healthy functioning state as defined by Table 3.7.

³² Ray Beentjes [S185.001 and S185.006], Victoria University Canoe Club [S187.001 and S187.005], Greg Davies [S197.001 and S197.005], Calum Bradbury [S233.001 and S233.006], Shonaugh Wright [S235.001 and S235.005], Andrew Esler [S244.001 and S244.005], John Western [S253.001 and S253.005] and Todd Henry [S283.001 S283.005]

³³ Policy 19 of the Operative RPS for the Wellington Region [RPS-Full-Document-Edited-December-2022-Updated.pdf \(gw.govt.nz\)](#)

³⁴ O14, P23, P24, P109, M30 and M31

submissions on PC1 and I am not convinced there is a case for additional plan content on this matter in any case – i.e., what is the ‘problem’ that would necessitate additional regulation/provisions, given only very limited bed disturbance activities are permitted by the NRP for works in the beds and riparian zones of rivers? Policies and rules for flood protection activities, which are a key potential impact, are contained within the existing Operative NRP at P16, P17, P110, P150, R133, R138, R141, R214, R220 and R221 and are not altered by PC1. Rules also control other disturbance activities in the beds of lakes and rivers, as well as earthworks within riparian areas.

92. Notwithstanding my comments that flood protection activity impacts on natural form and character are outside the scope of PC1, I consider that natural form and character is a relevant value for the waterbodies covered by PC1 and this value is expected to be improved to some extent by the regulatory and non-regulatory provisions. Accordingly, ‘natural form and character’ should be referenced in the narrative environmental outcome objectives (e.g. WH.O2 and P.O2) as the existing TAS included in PC1 will improve aspects of natural form and character (e.g. visual clarity TAS will necessitate a reduction to sediment loss and bank erosion, which will also improve natural form and character values). The combination of the existing NRP objectives and the PC1 objectives along with the evidence that a suitable numeric target is not available mean that I do not recommend the inclusion of specific numeric targets (i.e. TAS) for natural character in PC1.
93. Coastal water quality was also noted in these recreation-related submissions, which will be considered later in this report in response to more specific submissions. In terms of the PC1 coastal objectives (WH.O3 and P.O3). The Enterococci targets contained within the tables within these objectives are to make the harbour safer for contact recreation. Accordingly, I recommend accepting these submissions in part, on the basis of the proposed amendment to WH.O2(g) to reference kayaking and rafting, and retention of the Enterococci targets (albeit with some amendments discussed later in this report).
94. In relation to the request by Forest & Bird (S261.004) seeking ‘values’ be identified for each FMU, linked with at least one environmental outcome so it is clear which outcome relates to which value. I agree with this submitter that the NPS-FM potentially envisages values for each FMU being included within the regional plan and this has not occurred in PC1, rather the values identified through the WIPs, Ngāti Toa Statement and Te Mahere Wai were summarised in the section 32 report. The required ‘environmental outcome’ for the combination of values identified within these documents are included in the plan objectives. The definition of ‘environmental outcomes’ included in PC1 confirms these objectives are WH.O1, WH.O2, WH.O4, WH.O5, P.O1, P.O2 and P.O4. Accordingly, the applicable ‘values’ can be interpolated from the content of these provisions.
95. While I consider the NPS-FM does not explicitly state that the values must be included in the plan, like it does for the environmental outcomes, I think PC1 could be clearer in its recognition of the NOF ‘values’ step. However, I’m not convinced that inclusion of a schedule of the values in addition to the outcome objectives noted in the previous paragraph would actually assist with plan administration, i.e. evaluation of consent applications, reporting on achievement towards TAS, etc. Rather, this may lead to uncertainty on the important issues in a specific case as a schedule of freshwater values is already contained in Appendix 1 of the Operative RPS (as noted above in paragraph 90) and Table 1.1 of the Operative NRP which mostly overlap with those arising from the whaitua processes. However, in order to assist submitters and the Hearing Panels in

understanding the relationship between the prescribed NPS-FM values identified through the whitua process and to check for any key omissions in the environmental outcome objectives, I have prepared a summary of what mandatory values (Appendix 1A of the NPS-FM), and the other values that must be considered (Appendix 1B of the NPS-FM) were noted as being present through the whitua processes. This is not an exhaustive list of all values identified through the WIPs, Ngāti Toa Statement and Te Mahere Wai, but confirms the presence/absence of those values that must be included and considered in this plan change under clause 3.9(1) and (2) of the NPS-FM. My summary of the NPS-FM values can be found in Appendix 6 to this report.

96. With this summary and edits to the key environmental outcome objectives (WH.O2 and P.O2) as set out in Appendix 4 at sub-clauses (a), (b), (g) to better reference the key values (which are also addressed in response to other submissions later in this report, particularly in relation to WH.O2 and P.O2), the values embedded within the environmental outcomes sought is clearer. On this basis, I recommend accepting in part the Forest & Bird (S261.004) submission. I do not consider it is necessary to include the values I've summarised in Appendix 6 within PC1.

Implement Te Mana o te Wai

97. In respect of Victoria University Canoe Club's [S187.004] request that Te Mana o Te Wai and wai ora be acknowledged throughout PC1, I recommend rejecting this submission. Repeating these concepts throughout all provisions would make for a repetitive and likely less directive plan towards those activities and discharges that need to change to achieve these concepts. The overarching Te Mana o Te Wai direction is well contained within the NPS-FM and Change 1 to the RPS and so there is no need to duplicate it here. PC1 intentionally does not duplicate this but rather sets out how activities are to be managed to align with Te Mana o Te Wai for these whitua. Using wai ora throughout would directly conflict with the two timeframe steps embedded within the objectives that were developed through engagement with mana whenua and the community and reported on in the WIPs for a long term 2100 wai ora objective (WH.O1 and P.O1) and a generational outcome set at 2040, as a step towards this. Also sought by this submitter is the prioritisation of ecosystem health and contact recreation. In my opinion, this goal is already reflected through the PC1 objectives covering targets for both these values, in Tables 8.1, 8.2, 8.3, 8.4, 9.1 and 9.2.
98. Forest & Bird [S261.006]³⁵ make a similar request to the previous submitter requesting Te Mana o te Wai be given effect to throughout the plan, which in my opinion is already the case, albeit it's not simply through repeating the higher order direction. Accordingly, no changes are recommended to PC1 because of this submission, and I recommend it be rejected.
99. In a similar way, Water NZ [S246.002]³⁶ seeks that the Te Mana o te Wai hierarchy of obligations is made clearer in the definitions and objectives, which I take to mean it be directly referenced. As above, I recommend rejecting this to avoid repeating high level policy direction in successive planning instruments. The greater clarity contained within

³⁵ Supported by MPHRCI [FS27.625] and Rangitāne [FS24.111], opposed by NZFFA [FS9.333]

³⁶ Opposed by WWL [FS39.225] and Isabella Cawthorn [S249.004]

the narrative and measurable objectives will work more effectively to give effect to this hierarchy than simply repeating it. Accordingly, I recommend this submission be rejected.

Oppose coastal provisions

100. WIAL [S101.002]³⁷ sought the deletion of any reference to the coastal marine area from those provisions which give effect to the NPS-FM, on the basis it would result in the management of coastal resources in a way that is inconsistent with the NZCPS. The provisions of concern have not been identified, so in order to avoid second guessing the provisions of concern, I recommend rejecting this submission at this stage.

Include interim milestones/ shorter timeframes

101. Many submissions to PC1 commented on timeframes generally, and on timeframes included in specific objectives. Timeframe submissions primarily comprised requests to include interim milestones or a shorter timeframe, along with requests to extend the 2040 generational timeframe included in several objectives of PC1.
102. Several submitters³⁸ made general timeframe submissions which sought interim timeframes and targets for the objectives/TAS, with some referring to an NPS-FM requirement for targets states to be set at intervals of no longer than 10 years. In respect of this directive, clause 3.11(6) of the NPS-FM applies only to the TAS objectives³⁹ and where these objectives are 'long term'. In the case of the PC1 TAS timeframe of 2040, this is arguably not long term as it is set based on only a single generational change period of 17 years post-notification of PC1. PC1's long term timeframe is expressed within the plan change's 2100 wai ora objectives⁴⁰. PC1 also includes timeframes for freshwater primary contact sites⁴¹ and coastal water⁴². The coastal water timeframes are not influenced by clause 3.11(6) of the NPS-FM.
103. While arguably not strictly required by the NPS-FM for PC1's 'medium term' TASs, it is relatively simple to add a new objective that reflects what I understand to be the Council's initial goal to halt the decline in the first instance, so that water quality and ecosystem health do not continue to deteriorate. Accordingly, I have drafted interim objectives for the Hearing Panels consideration and recommend this on the basis it would make the alignment between PC1 and the NPS-FM clearer. Having a short timestep for this interim phase would also encourage reporting of progress to halt decline early on, while still being cognisant of the lag time likely to be needed to see such results in the monitoring. Accordingly, I have recommended new objectives WH.O10 and P.O7 in Appendix 4 and so I recommend the submissions I noted in the previous paragraph be accepted.
104. I have considered the submission of Lynn Cadenhead [S22.006] where she sought a fall-back date of 2035 should no other date be specified by 31 December 2026. I think this point relates to notes included within NRP objectives O18 and O19 which explain that 'a reasonable timeframe' in the context of those objectives for seeing progress on the

³⁷ Opposed by Forest & Bird [FS23.1255]

³⁸ Lynn Cadenhead [S22.003 and S22.023], Neil Deans [S29.004 and S29.010], Mary Hutchinson [S115.003], Friends of Waipāhihi Karori Stream [S107.005 and S107.007] and Forest & Bird [S261.003] supported by MPHRCI [FS27.622], opposed by NZFFA [FS9.330] and WWL [FS39.050]

³⁹ WH.O5, WH.09 and P.O6

⁴⁰ WH.O1 and P.O1

⁴¹ WH.O8

⁴² WH.O3 and P.O3

narrative outcomes was the end of 2026, but that this would only apply if whitua plan changes to implement the NPS-FM (like PC1) were not notified at that time. O18 and O19 are superseded by PC1 for TWT and TAO P, so amending that date or replacing any dates in PC1 with 2035 has no obvious merit for TWT and TAO P and changes having application beyond these whitua are beyond the scope of PC1. Accordingly, I recommend rejecting this submission.

Prioritisation

105. I note the submission of WWL [151.006]⁴³ raises general concerns across many provisions around the suitability of PC1 to guide prioritisation of sub-catchment upgrades and improvements as part of consent applications for stormwater network discharges and wastewater network discharges. Several objectives have been referenced by the submitter in relation to this concern. The submitter has not sought specific amendments to these provisions and in my opinion, these concerns are likely best addressed in respect of the wastewater and stormwater policies to be addressed in future hearing topics. Notwithstanding this, objective content on prioritisation has been recommended later in this report for WH.O9 and P.O6, in response to a more specific WWL submission point addressed in paragraphs 291 to 296. On this basis, I recommend accepting this submission on the basis that I have included changes to objectives WH.O9 and P.O6 which respond to the issues raised in this general submission point.
106. In response to the submission of Pat van Berkel [S282.002],⁴⁴ who seeks a requirement be included that water quality improvement is staged, with the timeline published and updated each year, I have sought advice from the Council on the intended reporting approach for the PC1 objectives. I understand the Council currently undertakes annual state and trend assessments and produces an annual data report. While I have not received specific input on this matter at the time of writing, I would expect the information will be made available to the public to view on the Council's website and updated regularly. I do not consider this is necessary to document a method in the plan, on the assumption that information on how the monitoring will be communicated to the public will be forthcoming by the time of the hearing so that I can update the Hearing Panels accordingly. On this basis, I recommend the Hearing Panels reject this submission.

Robustness of evidence

107. John Easter [S17.008] seeks the rural objectives be described as aspirational, to be achieved over generations of landowners. He also noted that the plan change is unrealistic and not based on evidence. While I acknowledge that some of the PC1 objectives have been set at potentially unachievable levels for the generational timeframe of 2040, I do not agree they should be described as aspirational in PC1, as this creates plan uncertainty. However, I do recommend changes to some targets later in this report at paragraph 330 and Table 2 to address achievability and additional scientific evidence that responds to other more specific submissions, insofar as these align with the national bottom-line

⁴³ Supported by NZTA [FS28.126], opposed by Forest & Bird [FS23.1333]

⁴⁴ Supported by Donald Skerman [FS3.005]

directives of the NPS-FM⁴⁵. On this basis, I recommend this submission be accepted in part.

108. NZFFA Wellington [S36.018] raises concern that there is no indication in GWRC's water quality data of increased sediment in catchments with a high proportion of plantation forestry and notes concern about the effects of natural sources of brown water in the Mangaroa River catchment, noting the NPS-FM acknowledges that natural sources of brown water exist and allows different TAS to be set accordingly and that this has not been considered in the setting of targets for this location. The submitter also suggests the data interpretation for Wainuiomata/Black Creek is incorrect. The evidence basis for the case of forestry regulation will be considered in the forestry topic. It is not relevant here for the objectives, as they are set to apply to waterbodies and coastal areas generally, whereas the policies and rules considered in future hearing streams relate to specific activities. The scientific evidence of Dr Valois and Dr Greer agrees with this submitter that natural sources of brown water exist in Mangaroa and adjustments to the notified TAS for suspended fine sediment are recommended for the Te Awa Kairangi rural streams and rural mainstems part FMU (Mangaroa @ Te Marua) to take account of this. An amendment is included in my revised Table 8.4 in Appendix 4 of this report. I sought advice from Dr Valois on the Wainuiomata/Black Creek situation. Dr Valois confirms in her evidence that other sites were examined for potential impacts of high coloured dissolved organic matter on visual clarity including Black Creek in the Wainuiomata urban streams part-FMU, but no sources of this impact were evident. Accordingly, I recommend accepting this submission in part.
109. John and Jacqueline Diggins [S250.005] raise concern that all sediment in rivers is assumed to be the result of human activity, noting the need to consider the proportion of sediment load that arises from natural erosion processes. This submitter also seeks at least three monitoring points and a significant database to identify sources of water quality reduction within the Mangaroa and Akatarawa catchments. The fine suspended sediment TAS have been set in accordance with the NPS-FM guidance for monitoring and targets. I have recommended the target for Mangaroa is adjusted as detailed in paragraph 108 in response other submissions on the impact of coloured dissolved organic matter on suspended fine sediment (also known as visual clarity). With recognition of the TAS adjustment for the Mangaroa location to better reflect natural processes, I recommend this submission be accepted in part.
110. Riu Huna Farm [S39.004 and S39.009] raises concern about single monitoring points (for part-FMUs, noting Mākara and Ohariu in particular) and the use of 'broad-brush' modelling to identify potential erosion sources, rather than finer scale water quality studies, and potentially monitoring at the scale of each farm. The single monitoring point is the approach enabled in the NPS-FM, by Clause 3.11 that requires Councils to set TAS for every attribute identified and this can be done on a site or sites basis. In the case of PC1, there is a monitoring/TAS site for each part-FMU level, so in line with what is provided for under the NPS-FM. Modelling, as a valid method to support scientifically robust monitoring data, is specifically envisaged and permitted under clause 1.6(2) of the NPS-FM. Accordingly, I recommend rejecting the submission on the basis that a single representative monitoring

⁴⁵ Or in the case of the human contact value (i.e. *E. coli* TAS) the 'minimum required improvement' which is one band up as per clause 3.11(3) of the NPS-FM

point for a part-FMU and modelled data are suitable evidence to inform PC1 under the NPS-FM.

111. Mākara and Ohariu large farms [S51.004]⁴⁶ have similar concerns to the previous submitter on the single monitoring site for Mākara and Ohariu (which I disagree is a concern). They are also concerned there is currently insufficient water quality data to identify where work should be targeted, noting there is limited data which identifies the source of sediment or *E. coli* in streams, and whether these are natural or human related sources. The submitter has not identified the specific natural sources for the Council's science team to consider. The nature and extent of application of land use restrictions to meet the water quality objectives for Mākara and Ohariu is not a matter for consideration in this hearing, rather the rural land use hearing topic (Hearing Stream 3) is where targeting or otherwise of rules and other methods (such as farm plans) will be considered. I note that the sediment TAS is set at C state and *E. coli* at D state for the part-FMU which includes Mākara and Ohariu⁴⁷. Both are set at the national bottom-line/minimum required improvement level and under the NPS-FM the Council is obliged to set water quality targets at national bottom line level as a minimum for these attributes. Accordingly, I recommend no changes to PC1 in response to these submission points, and as such, I recommend rejecting this submission.
112. Akatarawa Valley Residents⁴⁸ consider that data on river quality throughout the catchment is required to understand the problem and seek the use of relevant scientific evidence of sufficient spatial resolution as a basis to inform policy. As discussed in paragraph 110, the spatial resolution of the data is aligned with the requirements of the NPS-FM and therefore I recommend rejecting this submission.
113. David and Pauline Innes [S234.005] and Craig Innes [S277.004] object to the description of Wainuiomata-iti Stream (Wainuiomata Stream) and consider it must be described through a proper survey, noting it appears to be affected by bacterial life and that eels are the only species that appear to survive. I have been unable to find any reference in PC1 along the lines described by this submitter. Accordingly, I conclude this submission point does not directly relate to the content of PC1, so I make no recommendation on it.

⁴⁶ Supported by Diane Strugnell [FS12.3]

⁴⁷ Parangarahu catchment streams and South-west coast rural streams

⁴⁸ John Van Nortwick & Jill Van Nortwick [S120.005], Karen Wallace & Mark Robbins [S121.005], Paul Lambert & Steph Lambert [S122.005], Sandy Cooper [S123.005], Fredrick Steensma [S124.005], Shoshanah (Shosh) Phillips [S125.005], Russell Judd & Cecile Judd [S126.005], Johanna Overdiep & Steve Sturgess [S127.005], Joany Grima & Allen Rockell [S128.005], Keith Budd & Liz Budd [S129.005], Pete Clark [S130.005], Gillian Taylor & Chris Taylor [S131.005], Hannah Dawson & Ryan Dawson [S132.005], Len Drabble [S133.005], Graeme Allan [S134.005], Joshua Wood [S135.005], Micayla Wood [S136.005], Jonathan Wood [S137.005], Tony Wood & Helen Wood [S138.005], Glenda Arnold [S139.005], Janet Collins [S140.005], George Hare [S141.005], Paul Arnold [S142.005], Chilly Brook Trust (Mary Redington) [S143.005], Gaylene Ward & Mike Ward [S144.005], Nigel Parry & Judy Parry [S145.005], Leanna Jackson & Carl Burns [S146.005], Joline Fowke & Owen Fowke [S147.005], Paul Baker [S148.005], Allan MacDonald [S149.005], Phyllis Strachan [S150.005], John Raffan & Heather Raffan [S152.005], Redington Family Trust (Mary Redington) [S153.005], Ash Barker & Kes Barker [S154.005], Susan Davidson [S155.005], John Bryce [S156.005], Dr Patricia Laing [S157.005], Erica Dawson [S158.005], Bruce Stevens & Theresa Stevens [S159.005], Dr Harold Cuffe [S160.005], Phil Kirycuk [S162.005], John Simister [S163.005], Sarah Purdy [S164.005], Dr Anna De Raadt & Roger Fairclough [S166.005], Allan and Sarah Kelly [S167.005], Barry Hearfield & Carol McGhie [S168.005], Karina Fraser & Grant Fraser [S170.005], Jessica Perno & Gavin Perno [S171.005], Thomas Davies [S172.005] and Pam Ritchie [S174.005]

Riparian planting and stream shading

114. I acknowledge the comments from WFF [S193.013]⁴⁹ regarding stream shading and a view that this may not assist in meeting the proposed TAS. My understanding is that riparian planting to support stream shading is generally regarded as a positive change for freshwater ecosystem health. In any event, the objectives do not set a specific target for stream shading. WFF also comment that for nearly all part-FMUs the Council has insufficient data on periphyton biomass. In responding to this point, I refer to the updated existing state information for attributes, including periphyton, which has been provided in Dr Greer's evidence, which I've added to the TAS tables in Appendix 4 where provided.
115. In the same submission point, WFF also refers to stock exclusion from small streams (<1m) within the Mangaroa River and Mākara Stream catchments, noting this can contribute to addressing water quality issues, but considers there is little research on riparian management measures as a method to reduce stream bank erosion and achieve the proposed TAS. This issue will undoubtedly be considered in the context of the Rural Land Use topic in Hearing Stream 3. I confirm that the objectives (the subject of this report) do not prescribe the method by which they ought to be met, so in that regard, no relief is needed in the context of the objectives in response to this submission point.
116. On the basis of the additional periphyton existing state data included in Table 9.2 for some further TAO part-FMUs (where this was available) in Appendix 4 to my report, I recommend accepting in part this WFF submission point.

Reference Mangaroa Peatland

117. I recommend rejecting the submission of Mary Beth Taylor [S230.002] who requests a definition of "Peatlands" under the RMA and RAMSAR Convention protection for Mangaroa Peatland, as this is beyond the scope of PC1.
118. In terms of Pat van Berkel's [S282.005] request for a reference to the Mangaroa Peatland in PC1, I note Dr Greer has considered the influence of this peatland on the water quality targets set⁵⁰, as it gives rise to natural clarity reduction, impacting the suspended fine sediment attribute settings. In my view, the relevance of the peatland is to ensure the impacted TAS are set appropriately, rather than protection of it as an ecological feature or valued soil, as the latter is beyond the scope of PC1. I recommend rejecting the request for a specific reference to the Mangaroa Peatland in PC1 but I consider my recommended amendments to update the TAS (refer to Issue 13 at section 3.14 of this report) appropriately considers the peatland. Accordingly, I recommend this submission be accepted in part.

Involvement of Fish and Game

119. I acknowledge Fish and Game [S188.006]⁵¹ seeks regular reports to statutory managers and collaboration on outcomes of management and action plans. As addressed above in paragraph 106 in response to another submitter's request, I do not think it is necessary for

⁴⁹ Opposed by Forest & Bird [FS23.969]

⁵⁰ Paragraph 138-139 referencing the evidence of Dr Valois

⁵¹ Supported by Forest & Bird [FS23.1162], MPGC [FS21.011] and MPHRCI [FS27.1095], opposed by NZFFA [FS9.006]

this process to be documented within the plan change objectives, so I recommend rejecting this submission.

Amend to recognise RSI

120. I have considered the request of Ara Poutama [S248.008], who sought that the long-term vision objectives for both whaitua⁵² be amended to recognise that restoration of natural character may not be possible in relation to RSI. My understanding is the long-term objectives, being those with the 2100 timeline, are mana whenua's and the community's overall aspirations for freshwater and coastal health beyond 2040. They are not intended to be achieved by the metrics included in the TAS or coastal objectives, albeit these help. The 2100 goals are very broad and can be expected to involve additional interventions and will take longer to achieve. In addition, the policies and rules are not designed to achieve the 2100 outcomes, rather these are aimed at achieving the 2040 outcomes expressed in other objectives. On this basis, the long-term vision objectives would be a misleading test in respect of resource consent applications for RSI and other activities. I understand they may be useful to guide a subsequent plan response, once the immediate (2040) imperatives are achieved. On this basis, I recommend accepting in part this submission as I have proposed amendments to WH.O1 and P.O1 to make the intent of these objectives clearer to plan users. This alternative relief to the submission of Ara Poutama, means it will not be directly applied to RSI consent applications, nor to other resource consent processes.

3.3.2 Recommendations

121. I recommend that WH.O1, WH.O2, P.O1, P.O2, Table 8.4 and 9.2 are amended as shown in Appendix 4 and that two new objectives WH.O10 and P.O7 are included in the PC1 objectives section.
122. 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: Definitions

3.4.1 Analysis

Coastal water management units

123. I acknowledge the submission of Yvonne Weeber [S183.009]⁵³, Guardians of the Bays [S186.005]⁵⁴ and Generation Zero [S221.010] in support of the definition of 'coastal water management units'. I provide no recommendation as these submissions did not seek any relief.

⁵² WH.O1 and P.O1

⁵³ Supported by MPHRCI [FS27.009]

⁵⁴ Supported by MPHRCI [FS27.428]

Environmental outcomes

124. I acknowledge the submissions of WCC [S33.008], Yvonne Weeber [S183.015]⁵⁵ and Guardians of the Bays [S186.009]⁵⁶ in support of the definition of environmental outcomes, and Forest & Bird [S261.015]⁵⁷ who seek additional objectives be referenced in this definition. Environmental outcome objectives must describe the outcome (i.e. the state that is sought) for each value in a way that can be used to check the effectiveness of other provisions of the plan in achieving the outcome (clause 3.9 of the NPS-FM), i.e. the effectiveness of the TAS objectives, rules and other methods in achieving these 'narrative' outcomes objectives. The additional objectives sought to be included by Forest & Bird are not drafted to describe outcomes for specific values attributed to freshwater bodies in these whitua, as per clause 3.9 of the NPS-FM. The groundwater objectives of WH.O6, WH.O7 and P.O5, which the submitter has requested be included in the definition of environmental outcomes, set out key groundwater management obligations that must be satisfied in relation to groundwater use and water quality impacts.
125. Forest & Bird also seek inclusion of WH.O8 and P.O6, which are some (but not all) of the objective provisions that set water quality and ecosystem health metrics, i.e., these are the TAS, or measurable levels, that are designed to achieve the narrative outcomes expressed in the first two objectives in each chapter. In this regard, none of the objectives the submitter is seeking to be added to the definition are, in my opinion, environmental outcome objectives as intended in the NPS-FM. On this basis I recommend rejecting the Forest & Bird submission seeking the additions to this definition, accepting the submission of WCC that sought it be retained as notified, and make no recommendation on Yvonne Weeber's submission, which did not provide reasons or any relief sought.

Harbour arm catchments

126. I provide no recommendation on the submission by Yvonne Weeber [S183.019] supporting the definition of 'harbour arm catchments' as no specific relief was sought.

Limit

127. PCC [S240.012]⁵⁸ sought to add to this definition by noting its origin being the NPS-FM, so that both a NPS-FM cross reference and the actual definition appear in the interpretation section of the plan. A similar issue arose in Hearing Stream 1, where I noted that while this is a style used in other plans, the duplication of both the definition and its source is generally not the style adopted in the NRP. That is, either a definition or a cross reference to another document (as at a specific date) is the established style in this plan. On this basis, I recommend rejecting this submission.
128. I provide no recommendation on the submission by Yvonne Weeber [S183.029]⁵⁹ supporting the 'limit' definition as no specific relief was sought.

⁵⁵ Supported by MPHRCI [FS27.015]

⁵⁶ Supported by MPHRCI [FS27.432]

⁵⁷ Supported by MPHRCI [FS27.634], opposed by NZFFA [FS9.342] and NZTA [FS28.065]

⁵⁸ Opposed by NZFFA [FS9.109]

⁵⁹ Supported by MPHRCI [FS27.029]

Part Freshwater Management Unit

129. I accept the submission of UHCC [S225.040]⁶⁰ seeking retention of this definition and make no recommendation on the submission by Yvonne Weeber [S183.033]⁶¹ supporting the 'Part Freshwater Management Unit' definition as no specific relief was sought.

Primary contact and primary contact sites

130. I make no recommendation on the submission by Yvonne Weeber [S183.034]⁶² supporting the 'Part Freshwater Management Unit' definition as no specific relief was sought.

131. Pat van Berkel [S282.006] sought a definition for 'primary contact' be added to PC1. I expect this was because the definition for 'primary contact sites' does not explain the term, rather it refers to a map. Furthermore, the primary contact sites are not easily located in the plan change, as the mapped nature of this information is not word searchable. I discuss my resolution to this in paragraph 137 below.

132. I note the WWL and Civil Contractors NZ submissions [S151.023⁶³ and S285.009⁶⁴] sought amendments to merge two overlapping sources identifying significant contact recreation locations, being Schedule H in the operative plan and Map 85 in PC1. I agree with the submitters' concern that it is unnecessarily complicated having both Schedule H and primary contact sites referenced within PC1 provisions, particularly as this information is important for prioritising locations for improvements. However, I note that the Schedule H and Map 85 primary contact locations are not used widely within the policies and rules contained within PC1, as only one policy (WH.P19) and rule (WH.R14) relating to wastewater use the 'primary contact site' term, and many provisions, including these ones reference Schedule H.

133. I have reviewed Schedule H in the Operative NRP and in PC1. There are two parts to this schedule, firstly, Schedule H1 lists the freshwater bodies that have significant contact recreation and Māori customary use value. Relevant to PC1, this includes Te Awa Kairangi, Akatarawa, Pākuratahi and Wainuiomata rivers. Schedule H2 identifies fresh and coastal waterbodies that are priorities for water quality improvement to support primary and secondary contact recreation. Schedule H2 is linked to the contact recreation and Māori customary use water quality objectives within Objective O18 which, under PC1, will no longer be applicable to fresh and coastal waterbodies in the TWT and TAoP whitua. This is because they are replaced by objectives in PC1, specifically the new *E.coli* and enterococci targets in Tables 8.1, 8.3, 8.4, 9.1 and 9.2, which are generally more onerous than the Schedule H2 *E.coli* and enterococci targets in the Operative NRP provisions. I have engaged with Dr Greer on this matter, who considers⁶⁵ the PC1 material aligns with the content in Schedule H1 for TWT and TAoP. On this basis, I consider that Schedule H1 can remain applicable to TWT and TAoP as it is referenced in other parts of the NRP where a high level of protection is required across the full length of the rivers containing primary contact sites. However, H2 should be removed from applying to TWT and TAoP through use of an icon, as illustrated in Appendix 4. This is expected to address the concern raised by

⁶⁰ Opposed by Forest & Bird [FS23.868]

⁶¹ Supported by MPHRCI [FS27.033]

⁶² Supported by MPHRCI [FS27.034]

⁶³ Opposed by Forest & Bird [FS23.1350]

⁶⁴ Supported by Goodman Contractors [FS35.009] and Multi Civil Contractors [FS49.009]

⁶⁵ At paragraph 171

WWL and Civil Contractors NZ as it will enable the focus for freshwater and coastal priorities to be those locations in PC1, i.e., the primary contact sites and the coastal monitoring locations for enterococci which I recommend introducing in response to submissions on the coastal provisions which I address later in this report under Issue 8. I consider this remedy is suitable relief for these submissions.

