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For the Attention of the Hearings Panels for Proposed Change 1 to the Natural Resources Plan for the Wellington Region

Hearing Statement for Horokiwi Quarries Limited (Submitter reference 2)

Horokiwi Quarries Limited (“Horokiwi”) writes in relation to Proposed Change 1 to the Natural Resource Plan (“NRP”) for the Wellington Region relating to Hearing Stream 2 - Objectives and Ecosystem health policies, commencing on 17 April 2025.

Horokiwi lodged four original submission points pertaining to Hearing Stream 2, all of which have been accepted in part. Horokiwi notes the issues relating to ‘unplanned greenfield development’ and how quarrying activities are addressed in the plan, remain outstanding and are to be addressed at later hearings.

Given the nature of and limited number of submission points relating to Hearing Stream 2, Horokiwi has not requested to be heard or filed evidence. That said, Horokiwi is available to respond to any questions the Hearings Panel may have. For completeness Horokiwi records its position in respect of the relevant matters in the attached table.

Horokiwi respectfully requests that this letter be tabled for the Panel’s consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations.

Should you require clarification of any matter, please contact Pauline Whitney at Boffa Miskell Ltd (04 901 4290), or on the following email: pauline.whitney@boffamiskell.co.nz

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Whitney', written in a cursive style.

Pauline Whitney

Senior Planner/Senior Principal

BOFFA MISKELL LTD

Specific plan provision as notified	Sub Point	Submission – Relief sought and reasoning	S42A Report recommendation	Response to S42A recommendation
Section 8.1 Whaitua Te Whanganui-a-Tara Objectives				
<p>Objective WH.01: The health of all freshwater bodies and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is waioara by 2100.</p>	S2.016	<p>Amend</p> <p>Relief sought: Amend Objective WH.01 as follows: <i>Objective WH.01</i> <i>The health of all freshwater bodies and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is wai ora by 2100.</i></p> <p><i>Note</i> <i>In the wai ora state:</i></p> <ul style="list-style-type: none"> • <i>Āhua (natural character) is restored where it has been degraded and freshwater bodies exhibit their natural quality, rhythms, range of flows, form, hydrology and character</i> • <i>All freshwater bodies have planted margins as far as practicable</i> • <i>All freshwater bodies and coastal waters have healthy functioning ecosystems and their water conditions and habitat support the presence, abundance, survival and recovery of At-risk and Threatened species and taonga species</i> • <i>Mahinga kai and kaimoana species are healthy, plentiful enough for long term harvest and are safe to harvest and eat or use, including for manuhiri and to exercise manaakitanga Mana whenua are able to undertake customary practices at a range of places throughout the catchment.</i> <p>Reasoning: Horokiwi supports this long-term vision for Whaitua Te Whanganui-a-Tara. It does however seek changes to the to ensure requirements are reasonably achievable which are discussed below. The first bullet point requires that Āhua (natural character) is restored. Restoration should only occur where natural character has been degraded. Without providing for this caveat, it sets an unrealistic requirement on what it is being restored and the baseline state. The second bullet point requiring that the margins of freshwater bodies are planted will not be practicable in all instances. Inevitably there are freshwater bodies that cannot have planted margins for various reasons including being piped or being of a concrete channel. Seek that this clause is amended to be “as far as practicable”.</p>	<p>Recommendation: Accept in part</p> <p>S42A Report: <i>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 natural character should only be necessary for achieving wai ora where it is degraded and accordingly I have added wording to WH.01 (first bullet) and accept this submission. PF Olsen Ltd</i></p> <p><i>154. Several submitters 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 Wai 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.</i></p> <p>Amended plan provision: <i>Objective WH.01</i> <i>The health of all freshwater bodies rivers and lakes and their margins, natural wetlands, groundwater and the coastal marine area within Whaitua Te Whanganui-a-Tara is progressively improved and is wai ora by 2100.</i></p> <p>Note <i>In the wai ora state:</i></p> <ul style="list-style-type: none"> • <i>Āhua (natural character) is restored where deteriorated and freshwater bodies exhibit their natural quality, rhythms, range of flows, form, hydrology and character</i> • <i>All freshwater bodies rivers and lakes have planted margins, where practicable</i> • <i>All freshwater bodies rivers and lakes and their margins, natural wetlands, groundwater and coastal waters have healthy functioning ecosystems and their water conditions and habitat support the presence, abundance, survival and recovery of At-risk and Threatened species and taonga species</i> • <i>Mahinga kai and kaimoana species are healthy, plentiful enough for long term harvest and are safe to harvest and eat or use, including for manuhiri and to exercise manaakitanga</i> • <i>Mana whenua are able to undertake customary practices at a range of places throughout the catchment.</i> • <i>Water is able to be used for social and economic use benefits, provided that the health and well-being of waterbodies, freshwater ecosystems and coastal waters is not compromised.</i> <p><i>Note: Objectives WH.02 to WH.09 set out what is needed to achieve progressive implementation of this long-term objective up to 2040. Therefore, resource consent applicants do not need to demonstrate their proposed activities align with this objective.</i></p>	<p>Support the recommendation on the basis it aligns with the relief sought in the Horokiwi submission. The addition of the last bullet point relating to benefits is also supported.</p>
<p>Objective WH.06: Groundwater flows and levels and water quality, are maintained</p>	S2.017	<p>Amend</p> <p>Relief sought: 1. Clarify what is "aquifer consolidation", and 2. Amend Objective WH.06 as follows: <i>Groundwater flows and levels, and water quality, are maintained at levels that:</i> <i>(a) ensure base flows or levels in surface water bodies and springs are supported and salt-water intrusion is avoided, and</i> <i>(b) protect maintain groundwater dependent ecosystems, and</i> <i>(c) protect maintain ecosystems in connected surface water bodies, and</i></p>	<p>Recommendation: Accept in part</p> <p>S42A Report: <i>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.06, 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.</i></p>	<p>Support the recommendation on the basis it aligns with the relief sought in the Horokiwi submission.</p>

