

Greater Wellington Regional Council**HEARING STREAM 3****Day 3****Rural Land Use, Forestry and Vegetation Clearance, and Earthworks
Version 4**

Date: Wednesday 28th of May 2025

Hearing Stream: Three

Venue: Greater Wellington Regional Council Chambers
100 Cuba Street, Te Aro, Wellington

Hearing Panel: Dhilum Nightingale (Chair)
Sharon McGarry (Deputy Chair)
Gillian Wratt
Sarah Stevenson
Puawai Kake

[NRP PC1 – HS3 Day 3 – Part 1]

[Begins 00.33.50]

- 1 Chair: Mōrena. Good morning. Welcome to Day 3 of Hearing Stream 3. A very warm
2 welcome to Meridian. We'll start with a karakia. Thank you.
3
- 4 Ruddock: *Whakataka te hau ki te uru*
5 *Whakataka te hau ki te tonga*
6 *Kia mākinakina ki uta*
7 *Kia mātaratara ki tai*
8 *E hī ake ana te atākura*
9 *He tio, he huka, he hauhū*
10 *Haumi e. Hui e. Tāiki e!*
11
- 12 Chair: Kia ora Mr Ruddock. I know you've presented before but in case there's some
13 other submitters online we'll just do some quick introductions.
14
- 15 Ko Dhilum Nightingale tōku ingoa. I'm chairing the Part 1 Schedule 1 and
16 Freshwater Panels. I'll pass over to the Deputy Chair.
17 McGarry: Mōrena, my name is Sharon McGarry. I am an Independent Commissioner
18 based in Ōtautahi Christchurch.

- 19
20 Kake: Ata mārie. Ko Puawai Kake tōku ingoa. He uri tēnei nō Ngāpuhi me Te Roroa.
21 I'm a Planner and Independent Commissioner from Tai Tokerau Northland.
22
- 23 Wratt: Kia ora, mōrena . Gillian Wratt. Independent Commissioner based in Whakatū
24 Nelson.
25
- 26 Stevenson: Mōrena. Sarah Stevenson, Independent Planner and Commissioner based here
27 in Te Whanganui-a-Tara Wellington.
28
- 29 Ruddock: Tēnā koutou katoa. Ko Josh Ruddock tōku ingoa. He Hearing Advisor taku
30 mahi. If I could interrupt the names - I have to do the physical health and safety,
31 just the digital notes, that I forgot to mention before.
32
- 33 Could all speakers before each instance of speaking please introduce yourself
34 for transcription purposes – that's for people online and in person.
35
- 36 I have a timing bell that indicates timing to the panel. One ring indicates there
37 are ten minutes left to your speaking slot and two rings indicate you speaking
38 slot is finished. However, the panel may choose to continue questioning past that
39 if suitable.
40
- 41 Sorry. Apologies.
42
- 43 Willis: Mōrena. Gerard Willis. Consultant Planner and Reporting Officer on the rural
44 provisions.
45
- 46 Peryer: Mōrena. Jamie Peryer, Senior Environment Restoration Advisor at Greater
47 Wellington. I'm reporting on technical evidence on the rural land use issues.
48
- 49 Chair: Thank you very much. I understand the reporting officer for the forestry and
50 vegetation provisions is online, as is the technical lead Dr Greer.
51
- 52 I think unless there's any preliminary or other matters anyone wants to raise we
53 can probably commence.
54
- 55 Welcome. Ms Foster we have your statement of evidence and your speaking
56 notes as well. Thank you very much providing those. Welcome to Mr Feierbend
57 as well. We'll pass over to you for your presentation. Thank you.
58
- 59 Feierbend: Mōrena. My name is Andrew Feierbend. To my left I have got Christine Foster
60 who is Meridian's planning expert in the content of this suite of hearings. My
61 role with Meridian is I am the in-house Policy and Planning Manager. I appeared
62 I think before you in terms of Hearing Stream 1 online to kind of give an overall
63 context of Meridian's interest in the context of these plan changes. Obviously
64 we have got active windfarms at Mill Creek and West Wind, a turbine at
65 Brooklyn and ongoing development interest in the Greater Wellington Region
66 including Mount Munro which has been recently consented – that's the
67 windfarm east of Eketahuna.
68
- 69 In terms of this hearing stream I guess our interest is summarised and spoken to
70 in Ms Foster's evidence. It's fair to say in terms of a number of issues, I think

71 there's closeness in terms of what those provisions should be, particularly in the
 72 context of the definition of high and highest erosion risk land and vegetation
 73 clearance rules. But, we still have I think some points of tension in the context
 74 of provisions relating to earthworks.
 75

76 I will let Ms Foster walk through her summary paper. The other interest we have
 77 got obviously is the winter shutdown period, which from Meridian's perspective
 78 in terms of its renewable energy interest in the region in the original way they
 79 were proposed were from its perspective not workable.
 80

81 I will let Ms Foster introduce herself and work through her summary paper and
 82 then we can answer any questions the Panel may have.
 83

84 Foster: Tēnā tatou katoa. Ko Christine Foster tōku ingoa. My name is Christine Foster
 85 and you have my statement of evidence and my speaking notes. If you have read
 86 those then I will just perhaps dot through them, through the key points of it. But,
 87 I did just want to highlight, and it wasn't something that I wanted to highlight in
 88 a written statement of evidence, but if you have read Ms Vivian's rebuttal
 89 statement, the portions of that that respond to my evidence, you might have been
 90 as confused as me about some of the references, which are...

91 [00.40.20]

92 Chair: There might be in front of you some updated provisions. Have we got a copy for
 93 submissions? Just because some of your points might now be supported by the
 94 reporting officer. Sorry, if you need to have a moment just to have a look.
 95

96 Foster: I did get wind yesterday. I've got a version that's got 27th of May on it. Is it
 97 different from then?
 98

99 Chair: Slightly yes.
 100

101 Foster: Okay. I got wind of it and downloaded both the earthworks rebuttal updated 27th
 102 May which still has the date 16th May on it, and checked and I don't think there
 103 were any changes to the wording in respect of my points. But, I did just want to
 104 highlight that point.
 105

106 It is just a reality that I and some other planners have been ensconced in
 107 mediation on the RPS and that has meant that I haven't been able to follow. So
 108 pardon me if I am a little bit behind the play.
 109

110 If we could just go to that, just to make sure. It would be in the rebuttal. It's file
 111 name is 'Rebuttal Evidence Earthworks Update 27 May 2025'. It's on page-23
 112 of Ms Vivian's. The references to rule numbers, I just wanted to correct those if
 113 that's alright. Tell me when you're there.
 114

115 There's number 2 in the left hand column. "Ms Foster raises concern regarding
 116 clause (b) closed in rules." It should say, "WH.R24 and Porirua R23." Those are
 117 the correct references.
 118

119 The next row is correct, but the last one at the bottom of the page it's actually
 120 about the policies. The issue raised was about policies WH.P29 and Porirua P27.
 121 Just a small point but if you were confused that might be why.
 122