134. Dr Greer confirms that Schedule H1 is not inconsistent with the new PC1 primary contact sites – PC1 records specific monitoring points for the rivers already identified in Schedule H1. In terms of existing Operative and PC1 policies and rules that cross reference to Schedule H or H1 (generally to require a high level of precaution), the references should be retained as being to Schedule H1 in preference to the primary contact sites, as such cross referenced provisions are generally intended to apply across the whole receiving river rather than the specific primary contact monitoring point that the Council has identified in its plan change, pursuant to clauses 3.8(3)(b), 3.8(4)(b) and 3.27 of the NPS-FM.
135. The need to remove this duplication impacts provisions allocated to the wastewater topic⁶⁶ and other future hearing streams for policies and rules (i.e. Hearing Streams 3 and 4 covering the forestry, earthworks, discharges to water and stormwater topics. I have made some preliminary suggestions for those policies and rules in PC1 as a result of my primary change to remove duplication between PC1 contact recreation content and Schedule H2 below:
- WH.P19 – remove “Schedule H (contact recreation and **Māori customary use**) sites, and” such that only the primary contact locations are prioritised; consider reference to the new enterococci sites here also, which form part of my recommendations in paragraph 209
 - WH.R14 remove “Schedule H (contact recreation and **Māori customary use**) sites, and” so that the focus for prioritisation is the freshwater primary contact sites; consider reference to the new enterococci sites here also
 - WH.R24 – amend “Schedule H” to read “Schedule H1”
 - Policy P.P18 – delete “Schedule H (contact recreation and **Māori customary use**) sites” on the basis that there are no Schedule H1 freshwater bodies (or primary contacts sites) located within TAoP; consider referencing the coastal enterococci monitoring sites here
 - P.R8 - delete “Schedule H”
 - P.R13 - amend “Schedule H” to the new enterococci sites
 - P.R23 - amend “Schedule H” to “Schedule H1”
 - Schedule 32 - amend “Schedule H” to “**primary contact sites**” and the new enterococci sites
136. The above suggested amendments have not been included in Appendix 4 as reporting officers for future hearing streams will need to consider my initial suggestions are suitable (i.e. river wide H1 or primary contact site/ new enterococci site specific) for the context,

⁶⁶ Policies WH.P19 and P.P18, Rules WH.R14 and P.R13, Schedule 32

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once wider submissions are considered. There is no need or reason for duplicated references as in the notified versions of WH.P19 and WH.R14.

137. In addition, I have considered whether the definition for 'primary contact site' is fit for purpose, noting Pat van Berkel's two submissions [S282.006 and S282.007] noted in paragraph 131 above. I consider the plan would be clearer with wording which is based on the NPS-FM definition for 'primary contact site' rather than the current reference to Map 85. The NPS-FM definition is modified slightly as the Council's identification process has been completed. Accordingly, I recommend accepting this submission in part on the basis of a revised and clearer definition as recommended in Appendix 4.
138. Further I have considered whether removal of Schedule H2 from applying within the TWT and TAoP locations has any material impacts on any other clauses in the Operative NRP, to make sure my recommendation above in paragraph 133 does not inadvertently impact provisions from applying within these whitua in a manner which is outside the scope of PC1. That is, by applying an icon to the schedule (which applies to the geographic areas of TWT and TAoP rather than the PC1 rules) that a gap is not created. This analysis is below.

Table 1 References to Schedule H2 in operative NRP

Provision	Text / nature of clause and whether Schedule H or H2 reference	Applicable within TWT and TAoP, taking into account PC1?
Policy P77	Schedule H2	Already has a not applicable to whitua icon
Rule R68	Wastewater rule Schedule H	Already has a not applicable to whitua icon
Rule R106	Earthworks and vegetation clearance for renewable energy generation rule Schedule H	Already has a not applicable to whitua icon
Method M34	Method related to water quality improvement in priority water bodies Schedule H2	Duplicates PC1 methods and references the schedule that should not apply to TWT and TAoP as schedule H2 has been replaced by the Primary Contact Sites in Table 8.3 of PC1
Schedules content page	Schedule H	N/A

Provision	Text / nature of clause and whether Schedule H or H2 reference	Applicable within TWT and TAoP, taking into account PC1?
Schedule H	5 references to Schedule H within the schedule itself	Schedule H1 does not require amendment, as it is a list of the rivers which contain primary contact sites and is used in many policies and rules in a way that works as it relates to the whole river where primary contact occurs. The list of rivers aligns with those that now have the new primary contact sites (i.e. site-specific measuring points) under PC1, and in my view, does not conflict or cause confusion as a result. Schedule H2 is duplicative of PC1 provisions and so I have proposed an icon such that it does not duplicate, as discussed above.
Schedule N	Schedule H2	Already has a not applicable to whitua icon
Maps content page	Schedule H1	N/A
Map 28	Mapping for the significant primary contact recreation rivers and lakes (Schedule H1)	Yes – duplicates Map 85, but as provisions within both PC1 and the Operative NRP refer to Schedule H1 it is preferable to retain this map as region wide (i.e. no icon)

139. As a result of the above analysis, I consider only Method M34 needs a consequential amendment as a result of accepting the WWL and Civil Contractors NZ submissions, given it is the only clause duplicating PC1 which refers to Schedule H2. Accordingly, I have recommended a consequential amendment to address this through use of a 'not applicable to whitua icon'; as illustrated in Appendix 4. The suitability of the PC1 methods⁶⁷ with respect to contact recreation can be further considered in Hearing Stream 4 as part of the freshwater action plan topic.

Whaitua

140. I recommend accepting the relief sought by UHCC [S225.049]⁶⁸ to retain the definition of "whaitua" as notified. I make no recommendations on the submissions from Yvonne Weeber [S183.054]⁶⁹ and Guardians of the Bays [S186.023]⁷⁰ because they did not seek any specific relief.

⁶⁷ New PC1 methods M36-M45 in Chapter 6 covering the Freshwater Action Plan programme and other non-regulatory methods

⁶⁸ Opposed by Forest & Bird [FS23.877]

⁶⁹ Supported by MPHRCI [FS27.054]

⁷⁰ Supported by MPHRCI [FS27.446]

141. I reject John Easter's submission [S17.007] that seeks a separate whitua for the Makara/Ohariu catchments, on the basis they are isolated from the adjoining Wellington urban catchments and cannot be managed as an integrated system. These catchments are already a separate part-FMU to the urban areas of Wellington and TAS have been set in PC1 for these catchments that respond to the water quality issues of Makara and Ohariu. The management responses (policies and rules) of PC1 have been developed on the basis of activities, which reflect the different urban and rural contaminants. Accordingly, there is no need for another whitua outside of TWT to manage this location.

3.4.2 Recommendations

142. I recommend that the definition for 'primary contact sites' is amended and a 'not applicable to Whitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whitua' icon be added to Schedule H2 and M34 as a consequential amendment, as shown in Appendix 4.

143. I recommend that the submissions and further submissions be determined as detailed in Appendix 5.

3.5 Issue 4: Objective WH.O1 (freshwater bodies and CMA wai ora by 2100)

3.5.1 Analysis

144. WH.O1 is a long term 'vision' objective for all freshwater and coastal water in the TWT FMU. It defines 'wai ora' and seeks this by 2100. It is complemented by other objectives that set 'generational' outcomes and targets for the first steps towards wai ora, by 2040.

General support

145. Several submitters⁷¹ support the goals set out in Objective WH.O1 and seek it be retained as notified. I recommend accepting these submissions in part. While I recommend retaining a long-term objective in the plan change, I recommend changes to it in response to other submissions and to better align it with a similar provision in the RPS introduced through RPS Change 1.

Timeframes

146. I recommend rejecting the submissions of EDS [S222.022] and Forest & Bird [S261.049] who seek that the 2100 timeframe for Objective WH.O1 be amended to 2050 to reflect the urgency of freshwater and biodiversity issues, along with Yvonne Weeber [S183.178]⁷², Guardians of the Bays [S186.095]⁷³ and Fish and Game [S188.031]⁷⁴ who request inclusion of interim and measurable milestones (e.g. for 2035, 2050 and 2070) in this objective. The plan change uses two timeframes. Firstly, this long-term objective, which I would describe as a visionary outcome, uses the 2100 timeframe. This is supported by a single generational 2040 timeframe used for the narrative and numerically measurable objectives

⁷¹ WCC [S33.023], Zealandia [S113.008] (supported by Forest & Bird [FS23.1518]), Taumata Arowai [S116.025] (supported by Forest & Bird [FS23.593]) and Pareraho Forest Trust [S213.008] and UHCC [S225.059] (opposed by Forest & Bird [FS23.887])

⁷² Supported by MPHRCI [FS27.178]

⁷³ Supported by MPHRCI [FS27.518]

⁷⁴ Supported by Forest & Bird [FS23.1187], MPGC [FS21.036] and MPHRCI [FS27.1120], opposed by NZFFA [FS9.031] and WWL [FS39.257]

(i.e. TAS). The 2100 timeframe is consistent with the RPS Change 1 long term vision objective⁷⁵ developed to satisfy clause 3.3 of the NPS-FM. It is unnecessary to have further mid to long-term objectives in the plan, i.e. the NPS-FM does not require this. The science and drafting for multiple future milestone objectives and/or sub-clauses in this objective would be uncertain at this point in time and such an approach would complicate the plan for no immediate benefit. The key focus of PC1 should be meeting the 2040 targets. It is preferable that the period beyond 2040 is revisited closer to that time in a future plan change, with the 2100 long term objective and the RPS guiding the planning response for the period after 2040 in the future.

147. I acknowledge that Wellington Water [S151.101]⁷⁶ and Kāinga Ora [S257.039] consider achieving wai ora by 2100 to be a significant task and seek the timeframe be extended to 2123 or extended taking into consideration the feasibility and cost of achieving it. This objective includes some additional goals to those specified in a similar long-term objective in RPS Change 1, being 'Objective TWT'. For example, the requirement in WH.O1 for all freshwater bodies to have planted margins is not specifically directed by Objective TWT in RPS Change 1. I agree with the sentiment in these submissions that this objective needs to be cognisant of feasibility, despite it being very long-term. However, I do not agree that simply extending the timeframe is a suitable response to any impractical goals contained within this objective. I consider it is preferable to adjust the level of expected improvement where objectives are too onerous than to allow more time. Extending the timeframe comes with it, a risk of delayed action. On this basis, I reject the relief sought by Wellington Water and Kāinga Ora.

Application to critical infrastructure

148. WIAL [S101.038]⁷⁷ considers "wai ora" cannot be achieved at the airport due to its operational and functional requirements and the objective for wai ora by 2100 should be qualified rather than absolute. I consider the amendment I covered in paragraph 120 in response to a submission by Ara Poutama [S248.008] is relevant in addressing this concern also. In paragraph 120, I recommend additional text is added to the WH.O1 objective (and P.O1) to clarify that resource consent applicants do not need to demonstrate their proposed activities align with this objective, as the other objectives (WH.O2-WH.O9) will achieve progressive improvement towards wai ora sought. On that basis, I recommend accepting in part this WIAL submission also.

Apply to natural freshwater bodies only

149. Guildford Timber, Silverstream Forest and Goodwin Estate [S210.020] seeks amendments to WH.O1 so that it applies only to natural freshwater bodies because as currently drafted it would apply to roadside channels and man-made drains that convey freshwater. The submitter considers this impracticable and unnecessary. I recommend accepting this submission by replacing the use of the undefined 'freshwater bodies' term with terms that are defined in the NRP or the RMA. 'River' is defined in the RMA and excludes any artificial watercourse, which achieves the outcome sought by the submitter.

⁷⁵ Objective TWT

⁷⁶ Opposed by Forest & Bird [FS23.1428]

⁷⁷ Opposed by Forest & Bird [FS23.1291]

Consequential changes and NPS-FM

150. I recommend rejecting the submission of Kāinga Ora [S257.010]⁷⁸ which sought consequential changes to Objective WH.O1 where relevant to reconcile outcomes to changes sought by Kāinga Ora on specific rules. I am unclear how changes to a rule might necessitate a change to an objective, as policies and rules should give effect to objectives, and I have not reviewed submissions on rules at this stage. A further Kāinga Ora comment under this submission point sought non-specific amendments to objective WH.O1 to align with and not go beyond what is required under the NPS-FM. Drafting amendments were not supplied, but the amendment clarifying application of this objective that I addressed at paragraph 120 may go some way to alleviating the submitter's concern, notwithstanding I am recommending rejecting this submission point.

Ephemeral watercourses

151. Forest & Bird [S261.049] seeks amendment to the chapeau of WH.O1 to include reference to ephemeral watercourses. I do not accept that ephemeral water courses need to be mentioned in this objective. Their physical form is not, in my opinion, a priority for planting as promoted by the second bullet point in this objective and the water itself is captured already by the term 'freshwater'. Accordingly, I recommend rejecting this submission point.

Objective 'note'

152. HCC [S211.006]⁷⁹, EDS [S222.022]⁸⁰, Forest & Bird [S261.049], Taranaki Whānui [S286.018]⁸¹ and WWL [S151.054]⁸² sought the reference to the "Note" be clarified or deleted from Objective WH.O1, so the content (i.e. the explanation of the wai ora state) is part of the objective. I recommend accepting these submissions and deleting the word 'note' as they read as outcome statements so should form part of the objective .

First bullet

153. CFG [S288.038]⁸³ sought clarification of "wai ora state", requesting a caveat that the natural character clause referred to a water body's state in response to a variety of input conditions that are managed to achieve a level of naturalness. Similarly, Horokiwi Quarries [S2.016] and Winstone Aggregates [S206.032]⁸⁴ consider the restoration of Āhua should only occur where natural character has been degraded and Transpower [S177.018] sought the objective acknowledge that complete restoration of character may not be possible in all instances, particularly in relation to RSI. I consider my amendment discussed in paragraph 120 should address the CFG and Transpower points as it clarifies how this objective works, so these submissions should be accepted in part. I agree that Āhua or

⁷⁸ Supported by HUD [FS48.006] and NZTA [FS28.097], supported in part by Meridian [FS47.159] and WIAL [FS31.006]

⁷⁹ Supported by NZTA [FS28.003] and WIAL [FS31.005], supported in part by Meridian [FS47.156], opposed by Forest & Bird [FS23.352]

⁸⁰ Supported by Forest & Bird [FS23.178] and MPHRCI [FS27.914], opposed in part by WIAL [FS31.007], opposed by Meridian [FS47.157], NZFFA [FS9.203], Winstone Aggregates [FS8.008] and WWL [FS39.004]

⁸¹ Supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.015] and Rangitāne [FS24.018], opposed in part by Meridian [FS47.161]

⁸² Opposed by Forest & Bird [FS23.1381]

⁸³ Opposed by Forest & Bird [FS23.062]

⁸⁴ Supported by Meridian [FS47.155]

natural character should only be necessary for achieving wai ora where it is degraded and accordingly I have added wording to WH.O1 (first bullet) and accept this submission. PF Olsen Ltd [S18.017] sought deletion of “natural state” from WH.O1, which is not used here, so I make no recommendation on this submission.

Second bullet

154. Several submitters⁸⁵ sought a ‘where practicable/possible’ caveat on the second bullet point relating to planting all water body margins and WFF [S193.056]⁸⁶ sought deletion of this clause. I agree with WFF that none of the statutory direction feeding into this plan change (NPS-FM and RPS Change 1 vision objective) nor the WIP direct planted margins everywhere in this whaitua, but Te Mahere Wai⁸⁷ envisages this. Accordingly, I recommend adding a caveat as per the submissions requesting this. I recommend accepting those submissions that sought a ‘caveat’ and accepting in part the WFF submission.

Fifth bullet

155. I recommend accepting the submission of Taranaki Whānui [S286.018] seeking deletion of the wording in the fifth bullet point, which arguably limits where customary practices can occur. I consider the deletion of the words ‘at a range of places’ means the objective is better aligned with Objective TWT in RPS Change 1 (the long-term freshwater vision for Te Whanganui-a-Tara).

New bullet

156. I agree in part with WFF [S193.056]⁸⁸ that Objective WH.O1 should be amended to provide for primary production as part of the long-term objective for consistency with the NPS-FM and WIP. In my opinion, it is important that this long-term objective recognises the second and third priorities contained within Te Mana o te Wai in the NPS-FM. Also, Objective TWT in RPS Change 1 directs this as part of its long-term vision for 2100. Accordingly, I have recommended an additional clause, using drafting that is similar with that used in the similar RPS 2100 vision objective, i.e., clause 7 of Objective TWT. On this basis, I recommend accepting in part the WFF submission as while primary production is not specifically included, it is captured within the ambit of the additional wording I’ve included in WH.O1 as a new final bullet point.

3.5.2 Recommendations

157. I recommend that WH.O1 is amended as shown in Appendix 4.

158. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

⁸⁵ Horokiwi Quarries [S2.016], Winstone Aggregates S206.032 supported by Meridian [FS47.155], HCC [S211.006] supported by NZTA [FS28.003] and WIAL [FS31.005], supported in part by Meridian [FS47.156], opposed by Forest & Bird [FS23.352], the Minister of Conservation [S245.001] supported by Hort NZ [FS1.028], Meridian [FS47.158], NZTA [FS28.020] and Winstone Aggregates [FS8.040], opposed by Forest & Bird [FS23.463]

⁸⁶ Supported by Hort NZ [FS1.027], opposed by Forest & Bird [FS23.1012]

⁸⁷ At page 51

⁸⁸ Supported by Hort NZ [FS1.027], opposed by Forest & Bird [FS23.1012]

3.6 Issue 5: Objective P.O1 (groundwater, rivers, lakes, natural wetlands, estuaries, harbours and CMA wai ora by 2100)

3.6.1 Analysis

159. P.O1 is a long term 'vision' objective for all freshwater and coastal water in the TAoP FMU. It defines 'wai ora' and seeks this by 2100. It is complemented by other objectives that set 'generational' outcomes and targets for the first steps towards wai ora, by 2040.

General support and oppose

160. I recommend accepting in part the submissions⁸⁹ seeking retention of the notified P.O1 objective as per the discussion above for similar submissions addressed in paragraph 145.

161. I note that Pukerua Property Group [S241.020]⁹⁰ and Land Matters [S243.008] seek an amendment to P.O1 to provide opportunities for development within Porirua whaitua as an alternative relief to their submissions opposing the use of stormwater control to manage or prevent land use. I recommend a 'use for social and economic benefits' addition be added to P.O1, similar to WH.O1, as discussed in paragraph 156 (noting that for this provision, clause 7 of the Objective TAP in RPS Change 1 is the relevant similar provision for this whaitua). Accordingly, I recommend accepting in part these submissions, as this change recognises development benefits in a broad way.

Timeframes

162. Submissions⁹¹ covering timeframes matters are similar to those addressed above for WH.O1, and as such I recommend they are all rejected, for the reasons set out in paragraphs 146 to 147 above.

Consequential changes and NPS-FM

163. For Kāinga Ora, I recommend rejecting submission point S257.039 in accordance with same requests covered above for WH.O1, at paragraph 150.

Ephemeral watercourses

164. I recommend rejecting the Forest & Bird [S261.133]⁹² submission seeking inclusion of a reference to ephemeral watercourses in this objective, as per my reasoning in paragraph 151.

⁸⁹ WCC [S33.074], Taumata Arowai [S116.077] supported by Forest & Bird [FS23.645]

⁹⁰ Supported in part by Land Matters [FS13.021 and FS13.043]

⁹¹ EDS [S222.075] supported by Forest & Bird [FS23.231] and MPHRCI [FS27.967], opposed by NZFFA [FS9.256] and WWL [FS39.007], Forest & Bird [S261.133] supported by MPHRCI [FS27.752], opposed in part by R P Mansell; A J Mansell, & M R Mansell [FS26.025] and Transpower [FS20.034], opposed by NZFFA [FS9.460], NZTA [FS28.069] and WWL [FS39.071], Yvonne Weeber [S183.266] (supported by MPHRCI [FS27.266]), Fish and Game [S188.067] supported by Forest & Bird [FS23.1223], MPGC [FS21.072] and MPHRCI [FS27.1156], opposed by NZFFA [FS9.067] and WWL [FS39.260], Wellington Water [S151.101] opposed by Forest & Bird [FS23.1428], Kāinga Ora [S257.039] supported by NZTA [FS28.098], supported in part by Meridian [FS47.311]

⁹² Supported by MPHRCI [FS27.752], opposed in part by R P Mansell; A J Mansell, & M R Mansell [FS26.025] and Transpower [FS20.034], opposed by NZFFA [FS9.460], NZTA [FS28.069] and WWL [FS39.071]

Objective 'note'

165. I recommend removing reference to the text 'note' in this objective also, such that the explanation of wai ora for this whaitua (which differs from that in WH.O1) is clearly part of the objective. Submissions⁹³ relating to this issue in the context of objective P.O1 should be accepted or accepted in part, in a similar manner to those addressed in paragraph 152 above.

First bullet

166. WFF [S193.112]⁹⁴ submits on the first bullet of P.O1, seeking it be deleted or clarified for consistency with the NPS-FM and WIP values. I agree this clause is unclear and it is unusual in the context of a resource management document, as it appears to describe the way in which all people should view the taonga whaitua of Ngāti Toa Rangatira. This is not measurable or implementable as an RMA objective, as it is not an outcome for natural and physical resources. Rather, it reads as prescribing a desired human behavioural outcome. I have reviewed the wording in Objective TAP in RPS Change 1, the long-term (2100) vision objective in that document, which I understand has been drafted with input from Ngāti Toa Rangatira. Subject to input from Ngāti Toa Rangatira on my suggested amendment, I recommend accepting the submission of WFF and amending the first bullet to better align with a resource management outcome. My preliminary drafting is to replace this clause with clause (1) from the RPS objective, or an alternative amendment that focuses on environmental outcomes rather than directing human behaviour or sentiment. Accordingly, I have included this as preliminary alternative drafting in Appendix 4. I will endeavour to engage with Ngāti Toa Rangatira on this matter ahead of the hearing.

Second bullet

167. Several submissions⁹⁵ seek the deletion of or amendment to the second bullet point to moderate the 'natural state' outcome for 'waters'. I agree with the PCC submission, that 'natural state' outcome is unrealistic within this highly urban whaitua, even over a long period of time. Accordingly, I recommend accepting or accepting in part the submissions which commented on this matter and note the modification to the drafting of this clause in Appendix 4 by adding a caveat of 'where possible' on the basis that it may be possible to achieve this in some parts of the whaitua.

Fourth bullet

168. Forest & Bird [S261.133] considers that riffle, run and pool sequences is clearer than "ripples" and seeks an amendment to the fourth bullet of P.O1 to reflect this. I agree that the correct terminology for describing 'ripples' is the term 'riffles' which are those parts of a river where a faster current breaks the water surface in sections of shallow water. Whereas a 'ripple' is akin to a stone being thrown into a pool and small waves forming in

⁹³ EDS [S222.075], PCC [S240.024] supported by NZTA [FS28.110], supported in part by Meridian [FS47.310], opposed by NZFFA [FS9.121], Forest & Bird [S261.133], WWL [S151.101] opposed by Forest & Bird [FS23.1428], WFF [S193.112] supported by Hort NZ [FS1.057], opposed by Forest & Bird [FS23.1068]

⁹⁴ Supported by Hort NZ [FS1.057], opposed by Forest & Bird [FS23.1068]

⁹⁵ PF Olsen Ltd [S18.043], Christine Stanley [S26.012], Transpower [S177.044] supported by NZTA [FS28.119], supported in part by Meridian [FS47.309], opposed by Forest & Bird [FS23.787], WFF [S193.112] supported by Hort NZ [FS1.057], opposed by Forest & Bird [FS23.1068], PCC [S240.024] supported by NZTA [FS28.110], supported in part by Meridian [FS47.310], opposed by NZFFA [FS9.121], CFG [S288.081] opposed by Forest & Bird [FS23.105]

circles on the surface of the water. I agree the objective would be clearer if it used the scientifically clear terminology for what I understand are the important flow features of riffles, runs⁹⁶ and pools as suggested in this submission. Accordingly, I recommend accepting the Forest & Bird submission and have included the new wording in Appendix 4.

169. I recommend rejecting the submission of WFF [S193.112] for the fourth bullet point to be deleted, or reworded to express a vision for natural character, as this provision seems clear, with the amendment I've made in response to the previous submission. In any case, the provision is directed at habitat features for rivers, rather than the broader elements of natural character noted in this submission.

New bullet

170. I recommend accepting in part the WFF [S193.112] seeking reference to use of water for primary production for the reasons outlined in response to a similar submission in paragraph 156 and the inclusion of a new bullet point in P.O1 referring to social and economic benefits, as set out in Appendix 4.
171. In response to the WFF [S193.112] submission that seeks a new bullet be added to P.O1 to provide for harbour sedimentation to be reduced to a more natural level, for consistency with the NPS-FM and WIP values, I understand this outcome is to be achieved by 2040 and is captured by Objective P.O2 and Policy P.P4, so it does not need to be repeated in P.O1 in my view. Accordingly, I recommend rejecting this submission.

3.6.2 Recommendations

172. I recommend that P.O1 is amended as shown in Appendix 4.
173. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.7 Issue 6: Objective WH.O2 (groundwater, rivers and natural wetlands towards wai ora by 2040)

3.7.1 Analysis

174. WH.O2 is an 'environmental outcome' objective for the values applying to groundwater, rivers and natural wetlands in the TWT FMU required by clause 3.9 of the NPS-FM. WH.O2 is the 'generational' environmental outcome that aligns with the TAS.

General support and oppose

175. I acknowledge the nine submitters⁹⁷ who support objective WH.O2 and in the case of WWL, just clause (a) of this objective. Guildford Timber, Silverstream Forest and Goodwin Estate seek WH.O2 be retained but note that clauses (b) and (c) do not set clear or acceptable targets. I recommend retention and changes to this objective in respect of other

⁹⁶ My understanding is runs are areas of fast water with little or no turbulence

⁹⁷ Zealandia [S113.009] (supported by Forest & Bird [FS23.1519]), Taumata Arowai [S116.026] (supported by Forest & Bird [FS23.594]), WWL [S151.055] – clause (a) only, Yvonne Weeber [S183.179] (supported by MPHRCI [FS27.179]), Guardians of the Bays [S186.096] (supported by MPHRCI [FS27.519]), Guildford Timber, Silverstream Forest and Goodwin Estate [S210.021], Pareraho Forest Trust [S213.009], UHCC [S225.060] (opposed by Forest & Bird [FS23.888]), CFG [S288.039] (opposed by Forest & Bird [FS23.063])

submissions discussed below, so on this basis, these submissions should be accepted in part as these changes also partially address the Guildford Timber concerns related to clauses (b) and (c) as they are made clearer, and a linkage to specific targets has been added to clause (a).

Timeframes

176. In terms of submissions⁹⁸ seeking a shortened timeframe within WH.O2, I accept in part this request because I have previously recommended, at paragraph 103, the inclusion of new interim objective with a time period of 2030 (WH.10), which is the time period sought by these submitters. I don't support a 2030 timeframe for WH.O2, as the outcomes described in this objective will take considerable investment and time to be realised, and the time period deliberately aligns with the freshwater TAS timeframes which set out the measurable attributes⁹⁹ to complement this objective.
177. WCC [S33.024]¹⁰⁰ and WWL [S151.055] seek a longer timeframe to 2060 in this objective as they consider there is insufficient time to achieve the required outcomes and to fit with council long term plans (LTPs) and financing for three waters networks. I agree that it is important that the objectives are set to be achievable in terms of the actions required, but consider it is preferable to adjust the level of expected improvement where objectives are too onerous than to allow more time. Extending the timeframe comes with it, a risk of delayed action. This is discussed further in relation to submissions on WH.O9 later in my report at section 3.14. Accordingly, I recommend rejecting these submissions.
178. I reject the submission of WFF [S193.057]¹⁰¹ which sought the deletion of "by 2040" from Objective WH.O2 and for the provision of timeframes for the achievement of TAS to be developed through the freshwater action plan (FAP) process. I consider the timeframe in this objective is useful for plan clarity (e.g. to distinguish it from the previous wai ora 2100 objective) and it aligns with other objective timeframes that are a requirement of the NPS-FM¹⁰².

Application to critical infrastructure

179. WIAL [S101.039]¹⁰³ are concerned that this objective has an absolute requirement for wai ora to be achieved and considers there are practical difficulties for achieving this. I disagree that this objective sets an absolute requirement, rather it seeks progress towards it – *'on a trajectory of measurable improvement'*. WH.O2 is simply a narrative expression of the environmental improvement anticipated by 2040 for the freshwater values of this whaitua. Accordingly, I recommend rejecting the submission of WIAL as I do not consider the objective has an absolute requirement for the achievement of wai ora and it is not highly

⁹⁸ EDS [S222.023] (supported by Forest & Bird [FS23.179] and MPHRCI [FS27.915], opposed in part by Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.061], R P Mansell; A J Mansell, & M R Mansell [FS26.049], Transpower [FS20.003] and WIAL [FS31.008], opposed by NZFFA [FS9.204], Winstone Aggregates [FS8.009] and WWL [FS39.005]), Forest & Bird [S261.050] (supported by MPHRCI [FS27.669], opposed in part by Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.031], R P Mansell; A J Mansell, & M R Mansell [FS26.015] and Transpower [FS20.020], opposed by NZFFA [FS9.377], NZTA [FS28.068], Winstone Aggregates [FS8.020] and WWL [FS39.021 and FS39.038],
⁹⁹ WH.O9

¹⁰⁰ Supported by Winstone Aggregates [FS8.034] and WWL [FS39.232]

¹⁰¹ Supported in part by Hort NZ [FS1.029], opposed by Forest & Bird [FS23.1013]

¹⁰² E.g. WH.O9 which gives effect to clause 3.11(5) of the NPS-FM

¹⁰³ Opposed by Forest & Bird [FS23.1292]

directive for consent applicants, given it is simply seeking progress in the right direction. In addition, for many of the sub-clauses, there is the option of maintenance or improvement. For a large established site like WIAL's, I expect there would be plenty of opportunity to achieve maintenance or improvement, even where a new project involved effects on water quality. This could be simply addressed through offering to offset some historical water quality effects (e.g. through adding stormwater treatment devices, sediment traps, etc to serve a slightly larger airport area than the new project) alongside the best practice measures for the new development so that overall, the airport is contributing towards improving water quality to achieve the TAS.

Ephemeral watercourses

180. I recommend rejecting the Forest & Bird [S261.050] submission seeking ephemeral watercourses are included in this objective. This is inconsistent with the NPS-FM in my opinion, which only refers to rivers, lakes and wetlands and uses the term 'water bodies' in places. My understanding is the Council's interpretation of rivers includes some ephemeral streams. Under the existing NRP provisions, an ephemeral watercourse is a defined term which makes it clear they are not regarded as the NRP's defined 'surface water body' term or a wetland, but I understand that some ephemeral streams can be a river in some situations, as per the Council's guidance note¹⁰⁴ on the different types of watercourses. I note that the PC1 point source discharge rules (e.g. Rule WH.R5) apply to discharges to water which would include ephemeral water where present, and also to land where it may enter a surface water body. Generally, ephemeral watercourses will ultimately enter surface or coastal water so this is not determinative in the context of consent requirements for direct discharge of contaminants. For land use/diffuse discharge provisions, the applicability of rules will likely depend on whether the ephemeral stream meets the definition of river, as per the guidance note. Accordingly, I understand that the PC1 provisions, without specific reference to ephemeral, will essentially cover some ephemeral watercourses where they should, consistent with the approach throughout the rest of the NRP. Accordingly, I consider adding ephemeral watercourse to WH.O2 would be inconsistent with the NPS-FM and a potentially confusing amendment to make in terms of the existing NRP definitions and guidance document.

