

Right of Reply summary

1. My name is Paula Jane Hammond. I am a Senior Policy Advisor for the Wellington Regional Council. I have qualifications and experience set out in my Section 42A officer's report: Water allocation (s42A report).
2. This is a summary of my Right of Reply that responds to matters raised by submitters and the Panel since the s42A report was prepared.
3. Section 2 of my Right of Reply summarises the recommended amendments.

Outstanding issues identified in submitter's evidence

4. During the presentation of my s42A report to the Hearing Panel in September, I outlined the key matters that I considered were still in contention. Most of the key matters were raised in evidence during the hearing and I have addressed them in my Right of Reply. I have summarised my Right of Reply recommendations on each of those outstanding matters below.
5. *The period of time allowed by the permitted rule for dewatering; provision for dewatering associated with regionally significant infrastructure; and the definition of potentially contaminated land within the dewatering rule*

In section 9.6 of my Right of Reply, I recommend a new restricted discretionary activity for dewatering. The restricted discretionary activity allows for a clear rule cascade where the conditions of the permitted activity cannot be met.

I have not made any recommendations with regard to the term 'potentially contaminated land' in the permitted activity. The definition of contaminated land will be addressed in Hearing Stream Six: Contaminated land and hazardous substances. I recommended in my s42A report (paragraph 741) that the implications of removing potentially contaminated land from the rule hinges significantly on the definition of contaminated land.

6. *Rules relating to bores to ensure the protection of drinking water supply areas and the Hutt Valley aquifer zone*

I have recommended a small change to Rule R147 to ensure the rule cascade from a permitted activity to a controlled activity is correct. Based on the advice of Dr Mzila, I am comfortable that the matters of control for constructing bores are sufficient to protect the quality of groundwater, especially in drinking water supply protection areas.

I have, however, recommended changes to the dewatering rules to make them consistent with the bore rules, permitting dewatering only to a depth of 5m. Beyond that depth, resource consent is required where any potential effects on the drinking water supply protection areas can be managed through consent conditions.

7. *Definition of MALF and how it has been used in the proposed Plan*

Mr Thompson, in section 4 of his supplementary evidence, has further elaborated on the use of naturalised mean annual low flow (MALF) in the provisions of the proposed Plan. I have not recommended any further changes to those recommended in my s42A report (paragraph 231) as I consider the amendment to the definition of MALF removes the ambiguity and more accurately reflects the approach and intent of the proposed Plan.

8. *The inclusion of reliability in Objective O52; the use of the word maximised in Objective O52; and deletion of Objective O52 to be replaced by a framework for the take and use of freshwater*

I have not recommended any further changes to Objective O52 from my s42A report. I have not directly discussed Objective O52 in my Right of Reply, however, I have discussed reliability of supply at paragraph 161.

9. *The framework for taking and using water including:*

- *setting of values, allocation limits and minimum flows*
- *how the allocation limits apply to existing consents*
- *which takes and uses are subject to minimum flows*

I have not recommended any further changes to the water allocation framework, other than those recommended throughout my s42A report.

As outlined in section 7.6 of my Right of Reply, I considered the water allocation framework in the proposed Plan provides for a range of values.

I have not recommended any changes to the allocation amounts in the proposed Plan in section 7.8 of my Right of Reply.

I also discuss the minimum flow provisions (section 7.9 Right of Reply) and the implications of the proposals suggested by Mr Philip Percy on behalf of Fish and Game, Minister of Conservation and Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa.

Overall, I consider the water allocation provisions of the proposed Plan (in particular the minimum flow and allocation provisions) provide for a range of values consistent with higher order planning instruments.

10. *Categorisation of groundwater and its connectivity to surface water, particularly in the Lower Ruamāhanga Zone and the evidence required to show a particular take does not have the expected stream depletion effects.*

Four Joint Witness Statements (JWS) have been prepared on the categorisation of the Lower Ruamāhanga groundwater zone and related provisions. The JWS's recommended:

- amending part of the Lower Ruamāhanga from Category A groundwater to Category B groundwater (Figures 7.8 and 7.9)
- amendments to Table 4.1, particular for the management approach for Category B takes (and a number of consequential amendments as a result of amendments to Table 4.1)
- amendments to the allocation amounts for overall Ruamāhanga River (Table 7.3), Lower Ruamāhanga River sub catchment (Table 7.3) and a new lower Ruamāhanga Category B groundwater allocation (table 7.5).

- amendments to Schedule XX: Information required and assessment criteria for the reclassification of groundwater category for a particular take.

I have included the recommendations from the JWS's in my Right of Reply section 32AA analysis.

11. The application and appropriateness of the efficiency criteria including the matters described in Schedule Q

I have not recommended any changes to Schedule Q other than changing the word 'criteria' to 'measures' to better reflect the information contained in Schedule Q.

12. The implications of the prohibited activity rules for the take and use of water in the Ruamāhanga Whaitua, Wellington Harbour and Hutt Valley Whaitua and the Kāpiti Coast Whaitua.

I have not recommended any changes to the prohibited activity rules. In section 7.7 of my Right of Reply, I conclude that I consider it is appropriate for the proposed Plan to have prohibited rules to ensure core allocation and minimum flow provisions are not exceeded.

Other recommendations in my Right of Reply

13. In my s42A report (Issue 2.5) I recommended changes to the supplementary allocation provisions of the proposed Plan. I have recommended further changes the supplementary provisions (Policy P117, Rule R.R1, Rule WH.R1 and Rule K.R1) in section 7.11 of my Right of Reply.
14. Based on Mr Thompson's supplementary evidence, I have recommended lowering the threshold between small and large rivers to which different portions of flow could be allocated under the supplementary allocation provisions.
15. In addition, I have recommended a new schedule (Schedule V) be included in the proposed Plan that:

- Identifies the rivers (and their tributaries) that are above the 1 m³/sec threshold and which ones are below the threshold; and
- Provides guidance material on how the supplementary provisions will be applied.

16. In section 8.2 of my Right of Reply, I recommend an amendment to Policy P128: Transfer of resource consents to ensure it is consistent with the transfer rules in regard to catchment management sub units, particularly for the Ruamahanga Whaitua.

Conclusion

17. I have recommended a number of further minor amendments in my Right of Reply. I have also considered a number of issues where submissions and evidence was presented to the hearing but I have not recommended any further amendments.