- 123 It's resolved I think if we go to... the table that's attached to my speaking notes
124 is now out of date. I'll try and check it as I go.
125
- 126 I just wonder, would it be quickest to go straight to that really?
127
- 128 Chair: Yes. Really the changes that Ms Vivian now supports are in green, if you've got
129 the further amendments 27/28 May. I am just pointing them out because there
130 are another couple of references now to renewable energy production and I know
131 that you'll probably want to talk to us about that term as well. But, the officer is
132 now recommending that in both the policy P29 and P27 and also in the restricted
133 discretionary rule that there is an exemption for that winter period for renewable
134 energy production. No other changes have been made to that term. I think that
135 we know you are wanting to talk to us about the term. It is recognised that an
136 exemption is needed.
137
- 138 Foster: It's a helpful response I think. I raise it in my evidence and I raised it in my
139 speaking notes as well. My only question would be why only those activities.
140 I'm here for renewable electricity generation interest, but I see the same issues
141 playing out for the region. I say that with some experience of large projects in
142 this reason.
143 [00.45.00]
- 144 Bad juju happens all months of the year and I think the issue for the plan is that
145 the requirement be that projects be ready always for adverse events. We have
146 some of the most settled weather actually in winter here, but it's not simply a
147 winter works or a prohibition issues. To me it's experience based issues.
148
- 149 Thank you for those recommendations that I think respond completely to at least
150 Meridian's issue in respect of winter works.
151
- 152 McGarry: I did ask the reporting officer yesterday about adding REG and RSI, because I
153 assume that's what you're getting at and why isn't RSI in here as well.
154
- 155 Foster: Yes.
156
- 157 McGarry: Her response was that the rules provide for RSI and that RSI can plan around
158 their works and the rules provide for it. I just wondered if you had any response
159 to that?
160
- 161 Foster: I'm not seeing how the rules do provide for that during the winter period. I don't
162 see that they do, but I might be wrong.
163
- 164 McGarry: Ms Vivian, maybe you could clarify a bit more what you meant.
165
- 166 Vivian: Yesterday we discussed this and whether regionally significant infrastructure
167 should be included in those rules. While I accept that there's those higher order
168 policy documents that do provide direction for us to include this, I think the
169 provisions of my permitted activity rule that I've suggested be inserted into the
170 plan actually covers a large range of activities required for the continued
171 operation and maintenance of regional significant infrastructure without that 300
172 square metre cap.
173

174 I think for large infrastructure projects at that scale they have the ability to
 175 programme their works around that period, or they have the ability to apply for
 176 resource consent as a discretionary activity and negotiate those terms during the
 177 consenting process whether they may wish to, or have reason to continue some
 178 works during that period.
 179

180 There's no reason if there was some very minor works they needed that they
 181 couldn't discuss that and work through it as consent conditions.
 182

183 Foster: Thank you for that. I will let the RSI interests speak for themselves on that,
 184 because they're all such different types. You've got a lot of linear. This is a very
 185 individual kind of infrastructure, single site, large construction. So I get that
 186 there are differences. It also means their needs to respond to issues during winter
 187 are different perhaps from Meridian's.
 188

189 I think there are alternative ways of approaching this challenge and one of them
 190 is a straight carve-out and Meridian are happy. But, I think that the plan in the
 191 whole rather misses the point that I make on page-1 of that attachment to my
 192 speaking notes, which is the policy direction targeting what the issue is. The
 193 issue to me is managing earthworks at all times.
 194

195 I think that, probably in combination with the less prohibitive framework in the
 196 rules that you've got is useful. I think that can replace, to my mind, the winter
 197 works prohibition. It goes to responding to what the issue actually is.
 198

199 Ruddock: Just for the Commissioner's information, we have Michael Greer online
 200 available is necessary.
 201

202 Foster: Just to that too, could I just add that I think the difference between us in that
 203 policy suite P29 and P27 in (e) is really about that. Your response is to say "Let's
 204 minimise the works," and I say, "Let's address the effects." You say "minimise
 205 the works during winter," and I say, "that's only part of the issue."
 206 [00.50.00]

207 The bigger part of the issue is ensuring appropriate management and mitigation
 208 measures are in place to manage earthworks during heavy and prolonged rainfall
 209 events. That's a particular policy target I think – including during that period if
 210 that's of particular concern. Including then.
 211

212 Experience based also in the Wellington region. I know there are issues but it's
 213 not always the large guys with problems.
 214

215 Vivian: We touched on this a little bit yesterday, bearing in mind that you weren't
 216 available to attend. We talked largely about, or it was raised, the issue of we are
 217 at a stage of where heavy rainfall events don't just occur during that period.
 218

219 I think something that was highlighted yesterday was that during that winter
 220 period, because the ground-water table is so high, and those erosion sediment
 221 control measures can only do so much, there is a higher risk of events or adverse
 222 effects during that period. This is just one way of managing that higher risk
 223 during that period.
 224

225 I will leave that there.

- 226
227 Foster: I don't dispute that. It may be a suite of measures but it might not be the only
228 one. That's really my point. The words that I propose don't rule out winter works
229 limitations, but it's part of a suite of measures.
230
- 231 I do worry actually for this region – again evidence based, that an obsession of
232 winter works misses the white ones [51.38].
233
- 234 Wratt: You've proposed a revised or new (e) but you would like to see the minimising.
235 I guess I'm wondering whether you could combine minimising works required
236 and where they are required ensure appropriate management and mitigation.
237
- 238 Foster: I think it goes to all of the provisions for which I have advanced suggested
239 changes. One of the advantages of being locked up with some of the planners on
240 the RPS is that they're appearing here as well. So we have conferred. We have
241 all got slightly variant ways of saying things, and I accept that there might be
242 much better drafting that what I have put before you. I would put that in the pot
243 as something that might be a better way of drafting, or could be incorporated in
244 the words that I've suggested. But, please don't ask me to do that on the hoof
245 here is what I would say. It goes to all of the things that I've suggested. I think
246 some have been quite direct about suggesting we get together with whatever
247 promptings or directions you think might help us.
248
- 249 Wratt: I guess I am just though exploring the concept of minimising works, which is
250 what Ms Vivian is saying – there are high water-table and the discussion that
251 was had yesterday, and there are reasons also for minimising winter works where
252 you can; but I hear what you're saying, which is for regionally significant
253 infrastructure including Meridian's infrastructure there's pressure on and we
254 need to be working on all this infrastructure to make sure it's working.
255
- 256 My question really is, are you accepting that it is a good thing to minimise winter
257 works where you can?
258
- 259 Foster: Yes, where you can, and I think there are constraints in large projects that mean
260 that it is difficult to do that. But, there are ways. It's not just about minimising
261 the total project area or the area, it's about how you manage exposed areas within
262 that and sequential management of. That's a specialised field that Greater
263 Wellington has a lot of experience in. It can be done. Bad stuff happens and
264 often it's about life and it's not what happens it's how you clean up. That has to
265 be part of the response as well.
266
- 267 I think it can be part of a suite of measures. I agree.
268
- 269 Chair: Do Meridian's consents in the region now have a condition, do you know,
270 regarding particular management of works over winter?
271 [00.55.00]
- 272 Feierbend: I'm not familiar enough with the detail of those consents, although generally in
273 terms of consents that are issued for new development they are normally subject
274 to construction management plans which have sediment management
275 constraints identified within them.
276
- 277 I'm not sure in terms of the ongoing element. We could check and find out.

278
 279 Foster: Neither Mr Feierbend or myself were involved in the consenting for Mount
 280 Munro which would be a good example to draw from. So we can't answer today.
 281
 282 Vivian: I can touch on that as reporting officer for Regional Council for Mount Munro.
 283 Mount Munro is an example where winter works conditions were placed on that
 284 resource consent, bearing in mind the conditions were slightly different, as was
 285 joint consent with Horizons Regional Council. The standard conditions don't
 286 look exactly as they would within our region. However, winter works condition
 287 is on the consent.
 288
 289 They are an example of what we were talking about yesterday, where they have
 290 the ability to provide an additional erosion sediment control plan for the winter
 291 period and have some works certified to continue through that period. That
 292 might look like some civil works or limited works. It doesn't have to be an area,
 293 but works that pose less of a risk, or works that they have planned to undertake
 294 that can be managed appropriately in the circumstances.
 295
 296 McGarry: Again just bringing up speed from yesterday, we did also raise some concerns
 297 that the policies as drafted kind of don't put in the chapeaux, or the point that
 298 you're trying to achieve here, which is to avoid direct discharges to surface
 299 waterbodies without treatment firstly.
 300
 301 We have actually asked Ms Vivian to do some redrafting so that the chapeaux
 302 of those policies would be more along the lines of avoiding direct discharges of
 303 sediment to water by managing, and then having all discharges going through a
 304 treatment device.
 305
 306 Then she has talked about maybe combining (e) and (b) together, so they would
 307 read more along the line of limiting the amount of land disturbed and also that
 308 close-down period and limiting disturbance during that close-down period.
 309
 310 It would avoid using the minimising word. I just raise it for you because I think
 311 there's got to be some natural justice issues in terms of that redrafting and I think
 312 we're going to have to think on this side of the table about how we could give
 313 you maybe even just the opportunity in writing to be able to respond to the new
 314 drafting of that – because I'm sure you'll be interested in the wording, in the
 315 reordering.
 316
 317 I just wanted to highlight that for you, that we're not happy with the drafting as
 318 it is at the moment. It's kind of lost the message of avoiding direct discharges to
 319 surface waterbodies.
 320
 321 Foster: That's very interesting to hear. Thank you for that.
 322
 323 I highlight it from the same point. I don't think Meridian had scope to raise it
 324 necessarily through in the policy, but in the rule where I've suggested combining
 325 some points into one, because it didn't seem to talk about what the point of that
 326 was. I was attempting to do that. I agree with you that the policy could be more
 327 directive of what the point is.
 328

