

**Before the Hearings Commissioners**

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Under the Resource Management Act 1991 (the **RMA**)

In the matter of a submission by NZ Transport Agency Waka Kotahi  
(Submitter S275 and Further Submission FS28) on Plan  
Change 1

and in the matter of Wellington Natural Resources Plan

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**Primary statement of evidence of Catherine Lynda Heppelthwaite for NZ Transport  
Agency Waka Kotahi regarding Plan Change 1**

**Hearing Stream 2 - Objectives and Ecosystem health policies**

**on the Wellington Natural Resources Plan**

Dated 14 March 2025

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## **1. INTRODUCTION, QUALIFICATIONS AND EXPERIENCE**

- 1.1 My full name is Catherine Lynda Heppelthwaite. I am a principal planner for Eclipse Group Limited. I am presenting this planning evidence on behalf of the NZ Transport Agency Waka Kotahi (**NZTA**).
- 1.2 I hold a Bachelor Degree in Resource Studies obtained from Lincoln University in 1993. I am a full member of the New Zealand Planning Institute, a member of the Resource Management Law Association and the Acoustical Society of New Zealand. I have more than 25 years' experience within the planning and resource management field which has included work for local authorities, central government agencies, private companies and private individuals. Currently, I am practicing as an independent consultant planner and have done so for the past 18 years.
- 1.3 I have extensive experience with preparing submissions and assessing district and regional plan and policy statements in relation to infrastructure. I am currently assisting infrastructure providers in relation to planning processes for the NPS-UD, MDRS and Proposed Otago Regional Policy Statement. I have also provided evidence for NZTA on the Wellington Regional Policy Statement.

## **2. CODE OF CONDUCT**

- 2.1 I have read the Environment Court's Code of Conduct for Expert Witnesses (2023) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **3. SCOPE OF EVIDENCE**

- 3.1 My evidence will address the following:
- a. The statutory and higher order planning framework;
  - b. NZTA submissions and further submissions;

- c. Council's s42A recommendations and evidence; and
  - d. Further amendments required.
- 3.2 My evidence should be read in conjunction with the joint statement of Mr Nigel Bosworth and Ms Charlotte Lockyer.
- 3.3 In preparing my evidence, I have considered the Section 42A Hearing Report's prepared by Ms O'Callahan on *Objectives and Ecosystem Health and Water Quality policies* for Hearing Stream 2<sup>1</sup> and the *Section 32 report: Part A Background and Context for Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region* and *Section 32 report: Part D Evaluation of Proposed Policies, rules and Other Methods relating to implementation of the NPS-FM for Te Awarua-o-Porirua Whaitua and Whaitua Te Whanganui-a-Tara*

#### 4. THE STATUTORY AND HIGHER ORDER PLANNING FRAMEWORK

- 4.1 In preparing this evidence I have specifically considered the following:
- a. The purpose and principles of the RMA (sections 5-8);
  - b. Provisions of the RMA relevant to plan-making and consenting;
  - c. National Policy Statement for Indigenous Biodiversity 2023;
  - d. National Policy Statement Freshwater 2020 (updated February 2023);
  - e. Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
  - f. New Zealand Coastal Policy Statement 2010; and
  - g. Wellington Regional Policy Statement (RPS).
- 4.2 Ms O'Callahan's S42A Report contains a clear description of the relevant statutory provisions<sup>2</sup> with which I generally agree or accept and will not repeat here. I note for

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<sup>1</sup> Both dated 28 February 2025.

<sup>2</sup> Section 2.1 and 2.2 of the s42A Report - Objectives.

the RPS, Ms O’Callahan’s confirmation<sup>3</sup> that there are no appeals on the Freshwater Chapter provisions (RPS Change 1).

4.3 Key provisions of the RPS include:

**Policy 14: Urban development effects on freshwater and receiving environments – regional plans**

*Regional plans shall give effect to Te Mana o te Wai and include objectives, policies, rules and methods for urban development:*

[...]

*(d) control both land use and discharge effects from urban development on freshwater and receiving environments; and*

*(e) identify how to achieve the target attribute states and environmental flows and levels set for the catchment; and*

*(f) require urban development, including stormwater discharges, to meet any limits set in a regional plan; and*

*(g) require urban development to incorporate water sensitive urban design techniques to minimise the generation of contaminants from stormwater runoff, and maximise, to the extent practicable the removal of contaminants from stormwater; and [...]*

**Objective TAP: Long-term freshwater vision for Te Awarua-o-Porirua**

*Te Awarua-o-Porirua harbour, awa, wetlands, groundwater estuaries and coast are progressively improved to become healthy, wai ora, accessible, sustainable for future generations by the year 2100, and:*

1.[...]