Clarification/additions to sub-clause content

181. I recommend accepting in part the requests from EDS [S222.023] and Forest & Bird [S261.050] for Clause (a) of WH.O2 to be amended to include reference to natural form and character, and to ecosystem health, as I consider this provides for better alignment with the NPS-FM and the summary of the values identified through the WIP processes, which I've summarised in Appendix 6, as previously discussed in paragraph 95. Revised wording for sub-clause (a) is included in Appendix 4 that specifically references 'ecosystem health' and the five components identified in Appendix 1A (1) which contribute to this. Ecosystem health is the value that this clause is intended to relate to. My amendments to sub-clause (b) discussed next address these submitters' requests that this objective specify an outcome for natural form and character as well as submissions addressed previously on

¹⁰⁴ <https://www.gw.govt.nz/assets/Documents/2022/04/Watercourse-categorisation-guidance-document-v2.pdf>

this matter at paragraphs 91-92 above. I note this was identified as a value for both whitua as per my Appendix 6.

182. NZFFA Wellington [S36.036], Fulton Hogan [S43.007]¹⁰⁵, WWL [S151.055] and WFF [S193.057]¹⁰⁶ seek amendments or deletions of text within sub-clause (b) in terms of measurability/clarity issues, as no baseline is specified for measuring the required 'more natural level'. WWL also seek a maintenance option. WFF also requests deletion of all of clauses (a)-(h). I have reviewed clause (b) and do not consider it clearly identifies the 'value' to which these actions relate. This is needed to show the link between the 'environmental outcome' and the FMU values, as discussed in paragraph 94 in response to a submission from Forest and Bird seeking a link between values and at least one environmental outcome, as per the NPS-FM¹⁰⁷. Sub-clause (c) of WH.O2 is similar in this regard, in that it doesn't clearly reference a value. Accordingly, I recommend redrafting clauses (b) and (c) into a single clause referencing the natural form and character value identified (refer to Appendix 4). I note that the scope of PC1 with respect to natural form and character relates to some aspects (e.g. improvements through measures to reduce bank erosion, improve visual clarity and increase riparian planting).
183. I do not think it is helpful for the clause to reference 'more natural levels', as the required flow levels and sediment loss levels are specified in other provisions in PC1. Accordingly, I recommend removing this language. In my view the changes I set out in Appendix 4 make the objective 'value' clearer and list some of the actions under PC1 that will improve this, as were previously covered by clauses (b) and (c). The impact of my amendments responding to these submissions (and more general submissions on 'values' discussed in paragraph 95) means that the NZFFA submission is rejected, albeit my edits may resolve the uncertainty they were concerned about. The submission of WWL is accepted and the submissions from Fulton Hogan and WFF should be accepted in part, as my new text aligns with their requested amendments or removes the text they raised concern with.
184. In respect of the WFF submission for general deletion of clauses (a) to (h) I also recommend deletion of clause (e) as it conflicts with (d) and (f), in that it seemingly only protects some locations for mahinga kai and customary use. This clause does not tie so clearly to the values and the duplication is not helpful when my understanding is the mahinga kai and wai tapu/wāhi tapu value expressed in Te Mahere Wai related more broadly than just Schedule B locations. I consider this may also assist with the Taranaki Whānui¹⁰⁸ submissions which comment on the reference to Schedule B in this objective, seeking it be amended in consultation with mana whenua. Amending sites listed in Schedule B is outside the scope of PC1, but my suggested deletion of the reference to Schedule B in Objective WH.O2 should assist with ensuring that all freshwater in TWT is assumed to hold the NPS-FM Appendix 1A and 1B values reflected in my values summary in Appendix 6. Accordingly, I recommend accepting in part these submissions.

¹⁰⁵ Supported by Winstone Aggregates [FS8.026]

¹⁰⁶ Supported in part by Hort NZ [FS1.029], opposed by Forest & Bird [FS23.1013]

¹⁰⁷ Clause 3.9

¹⁰⁸ [S286.006] supported by Rangitāne [FS24.004], with a neutral/not stated stance from Ātiawa ki Whakarongotai Charitable Trust [FS2.006]) and [S286.019] supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.016], supported by Rangitāne [FS24.019]

185. I note that Fish and Game [S188.032] seeks a reference to introduced species (trout) is added to Clause (d). I consider it would be preferable to 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. Accordingly, I recommend accepting this submission in part, and including reference to fishing in sub-clause (g) of this objective in preference to the 'food gathering' text, as it more clearly aligns with the relevant identified value.
186. WWL [S151.055] sought for clause (f) and (g) of Objective WH.O2 to be combined or better distinguished. I agree these clauses are too similar in the notified version of PC1. There are four clauses covering mahinga kai/food gathering WH.O2, which are duplicative and/or inconsistent in the case of (e) which I have recommended be removed in paragraph 184 above. The change I have recommended in paragraph 185 to amend 'food gathering' in clause (g) to 'fishing' also reduces the duplication and I expect may resolve the request from WWL here. Accordingly, it is recommended that this submission be accepted.
187. WFF [S193.057]¹⁰⁹ sought for clause (g) to be amended to add 'at priority contact recreation sites' so that this 'human contact' value be confined to just the freshwater primary contact sites, which are those identified in objective WH.O8. My summary of the locations for the human contact freshwater 'value', as set out in Appendix 6, indicates that this value is present/important more broadly than just the primary contact sites (there is some alignment, but other rivers such as the Ōrongorongo are also valued for human contact). PC1 sets objectives for the Council's identified and monitored primary contact sites and also seeks that water quality be improved generally throughout the two whaitua for human contact through seeking to reduce contaminants that affect this, including *E.coli*. On this basis, I do not support refining this clause to apply just to the primary contact sites, as it is not aligned with the value and community expectation to improve this throughout the whaitua.
188. However, I understand from Dr Greer's evidence that even the highest *E.coli* attribute states specified in the NPS-FM have a level of residual human health risk, albeit this reduces as the band increases from E to A. I consider it is important that the objective avoids setting a scientifically false expectation of what is possible. Accordingly, as an alternative amendment in response to the WFF submission, I recommend moderating the 'safely connect with freshwater' reference in clause (g) and as a consequential amendment to clause (f) also, in order to better reflect the scientific evidence on contact recreation safety. The revised direction I suggest that reflects the PC1 approach is 'more safely' connect with freshwater for these clauses. Accordingly, it is recommended that the WFF submission be accepted in part.

New sub-clause sought

189. WFF [S193.057]¹¹⁰ sought for a clause to be added to WH.O2 to provide for reliable water to support primary production. Similar requests were made in the submissions of Louise Askin [S9.011] and Ian Stewart [S32.001]. Ian Stewart's requested drafting included reference to 'health needs of people (such as drinking water)' and the 'ability for people and communities to provide for their social, economic and cultural wellbeing'. In response

¹⁰⁹ Supported in part by Hort NZ [FS1.029], opposed by Forest & Bird [FS23.1013])

¹¹⁰ Supported in part by Hort NZ [FS1.029], opposed by Forest & Bird [FS23.646]

to these submissions, I note that clause (h) already covers the health needs of people, using a bolded term which signals a reference to a defined term in the NRP. This is defined as 'the amount and quality of water needed to adequately provide for people's hygiene, sanitary and domestic requirements.' It goes on to list water use that is not included in this definition (e.g. irrigation and industry are excluded, but animal drinking water is included). I recommend that the reference to 'of a suitable quality' in clause (h) be removed to be more aligned with Ian Stewart's drafting, as quality is already captured by the defined term so is duplicative and potentially confusing as it does not refer to quantity also. I have added a new social and economic benefits clause in recognition of these submissions, which also aligns with the irrigation, cultivation and production value present within this whitua, as per my Appendix 6 values summary. This is necessarily qualified by the Te Mana o te Wai priorities from the NPS-FM and RPS Change 1. Accordingly, subject to these amendments, the WFF, Louise Askin and Ian Stewart submissions can be accepted in part.

3.7.2 Recommendations

190. I recommend that WH.O2 is amended as shown in Appendix 4.
191. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.8 Issue 7: Objective P.O2 (groundwater, rivers, lakes and natural wetlands towards wai ora by 2040)

3.0 Analysis

192. P.O2 is an 'environmental outcome' objective for the values applying to freshwater in the TAoP FMU required by clause 3.9 of the NPS-FM. P.O2 is the 'generational' environmental outcome that aligns with the TAS.

General support and oppose

193. I recommend accepting in part the submissions¹¹¹ seeking retention of P.O2 as per the discussion above for similar submissions addressed in paragraph 175 in relation to WH.O2.
194. The submission by Pukerua Property Group [S241.021]¹¹² and Land Matters [S243.009] refers to stormwater control to manage land use and seeks this objective be deleted or amended to remove avoidance principles. In my opinion this objective does not contain the content referred to in these submissions, so on this basis I recommend rejecting these requests.

¹¹¹ Taumata Arowai [S116.078] supported by Forest & Bird [FS23.645], Yvonne Weeber [S183.267] supported by MPHRCI [FS27.267] and CFG [S288.082] opposed by Forest & Bird [FS23.106]

¹¹² Supported in part by Land Matters [FS13.022 and FS13.044]

Timeframes

195. Timeframe submissions¹¹³ here are like submissions addressed in paragraphs 176 - 177 for WH.O2. For similar reasons, I recommend rejecting the submissions seeking both a shorter and longer timeframe in P.O2.
196. Fish and Game [S188.068]¹¹⁴ sought for interim targets be set for P.O2. I recommend accepting this submission in part due to the inclusion of a new interim timeframe objective (P.O7) for the reasons set out in paragraphs 102 to 103.

Ephemeral watercourses

197. I recommend rejecting Forest & Bird's [S261.134] request to reference ephemeral watercourses in the chapeau of P.O2 for the reasons outlined in paragraph 180.

Link to TAS and locations

198. PCC [S240.025] considers P.O2 is unclear as it does not link to a table of TAS, specific locations or specific states to be met, noting there are no specific *E.coli* states specified for primary contact sites for TAoP. I concur there are no freshwater primary contact sites for TAoP. This is because TAoP WIP did not identify specific primary contact sites and all freshwater swimming locations monitored by the Council during summer months are within the TWT whaitua and broader region, as outlined in Part B, section 3.5.1 of the section 32 report. This general narrative objective is intended to be read alongside the TAS objective (P.O6) which sets the general *E.coli* targets to be achieved across TAoP. I have recommended including a link to P.O6 in clause (a) in response to earlier submissions, which also responds to this submission, in part. Accordingly, I recommend accepting this submission in part.

Clarification/additions to sub-clause content

199. With regard to the EDS [S222.076] and Forest & Bird [S261.134] requests to include a reference to ecosystem health and natural form and character, I recommend accepting these submissions in part, for the reasons outlined for similar submissions addressed in paragraphs 180 and 182 above. Amendments have been included in Appendix 4, similar for those made to WH.O2.
200. As for WH.O2, I have redrafted P.O2 to remove reference to 'a more natural level' in clause (b) enabling submissions on this clause from Diane Strugnell [S5.006] and Fulton Hogan Ltd [S43.019] to be accepted in part.
201. WFF [S193.113]¹¹⁵ seek the deletion of (b) because they consider it inconsistent with the NPS-FM and NOF values. I have attempted to better align the overall objective with the

¹¹³ EDS [S222.076] supported by Forest & Bird [FS23.232] and MPHRCI [FS27.968], opposed in part by R P Mansell; A J Mansell, & M R Mansell [FS26.056] and Transpower [FS20.011], opposed by NZFFA [FS9.257] and WWL [FS39.008], Forest & Bird [S261.134] supported by MPHRCI [FS27.753], opposed in part by R P Mansell; A J Mansell, & M R Mansell [FS26.026] and Transpower [FS20.035], opposed by NZFFA [FS9.461], NZTA [FS28.070] and WWL [FS39.025 and FS39.042], WCC [S33.075] supported by WWL [FS39.242], WWL [S151.102] opposed by Forest & Bird [FS23.1429], PCC [S240.025] supported by WWL [FS39.131], opposed by NZFFA [FS9.122],

¹¹⁴ Supported by Forest & Bird [FS23.1224], MPGC [FS21.073] and MPHRCI [FS27.1157], opposed by NZFFA [FS9.068] and WWL [FS39.261]

¹¹⁵ Opposed by Forest & Bird [FS23.1069]

identified values as per my Appendix 6 summary of these. Furthermore, the inclusion of the direct linkage to P.O6 I have recommended in clause (a) helps to clarify the expectation for the trajectory of improvement towards wai ora versus achieving the more onerous and long-term goal of wai ora by 2100, which was also a concern in this WFF submission point. On this basis, I consider my overall changes to P.O2 reflective of those made to WH.O2 to better align with the values, as set out in paragraphs 94 to 95, as such I recommend the WFF submission be accepted in part.

202. WFF [S193.113]¹¹⁶ also seeks the deletion of (d) in P.O2, for consistency with the NPS-FM and NOF values, and to clarify the distinction between the trajectory of improvement and the achievement of wai ora. I do not agree that this clause is inconsistent with the NPS-FM so I've not recommended making this requested deletion. It is clearly differentiable from wai ora as it simply seeks an increase in the important factors (i.e., diversity, abundance and condition) for accessing mahinga kai.

New sub-clause sought

203. I recommend accepting in part the WFF [S193.113] submission points that seek a new clause referencing primary production and sought deletion of clauses (f) and (h) in P.O2. This is on the basis of my recommended new clause (h) recognising social and economic use benefits and aligning clauses (f) and (h) with the equivalent WH.O2 clauses which I adjusted to respond to an earlier WFF submission addressed in paragraphs 187-189. The changes recommended to (f) and (h) are to ensure a consistent approach across identical clauses in the equivalent TWT objective. The reason for those amendments are the same as those set out in paragraphs 187-189 and in my opinion are preferable to the relief sought by WFF for deleting these clauses where they appear in the equivalent TAoP objective.

3.8.1 Recommendations

204. I recommend that Objective P.O2 is amended as shown in Appendix 4.
205. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.9 Issue 8: Objectives WH.O3 and P.O3 and Tables 8.1 and 9.1 (coastal water objectives)

3.9.1 Analysis

206. This issue covers the coastal objectives included in PC1 for both whitua. These objectives include both narrative and numeric content to manage coastal water quality to support human health and ecosystem health outcomes. These new objectives will replace the contact recreation (O18) and ecosystem health (O19) objectives and specifically, the coastal tables within these (Tables 3.3 and 3.8) in the NRP for TWT and TAoP.

¹¹⁶ Accept in part recommendations are made elsewhere for this submission point so no further recommendation is needed here

General support and oppose

207. I note the submissions¹¹⁷ that support, and in some cases, specifically seek retention of WH.O3 and P.O3. I support retention of these new objectives in a modified form in response to more detailed submissions discussed below. Accordingly, I recommend accepting in part those submissions that sought these objectives be retained. For those that did not request an outcome or decision, I make no recommendation.
208. I note that WWL¹¹⁸ made a general opposition submission on the coastal objectives. I concur with this submitter that the lack of baseline information and uncertainty over how these objectives will be assessed and measured creates uncertainty. A key uncertainty arises with the lack of guidance on the measurement point for the coastal objectives, which differs to the approach adopted in PC1 (and required by the NPS-FM) for freshwater. I have worked closely with Dr Melidonis and Dr Wilson to address these issues and recommend introducing specific locations (and targets) at coastal recreation water quality site locations for the relevant enterococci parameter rather than the harbour/estuary wide approach in the notified versions of Tables 8.1 and 9.1. The site-specific locations I am proposing are established coastal recreational water quality monitoring sites already used by the Council, so this change predominantly makes the implementation of the coastal objectives clearer in PC1. This change should assist with the WWL concern regarding prioritising wastewater network improvements. The proposed locations would have likely been where the Council would have monitored the enterococci parameter in any case, so I consider this is a helpful clarity improvement.
209. The proposed site-specific locations are set out in a new table for each coastal objective to accommodate the additional detail. These new tables, 8.1A and 9.1A are included in Appendix 4 as part of WH.O3 and P.O3, based on material included in Dr Wilson's enterococci evidence. A general 'maintain' target is retained for areas not covered by the new enterococci sites in Table 8.1A and 9.1A, on the basis that discharges with these contaminants may still arise and affect coastal values (e.g. shellfish gathering), so PC1 will 'hold the line' in such cases. The change to include a separate table with the coastal recreational water quality site locations can also be used to assist with prioritising improvements at these high use locations, rather than everywhere.
210. In addition to the changes recommended to measure enterococci at the coastal recreational water quality monitoring sites rather than everywhere, I recommend deleting the 'benthic marine invertebrate diversity' and 'phytoplankton' parameters which appear in Table 8.1 (but not 9.1), as identified in Dr Melidonis' evidence on the basis that there is no existing baseline data, they are not currently monitored by the Council, and because

¹¹⁷ CentrePort [S93.003], WIAL [S101.041] opposed by Forest & Bird [FS23.1294], Zealandia [S113.010] supported by Forest & Bird [FS23.1520], Taumata Arowai [S116.027] supported by Forest & Bird [FS23.595] and [S116.079] supported by Forest & Bird [FS23.647], Yvonne Weeber [S183.180] supported by MPHRCI [FS27.180]), [S183.181] supported by MPHRCI [FS27.181]), [S183.268] supported by MPHRCI [FS27.268] and [S183.269] supported by MPHRCI [FS27.269], Guardians of the Bays [S186.097] supported by MPHRCI [FS27.520] and [S186.098] supported by MPHRCI [FS27.521], Pareraho Forest Trust [S213.010], UHCC [S225.061] opposed by Forest & Bird [FS23.889], CFG [S288.040] opposed by Forest & Bird [FS23.064] and [S288.083] opposed by Forest & Bird [FS23.107]

¹¹⁸ [S151.003] supported by WCC [FS36.019], supported in part by Kāinga Ora [FS45.074], opposed by Forest & Bird [FS23.1330] and [S151.004] supported by WCC [FS36.020] and Winstone Aggregates [FS8.038], supported in part by WIAL [FS31.002], opposed by Forest & Bird [FS23.1331]

she explains that there are only some situations when these are relevant. Accordingly, I recommend accepting in part the WWL submission on the basis that I consider my recommended amendments to Tables 8.1 and 9.1 provide greater certainty over how these objectives will be assessed and measured. As a consequential change, given the majority of the parameters in the tables were not considered helpful for the open coast areas of both whaitua by Dr Melidonis, I have removed these columns and their content from the tables and instead added a new narrative clause within the text of the objectives to manage outcomes for the open coast areas of both whaitua. New sub-clauses (i) for WH.O3 and P.O3 have informed by her summary conclusions for the appropriateness of coastal parameters for the different coastal water management units in her evidence.

211. Pukerua Property Group¹¹⁹ made a similar submission on the coastal objectives relating to the use of stormwater controls to manage or prevent land use as one they made on P.O2 addressed above in paragraph 194 and I recommend rejecting it on the same basis.

Timeframes

212. Fish and Game¹²⁰, EDS¹²¹ and Forest & Bird¹²² seek interim targets for one or both of WH.O3 and P.O3. EDS separately seeks amendment to the WH.O3 and P.O3 timeframes from 2040 to 2030. My understanding is the NPS-FM requirements do not apply to the coastal objectives as they are not TASs. This means that the NPS-FM clause 3.11(6) requirement for interim targets of not more than 10 years does not apply here. I also consider the 2040 timeframe set in these objectives is not long term and so there is little practical benefit in this request either. The EDS request for a 2030 timeframe for the coastal objectives is similarly not something I would support, given the costs and lag time expected ahead of improvements being observed. Accordingly, I recommend rejecting these submissions.

¹¹⁹ [S241.022] supported in part by Land Matters [FS13.023 and FS13.045] and Land Matters [S243.010]

¹²⁰ [S188.069] supported by Forest & Bird [FS23.1225], MPGC [FS21.074] and MPHRCI [FS27.1158], opposed by NZFFA [FS9.069] and WWL [FS39.262],

¹²¹ [S222.024] (supported by Forest & Bird [FS23.180] and MPHRCI [FS27.916], opposed by CentrePort [FS40.006], NZFFA [FS9.205] and [S222.025] supported by Forest & Bird [FS23.181] and MPHRCI [FS27.917], opposed by CentrePort [FS40.007], NZFFA [FS9.206], WIAL [FS31.011] and WWL [FS39.002 and FS39.015] and [S222.077] (supported by Forest & Bird [FS23.233] and MPHRCI [FS27.969], opposed by NZFFA [FS9.258] and WWL [FS39.003 and FS39.017]) and [S222.078] supported by Forest & Bird [FS23.234] and MPHRCI [FS27.970], opposed by NZFFA [FS9.259] and WWL [FS39.011]

¹²² [S261.051] (supported by MPHRCI [FS27.670], opposed by CentrePort [FS40.001], NZFFA [FS9.378], WCC [FS36.058] and WWL [FS39.057]) and [S261.135] (supported by MPHRCI [FS27.754], opposed by NZFFA [FS9.462] and WWL [FS39.065])

213. Christine Stanley¹²³, WCC¹²⁴, WWL¹²⁵ HCC [S211.007]¹²⁶, PCC [S240.027]¹²⁷ [S240.026]¹²⁸, and Forest & Bird [S261.052]¹²⁹ [S261.136]¹³⁰ seek a longer timeframe for the coastal objectives WH.O3 and P.O3 and/or Tables 8.1 and 9.1 which form part of these objectives of 2060. I agree that it is important that the objectives are set to be achievable in terms of the actions required, but consider it is preferable to adjust the level of expected improvement where objectives are too onerous than to allow more time. Extending the timeframe comes with it, a risk of delayed action. Accordingly, I recommend accepting in part these submissions on the basis that I am recommending some amended (less stringent) targets, in my new Tables 8.1A and 9.1A in Appendix 4 for enterococci where Dr Wilson has identified achievability issues in his evidence. The key changes relate to the following locations where I have made a planning recommendation for a target of “50% improvement towards meeting 500” because getting to the safe bathing standard of 500 cfu/ 100 mL is not expected to be achievable by 2040 for these locations:

- Wellington City Waterfront at Shed 6
- Wellington Harbour at Taranaki St Dive Platform
- Waka Ama in Te Awarua-o-Porirua Harbour
- Rowing Club in Te Awarua-o-Porirua Harbour
- Water Ski Club in Te Awarua-o-Porirua Harbour

214. The “50% improvement” target is intended to require around half of the investment needed for making these sites scientifically safe for swimming during the now 15 year period to 2040 (or 17 years from when PC1 was notified). The rest of the improvements needed to get to 500 cfu/ 100 mL could then occur in the period 2040-2060 assuming mana whenua and the wider community continue to strive for a safe swimming outcome everywhere, through a future plan change.

215. In addition, I recommend adjustments for the harbour wide target of 200 cfu/ 100 mL to 500 cfu/ 100 mL that had been included throughout Wellington Harbour in Table 8.1 for some specific bathing site locations where this is not expected to be achievable by 2040. As I understand it both 200 and 500 cfu/100 mL are regarded as being suitable for swimming¹³¹. These are indicated in Table 8.1A in Appendix 4. In addition, all the ‘maintains’ for enterococci in the notified versions of Tables 8.1 and 9.1 have been

¹²³ [S26.013 and S26.014]

¹²⁴ [S33.025] supported by WWL [FS39.233]), [S33.026] supported by WWL [FS39.234], [S33.076] (supported by WWL [FS39.243]) and [S33.077] supported by WWL [FS39.244])

¹²⁵ [S151.056] supported by WCC [FS36.024], supported in part by Kāinga Ora [S45.080], opposed by Forest & Bird [FS23.1383] and WWL [S151.057] supported by NZTA [FS28.133], opposed by Forest & Bird [FS23.1384]

¹²⁶ supported by Winstone Aggregates [FS8.028] and WWL [FS39.092], opposed by Forest & Bird [FS23.353]

¹²⁷ supported by WCC [FS36.014] and WWL [FS39.133], opposed by NZFFA [FS9.124]

¹²⁸ supported by WWL [FS39.132], opposed by NZFFA [FS9.123]

¹²⁹ Supported by MPHRCI [FS27.671], opposed by CentrePort [FS40.002], NZFFA [FS9.379], WIAL [FS31.012] and WWL [FS39.058]

¹³⁰ Supported by MPHRCI [FS27.755], opposed by NZFFA [FS9.463] and WWL [FS39.066])

¹³¹ Relying on paragraph 28 of Dr Wilson's evidence which states that sites exceeding 500 enterococci/100 mL may not be suitable for human contact and may require signage to inform the public of health risks at the location

assigned more helpful numeric targets, based Dr Wilson's evidence, except where no monitoring sites or data exists.

216. I acknowledge that the above recommendations are a values-based planning conclusion. In determining where to 'draw the line' and recommend changes to the targets, I am conscious of the costs and construction feasibility risks with so much improvement in a 15-year time period from now. At a high level, I think it makes sense to focus on improving as many of the coastal recreational water quality site locations to a safe level as possible, rather than every site when the evidence suggests this unlikely to be achieved. Likewise, aiming for a higher standard of 200 enterococci/100 mL in some locations (specifically the Wellington harbour and Pāuatahanui Inlet proposed under PC1 where this may be unachievable, is not a fair or sensible use of ratepayer funds unless this target can be reasonably reached.
217. I do not recommend including targets for 2060 now, as there is too much uncertainty to predict the level of further improvement from the adjusted 2040 targets to get to a fully safe level in the future. Both the extent of further investment still needed at that time, and the achievability in terms of funding, construction resources, etc cannot be understood for the period 2040-2060 at the current time.
218. I recommend rejecting the submission of WFF¹³² which sought the deletion of the timeframes in Tables 8.1 and 9.1 for consistency with the NPS-FM. While I agree the NPS-FM does not apply to these objectives, it is still good practice to nominate a timeframe for achieving objectives that require change to current activities, in order to achieve them.

Baseline states

219. WWL¹³³ notes that the coastal water objectives are generally appropriate for environmental health but they lack information relating to baseline states and timeframes to meet the requirements. The submitter is concerned that this makes it difficult to determine whether improvement can be measured and seek the withdrawal of Tables 8.1 and 9.1. I note that the 2040 timeframe is already in both Tables 8.1 and 9.1 and the chapeau of each objective, so I disagree this is a deficiency in the objectives. I agree the lack of baseline state information in the objective renders the objectives uncertain and somewhat meaningless, particularly where a parameter has a setting of 'maintain or improve' in the tables. I recommend adding the current state data content to Tables 8.1, the new table 8.1A, 9.1 and new table 9.1A where this has been supplied in the evidence of Drs Melidonis and Wilson. I note that current state data information is not available for all parameters and locations. Accordingly, I recommend accepting in part the submission of WWL on this basis.

¹³² [S193.059] supported by Hort NZ [FS1.030], opposed by Forest & Bird [FS23.1015] and [S193.115] supported by Hort NZ [FS1.058], opposed by Forest & Bird [FS23.1071]

¹³³ [S151.056] supported by WCC [FS36.024], supported in part by Kāinga Ora [FS45.080], opposed by Forest & Bird [FS23.1383], [S151.057] supported by NZTA [FS28.133], opposed by Forest & Bird [FS23.1384], [S151.103] supported by WCC [FS36.030], supported in part by Kāinga Ora [FS45.081], opposed by Forest & Bird [FS23.1430] and [S151.104] supported by NZTA [FS28.166], opposed by Forest & Bird [FS23.1431]

Applicability to critical infrastructure

220. WIAL [S101.040]¹³⁴ supports the general intention of WH.O3, however seeks review of the extent to which it should apply to sites containing critical infrastructure, suggesting deletion and reverting to the operative NRP objective. I recommend rejecting the submission of WIAL as I do not consider the objective as drafted is highly directive for consent applicants, particularly for WIAL where the key contaminants arising I expect would be stormwater related metals (i.e. the 'copper in sediment' and 'zinc in sediment parameters' in Table 8.1). The table provides the option of maintenance or improvement, in which case maintenance alone will meet the objective. As I noted previously, for a large established site like WIAL's, I expect there would be plenty of opportunity to achieve maintenance where a new project involved effects on water quality. This could be simply addressed through offering to offset some historical water quality effects (e.g. through adding stormwater treatment devices, sediment traps, etc to serve a slightly larger airport area than the new project) alongside the best practice measures for the new development so that overall, the airport is contributing towards maintaining the relevant coastal objectives. In addition, direct removal of historically contaminated sediments (e.g. as part of any coastal construction work) could also contribute to reducing metals in sediments.

Chapeau

221. WIAL [S101.040]¹³⁵ considers "the health and wellbeing of coastal water quality" in WH.O3 is unclear and provided alternative wording, which I agree is clearer than the notified objective wording. I have incorporated this into the chapeau of WH.O3 and as a consequential amendment to P.O3. On this basis, I recommend accepting the WIAL submission.

222. WWL¹³⁶ and WFF^{137,138} also request drafting amendments to the chapeau, but I preferred the WIAL drafting noted above, which I have adopted. The WWL drafting creates uncertainty of expectations with the insertion of the words 'or meaningful progress' and the timeframe amendment is not supported as noted in paragraph 213 in response to a similar request from WWL and others. Part of the WFF drafting amendments implies these objectives are TAS (which is a specific concept of the NPS-FM for freshwater) so I do not support this. I agree though with their suggestion to amend the text where it reads 'maintained or improved to achieve...' as this implies either option is suitable and/or required – it is not clear. The intention, as I understand it, is to require 'improvement' where the objective for a specific parameter is not met. Accordingly, I have included revisions to address this matter also for the chapeau of both coastal objectives and recommend accepting in part the second WFF submission and rejecting the rest.