- 329 McGarry: Again just up-to-speed on the rules, again it felt like that the way it's worded at
 330 the moment "and associated discharge and flocculence to surface waterbodies,"
 331 it almost feels like in the chapeaux that you can discharge directly to the surface
 332 water body, because it's only when you get to the bottom of the rule that it says
 333 through a treatment device.
 334
 335 So again, if that policy is redrafted then hopefully the rules can be also drafted
 336 a little bit differently, so that it quite clear that no direct discharges to surface
 337 waterbodies without a treatment device.
 338
- 339 Foster: To my mind, the policy has had a focus on winter works and prohibition and
 340 therefore perhaps neglected those other aspects. So I agree with you, that that is
 341 something that could be improved.
 342
 343 I think what is important is to grapple with the reality that a total avoidance is
 344 not achievable. I'm happy to be shot down in flames by experts about that but I
 345 do think that the policy emphasis has to be on stringent requirements towards
 346 minimising. So avoiding in the first instance through your management
 347 planning, but minimising where you absolutely can't.
 348 [01.00.05]
 349 That isn't reality. It's not strong on that at the moment and I agree could be
 350 improved. Would welcome an opportunity to be part of that. Thank you.
 351
 352 Having said that I don't doubt that Meridian will be delighted with an exception
 353 for REG in the policy.
 354
- 355 Chair: Is this a good time Ms Foster to talk about renewable energy production? We
 356 also talked about this briefly yesterday. Sorry if we're giving you FOMO for not
 357 being here. It was actually very much along the lines of what you have picked
 358 up in your speaking notes, that there isn't a defined a term of renewable
 359 production but there is for renewable energy generation activities in the
 360 operative plan.
 361
 362 We'll pass over to you.
 363
- 364 Foster: Thank you. Could I perhaps hear what the magic is in the expression "renewable
 365 energy production"? What is the purpose and the merit of that? Was that
 366 discussed yesterday? Sorry to drag you back to yesterday?
 367
- 368 Vivian: I actually may need to go and have a look at where I originally got that from.
 369
- 370 Foster: I think it comes down to a choice of which is more relevant. As I've observed
 371 there is slightly different definitions in the RPS and in the NRP. As we were
 372 dealing with the NRP I thought best stick with what's in that, but I think that's
 373 a matter for you.
 374
 375 For consistency it's an expression used elsewhere in the NRP. To my mind
 376 slightly old-fashioned. I think consistency would probably drive that definition
 377 from the NRP.
 378
 379 I had highlighted on page-3 of the table attached to my speaking notes the notion
 380 I was just speaking about in response to Commissioner McGarry's question,

381 which was to focus on what the point of setting conditions. This effectively will
382 be guiding conditions and the contents of construction earthworks management
383 plans, so perhaps some more detail. That was my attempt. I'm sure it could be
384 better.

385
386 I would hate to see something that was really, really pages long. I do think it's
387 possible to get to the point quite concisely. We see some worryingly long
388 policies and rule prescriptions through this process. I favour concise drafting if
389 we can achieve it.

390
391 I will leave that there I think. Your questions indicate to me that you have taken
392 that point.

393
394 Is there a response to my suggestion that in the restricted discretionary activity
395 rules for earthworks, I think it's fair to say that Meridian was comfortable with
396 that as a gateway entry because it mirrors what's in the Natural Resources Plan
397 now, which was settled in Rules 106 and 107? Entry level was RDA.

398
399 If we look at wind or any renewable electricity generation projects in the region
400 consents are required for a whole host of reasons anyway – district consents as
401 well. An RDA is not seen as unreasonable. There's a whole suite of things.

402
403 I had suggested that giving effect to the other driving policies that require the
404 region to recognise and provide for the benefits of renewable electricity
405 generation a clause (7) in the restricted discretionary activity – just balancing
406 the other listed matters.

407 [01.05.00]

408 That's probably enough on that.

409
410 What is called the 'Minor Earthworks Associated with Infrastructure Permitted
411 Activity Rule' – Rules 23A and 22A, I take Ms Vivian's point that bores and
412 geo technical investigation bores should have to comply with the usual
413 standards. The standards are identical in both lists. It's up to you where you stick
414 them is essentially my issue.

415
416 The point that I raised about that, whichever list they go in, is a standard there –
417 elements of which I think are unachievable and not necessarily for all of the
418 activities associated with upgrading and constructing renewable electricity
419 projects. But, there might well be that standards on page-5 of my table, (a) (b)
420 and (c) – if we go to (a) five metres of the surface (and you'll be hearing this I
421 expect from a number of planning witnesses) not occurring within five metres,
422 that is problematic for activities like building, shifting, fixing, upgrading,
423 culverts, outlets that have to be in that position.

424
425 Again experience-based – what this does is triggers the requirement for a
426 consent. The consent says "Give us a management plan and do it properly."

427
428 My approach would be to grapple with that reality and have a condition which I
429 have suggested overleaf at page-6 – requirement for erosion sediment control
430 measures used to prevent to the extent practicable and otherwise to minimise the
431 discharge of sediment and debris from earthworks and/or flocculent into a
432 surface waterbody, the coastal marine area or onto land that may enter.

- 433
434 Whatever the right wording is for that, there are various suggestions before you.
435 But, that's actually the point of it. When you look at there could be whole filing
436 systems full of consents that actually take you to exactly this place. That is my
437 suggestion to you.
438
- 439 So (a) the works that are highly risky within five metres of the surface waterbody
440 or high tide mark, that can be dealt with through that process. Positioning or
441 leaving soil or debris where it could end – that can be dealt with through that
442 process. Stabilisation can be incorporated into that.
443
- 444 I say in my evidence and say it again, a standard that says “no discharge” is in
445 my mind unrealistic and it has to go to the minimise, but that can be addressed
446 – one standard I think. I'm sure it could be better drafted. That's the reason I put
447 that before you.
448
- 449 I think that's probably all we needed.
450
- 451 I think I noted in my speaking notes I'm grateful for the recommendation that
452 the ultimate default not be a non-complying activity. My view is that all of these
453 matters could be dealt with as a restricted discretionary activity.
454
- 455 I know that people think that's easier than a discretionary activity, but possibly
456 not because the matters are so confined. I think with things like earthworks and
457 managing the risk of sediment discharge you can confine it pretty tightly and
458 make it very clear what's expected. Whereas the discretionary activity
459 introduces a whole lot of wider thinking. But, I accept these are restricted
460 discretionary activity entry level rules that have conditions, and therefore if
461 they're not met then you need to fall somewhere. But, they could equally be
462 **RDA** [01.08.56].
463 I might leave it at that. Thank you.
464
- 465 Chair: Ms Foster, is that also why you would like to have the benefits of the use and
466 development written into a matter of discretion because...
467
- 468 Foster: Yes that's correct. I think it's mandated via the other provisions of the RPS but
469 also the Natural Resources Plan. It's not particularly enabling, it is just
470 recognising that.
471
- 472 Chair: Ms Vivian, I was just having a look again at the operative plan and Rules 106
473 and 107 about earthworks, and in particular 106 the RD rule. Have there been
474 issues that have come which mean that the framework needs to be tightened up,
475 or is it simply that you think additional requirements are needed to give effect
476 to the NPS-FM?
477 **[01.10.10]**
- 478 Vivian: Is that just specifically relating to renewable energy activities applying under
479 that rule, or do you mean the earthworks [01.10.15] in general?
480
- 481 Chair: R106 is specific to renewable energy generation I guess. Feel free to talk more
482 broadly if that's better. I guess there's a reason for tightening things up.
483