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		<p>(d) ensure that groundwater is of sufficient quality for human and stock drinking water, and</p> <p>(e) ensure there is not a long-term decline in mean annual groundwater levels, including artesian pressures and</p> <p>(f) avoid aquifer consolidation.</p> <p>Reasoning: Horokiwi generally support this objective, but seeks amendments as described below. Clause (b) and (c) direct to protect groundwater dependent ecosystems and ecosystems in connected surface water bodies. This direction is inconsistent with the NPS-FM, which requires freshwater and freshwater ecosystems is “maintained” through Policy 5. It is noted that “protection” is only afforded to outstanding freshwater bodies and habitats of indigenous freshwater species through Policies 8 and 9 of the NPS-FM accordingly. Protection is a higher bar than maintain which could lead to perverse outcomes and an inability for reasonable development to occur. Clause (f) requires avoidance of “aquifer consolidation”. It is unclear what aquifer consolidation refers to and Horokiwi seek that this term is clarified.</p>	<p>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.06 and the latter, within WH.07. 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 groundwater. I consider the drafting of WH.06 and WH.07 makes the technical content of these objectives somewhat unclear and so have revised the chapeau of WH.06 such that the aquitard provision can be incorporated into a single objective and as a result I recommend deleting WH.07 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.</p> <p>Amended plan provision: Objective WH.06</p> <p>Groundwater flows and levels, and water quality, are maintained at levels that Groundwater health and integrity, including the confining layers of the aquifer system, are maintained and protected such that:</p> <p>(a) ensure base flows or levels in surface water bodies and springs are supported, and</p> <p>(b) salt-water intrusion is avoided and there is no landward movement of the salt-water/freshwater interface, and</p> <p>(bc) protect groundwater quality and groundwater dependent ecosystems are maintained, or improved where degraded, and</p> <p>(ed) protect ecosystems in connected surface water bodies are maintained, or improved where degraded, and</p> <p>(de) ensure that groundwater is of sufficient quality for human and stock drinking water, and</p> <p>(ef) ensure there is not a long-term decline in mean annual groundwater levels, including artesian pressures, and</p> <p>(fg) avoid aquifer consolidation is avoided, and</p> <p>(h) aquifer pressures are maintained, and</p> <p>(i) social and economic use benefits are enabled where (a)-(h) are not compromised.</p>	