¹³⁴ Opposed by Forest & Bird [FS23.1293]

¹³⁵ Opposed by Forest & Bird [FS23.1293]

¹³⁶ [S151.056] supported by WCC [FS36.024], supported in part by Kāinga Ora [FS45.080], opposed by Forest & Bird [FS23.1383] and [S151.103] supported by WCC [FS36.030], supported in part by Kāinga Ora [FS45.081], opposed by Forest & Bird [FS23.1430]

¹³⁷ [S193.058] opposed by Forest & Bird [FS23.1014]

¹³⁸ [S193.114] opposed by Forest & Bird [FS23.1070]

Sub-clause (b)

223. WWL¹³⁹ sought “high contaminant concentrations” in (b) of WH.O3 and P.O3 be defined, to clarify the work involved and when the clause is relevant, along with maps to show the locations of high contaminant concentration. Their request seeks that clause (b) be amended accordingly, i.e., as I understand it, they seek this information be incorporated in the objective by reference to applicable mapped information, or similar. I agree that expectations of this clause are unclear at present. I note that Dr Melidonis has addressed this submission in her evidence and provided maps and figures showing the high contaminant concentration locations, as sought by WWL. While this information is expected to be useful to WWL, I do not consider it is necessary to incorporate this level of detail in the plan. I think the uncertainty contributing to this submission is that clause (b) conflicts with the ‘maintain’ directive contained within the tables¹⁴⁰ for metal contaminants¹⁴¹, the metals being the parameters which clause (b) is intending to address. I understand that metals in sediments will naturally accumulate over time, but that higher concentrations can accumulate around discharge locations (e.g. stormwater outfalls), so clause (b) was included to seek reduced localised effects at discharge points. This is a different issue to the ecosystem health objectives which are set at the harbour wide level. The localised effects matter is already addressed in policies for discharges¹⁴² and is managed via section 107 of the RMA also. Accordingly, I recommend removing clause (b) from the coastal objectives, on the basis it does not specify a universal expectation for reductions required for localised effects. In addition, the management of high concentrations of contaminants in localised areas is adequately covered elsewhere in PC1 and its inclusion creates uncertainty and conflict on what the objective intends for metals, which is maintenance (i.e. no increase) of current levels of metals in sediments.
224. Related to this I have also worked with the scientists to include baseline and numeric targets for the coastal metal objectives to improve the clarity of the metal objectives. This is addressed in the evidence of Drs Wilson and Melidonis. I have included the numeric targets provided by the scientists, which I understand require maintenance within the existing bands¹⁴³ described in Table 3 of Dr Melidonis’ evidence. These numbers align with the recommendations made through the WIPs. The band-based numbers better accommodate the natural variation and accumulation than a simple ‘maintain’ for the metal parameters. In terms of activities and stormwater discharges, the impact of this change is not material, in that the PC1 coastal objectives still require considerable effort to achieve ‘maintenance’ including management of existing and new stormwater discharges. Accordingly, I recommend accepting in part the submission from WWL noted in paragraph 223 above.

¹³⁹ [S151.056] supported by WCC [FS36.024], supported in part by Kāinga Ora [FS45.080], opposed by Forest & Bird [FS23.1383] and [S151.103] supported by WCC [FS36.030], supported in part by Kāinga Ora [FS45.081], opposed by Forest & Bird [FS23.1430]

¹⁴⁰ Table 8.1 and 9.1

¹⁴¹ Copper in sediment and zinc in sediment

¹⁴² WH.P5, WH.P10, WH.P12, P.P5, P.P10 and Schedule 31 which is referenced in other stormwater policies (WH.P13, P.P12 and various stormwater rules

¹⁴³ Very good, good, fair and poor

Sub-clause (c)

225. I recommend rejecting the submission from Fish and Game [S188.033]¹⁴⁴ requesting a reference to 'valued introduced species' in this coastal objective. The only habitat for introduced species that the RMA seeks to protect is that for trout and salmon. Trout are protected in the NRP through Objective O24, Policy P45 and Schedule I. Schedule I lists and maps the habitats for trout to be protected. None of the trout habitat locations identified in Schedule I, or mapped in the NRP include any coastal waters, only rivers and streams. On this basis, I am unclear why an amendment to these coastal objectives to reference 'introduced species' would be necessary, and so do not support this request.

Sub-clauses (g) and (h)

226. WIAL [S101.040]¹⁴⁵ is concerned that sub-clauses (g) and (h) of WH.O3 do not recognise that, for health and safety reasons, it may not be appropriate to provide a physical connection and access to the coast and seek an amendment or deletion to reflect this. I consider this objective should not relate to physical public access enablement, rather the suitability of coastal water and its 'use' by people. I recommend replacing the 'connection' and 'access' language with 'use', which I think better reflects the intention and scope of PC1. I note that coastal marine area public access matters are already covered by an existing public access objective as well as policies in the NRP¹⁴⁶ which acknowledge restrictions for health and safety may be warranted in some situations. Accordingly, I recommend accepting this submission.

227. I note also the submission from WWL¹⁴⁷ which seeks sub-clauses (g) and (h) be combined or better distinguished. I agree that the provisions are duplicative and so have redrafted them as a single clause. I have taken the opportunity to use the defined terms of the NRP for 'Māori customary use' and 'tikanga' in the redrafting, given submissions in the Overarching topic (Hearing Stream 1) sought that Te Reo terms be defined. Accordingly, I recommend accepting the WWL submission.

Tables 8.1 and 9.1

228. Dr Melidonis has addressed the EDS¹⁴⁸ and Forest & Bird¹⁴⁹ submissions seeking the addition of a parameter for turbidity in Tables 8.1 and 9.1. She identifies the limitations with use of this parameter and notes it is not necessary and/or suitable for assessment of ecosystem health on a harbour wide, estuary or open coast basis. She does not

¹⁴⁴ supported by Forest & Bird [FS23.1189], MPGC [FS21.038] and MPHRCI [FS27.1122], opposed by NZFFA [FS9.033] and WIAL [FS31.010]

¹⁴⁵ Opposed by Forest & Bird [FS23.1293]

¹⁴⁶ Objective O8, Policies P8 and P139

¹⁴⁷ [S151.056] supported by WCC [FS36.024], supported in part by Kāinga Ora [FS45.080], opposed by Forest & Bird [FS23.1383] and [S151.103] supported by WCC [FS36.030], supported in part by Kāinga Ora [FS45.081], opposed by Forest & Bird [FS23.1430]

¹⁴⁸ [S222.025] supported by Forest & Bird [FS23.181] and MPHRCI [FS27.917], opposed by CentrePort [FS40.007], NZFFA [FS9.206], WIAL [FS31.011] and WWL [FS39.002 and FS39.015] and [S222.078] supported by Forest & Bird [FS23.234] and MPHRCI [FS27.970], opposed by NZFFA [FS9.259] and WWL [FS39.011]

¹⁴⁹ [S261.052] supported by MPHRCI [FS27.671], opposed by CentrePort [FS40.002], NZFFA [FS9.379], WIAL [FS31.012] and WWL [FS39.058] and [S261.136] supported by MPHRCI [FS27.755], opposed by NZFFA [FS9.463] and WWL [FS39.066]

recommend inclusion of this parameter in her conclusion. I rely on Dr Melidonis' evidence in recommending these submissions be rejected.

229. EDS¹⁵⁰ and Forest & Bird¹⁵¹ also seek the addition of further parameters to Tables 8.1 and 9.1 (such as lead, dissolved oxygen, temperature, pH, secchi depth, chlorophyll-a, total phosphorous, total nitrogen, nitrite-nitrate nitrogen, ammoniacal nitrogen, and faecal coliforms) to ensure the narrative objectives in Table 3.8 of the operative NRP are met. Dr Melidonis addresses the suitability of these parameters also. Dr Melidonis does not consider the requested additions to be scientifically justified or necessary to determine the state of health of coastal waters covered by PC1. She considers the PC1 attributes are sufficient to characterise coastal environments and assess ecosystem health, and the Operative NRP Table 3.8 attributes are generally well captured within the PC1 tables and narrative objective content. On this basis, I recommend rejecting these submissions.
230. Dr Wilson has addressed the EDS¹⁵² and Forest & Bird¹⁵³ request for the Wai Tai/Open Coast units for enterococci in Tables 8.1 and 9.1 to be amended from <200 to <40. He recommends retaining the <200 level and so relying on his evidence, I recommend rejecting this submission.
231. WFF¹⁵⁴ seeks the addition of a column for measured baseline state in Tables 8.1 and 9.1. I agree this would assist with plan clarity and current state information has been provided in the evidence of Drs Melidonis and Wilson where this is available. Recommended amendments are included in Appendix 4 for this and accordingly, I recommend accepting in part this submission.
232. WFF¹⁵⁵ seeks for the numeric targets in Tables 8.1 and 9.1 to be amended to read 'maintain or improve'. I consider numeric targets are more certain and therefore preferable to track as outcomes. Numeric targets are also not subject to interpretation debate if the baseline state changes overtime through natural vs activity related means. This submission conflicts with others (e.g. the WWL submission addressed in paragraph 219 above) seeking clarity over assessment and measuring. The words 'maintain or improve' inherently conflict with each other so the outcomes are unclear, and I have sought to remedy this with

¹⁵⁰ [S222.025] supported by Forest & Bird [FS23.181] and MPHRCI [FS27.917], opposed by CentrePort [FS40.007], NZFFA [FS9.206], WIAL [FS31.011] and WWL [FS39.002 and FS39.015] and [S222.078] supported by Forest & Bird [FS23.234] and MPHRCI [FS27.970], opposed by NZFFA [FS9.259] and WWL [FS39.011]

¹⁵¹ [S261.052] supported by MPHRCI [FS27.671], opposed by CentrePort [FS40.002], NZFFA [FS9.379], WIAL [FS31.012] and WWL [FS39.058]) and [S261.136] supported by MPHRCI [FS27.755], opposed by NZFFA [FS9.463] and WWL [FS39.066]

¹⁵² [S222.025] supported by Forest & Bird [FS23.181] and MPHRCI [FS27.917], opposed by CentrePort [FS40.007], NZFFA [FS9.206], WIAL [FS31.011] and WWL [FS39.002 and FS39.015] and [S222.078] supported by Forest & Bird [FS23.234] and MPHRCI [FS27.970], opposed by NZFFA [FS9.259] and WWL [FS39.011]

¹⁵³ [S261.052] supported by MPHRCI [FS27.671], opposed by CentrePort [FS40.002], NZFFA [FS9.379], WIAL [FS31.012] and WWL [FS39.058] and [S261.136] supported by MPHRCI [FS27.755], opposed by NZFFA [FS9.463] and WWL [FS39.066]

¹⁵⁴ [S193.059] supported by Hort NZ [FS1.030], opposed by Forest & Bird [FS23.1015] and [S193.115] supported by Hort NZ [FS1.058], opposed by Forest & Bird [FS23.1071]

¹⁵⁵ [S193.059] supported by Hort NZ [FS1.030], opposed by Forest & Bird [FS23.1015] and [S193.115] supported by Hort NZ [FS1.058], opposed by Forest & Bird [FS23.1071]

numeric targets wherever possible in response to submissions. Accordingly, I recommend rejecting this submission.

Other

233. WFF¹⁵⁶ seeks an additional clause which directs the collection of robust baseline data and the development of prioritised timeframes for TAS, for incorporation into a future variation. At this stage, with the amendments I recommend for the coastal objectives, I have not identified any particular gaps warranting a future variation to PC1 and timeframes are included in the objectives already. Accordingly, I recommend rejecting this submission.
234. NZTA¹⁵⁷ considers that further information should be provided before targets are adopted, in particular, further consideration of the feasibility and costs of the coastal targets. Further economic evaluation has been undertaken and reported in the evidence of Mr Walker. However, this is focused only on the costs and feasibility of improvements required to the local authority wastewater and stormwater networks to meet the freshwater TAS. This work responds to submissions and information to inform this assessment was realistically able to be sourced by the economist, including through data provided by WWL on this matter. A quantified expert economic assessment on all costs arising with implementing PC1, or that related to NZTA's assets¹⁵⁸, has not been undertaken in preparation for this hearing. I am unclear whether NZTA holds information on the typical costs of improvements to existing state highways to incorporate stormwater treatment devices to reduce levels of zinc and copper in these discharges which would likely be needed to inform any quantified economic assessment. Nor am I sure how easy this would be to do using the coastal targets in the context of discharges direct to the coastal marine area. I anticipate this would occur in numerous locations associated with NZTA highways because many directly adjoin the coast in these whaitua. Notwithstanding there is no quantified economic assessment relevant to NZTA's interests that has been prepared for this hearing, I consider the changes made to include numeric targets for those coastal parameters¹⁵⁹ relevant to stormwater contaminants, along with the removal of narrative clause (b) from the coastal objectives, makes the expectations for direct discharge of stormwater to the coast clearer. That is, the outcome sought is to 'maintain' current ecotoxicological risk levels of metal concentration in sediment. If there were no increases to contaminants coming off state highways predicted, that would mean nothing needs to change, other than any improvements needed to address localised toxicity issues via the existing/PC1 global consent process. However, it is possible that contaminant loads may increase where traffic loads increase, so improvements (through treatment) may be required to continue to 'maintain' in these situations. The clarification to the coastal objectives may assist with understanding the intended impact of the coastal metal objectives, in order that the submitter can better understand their associated obligations and costs. I make no recommendation on this submission, on the basis that no change to PC1 was sought in this submission point.

¹⁵⁶ [S193.114] opposed by Forest & Bird [FS23.1070]

¹⁵⁷ [S275.010] supported by WCC [FS36.002], opposed by Forest & Bird [FS23.704]

¹⁵⁸ Stormwater discharged from the state highway network by NZTA is managed via a similar global consent regime as for the local authority networks, both under the NRP and PC1

¹⁵⁹ Copper in sediment and zinc in sediment

235. Taranaki Whānui¹⁶⁰ supports the restoration of waterways in Te Whanganui-a-Tara towards wai ora by 2040, provided that Method M45 is implemented as a priority and new infrastructure funding mechanisms are put in place. I recommend accepting in part the Taranaki Whānui submission in terms of their support for retaining targets and timeframes with respect to contaminants. However, the submitter's request to prioritise and progress a programme of new streams of funding that do not rely on the existing ratepayer base is beyond the scope of the Hearing Panels and this would need to be addressed through submissions on the Councils LTP and/or via direct engagement with the Council and relevant central government entities noted in Method M45.

3.9.2 Recommendations

236. I recommend that WH.O3, P.O3 and the associated tables are amended as shown in Appendix 4.

237. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.10 Issue 9: Objective WH.O5 (Parangarahu Lakes and associated natural wetlands towards wai ora by 2040) and Table 8.2 (target attribute states for lakes)

3.10.1 Analysis

238. This objective is a combined environmental outcome and TAS objective for lakes. Substantive lakes are only present within TWT so there is no equivalent objective for TAoP. It includes a TAS table for the lake attributes required by the NPS-FM.

239. I acknowledge the submissions¹⁶¹ that supported this objective and sought it be retained. I recommend retention and a change to this objective in respect of another submission discussed in paragraph 245 below, so on this basis, these submissions should be accepted in part.

240. Timeframe submissions¹⁶² here are similar to submissions addressed in paragraphs 176 - 177 for WH.O2. For similar reasons, I recommend rejecting the submissions seeking both a shorter and longer timeframe in WH.O5. With reference to the WCC submission which

¹⁶⁰ [S286.020] supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.017], Rangitāne [FS24.020] and WWL [FS39.183] and [S286.021] supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.018], Rangitāne [FS24.021] and WWL [FS39.184]

¹⁶¹ Zealandia [S113.011] supported by Forest & Bird [FS23.1521], Taumata Arowai [S116.028] supported by Forest & Bird [FS23.596], Yvonne Weeber [S183.183] supported by MPHRCI [FS27.183] and [S183.184] supported by MPHRCI [FS27.184], Guardians of the Bays [S186.100] supported by MPHRCI [FS27.523], Pareraho Forest Trust [S213.012], Taranaki Whānui [S286.023] supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.020] and Rangitāne [FS24.023]) and [S286.024] supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.021] and Rangitāne [FS24.024]

¹⁶² EDS [S222.027] supported by Forest & Bird [FS23.183] and MPHRCI [FS27.919], opposed by NZFFA [FS9.208], Winstone Aggregates [FS8.010] and WWL [FS39.006], Forest & Bird [S261.054] supported by MPHRCI [FS27.673], opposed by NZFFA [FS9.381] and WWL [FS39.059], EDS [S222.028] supported by Forest & Bird [FS23.184] and MPHRCI [FS27.920], opposed in part by Kāinga Ora [FS45.021], opposed by NZFFA [FS9.209], Winstone Aggregates [FS8.011] and WWL [FS39.009], WCC [S33.028] supported by Winstone Aggregates [FS8.035] and WWL [FS39.235]) and [S33.029] supported by WWL [FS39.236]

raises concern about funding for three waters network improvements, I note that the 'Parangarahu Lakes and associated natural wetlands' which are subject to this 'lakes' water quality and ecosystem health TAS objective are not located within WCC's jurisdiction. The location of these lakes is illustrated on Map 80 of PC1. This confusion likely arose because there is a 'rivers' objective for a part-FMU with a similar name of 'Parangarahu catchment streams and south-west coast rural streams' which combines the streams that flow into the Parangarahu lakes with WCC's south-west coast rural streams area, which are not contiguous or located within the same territorial authority boundary. This 'two-part' part-FMU is mapped on Map 79¹⁶³.

241. I acknowledge the submissions from EDS [S222.028] and Forest & Bird [S261.055] seeking the sediment, mahinga kai, fish and macroalgae from Table 3.5 of the NRP be included in Table 8.2 in this objective. In implementing the NPS-FM, the Council has sought to move away from these existing narrative objectives because measurable attributes are required by the NPS-FM. Dr Greer has confirmed at paragraph 171 of his evidence that the requested sediment, fish and macroalgae targets are not warranted.
242. 'Mahinga kai' attributes have not been included in either the lake or river TAS tables. I understand they were not recommended by the WIP committees or separately by mana whenua. I understand that through the development of Te Mahere Wai, some work began on forming an attribute state framework for mahinga kai, but I understand it would need further development before it would be suitable for inclusion in a plan change. The reasons for this are likely similar to Dr Greer's in relation to the other narrative attributes requested by this submitter in terms of no accepted guidance on a method to measure and apply attribute bands. Furthermore, the attributes in Table 8.2 are expected to result in improvements to ecosystem health and water quality, which in turn will improve availability and safety of mahinga kai gathering, thus a duplication would arise if it was reinstated as part of PC1. *E.coli* levels are already at an A state so health risk is low in these particular lakes. Accordingly, there is no need to add mahinga kai to Table 8.2 and I recommend these submissions be rejected.
243. PF Olsen¹⁶⁴ commented across the objectives containing TAS that insufficient consideration had been given to the environmental outcomes, TAS of receiving environments and connections between water bodies as required by Clause 3.11(8). Dr Greer addresses this submission point at paragraph 186 of his evidence. He does not recommend any changes as a result, so on this basis I recommend rejecting this submission.
244. WFF¹⁶⁵ sought several amendments to this objective. In respect of their request here and elsewhere on the use of language such as 'to achieve' or 'is met', I am not clear on the specific alternative drafting sought and more importantly, I disagree with introducing uncertainty into the objective language. Meeting or achieving TAS and environmental

¹⁶³ The WIP sub-catchment areas 'South-west coast rural streams' and 'Parangarahu catchment streams' were combined into a single part-FMU as it was not possible to locate a monitoring site within Parangarahu catchment location; this is noted in a technical report here [Greer-M.J.C.-Blyth-J.-Eason-S.-Gadd-J.-King-B.-Nation-T.-Oliver-M.-Perrie-A.-2023.-Technical-assessments-undertaken-to-inform-the-target-attribute-state-framework-of-proposed-Plan-Change-1-to-the-.pdf](#)

¹⁶⁴ S18.018 and S18.019

¹⁶⁵ S193.061 supported in part by Hort NZ [FS1.031], opposed by Forest & Bird [FS23.1017] and S193.062 opposed by Forest & Bird [FS23.1018]

outcomes is the intention of these objectives and the direction of the NPS-FM. It is my understanding that the NPS-FM requires councils to monitor and demonstrate compliance with the TAS. It is important to remember the TAS are intended as 'state of the environment' style objectives, rather than limits or standards for consent applicants to demonstrate compliance with, where their activity is an anticipated activity managed by policies and rules in PC1 (e.g., farming, forestry, earthworks, waste and stormwater discharges) and they comply with the permitted standards, or in the case of activities requiring consent, the directive policies provided for that activity. In those situations, such activities (with any prescribed modifications), have been accommodated within the objective settings, provided the TAS are set at an achievable level. Where such policies are adhered to, then the TAS objectives can be regarded as being met. Where an activity or discharge is not specifically addressed by the PC1 provisions as it is unique or unusual, then an assessment of the objectives, and the extent to which an activity will contribute to meeting or not meeting the TAS will be important. Accordingly, I consider the wording aligns with how this objective must work in order to achieve the requirements of the NPS-FM and I recommend rejecting the submission seeking revision of the requirement to 'achieve' TAS in clause (a).

245. In the same submission, WFF sought deletion of clause (b)-(d). No clear reasons were provided. Clause (d) sets an action to assist with ecosystem health and natural form and character values. In the case of these lakes, I understand they are managed by the Council in conjunction with mana whenua, so responsibility for this action is expected to fall there, so I am unclear how it will directly impact on farmers. I support removal of clauses (b) and (c) as (b) just repeats the submerged plants TAS included in Table 8.2 and is not clearly aligned with a value, albeit I understand both (b) and (c) are about providing the habitat that supports health functioning ecosystems, as I understand the TAS included in the table are as well. Clause (c) appears to duplicate part of the outcome expressed in (a) so is not necessary and runs the risk of extending beyond the Council's responsibilities to manage water quality and provide the habitat qualities necessary to support ecosystems. The Council's RMA responsibilities do not include species conservation or breeding programmes. Accordingly, I agree with WFF that (b) and (c) should be deleted, but not (d). Because of this recommendation, I recommend including the relevant NPS-FM value of 'ecosystem health' into clause (a), given this objective is both an environmental outcome and TAS objective.
246. Dr Greer addresses the situation with the one attribute (dissolved oxygen) with insufficient baseline information in Table 8.2. I concur with his assessment that the attribute state of A is not justified from a scientific perspective as it is not known to what extent dissolved oxygen conditions contribute to the nutrient concentrations in these lakes. He suggests a 'maintain' TAS would be more appropriate in the circumstances here. Accordingly, I recommend amending Table 8.2 in this manner, in Appendix 4.
247. Regarding the WFF's request to delete Table 8.2 timeframe. I consider this would be inconsistent with the NPS-FM which requires timeframes be set for meeting TAS.
248. Overall, I recommend accepting in part the WFF submission points on this objective, in so far as I am recommending deletion of clauses (b) and (c), and removing the A state targets for dissolved oxygen in the table.

3.10.2 Recommendations

249. I recommend that WH.O5 and associated Table 8.2 are amended as shown in Appendix 4.
250. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.11 Issue 10: Objectives WH.O6 and WH.O7 (groundwater and aquitards)

3.11.1 Analysis

251. Objectives WH.O6 and WH.O7 are narrative groundwater outcome objectives for TWT that replace the existing groundwater objectives in the NRP (Objectives O18 and O19)¹⁶⁶. The WIP did not recommend specific objectives for groundwater so they were derived by Council officers from the existing NRP objectives¹⁶⁷ to guide outcomes for critical elements and values associated with the groundwater flows and levels, and water quality, including:

- Protection of groundwater dependent ecosystems
- Protection of connected surface water bodies
- Water quality is sufficient for human and stock drinking water
- Avoidance of saltwater intrusion
- Avoidance of aquifer consolidation
- Protection of the physical integrity of aquitards
- Maintain confined aquifer pressures.

252. In TWT there are extensive groundwater resources that interact with both surface waterbodies and coastal waters. They are used extensively for human and stock drinking water. I note that while the groundwater objectives are updated in PC1, water allocation objectives O43 and O44 and the policies and rules of the Operative NRP are retained as the implementation methods to give effect to WH.O6 and WH.O7 as PC1 scope did not cover these provisions.

253. I recommend accepting in part the submissions¹⁶⁸ seeking retention of WH.O6 and WH.O7 as per the discussion above for similar submissions addressed in paragraph 175 in relation to WH.O2.

¹⁶⁶ Refer Section 32 report – Part C, section 2.1.8

¹⁶⁷ This is documented in Part C, section 2.1.7 of the Section 32 report [Proposed-Plan-Change-1-Section-32-report-v2.pdf](#)

¹⁶⁸ Guardians of the Bays [S186.101] supported by MPHRCI [FS27.524], Fish and Game [S188.035] supported by Forest & Bird [FS23.1191], MPGC [FS21.040] and MPHRCI [FS27.1124], opposed by NZFFA [FS9.035], CFG [S288.042] opposed by Forest & Bird [FS23.066], Yvonne Weeber [S183.185] supported by MPHRCI [FS27.185], EDS [S222.029] supported by Forest & Bird [FS23.185] and MPHRCI [FS27.921], opposed by NZFFA [FS9.210] and [S222.030] supported by Forest & Bird [FS23.186] and MPHRCI [FS27.922], opposed by NZFFA [FS9.211], Forest & Bird [S261.056] supported by MPHRCI [FS27.675], opposed by NZFFA [FS9.383] and [S261.057] supported by MPHRCI [FS27.676], opposed by NZFFA [FS9.384], Taranaki Whānui [S286.025] supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.022] and Rangitāne [FS24.025] and [S286.026] supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.023] and Rangitāne [FS24.026]

254. GWRC [S238.010]¹⁶⁹ seeks to clarify the intent of WH.O6 with additional wording to better explain the situation where a saltwater intrusion of concern arises. I recommend accepting this submission because I think it makes the objective clearer.
255. I note that UHCC [S225.063]¹⁷⁰ supports the intent of WH.O6, however raises concern that saltwater intrusion can only be managed and mitigated rather than fully avoided and seeks an amendment to replace 'avoid' with 'minimise'. While interpretation of avoid in this policy is a matter for policy application in the context of a specific policy and consent application, some level of effect can still be consistent with avoid in some contexts, e.g. 'no material harm'¹⁷¹ or minor/transitory¹⁷² levels of impact have been accepted through case law in the context of specific cases that are different to this situation. The NRP defines 'minimise'¹⁷³, and in the context of this objective would be an unsuitable test for this objective as it relates to the practicality requirements of the resource user, rather than the resource being protected. The current 'avoid' aligns well with the high level of protection for saltwater intrusion elsewhere in the NRP, for example in Policy P115, Table 4.1¹⁷⁴, Category A Groundwater, states 'saltwater intrusion into an aquifer or the landward movement of the salt water/freshwater interface shall be prevented'. Policy P128 is similar but uses 'avoid'¹⁷⁵. The objective removed by PC1 for this whitua was also based on a zero tolerance for change via '*the boundary between salt and fresh groundwater does not migrate between freshwater and salt water aquifers*'¹⁷⁶, so in this regard, WH.O6 does not materially change this. I also consider that 'avoid' is suitable given the importance of the Waiwhetū Aquifer located within this whitua, which is a primary drinking water source for the region. Therefore, this high threshold for protection from saltwater intrusion would seem to be beneficial for UHCC and other territorial authorities in the region, and the communities they serve. Accordingly, I recommend rejecting this submission.
256. Horokiwi Quarries [S2.017], Winstone Aggregates [S206.033], Guildford Timber, Silverstream Forest and Goodwin Estate [S210.022] and R P Mansell, A J Mansell, & M R Mansell [S217.004] submit on the use of the word "protect" in clauses (b) and (c) of WH.O6, noting, amongst other matters that it is inconsistent with the direction of Policy 5 of the NPS-FM. I agree this language does not align with the NPS-FM. I recommend adopting the rewording requested by Guildford Timber, Silverstream Forest and Goodwin Estate [S210.022] and R P Mansell, A J Mansell, & M R Mansell, as it aligns best with the NPS-FM, and as such, I recommend accepting these submissions. I recommend accepting in part the Horokiwi Quarries and Winstone Aggregates submissions.
257. WFF [S193.063]¹⁷⁷ seeks for clause (d) be amended to provide for sufficient reliability for the needs of communities and the primary production sector. I agree that this objective can and should recognise groundwater usage, provided this is done in a manner which is

¹⁶⁹ Supported by Forest & Bird [FS23.313]

¹⁷⁰ Opposed by Forest & Bird [FS23.891]

¹⁷¹ Te Rūnanga o Ngāti Whātua v Auckland Council [2024] NZHC 3794

¹⁷² *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593

¹⁷³ Definition is '*Reduce to the smallest amount reasonably practicable*'

¹⁷⁴ This provision is not proposed to be altered by PC1

¹⁷⁵ This provision is not proposed to be altered by PC1

¹⁷⁶ Text from Table 3.6 in Objective O19

¹⁷⁷ Supported by Hort NZ [FS1.032], opposed by Forest & Bird [FS23.1019]

consistent with the NPS-FM priorities. Rather than amending clause (d) to expressly reference community and primary production needs, I have included an additional clause (i), which uses similar language as for previous objectives, i.e. enabling social and economic use benefits, provided the other clauses are not compromised. On this basis, I recommend accepting in part this WFF submission point.

258. Guildford Timber, Silverstream Forest and Goodwin Estate [S210.022] and R P Mansell; A J Mansell, & M R Mansell [S217.004] seek an amendment to clause (f), relating to avoiding aquifer consolidation, to change this to 'avoid or minimise'. I recommend rejecting this request on the basis of my understanding that any aquifer consolidation would likely be a significant effect to aquifer integrity. A lesser test of minimise, which is defined under the plan as '*reduce to the smallest amount reasonably practicable*', may not be sufficient to prevent potential effects arising from aquifer consolidation. Aquifer consolidation can be caused by over extraction. Such effects include land subsidence, contamination between aquifer layers and reduced ability for aquifers to recharge from rivers. Given the importance of the TWT aquifer system as the region's water supply and the urban area of Lower Hutt sitting above the aquifer system, the suggested amendment is not suitable or appropriate.
259. Horokiwi Quarries [S2.017], Winstone Aggregates [S206.033] and Fish and Game [S188.036] seek clarifications about 'aquifer consolidation' and 'aquitard collapses', which are terms used in clause (f) of WH.O6 and the latter, within WH.O7. I describe the means by which 'aquifer consolidation' can arise and the effects this can cause in the previous paragraph. As I understand it, aquitards are the confining layers between the individual aquifers that make up an aquifer system like that in TWT. The aquifer system within TWT comprises several confined and unconfined aquifers and some shallow groundwater¹⁷⁸. I consider the drafting of WH.O6 and WH.O7 makes the technical content of these objectives somewhat unclear and so have revised the chapeau of WH.O6 such that the aquitard provision can be incorporated into a single objective and as a result I recommend deleting WH.O7 entirely as having it separate implies it relates to a separate issue, which I do not consider it is. Maintaining the confining layers of confined aquifers is simply another important aspect for maintaining groundwater health and integrity. The submitter also sought to understand what types of activities might cause each to occur. The key activities are over extraction of water and protecting the structural integrity of the confining layer – with the latter the risk is primary bore construction or removal which are managed by existing policies and rules in the NRP. I have taken the opportunity to rationalise duplicative technical terminology used in the objective through using of 'confining layers' in preference to aquitards, and 'aquifer pressure' rather than artesian pressure to make it clearer. The revised drafting in Appendix 4 addresses these submissions and provides better clarity and so I recommend accepting these submissions.

