

**BEFORE THE FRESHWATER HEARING PANEL
AT WELLINGTON / TE WHANGANUI-A-TARA**

IN THE MATTER OF the Resource Management Act 1991
AND
IN THE MATTER of submissions and further submissions on Proposed
Change 1 to the Natural Resources Plan for the
Wellington Region
AND **The Royal Forest and Bird Protection Society of New
Zealand Incorporated**

**STATEMENT OF EVIDENCE OF SAMANTHA GRACE DOWSE ON BEHALF OF THE ROYAL
FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

**Hearing Stream 2
(Planning)
14 March 2025**

INTRODUCTION

1. My name is Samantha Grace Dowse. I am a Senior Planner at Kāhu Environmental Limited. I have held this position since June 2024. I am based in Palmerston North where I have practiced as a planner since I graduated in 2018. I have worked on planning projects across the motu including within the Greater Wellington Region.

QUALIFICATIONS AND EXPERIENCE

2. I hold a Bachelor of Resource and Environmental Planning with Honours (in Social Geography) from Massey University, graduating in 2018.
3. I have seven years' experience working as a resource management planner. I have worked for both local government and private consultancies. I am familiar with and experienced in the processing of district resource consents, preparation of district and regional resource consent applications, preparing district plan changes (in particular urban growth plan changes), and the Resource Management Act 1991.
4. In a previous role at Palmerston North City Council I was involved in preparation of the Palmerston North Future Development Strategy. The strategy was informed by National Policy Statements under the Resource Management Act 1991 including the National Policy Statement for Freshwater Management.
5. At present, I am involved in preparation of the Palmerston North Stormwater Strategy, whilst a non-statutory document, the strategy is informed by the National Policy Statement for Freshwater Management, among other relevant legislation, policy and plans.
6. I am an Intermediate Member of Te Kōkoiringa Taumata, the New Zealand Planning Institute.

CODE OF CONDUCT

7. I confirm that I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court's Practice Note 2023. I have complied with it when preparing my written statement of evidence and will do so when I give oral evidence. Unless I state otherwise, this evidence is within my area of expertise. I

have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

MATERIAL CONSIDERED

8. The key documents that I have referred to in preparing my evidence include:
 - a. The original and further submissions on Proposed Plan Change 1 by Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)
 - b. The Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region (PC 1)
 - c. The Section 32 Evaluation (Section 32 Report)
 - d. The GHD Report titled 'Environmental effects offsets: Estimating financial contributions FINAL' (GHD Report)¹
 - e. The National Policy Statement for Freshwater Management (NPS-FM)
 - f. The New Zealand Coastal Policy Statement
 - g. The Section 42A Report for Ecosystem Health and Water Quality Objectives prepared by Ms O'Callahan (Objectives Section 42A Report)²
 - h. The Section 42A Report for Ecosystem Health and Water Quality Policies prepared by Ms O'Callahan (Policies Section 42A Report)³
 - i. Mr Kay's evidence for Forest & Bird

SCOPE OF EVIDENCE

9. My evidence focusses on the central matters of concern to Forest & Bird and areas of remaining disagreement between Forest & Bird and the s42A report writer or other parties. It does not address all provisions that are the subject of this hearing. Where I have not addressed provisions, I agree with Ms O'Callahan's recommendations on submissions and further submissions and support her recommended amendments to the PC 1 provisions.
10. My evidence is limited to the following matters and provisions:

¹ Titled: 'Environmental effects offsets: Estimating financial contributions FINAL', Revision A, Project number 12584753 for Greater Wellington Regional Council, Dated 24th August 2023

² Titled: 'Plan Change 1 to the Natural Resources Plan for the Wellington Region Section 42A Hearing Report, Hearing Stream 2, Topic: Objectives', Dated 28th February 2025.

³ Titled: 'Plan Change 1 to the Natural Resources Plan for the Wellington Region Section 42A Hearing Report, Hearing Stream 2, Topic: Policies', Dated 28th February 2025.

- a. Natural form and character
- b. The use of deteriorated rather than degraded in Objective WH.O1 and improvements to drafting for consistency with the wider PC 1 provision and NPS-FM
- c. Recommended improvements to drafting of Objective WH.O2 and P.O2 for consistency with the wider PC 1 provisions and NPS-FM
- d. The inclusion of natural form and character in Objectives WH.O2, P.O2, WH.O9 AND P.O6
- e. Objectives WH.O10 and P.O7 and improvements to drafting to ensure consistency with the PC 1 provisions and that all relevant water bodies are covered
- f. Policies WH.P1 and P.P1 and the need for amendments to ensure maintenance of water bodies that are not degraded
- g. Policies WH.P2 and P.P2 and the use of Financial Contributions to offset residual contaminants from stormwater discharges from planned greenfield areas