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Policy WH.P1: Improvement of aquatic ecosystem health	S2.018	<p>Amend</p> <p>Relief sought: Amend Policy WH.P1 as follows: <i>Policy WH.P1: Improvement of aquatic ecosystem health Aquatic ecosystem health will be improved by:</i> (a) progressively reducing the load or concentration of contaminants where improvement in water quality is required, particularly sediment, nutrients, pathogens and metals, entering water, and (b) restoring indigenous habitats that have been degraded, and (c) enhancing the natural flow regime of rivers and managing water flows and levels, including where there is interaction of flows between surface water and groundwater, and (d) co-ordinating and prioritising enabling work programmes in catchments that seek to improve aquatic ecosystem health require changes to land use activities that impact on water.</p> <p>Reasoning: Clause (a) requires progressive reduction in the load and concentration of contaminants. It is understood that this is aligned with the required reductions in order to achieve improvements in water quality as required by Objective WH.09. As drafted, the clause implies that this would apply to all water bodies, regardless of whether improvement is required or not. Changes are sought to clarify this. As drafted, Clause (b) would be applied broadly to all habitats, including exotic. There is no requirement under the NPS-FM restore all habitats, rather it is limited to indigenous wetland habitat, and restoration should only be required where that habitat has been degraded. Changes are sought to clarify that restoration is limited to indigenous habitats and to caveat to where those habitats have been degraded. It is not clear in Clause (d) what is being coordinated and prioritised. It is also unclear what “catchments that require changes to land use activities that impact water” means and who decides this or what those activities are. This clause should rather refer to enabling work programmes that provide for improvement. It is also noted that the clause is a method rather than a policy directive. Horokiwi suggest that consideration is given to whether this would be better suited as a method rather than a policy directive.</p>	<p>Recommendation: Accept in part</p> <p>S42A Report: 48. I acknowledge the submissions from Guildford Timber, Silverstream Forest and Goodwin Estate [S210.024], R P Mansell; A J Mansell, & M R Mansell [S217.005 and S217.015], Horokiwi Quarries [S2.018], Winstone Aggregates [S206.035 and S206.063] and WWL19 who seek amendments to provide more flexibility than the mandatory ‘improve’ direction that they consider the policy currently prescribes. I agree with these submitters that the objectives of PC1 (and NPS-FM) do not prescribe a mandatory improve direction everywhere, with maintain an appropriate response where TAS or coastal objectives are already met. My understanding is that WH.P1 and P.P1 are intended to be high level scene setting policies that explain the key methods for improving aquatic ecosystem health, specifically those implemented by PC1. Therefore, they do not need to link back to specific TAS, as sought by some of these submitters. However, I do agree that improvement is only required by the objectives of PC1 where TAS or a coastal objective is not met. Policies and rules need to reflect this also. Accordingly, I recommend amendment to the chapeau of these policies to reflect this. By default, this then cascades to all subsequent sub-clauses as generally sought through these submissions. I further note, that to not make this amendment, there might be improvement efforts directed (through either regulatory or non-regulatory means) to waterbodies where TAS are already met, therefore limiting the potential funds available for improvement where it is most important. I therefore recommend these submissions are accepted in part.