3.11.2 Recommendations

260. I recommend that WH.O6 is amended and WH.O7 is deleted, as shown in Appendix 4.

¹⁷⁸ An illustration of the Hutt aquifer system is available here
https://en.m.wikipedia.org/wiki/File:Lower_Hutt_nz_groundwater_diagram.jpg

261. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.12 Issue 11: Objective P.O5 (groundwater)

3.12.1 Analysis

262. In TAoP there is limited groundwater resource, and it is not actively used. Therefore, Objective P.O5 is focused on the protection of groundwater dependent ecosystems and the values of connected surface water bodies in the TAoP whitua¹⁷⁹.

263. I recommend accepting in part the submissions¹⁸⁰ seeking retention of P.O5 as per the discussion above for similar submissions addressed in paragraph 175 in relation to WH.O2.

264. WCC [S33.079] made a neutral submission on P.O5, with no reasons stated or decision sought. Accordingly, I make no recommendation on this submission.

265. I recommend accepting the R P Mansell, A J Mansell, & M R Mansell [S217.014] submission, raising concern about the use of 'protect' and seeking an effects management approach in Objective P.O5. I consider the submitter's requested rewording better aligns with the NPS-FM, as discussed above for a similar submission at paragraph 256 and I have included recommended drafting in Appendix 4 to this effect.

3.12.2 Recommendations

266. I recommend that P.O5 is amended as shown in Appendix 4.

267. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.13 Issue 12: Objective WH.O8 and Table 8.3 (freshwater primary contact site objective)

3.13.1 Analysis

268. This issue relates to the freshwater primary contact site objective, WH.O8. This provision only occurs within the TWT chapter as there are no recognised freshwater recreational water quality locations monitored within TAoP, given the predominance of small streams, many of which are piped through the populated parts of the whitua. In addition to the part FMU scale TAS which work to improve overall water quality and ecosystem health, the NPS-FM requires Councils to identify the key freshwater primary contact locations and set an *E.coli* TAS for human contact. These are monitored weekly throughout the bathing season.

¹⁷⁹ Refer Section 32 report – Part C, section 2.1.8

¹⁸⁰ Yvonne Weeber [S183.271] supported by MPHRCI [FS27.271], Fish and Game [S188.071], supported by Forest & Bird [FS23.1227], MPGC [FS21.076] and MPHRCI [FS27.1160], opposed by NZFFA [FS9.071], WFF [S193.117] opposed by Forest & Bird [FS23.1073], PCC [S240.029] opposed by NZFFA [FS9.126], Forest & Bird [S261.138] supported by MPHRCI [FS27.757], opposed by NZFFA [FS9.465]

269. I recommend accepting in part the submissions¹⁸¹ seeking retention of WH.O8 as I recommend retaining this objective, albeit with some modifications in relation to Table 8.3 in that objective.
270. WFF [S193.064]¹⁸² supports the prioritisation of primary contact sites for improvement, however, seeks the addition of a new clause to objective WH.O8 directing the collection of robust data for sites with insufficient information. The Shellards [S202.007] are concerned that Table 8.3 lacks information relating to data collection, specifically there was no date range for the collection of baseline data or understanding of major deforestation/harvesting. They seek the withdrawal of PC1 and the development of community-based education methods instead.
271. Dr Greer has provided details of the current state for the two bathing sites 'Pākuratahi River @ Kaitoke Campground' and 'Hutt River @ Taita Rock' where information was not sufficient to meet the NPS-FM 2017 baseline definition, so baseline values were omitted. I recommend adding the current state detail noted by Dr Greer into Table 8.3 footnoting it as 'current state as at October 2023' data. Accordingly, I recommend accepting in part these submissions that comment on sites with insufficient information. As a consequential change, I recommend a footnote to confirm that the baseline state information reflect those established in accordance with the NPS-FM direction for baseline state, i.e. the state of the attribute on 7 September 2017. The full relief sought of withdrawing PC1 is not appropriate as Council and submitter funds would be wasted through withdrawal and renotification processes for no real benefit, as the opportunity exists through this hearing process to refine provisions and incorporate new information in response to specific submissions on the objectives as I have recommended here.
272. I recommend rejecting the EDS¹⁸³ and Forest & Bird¹⁸⁴ submissions seeking the timeframe for this objective be shortened to 2030. I don't support a 2030 timeframe for WH.O8 and Table 8.3, as the outcomes described in this objective will take investment and time to be realised, and the time period aligns with timeframes applicable to other water quality outcomes sought for this whaitua, e.g. those in WH.O9.
273. HCC [S211.008]¹⁸⁵ and WWL [S151.058]¹⁸⁶ seek that the timeframe for WH.O8 be amended from 2040 to 2060. WWL comment they consider 2040 is insufficient time to achieve the required outcomes and renders prioritisation of sub-catchments meaningless. I have sought advice from Dr Greer as to the extent of change needed to meet the three targets that require improvements, i.e. Te Awa Kairangi at Melling Bridge, Pākuratahi River at Kaitoke Campground and Wainuiomata River at Richard Prouse Park. He provides some context for these locations and indicates only the Te Awa Kairangi/Hutt River @ Melling

¹⁸¹ Yvonne Weeber [S183.186] supported by MPHRCI [FS27.186]) and [S183.187] supported by MPHRCI [FS27.187], UHCC [S225.064] opposed by Forest & Bird [FS23.892], CFG [S288.043] opposed by Forest & Bird [FS23.067]

¹⁸² Opposed by Forest & Bird [FS23.1020]

¹⁸³ S222.031 supported by Forest & Bird [FS23.187] and MPHRCI [FS27.923], opposed by NZFFA [FS9.212], Winstone Aggregates [FS8.012] and WWL [FS39.016]

¹⁸⁴ S261.058 supported by MPHRCI [FS27.677], opposed by NZFFA [FS9.385] and WWL [FS39.061], and [S261.059] supported by MPHRCI [FS27.678], opposed by NZFFA [FS9.386] and WWL [FS39.062]

¹⁸⁵ supported by Winstone Aggregates [FS8.029] and WWL [FS39.093], opposed by Forest & Bird [FS23.354]

¹⁸⁶ Opposed by Forest & Bird [FS23.1385]no

Bridge appears to be impacted by the wastewater or stormwater network, so is the only primary contact site that needs to be prioritised. He indicates the cause of the high current state readings documented in my updates to Table 8.3 in Appendix 4 are unlikely to be significantly influenced by WWL managed network discharges¹⁸⁷. Accordingly, I recommend rejecting these submissions.

274. WCC¹⁸⁸ also seek this timeframe be extended to 2060. I recommend rejecting this submission as for other timeframe extension submissions. In addition, I note that this objective does not affect WCC as the identified freshwater primary contact recreation sites are not located within WCC's jurisdiction.
275. Pat van Berkel [S282.010]¹⁸⁹ suggested redrafting of the chapeau from 'by ensuring' to 'and ensure'. I consider the notified drafting more accurately reflects the risks associated with the objectives set for the freshwater primary contact sites. It is not possible to completely remove health risks of bathing, particularly where human wastewater is discharged, i.e. the NPS-FM target relates to different levels of risk of campylobacter infection 95% of the time, which Dr Greer addresses in his evidence. As I understand it, such risk cannot be completely eliminated, only reduced. As such Pat van Berkel's redrafting is unsuitable as it implies the water will be suitable for primary contact and separates this from the targets. The intent of the objective is to have it suitable in so far as the targets set are met. Accordingly, I recommend rejecting the submitters redrafting as I consider the notified drafting is preferable and more appropriate.
276. The submission of PF Olsen [S18.020] is similar to one addressed in paragraph 243 above in the context of the lakes TAS objective (WH.O5). The submission is broad and unclear here in the context of maintaining and improving freshwater water quality for the purpose of primary contact. As I understand it, PF Olsen have interests in forestry, which is not affected by or likely to impact on the *E.coli* targets in this objective. On this basis I recommend rejecting this submission.
277. Fish and Game [S188.037] questions if the factors specified in Objective WH.O8 are the only factors causing water bodies to be unsuitable for contact recreation, and if there are other impacts which need to be managed in relation to primary contact sites within the rivers. This objective has measurable targets for *E.coli* and a narrative outcome in clause (b) for benthic cyanobacteria. I am unaware of the specific factors that this submitter might be concerned are missing. Notwithstanding this, I note a number of broader attributes are managed through objective WH.O9. It is not necessary they be duplicated in this objective, other than as needed to satisfy the NPS-FM requirement at clause 3.8(3)(b) to identify and monitor, at clause 3.8(4)(b), the freshwater primary contact sites in the FMU. On this basis, I recommend rejecting this Fish and Game submission point.
278. Pareraho Forest Trust [S213.013] seeks the addition of Speedy's Stream at Taniwha Pool as a primary contact site, as well as any similar small stream sites of high recreational contact. I understand that the primary contact sites included in PC1 were based on those in the Council's recreational water quality monitoring programme which considers where people swim and prioritises monitoring accordingly. Where there is good reason (i.e., high use) sites

¹⁸⁷ Paragraphs 173-175 of Dr Greer's evidence

¹⁸⁸ S33.030 (supported by WWL [FS39.237] and S33.031 supported by Winstone Aggregates [FS8.036] and WWL [FS39.238])

¹⁸⁹ Supported by Donald Skerman [FS3.007]

are added to that programme. That Speedy's Stream is not currently part of the programme indicates including it as a primary contact site is not justified and the submitter has not presented any evidence that high usage for swimming occurs here. Table 22 and Section 3.27 of the NPS-FM requires very specific monitoring obligations for the Council at primary contact sites, not only routine monitoring, but also in response to exceedances. It also requires notification of health risk in the event of high *E. coli* concentrations. On the basis of no evidence of high levels of usage for swimming or inclusion in the established recreational water quality monitoring programme and expected costs of the monitoring it would require, I recommend rejecting this submission.

279. Lynn Cadenhead [S22.024], Neil Deans [S29.011] and Mary Hutchinson [S115.004] support the numerical requirements of Table 8.3 and further seek that human health for contact recreation be the standard where water bodies are used for that purpose. I understand that 'primary contact' manages human health risks associated with direct contact with water, e.g. through swimming, and that this is the premise for the Table 8.3 targets. Accordingly, I recommend rejecting this submission on the basis that the outcome sought appears to already be accommodated within this objective.
280. Pat van Berkel [S282.011]¹⁹⁰ seeks for the addition of a "swimmable days" parameter in Table 8.3, as it would be easily understood and encompasses all quality reasons for why a river is not swimmable. Dr Greer addresses this point at paragraphs 178 -179 of his evidence and concludes that there is no scientific reason to make this amendment. I concur with his assessment and therefore recommend rejecting this submission.
281. Dr Greer, at paragraphs 179-183, also addresses the submission from Pat van Berkel [S282.011]¹⁹¹ that seeks the addition of a benthic cyanobacteria or cyanobacteria blooms measure as a parameter to Table 8.3, noting it is a key measure for Te Awa Kairangi due to toxic algae in the river killing dogs and affecting people. He concludes there are no defensible numeric thresholds for managing the potential health risks associated with benthic cyanobacteria, therefore I conclude that the narrative outcome in clause (b) of WH.O8 is more appropriate for managing this risk. Accordingly, I recommend rejecting this submission.
282. In addition, Pat van Berkel [S282.010]¹⁹² notes that clause (b) does not cover risk to dogs as "primary contact", referenced in the chapeau, relates to human health risk. Regarding whether dogs should be referenced in the objective, it is my understanding that the Council has no obligation under the RMA or NPS-FM to set limits or action plans for the protection of dogs. I understand the Council already communicates via signage and social media during cyanobacteria blooms within Te Awa Kairangi to warn of the risk to dogs, and beyond that it is the owners responsibility to ensure their pets are not exposed. On this basis I recommend rejecting this submission requesting amendment to the objective to reference dogs in relation to cyanobacteria risk.

¹⁹⁰ Supported by Donald Skerman [FS3.008]

¹⁹¹ Supported by Donald Skerman [FS3.008]

¹⁹² Supported by Donald Skerman [FS3.007]

283. Taranaki Whānui [S286.027]¹⁹³ supports this objective but notes significant infrastructure investment is required by 2040 to meet the *E. coli* target, raising concern that it will not be achievable with current funding mechanisms. Taranaki Whānui seeks for the objective to be retained as notified, provided that Method M45 is implemented as a priority and new infrastructure funding mechanisms are put in place. I recommend this submission is accepted in part, in that I recommend retaining this objective, including its timeframe. However, the ability to prioritise the implementation of the method referenced is beyond the scope of the Hearing Panels as this would need to be addressed through submissions on the Council's LTP and/or via direct engagement with the Council and relevant central government entities noted in Method M45.

3.13.2 Recommendations

284. I recommend that Table 8.3 which is included within WH.O8 is amended as shown in Appendix 4.

285. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.14 Issue 13: Objectives WH.O9 and P.O6 and Tables 8.4 and 9.2 (target attribute states for rivers)

3.14.1 Analysis

286. This issue covers the key rivers objectives of PC1, being the TAS objectives for rivers in both TWT and TAoP. It identifies attributes to be monitored that are relevant to water quality and ecosystem health by part-FMUs. The objectives include the mandatory attributes required by the NPS-FM for rivers. Both objectives identify targets for each attribute to be met by 2040.

General support

287. Some 30 parties¹⁹⁴ provided a submission or further submission in general support for one or both of these objectives and their TAS tables. I recommend retention and changes to

¹⁹³ Supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.024], Rangitāne [FS24.027] and WWL [FS39.185], and [S286.028] supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.025], Rangitāne [FS24.028] and WWL [FS39.186]

¹⁹⁴ Lynn Cadenhead [S22.025], Neil Deans [S29.012], Mary Hutchinson [S115.005], Jonny Osborne [S28.004], WCC [S33.032], Amos Mann [S35.003], Pamela Govan [S40.003], Korokoro Environment Group [S106.001], Taumata Arowai [S116.080] supported by Forest & Bird [FS23.648], Yvonne Weeber [S183.188] supported by MPHRCI [FS27.188], [S183.189] supported by MPHRCI [FS27.189], [S183.272] supported by MPHRCI [FS27.272] and [S183.273] supported by MPHRCI [FS27.273], Ray Beentjes [S185.004], Greg Davies [S197.006], Calum Bradbury [S233.004], Shonaugh Wright [S235.006], Andrew Esler [S244.006], John Western [S253.006], Todd Henry [S283.006], Fish and Game [S188.038] supported by Forest & Bird [FS23.1194], MPGC [FS21.043] and MPHRCI [FS27.1127], opposed by NZFFA [FS9.038] and [S188.072] supported by Forest & Bird [FS23.1228], MPGC [FS21.077] and MPHRCI [FS27.1161], opposed by NZFFA [FS9.072], Guildford Timber, Silverstream Forest and Goodwin Estate [S210.023], Generation Zero [S221.004], UHCC [S225.065] opposed by Forest & Bird [FS23.893], PCC [S240.030] opposed by NZFFA [FS9.127], Isabella Cawthorn [S249.003], Pat van Berkel [S282.003] supported by Donald Skerman [FS3.006], Taranaki Whānui [S286.029] supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.026] and Rangitāne [FS24.029]

these objectives in respect of other submissions discussed below, so on this basis, these submissions should be accepted in part.

General oppose

288. NZFFA Wellington [S36.009] raises a concern that the TAS have been erroneously propagated through PC1 to justify further control over plantation forestry. I disagree that this is the basis of the TAS, rather, the NPS-FM and the deteriorated state of water quality and aquatic ecosystems is the reason. Whether this requires regulation of forestry in the manner proposed by PC1 is a matter that will be considered in Hearing Stream 3 under the Forestry topic. Accordingly, I recommend rejecting this submission point.
289. WWL¹⁹⁵ opposed the provisions relating to TAS and coastal water objectives, raising a number of general concerns. Firstly, they were concerned about the lack of information relating to the baseline state to measure against for the TAS. I have liaised with Dr Greer who has set out current state information in Table 4 of his evidence to assist with replacing as many of the 'insufficient data' cells in the TAS tables as possible with 'current state' data, where 'baseline state' information¹⁹⁶ was not available for some attributes, in some or all part-FMUs. This is set out in my updated tables in Appendix 4 to this report. The new material is shown in red underline text and two asterisks. This is to distinguish these records from the baseline records which appear elsewhere in the TAS tables. A footnote to each table has also been added to explain this coding. I have asked Dr Valois and Dr Greer to address the remaining TASs where no baseline or existing state information is currently available and provide the expected timing for commencement of this monitoring by the Council. In the case of dissolved oxygen which is absent for all part-FMUs still, I understand some data has recently been obtained and is yet to be processed. At the timing of writing, I had not obtained any update on whether this would be available later in hearing so it can be provided to the Hearing Panels through supplementary evidence and/or in Hearing Stream 5 (Integration Right of Reply hearing). I suggest an update on this could be a matter for Hearings Panel to discuss with Dr Valois and Dr Greer at the hearing.
290. WWL also considers the provisions do not recognise the complexities and contributing factors for achieving TAS and that meeting TAS for network discharges should not wholly sit with WWL, as there are many factors within catchments that contribute to water quality, and the provisions do not reflect the magnitude of work involved in delivering water quality improvement. Dr Greer has set out his understanding of the contribution required from WWL where he addresses a separate concern of WWL with regards to the 'commensurate' load reduction language used in some of the later provisions to implement the objectives¹⁹⁷. He confirms that PC1 requires the regulated party (e.g. WWL) to calculate the extent to which loads must be reduced to meet the TAS, then apply that reduction to their own discharges. This means that WWL is not responsible for achieving the TAS, but must reduce their contribution by 40% , when (for example) 40% is the overall improvement needed to meet a specific TAS that is relevant to WWL discharges.

¹⁹⁵ S151.003 supported by WCC [FS36.019], supported in part by Kāinga Ora [FS45.074], opposed by Forest & Bird [FS23.1330] and S151.004 supported by WCC [FS36.020] and Winstone Aggregates [FS8.038], supported in part by WIAL [FS31.002], opposed by Forest & Bird [FS23.1331]

¹⁹⁶ In accordance with the NPS-FM definition for baseline state

¹⁹⁷ Paragraphs 163-167 of Dr Greer's statement of evidence

291. WWL also considers that PC1 does not assist with directing, or enabling, prioritisation for implementation of sub-catchment improvements particularly as it relates to *E. coli*. They note that significant work will be required to achieve the necessary reduction in wet weather wastewater overflows, dry weather wastewater discharges and stormwater contamination by 2040.
292. I concur with this view, in that the *E.coli* objectives in particular, generally set ambitious targets everywhere and as notified, do not help to guide prioritisation. The changes to the coastal objectives I recommend that are outlined in paragraph 208 above will assist with prioritisation, in that the coastal objectives have been refined to focus on the key monitoring locations relevant to contact recreation. The site-specific contact recreation locations (i.e. Table 8.3 and the specific sites listed in my new tables 8.1A and 9.1A) are the key priority locations for addressing elevated levels of *E.coli* in my opinion. I consider, for example, that prioritising the freshwater primary contact and coastal enterococci monitoring sites makes sense ahead of meeting the *E.coli* TAS targets which apply everywhere in the two whaitua (i.e. WH.O9 and P.O6). The recreational water quality sites represent priority high use locations. Likewise, I consider that the text of the objectives, in particular WH.O9 and P.O6 needs to be clearer in setting priorities.
293. In this regard, I recommend replacing the uncertain clause (d) in each of WH.O9 and P.O6, which currently refers to NRP Schedule B Ngā Taonga Nui a Kiwa¹⁹⁸ locations, which seems to be intended as a pseudo prioritisation clause. Clause (d) falls short of indicating suitable areas for prioritisation as the language of the clause is unclear and the schedule itself is very broad in the areas it describes (e.g. the entire Te Awarua-o-Porirua Harbour and all its contributing streams). Some of the values included in Schedule B are also broader than freshwater values (e.g. a treaty signing location is noted). The Schedule B areas are also already referenced and used in other rules throughout the NRP, so it would be preferable if the prioritisation guidance related solely to the PC1 attributes for water quality improvement and ecosystem health – i.e., specific locations or attributes of water quality improvement.
294. Further direction for prioritisation is likely to be important in future PC1 hearing streams dealing with wastewater and stormwater network discharges also. In my opinion, it is important that prioritisation expectations are set out in the plan change. This needs to be informed not only by the values and risks present (i.e. level of degradation, level of 'value' present), including mana whenua expectations, but also input from WWL as the network operator with knowledge on locations that can be more easily improved (considering operational/technical constraints and funding availability).
295. A starting point 'prioritisation' list for TWT might consider the following:
- High priority locations where a freshwater primary contact site improvement is needed ahead of my new recommended site specific coastal enterococci monitoring locations in Table 8.1A and 9.1A (the coastal primary contact

¹⁹⁸ Defined in the NRP to mean 'Those large freshwater and coastal entities from which mana whenua derive cultural and spiritual identity, their status as mana whenua and the associated responsibilities that come with that including those of kaitiaki. These places are the larger rivers and harbours that have a long history of multiple and complex resource use associated with large populations. Ngā Taonga Nui a Kiwa emphasises the importance of mana whenua relationships with rivers, lakes, harbours and estuaries.'

locations), and then after the coastal locations, general part FMU improvements – i.e., this approach would suggest the following locations as high priority – Te Awa Kairangi at Melling Bridge, Pākuratahi River at Kaitoke Campground and Wainuiomata River at Richard Prouse Park freshwater primary contact sites where improvement is needed, as set out in Table 8.3 of WH.O8. Then wastewater network issues that impact popular coastal primary contact locations.

- The stormwater network priorities should come after primary contact concerns and focus on metal impacts that are affecting end point ecosystem health, as indicated where macroinvertebrate TAS are not met.

296. For TAoP, the priorities are similar to the above for TWT, but for *E.coli* prioritisation, the coastal primary contact sites can be used to prioritise investment, as these represent the high use/highest risk areas in TAoP, as there are no freshwater primary contact sites. On this basis, I have drafted a revised prioritisation clause (d) for each of the objectives WH.O9 and P.O6 and included this in Appendix 4 to my report.
297. I note my recommended replacement of 'insufficient data' entries with current state information in Tables 8.4 and 9.2, along with my recommended identification of coastal primary contact locations for the enterococci improvements in Tables 8.1A and 9.1A. Given these changes, together with the drafting revisions to clause (d) in each of WH.O9 and P.O6, I consider that WWL's general opposition points noted in submission points S151.003 and S151.004 are materially improved, such that I recommend these submission points be accepted.
298. WFF [S193.007]¹⁹⁹ raises the concern that all TASs will not be achievable by 2040 due to a lack of quality data to establish baseline positions for all TAS. As noted in paragraph 289 above, the lack of baseline data has been addressed through inclusion of alternative 'current state' data in the tables.
299. WFF also note in this submission point they consider 2040 is an unrealistic timeframe to meet all the proposed TAS set out in Tables 8.4 and 9.2 and realistic dates need to be set by which the TAS can be achieved, noting that milestone target dates do not have to be the same for all TAS and all part FMUs. I agree with this submitter that achieving 'easy-wins' where human health is most likely to be impacted by poor water quality is a realistic approach. As set out later in this report on specific attributes, with the input of Dr Greer, I consider revisiting the TAS settings, rather than the timeframe is the appropriate response to this and other similar submissions about achievability and timeframes. I note also the economic evidence of Mr Walker which compares the cost and workforce step up required for the 2040 and 2060 timeframes, along with comparing the costs to territorial authorities of undertaking infrastructure works to meet their contribution to the achievement of the metals and *E.coli* TAS with alternative lower minimum requirement for improvement for the *E.coli* TAS where these are anticipated in the NPS-FM. This work focuses on the key wastewater and stormwater network contaminants (*E.coli*, copper and zinc). His work indicates that the cost impacts of lower TAS and a longer timeframe are similar for these attributes.
300. I do not agree that a longer timeframe is the best approach in the case of difficult to meet attributes, as this has an inherent risk of delayed action for improvement. Rather, my

¹⁹⁹ Opposed by Forest & Bird [FS23.963]

recommendation for the Hearing Panels is to consider achievability, and where the evidence indicates targets will be very difficult to achieve, to reduce the target where possible, i.e. where this can be done without compromising any national bottom lines minimum required improvement that must be met under the NPS-FM. I disagree with WFF that timeframes can be determined when preparing Freshwater Action Plans and carried into the NRP through a variation because this will also likely delay action. I discuss this matter, and set out my recommendations for adjustments to TAS where Dr Greer's evidence at Table 22 indicates which TAS will be difficult to achieve without significant mitigation and/or land use change that goes beyond what is required by the PC1 regulatory provisions. My planning recommendations are discussed and set out in my paragraph 330 and Table 2 below.

301. I agree with WFF that where TAS have been set at specific levels, where there is limited or 'insufficient data' and no current state data is available to use as a substitute to baseline state, they are problematic. Particularly for some attributes where there is also no established numeric method for measuring and grading the attribute. Where such an attribute is also not a mandatory attribute under the NPS-FM or a key input or end point attribute in terms of human and/or ecosystem health, particularly where the Council has no current or planned future monitoring programme, it should be removed from Tables 8.4 and 9.2. I understand this situation applies to the fish community health (not required by the NPS-FM) and the ecosystem metabolism attribute.
302. While the ecosystem metabolism attribute is required by NPS-FM, there is no national guidance on how to monitor it. I also understand ecosystem metabolism is not a direct input (e.g. nitrogen) or an end point (e.g. MCI) attribute, but is something in the middle – i.e. it is not critical to achieve better ecosystem health management – drawing on the evidence of Dr Greer at paragraphs 24.14 and 77. Understandably, given the absence of national direction for setting this TAS, there is no current Council programme for monitoring ecosystem metabolism. Accordingly, I recommend deleting this attribute from Tables 8.4 and 9.2 as it contributes to plan uncertainty, which undermines the rest of the outcomes sought through these tables. If the ecosystem metabolism attribute is retained through the upcoming review of the NPS-FM²⁰⁰, I can review my recommendation to delete this attribute and/or it can be introduced through a future plan change, once guidance is available.
303. In the case of the fish community health attribute, it is not prescribed by the NPS-FM, there is no guidance for bands or numerics and it has simply been set at a level that reflects the ecological condition indicated by the macroinvertebrate TAS. Other submissions discussed later in this section raise concern about the 'expert assessment' measurement approach for this attribute also.
304. I note my recommendation to amend TAS where they are likely to be unachievable, relying on Dr Greer's Table 22, and highly costly, relying on Mr Walker's evidence in the case of *E.coli* and stormwater contaminants. These changes and others noted by Dr Greer that could be justified from scientific perspective in his Table 19 (these are summarised in my in paragraph 330 and Table 2), I recommend accepting in part the WFF submission noted in paragraph 298 above.

²⁰⁰ I understand a draft may be available in early 2025

305. NZFFA [S195.026]²⁰¹ sought withdrawal of Tables 8.4, 8.5 and 9.2, questioning the use of both attribute state bands and numeric measurements, the lack of information and reliance on modelled information rather than measured results. Modelled information is specifically envisaged by the NPS-FM at section 1.6(2). The tables set out both the attribute state band and the numeric level (where available) following the format of Appendix 2A and 2B of the NPS-FM which use both. In my view this format and the use of modelled information is appropriate and consistent with the NPS-FM. The missing baseline state information for some attributes/part FMUs is challenging in terms of plan clarity, but as baseline state is the state as at 7 September 2017 this information cannot be retrospectively developed for attributes or sites that were not identified prior to this date. Accordingly, I have recommended including current state information in the tables where this is available. While such information does not meet the NPS-FM definition for 'baseline state', as set out in Dr Greer's evidence at paragraphs 98 - 106, it is likely to assist plan users and provides greater clarity on the state that is to be maintained, or where improvement is needed, the extent of change required. On the basis of the partial resolution of the missing baseline state information, I recommend accepting in part this submission.
306. As for previous submissions on the insufficiency of baseline data for Table 8.4, I recommend the Shellards [S202.008] submission be accepted in part as new information has been included in the tables as set out in Appendix 4, where available.

General comments

307. I make no recommendation on the 'neutral' submission by WCC [S33.080] on P.O6, as there were no reasons stated, or decision sought.
308. I recommend accepting in part the Taranaki Whānui submission [S286.003]²⁰² that supports targets and timeframes with respect to contaminants, however the submitter requests the need to prioritise and progress a programme of new streams of funding that do not rely on the existing ratepayer base. The second matter is beyond the scope of the Hearing Panels to implement, as noted in respect of a similar submission point discussed at paragraph 283.
309. Taranaki Whānui [S286.030]²⁰³ also noted in relation to this objective that Method M45 is implemented as a priority and new infrastructure funding mechanisms are put in place. I make no recommendation on this submission. The ability to prioritise the implementation of the method referenced is beyond the scope of the Hearing Panels as this would need to be addressed through submissions on the Council's LTP and/or via direct engagement with the Council and relevant central government entities noted in Method M45.