NATURAL FORM AND CHARACTER

- 11. Most of my evidence relates to natural form and character. Given this, I provide an outline of what I consider to be the relevance of natural form and character to PC 1. My understanding of its relevance has informed the recommendations in my evidence.
- 12. Clause 3.9 of the NPS-FM directs compulsory values listed in Appendix 1A apply to every Freshwater Management Unit. "Habitat" forms one of the 5 components that contribute to the value of "Ecosystem health"⁴:

There are 5 biophysical components that contribute to freshwater ecosystem health, and it is necessary that all of them are managed. They are:

Water quality – the physical and chemical measures of the water, such as temperature, dissolved oxygen, pH, suspended sediment, nutrients and toxicants

Water quantity – the extent and variability in the level or flow of water

⁴ NPS-FM Appendix 1A.

Habitat – the physical form, structure, and extent of the water body, its bed, banks and margins; its riparian vegetation; and its connections to the floodplain and to groundwater

Aquatic life – the abundance and diversity of biota including microbes, invertebrates, plants, fish and birds

Ecological processes – the interactions among biota and their physical and chemical environment such as primary production, decomposition, nutrient cycling and trophic connectivity.

13. The NPS-FM recognises the “extent” and “habitat” of freshwater bodies via the following policies:
 - a. **Policy 6:** There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.
 - b. **Policy 7:** The loss of river extent and values is avoided to the extent practicable.
 - c. **Policy 9:** The habitats of indigenous freshwater species are protected
14. Mr Kay’s evidence covers natural form and character⁵. From his evidence, I understand that natural form and character and the compulsory value of ecosystem health are intrinsically linked. This is because natural form and character drive the quality of habitat in water bodies.
15. The overarching objective and Policy 5 of the NPS-FM is seeking the health and well-being of and maintenance and improvement of ecosystem health in water bodies. Given maintenance and improvements in natural form and character provides for habitat, natural form and character will be relevant to PC 1 objectives and policies including those relating to ecosystem health.
16. Clause 3.9 also requires regional councils to consider whether the values listed in the Appendix 1B apply during the National Objectives Framework process.
17. Within Appendix 1B of the NPS-FM (“other values that must be considered”) is the value of “natural form and character.” The appendix describes matters and characteristics contributing to natural form and character including:

⁵ At paragraphs 22 – 43 of Mr Kay’s Evidence in Chief

- a. Biophysical, ecological, geological, geomorphological and morphological aspects
- b. The natural movement of water and sediment including hydrological and fluvial processes
- c. The natural location of a water body and course of a river
- d. The relative dominance of indigenous flora and fauna
- e. The presence of culturally significant species
- f. The colour of the water
- g. The clarity of the water

These will be relevant to any objectives and policies covering natural form and character in PC 1.

18. Section 6 of the Resource Management Act 1991 (the Act) sets out the matters of national importance that shall be recognised and provided for. Section 6(a) is the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development. The value of natural form and character, as described in Appendix 1B of the NPS-FM, in my opinion is the expression of natural character under section 6(a) in the context of freshwater bodies covered by the NPS-FM. On this basis, natural form and character related PC 1 provisions must recognise and provide for section 6(a).
19. Finally, I note that there is overlap between “natural character” in section 6(a) of the Act, Appendix 1B “natural form and character”, river and wetland extent, and habitat (a component of ecosystem health under Appendix 1A). The Act does not define “natural character,” but it is described in the NPS-FM⁶ and New Zealand Coastal Policy Statement (NZCPS)⁷. I am informed that the Environment Court has

⁶ In the NPS-FM Appendix 1B

⁷ NZCPS Policy 13 states “...natural character is not the same as natural features and landscapes or amenity values and may include matters such as: (a) natural elements, processes and patterns; (b) biophysical, ecological, geological and geomorphological aspects; (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; (d) the natural movement of water and sediment; (e) the natural darkness of the night sky; (f) places or areas that are wild or scenic; (g) a range of

found that the word “natural” does not mean “pristine” and is not restricted to endemic species⁸.