- 484 Vivian: In the period of time that I've worked here, I've only been involved in one
 485 resource consent that has applied under that rule and so I am not aware of any
 486 significant issues. To be completely honest very similar conditions would get
 487 placed on earthworks activities granted under that discretionary activity rule
 488 versus that RDA rule.
 489
 490 Something that I just highlighted yesterday and might want to highlight again is,
 491 in my opinion these provisions that are being put into PC1 in relation to
 492 earthworks they're not necessarily new and it's stuff that we've actually already
 493 enforced through consenting conditions. The intent behind that RDA rule is
 494 really us trying to provide direction for applicants or operators and people within
 495 the industry to know our expectations and how they are supposed to meet those
 496 expectations.
 497
 498 In response to your question, I don't necessarily think there's been issues with
 499 that rule, but it made sense for them to be tied up in this new RDA rule and
 500 provide as much direction as possible.
 501
 502 If I could just also comment on a comment made by Ms Foster earlier regarding
 503 works within five metres. I think the intent - and maybe possibly I've just
 504 recognised hasn't been carried over from the other permitted activity rule - is
 505 for the likes of outlets, culverts and stuff like that, it's except for earthworks
 506 undertaken and associated with rules xyz, and those are the rules from the beds
 507 of lakes and rivers chapter that include earthworks associated with the
 508 construction of culverts or outlets.
 509
 510 So that actually should be tied up with that. That wording from R23 and R22 at
 511 the bottom of C1 should also be pulled through to the new rules. That would be
 512 one way of solving the issues raised for Ms Foster.
 513 Chair: Yesterday I think it was Commissioner McGarry also raised the issue about the
 514 condition there requiring the earthworks to be stabilised within six months after
 515 completion of the earthworks, as being potentially being quite a generous
 516 amount of time. I think you're going to come back to us on that.
 517
 518 Sorry, I know that's not specific relief you had, but we were discussing yesterday
 519 whether that could be tightened a bit, because it seems quite generous.
 520
 521 Foster: I think it's fair to say we don't have anything REG specific to add to that, but
 522 I've seen enough consent conditions in the Wellington region to know that
 523 currently that's pretty standard. That's the outside time as well. I think it's a little
 524 bit horses-for-courses. Sometimes it's required to be less but it's fairly standard
 525 at the moment.
 526
 527 Vivian: I think in terms of consents that have been issued, is they wouldn't be allowed
 528 to decommission erosion sediment control measures until stabilisation has been
 529 met. That would be imposed through a condition of consent. I guess the issue
 530 here is that this is a permitted activity and so we would have no control on that.
 531
 532 I am also of the opinion that that's quite generous. So I'm interested to go and
 533 talk to particularly my colleagues in compliance and see whether we could do
 534 some tidying up there.
 535

536 Foster: Never lose an opportunity.
537
538 I just go back to my earlier statement that what we are talking about here is stuff
539 that goes to the construction management plan, and the specifics and the detail,
540 and I consider that can be covered by my suggested replacement condition (a).
541 Thank you.
542 [01.15.05]
543 Chair: I think those were all the questions that we had. Thank you for also being
544 available if we think that caucusing on these provisions might be sought. You
545 might be able to do it while you're on your RPS [01.15.35].
546 Foster: I'm about to move faster than I usually do to get down there.
547
548 Chair: We won't keep you any longer. Thank you very much. Points have been very
549 well made. We will absolutely be taking them into account. Thank you.
550
551 We now have Wairarapa Federated Farmers. Are they online Mr Ruddock?
552
553 Ruddock: Yes. They've been made presenters now so they should have control over their
554 microphone and camera.
555
556 Chair: We are a little bit early, so only if they feel ready – which is quite new for us. If
557 they feel ready.
558
559 Hello Mr Matich.
560
561 Matich: Good morning.
562
563 Chair: We're running a bit early. Are you and Dr Basher available now or would you
564 like a bit more time.
565
566 Matich: Yes Mr Basher is available. He's putting up his hand. I think he might have a
567 difficulty turning on his video.
568
569 [Attempt to resolve issues of connectivity]
570
571 Chair: Mr Matich if you're happy for us to proceed.
572
573 Matich: Yes I am.
574
575 Chair: Welcome. Mr Matich I know you've presented to us before, but Dr Basher
576 should we do some quick introductions so you know who we are, or were you
577 here when Meridian was presenting.
578
579 Basher: I wasn't here. I didn't see that, but I have read who the Commissioners are and
580 backgrounds and so on.
581
582 Chair: We'll just say our names so then at least you know when we're asking questions
583 who we all area.
584
585 Welcome. My name is Dhilum Nightingale. I'm a Barrister and am chairing the
586 Panels. I will pass over to Commissioner McGarry.
587 [01.20.00]

- 588 McGarry: Mōrena, my name is Sharon McGarry. I'm an Independent Commissioner based
589 out of Ōtautahi Christchurch.
590
- 591 Kake: Mōrena, Puawai Kake. Independent Commissioner from Northland. Kia ora.
592
- 593 Wratt: Mōrena, good morning. Gillian Wratt, Independent Commissioner based in
594 Whakatū Nelson.
595
- 596 Stevenson: Ngā mihi nui ki a kōroua. I'm Sarah Stevenson, an Independent Planner and
597 Commissioner based here in Te Whanganui-a-Tara Wellington.
598
- 599 Chair: I will just let the reporting officers and any technical experts also introduce
600 themselves so again you know who is here.
601
- 602 Vivian: Kia ora kōroua. Alisha Vivian, Reporting Officer for the earthworks topic.
603 Senior Policy Advisor here at Greater Wellington.
604
- 605 Willis: Mōrena. Gerard Willis, Reporting Officer on the rural land use provisions.
606
- 607 Peryer: Morning. Jamie Peryer, Senior Environment Restoration Advisor and Technical
608 Expert in rural land use provisions.
609
- 610 Chair: I believe Dr Greer is online as well as the Council's Technical Lead.
611
- 612 We have read your planning evidence Mr Matich and your evidence Dr Basher.
613 I will pass over to you.
614 Maybe the only other thing I will note is the officers have circulated some
615 revised provisions which I'm not sure if they particularly speak to the relief that
616 you are seeking, but just so you aware they're available on the Hearing web page
617 – some updated provisions from the earthworks topic and also forestry.
618
- 619 We'll pass over to you for your presentation.
620
- 621 Matich: Thank you. Peter Matich, Wairarapa Federated Farmers. I don't intend to present
622 any written statement. I just had a few comments from sitting and listening to
623 the hearing over the last couple of days and I understand that the potential risk
624 mapping that Mr Willis proposed will now be used a guide for assessing site
625 specific erosion in Farm Environment Plans.
626
- 627 I do have a concern that that use as a guide gives rise to some potential issues.
628 One of them is that obviously it makes the site-by-site analysis a little bit more
629 nebulous because it's not a definite rule, it's a guide. That may somewhat dilute
630 the effectiveness and purpose of doing this through the Farm Environment Plan
631 process.
632
- 633 It also to me indicates that it reveals the imperfect understanding of the cause
634 and effect relationships between land use and achievement of the target attribute
635 states in this context, trying to make farmers or consent holders for confirmation
636 of the Council's erosion management hypothesise through a farm plan regime –
637 it looks more tenuous.
638

639 Also, listening to the conversation yesterday about how vegetation clearance
640 will be implemented on land over 20 degree slopes triggering consent, versus
641 the requirement for a farm plan assessment of erosion risk based on guidance
642 appears to further negate the usefulness of assessing this risk through Farm
643 Environment Plans.

644 I do think that Farm Environment Plans are probably the way of the future, but
645 I don't necessarily think that we are at the future yet in terms of the state that
646 Farm Environment Plans have developed to. I think on the whole journey for
647 Farm Environment Plans everywhere around the country, there seems to be bits
648 going forward and bits going back. We've had nitrogen overseer ability to
649 predict nitrogen loss below the root zone overturned in the government's 2020
650 report.

651 [01.25.10]

652 This example here of woody revegetation of hill slope erosion land is even
653 probably I suggest less well-understood than nitrogen loss.