²⁰¹ Opposed by Forest & Bird [FS23.429]

²⁰² Supported by Rangitāne [FS24.005] and WWL [FS39.181], with a neutral/not stated stance from Ātiawa ki Whakarongotai Charitable Trust [FS2.005]

²⁰³ Supported by Ātiawa ki Whakarongotai Charitable Trust [FS2.027], Rangitāne [FS24.030] and WWL [FS39.187]

Strengthen provisions

310. Forest & Bird [S261.002]²⁰⁴ make general comments about the TAS in this submission point, considering they need strengthening, noting some are set above the modelled baseline and shouldn't be, and seeking additional attributes and targets. These points are further addressed in more specific submission points addressed below. Accordingly, I make no recommendation on this overarching TAS submission.
311. Several submitters²⁰⁵ comment on the 2040 timeframe in these objectives and seek a shorter timeframe or that interim milestones be included. I have addressed these matters previously at paragraph 176 and the reasons stand here also. On this basis I recommend accepting in part these submissions, on the basis of my new recommended interim objectives WH.O10 and P.O7, which are set at 2030.
312. Isabella Cawthorn [S249.017] considers the term "maintain" is used too frequently and suggests "improve" may drive higher performance urban form in greenfield developments. In my view, the use of 'maintain' is appropriate where targets are already achieved. A change of language as suggested is inconsistent with the direction of the NPS-FM, which only requires improvement to degraded waterbodies. It is also not needed in the objectives to drive high performance from greenfield development as in my view the provisions provide for high performance (e.g. through the stormwater treatment standard²⁰⁶ and the offset policy²⁰⁷). Accordingly, I recommend rejecting this submission.
313. EDS [S222.032]²⁰⁸ and Forest & Bird [S261.060²⁰⁹ and S261.139²¹⁰] request that PC1 include TAS for habitat and natural form and character using a 'habitat quality/ natural character index' method. They also seek the chapeaus' of WH.O9 and P.O6 be amended to include reference to natural form and character to give effect to the NPS-FM. Dr Greer addresses this submission at paragraphs 161-165 of his evidence. He notes that the existing deposited sediment, fish, macroinvertebrate and periphyton attributes already manage some aspects of habitat and/or may necessitate management of physical habitat impacts

²⁰⁴ Supported by MPHRCI [FS27.621], opposed in part by Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.029], R P Mansell; A J Mansell, & M R Mansell [FS26.013] and Transpower [FS20.018], opposed by NZFFA [FS9.329], opposed by WWL [FS39.032 and FS39.049]

²⁰⁵ EDS [S222.033 and S222.079], Forest & Bird [S261.061 and S261.140], Porirua Harbour Trust & Guardians of Pāuatahanui Inlet [S176.002], Fish and Game [S188.011] supported by Forest & Bird [FS23.1167], MPGC [FS21.016] and MPHRCI [FS27.1100], opposed by NZFFA [FS9.011] and WWL [FS39.256]

²⁰⁶ Schedule 28 of PC1 which is referenced in stormwater rules WH.R6, WH.R7, P.R6 and P.R7 for urban development

²⁰⁷ Policies WH.P15 and P.P14, which is implemented through a financial contribution arrangement set out in Schedule 30

²⁰⁸ Supported by Forest & Bird [FS23.188] and MPHRCI [FS27.924], opposed by Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.062], NZFFA [FS9.213], R P Mansell; A J Mansell, & M R Mansell [FS26.050], Transpower [FS20.004], WIAL [FS31.013], Winstone Aggregates [FS8.013] and WWL [FS39.020]

²⁰⁹ Supported by MPHRCI [FS27.679], opposed in part by Transpower [FS20.021], opposed by Guildford Timber, Silverstream Forest and Goodwin Estate [FS25.032], Hort NZ [FS1.033 and FS1.059], NZFFA [FS9.387], R P Mansell; A J Mansell, & M R Mansell [FS26.016], WIAL [FS31.014] and WWL [FS39.022 and FS39.039]

²¹⁰ Supported by MPHRCI [FS27.758], opposed in part by Transpower [FS20.036], opposed by NZFFA [FS9.466], R P Mansell; A J Mansell, & M R Mansell [FS26.027] and WWL [FS39.026 and FS39.043]

(i.e. bed disturbance) in order to provide the physical bed habitat necessary to meet macroinvertebrate targets.

314. Natural form and character are not part of the objectives replaced by the PC1 objectives (i.e. O18 and O19), so no gap is created by virtue of PC1. Objective O14 of the operative NRP covers natural character, form and function for freshwater bodies and the coastal marine area and is unchanged by PC1. This objective is supported by several policies and rules applicable to flood protection activities and other river disturbance activities that physically impact the natural form and character of rivers (such impacts can be positive or negative, depending on their design and the existing state of a river). The bed disturbance objectives, policies and rules are not covered by PC1. Accordingly, I do not recommend including a habitat quality/natural character index' TAS as requested, as the key activity relevant to this index is bed disturbance. However, the amendment sought to the chapeaus of these objectives is appropriate in that I have recommended similar text be added into the first two objectives of each chapter to better relate environmental outcomes to the applicable values, i.e. the water quality and ecosystem improvements to be achieved by PC1 will also contribute to the overall natural form and character of rivers, which I understand are different to the bed disturbance impacts managed by a natural character index. Natural form and character values will be managed, to the extent relevant to water (but not bed) aspects by the TAS already included in PC1 as noted by Dr Greer. Due to my recommended amendments to the chapeaus of both WH.O9 and P.O6, I recommend accepting in part these EDS and Forest & Bird submissions.
315. Dr Greer addresses the submissions of EDS [S222.033 and S222.079] and Forest & Bird [S261.061 and S261.140] that seek the nuisance macrophytes, mahinga kai, periphyton cover, and toxicants attributes from Table 3.4 of the NRP be included in Tables 8.4 and 9.2 of PC1. I concur with his assessment that carrying over these objectives is not suitable. As discussed in paragraph 242, I do not support inclusion of the narrative mahinga kai attribute either as it overlaps with other attributes and I am unaware of accepted national guidance on a method for measuring and 'banding' this attribute in the manner prescribed by the NPS-FM. I understand that through the development of Te Mahere Wai, some work began on forming an attribute state framework for mahinga kai, but I understand it would need further development before it would be suitable for inclusion in a plan change. On this basis I recommend rejecting these submissions.
316. Victoria University Canoe Club [S187.006], EDS [S222.033 and S222.079] and Forest & Bird [S261.061 and S261.140] seek that periphyton targets currently set at C state be amended to 120 mg chl-a/m², or B state. Dr Greer addresses submissions for stricter periphyton TAS at paragraphs 125 - 126 and in his conclusion at paragraph 205 of his evidence. I understand that the periphyton biomass is an attribute that supports an 'end point' outcome for ecosystem health which is represented by the macroinvertebrate target (i.e. MCI). Accordingly, I consider the MCI setting is an appropriate and logical place to start with in the case of anomalies arising between target settings. The MCI is the 'end point' setting, so is useful to understand the environmental improvement sought by mana whenua and communities through the Whaitua processes. Therefore, I have asked Dr Greer to undertake an assessment as to whether the periphyton biomass settings align with the MCI outcomes. I rely on Dr Greer's assessment and recommend accepting these submissions in part, in recognition of Dr Greer's recommended adjustment from C to B for

the Waiwhetū Stream and Wainuiomata rural streams periphyton TAS to ensure periphyton targets are consistent with the ecosystem health endpoints sought for these part-FMUs.

317. Victoria University Canoe Club [S187.006], Fish and Game [S188.009] and EDS [S222.033 and S222.079] and Forest & Bird [S261.061 and S261.140] all seek variations of more stringent dissolved inorganic nitrogen (DIN) targets. Dr Greer covers this issue at paragraphs 110-120 and concludes that it could be a justified change from a scientific perspective to alter the median target for Wellington urban part-FMU only. I do not recommend adopting this as a change to PC1, as Dr Greer goes on to explain at paragraphs 120-121 that this change would necessitate mitigations from the stormwater and wastewater networks in the order of:

- stormwater from 100% of impervious surfaces in this part-FMU to be treated with devices like wetland or rain gardens, and
- wastewater contamination to be reduced by 80%.

318. Elsewhere in his evidence²¹¹ Dr Greer sets out where the PC1 TAS (as notified) would be difficult to meet without significant mitigation. This does not specifically address a potential adjustment to the Wellington Urban part-FMU dissolved inorganic nitrogen TAS, accordingly, I have not adopted an amendment to this TAS at this stage. This is on the basis it is potentially not achievable by the 2040 timeframe, for similar reasons as those I address in my Table 2 below for *E.coli*. Accordingly, my provisional recommendation on the Fish and Game submission is it should be rejected, assuming the dissolved inorganic nitrogen cannot be readily achieved through alternative means to the regulatory provisions of PC1 (e.g. non-regulatory methods in this part-FMU) on the basis that it would be too onerous to achieve, therefore from a planning perspective is not justified within the 2040 timeframe. Accordingly, I recommend rejecting this submission.

319. Fish and Game [S188.009] seeks dissolved reactive phosphorus concentrations be set at 0.01-0.02 mg/L, as well as a monitoring programme to assess concentrations of nutrients throughout the catchment. Dr Greer addresses this matter at paragraphs 121-124 of his evidence. He notes that dissolved reactive phosphorus and nutrient outcomes should not be set to be less stringent than 0.25 mg/L where an improvement in periphyton is required, which may be the case in the currently unmonitored Wellington Urban part-FMU. He notes the dissolved reactive phosphorus nutrient outcome for this part-FMU could be made stricter by reducing the existing level of 0.35 mg/L to 0.25 mg/L. He then goes on to explain at paragraph 124 that this change would necessitate mitigations from the stormwater and wastewater networks in the order of:

- stormwater from 83% to 100% of impervious surfaces in this part-FMU to be treated with devices like wetland or rain gardens, and
- wastewater contamination to be reduced by 50%.

320. Elsewhere in his evidence²¹² Dr Greer sets out where the PC1 TAS (as notified) would be difficult to meet without significant mitigation, but this does not cover the potential adjustment to the Wellington Urban part-FMU dissolved reactive phosphorus TAS to make this more stringent. Albeit, this situation would appear to meet the assumed criteria for

²¹¹ Table 22

²¹² Table 22

triggering achievability issues. Accordingly, my provisional recommendation on the Fish and Game submission is it should be rejected, assuming the dissolved reactive phosphorus cannot be readily achieved through other methods in this part-FMU, on the basis that it is too onerous to achieve by 2040. Accordingly, I recommend rejecting this submission

321. EDS [S222.033 and S222.079] and Forest & Bird [S261.061 and S261.140] seek the nitrate toxicity targets be amended to A band for all part FMUs. Dr Greer considers this issue at paragraphs 107-109 and recommends no changes to this TAS in his conclusion, other than a change to the median nitrate toxicity target for the Wellington urban part FMU shown in his Table 19 which could be a justified change from a scientific perspective. I understand this attribute is directly linked to the previous discussion on the dissolved inorganic nitrogen TAS for the same part-FMU so is similarly not expected to be achievable by 2040. Accordingly, I recommend rejecting these submissions, on this basis.
322. EDS [S222.033 and S222.079] and Forest & Bird [S261.061 and S261.140] seek higher targets be set for macroinvertebrate (MCI) attributes. Dr Greer addresses this point at paragraphs 131-139. In summary, he sets out why higher MCI targets are unrealistic given current urban land use, which is the situation for 6 of the 7 part-FMUs with C state MCI targets. For the 7th predominately rural part-FMU (Parangarahu and South-west coast rural streams), he commented that a more stringent MCI may be realistic from a scientific perspective. This conclusion for the Parangarahu and South-west coast rural streams part-FMU was reliant on the significant levels of retirement and stock exclusion expected under the rural provisions, which I acknowledge have been the subject of many submissions in opposition, to be addressed in Hearing Stream 3. Balancing the ecosystem health MCI outcome (currently set at 'fair' as described by Dr Greer) with the expected social and economic costs on rural communities associated with the required land use change for 'C' state MCI, I do not consider it appropriate to move any of the C state MCI's to a more stringent B state. The level of improvement represented by the C state is significant and it aligns with the national bottom line required by the NPS-FM for this attribute along with the recommendations arising from the WIP processes. On this basis, I recommend rejecting these submissions.
323. Pareraho Forest Trust [S213.014]²¹³ seeks the fish community health parameter for the Korokoro part-FMU be amended from C to B. In response to other submissions addressed above in paragraphs 303-304, I recommend deleting this attribute entirely from PC1. That recommendation conflicts the amendment sought by Pareraho Forest Trust, so accordingly, I recommend their submission be rejected.
324. Dr Greer does not support Pat van Berkel's [S282.013] [S282.012] request for a "swimmable days" parameter in this objective, as addressed above in relation to a similar submission on another objective at paragraph 280. Accordingly, I recommend rejecting this submission point also.
325. I acknowledge the submissions of Porirua Harbour Trust & Guardians of Pāuatahanui Inlet [S176.002] and Fish and Game²¹⁴ seeking TAS be set for ecosystem health values, noting

²¹³ Supported by MPHRCI [FS27.1041]

²¹⁴ [S188.001] supported by Forest & Bird [FS23.1157], MPGC [FS21.006], and MPHRCI [FS27.1090], opposed by NZFFA [FS9.001] and [S188.002] supported by Forest & Bird [FS23.1158], MPGC [FS21.007] and MPHRCI [FS27.1091], opposed by NZFFA [FS9.002]

this may involve setting limits and bottom lines well above national bottom lines, and other associated values such as recreation, amenity, and custodianship. These are general submissions and as such, it is not possible to respond to this as the TAS already consider these values, and seek to make improvements to water quality for the reasons of ecosystem health and the human use values noted. On this basis, I make no recommendation on these submissions due to the absence of the TAS amendments sought being clearly set out.

326. Fish and Game [S188.003]²¹⁵ seeks TAS are set for all water bodies, including estuaries, wetlands and groundwater, noting that TAS for wetlands have been excluded in PC1. The estuaries for these whaitua are regarded as coastal estuaries and so equivalent coastal targets are already set for estuaries in WH.O3 and P.O3. Specific groundwater objectives are narrative under PC1 and water quantity policies and rules for TWT are out of scope of PC1. For TAoP, I understand there is no real groundwater resource present, so continuing with narrative type groundwater objectives (similar to those in the NRP) has been the approach adopted. Adoption of numeric objectives for groundwater would require significant research and the benefits or need for these has not been established by the submitter. I understand the Council considered that wetlands were not a key risk area necessitating TAS and determined that existing NRP and NES-F provisions for managing physical wetland disturbance addressed the key threats and risks for these waterbodies. Furthermore, the NPS-FM does not include any mandatory attributes for these types of waterbodies. The Section 32 report records that there was no new information available to inform new attributes and so the existing narrative outcomes in Table 3.7 of the Operative NRP were retained as being the most appropriate. Accordingly, I recommend rejecting the request for additional TAS to cover these other waterbody types.
327. As for other objectives, several submitters sought extensions to the timeframes for these objectives. John Easter [S17.013] considers an indicative timeframe of 2100 may be achievable. WCC²¹⁶ suggests that a 2060 timeframe for the attributes in Tables 8.4 and 9.2 is consistent with WCC's spatial planning framework, the long-term plan and strategic financing of upgrades and expansions to the three waters network.
328. Similarly, WWL²¹⁷ seeks for the timeframes be amended from 2040 to 2060 and HCC²¹⁸ seeks a 2060 timeframe be set for *E. coli* and enterococci specifically. HCC raises concern with a lack of information on the achievability of TAS and considers the funding requirements on housing and business development capacity is not sufficiently explored in the section 32 evaluation. PCC [S240.003]²¹⁹ opposes the 2040 *E. coli* target, raising concern that this will affect consenting for stormwater and wastewater discharges and notes some catchments will require a 90 percent reduction and considers this unfeasible.

²¹⁵ Supported by Forest & Bird [FS23.1159], MPGC [FS21.008] and MPHRCI [FS27.1092], opposed by Kāinga Ora [FS45.071], NZFFA [FS9.003] and WWL [FS39.263]

²¹⁶ [S33.033] (supported by WWL [FS39.239]) and [S33.081] (supported by WWL [FS39.245]), and [S33.001] supported by WWL [FS39.230]

²¹⁷ [S151.060] (opposed by Forest & Bird [FS23.1387]) and [S151.107] (supported by NZTA [FS28.167], opposed by Forest & Bird [FS23.1434])

²¹⁸ [S211.009] supported by Winstone Aggregates [FS8.030] and WWL [FS39.094], opposed by Forest & Bird [FS23.355] and [S211.002] (supported by WWL [FS39.090], opposed by Forest & Bird [FS23.348]) and [S211.003] (supported by WCC [FS36.054] and WWL [FS39.091], opposed by Forest & Bird [FS23.349])

²¹⁹ Opposed by NZFFA [FS9.100]

They are concerned that rates may need to increase by 12-14% per year for network upgrades in order to meet the 2040 target. PCC considers a 2060 target of 6-7% rates increase is more achievable provided other funding avenues are explored, including significant central government funding. In a separate submission PCC [S240.031] seeks the timeframes for *E. coli* and enterococci in Table 9.2 be amended to 2060, raising similar concerns to HCC.

329. As noted in paragraph 299, I consider it preferable to relax the TAS rather than extend the timeframe as sought by these submitters. An amendment of this nature is within the scope of these 'timeframe' submissions, because the impact of my proposed change is similar by reducing the quantum of the improvement burden in the period to 2040, particularly for councils and WWL who assume responsibility for the improvements to community wastewater and stormwater networks. Economic evidence on the estimated costs to territorial authority stormwater and wastewater networks to meet their contribution to achieving the *E. coli* and metals TAS is provided in Mr Walker's brief of evidence which has informed my opinion. The merits of further improvements to further progress the targets arising from the WIP processes would then need to be considered in a future planning response at or prior to 2040, guided by the long term 2100 objectives WH.O1 and P.O1 of this plan change and the long-term vision objectives in the RPS (introduced via RPS Change 1).
330. Table 2 below sets out the reasons for the TAS amendments I am recommending related to achievability. This draws on Dr Greer's evidence at Table 19 which identifies the attributes within each part FMU that he considers will be difficult to meet without significant mitigation²²⁰ and/or land use change that goes beyond that required by the regulatory provisions alone. Also relevant are the conclusions of Mr Walker in terms of affordability. Also included are TAS amendments noted by Dr Greer in Table 19 of his evidence for potential to change from a scientific perspective. The amendments are set out in Appendix 4 for each of Tables 8.4 and 9.2.

²²⁰ In this context, this generally refers to improvements to wastewater and stormwater network discharges

Table 2 Recommended changes to TAS due to achievability issues and further science evidence

Whaitua	Part-FMU ²²¹	Attribute ²²²	Baseline	TAS	s42A TAS ²²³	Comments ²²⁴
TWT	Ōrongorongo, Te Awa Kairangi and Wainuiomata small forested and Te Awa Kairangi forested mainstems	Dissolved reactive phosphorus	0.008/ 0.011 B	<0.006/ <0.011 A	<0.008/ <0.011 B	Scientific conclusion as per paragraphs 72-76 and 78 of Dr Greer's evidence, which indicates a change to the TAS is needed, which makes this target less stringent ²²⁵
	Te Awa Kairangi lower mainstem	Macroinvert ebrates (QMCI)	C	B	Not changed	B-state noted as not achievable by the regulatory provisions alone; NBL is C; current state unchanged from baseline; a B target is appropriate as requires improvement over current state whereas dropping to C (NBL) would not and the additional method for achieving this attribute is through non-regulatory action planning (e.g. streamside planting, etc) and these measures were not factored into Dr Greer's achievability assessment
	Te Awa Kairangi rural streams and rural mainstems	Suspended fine sediment	D	C	D	Adjusted NBL to account for influence of natural colour in the Mangaroa River. Scientific recommendation as per Table 19 of Dr Greer's evidence
		<i>E. coli</i>	D	B	C	B not expected to be achievable, as it requires significant improvements to network discharges to achieve a 61% load reduction and is unaffordable; current state still at D; therefore C (which is the minimum required improvement here) is more appropriate requiring a load reduction of approximately 53%

²²¹ From Dr Greer's Table 19

²²² From Dr Greer's Table 19

²²³ My recommended TAS

²²⁴ Drawing from Dr Greer and Mr Walker's statements of evidence

²²⁵ This recommended change is not discussed previously in response to submissions, as it has arisen directly from Dr Greer's evidence examining inconsistencies between the TASs

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Officer's Report: Objectives

Whaitua	Part-FMU ²²¹	Attribute ²²²	Baseline	TAS	s42A TAS ²²³	Comments ²²⁴
	Te Awa Kairangi urban streams	<i>E. coli</i>	E	C	D	C not expected to be achievable as it requires significant improvements to network discharges and is unaffordable; current state still at E; therefore D (which is the minimum required improvement) is more appropriate requiring a load reduction of approximately 85% as opposed to the notified TAS which requires a 91% load reduction
		Dissolved copper	C	B	Improve within C band	B-state requires significant improvement to network discharges which may not be achievable or affordable as requires 69% load reduction for copper and 40% for zinc, meaning devices will be needed for more than 50% of the network; accordingly while retaining a B target is not appropriate dropping to C would potentially not require any improvement; accordingly, an improvement within the C band is recommended
		Dissolved zinc	C	B	Improve within C band	
	Waiwhetū Stream	Periphyton biomass	-	C	B	Current state is within the B band; scientific recommendation as per Table 19 of Dr Greer's evidence that better reflects the current state of periphyton without necessitating any material change to how plant growth is managed in PC1
		Ammonia (toxicity)	B	A	B	Scientific recommendation as per Tables 3 and 19 of Dr Greer's evidence as it is inconsistent with what could reasonably be expected as necessary to achieve the aquatic life endpoint for this location which is not in a national park or conservation estate
		<i>E. coli</i>	E	C	D	C not expected to be achievable as it requires significant improvements to network discharges and is

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Whaitua	Part-FMU ²²¹	Attribute ²²²	Baseline	TAS	s42A TAS ²²³	Comments ²²⁴
						unaffordable; current state still at E; therefore D (which is the minimum required improvement) is more appropriate requiring a load reduction of approximately 80% as opposed to the notified TAS which requires a 90% load reduction
		Dissolved reactive phosphorus	0.024/ 0.049 D	<0.018/ <0.049 C	Numeric targets changed to ≤0.024 and ≤0.042	Original target noted as not achievable by the regulatory provisions in Dr Greer's Table 22; proposed change relates to discussion at paragraphs 95-97 of Dr Greer's evidence to make the target align with what is required for management for periphyton growth, and as a consequence, it is expected to be more achievable
		Dissolved copper	C	A	C Median = ≤ 1.0 95 th percentile = ≤ 4.3 ²²⁶	Scientific recommendation as per paragraph 71 and Tables 3 and 19 of Dr Greer's evidence to align with the ANZG Water Management Framework as notified PC1 TAS cannot be physically achieved through conventional treatment of existing impervious surfaces and roof replacement
		Dissolved zinc	D	B	C Median = ≤18.3 95 th percentile = ≤42 ²²⁷	
	Wainuiomata urban streams	Ammonia	B	A	A	Scientific recommendation as per Tables 3 and 19 of Dr Greer's evidence as it is inconsistent with what could reasonably be expected as necessary to achieve the aquatic life endpoint for this location which is not in a national park or conservation estate
		<i>E. coli</i>	E	C	D	C not expected to be achievable as it requires significant improvements to network discharges and is unaffordable; current state still at E; therefore D (which is

²²⁶ Numeric targets supplied by Dr Greer

²²⁷ Numeric targets supplied by Dr Greer

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Whaitua	Part-FMU ²²¹	Attribute ²²²	Baseline	TAS	s42A TAS ²²³	Comments ²²⁴
						the minimum required improvement) is more appropriate requiring a load reduction of approximately 80% as opposed to the notified TAS which requires a 91% load reduction
	Wainuiomata rural streams	Macroinvert ebrates	MCI C QMCI B	MCI B QMCI A	Not changed	Target not expected to be met by regulatory provisions alone; current state is still at C/B for MCI/QMCI so not met; these targets are set very high, but the additional method for achieving the macroinvertebrate attributes is through non-regulatory action planning (e.g. streamside planting, etc); I have no information on whether non-regulatory methods can reasonably be expected to remedy the achievability gap, but have assumed this may be possible and so have retained the target as notified at this stage
	Parangarahu catchment streams and South-west coast rural streams	<i>E. coli</i>	E	D	Not changed	Current state still at E; already set at the minimum required improvement so retain as it is, albeit requires significant land use change
Suspended fine sediment		D	C	Not changed	Current state still at D; already set at NBL so retain as it is, albeit requires significant land use change	
Dissolved reactive phosphorus		0.027/ 0.064 D	<0.018/ <0.054 C	Numeric targets changed to ≤0.025 and ≤0.064	Original target noted as not achievable by the regulatory provisions in Dr Greer's Table 22; proposed change relates to discussion at paragraphs 95-97 of Dr Greer's evidence to make the target align it with what is required for management for periphyton growth, and as a consequence, it is expected to be more achievable	

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Whaitua	Part-FMU ²²¹	Attribute ²²²	Baseline	TAS	s42A TAS ²²³	Comments ²²⁴
	Kaiwharawhara Stream	<i>E. coli</i>	E	C	D	C not expected to be achievable and is unaffordable as it requires significant improvements to network discharges; current state still at E; therefore D (which is the minimum required improvement) is more appropriate requiring a load reduction of approximately 79% as opposed to the notified TAS which requires a 89% load reduction
		Dissolved copper	C	B	Improve within C band	I note that notified PC1 TAS setting may be unachievable and unaffordable as requires 53% copper load reduction; while retaining a B target is not appropriate dropping to C would potentially not require any improvement; accordingly, an improvement within the C band is recommended
		Dissolved zinc	B	A	B Median = ≤6.1 95 th percentile = ≤12.8 ²²⁸	Scientific recommendation as per paragraph 71 and Tables 3 and 19 of Dr Greer's evidence to align with the ANZG Water Management Framework as notified PC1 TAS cannot be physically achieved through conventional treatment of existing impervious surfaces and roof replacement; B state may still be onerous but I only have information on the notified A state (which required significant improvements to network discharges as it required a 76% zinc reduction)
		Macroinvertebrates	D	C	C	The current state for one of the macroinvertebrate metrics is now met; these targets, set at one band up seem reasonable
		Dissolved reactive phosphorus	0.037/ 0.064 D	<0.018/ <0.054 C	Numeric targets changed	Original target noted as not achievable by the regulatory provisions in Dr Greer's Table

²²⁸ Numeric targets supplied by Dr Greer

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Whaitua	Part-FMU ²²¹	Attribute ²²²	Baseline	TAS	s42A TAS ²²³	Comments ²²⁴
					to ≤0.025/ ≤0.064	22; proposed change relates to discussion at paragraphs 95-97 of Dr Greer's evidence to make the target align with what is required for management for periphyton growth, and as a consequence, it is expected to be more achievable
	Wellington urban	Nitrate (toxicity) median	1.3	≤1.3	Not changed	While noted for a change that could be justified from a scientific perspective in Table 19 of Dr Greer's evidence, I recommend it is not changed as per the discussion at paragraph 321 of this report as the median nitrate needs to align with the target for the dissolved inorganic nitrogen concentration which I do not recommend changing, due to achievability issues
		<i>E. coli</i>	E	C	D	C is not expected to be achievable as it requires significant improvements to network discharges and is unaffordable; current state still at E; therefore D (which is the minimum required improvement) is more appropriate requiring a load reduction of approximately 92% as opposed to the notified TAS which requires a 96% load reduction
		Dissolved inorganic nitrogen	≤1.29	≤1.29	Not changed	While noted for a change that could be justified from a scientific perspective in Table 19 of Dr Greer's evidence, I recommend it is not changed as per the discussion at paragraphs 317-318 of this report
		Dissolved reactive phosphorus	0.035/0.062	M	Not changed	While noted for a change that could be justified from a scientific perspective in Table 19 of Dr Greer's evidence, I recommend it is not changed as per the discussion at paragraphs 319-320 of this report

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Whaitua	Part-FMU ²²¹	Attribute ²²²	Baseline	TAS	s42A TAS ²²³	Comments ²²⁴
TAoP	Pouewe	<i>E. coli</i>	E	B	C	B not expected to be achievable as it requires significant improvements to network discharges (Pouewe 59%/Taupō 67% load reductions); current state is now recorded at D therefore some improvements appear to have been achieved; I consider C is more appropriate than the minimum improvement required of (D), as it is more suitable for human contact than D and more ambitious than D which only requires a load reduction of around 48%/49% here, which is below the assumed achievability threshold
	Taupō	<i>E. coli</i>	E	B	C	
	Takapū	<i>E. coli</i>	E	C	C	C noted by Dr Greer as not expected to be achievable here as it requires significant improvements to network discharges (59% load reduction needed, so only just above his threshold assumed for achievability) and contributes to affordability issues; current state still at E; however as the minimum required improvement D requires only a 15% improvement over current state I consider that retaining C-state is more reasonable and is only marginally over the assumed threshold for 'not achievable', and accordingly, I only moderately unaffordable
	Wai-O-Hata	<i>E. coli</i>	E	C	D	Improving from E to C is not expected to be achievable as it requires significant improvements to network discharges (83% load reduction) and contributes to unaffordable costs; current state was recently recorded at D but I understand this is based on very limited data; therefore D is appropriate as the minimum required improvement (D) is still expected to require significant

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Whaitua	Part-FMU ²²¹	Attribute ²²²	Baseline	TAS	s42A TAS ²²³	Comments ²²⁴
						improvement on a sustained basis; expected to require a load reduction of between 54%
		Dissolved copper	C	A	B	Scientific recommendation as per paragraph 71 and Tables 3 and 19 of Dr Greer's evidence to align with the ANZG Water Management Framework as notified PC1 TAS cannot be physically achieved through conventional treatment of existing impervious surfaces and roof replacement;
		Dissolved zinc	B	A	B	
	Te Rio o Porirua and Rangituhi	<i>E. coli</i>	E	C	D	C not expected to be achievable here as it requires significant improvements to network discharges (92% load reduction needed) and contributes to affordability issues; current state still at E; therefore D is appropriate as the minimum required improvement (D) here, D requires improvement over current state; expected to require a load reduction of approximately 60%

331. On the basis of the recommended amendments to the TAS to better align with affordable improvements possible within the 2040 timeframe, as an alternative relief to these submissions seeking extended timeframes, I recommend accepting in part the submissions noted in paragraphs 327 to 328.

332. John Easter [S17.020] raises concern regarding the timeframes to achieve outcomes in the Makara catchment and considers the generic figures should be replaced with guidance notes. I recommend rejecting this submission because numeric targets are required by the NPS-FM for most of the key attributes included for freshwater.

333. WWL²²⁹ seek withdrawal of the TAS tables until further baseline state information is available to determine whether parameters and requirements are reasonable and

²²⁹ [S151.059] (supported by WCC [FS36.025], supported in part by Kāinga Ora [FS45.082], opposed by Forest & Bird [FS23.1386]); [S151.060] opposed by Forest & Bird [FS23.1387]); [S151.061] supported by NZTA [FS28.134], opposed by Forest & Bird [FS23.1388]; [S151.062] opposed by Forest & Bird [FS23.1389]; [S151.063] supported by NZTA [FS28.135], opposed by Forest & Bird [FS23.1390]; [S151.064] supported by NZTA [FS28.136], supported in part by Hort NZ [FS1.034], opposed by Forest & Bird [FS23.1391]); [S151.066] opposed by Forest & Bird [FS23.1393]; [S151.067] opposed by Forest & Bird [FS23.1394]; WWL [S151.068] supported by NZTA [FS28.139], opposed by Forest & Bird [FS23.1395]); [S151.069] (supported by NZTA [FS28.138], opposed by Forest & Bird [FS23.1396]; [S151.106] (supported

achievable. I also acknowledge their comments on specific attributes around the data availability, factors beyond WWL control for meeting some of the attributes and a lack of understanding around achievability of the targets. In response to this and other related submissions, I have updated the TAS table missing baseline data with current state data where this is available. I have recommended removing the fish community health and ecosystem metabolism attributes for the reasons outlined in paragraphs 301-304. In addition, I have examined the achievability of the TAS, with the assistance of Dr Greer, and taking into account the economic evidence of Mr Walker. As a result of this exercise, a number of TAS settings have been adjusted to be less stringent. In addition, Dr Greer's findings that some TAS were not set in a scientifically justified manner has resulted in some adjustments that alter the level of improvement required.