OBJECTIVE WH.O1

20. Ms O’Callahan has recommended a number of drafting changes to objective WH.O1 in response to submissions and further submissions. Overall, I agree with these recommended changes and her reasoning for recommending them.
21. However in the description of wai ora for Āhua (natural character), Ms O’Callahan’s recommended drafting uses the words ‘deteriorated’ rather than ‘degraded’ in the Āhua (natural character) bullet point. I consider the use of ‘where degraded’ is more appropriate and I recommend the objective should be updated to reflect this.
22. I make this recommendation for two reasons: clause (b) of objectives WH.O2 and P.O2 use ‘where degraded’ in reference to natural form and character, and other objectives proposed through PC 1 use the term ‘where degraded’ to direct improvement outcomes in waterbodies⁹. Use of ‘where deteriorated’ in objective WH.O1 would depart from this approach in drafting leading to inconsistency in terms used in the plan.
23. Secondly, I consider the use of the term ‘degraded’ is more consistent with, and gives effect to, the NPS-FM. I am of this opinion because degraded under the NPS-FM means either¹⁰:
 - a. a site that is below a national bottom line, or
 - b. a site not achieving or not likely to achieve a target attribute state, or
 - c. a freshwater management unit (FMU) or part FMU is not achieving or is not likely to achieve an environmental flow and level set for it, or
 - d. a FMU or part FMU is less able to provide for any compulsory value or any value identified as applying to it.

natural character from pristine to modified; and (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.”

⁸ *Harrison v Tasman District Council* PT Nelson W42/93, 14 June 1993

⁹ Including Objective WH.O5, WH.O6 and P.O5

¹⁰ NPS-FM clause 1.4

24. Because Āhua (natural character) is a value applying to the Whaitua and it can be said to be degraded if the Whaitua or part FMU are less able to provide for it, it is therefore more appropriate to use 'where degraded'.
25. Further, in Mr Kay's evidence¹¹, he describes natural form and character and the compulsory value of ecosystem health as being intrinsically linked particularly the habitat component of ecosystem health. Target attribute states are set in Table 8.1 to achieve the wai ora objectives and measure ecosystem health and as I understand it can reasonably be used to determine whether some aspects natural form and character are degraded.
26. For the above reasons, I recommend the use of 'where degraded' in both these objectives (in place of 'deteriorated') is more appropriate.
27. In addition to the above, the Āhua (natural character) bullet point covers a limited number of matters and in the brackets includes natural character rather than natural form and character.
28. As described earlier in my evidence, the matters and characteristics contributing to natural form and character are outlined in Appendix 1B of the NPS-FM. For consistency with the NPS-FM, I recommend inclusion of those other matters and characteristics in the bullet point.
29. Regarding the reference to only natural character in the brackets after Āhua, I recommend a change so the brackets include both natural form and natural character to be consistent with the NPS-FM and objective WH.O2 (as recommended to be amended by Ms O'Callahan).
30. For the above reasons, I recommend changes to the bullet point as follows¹²:

In the wai ora state:

- Āhua (**natural form and character**) is restored where ~~deteriorated degraded~~ and freshwater bodies exhibit their natural ~~qualities form and character,~~ ~~rhythms, range of flows, form, hydrology and character~~ including biophysical, ecological, geological, geomorphological, and morphological aspects, natural

¹¹ Mr Kay's Evidence In Chief at paragraphs 26 -27 and 29 - 31

¹² Note recommended deletions are shown in ~~red strikethrough~~ and insertions in red underline.

movement of water and sediment, hydrological and fluvial processes, their natural location and courses, indigenous flora and fauna, culturally significant species, and colour and clarity of water.

OBJECTIVE WH.O2 AND P.O2

31. Ms O’Callahan has recommended a number of drafting changes in response to submissions and further submissions on objectives WH.O2 and P.O2. Overall, I agree with the reasoning for making these changes and in most cases support the redrafting recommended.

32. The exception to this is clause (b), which is in both objectives. Ms O’Callahan recommends the clause be drafted for WH.O2 as:

- (b) natural form and character is maintained, or where degraded, improvement has been made to the hydrology of rivers, and erosion processes, including bank stability, are improved and sources of sediment are reduced to a more natural level, and the extent and condition of indigenous riparian vegetation is increased and improved, supporting ecosystem health, and
- (c) [...]

For P.O2, Ms O’Callahan recommends the clause be drafted as:

- (b) natural form and character is maintained, or where degraded, improvement has been made to limit erosion processes, including bank stability, are improved to significantly reduce the sedimentation rate in the harbour to a more natural level, and the extent and condition of indigenous riparian vegetation is increased and improved, supporting ecosystem health, and
- ~~(c)~~ [...]

33. As I described earlier in my evidence, Appendix 1B of the NPS-FM describes the matters and characteristics that contribute to natural form and character. To ensure the PC 1 objectives are consistent with the NPS-FM, I recommend the other matters and characteristics are inserted into this clause, which include:

- a. biophysical, ecological, geological, geomorphological and morphological aspects,
- b. fluvial processes,
- c. natural movement of water and sediment,
- d. natural location and course,
- e. indigenous fauna,
- f. culturally significant species, and
- g. the colour and clarity of water .