654
655 The general thrust of my evidence is that where there isn't a clear understanding
656 of these cause and effect relationships between what's happening on the land
657 and what ends up in the end stream in terms of attribute state, then it makes the
658 whole exercise of having to assess everything through a farm environment plan
659 somewhat of a compulsory farmer sponsored field trial of limits. There is no
660 certainty that using the compulsory Farm Environment Plan process to discover
661 the veracity of hunches about cause and effect relationships will result in
662 environmental benefit through pursuit of those TASs through managing onsite
663 land use practices.

664
665 If there was some evidence that a specific bundle of good management practices
666 would result in x amount of sedimentation in waterways over time, which
667 individual farms could implement, then it would be more reasonable to pursue
668 this aspect of land management at a site specific scale – I think. Otherwise, I
669 think it's just as affective to prescribe what activities can be permitted in a
670 regional plan or framework, especially if those activities are relatively low risk
671 activities.

672
673 I was looking back again at Rule R101 I think it is in the operative plan. No,
674 Rule 105, vegetation clearance on erosion prone... sorry, no, that's in
675 accordance with the freshwater plan. Rule 101 is earthworks. Rule 103
676 construction of farm tracks. Rule 104 vegetation clearance on erosion prone
677 land.

678
679 If those rules were kept in or not turned off by PC1 (and that's another point that
680 Mr Willis asked me about in the rebuttal evidence – I was referring to the
681 “turning off” the rules in PC1 to go to a complete Farm Environment Plan
682 regime) I think if you kept some rules around those straight forward activities in
683 a situation where you've got an imperfect understanding and you're using
684 guidance maps and everything to help assess farm plans, it might work for some
685 farmers but for some very small block farmers or marginally economic farmers
686 it might be better if they just had a few simple rules that they could understand
687 rather than having to go through site specific assessment all the time.

688
689 It might be that over time all this understanding about how to implement land
690 practices through Farm Environment Plans improves and we can get to some

691 future state where Farm Environment Plans are actually working well. But, in
 692 the meantime I think there needs to be some interim step to get things working
 693 on the way to this new kind of way of doing things, which is Farm Environment
 694 Plans. I say that knowing that Farm Environment Plans have been around for a
 695 while, but it seems to be that's reached for more and more as the answer, without
 696 really understanding how it might work in each case.
 697

698 That's simply my message. I hope I've made myself a bit clearer through that. I
 699 don't think I have anything more to say. But, if you have some questions then
 700 I'm happy to do my best now to answer those.

701 [01.30.00]

702 Chair: Mr Matich thank you. My understanding was that if we just take Te Whanganui-
 703 a-Tara, Rule 17, the version in the officer's rebuttal is I thought intended to be
 704 simply carried over from the operative plan. I'm actually now wondering if I am
 705 mistaken as to that. I might check my understanding with Mr Willis.
 706

707 There is one change I think and that is where if the clearance is to implement
 708 actions that have been identified in an Erosion Risk Treatment Plan then that's
 709 another instance where it might be permitted. Otherwise, I thought it was quite
 710 identical to operative Rule 104.
 711

712 I don't know if Mr Willis is able to comment on that.
 713

714 Willis: I believe you're correct but it really is a question for Mr Watson who was lead
 715 on that particular issue. If he's online he might be able to chip in.
 716

717 Chair: My reporting officers are mixed up there, sorry about that.
 718

719 Mr Matich, was there a particular issue that you had with that permitted activity
 720 rule, R17? Are there some wording changes that you would support? I do have
 721 your evidence here.
 722

723 Matich: I'm sorry, I didn't have time up until now to prepare wording. I could go away
 724 and work on some wording.
 725

726 This is Rule R17?
 727

728 Chair: Yes, the permitted activity rule for vegetation clearance on erosion prone land.
 729 I just want to make sure I understand what your concerns are with it. To me it
 730 seems very similar to what is in the operative plan.
 731

732 Matich: Can I just go and look at that quickly now? This is in the plan change. It's
 733 WH.R17?
 734

735 Chair: That's the one.
 736

737 Matich: Where that says "the vegetation clearance" in paragraph (a) "is to implement an
 738 action in an Erosion Risk Treatment Plan for the farm or for the control of pest
 739 plants," I think that takes you...
 740

741 Chair: Sorry to interrupt Mr Matich, I think you might be looking at the notified version
 742 and not the s42 version.

- 743
744 Matich: Let me just grab the amended land use. This is the rural land use amendments?
745
746 Chair: Probably the best version to look at is the rebuttal version.
747
748 Is it too ambitious Mr Ruddock to bring up these provisions on the screen? The
749 version that Mr Watson tabled on Monday.
750
751 Mr Matich, we are just going to bring up that rule.
752
753 [View rule]
754 [01.35.00]
755 Matich: That has a straight forward permitted activity condition that's not subject to a
756 Farm Environment Plan.
757
758 Chair: That's right Mr Matich. That's my understanding.
759
760 Matich: That would be along the lines of what my concern was initially in my
761 submission.
762 Sorry, I've been in and out of the hearings over the last few days. I haven't been
763 watching every single...
764
765 Chair: That's quite okay. We didn't want to miss anything in terms of the relief you are
766 seeking.
767
768 That defaults to R19, it defaults to discretionary if the activity is not permitted
769 by Rule 17. There's specific provision for renewable energy regeneration,
770 otherwise the default is discretionary.
771
772 Matich: Let me just go back to the operative NRP. I'm just going to look at those
773 numbers. That's two hectares per property in any twelve month period. Alright,
774 that looks fine.
775
776 Chair: Mr Matich, the other issue which you and Dr Basher have raised is about the
777 mapping. Shall we turn to that issue?
778
779 Matich: Dr Basher, do you want to say anything preliminary first?
780
781 Basher: I assume you've read my evidence. I suppose the thing that I was I guess most
782 disappointed in is the approach to the erosion risk mapping, particularly with
783 respect to the land slide component. It's very old-school and it doesn't reflect
784 what we know about land sliding in this hill country – it's significance in this
785 hill country and other hill country in New Zealand.
786
787 You're seeing even guidance based on that mapping I think is a bit fraught from
788 my perspective.
789 I guess the other thing that myself and the technical experts from Council
790 disagreed on was the significance of surface erosion and the importance of
791 connectivity. I'm quite happy to answer questions about that if you want to
792 explore any of those issues. But, that's probably enough from for now.
793 [01.40.00]

- 794 Wratt: Mr Basher, the Council staff have in their rebuttals and I'm not sure the extent
795 to which you've been able to listen, particularly I guess on Monday when we
796 were talking about the rural provisions, they have addressed your comments and
797 concerns.
798
- 799 Do you have any response to any of what they have presented? I don't have
800 those right in front of me at the moment. I guess perhaps just a general question
801 in terms we have two scientific views which are quite different, and how do we
802 resolve those?
803
- 804 Basher: Yes I have read the rebuttal evidence. To me it didn't change a great deal. I still
805 maintain that surface erosion is unlikely to be a significant contributor. I am not
806 convinced in the hill country by the 47 percent as the modelling suggests is
807 derived from surface erosion.
808
- 809 While the approach they've adopted with respect to the land slide risk is simple,
810 I'm not sure that it's particularly effective. When I looked at those maps it looked
811 like a lot of area mapped as potentially at risk of erosion.
812 One thing we should acknowledged in this hill country is that it's all prone to
813 erosion to one degree or another. Our goal is not to stop erosion, it's to manage
814 it within acceptable limits and I guess that's what you're trying to do here.
815
- 816 Somebody taking a slope threshold, I think if you look at the diagram that I
817 included as Figure 1 with the graph of landslide probability versus sloping, when
818 I see the word "threshold" I take that to mean that there's a change in some sort
819 of character. They've chosen a slope angle of 26 degrees as a threshold slope
820 angle beyond which erosion risk is presumably unacceptable. But, if you look at
821 that diagram that 26 degrees or even 28 degrees typically lies on the straight part
822 of that curb. So there's no threshold per say.
823
- 824 The concept of thresholds is an old one that was developed I guess the best part
825 of twenty years ago now, before we had access to modern computing tools and
826 LIDAR and so on, where we can do much better technical based assessments,
827 and particularly landslide risk.
828
- 829 I guess I'm stuck between thinking that the maps don't really matter so much if
830 the main guidance is going to be via the Farm Environment Plan approach. I
831 share Peter's concern that potentially it involved quite a lot of mapping an
832 analysis work by farmers on land that may not have much of an erosion risk.
833
- 834 I think we've got to try and arrive at a point where it's practical and it's going to
835 achieve the objectives that the Council and community want.
836
- 837 Wratt: Mr Basher you're acknowledging or it seems like there's uncertainty, whichever
838 approach you take. Your position is that your approach is more up-to-date and
839 less uncertain perhaps. The approach that's been taken in the rebuttal is to use
840 these maps as a guide, which you said that's a better approach, but it's still not
841 what you would prefer to see, and that it puts I guess too much onto the farmer.
842 [01.45.07]
843 Am I interpreting what you're saying correctly?
844