*7. The use of water and waterways provide for social and economic use benefits, provided that the vision for the ecological health and well-being of waterbodies, freshwater ecosystems and coastal waters is not compromised.*

**Objective TWT: Long-term freshwater vision for Te Whanganui-a-Tara**

*By the year 2100 a state of wai ora is achieved for Te Whanganui-a-Tara in which the harbour, awa, wetlands, groundwater estuaries and coast are healthy, accessible, sustainable for future generations, and:*

1.[...]

*7. The use of water and waterways provide for social and economic use benefits, provided that the vision for the ecological health and well-being of waterbodies, freshwater ecosystems and coastal waters is not compromised.*

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<sup>3</sup> Paragraph 50, s42A Report - Objectives.

## 5. NZTA SUBMISSIONS

- 5.1 NZTA made a range of submission and further submissions which are summarised below:
- a. **P.O1:** Generally supporting the direction of the objective and further submitting<sup>4</sup> supporting some amendments and opposing others.
  - b. **P.O3:** Supporting<sup>5</sup> the objective's intent but requesting further consideration of the feasibility and costs of targets, particularly under Section 32.
  - c. **P.P1:** Supporting<sup>6</sup> the policy intent but requesting further consideration of the feasibility and costs of targets, particularly under Section 32; further submitting on amendments to identify contaminant sources, progressive change and a prioritisation program<sup>7</sup>.
  - d. **P.P2:** Supporting<sup>8</sup> policy intent but requesting further consideration of the feasibility and costs of targets, particularly under Section 32. Further submitting in relation to impacts of earthworks, forestry and vegetation clearance<sup>9</sup> and various amendments sought by Wellington Water Limited (WWL)<sup>10</sup>.
  - e. **P.P4:** Further submission supporting<sup>11</sup> policy intent but requesting further consideration of the feasibility and costs of targets, particularly under Section 32.
  - f. **WH.O1:** Amend to ensure objective does not extend beyond NPSFM, amendments to reflect an extended timeline for the achievement of Target Attribute State (TAS) taking into consideration feasibility and cost<sup>12</sup>. Support change to vegetation margins planting to include "where practicable"<sup>13</sup> and modifications to the format of the objective<sup>14</sup>.

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<sup>4</sup> FS28.070, FS28.098, FS28.110 and FS28.119

<sup>5</sup> S275.010

<sup>6</sup> S275.010 and S275.011

<sup>7</sup> FS28.064 and FS28.033

<sup>8</sup> S275.012

<sup>9</sup> FS28.051

<sup>10</sup> FS28.168

<sup>11</sup> S275.013

<sup>12</sup> FS28.097

<sup>13</sup> FS28.020

<sup>14</sup> FS28.116 and S177.018

- g. **WH.O2:** further submitting in opposition to amendments to reduce timeframes<sup>15</sup>; support amendments to increase time frames and include provision for maintenance of water quality<sup>16</sup>.
- h. **WH.P1:** Further submitting on amendments to identify contaminant sources, progressive change, a prioritisation program<sup>17</sup> and seeking source control<sup>18</sup>.
- i. **WH.P2:** Further submitting in relation to impacts of earthworks, forestry, vegetation clearance and stock removal<sup>19</sup> and various amendments sought by WWL<sup>20</sup>.
- j. **Table 8.1** (coastal water objectives): Support withdrawal of table and amending timeframe until further detail in relation to the baseline states and required timeframes can be added<sup>21</sup>.
- k. **Table 8.4** (target attribute states for rivers): Support changes on a wide range of points on sediment modelling<sup>22</sup>, target load reductions being achievable<sup>23</sup>, aligning TAS with Schedule 28<sup>24</sup>, periphyton biomass, fish community health, macroinvertebrates and ecosystem metabolism<sup>25</sup>.
- l. **Table 8.5** (fresh water visual clarity target attribute states for rivers): Support change and/or withdrawal<sup>26</sup> of table (among other things) until the further detail can be added.
- m. **Table 9.1** (coastal water objectives): Support change and/or withdrawal<sup>27</sup> of table (among other things) until the further detail can be added
- n. **Table 9.2:** Support change and/or withdrawal<sup>28</sup> of table (among other things) until the further detail can be added, alter time frame to 2060.

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<sup>15</sup> FS28.068 and FS28.070

<sup>16</sup> FS28.132

<sup>17</sup> FS28.0063

<sup>18</sup> FS28.021

<sup>19</sup> FS28.050

<sup>20</sup> FS28.140

<sup>21</sup> FS28.133

<sup>22</sup> FS28.009

<sup>23</sup> FS28.112

<sup>24</sup> FS28.112

<sup>25</sup> FS28.134, FS28.136, FS28.137, FS28.138

<sup>26</sup> FS28.141

<sup>27</sup> FS28.166

<sup>28</sup> FS28.167

- o. **Table 9.4** (freshwater sediment load reduction target attribute state): Change and/or withdraw<sup>29</sup> the table (among other things) until the further detail can be added.