34. For WH.O2, I recommend the following amendments to clause (b):

- (b) natural form and character is maintained, or where degraded, improvement has been made to the hydrological and fluvial processes of rivers, biophysical, ecological, geological, geomorphological and morphological aspects, natural movement of water and sediment, natural location and course of rivers, the extent of indigenous flora and fauna, the presence of culturally significant species and the colour and clarity of water and erosion processes, including bank stability, are improved and sources of sediment are reduced to a more natural level, and the extent and condition of indigenous riparian vegetation is increased and improved, supporting ecosystem health, and

~~(c)~~ [...]

35. For P.O2, I recommend the following amendments to clause (b):

- (b) natural form and character is maintained, or where degraded, improvement has been made to limit erosion processes, including bank stability, are improved to significantly reduce the sedimentation rate in the harbour to a more natural level hydrological and fluvial processes, biophysical, ecological, geological, geomorphological and morphological aspects, natural movement of water and sediment, natural location and course of rivers, the extent of indigenous flora and fauna, the presence of culturally significant

species and the colour and clarity of water, and the extent and condition of indigenous riparian vegetation is increased and improved, supporting ecosystem health, and

~~(c)~~ [...]

NATURAL FORM AND CHARACTER IN OBJECTIVES WH.O2, P.O2, WH.O9 AND P.O6

36. Forest & Bird's submission sought natural form and character to be included in the chapeau of objectives WH.O2, P.O2, WH.O9 and P.O6.
37. Ms O'Callahan recommends¹³ Forest & Bird's submissions on this matter are accepted on the basis that these values exist within both Whaitua. In the amended version of PC 1, as recommended by Ms O'Callahan, the above objectives all refer to natural form and character.
38. I support Ms O'Callahan's recommended amendments regarding natural form and character and agree with her reasoning for making these recommendations.
39. In further submissions there was considerable opposition to inserting natural form and character into the chapeau of these objectives¹⁴. The opposition in further submissions to natural form and character being included in the objectives appears to centre around natural form and character not being a compulsory value in the

¹³ At paragraphs 91, 313 – 314 of her Objectives Section 42A Report

¹⁴ Forest & Bird's original submission on Objective WH.O2 (S261.050) was opposed in further submissions by Winstone Aggregates (FS8.020), Guildford Timber Company Limited, Silverstream Forest Limited and the Goodwin Estate Trust (FS25.031), R P Mansell; A J Mansell, & M R Mansell (FS26.015), New Zealand Farm Forestry Association (FS9.377), Transpower New Zealand Limited (FS20.020) and Wellington Water Ltd (FS39.021).

Forest & Bird's original submission on Objective WH.O9 (S261.060) was opposed in further submissions by Horticulture New Zealand (FS1.033 and FS1.059), Guildford Timber Company Limited, Silverstream Forest Limited and the Goodwin Estate Trust (FS25.032), R P Mansell; A J Mansell, & M R Mansell (FS26.016), New Zealand Farm Forestry Association (FS9.387), Transpower New Zealand Limited (FS20.021), Wellington International Airport Limited (FS31.014), and Wellington Water Ltd (FS39.022).

Forest & Bird's original submission on Objective P.O2 (S261.134) was opposed in further submissions by R P Mansell; A J Mansell, & M R Mansell (FS26.026), New Zealand Farm Forestry Association 9 (FS9.461), Transpower New Zealand Limited (FS20.035) and Wellington Water Ltd (FS39.025).

Forest & Bird's original submission on Objective P.O6 (S261.139) was opposed in further submissions by R P Mansell; A J Mansell, & M R Mansell (FS26.027), New Zealand Farm Forestry Association (FS9.466), Transpower New Zealand Limited (FS20.036), and Wellington Water Ltd (FS39.026).

NPS-FM or not being required to achieve the purpose of the Resource Management Act 1991. I disagree with that reasoning.

40. To assist the panel, I have reviewed the NPS-FM, the Section 32 Report and the Act in order to give a view on whether inclusion of natural form and character in PC 1 provisions is appropriate.
41. Clause 3.9 of the NPS-FM requires regional council's to identify values and set environmental outcomes as objectives. Clause 3.9 (2) enables Greater Wellington Regional Council to identify values other than the compulsory values in Appendix 1A, and requires that the Council must in every case, consider whether the values listed in Appendix 1B of the NPS-FM apply. Appendix 1B of the NPS-FM includes natural form and character as a value that must be considered. The Section 32 Report¹⁵ outlines the values applying to both Whaitua.
42. The values for Te Whanganui-a-Tara Whaitua are described as freshwater ecosystem health, mahinga kai, threatened species, natural form and character, Māori customary use and wai tapu, drinking-water supply, human contact (primary), community connection, animal drinking water, commercial, industrial use and the production of food and beverages, transport and tauranga waka, and fishing¹⁶.
43. The values applying to Te Awarua-o-Porirua are described¹⁷ as:
 - a. Kai kete/Food basket,
 - b. Hauora kaiao/Ecological health,
 - c. Ka taea e te tangata/Accessibility and recreation,
 - d. Te ara wairua o te wai/The pathway of the spirit of the water,
 - e. Whanaketanga tauwhiro o te whenua/Sustainable development of land,
 - f. Ohaoha o te wai/Economic uses of water and waterways as a resource, and