- 845 Basher: Yes that's roughly correct. I go back to what Peter said earlier on. Our
846 understanding of the sources of sediment that contribute to what we measure in
847 the rivers downstream is quite imperfect. That's the problem we face here. We
848 don't really know whether the sediment is coming from land sliding, from
849 surface erosion, or from bank erosion. If I was picking anything I would
850 probably pick bank erosion, but we really don't know. Trying to manage the
851 land in the face of that uncertainty is actually quite difficult.
852
- 853 Wratt: Isn't the point here that with the Farm Environment Plan approach the idea is
854 that you do actually go back to the farm with the farmer and whatever expertise
855 you need to look at the situation on a particular farm and come to some... there's
856 no regulatory requirement but there's a requirement to look at the farm, look at
857 the slopes and come up with the Farm Environment Plan for that particular farm.
858
- 859 Matich: Yes, the idea about that, giving flexibility for site specific assessment, is a
860 worthy aspiration – it's just every farmer might not have the same capability to
861 engage in that process and that comes back to the point I was saying before about
862 needing some fall-back permitted activity framework.
863
- 864 Wratt: Mr Matich, just one further question from me at this stage. Could you just clarify
865 for me, or repeat which of the rules in the operative NRP you were specifically
866 referring to? I think there's Rules 101 through to 107.
867
- 868 Matich: Yes and I was specifically looking at Rule 104 for vegetation clearance on
869 erosion prone land permitted activity, which I think now is reflected in the new
870 rule WH.R13 or 17, or whatever the number was that we had on screen a minute
871 ago.
872
- 873 Wratt: The other rules in the operative version what would you like to see?
874
- 875 Matich: I think the R102 construction of new farm track permitted activity and R101
876 earthworks permitted activity.
877
- 878 Chair: A few points: I think the permitted activity rule and the earthworks provisions
879 there have been some amendments that have come through Mr Matich which
880 may now address those concerns about farm tracks. We do have the officer here
881 who might want to comment on that.
882
- 883 Vivian: The amendments there are for the maintenance of existing farm tracks. It doesn't
884 cover off the construction of new farm tracks. For a little bit of context, the NRP
885 provisions provided farm tracks to be constructed up to 10,000 square metres as
886 a permitted activity, which in my opinion is significantly larger than the
887 permitted activity threshold we have.
888
- 889 The intent upon drafting was that new permitted activity earthworks rule would
890 cover off the construction of farm tracks where they're constructed in
891 accordance with the Farm Environment Plan.
892 [01.50.00]
- 893 I acknowledge that not all farms are going to have Farm Environment Plans and
894 therefore if they wish to construct farm tracks that are over 3000 square metres
895 they're now required to obtain resource consent for a new farm track.
896

897 In my opinion the risks of sediment discharges when constructing farm tracks
 898 are just as high as those of other linear earthworks projects, particularly on farms
 899 where you've got massive cuts involved to construct those new tracks.
 900

901 Chair: We do have Mr Watson online as well.
 902

903 My understanding of the provisions relating to erosion, are there's vegetation
 904 clearance on erosion prone land and that picks up the definition in the operative
 905 plan of where the pre-existing slope of the land exceeds 20 degrees; but as we
 906 looked at before there is a permitted activity rule for vegetation clearance on
 907 erosion prone land which is very similar to what's in the operative plan and it
 908 allows for that vegetation clearance as a permitted activity where it doesn't
 909 exceed two hectares per property over a twelve month period.
 910

911 But, then there are separate provisions that apply in terms of forestry and that is,
 912 I understand, in particular where the mapping, Maps 90 and 93, come into play.
 913

914 I understood Dr Basher that your concern was how the Council technical experts
 915 have produced those maps, and please correct me if I'm wrong but they are about
 916 the forestry provisions. And, also the officer has now recommended quite a lot
 917 of changes to those provisions and there's a lot more picking up what's in the
 918 NES on commercial forestry.
 919

920 I don't know if you want to comment on anything there, or if Mr Watson wants
 921 to say anything.
 922

923 Watson: I guess from a vegetation clearance perspective the operative NRP framework
 924 has pretty much just been rolled over and dropped into PC1 essentially. The
 925 application of vegetation clearance rules as they stood under the operative NRP
 926 will be the same going forward in PC1 so there's no difference there.
 927

928 The mapping that Commissioner Nightingale referred to wasn't just used for
 929 forestry, it's also used for the farm environment plan erosion risk mapping
 930 response.
 931

932 I guess there's two different erosion prone land mapping applications in PC1 as
 933 it stands. There's the vegetation clearance, erosion prone land which relies on
 934 the NRP definition; and then there's the forestry and rural land use provisions
 935 which rely on the PC1 erosion risk mapping as I guess a guide to require some
 936 form of ground-truthing prior to that activity proceeding, to kind of evaluate and
 937 assess the approach to land use on that mapped land, if that makes sense.
 938

939 It's like a ground-truth two-stage approach that's being proposed. You're in an
 940 area – there's a mapped area here and you have to do a certain action to achieve
 941 an outcome. This land is higher risk than maybe other land around it and does it
 942 need a specific response? What does that response look like? And, that gets all
 943 developed as part of a management plan approach, whether it be forestry or farm
 944 environment plan.
 945

946 Hopefully that makes sense.
 947

- 948 Matich: Yes, that does thank you. That gives two approval pathways for that vegetation
949 clearance.
950
951 With regard to the new farm track provisions, that possibly is a leap up in
952 restrictiveness for farmers maybe who can't engage in the farm plan process.
953 [01.55.00]
954 I guess the situation where farmers might need to construct a new farm track
955 (and I don't know whether this could come into maintenance or not) is if there's
956 a massive adverse weather event and it destroys the farm track that they have on
957 their farm and they've got stock up the back of the farm that they need to shift,
958 and the only way they can shift them is maybe carving a new bit of farm track
959 somewhere. It's whether that new bit of farm track they need urgently to move
960 their stock without having to apply for a resource consent, which might take
961 some weeks and their stock die in the meantime. It's whether that area for new
962 replacement farm track is sufficient depending on the size of the farm.
963
964 That might cover 90 percent of situations in the Porirua and Wellington up
965 whituas. Sorry, I can't remember the correct name for those. But, when you get
966 to the Wairarapa one later on, that same limit might not be fit for that kind of
967 purpose. I think there needs to be some sensitivity testing of that.
968
969 Chair: Thank you very much. I think that was a really useful discussion. Commissioner
970 McGarry has also just pointed out another provision that might be of interest to
971 your members Mr Matich – is that there is a permitted activity rule for farming
972 activities on 20 hectares or more of land, specifically within the Takapū part-
973 FMU where there is this potential erosion risk land, but that also does require a
974 Farm Environment Plan.
975
976 Just in terms of we were running through provisions where the erosion mapping
977 comes into play; so just to point that one out as well. That's Rule P.R26.
978
979 Matich: Yes, thank you. Obviously the Panel will consider whatever happens in the
980 government's review of freshwater farm plans. I don't know what's going to
981 happen there but I've heard various rumours and I don't want to speculate. There
982 might need to be by the time this comes out some adjustment or further thought
983 given to that I guess.
984 Chair: The timeframe at the moment is 30 September 2028 – that's what the officers
985 thought.
986
987 I think Commissioner Stevenson had a question before you wrap-up.
988
989 Stevenson: A question probably for Ms Vivian. We have asked it in the context of Mr
990 Watson's s42A, but I am interested in the permitted activity rule for earthworks,
991 WH.R23 and P.R22 - earthworks are a permitted activity if they're
992 implementing an action in a Farm Environment Plan, and if you don't have one
993 and it's more than 3000 square metres then a resource consent is needed.
994
995 Can a landowner at their discretion develop a farm environment plan, even if
996 there isn't a provision in the plan requiring it? So they don't have to get resource
997 consent and they've got a farm environment plan that they're giving effect to
998 and action on, to construct a farm track for example.
999