</p> <p>51. I acknowledge submissions from WWL22, Horokiwi Quarries [S2.018] and Winstone Aggregates23 requesting clarity around the intent of work programmes, the activities the work programmes cover and how they are being co-ordinated and prioritised. I agree with these submitters that the meaning and intent of work programmes is uncertain and have recommended amendments to clarify that the policy should promote rather than coordinate and that work programmes are non-regulatory methods that seek to improve aquatic ecosystem health, specifically those identified in methods in the plan and potentially also current and future non-regulatory methods that sit outside of the plan. I consider reference to non-regulatory methods to be clearer to plan users than ‘work programmes’ and have included a link to the relevant non-regulatory methods introduced by PC1 within the policy, to be clear where the non-regulatory methods are set out, so it is clear they are not intended to apply to resource consent decision making. I therefore recommend these submissions be accepted in part and I recommend an amendment to clause (d) as shown in Appendix 4.</p> <p>Amended plan provision: <i>Policy WH.P1: Improvement of aquatic ecosystem health Aquatic ecosystem health will be improved, where deteriorated, by:</i> (a) progressively reducing the load or concentration of contaminants, particularly sediment, nutrients, pathogens and metals, entering water, and (b) restoring habitats, and (c) enhancing the natural flow regime of rivers and managing water flows and levels, including where there is interaction of flows between surface water and groundwater, and (d) co-ordinating and prioritising work programmes promoting non-regulatory methods that seek to improve aquatic ecosystem health, in accordance with M36-M45 of the plan-in-catchments that require changes to land use activities that impact on water.</p>	Support the recommendation on the basis it aligns with the relief sought in the Horokiwi submission.
Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives	S2.019	<p>Amend</p> <p>Relief sought: Amend Policy WH.P2 as follows: <i>Policy WH.P2 Management of activities to achieve target attribute states and coastal water objectives:</i> <i>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:</i> (a) prohibiting unplanned greenfield development and for other greenfield developments minimising the discharge of stormwater contaminants generated by urban development, and where there are more than minor residual adverse effects caused by stormwater contaminants requiring aquatic offsetting in first instance,</p>	<p>Recommendation: Accept in part</p> <p>S42A Report: 57. Policies WH.P2 and P.P2 are intended set out how activities are to be managed to achieve the TAS and coastal water objectives. The policies link those activities that do not have explicit links to the TAS and coastal water objectives to the achievement of the TAS and coastal water objectives. A number of submissions have been received on these policies including general support, opposition to the direction set in the clauses, and concerns about duplication between clauses and with other policies in PC1.</p> <p>58. I have reviewed these policies in the context of submissions received, the wider plan change and the Operative NRP. I have concluded that the policies are unnecessary and should be deleted on the basis they duplicate other policies or rules and schedules in PC1 or the NRP. In many cases, the nuanced nature of the more detailed policies are not reflected well in the summary policies of WH.P2 and P.P2. Table 1 sets out which provisions the clauses duplicate.</p>	<p>The deletion of policy WH.P2 is supported noting the issues are to be addressed at Hearing Stream 4.</p> <p>The amended wording in relation to riparian planting is supported.</p>