¹⁵ At section 3.6

¹⁶ At paragraphs 89 - 91

¹⁷ At paragraphs 97 – 98 of the Section 32 Report

g. Ko Te Awarua-o-Porirua he taonga tuku iho a Ngāti Toa Rangatira.

44. Based on the Te ara wairua o te wai/The pathway of the spirit of the water value seeking water to flow naturally and Mr Kay's evidence that natural form and character are intrinsically linked to ecosystem health (which I understand is covered by the Hauora kaiao/Ecological health value), I consider it reasonable to assume natural form and character was intended to be covered by these values.
45. The Section 32 Report also describes that in both Whaitua, the Māori freshwater value of Āhua (natural character) applies in both Whaitua¹⁸.
46. It is clear that the NPS-FM directs regional councils to consider whether natural form and character is a value that applies to both Whaitua, which the council has done through the Whaitua committee process, community engagement and plan making process, and as a result found these values do apply. It is therefore appropriate in my view for natural form and character to be included in the relevant provisions of PC 1, including in objectives WH.O2, P.O2, WH.O9 and P.O6.
47. As described earlier in my evidence, natural character of the coastal environment, freshwater bodies and their margins, along with the protection of them from inappropriate use and development is a matter of national importance that must be recognised and provided for¹⁹. I consider it is appropriate for the PC 1 objective framework to include natural form and character as it fulfils Council's obligations under section 6 of the Act.

NEW OBJECTIVES WH.O10 AND P.O7

48. Ms O'Callahan has recommended two new objectives, which seek by 2030 there is no further decline in the health and wellbeing lakes and rivers (in the case of Te Whanganui-a-Tara) and rivers (in the case of Te Awarua-o-Porirua). These new objectives respond to submissions made on the need for interim timeframes.
49. I agree the inclusion of interim timeframes is useful and gives better effect to the NPS-FM.

¹⁸ At paragraph 91 and Table B1 in the case of Te Whanganui-a-Tara and paragraph 98 and Table B2 in the case of Te Awarua-o-Porirua

¹⁹ Section 6(a) of the Act

50. However it is not clear whether or why other waterbodies that are not specifically mentioned in the objectives are excluded from it. The health and wellbeing of all waterbodies and freshwater ecosystems must be maintained or improved, not just a subset of them in order to give effect to the NPS-FM.
51. Other waterbodies including groundwater, natural wetlands, estuaries, harbours and the coastal marine area are included in the 2100 wai ora objectives (WH.O2 and P.O2). Whilst objectives WH.O2 and P.O2 include only groundwater, rivers, lakes and **natural wetlands**, and their margins.
52. To give effect to the NPS-FM and ensure consistency across the PC 1 objectives, I recommend rewording of the objectives to provide direction on other freshwater waterbodies in the Whaitua (including groundwater and natural inland wetlands) and their margins to ensure the use of common language in PC 1. I recommended the wording is changed as follows:

Objective WH.10

By 2030, there is no further decline of the health and wellbeing of Te Whanganui-a-Tara's ~~lakes and rivers~~ groundwater, rivers, lakes and **natural wetlands**, and their margins.

Objective P.O7

By 2030, there is no further decline of the health and wellbeing of Te Awarua-o-Porirua's ~~rivers~~ groundwater, rivers, lakes and **natural wetlands**, and their margins.

POLICIES WH.P1 AND P.P1 AND MAINTENANCE POLICIES FOR WATER BODIES THAT ARE NOT DEGRADED

53. Ms O'Callahan has recommended amendments to policies WH.P1 and P.P1 to insert 'where deteriorated' into the chapeau of the policy.
54. Overall I agree with her recommendations to amend the policy and the reasons for doing so, however, the use of 'where deteriorated' rather than 'where degraded' is not consistent with the wording used in other PC 1 provisions and as I have set out earlier in this evidence, the phrase 'where degraded' gives better effect to the NPS-FM. For those reasons, I recommend the chapeaus read as follows:

Aquatic ecosystem health will be improved, where ~~deteriorated degraded~~,
by:

55. The recommended insertion of 'where deteriorated', narrows the application of the policies to only degraded waterbodies. There is a gap in the policy framework around directing the maintenance of health and well-being of water bodies and freshwater ecosystems that are not degraded.
56. Policy 5 of the NPS-FM requires freshwater to be managed to ensure the health and well-being of waterbodies is maintained, where it is not degraded. The PC 1 objectives and rule framework already require maintenance (in addition to improvements of degraded water bodies and freshwater ecosystems), which gives effect to the maintenance directive in Policy 5 of the NPS-FM.
57. I consider a further amendment to the chapeau of the policies would resolve this gap and recommend the following change in drafting:

Aquatic ecosystem health will be maintained where not degraded and improved, where ~~deteriorated degraded~~, improved by:

POLICIES WH.P2 AND P.P2 AND FINANCIAL CONTRIBUTIONS

58. Forest & Bird sought for clause (a) of policies WH.P2 and P.P2 to be amended so that financial contributions used as a method to offset adverse effects of stormwater discharges from planned greenfield developments must apply the effects management hierarchy as described in the NPS-FM first.
59. Based on the PC 1 provisions, GHD Report and Section 32 Report, I understand the purpose of the financial contributions is to fund and construct new, or upgrade existing, catchment scale stormwater treatment systems serving existing urban development in each Whaitua. These systems are intended to offset effects from residual stormwater contaminants from planned greenfield residential and non-residential areas across the two Whaitua that cannot be practicably treated through onsite treatment methods.

60. I understand from the PC 1 provisions²⁰ that stormwater from planned greenfield development may discharge to a surface water body or coastal water either through an existing or new stormwater network.
61. The NPS-FM defines the effects management hierarchy in clause 3.21. It requires the adverse effects (including cumulative effects and loss of potential value) from activities on the extent or values of natural inland wetlands and rivers to be managed in a sequential manner as follows:
- a. avoiding adverse effects where practicable,
 - b. then minimising effects where they cannot be avoided,
 - c. then remedying effects where minimisation is not practicable,
 - d. then where more than minor residual adverse effects cannot be avoided, minimised or remedied, aquatic offsetting is provided where possible,
 - e. then if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided,
 - f. then if aquatic compensation is not appropriate, the activity itself is avoided.
62. Aquatic offsetting, as defined in clause 3.21 of the NPS-FM requires a conservation outcome resulting from actions intended achieve no net loss in the extent and values of the wetland or river. No net loss means that the measurable positive effects of the actions match any loss of extent or values over space and time.
63. Aquatic compensation, as defined in clause 3.21 of the NPS-FM requires a conservation outcome resulting from actions that are intended to compensate for any more than minor residual effects on a wetland and river after the effects management measures have been applied and only if appropriate.
64. Clauses 3.22 and 3.24 of the NPS-FM require regional councils to insert policies in regional plans that avoid loss of extent, protect values and promote restoration in the case of natural inland wetlands, and for rivers, avoid the loss of river extent and values except where the regional council is satisfied the effects of the activity are managed through applying the effects management hierarchy.

²⁰ Policy WH.P15 and P.P14

65. In the coastal environment, Policy 23(4) of the NZCPS applies to discharges of stormwater and again, a sequenced approach to managing effects is prescribed as follows:
- (4) *In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:*
- (a) *avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;*
 - (b) *reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;*
 - (c) *promoting integrated management of catchments and stormwater networks; and*
 - (d) *promoting design options that reduce flows to stormwater reticulation systems at source*
66. Based on this understanding of the intent and the requirements of the NPS-FM and NZCPS, the notified wording of Policies WH.P2 and P.P2 does not meet the requirements NPS-FM and NZCPS nor does Schedule 30. The NPS-FM requires, a structured assessment of each step in the effects management hierarchy, where each consecutive step of the hierarchy is not considered until all practicable means to apply the earlier steps are exhausted. This means that aquatic compensation (in this case through financial contributions) is not considered until after avoidance, minimisation, and remediation and aquatic offsetting, have been thoroughly considered.
67. It is my view the policies covering financial contributions should be reworded to better signal a) the effects management hierarchy should be applied for stormwater discharges that affect the values of rivers and wetlands²¹ before financial contributions are required, and b) that financial contributions are for 'aquatic compensation' if appropriate after applying the effects management hierarchy. In the coastal environment, I do not consider financial contributions are available as an effects management measure, and the requirements in NZCPS Policy 23(4) must apply.
68. Regarding Schedule 30, as I have described earlier 'aquatic offset' requires a no net loss in the values and extents of rivers and natural inland wetlands. Schedule 30, in

²¹ Captured in clauses 3.22 and 3.24 the NPS-FM

my view does not achieve that outcome because the stormwater systems the contributions will fund are for the purpose of treating stormwater from existing urban environments rather than undertaking actions that result in a no net loss for values and extents of rivers and natural inland wetlands as a result of stormwater discharges containing residual contaminants. As a result, Schedule 30 does not meet the requirements for aquatic offset under the NPS-FM and is more akin to aquatic compensation.