- 1000 Vivian: I actually can't answer that question off the top of my head sorry, I need to go
1001 back and look at it.
1002
- 1003 Chair: Mr Matich and Dr Basher we are unfortunately at time, but thank you very much
1004 for your evidence statements and for appearing today and talking to us on these
1005 issues. We will consider what you have said carefully in our deliberations.
1006 Thank you very much. We might see you, or we might not, for Hearing Stream
1007 4.
1008 [02.00.10]
1009 Mr Matich we wish you all the best for recovery after your operation.
1010
- 1011 Matich: Thank you.
1012
- 1013 Chair: Welcome Ms Strugnell. Kia ora. You were sitting here before when we did some
1014 introductions. Are you comfortable that you know who we are? Great. Thank
1015 you.
1016
1017 Ms Strugnell we've read your submission. Thank you very much for that. Of
1018 course your property is discussed in some of the Council's technical evidence.
1019 We really appreciate you providing some on-the-ground context to these issues.
1020 It's really appreciated and helps us better understand the provisions.
1021
1022 We'll pass over to you and we'll have questions after you present.
1023
- 1024 Strugnell: Mōrena. Thank you very much for the opportunity to address this hearing on
1025 rural land use as part of Plan Change 1.
1026
1027 I am currently running a beef breeding unit on my 267ha property which is in
1028 Te Awarua-o-Porirua. The farm is within the upper catchment of the
1029 Pāuatahanui Stream with some of its main tributaries actually starting on the
1030 farm.
1031
1032 From 2014 to 2019 I was a member of Te Awarua-o-Porirua Whaitua
1033 Committee. Over this time I came to learn more than I ever thought it was
1034 possible. This included learning from an amazing range of people - fellow
1035 Committee members, Greater Wellington staff, freshwater scientists,
1036 consultants and modellers (some of who have been part of these hearings) and
1037 from my own community. It made me think a lot more about the land and water
1038 that I have responsibility for.
1039
1040 One of the key mandates for the whaitua committee was that our decisions were
1041 by consensus and not majority, so I felt that the recommendations which formed
1042 the WIP had been truly considered. This included recommendations associated
1043 with rural land use where we very much wanted to see the development of rules
1044 and policies that would recognise the challenges while supporting farmers to
1045 address the issues. It was important that these were based on good data, made
1046 sense to us and where it is apparent what actions would be required - focusing
1047 on the use of carrots rather than sticks.
1048
1049 As Mr Sharp outlined in Hearing Stream 2, as members of the Whaitua
1050 committee, we were chosen for our ability to "reflect the interests of a wider
1051 group within the community." As the only rural person on our Committee I was

1052 not only required to represent the rural interests but was also involved in
1053 presenting our recommendations to the farmers of Te Awarua-o-Porirua.

1054
1055 This is a slide from one of the presentations that we made, introducing our
1056 farmers to the concept of Farm Environment Plans - a concept that at that time
1057 was quite new to many of them.

1058
1059 Not only did we as the Committee buy in to the WIP but we also had general
1060 agreement from our community. The number of farmers in our whaitua is small.
1061 They're known to me and I am known to them.

1062
1063 At our final consultation with farmers, we also had Federated Farmers and Beef
1064 & Lamb New Zealand Present because we wanted buy-in from all so that the
1065 submission process would be collaborative rather than confrontational.

1066
1067 Unfortunately, when it re-emerged from Policy, Plan Change 1 bore very little
1068 relationship to our WIP recommendations.

1069 [02.05.05]
1070 So it has been heartening to see that, following on from the submission process
1071 and the s42A reports, we are beginning to look at something that aligns more
1072 closely with where we started.

1073
1074 When considering our whaitua I think it is important to acknowledge our
1075 uniqueness. We are not, and never will be, a Waikato, a Canterbury, a Southland
1076 or even a Wairarapa. We operate in a farming environment where our number is
1077 few compared to the nearby urban population and we are under close scrutiny
1078 from that population.

1079
1080 Access to rural services is more difficult and this has also included access to
1081 support from our Regional Council. They have supported farmers in the
1082 Wairarapa for decades but those of us here for less than one decade.

1083
1084 I think it is important to acknowledge that, as Mr Willis indicated, land use
1085 change is highly unlikely, except maybe towards more urban or lifestyle block
1086 development.

1087
1088 With direct reference to Plan Change 1, I particularly want to acknowledge the
1089 changes that have been made to the maps and the terminology associated with
1090 erosion risk. This photo is of one area on my farm that was mapped as highest
1091 erosion risk. As I find whenever I am trying to fence on such parts of the farm,
1092 there are reasons why this is steep hill country —the rocks have not worn away
1093 and the fact that the rocks are still there indicates that its erodibility is possibly
1094 low. Definitely its ability to grow anything is marginal.

1095
1096 Whilst this does not mean that there aren't areas that do have erosion potential,
1097 especially surficial erosion in my case, it does mean that putting forward one
1098 method for addressing erosion and sediment loss (that of revegetation) has
1099 severe limitations if I want to actually see effective change.

1100
1101 On Monday, Mr Peryer spoke about the suite of options for addressing erosion
1102 and sediment control. I found it interesting to look at the effectiveness

1103 percentages he presented and to then consider these alongside the practicalities
1104 of implementing them.

1105
1106 It has been helpful to go back to our WIP recommendations, looking at the data
1107 and then, with the knowledge of my farm and the streams, to identify the possible
1108 solutions that are effective and achievable.

1109 As noted previously, there has not been a long history of land management
1110 support in our whaitua. Mr Peryer paid his first visit to my farm in November
1111 2016 and, with his support, I have been working on a voluntary Farm
1112 Environment Plan since 2017.

1113
1114 With Greater Wellington's farm management knowledge predominantly based
1115 on the Wairarapa experiences, it has taken time and a lot of effort on Mr Peryer's
1116 part, to adapt some of the solutions and methods to farming "this side of the hill".

1117
1118 Pole planting has been a tried and true method in the Wairarapa and some of my
1119 pole planting, as shown here, has been effective.

1120
1121 However, the planting done the following year on a different site was less
1122 successful. It is one of the areas that is considered as having more potential
1123 erosion risk and, although more exposed, I had been hopeful that we might have
1124 had the poles take.

1125
1126 However, there is no comparison with the pole planting done on that land and
1127 on the land that is not mapped as having potential erosion risk even though the
1128 poles are providing other benefits such as stream shading.

1129
1130 Instead, in the catchment area where the poles did not take, I have with the
1131 support of Mr Peryer and the Environmental Restoration team been exploring
1132 other options such as this debris dam. There are now three on this tributary of
1133 this stream, of which this is the largest. It acts to slow down the water down and
1134 thereby reducing stream bank erosion further down.

1135
1136 My farm is within the Takapū FMU. Hindsight is a wonderful thing and if, when
1137 the Whaitua Committee was considering the FMUs, I understood then what I
1138 know now, I would have argued strongly for a different configuration. And, if I
1139 have had been aware of the discussion that were had on particularly Monday,
1140 and not had to already put my presentation together, I would have had a map to
1141 support this.

1142
1143 The Takapū FMU includes all of the Pāuatahanui Stream catchment which is
1144 rural and enters the Pāuatahanui arm of the harbour. Also within the Takapū
1145 FMU is Duck Creek which originates within Greater Wellington's Belmont
1146 Regional Park and enters the Pāuatahanui Inlet through urban Whitby.

1147
1148 Another part of the Takapū FMU has Cannons Creek and the Takapū Stream
1149 which enter the Onepoto arm of Porirua Harbour through the Kenepuru Stream
1150 and Porirua Stream respectively.