## 6. S42 RECOMMENDATIONS AND ASSESSMENT

- 6.1 I have considered Ms O’Callahan’s assessment and recommendations and address each of the submission points as follows.

### **P.O1 and WH.O1 – Health of freshwater environments by 2100**

- 6.2 Ms O’Callahan has proposed a range of changes; I am generally supportive of changes which:
- a. better define the application of P.O1 and WH.O1 (by inclusion of an explanatory note);
  - b. removal of the term “note”;
  - c. include “where practicable” in relation to planted margins (2<sup>nd</sup> bullet); and
  - d. recognition that water has social and economic benefits (6th bullet).
- 6.3 I support these changes as they help clarify the intent of the objectives and how it ‘fits’ into the wider objective and policy framework. As an editorial consideration, I suggest that the chapeau clauses of WH.O1 and P.PO1, which are almost identical, could be re-organised to be consistent.

### **P.O3 – Coastal water quality**

#### *Inclusion of ‘where deteriorated’*

- 6.4 I understand and support Ms Callahan’s outcome for including *where deteriorated* in that it seeks to focus improvement effort where they will have the most benefit. It would be helpful to have *deteriorated* defined so that it is clear when *deteriorated* was to be applied; e.g. is the water body considered *deteriorated* if a single Target Attribute State/Coastal Water Objective (TAS/CWO) parameter is not met?

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<sup>29</sup> FS28.169

6.5 If *deteriorated* is to include a water body which does not meet an individual TAS/CWO parameter, then the potentially ‘prioritising’ effect of *where deteriorated* may not occur as a large number of waterbodies will be in the same *deteriorated* category. For example, a review of the TAS for Rivers (Tables 8.4 and 9.2) indicates that almost all the ‘rivers’ fail to meet at least one TAS parameter thus could be considered *deteriorated*. I consider a definition of *deteriorated* would assist. .

#### Section 32 Assessment

6.6 NZTA submitted supporting<sup>30</sup> the objective’s intent but requested further consideration of the feasibility and costs of targets, particularly under Section 32.

Ms O’Callahan acknowledges that:

*A quantified expert economic assessment on all costs arising with implementing PC1, or that related to NZTA’s assets<sup>158</sup>, has not been undertaken in preparation for this hearing.*

6.7 This is also clear in Mr Walker’s<sup>31</sup> evidence where he indicates his assessment is limited to costs borne by ratepayers to meet freshwater TAS for E. coli, and dissolved zinc and copper<sup>32</sup>. It excludes costs of meeting coastal water objectives, costs to other stakeholders (eg. NZTA or Wellington Airport), or private landowners.

6.8 In addressing NZTA’s submission, Ms O’Callahan<sup>33</sup> considers:

*[...] the changes made to include numeric targets for those coastal parameters [copper in sediment and zinc in sediment] 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.*

6.9 I agree with Ms O’Callahan’s changes in regards P.O3(b) (and (WH.O3 (b)) - *high contaminant concentrations, including around discharge points, are reduced*) and note Tables 8.1 and 9.1.

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<sup>30</sup> S275.010

<sup>31</sup> Evidence of Mr David Walker, dated 28 February 2025, paragraph 12.

<sup>32</sup> Evidence of Mr David Walker, dated 28 February 2025, paragraph 14.1.1.

<sup>33</sup> S42A Report Objectives, paragraph 234.



6.10 Ms O'Callahan has made no recommendation on this submission as no change to PC1 was sought in this submission point. I agree with her assessment and signal that this matter will be further addressed within Hearing Stream 4 (*Stormwater and general discharges to water policies, Water Quantity - Te Awarua-o-Porirua, Freshwater Action Plans and Wastewater*).

**P.P1 – Improving aquatic ecosystem health**

- 6.11 NZTA submitted supporting<sup>34</sup> the objective's intent but requested further consideration of the feasibility and costs of targets, particularly under Section 32. NZTA also made the same submission in relation to P.P2 and P.P4 (visual clarity targets).
- 6.12 Ms O'Callahan references<sup>35</sup> her assessment of P.O3 to respond to P.P1, P.2 and P.4 submissions. P.O3 and Table 8.1 and 9.1 are coastal matters and Ms O'Callahan has recommend a range of changes which, while not directly addressing the s32 point, resolve the submission in an alternative manner.
- 6.13 P.P1 (and P.P4) relate to aquatic health (and freshwater) where a more limited range of changes are proposed when compared to P.O3. The majority of the state highway network will discharge to freshwater environments which are likely considered *deteriorated* (relative to Copper and Zinc). Consequentially, existing networks are likely to require improvement (Transmission Gully excluded) in order to contribute to meet the 2040 timeframes for TAS.
- 6.14 The limited nature of the s32 assessment makes it difficult to assess the benefits and costs of the effects (including economic) that are anticipated from the implementation of the provisions such as achieving the outcomes sought in the relevant Tables in the 2040 timeframe; not just for NZTA but for other non-local authority infrastructure providers and private landowners.