69. Schedule 30, in my opinion, requires reframing so the financial contributions are required for the purpose of aquatic compensation if appropriate after applying the effects management hierarchy.
70. Ms O’Callahan has recommended both policies be deleted as the policy content duplicates other activity specific policies in each Whaitua. I agree with this reasoning and her recommendation to delete the policy. If the panel decide to keep the policies, I recommend they be amended to give effect to the NPS-FM as follows:

Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:

- (a) prohibiting **unplanned greenfield development** and for other greenfield developments ~~minimising~~ applying the effects management hierarchy to manage adverse effects from stormwater ~~the~~ contaminants on rivers and natural inland wetlands, and after applying the effects management hierarchy, if aquatic compensation is appropriate, requiring financial contributions ~~as to in accordance with Schedule 30 offset adverse effects from residual stormwater contaminants, and~~ to manage adverse effects on water in the coastal environment from stormwater contaminants, take steps to avoid where practicable or otherwise remedy cross contamination of sewage and stormwater systems, reduce contaminant and sediment loadings at source through treatment and controls on land use activities, and
- (b) [...]

RECOMMENDED AMENDMENTS

71. The recommended amendments to PC 1 provisions that I have outlined in my evidence can be found in Appendix 1 of my evidence

Dated 14 March 2025

A handwritten signature in black ink, appearing to read 'S. Dowse', with a stylized, cursive script.

Samantha Grace Dowse

Appendix 1 – Recommended amendments to PC 1 provisions

Provision	Recommended section 42A provision	Recommended amendments
Objective WH.O1	<p>The health of all freshwater bodies <u>rivers and lakes and their margins, natural wetlands, groundwater</u> and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is wai ora by 2100.</p> <p><i>Note</i></p> <p>In the wai ora state:</p> <ul style="list-style-type: none"> • Āhua (natural character) is restored <u>where deteriorated</u> and freshwater bodies exhibit their natural quality, rhythms, range of flows, form, hydrology and character • [...] 	<p>Amend Objective WH.O1 as follows:</p> <p>The health of all freshwater bodies <u>rivers and lakes and their margins, natural wetlands, groundwater</u> and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is wai ora by 2100.</p> <p><i>Note</i></p> <p>In the wai ora state:</p> <ul style="list-style-type: none"> • Āhua (natural <u>form and character</u>) is restored <u>where deteriorated degraded</u> and freshwater bodies exhibit their natural qualityies form and character, rhythms, range of flows, form, hydrology and character <u>including biophysical, ecological, geological, geomorphological, and morphological aspects, natural movement of water and sediment, hydrological and fluvial processes, their natural location and courses, indigenous flora and fauna, culturally significant species, and colour and clarity of water.</u> • [...]

<p>Objective WH.O2</p>	<p>The health and wellbeing of Te Whanganui-a-Tara’s groundwater, rivers and natural wetlands and their margins are on a trajectory of measurable improvement towards wai ora, such that by 2040:</p> <p>(a) [...]</p> <p>(b) <u>natural form and character is maintained, or where degraded, improvement has been made to the hydrology of rivers, and erosion processes, including bank stability, are improved and sources of sediment are reduced to a more natural level, and the extent and condition of indigenous riparian vegetation is increased and improved, supporting ecosystem health, and</u></p> <p>(c) [...]</p>	<p>Amend Objective WH.O2 as follows:</p> <p>The health and wellbeing of Te Whanganui-a-Tara’s groundwater, rivers and natural wetlands and their margins are on a trajectory of measurable improvement towards wai ora, such that by 2040:</p> <p>(a) [...]</p> <p>(b) <u>natural form and character is maintained, or where degraded, improvement has been made to the hydrology, fluvial and fluvial processes of rivers, biophysical, ecological, geological, geomorphological and morphological aspects, natural movement of water and sediment, natural location and course of rivers, the extent of indigenous flora and fauna, the presence of culturally significant species and the colour and clarity of water and erosion processes, including bank stability, are improved and sources of sediment are reduced to a more natural level, and the extent and condition of indigenous riparian vegetation is increased and improved, supporting ecosystem health, and</u></p> <p>(c) [...]</p>
<p>Objective P.O2</p>	<p>Te Awarua-o-Porirua’s groundwater, rivers, lakes and natural wetlands, and their margins are on a trajectory of measurable improvement towards wai ora, such that by 2040:</p> <p>(a) [...]</p> <p>(b) <u>natural form and character is maintained, or where degraded, improvement has been made to limit erosion processes, including bank stability, are improved to significantly reduce the sedimentation rate in the harbour to a more natural level, and the extent and condition of indigenous riparian vegetation is increased and improved, supporting ecosystem health, and</u></p>	<p>Amend Objective P.O2 as follows:</p> <p>Te Awarua-o-Porirua’s groundwater, rivers, lakes and natural wetlands, and their margins are on a trajectory of measurable improvement towards wai ora, such that by 2040:</p> <p>(a) [...]</p> <p>(b) <u>natural form and character is maintained, or where degraded, improvement has been made to limit erosion processes, including bank stability, are improved to significantly reduce the sedimentation rate in the harbour to a more natural level hydrological and fluvial processes, biophysical, ecological, geological, geomorphological and morphological aspects, natural</u></p>