334. WWL also request in this group of submission points for drafting amendments to clause (a) to be less directive through an amendment to allow for a test of 'meaningful progress has been made' for meeting the targets rather than 'met'. My preference is to get to a point through this hearing process, where there are reasonable targets in the tables rather than introducing uncertainty through rewording the objective text. There needs to be a level of confidence that the targets could be achievable by the collective efforts of the community as a whole. I appreciate that none of these objectives can be met by the infrastructure improvements of WWL alone. Notwithstanding this, in a statutory sense, I can see that the current drafting of the objectives could be problematic. Under section 104 of the RMA, consent applicants generally need to demonstrate that relevant objectives can be met by a proposal when submitting a resource consent application. However, the TAS objectives are more akin to 'state of the environment outcomes' than discharge standards or obligations for individual consent applicants. Accordingly, in preference to the 'meaningful progress' language requested by WWL (as I consider this could make the targets ambiguous and uncertain), I have drafted a new sub-clause (e) for each of WH.O9 and P.O6 to make the nature of the objectives clearer, along with identifying who is responsible for meeting them, i.e. the community overall. As a consequence, I consider this makes the TAS objectives clearer that they cannot be hard limits on individual consent applications, rather they will be achieved by consent applicants aligning with the policies and rules included in PC1 to implement the objectives. Where an activity is not aligned with, or captured by, the PC1 policies and rules, then the impact of an individual consent application on the achievement of the TAS will need to be considered.
335. Additionally, with respect to clause (d) of these objectives, WWL seeks the huanga to be linked with Schedule B to provide certainty for applicants. I'm unclear exactly what the submitter is envisaging here, but I have replaced these clauses with a prioritisation clause in response to another WWL submission point and removed reference to huanga and Schedule B from this objective, as per the discussion in paragraphs 292-293.
336. On the basis of the changes recommended in paragraphs 333-335, I recommend accepting in part these WWL submission points.

by WCC [FS36.031], supported in part by Kāinga Ora [FS45.083], opposed by Forest & Bird [FS23.1433] and [S151.107] supported by NZTA [FS28.167], opposed by Forest & Bird [FS23.1434]

337. PF Olsen [S18.021, S18.044 and S18.045] made a similar submission on these objectives as for previous points already addressed, which I recommend rejecting here also, as per the discussion in paragraph 243 above.
338. I acknowledge John Easter's [S17.013] request for the targets for Mākara Stream in Table 8.4 to be tagged as indicative/non-operative until the targets can be determined to represent sub-catchments at the confluences of major tributaries, raising concern regarding the reliance of a single monitoring site to support the provisions. CFG²³⁰ made a related comment that the requirement for attribute improvement in all river reaches if TAS is not met in part FMU monitoring sites does not reflect good management. They consider a failure to meet TAS at a part-FMU monitoring site should instead require identification of the problem source and focus in that area and TAS may in fact be met in sub-catchments but not at the monitoring site. Dr Greer addresses these concerns at paragraph 200 of his evidence. In general, I understand that TAS sites have been set in locations where all sub-catchments are expected to need to contribute to the issue that needs to be managed, particularly where there are large load reductions required to achieve the TAS (e.g. sediment load reductions). I concur with his response and recommend rejecting these submissions.
339. Winstone Aggregates [S206.034 and S206.062] seeks the deletion of clause (c) from these objectives because the improvements may be too ambitious and unrealistic in the proposed timeframe and does not account for seasonal shifts in water quality and ecological condition, with no certainty of expectations. This submitter also considers the requirement to move from the existing D state to B state for periphyton biomass and from the existing C state to A state for *E. coli* will require significant land use change. Dr Greer addresses the periphyton and *E. coli* matters (paragraph 140-147 of his evidence) and as a result of his advice, I have recommended amending the *E. coli* target for Taupō and Pouewe from B to C state. No change is recommended for the periphyton issues raised here, as Dr Greer considers the targets of concern are achievable as they don't necessitate significant land use change. I consider a minor rewording of clause (c) and a consequential change in (a) lessens the implication that there is no accounting for normal seasonable variability expected in the monitoring of the TAS. That is, in monitoring the TAS, I understand the Council will seek long term and sustained state of the environment improvements, not necessarily improvement for every sample taken. Accordingly, I recommend this submission be accepted in part.
340. WFF²³¹ sought amendment to clause (a) to read "improve where the TAS is not met" (delete "is met"). The change sought would made the objective unclear. This submitter also requested deletion of clauses (b) and (c) and a new clause which directs the collection of robust data. I do not agree with these requests on this basis that the first point would reduce clarity and the deletion of (b) and (c) would not align with the NPS-FM requirement to not allow degradation. Finally, the point about robust data is an implementation matter, not an objective so is unsuitable in this part of the plan.
341. WFF go on in these submission points to request:

²³⁰ [S288.044] opposed by Forest & Bird [FS23.068] and [S288.085] opposed by Forest & Bird [FS23.109]

²³¹ [S193.065] opposed by Forest & Bird [FS23.1021], [S193.066] opposed by Forest & Bird [FS23.1022] and [S193.118] opposed by Forest & Bird [FS23.1074]

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- *Delete sites/attributes where baseline state is based on limited data or further monitoring is needed* – I agree and have included current state, where available
- *Delete the columns titled “part FMU default TAS”* – I agree these columns are unnecessary, as this requirement is already captured by clauses (a) and (b) of the objectives and they reduce the clarity of the tables with this extra content (Dr Greer also explains the intent of these notations at paragraph 157)
- *Amend NOF attributes to use NOF compliant metrics and statistics* – I agree in so far as the fish community health attribute which I have recommended removing
- *Amend baseline state for monitored sites to use latest Council data (e.g. 2021/22 River Water Quality and Ecology Monitoring report)* – as above for the first point, I have accommodated this with 2023 current state data, where such information is available
- *Delete timeframes* – this is not appropriate as the NPS-FM requires timebound TAS

342. On the basis of the above, I recommend accepting in part these WFF submissions.

343. EDS [S222.033 and S222.079] and Forest & Bird [S261.061 and S261.140] seek river types and classes to be stated for each part-FMU in Tables 8.4 and 9.2. I'm unclear of the need for such information in the objectives of the plan as I do not understand it to be required by the NPS-FM. Dr Greer reaches a similar conclusion in paragraph 170 of his evidence. Furthermore, such detail would reduce the readability and clarity of the already complex objective tables, so on this basis I recommend rejecting these submissions.

344. EDS [S222.033 and S222.079] and Forest & Bird [S261.061 and S261.140] comment on the fish community health attribute, seeking it be defined as determined by experts. I have recommended deleting this attribute in response to other submissions addressed in paragraphs 301-304, therefore I recommend rejecting this request.

345. WWL [S151.065] raises concern regarding sediment modelling, specifically the correlation between sediment loads and visual clarity. Related to the modelling matter, WWL wish to understand how sediment load reductions will be measured in the future and how a proportionate contribution to this sediment load reduction will be measured. These matters are addressed in evidence of Mr Blyth at paragraphs 43-52. The additional modelling Mr Blyth has undertaken reduces uncertainty and I address these matters further in my Ecosystem Health and Water Quality policies section 42A report. As no change to the objectives was sought in relation to these matters, I make no recommendation on this submission.

346. Civil Contractors NZ [S285.016] have similar concerns and seek the same relief as WWL and also seek clarification on how much time testing would take and who a “suitable person” would be. In respect of the additional matter, reference to a ‘suitable person’ implies this submitter perhaps considers that consent applicants/construction contractors might need to do the monitoring of attributes required by PC1. That is not my understanding of the intention of these objectives. They are state of the environment objectives and the responsibility for monitoring rests with the Council as per the NPS-FM. Resource users/consent applicants will primarily be responsible for following the policies and rules of PC1 and I expect any monitoring required of consent holders will continue to

relate to direct and/or localised effects, e.g. performance of sediment and erosion control devices and water quality monitoring for localised effects at discharge points. I recommend accepting in part this submission on the basis that some aspects of the overall WWL submission have been recommended to be accepted or accepted in part.

347. Stormwater360²³² notes the TAS refer to dissolved metals, whereas Schedule 28 refers only to the percentage of copper or zinc to be removed, suggests consistency through the provisions. Dr Greer addresses this matter at paragraphs 188-191. He recommends an amendment to Schedule 28 to clarify the relationship between these two different metrics within PC1. I have adopted his suggested text and included this in Appendix 4. On this basis, I recommend accepting this submission.
348. NZFFA Wellington [S36.037] notes the use of the suspended fine sediment/visual clarity/black disc test for the Mangaroa River does not take into account that the Black Stream (natural brown water) drains into the Mangaroa River, and that the total suspended solids and suspended fine sediment and deposited fine sediment results are high quality and therefore inconsistent with the visual clarity result. As requested by this submitter, Dr Greer has checked whether the TAS set for visual clarity in the 'Te Awa Kairangi rural streams and rural mainstems' part-FMU is appropriate and addressed this at paragraphs 148-149 of his evidence, with input from Dr Valois. On this basis, I recommend that this submission be accepted.
349. WWL²³³ seeks guidance on how proportional contributions from WWL's network (particularly *E. coli*, suspended fine sediment/deposited fine sediment, dissolved oxygen, ammonia toxicity and nitrate toxicity) will be measured against other sources within the catchment.
350. More broadly, WWL [S151.007] opposes the TAS due to concerns with ambiguous language in other parts of PC1 calling for improvements or reductions that are 'commensurate with', or 'proportionate to', the effects of the relevant discharge on the attribute state of the receiving environment. Similarly, Civil Contractors NZ [S285.016] seek clarification on how proportionate contribution to sediment any reduction in this contribution will be measured.
351. Dr Greer describes the intended approach at paragraphs 192-196. Amendments to make this clearer in Schedules 31 and 32, as suggested by Dr Greer, are more appropriately dealt with through the wastewater and stormwater topics, using the advice of Dr Greer. On this basis, I make no recommendation in response to these submission points in this hearing stream.

²³² [S31.003] supported by NZTA [FS28.112], opposed by The Fuel Companies [FS33.007] and [S31.005] supported by NZTA [FS28.111]

²³³ [S151.060] opposed by Forest & Bird [FS23.1387]; [S151.062] opposed by Forest & Bird [FS23.1389]; [S151.065] supported by NZTA [FS28.137], opposed by Forest & Bird [FS23.1392]; [S151.066] opposed by Forest & Bird [FS23.1393]; [S151.070] opposed by Forest & Bird [FS23.1397]; [S151.071] opposed by Forest & Bird [FS23.1398]; and [S151.107] supported by NZTA [FS28.167], opposed by Forest & Bird [FS23.1434]

3.14.2 Recommendations

352. I recommend that WH.O9 and P.O6 and the associated tables are amended as shown in Appendix 4.
353. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.15 Issue 14: Mapping

3.15.1 Analysis

Map 77

354. I note the submission of Forest & Bird²³⁴ in support of Map 77 and seeking it be retained as notified. I recommend accepting the submission in part, assuming that other amendments to Map 77 may arise as a result of other submissions.
355. I also note the submissions from Yvonne Weeber²³⁵ and Guardians of the Bay²³⁶ supporting Map 77. The submitters have not sought any specific relief and on this basis I make no recommendation for these submissions.
356. In relation to the relief sought by Transpower [S177.079]²³⁷ and Ara Poutama [S248.080] to amend the riverine environments in Map 77 to reflect the habitat extents described in Schedule F1, a review of Map 77 by the Council has been requested but at the time of writing this has not been completed. Accordingly, I am unable to provide a recommendation at this point, but I will endeavour to update the Hearing Panels on this matter at the hearing.
357. I acknowledge the concerns of Woodridge [S255.103] that the scale of the maps is not large enough to determine property boundaries and seeking that the maps are provided in an online format. This issue was addressed in my section 42A report for the Overarching topic in Hearing Stream 1, as follows²³⁸:

In relation to map clarity, I agree that the PDF maps included within the plan change document are not clear (to the extent that it is difficult to identify individual properties to determine if they are subject to a particular map feature/overlay). However, the Council's GIS viewer is generally intuitive from a usability perspective i.e. being able to zoom in, or type in, a property address to locate specific properties and activating the desired layers/maps to check what features a particular location is subject to. The Council's PC1 webpage has recently been updated so that the GIS viewer is near top of the page and therefore more visible. Council is currently investigating the option to add a hyperlink to URL text at bottom of each Map page within the PDF version of the PC1 document too, which will help with usability.

²³⁴ [S261.254] supported by MPHRCI [FS27.873], opposed by NZFFA [FS9.581]

²³⁵ [S183.403] supported by MPHRCI [FS27.403]

²³⁶ [S186.191] supported by MPHRCI [FS27.614]

²³⁷ Opposed by Forest & Bird [FS23.822]

²³⁸ [Section-42A-Hearing-Report-Overarching-Matters.pdf](#), paragraph 183.

358. On this basis, I recommend accepting the relief sought by Woodridge.

Map 78

359. I note the submissions in support of Map 78 from Forest & Bird [S61.255]²³⁹ and Yvonne Weeber [S183.404]²⁴⁰. I recommend accepting in part the submission from Forest & Bird as I am recommending amendments to Map 78 as a result of other submissions. No specific relief was sought by Yvonne Weeber and therefore I make no recommendation in relation this submission.
360. In relation to WFF's submission²⁴¹ seeking amendments to Map 78 to show catchments, I note for the purposes of the plan change, the whitua contain multiple catchments but follow catchment boundaries. The part-FMUs are sub-areas within the whitua, most of which contain more than one sub-catchment. Catchment and sub-catchment locations are not referenced or used in PC1. On this basis I consider they are unnecessary for plan interpretation, and I recommend rejecting the relief sought by WFF.
361. Woodridge [S255.014] have raised the same concerns and seek the same relief as for Map 77. I have addressed this concern at paragraph 357 in relation to TAO P and note the same analysis applies to Map 78 in relation to the TWT whitua. On this basis I recommend accepting the relief sought by Woodridge.

Map 79

362. I note the submissions of Yvonne Weeber [S183.405]²⁴², Guardians of the Bays [S186.192]²⁴³, Pareraho Forest Trust [S213.029], and F&B [S261.256]²⁴⁴ in support of Map 79. No specific relief was sought by Yvonne Weeber or Guardians of the Bays and therefore I make no recommendation on these submissions. I recommend accepting in part the submissions of Pareraho Forest Trust and F&B seeking Map 79 be retained as notified as I am recommending amendments to Map 79 in response to other submissions.
363. I agree with the relief sought by CentrePort [S93.010] who raise concern about the mapping of management units in relation to the Port land and seeking amendments accordingly. I have reviewed Map 79 in the GIS viewer and confirm the map does not accurately reflect the boundaries of the commercial port area and wharves relative to the Wellington Urban FMU and Te Whanganui-a-Tara coastal management unit. The Wellington Urban FMU should only extend across CentrePort's commercial port area (the container wharf), while the finger wharves²⁴⁵ to the southwest of the container wharf are part of the coastal marine area and thus the Te Whanganui-a-Tara harbour and estuaries coastal water management unit should apply to these. Council's GIS team have prepared a close up map showing the corrected extents of these layers, and this is attached to this report in Appendix 7 and I recommend an amendment to Map 79 to align with this. The new plan change printed map is included in Appendix 4 with the other recommended amendments to PC1.

²³⁹ Supported by MPHRCI [FS27.874], opposed by NZFFA [FS9.582]

²⁴⁰ Supported by MPHRCI [FS27.404]

²⁴¹ [S193.192] opposed by Forest & Bird [FS23.1148]

²⁴² Supported by MPHRCI [FS27.405]

²⁴³ Supported by MPHRCI [FS27.615]

²⁴⁴ Supported by MPHRCI [FS27.875], opposed by NZFFA [FS9.583]

²⁴⁵ Glasgow, Interisland, and Waterloo Wharves

364. In looking into CentrePort's submission I also note that the other wharves in Wellington's inner harbour are incorrectly shown on the online GIS maps as being part of the Wellington Urban FMU, but in fact should be shown as Te Whanganui-a-Tara harbour and estuaries coastal management unit. There are no submissions on this matter, however I consider this to be an error in the plan drafting and a correction under clause 16 is justified.
365. WFF [S193.193]²⁴⁶ have sought the same relief in relation to Map 79 as for Map 78, albeit in relation to TWT i.e. to amend the map to show catchments. I have addressed this matter in paragraph 360 and confirm the same analysis applies to TWT whaitua in Map 79. Again, I recommend rejecting the relief sought.
366. Similarly, Woodridge [S255.105] seek the same relief as for Maps 77 and 78. I refer the Panels to my comments in paragraph 357 and recommend accepting the relief sought.

Map 80

367. I note the submissions in support of Map 80 from Yvonne Weeber [S183.406]²⁴⁷, Guardians of the Bays [S186.193]²⁴⁸, and Forest & Bird [S261.257]²⁴⁹. Yvonne Weeber and Guardians of the Bays have not requested any specific relief and on this basis, I make no recommendations for these submissions. I recommend accepting in part the submission from Forest & Bird as I am recommending amendments to Map 80 in response to other submissions.
368. WFF [S193.194]²⁵⁰ seeks the same amendments to Map 80 as for Maps 77-79. I have addressed this matter in paragraphs 360 and 365 and do not repeat it here. I note the PDF version on Map 80 does not show the TWT whaitua boundary, like the other maps. I consider for consistency and plan usability it would be useful to include this boundary on the PDF version in the final map production. I therefore recommend accepting in part the relief sought by WFF in relation to Map 80.
369. Similarly, Woodridge [S255.106] seek the same relief as for Maps 77 and 78. I refer the Panels to my comments in paragraph 357 and recommend accepting the relief sought.

Map 82

370. I note the submissions in support of Map 82 from Yvonne Weeber [S183.408]²⁵¹ and Forest & Bird [S261.259]²⁵². Yvonne Weeber has not requested any specific relief and on this basis, I make no recommendation on this submission. I recommend accepting in part the submission from Forest & Bird as I am recommending amendments to Map 82 in response to other submissions.
371. As for Map 79, CentrePort [S93.011] has noted errors on the maps in relation to the alignment of the Wellington Urban FMU and Te Whanganui-a-Tara Harbours and estuaries Coastal Water Management Unit with the container wharf, which is located on the landward side of the coastal marine area, and the finger wharves, which are located within the coastal marine area. The submitter has referenced Map 82 (Coastal water

²⁴⁶ Opposed by Forest & Bird [FS23.1149]

²⁴⁷ Supported by MPHRCI [FS27.406]

²⁴⁸ Supported by MPHRCI [FS27.616]

²⁴⁹ Supported by MPHRCI [FS27.876], opposed by NZFFA [FS9.584]

²⁵⁰ Opposed by Forest & Bird [FS23.1150]

²⁵¹ Supported by MPHRCI [FS27.410]

²⁵² Supported by MPHRCI [FS27.878], opposed by NZFFA [FS9.586]

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management units Te Awarua-o-Porirua Whaitua), however the image they have provided is Map 83 (Coastal water management units Whaitua Te Whanganui-a-Tara). Given CentrePort's location in TWT this is clearly an error in the submission, and it should in fact reference Map 83. I agree that amendments are required to Map 83. I refer the Panels to paragraph 363 where I address this matter in relation to Map 79 and recommend amendments. I recommend accepting the submission and applying the same amendments to Map 83.

372. Similarly, the same issue arises here in relation to the other wharves within the harbour, which I have addressed in paragraph 364, and I recommend the same amendments to apply to Map 83.

373. Woodridge [S255.108] seek the same relief as for Maps 77-80. I refer the Panels to my comments in paragraph 357 and recommend accepting the relief sought.

Map 83

374. I note the submissions in support of Map 83 from Yvonne Weeber [S183.409]²⁵³, Guardians of the Bays [S186.194]²⁵⁴, and Forest & Bird [S261.260]²⁵⁵. Yvonne Weeber and Guardians of the Bays have not requested any specific relief and on this basis, I make no recommendations for these submissions. Forest & Bird requests Map 83 be retained as notified and I recommend accepting this submission.

375. Woodridge [S255.109] seek the same relief as for Maps 77-80 and 82. I refer the Hearing Panels to my comments in paragraph 357 and recommend accepting the relief sought.

Map 84

376. I note the submissions in support of Map 84 from Yvonne Weeber [S183.410]²⁵⁶ and Forest & Bird [S261.261]²⁵⁷. Yvonne Weeber has not requested any specific relief and on this basis, I make no recommendation on this submission. Forest & Bird requests Map 84 be retained as notified and I recommend accepting this submission.

377. Woodridge [S255.110] seek the same relief as for Maps 77-80, 82 and 83. I refer the Panels to my comments in paragraph 357 and recommend accepting the relief sought.

Map 85

378. I note the submissions in support of Map 85 from Yvonne Weeber [S183.411]²⁵⁸, Guardians of the Bays [S186.195]²⁵⁹, and Forest & Bird [S261.262]²⁶⁰. Yvonne Weeber and Guardians of the Bays have not requested any specific relief and on this basis, I make no recommendations for these submissions. Forest & Bird requests Map 85 be retained as notified and I recommend accepting this submission.

²⁵³ Supported by MPHRCI [FS27.409]

²⁵⁴ Supported by MPHRCI [FS27.617]

²⁵⁵ Supported by MPHRCI [FS27.879], opposed by NZFFA [FS9.587]

²⁵⁶ Supported by MPHRCI [FS27.411]

²⁵⁷ Supported by MPHRCI [FS27.880], opposed by NZFFA [FS9.588]

²⁵⁸ Supported by MPHRCI [FS27.411]

²⁵⁹ Supported by MPHRCI [FS27.618]

²⁶⁰ Supported by MPHRCI [FS27.881], opposed by NZFFA [FS9.589]

379. Woodridge [S255.111] seek the same relief as for Maps 77-80 and Maps 82 -84. I refer the Panels to my comments in paragraph 357 and recommend accepting the relief sought.
380. In response to the request by Pat van Berkel [S282.020]²⁶¹ to add the primary contact site 'Whakatikei River at Hutt Confluence', I have addressed the issue of additional primary contact sites at paragraph 278 in response to another submission seeking the addition of Speedy's Stream. In a similar vein, Whakatikei River at Hutt Confluence is not currently part of the Council's monitoring programme, which suggests it does not meet the criteria for adding the site as a primary contact site and the submitter has not presented any evidence that high usage for swimming occurs at this location. On this basis, I recommend rejecting the relief sought.
381. WIAL [S101.011]²⁶² have sought the insertion of new maps to clearly identify all whitua, including both coastal and landward areas. I do not consider this is necessary because PC1 includes several maps that provide this information already. Maps 78 and 79 show the boundaries of the whitua and part freshwater management units within the whitua for TAoP and TWT respectively. Maps 82 and 83 show the coastal water management units and the whitua boundary for TAoP and TWT respectively. These maps can be viewed on the GIS viewer which enables the plan user to view these layers at the property scale. The submitter also refers to 'all Whitua' which I assume refers to those whitua not part of PC1. Whitua boundaries are provided on the GIS viewer for the operative version of the NRP and I also note that Appendix 6 to the RPS includes a map showing all whitua which was added as part of RPS Change 1²⁶³. Given the focus of PC1 is on TWT and TAoP it is unnecessary to include the other whitua boundaries at this stage. It is also outside the scope of PC1 to include the maps for whitua other than TWT and TAoP and I expect these layers will be added in due course when the relevant plan changes occur for those whitua. On this basis I recommend rejecting the relief sought by WIAL.

3.15.2 Recommendations

382. I recommend the maps are amended as shown in Appendix 4.
383. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.16 Issue 15: Not applicable to whitua

3.16.1 Analysis

384. 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

²⁶¹ supported by Donald Skerman [FS3.011]

²⁶² Opposed by Forest & Bird [FS23.1264] and [S101.017] (opposed by Forest & Bird [FS23.1270], with a neutral/not stated stance from Woodridge [FS16.039])

²⁶³ [Decision-version-of-Proposed-Change-1-and-Variation-1-provisions.pdf](#)

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- the addition of a 'note' within a provision explaining which parts of a provision no longer apply to one of these whitua²⁶⁴

385. I addressed some similar submission points on the 'not applicable to whitua' changes, namely those submissions identified by the Council as being out of scope or partially out of scope in the Overarching topic. This report addresses remaining submissions on 'not applicable to whitua' icons and notes where these relate to NRP objectives. Scope issues do not arise in these submissions, however in some cases, submissions supporting an objective impacted by an icon are not always clear whether they intended their support to relate to retaining the wording of the objective 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 3 below.

²⁶⁴ For example, this occurs in Objective O19

Table 3 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
O2	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.056] (supported by MPHRCI [FS27.056]) supports O2, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>WIAL [S101.018] (supported by Meridian [FS47.132], opposed by Forest & Bird [FS23.1271]); WWL [S151.031] (supported by Meridian [FS47.133], opposed by Forest & Bird [FS23.1358]); WFF [S193.029] (supported by Hort NZ [FS1.011], supported by Meridian [FS47.134], opposed by Forest & Bird [FS23.985]); and Civil Contractors NZ [S285.012] consider that O2 is relevant to all whaitua, and seeks that it is retained as such.</p>	<p>In my Right of Reply for the Overarching topic²⁶⁵, I noted my verbal recommendation at the hearing for removing the icon from O2 in response to questions from the Hearing Panels following planning evidence presented by Christine Foster for Meridian Energy Ltd. I noted that O2 is a broad objective covering natural resources, recognising their contribution to social, economic and cultural wellbeing, and the health of people and communities, and directing that this be recognised in their management. I concluded that this was not inherently inconsistent with Te Mana o te Wai and the hierarchy of obligations, as the objective wasn't specifically directed to use of and impacts on water.</p> <p>I retain the view that O2 should remain applicable to both the TWT and TAoP whaitua and as such I recommend accepting the submissions that sought its retention and make no recommendation on the submission of Yvonne Weeber as no decision was sought.</p>
O5	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.057] (supported by MPHRCI [FS27.057]) supports O5, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>WWL [S151.032] (supported by Hort NZ [FS1.012], opposed by Forest & Bird [FS23.1359]) considers O5 is important for source protection of and WFF [S193.030] (opposed by Forest & Bird [FS23.986]) considers O5 is relevant to all whaitua. Both seek that it is retained.</p>	<p>I make no recommendation on the submission of Yvonne Weeber as no decision was sought.</p> <p>I recommend rejecting the submissions of WWL and WFF on the basis that it seeks direction that water be available for matters captured by the second and third priority matters in Te Mana o te Wai without reference to the first needing to be satisfied ahead of this. It would also duplicate the text I have recommended adding to each of WH.O1, WH.O2, WH.O6, P.O1 and P.O2. These additional sub-clauses cover <i>people and community to provide for social and economic use benefits provided that the well-being of waterbodies and ecosystem health is not compromised</i> or similar. This new wording is necessary to reconcile the policy gap arising with removal of O5 from application in TWT and TAoP. Provided these additions are made to the TWT and TAoP objectives, which better align with the NPS-FM than O5, it is appropriate to retain the icon on O5.</p>
O6	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.058] (supported by MPHRCI [FS27.058]) supports O6, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>WFF [S193.031] considers O6 is relevant to all whaitua and seeks that it is retained as such.</p>	<p>I make no recommendation on the submission of Yvonne Weeber as no decision was sought.</p> <p>As foreshadowed in my Right of Reply for the Overarching topic²⁶⁶, in response to the planning evidence of Ms Foster, I have now addressed the 'lack of recognition of water use' matter that I noted in my reply for TWT and TAoP under PC1 if O6 no longer applies in these whaitua. Water use is legitimately enabled by the second and third limbs of Te Mana o te Wai. As discussed above, I have provided amendments to several TWT and TAoP objectives to recognise and enable 'water use' in a nuanced manner to reflect the higher order direction. Assuming the Panels adopt those changes, then in my opinion, retaining the icon on O6 is appropriate. Accordingly, I recommend rejecting this WFF submission and recommend the Panels make a consistent decision for the submissions on O6 allocated to the Overarching topic also.</p>

²⁶⁵ Paragraph 17, HS1 Overarching Matters: GWRC Right of Reply – Mary O'Callahan available here [Greater Wellington — Hearing Stream One - Overarching Matters and Region-Wide: Air Quality; Beds of Lakes and Rivers; Schedules and Threatened Species Objectives](#)

²⁶⁶ Paragraphs 17-20, HS1 Overarching Matters: GWRC Right of Reply – Mary O'Callahan available here [Greater Wellington — Hearing Stream One - Overarching Matters and Region-Wide: Air Quality; Beds of Lakes and Rivers; Schedules and Threatened Species Objectives](#)