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<sup>34</sup> S275.010

<sup>35</sup> S42A Ecosystem Health and Water Quality Policies, paragraph 50.

6.15 Further consideration should be given to extending the time frame for 2060 (except for primary contact sites<sup>36</sup>)

**P.P2 and WH.P2**

6.16 Ms O’Callahan proposes<sup>37</sup> to delete both policies, I accept her assessment that both of these policies duplicate other provisions.

**WH.O2**

6.17 I agree with changes to provide for a trajectory of improvement (rather than a measured improvement) within the chapeau clause and new clause (ii) to recognise the social and economic benefits. The former will allow for the detail of actual measurements to be addressed in lower order provisions and the latter reflects NPSFM Policy 15.

6.18 I suggest a minor wording change for (a) to improve clarity:

*(a) water quality, habitats, aquatic life, water quantity and ecological processes are at a level where the state of ecosystem health is maintained, or ~~where~~ degraded, meaningful progress has been made towards improvement ~~where degraded~~ in accordance with WH.O9, and*

**WH.P1**

6.19 Matters on which NZTA further submitted would be addressed by Ms O’Callahan’s inclusion of *where deteriorated* subject to my recommendation that the term is defined.

**Tables 8.1 and 9.1 CWO, Tables 8.4 and 9.2: Freshwater TAS, Tables 8.5 and 9.5 Visual Clarity TAS**

6.20 NZTA supported deletion and/or changes to Tables for a range of reasons including:

- a. lack of baseline data;
- b. presence of uncontrolled (human and natural) factors impacting outcomes;
- c. time lag between improvements and ‘results’;

<sup>36</sup> NPSFM Appendix 3 – National target for primary contact

<sup>37</sup> S42A Report Objectives, Table 1 Duplication in Policies WH.P2 and P.P2, following paragraph 58.

- d. technical feasibility of achieving targets specified (eg. removal of dissolved copper and zinc being more challenging than total copper and total zinc); and
- e. time frame (2040) insufficient.

- 6.21 Supported by technical evidence, Ms O'Callahan has addressed a range of these issues with changes to the Tables.
- 6.22 If the Tables are to be retained, it is my opinion that they must remain at objective / policy level as regional goals; the individual parameters must not become 'values' for assessing either a consent application or imposed as consent conditions. The Tables are for GWRC to monitor progress towards on a regional basis. They should not be used as a direct tool (by imposing metrics from the Tables) to assess consent 'compliance' or as consent conditions.
- 6.23 Its the cumulative effect of all consents/permitted activities/non-regulatory methods that will enable GWRC (and the region more broadly) to meet the Tables over time.
- 6.24 Appreciating more relevant provisions will be addressed in Hearing Stream 4, Mr Bosworth and Ms Lockyer have briefly set out the differences between consent holder monitoring and the broader (GWRC) monitoring which will be needed to determine TAS/CWOs set out in the Tables. They conclude that it the Tables are unsuitable for use as matters to assess a consent application or consent conditions because 'end-of-pipe' monitoring information (for example, resulting from NZTA's Stage 1 consent) does not directly correlate to TAS/CWO outcomes.
- 6.25 Ms Lockyer and Mr Bosworth also conclude that further work is needed to determine how (individual/network) discharge contribution to contaminant load will be determined to ensure any mitigation is appropriately targeted.
- 6.26 In this regard I recommend a note similar to that proposed by Ms O'Callahan for WH.O1 and P.O1 which clarifies the purpose of the each of the TAS/CWO Tables as follows:

Note: Table [8.1] sets out targets to 2040. Therefore, resource consent applicants do not need to demonstrate their proposed activities comply with individual parameters of the Tables.

## 7 CONCLUSION

7.1 In conclusion, I consider the following further amendments should be made to the S42A Report recommended provisions:

a. A definition of *deteriorated* is critical to determine the applicability if plan provisions;

Commented [EK1]: Of / to?

b. Minor editorial change to WH.02(a)

*(a) water quality, habitats, aquatic life, water quantity and ecological processes are at a level where the state of ecosystem health is maintained, or where degraded, meaningful progress has been made towards improvement ~~where degraded~~ in accordance with WH.O9, and*

c. Inclusion of new Note for each TAS and CWO:

Note: Table [ 8.1] sets out targets to 2040. Therefore, resource consent applicants do not need to demonstrate their proposed activities comply with individual parameters of the Tables.

Cath Heppelthwaite  
14 March 2025