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		<p>which may include a requiring financial contributions as to an aquatic offset adverse effects from residual stormwater contaminants, and</p> <p>(b) encouraging redevelopment activities within existing urban areas to reduce the existing urban contaminant load, and</p> <p>(c) imposing hydrological controls on urban development and stormwater discharges to rivers</p> <p>(d) requiring a reduction in contaminant loads from urban wastewater and stormwater networks, and</p> <p>(e) stabilising stream banks by excluding livestock from waterbodies and planting riparian margins with indigenous vegetation where practicable, and</p> <p>(f) requiring the active management of earthworks, forestry, cultivation, and vegetation clearance activities, and</p> <p>(g) soil conservation treatment, including revegetation with woody vegetation, of land with high erosion risk, and</p> <p>(h) requiring farm environment plans (including Freshwater Farm Plans) to improve farm practices that impact on freshwater.</p> <p>Reasoning: Horokiwi considers that this policy is inappropriate because the definition of “unplanned greenfield development” is broad and uncertain. On this basis, Horokiwi considers that the prohibition on unplanned greenfield development is inappropriate and must be removed. As noted in earlier submission points, it is understood that GWRC are focused primarily on unplanned urban development. Changes to this clause are sought to clarify this. This clause also currently prescribes the activity status of an activity, rather than being focused on an adverse effect.</p> <p>In addition, the clause also requires financial contributions to offset residual adverse effects from stormwater contaminants. Horokiwi consider that this is inconsistent with the NPS-FM and limits the ability to implement the effects management hierarchy. Aquatic offsetting or aquatic compensation are required where there are <u>more than minor</u> residual adverse effects, rather than residual adverse effects generally. It is expected that there will be some residual adverse effect, which is appropriate, provided that effect is no more than minor. This clause also implies that financial contributions are the only form of offset that may be provided. Appendix 6 of the NPS-FM sets out principles that are to be applied when identifying an appropriate aquatic offset. It would be contrary to the NPS-FM to not allow for consideration against those principles. The clause also implies that only offsetting may be applied. The effects management hierarchy provides for aquatic compensation where aquatic offsetting is not able to be provided. Horokiwi accept that a financial contribution may be an appropriate form of aquatic offset, but seek that the policy does not frustrate the ability for other forms of aquatic offsetting or aquatic compensation to be undertaken.</p>	<p>60. I acknowledge the wide range of submissions on these policies, seeking specific relief in relation to specific clauses. I do not address these in detail in this report, other than where I have considered a specific response is necessary below under ‘other matters’, given my recommendation is to delete the policies in their entirety. I consider the deletion of the policies will address many of the concerns raised by submitters, or will address their concerns in part, as they relate to this policy. I also note several of these submissions raise matters that will be addressed in subsequent hearing streams, including:</p> <ul style="list-style-type: none"> • Prohibited activity rules for unplanned greenfield development (Hearing Stream 4 – Stormwater) • Financial contributions (Hearing Stream 4 – Stormwater) • The relationship between freshwater action plan provisions and TAS provisions, network discharge consent provisions and Schedule 31 and 32, and the relationship between non-regulatory methods and work programmes (Hearing Stream 4 – Stormwater, Wastewater and Freshwater Action Plans) • Hydrological control (Hearing Stream 4 – Stormwater) • Contaminant load reductions from wastewater and stormwater networks (Hearing Stream 4 – Stormwater and Wastewater) • Vegetation clearance and forestry best practice management (Hearing Stream 3 – Forestry) • Farm Environment Plans (Hearing Stream 3 – Rural land use) <p>61. I note the submissions from Horokiwi Quarries and Winstone Aggregates, in relation to Policy WH.P2(e), who seek amendments to recognise planting of riparian margins might not always be practicable and WFF29, in relation to Policy WH.P2(e) and Policy P.2(e), who seek deletion of these policies and replacement with amendments for consistency with the WIP recommendations and Method M12 of the NRP. While I do acknowledge PC1 does direct planting of riparian margins as an offset when stock exclusion is not achievable through Farm Environment Plans for small rivers in Schedule 36, I cannot see any requirement in PC1 related to the planting of riparian margins to stabilise stream banks. I consider the provisions in PC1 encouraging the planting of riparian margins refer to reducing diffuse discharges and providing shading and not to manage stream bank erosion, which is an important element for sediment reduction. This appears to be a gap in the activity specific policies for rural land use. I consider it would be more appropriate for the direction related to riparian planting in WH.P2/P.P2 to be reflected in the relevant activity specific policies and therefore recommend an amendment to policies WH.P27 and P.P25 to capture the intent of WH.P2/P.P2 and enable removal of this clause within the otherwise duplicative WH.P2 and P.P2 policies. Accordingly, I recommend that submissions from Horokiwi Quarries, Winstone Aggregates and WFF are accepted in part.</p> <p>Amended plan provision:</p> <p>Deletion of WH.P2,</p> <p>And</p> <p>Amendment to WH.P27 as follows</p> <p>Policy WH.P27: Promoting stream shading riparian planting to improve aquatic ecosystem health</p> <p>Contribute to the achievement of aquatic ecosystem health by promoting riparian planting to:</p> <p>(a) stabilise stream banks to reduce stream bank erosion; and</p> <p>(b) the progressively shadeing streams where nutrient reductions alone will be insufficient to achieve the periphyton target attribute states in Table 8.4.</p>	