Provision	Nature of PC1 change	Submission summary	Impact of requested change and recommendation
			<p>Notwithstanding this, I consider the concern expressed by Ms Foster has been suitably addressed as a result of edits recommended for WH.O1, WH.O2, WH.O6, P.O1 and P.O2 in response to other 'use related' submissions addressed under Issues 4, 5, 6, 7 and 10 earlier in this report.</p>
O17	Icon	<p>Yvonne Weeber [S183.059] (supported by MPHRCI [FS27.059]) supports O17, with no reasons stated or decision sought.</p>	<p>I make no recommendation on the submission of Yvonne Weeber as no decision was sought. The icon should remain on this objective as it relates to maintenance and improvement of the quality water, which is directly superseded by the objectives of PC1 for these whaitua.</p>
O18	<p>Note to clarify application: <i>Objective O18 does not apply to rivers, lakes, groundwater or coastal water within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua. Objective O18 only applies to natural wetlands within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.</i></p>	<p><u>General support</u></p> <p>Sofia Holloway [S13.001] and Guildford Timber, Silverstream Forest and Goodwin Estate [S210.013] support the intent of O18 seek it be retained as notified.</p> <p>Yvonne Weeber [S183.066] (supported by MPHRCI [FS27.066]) and Fish and Game [S188.018] support O18, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>Should WIAL's [S101.023] (opposed by Forest & Bird [FS23.1276]) relief requested for WH.O3 not be accepted, they seek for the deletion of the this not applicable. WWL [S151.034] (opposed by Forest & Bird [FS23.1361]) seeks a similar relief while further detail on TAS is developed.</p> <p><u>Amend for consistency of Māori customary use</u></p> <p>PF Olsen [S18.011] notes that the NPS-FM recognises Māori customary uses as a significant attribute and seeks for O18 to be amended to recognise this uniformly across the region.</p>	<p>The 'general support' submissions are unclear whether they support the retention of the objective or retention of the icon, so on that basis I make no recommendation.</p> <p>I recommend rejecting the relief sought by WIAL and WWL and have included many amendments in response to submissions on the TAS and coastal objectives in response to submissions, which is preferable to abandoning the new numeric objectives entirely.</p> <p>I recommend rejecting the PF Olsen submission which I understand seeks retention of the Māori customary use aspects of this objective. I consider the new objectives adequately accommodate this value, so it does not need to be duplicated by retention of further parts of O18.</p>
O19	<p>Note to clarify application: <i>Objective O19 does not apply to rivers, lakes, groundwater or coastal water within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua. Objective O19 only applies to natural wetlands within Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua.</i></p>	<p><u>General support</u></p> <p>Guildford Timber, Silverstream Forest and Goodwin Estate [S210.014] supports the intent of O19 and seeks that it is retained as notified.</p> <p><u>Concern with 2050 date</u></p> <p>Heather Blissett [S45.003] considers 2050 is not a reasonable date in the absence of any other date due to the sensitivity of water systems.</p> <p><u>Retain water quality parameters</u></p> <p>Forest & Bird [S261.027] considers the water quality parameters in Table 3.4 remain relevant to the whaitua and seeks for the parameters to be carried through to the new tables.</p> <p><u>Retain application to whaitua</u></p> <p>Should WIAL's relief sought on the provisions of Chapter 8 not be accepted, WIAL [S101.024] (opposed by Forest & Bird [FS23.1277]) opposes the note that excludes the application of O19.</p> <p>WWL [S151.038] (supported in part by WIAL [FS31.001], opposed by Forest & Bird [FS23.1365]) seeks similar relief while further detail on TAS is developed.</p>	<p>The 'general support' submission is unclear whether it supports the retention of the objective or retention of the icon, so on that basis I make no recommendation. Likewise, I make no recommendation on Heather Blissett's submission as I expect it may be based on a misunderstanding that PC1 sets a 2050 date. In effect, PC1 removes application of the 2050 date for TWT and TAoP through application of the 'not applicable' note.</p> <p>I recommend rejecting retaining parameters from this objective as sought by Forest & Bird. In implementing the NPS-FM, the Council has sought to move away from these existing objectives to follow the NOF process and format required by the NPS-FM. The river water quality parameters of Table 3.4 are largely duplicated by the new TAS for rivers in WH.O9 and P.O6.</p> <p>I recommend rejecting the relief sought by WIAL and WWL and have included many amendments in response to submissions on the TAS and coastal objectives in response to submissions, which is preferable to abandoning the new numeric objectives entirely.</p>

Provision	Nature of PC1 change	Submission summary	Impact of requested change and recommendation
O20	Icon	Yvonne Weeber [S183.060] (supported by MPHRCI [FS27.060]) supports O20, with no reasons stated or decision sought.	I make no recommendation on the submission of Yvonne Weeber as no decision was sought.
O25	Note to clarify application: <i>Tables 3.4, 3.5, 3.6, and 3.8 do not apply to Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua, and are therefore not relevant to defining a healthy functioning state within these whaitua.</i>	<u>General support</u> Lynn Cadenhead [S22.014] seeks O25 be retained as notified, with no reasons stated. Yvonne Weeber [S183.076] (supported by MPHRCI [FS27.076]) and Guardians of the Bays [S186.030] (supported by MPHRCI [FS27.453]) support O25, with no reasons stated or decision sought. EDS [S222.011] support O25 and consider it protects ecosystem and indigenous biodiversity health, with no decision sought. <u>Retain application to whaitua</u> WWL [S151.044] (opposed by Forest & Bird [FS23.1371]) opposes the note which excludes Tables 3.4, 3.5, 3.6 and 3.8 from Whaitua Te Whanganui-a-tara and Te Awarua-o-Porirua, and seeks its deletion. <u>Include references to Tables 3.1 and 3.3</u> Guildford Timber, Silverstream Forest and Goodwin Estate [S210.015] seeks for O25 to be amended to include references to Tables 3.1 and 3.3.	I make no recommendation on these 'general support' submissions as either no decision was sought or the relief sought was somewhat ambiguous (retention of objective versus retention of note). I recommend rejecting the relief sought by WWL and Guildford Timber, Silverstream Forest and Goodwin Estate because structurally, the tables cannot guide the meaning of healthy functioning state if they do not apply within these whaitua, i.e., this would create confusion for plan users. I consider the O25 outcome is clear without the linkage in any case.
O28	Note to clarify application: <i>Tables 3.4, 3.5, 3.6, and 3.8 do not apply in Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua, and are therefore not relevant to defining, a healthy functioning state within these whaitua.</i>	<u>General support</u> Lynn Cadenhead [S22.015] seeks for O28 to be retained as notified, with no reasons stated. Yvonne Weeber [S183.077] (supported by MPHRCI [FS27.077]) and Guardians of the Bays [S186.031] (supported by MPHRCI [FS27.454]) support Objective O28, with no reasons stated or decision sought. EDS [S222.012] ²⁶⁷ supports O28 with no decision sought. <u>Retain application to whaitua</u> WWL [S151.045] (opposed by Forest & Bird [FS23.1372]) opposes the note which excludes Table 3.4, 3.5, 3.6 and 3.8 from Whaitua Te Whanganui-a-tara and Te Awarua-o-Porirua, and seeks its deletion. Should WIAL's [S101.025] (opposed by Forest & Bird [FS23.1278]) relief for Chapter 8 of the NRP not be accepted, they seek for the deletion of the proposed amendments to the Note in Objective O28 which exclude the application of the objective and Tables 3.7 and 3.8 in Whaitua Te Whanganui-a-tara. <u>Include references to Tables 3.1 and 3.3</u> Guildford Timber, Silverstream Forest and Goodwin Estate [S210.016] seek for O28 to be amended to include references to Tables 3.1 and 3.3.	I make no recommendation on the 'general support' submissions as the relief sought is somewhat ambiguous (retention of objective versus retention of the note). I recommend rejecting the relief sought by WIAL as it links to the outcomes in Tables 3.1 to 3.8 which will no longer apply within TWT and TAoP. Retaining this objective in TWT and TAoP would conflict with the new provisions. I recommend rejecting the relief sought by WWL and Guildford Timber, Silverstream Forest and Goodwin Estate because structurally, the tables cannot guide the meaning of healthy functioning state if they do not apply within these whaitua, i.e., this would create confusion for plan users. I consider the O28 outcome is clear without the linkage in any case.
O34	Icon	<u>General support</u> Yvonne Weeber [S183.061] (supported by MPHRCI [FS27.061]) supports O34, with no reasons stated or decision sought. <u>Retain application to whaitua</u>	I make no recommendation on the submission of Yvonne Weeber as no decision was sought. I recommend rejecting the relief sought by WIAL as the 'minimise' effects direction for land use activities is not consistent with the direction of PC1 or the NPS-FM as these require improvements to certain land uses in degraded

²⁶⁷ Supported by Forest & Bird [FS23.168] and MPHRCI [FS27.904], opposed by NZFFA [FS9.193]

Provision	Nature of PC1 change	Submission summary	Impact of requested change and recommendation
		Should WIAL's relief sought on the provisions of Chapter 8 not be accepted, WIAL [S101.019] (opposed by Forest & Bird [FS23.1272]) opposes the exclusion of O34 as it relates to Whaitua Te Whanganui-a-Tara and seeks for its application to be retained.	part-FMUs where land use is a key contributor to a target not being met, and maintenance (i.e. no material deterioration) in others. Furthermore, it links to the outcomes in Tables 3.1 to 3.8 which will no longer apply within TWT and TAoP. Retaining this objective in TWT and TAoP would conflict with the new provisions.
O35	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.062] (supported by MPHRCI [FS27.062]) supports O34, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>WFF [S193.032] (opposed by Forest & Bird [FS23.988]) considers O35 is relevant to all whaitua and seeks that it is retained as such.</p>	<p>I make no recommendation on the submission of Yvonne Weeber as no decision was sought.</p> <p>I have considered the submission of WFF seeking removal of the icon such that O35 remains applicable to TWT and TAoP. This objective is 'The adverse effects of livestock access on surface water bodies are avoided, remedied or mitigated' which is not directly replaced or duplicative of any PC1 objective and it does not link to Tables 3.1 to 3.8 as for many other objectives with the icon. The PC1 objectives describe environmental outcomes and numeric performance targets for water and are not specific to land use activities. The activity-specific content comes through the new policies, rules and schedules for rural activities, which likely conflicts with this objective, particularly as a result of my recommended additional clause (e) in WH.O9 and P.O6 which links through to the policy content, including WH.P21(d), WH.P26 and P.P20(4) relating to livestock access exclusions. The PC1 policy direction is not consistent with a general avoid, remedy or mitigate expectation as contained in O35 and in my opinion, the objective 'gap' so to speak is filled by the amendment I have recommended to clause (e) of WH.O9. In addition, I consider retaining O35 generally as an objective once NPS-FM plan changes are rolled out through the region is unnecessary as it is not drafted as a true objective in any case, rather it is more akin to a policy or assessment criteria for a rule. Accordingly, I recommend rejecting the WFF submission.</p>
O36	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.063] (supported by MPHRCI [FS27.063]) supports O36, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>Should WIAL's relief sought on the provisions of Chapter 8 not be accepted, WIAL [S101.020] (opposed by Forest & Bird [FS23.1273]) opposes the exclusion of O36 as it relates to Whaitua Te Whanganui-a-Tara and seeks for its application to be retained.</p>	<p>I make no recommendation on the submission of Yvonne Weeber as no decision was sought.</p> <p>I recommend rejecting the relief sought by WIAL as it links to the outcomes in Tables 3.1 to 3.8 which will no longer apply within TWT and TAoP. Retaining this objective in TWT and TAoP would conflict with the new provisions.</p>
O37	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.064] (supported by MPHRCI [FS27.064]) supports O37, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>Should WIAL's relief sought on the provisions of Chapter 8 not be accepted, WIAL [S101.021] (opposed by Forest & Bird [FS23.1274]) opposes the exclusion of Objective O37 as it relates to Whaitua Te Whanganui-a-Tara and seeks for its application to be retained.</p>	<p>I make no recommendation on the submission of Yvonne Weeber as no decision was sought.</p> <p>I recommend rejecting the relief sought by WIAL as it links to the outcomes in Tables 3.1 to 3.8 which will no longer apply within TWT and TAoP. Retaining this objective in TWT and TAoP would conflict with the new provisions.</p>
O38	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.065] (supported by MPHRCI [FS27.065]) supports O38, with no reasons stated or decision sought.</p>	I make no recommendation on the submission of Yvonne Weeber as no decision was sought.

Provision	Nature of PC1 change	Submission summary	Impact of requested change and recommendation
		<p><u>Retain application to whaitua</u></p> <p>Should WIAL's relief sought on the provisions of Chapter 8 not be accepted, WIAL [S101.022] (opposed by Forest & Bird [FS23.1275]) opposes the exclusion of O38 as it relates to Whaitua Te Whanganui-a-Tara and seeks for its application to be retained.</p>	<p>I recommend rejecting the relief sought by WIAL as it links to the outcomes in Tables 3.1 to 3.8 which will no longer apply within TWT and TAoP. Retaining this objective in TWT and TAoP would conflict with the new provisions.</p>
Table 3.1	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.067] (supported by MPHRCI [FS27.067]) supports Table 3.1, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>WWL [S151.035] (opposed by Forest & Bird [FS23.1362]) seeks for the application of Table 3.1 to be retained for all water bodies in all locations/whaitua while further detail on TAS is developed.</p>	<p>I make no recommendation on the submission of Yvonne Weeber as no decision was sought.</p> <p>I recommend rejecting the relief sought by WWL and have included many amendments in response to submissions on the TAS and primary contact objectives in response to submissions, which is preferable to abandoning the new numeric objectives entirely.</p>
Table 3.2	Icons applied to river and lake rows, but remains applicable for wetlands	<p><u>General support</u></p> <p>Yvonne Weeber [S183.068] (supported by MPHRCI [FS27.068]) supports Table 3.2, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>WWL [S151.036] (opposed by Forest & Bird [FS23.1363]) seeks for the application of Table 3.2 to be retained for all water bodies in all locations/whaitua while further detail on TAS is developed.</p>	<p>I make no recommendation on the submission of Yvonne Weeber as no decision was sought.</p> <p>I recommend rejecting the relief sought by WIAL and WWL and have included many amendments in response to submissions on the TAS and primary contact objectives in response to submissions, which is preferable to abandoning the new numeric objectives entirely.</p>
Table 3.3	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.069] (supported by MPHRCI [FS27.069]) supports Table 3.3, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>WWL [S151.037] (opposed by Forest & Bird [FS23.1364]) seeks for the application of Table 3.3 to be retained for all water bodies in all locations/whaitua while further detail on TAS is developed.</p>	<p>I make no recommendation on the submission of Yvonne Weeber as no decision was sought.</p> <p>I recommend rejecting the relief sought by WIAL and WWL and have included many amendments in response to submissions on the coastal objectives in response to submissions, which is preferable to abandoning the new numeric objectives entirely.</p>
Table 3.4	Icon	<p><u>Retain water quality parameters</u></p> <p>EDS [S222.008] and Forest & Bird [S261.028] consider the water quality parameters in Table 3.4 remain relevant to the whaitua and seek the application of nuisance macrophytes, periphyton cover, toxicants and mahinga kai targets be retained for the new whaitua chapters.</p> <p><u>Retain application to whaitua</u></p> <p>WWL [S151.039] (opposed by Forest & Bird [FS23.1366]) seeks for the application of Table 3.4 to be retained for all water bodies in all locations/whaitua while further detail on TAS is developed.</p>	<p>I recommend rejecting retaining parameters from this objective as sought by Forest & Bird. In implementing the NPS-FM, the Council has sought to move away from these existing objectives to follow the NOF process and format required by the NPS-FM. The river water quality parameters of Table 3.4 are largely duplicated by the new TAS for rivers in WH.O9 and P.O6.</p> <p>I recommend rejecting the relief sought by WWL and have included many amendments in response to submissions on the TAS in response to submissions, which is preferable to abandoning the new numeric objectives entirely.</p>
Table 3.5	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.072] (supported by MPHRCI [FS27.072]) and Guardians of the Bays [S186.025] (supported by MPHRCI [FS27.448]) support Table 3.5, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p>	<p>I make no recommendation on the submissions of Yvonne Weeber and Guardians of the Bays as no decisions were sought.</p> <p>I recommend rejecting the relief sought by WWL as the lakes objective replaces this table, which is preferable given it follows the NOF process of the NPS-FM.</p>

Provision	Nature of PC1 change	Submission summary	Impact of requested change and recommendation
		<p>WWL [S151.040] (opposed by Forest & Bird [FS23.1367]) seeks for the application of Table 3.5 to be retained for all water bodies in all locations/whaitua while further detail on TAS is developed.</p>	
Table 3.6	Icon	<p><u>General support</u></p> <p>Yvonne Weeber [S183.073] (supported by MPHRCI [FS27.073]) and Guardians of the Bays [S186.026] (supported by MPHRCI [FS27.449]) support Table 3.6, with no reasons stated or decision sought.</p> <p><u>Retain application to whaitua</u></p> <p>WWL [S151.041] (opposed by Forest & Bird [FS23.1368]) seeks for the application of Table 3.6 to be retained for all water bodies in all locations/whaitua while further detail on TAS is developed.</p> <p>EDS [S222.009] seeks for the application of Table 3.6 to the whaitua to be retained, noting that no replacement targets have been provided for the whaitua. Forest & Bird [S261.029] also seek for Table 3.6 to be retained for the whaitua given that no replacement targets have been provided, and further seek amendments to include a nitrate-nitrogen target of <1.0 mg/L.</p>	<p>I make no recommendation on the submissions of Yvonne Weeber and Guardians of the Bays as no decisions were sought.</p> <p>I recommend rejecting the relief sought by WWL as the new groundwater objectives replace this table, which is preferable as they have been updated to better express the relevant risks that need to be managed (subject to my recommended amendments to WH.O6 and WH.O7 discussed previously).</p> <p>Regarding the EDS [S222.009] and Forest & Bird [S261.029] submissions seeking the application of Table 3.6 be retained for these whaitua because no replacement targets have been included. Forest & Bird also seek to include a nitrate-nitrogen target of <1.0 mg/L.</p> <p>With my recommended revisions to the PC1 groundwater objectives, I consider these are more suitable and certain as to the threshold of materially negative impact permissible (basically none) than Table 3.6. The new objectives also direct improvements where ecosystems are degraded and they manage the aquifer integrity risks in the case of TWT. The request for a new groundwater nitrate-nitrogen target is not supported by any information on the existing state of this attribute in groundwater in these whaitua, whether the proposed number is suitable, whether there is any nitrogen issue to be managed and what the source of risk might be in these predominately urban whaitua. On this basis, I recommend rejecting EDS and Forest & Bird submissions.</p>
Table 3.7	Table remains applicable (wetland table)	<p><u>General support</u></p> <p>Yvonne Weeber [S183.074] (supported by MPHRCI [FS27.074]) and Guardians of the Bays [S186.027] (supported by MPHRCI [FS27.450]) support Table 3.7, with no reasons stated or decision sought.</p> <p><u>Restore mauri of wetlands</u></p> <p>Heather Blissett [S45.007] questions if it is intended to restore the mauri of wetlands which are affected by human actions, seeking for the restoration of wetlands to what is known of the ecosystem rather than using a measure from the date that wetlands were destroyed by humans.</p> <p><u>Retain application to whaitua</u></p> <p>WWL [S151.042] (opposed by Forest & Bird [FS23.1369]) seeks for the application of Table 3.7 to be retained for all water bodies in all locations/whaitua while further detail on TAS is developed.</p> <p>EDS [S222.010] seeks for the application of Table 3.7 to the whaitua to be retained, noting that no replacement targets have been provided for the whaitua.</p> <p>Forest & Bird [S261.030] also seek for Table 3.7 to be retained for the whaitua given that no replacement targets have been provided, as well as the addition of the wetland condition index as a measure of wetland ecosystem health and a target set of 10.</p>	<p>I make no recommendation on the submissions of Yvonne Weeber and Guardians of the Bays as no decisions were sought.</p> <p>I recommend rejecting the submission of Heather Blissett as wetland controls are beyond the scope of PC1 as they already exist in the NRP.</p> <p>I recommend accepting the WWL submission which seeks the application of Table 3.7 is retained because PC1 does not apply an icon to this table and it remains in place for wetlands within TWT and TAoP.</p> <p>Similar to WWL, I recommend accepting the EDS submission seeking retention of Table 3.7 for TWT and TAoP as PC1 provides for this.</p> <p>I recommend accepting in part the Forest & Bird submission seeking retention of Table 3.7 for TWT and TAoP as PC1 provides for this. But I recommend rejecting the other aspect of their submission for a wetland condition index and consider wetland provisions are beyond the scope of PC1.</p>
Table 3.8	Icon	<p><u>General support</u></p>	<p>I make no recommendation on the submissions of Yvonne Weeber and Guardians of the Bays as no decisions were sought.</p>

Provision	Nature of PC1 change	Submission summary	Impact of requested change and recommendation
		<p>Yvonne Weeber [S183.075] (supported by MPHRCI [FS27.075]) and Guardians of the Bays [S186.028] (supported by MPHRCI [FS27.451]) support Table 3.8, with no reasons stated or decision sought.</p> <p><u>Retain application to whitua</u></p> <p>WWL [S151.043] (opposed by Forest & Bird [FS23.1370]) seeks for the application of Table 3.8 to be retained for all water bodies in all locations/whaitua while further detail on TAS is developed.</p> <p>Forest & Bird [S261.031] considers the key parameters of Table 3.8 remain relevant to the whitua, and seeks either for the retention of attributes contained in Table 3.8 but which are not included in Tables 8.1 or 9.1, or to be carried through to the new tables, to give effect to the NPS-FM and NZCPS.</p>	<p>I recommend rejecting the relief sought by WWL and have included many amendments in response to submissions on the coastal objectives in response to submissions, which is preferable to abandoning the new numeric objectives entirely.</p> <p>I recommend rejecting the submission of Forest & Bird on the basis that the attributes sought are either directly or generally included in the table or narrative text of WH.O3 and P.O3.</p>

3.16.2 Recommendations

386. I recommend removing the 'not applicable' icon from Objective O2.

387. I recommend that the submissions and further submissions be determined as detailed in Appendix 5.

3.17 Previously deferred submissions

388. There were several submissions allocated to Hearing Stream 1 which were deferred by myself or Mr Sam O'Brien as reporting officer to a future hearing stream. Table 4 below addresses those deferred submissions from Hearing Stream 1.

Table 4 Consideration of submissions from Hearing Stream 1 that are relevant to the objectives topic

Submitter	Submission # and summary	Discussion from HS1 report	Para ref in HS1 report	Discussion and recommendation
Overarching report				
Tracy Simms	[S175.001], [S175.002] and [S175.004] Seeks the withdrawal of PC1, noting the following reasons: Lack of consultation with affected properties The appropriateness of provisions being applied to both upstream and downstream properties despite there being few monitoring sites Insufficient water quality information to confirm where sediment is originating from	Provisions will be refined and new monitoring information added in response to specific submissions on the objectives, as appropriate	113	At paragraph 40 of Dr Greer's evidence, he outlines the process for selecting the TAS monitoring sites for the plan change. My understanding is the monitoring sites were generally based on those selected through the community planning WIP process for the sub-catchment areas. A single TAS site is suitable and aligned with the NPS-FM approach. The sites selected are located where TAS need to be set to detect the impact of practice change on water quality and ecology across the TAoP and TWT whitua. Furthermore, in paragraph 200 of his evidence, Dr Greer considers the one monitoring site in the Mākara-Ohariu catchment and responds to a similar submission, with regards to adequacy for demonstrating an <i>E. coli</i> problem. He outlines why he thinks the single site is suitable. I consider the same rationale generally applies for all the part-FMU monitoring sites, and no specific case
Bob Anker	[S59.003] (opposed by MPHRCI [FS27.1252]) Seek for clauses to be removed where there are insufficient water quality monitoring sites.	Robustness of evidence - TAS and other numeric targets within the PC1 objectives and ecosystem health	238	

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Submitter	Submission # and summary	Discussion from HS1 report	Para ref in HS1 report	Discussion and recommendation
		policies will be addressed in later hearing streams		has been established by these submitters to demonstrate a need for further subdivision of the part-FMU areas to support additional monitoring sites. Monitoring is expected to be reasonably onerous and expensive for the Council to undertake to implement the plan change, so it is not recommended that further monitoring sites be allowed for unnecessarily. On this basis, I recommend rejecting these submissions.
Water NZ	[S246.012] and [S246.016] Water NZ seeks for GWRC to consult with Taumata Arowai on any proposed measures to ensure consistency in requirements (noting the requirements in Schedule 32 as an example), noting new mandatory requirements introduced in the Water Services Act 2021. Water NZ also seeks for further engagement to be undertaken with utility operators to ensure what is proposed in plans is workable.	Consultation with Taumata Arowai and Wellington Water – I noted Council intends to engage with these parties to inform responses to specific submissions seeking changes to the provisions.	142	At the time of writing this report, I was unaware of any specific engagement carried out by the Council with these parties. I have not had the opportunity to do this myself in preparing this report, however I will make myself available to discuss matters with submitters ahead of the hearing, as required.
"Submitters"	²⁶⁸	Submissions relating to	177, 179	No recommendations were provided in Hearing Stream 1,

²⁶⁸ [S276.011] and [S287.013] and [S94.007] and [S59.008] (with a neutral/not stated stance from Woodridge Holdings [FS16.020], opposed by MPHRCI [FS27.1257]) and [S60.008] (opposed by MPHRCI [FS27.1335]) and [S61.008] (opposed by MPHRCI [FS27.1504]) and [S62.008] (opposed by MPHRCI [FS27.1400]) and [S63.008] (opposed by MPHRCI [FS27.1309]) and [S64.008] (opposed by MPHRCI [FS27.1517]) and [S65.008] (opposed by MPHRCI [FS27.1595]) and [S66.008] (opposed by MPHRCI [FS27.1465]) and [S67.008] (opposed by MPHRCI [FS27.1569]) and [S68.008] (opposed by MPHRCI [FS27.1361]) and [S69.008] (opposed by MPHRCI [FS27.1621]) and [S70.008] (opposed by MPHRCI [FS27.1452]) and [S71.008] (opposed by MPHRCI [FS27.1283]) and [S72.008] (opposed by MPHRCI [FS27.1270]) and [S73.008] (opposed by MPHRCI [FS27.1582]) and [S74.008] (opposed by MPHRCI

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Submitter	Submission # and summary	Discussion from HS1 report	Para ref in HS1 report	Discussion and recommendation
	<p>Concerns that costs and benefits have not been quantified and seek a thorough cost-benefit exercise be undertaken. Further considerations that the Section 32 analysis does not adequately quantify the economic, environmental and cultural costs and benefits, and also seek a cost-benefit exercise to be undertaken.</p> <p>Further concerns acknowledge the potential financial costs associated with the improvement of water but consider these costs should not be deferred to the future.</p> <p>There are concerns with the potential costs of implementing PC1 on landowners.</p> <p>Further consideration that PC1 will have significant impacts on the civil construction industry.</p>	<p>a lack of costs and benefits analysis and agreeing it is required</p>		<p>however, economic evidence from Mr Walker has formed the basis of the recommendations included in Table 2 of this report insofar as the achievability of implementing TAS related to <i>E. coli</i> and metals for territorial authority wastewater and stormwater networks. As Mr Walker's evidence has informed my recommendations in Table 2 to make a number of the TAS less stringent, I recommend accepting these submissions in part. I acknowledge that while the quantified economic evidence does not examine the costs and benefits arising with all aspects of PC1, I consider appropriately focuses on impacts where TAS had been set more stringently than the minimum required improvement prescribed by the NPS-FM and where achievability issues were also identified in the evidence of Dr Greer in his Table 22.</p>
NZFFA	<p>[S195.003] (opposed by Forest & Bird [FS23.406])</p> <p>They seek for more terms to be defined to avoid</p>	<p>Defining Te Reo words – will be revisited in</p>	<p>196</p>	<p>I consider the Te Reo terms in this hearing topic are either already defined in the NRP or well explained within the</p>

[FS27.1634] and [S75.008] (opposed by MPHRCI [FS27.1530]) and [S76.008] (opposed by MPHRCI [FS27.1608]) and [S77.008] (opposed by MPHRCI [FS27.1439]) and [S78.008] (opposed by MPHRCI [FS27.1244]) and [S79.008] (opposed by MPHRCI [FS27.1231]) and [S80.008] (opposed by MPHRCI [FS27.1296]) and [S81.008] (opposed by MPHRCI [FS27.1348]) and [S82.008] (opposed by MPHRCI [FS27.1543]) and [S83.008] (opposed by MPHRCI [FS27.1491]) and [S84.008] (opposed by MPHRCI [FS27.1478]) and [S86.008] (opposed by MPHRCI [FS27.1413]) and [S87.008] (opposed by MPHRCI [FS27.1387]) and [S88.008] (opposed by MPHRCI [FS27.1322]) and [S89.008] (opposed by MPHRCI [FS27.1426]) and [S90.008] (opposed by MPHRCI [FS27.1556]) and [S91.008] (opposed by MPHRCI [FS27.1374]) and [S22.010] and [S28.005] and [S35.005] and [S107.008] and [S242.004] and [S249.012] and [S249.014] and [S16.004] and [S26.005] and [S94.004] and [S215.001] and [S199.003] and [S285.001] supported by Goodman Contractors [FS35.001], PCL Contracting [FS32.001], Orogen Limited [FS34.012] and Multi Civil Contractors [FS49.001]

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Submitter	Submission # and summary	Discussion from HS1 report	Para ref in HS1 report	Discussion and recommendation
	ambiguity, and additionally to have English translations of Māori words (or an English version of the plan).	the section 42A reports for the applicable hearing streams		body of the objective (for example 'wai ora' in WH.O1 and P.O1). On this basis, I make no recommendation in this report for additional definitions for Te Reo terms.
Beds of lakes and rivers report (Sam O'Brien)				
EDS	[S222.013] To give effect to Policies 7 and 9 NPSFM and Policy 30 NRP.	Generally seeking the loss of river extent and values and that habitat of indigenous species. Seeking a new TAS for habitat, natural form, and character which activities must achieve.	71	I have addressed related requests from this submitter for provisions relating to natural form and character throughout this report. Some recommendations to add a reference to 'natural form and character' have been added to objectives to recognise these values exist within the TWT and TAoP whitua, as identified through the WIPs. I acknowledge through these amendments that natural form and character will likely improve alongside ecosystem health improvements. However, I have not recommended a TAS for natural form and character. This is because the core activities that might need to be managed within the beds of lakes and rivers are not within the scope of the provisions amended in the NPS-FM NOF plan change scope. Parties affected by any changes to policies and rules for activities impacted by new 'natural character index' TAS provisions would not have had the opportunity to meaningfully input to any such changes arising through these submissions. I refer also to paragraphs 162-166 of Dr Greer's evidence on this matter, which I concur with. Accordingly, I recommend rejecting these submissions requiring new TAS for natural form and character.
Forest & Bird	[S261.036] Notes compliance with target attribute states is required to give effect to NPS Policy 7 and 9; the requirement to manage water bodies to achieve all five components of ecosystem health; and NRP Policy 30.	Amend general conditions in accordance with relief sought for Rule R128. Include target states for habitat and natural form and character.	79	

4.0 Conclusions

389. A range of submissions have been received in support of, and in opposition to the provisions relating to the Objectives topic of PC1.
390. 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.
391. I consider that the amended provisions will be the most appropriate , for the reasons set out in the Section 32AA evaluations undertaken.

Recommendations:

392. I recommend that:
1. PC1 is amended in accordance with the changes set out in Appendix 4 of this report; and
 2. The Hearing Panels accept, accept in part, reject, or note as no recommendation required in relation to the submissions and further submissions, as detailed in Appendix 5.

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 Objectives 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 component of PC1

Appendix 4: Recommended Amendments to Provisions and Section 32AA Evaluation of recommended amendments to provisions

Appendix 5: Table of Recommendations on Submissions

Appendix 6: Summary of NOF values for Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua from the WIPs

Appendix 7: Maps showing changes to Wellington Urban FMU and Te Whanganui-a-Tara Harbours and estuaries Coastal Water Management Unit