	(c) [...]	<p><u>movement of water and sediment, natural location and course of rivers, the extent of indigenous flora and fauna, the presence of culturally significant species and the colour and clarity of water, and the extent and condition of indigenous riparian vegetation is increased and improved, supporting ecosystem health, and</u></p> <p>(c) [...]</p>
Objective WH.10	<u>By 2030, there is no further decline of the health and wellbeing of Te Whanganui-a-Tara's lakes and rivers.</u>	<p>Amend Objective WH.10 as follows:</p> <p><u>By 2030, there is no further decline of the health and wellbeing of Te Whanganui-a-Tara's lakes and rivers groundwater, rivers, lakes and natural wetlands, and their margins.</u></p>
Objective P.O7	<u>By 2030, there is no further decline of the health and wellbeing of Te Awarua-o-Porirua's rivers.</u>	<p>Amend Objective P.O7 as follows:</p> <p><u>By 2030, there is no further decline of the health and wellbeing of Te Awarua-o-Porirua's rivers groundwater, rivers, lakes and natural wetlands, and their margins.</u></p>
Policy WH.P1	Aquatic ecosystem health will be improved, <u>where deteriorated</u> , by: (a) [...]	<p>Amend Policy WH.P1 as follows:</p> <p>Aquatic ecosystem health will be <u>maintained where not degraded and improved</u>, where deteriorated <u>degraded, improved</u> by: (a) [...]</p>
Policy P.P1	Aquatic ecosystem health will be improved, <u>where deteriorated</u> , by: (a) [...]	<p>Amend Policy P.P1 as follows:</p> <p>Aquatic ecosystem health will be <u>maintained where not degraded and improved</u>, where deteriorated <u>degraded, improved</u> by: (a) [...]</p>

<p>Policy WH.P2</p>	<p>Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</p> <p>(a) prohibiting unplanned greenfield development and for other greenfield developments minimising the contaminants and requiring financial contributions as to offset adverse effects from residual stormwater contaminants, and</p> <p>(b) [...]</p>	<p>Delete WH.P2, but if the Panel decide to retain the policy, amend as follows:</p> <p>Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</p> <p>(a) prohibiting unplanned greenfield development and for other greenfield developments minimising applying the effects management hierarchy to manage adverse effects from stormwater the contaminants <u>in rivers and natural inland wetlands, and after applying the effects management hierarchy, if aquatic compensation is appropriate,</u> requiring financial contributions as to <u>in accordance with Schedule 30 offset</u> adverse effects from residual stormwater contaminants, <u>and to manage adverse effects on water in the coastal environment from stormwater contaminants, take steps to avoid where practicable or otherwise remedy cross contamination of sewage and stormwater systems, reduce contaminant and sediment loadings at source through treatment and controls on land use activities,</u> and</p> <p>(b) [...]</p>
<p>Policy P.P2</p>	<p>Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</p> <p>(a) prohibiting unplanned greenfield development and for other greenfield developments minimising the contaminants and requiring financial contributions as to offset adverse effects from residual stormwater contaminants, and</p> <p>(b) [...]</p>	<p>Delete Policy P.P2, but if the Panel decide to retain the policy, amend as follows:</p> <p>Target attribute states and coastal water objectives will be achieved by regulating discharges and land use activities in the Plan, and non-regulatory methods, including Freshwater Action Plans, by:</p> <p>(a) prohibiting unplanned greenfield development and for other greenfield developments minimising applying the effects management hierarchy to manage adverse effects from stormwater the contaminants <u>in rivers and natural inland wetlands, and after applying the effects management hierarchy, if aquatic compensation is appropriate,</u> requiring financial</p>

		<p>contributions as to <u>in accordance with Schedule 30 offset</u> adverse effects from residual stormwater contaminants, and <u>to manage adverse effects on water in the coastal environment from stormwater contaminants, take steps to avoid where practicable or otherwise remedy cross contamination of sewage and stormwater systems, reduce contaminant and sediment loadings at source through treatment and controls on land use activities, and</u></p> <p>(b) [...]</p>
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