1151
1152 The monitoring site for the Takapū FMU is taken as Elmwood on the
1153 Pāuatahanui Stream. Likewise the Pouewe FMU monitoring is undertaken at

1154 Snodgrass on the Horokiri Stream but Pouewe also includes Little Waitangi,
1155 which known as Ration Creek, and the Kakaho Stream.

1156
1157 All of this starts to become problematic when different sets of rules are being
1158 applied to different part-FMUs within the Whaitua and it begins to not make
1159 sense.

1160
1161 I am not suggesting that we don't have issues to be addressed but when it is fairly
1162 well-accepted locally that Kakaho Stream and Duck Creek contribute significant
1163 amounts of sediment into the Inlet, to not capture these within the same sets of
1164 requirements does not seem right or fair.

1165
1166 I have listened to the evidence of Mr Blyth in this Hearing and read some of the
1167 evidence from Hearing Stream 2 related to sediment in the Pāuatahanui Inlet and
1168 visual clarity in Pāuatahanui Stream.

1169
1170 My understanding from Mr Blyth's evidence and that of other expert witnesses,
1171 as well as from the modelling done for the whaitua committee, is that modelling
1172 is an inexact science with lots of variables and assumptions - these may be the
1173 best assumptions available but they are assumptions, nevertheless.

1174
1175 I noted that one of the witnesses on Monday, in response to one of your
1176 questions, answered that it was "a little bit grey". It is difficult to accept "a little
1177 bit grey" when this has a significant effect on how policies might impact on me.
1178 Then it becomes not just an academic exercise, it has actual real impact.

1179
1180 Mr Blyth noted the very small difference in clarity between the Pāuatahanui
1181 Stream at Elmwood (and that shot is taken from the data from LAWA) and the
1182 Horokiri Stream at Snodgrass.

1183
1184 The latter is in Pouewe FMU, the former in Takapū.

1185
1186 I also note from the technical evidence of Dr Meladonis and Mr John Oldman
1187 in Hearing Stream 2 that the rate of sedimentation in the Pāuatahanui Inlet, the
1188 receiving environment for both FMUs, is less than had been included in the
1189 whaitua modelling when taking natural sedimentation rates into account.

1190
1191 I am therefore questioning why the two FMUs should be treated differently.

1192
1193 I am going to ask whether Plan Change 1 could just use Schedule 36 for Certified
1194 Farm Environment Plans in our whaitua. To have both Schedule Z and Schedule
1195 36 plus for some an Erosion Risk Treatment Plan is confusing.

1196
1197 Listening to the hearing on Monday it felt very confusing and the explanations
1198 from the expert witnesses did not give clarity.

1199
1200 If the requirements for farmers is to have certified farm plans, then I think we
1201 should have just one document, Schedule 36, which we can refer to and know
1202 what is required of us without needing an interpreter.

1203 [02.15.05]
1204 Schedule Z very much has a focus on nutrient risk and sediment as a transport
1205 risk for nutrient. In our whaitua intense farm practices are not used. The

1206 typography does not encourage cultivation or cropping, stock density is low and
 1207 pasture types do not encourage break-feeding or supplementary feeding of
 1208 livestock. We do not have irrigation, effluent storage or effluent disposal
 1209 practices, and there is very little fertiliser application.

1210
 1211 There is going to be a cost associated with having farm environment plans
 1212 certified and looking at the qualifications of those who are listed by Greater
 1213 Wellington there is a definite emphasis and presence from the fertiliser industry
 1214 which seems totally at odds with farming as it is carried out here.

1215
 1216 I know that farmers want to minimise the cost of having a certified farm
 1217 environment plan and it appears that this is a one-off cost, but I had expected
 1218 that there would be some way of making these living documents reflecting
 1219 changes over time, refining or redefining actions; and I query what stops this
 1220 from becoming an expensive box-ticking exercise with no review of outcomes.

1221
 1222 In considering the emphasis on Schedule Z, the requirements of Schedule 36 and
 1223 of the ERTTP and not even thinking about what becomes nationally required, I
 1224 strongly believe that if we want our farmers to take up Farm Environment Plans
 1225 then they should be straight forward and easy to understand.

1226
 1227 There will always be those who choose a different path and I understand why
 1228 rules do need to be there, and I know that the fall-back position has been talked
 1229 about – that is, if someone chooses not to have a farm environment plan then
 1230 they will be required to apply for resource consents which could be more
 1231 onerous and costly, but why start from that position? Why not work from the
 1232 position that we took as a committee at the outset of encouraging positive
 1233 engagement in process.

1234
 1235 Finally I would like to stress the importance in Plan Change 1 in ensuring that
 1236 Greater Wellington continues to provide support for the farmers in its region.
 1237 The financial support under the different mechanisms outlined by Mr Peryer do
 1238 assist and support and demonstrate Council's commitment to assisting farmers
 1239 to address the environmental issues. But, this is truly secondary to the support
 1240 from the environmental restoration team. The ability to discuss sheer
 1241 knowledge, learn, talk through the issues and possible solutions, these don't
 1242 have dollars behind them and they are hard to quantify or measure, but I believe
 1243 these are the most invaluable and that is what has had me on-board way more
 1244 than the policies or rules.

1245
 1246 It is up to us collectively to find the balance between the regulatory
 1247 responsibility, our economic livelihoods and the healthy land and water that the
 1248 community wants.

1249
 1250 Thank you.

1251
 1252 Chair: Thank you very much. We really appreciate your presentation. Thank you.

1253
 1254 The point you make about Schedule 36 and Schedule Z is a good one. We were
 1255 grappling with the two on day one, as you might have heard. My understanding
 1256 is that are scope issues with amalgamating them all into just one. I don't know
 1257 if Mr Willis could comment on that.

- 1258
1259 Willis: I totally understand the point being made by the submitter. It would be much
1260 simpler if there was only one schedule to refer to. That's fairly obvious. I accept
1261 the point. The reasons why we did it we don't need to go into in great detail, but
1262 I guess Schedule Z was put together through the NRP with significant effort and
1263 the thought of opening it up through PC1 I think was a major factor – so we
1264 thought we would just add to it. That was fundamentally the issue.
1265
1266 The difference obviously is Schedule 36 doesn't deal directly with nitrogen,
1267 phosphorous and E.coli.
1268 [02.20.00]
1269 So, if you were to go to a one schedule approach, I think to make sure we've
1270 covered off what we need to cover off, we would need to introduce some further
1271 material into Schedule 36. Then there's the question of how much that's
1272 duplicating Schedule Z.
1273 Kake: I'm just wondering if we can pull the presentation back up Josh. It's just with
1274 respect to the photos that you've included in your Power Point. I was particularly
1275 interested in some of the actions that have been taken on the land.
1276
1277 If we go back it was probably mid-way, the degree that's been caught. This is
1278 something that's identified in the Farm Environment Plan that you're developing
1279 at the moment as an action. I just wonder if you could talk us through. I think
1280 you know which image I am talking about.
1281
1282 Strugnell: I do. It's the one with the water.
1283
1284 I had the opportunity, there was some land use LUC mapping done on the farm
1285 and the consultant that came I was talking to him about the challenges of trying
1286 to slow the water down and reduce the streambank erosion. He asked if we had
1287 heard of debris dams, which I had not so did some research. Then he came with
1288 the Environmental Restoration Team and showed us how to construct one. Since
1289 then I have another two – one upstream and this one further downstream. The
1290 idea is that they catch the debris, which from a farming perspective is more
1291 helpful, because it means that my fences lower down don't get taken out by all
1292 of the debris, rock and stuff, and over time they build up and create a small
1293 waterfall which slows the water down. So the idea is to build a succession of
1294 those.
1295
1296 Kake: I'm interested in I suppose some of the storm events that might occur and how
1297 often that might impact the flow of the water running downstream.
1298
1299 Strugnell: The biggest one that people talk about in our area is the 2016 November flood,
1300 but that actually followed two days after the Kaikōura earthquake. What was
1301 seen then was very different because the landslips that occurred had occurred
1302 along the fault-line and not with the streams.
1303
1304 What I have found is that since taking the actions such as this, that my fences
1305 stay. I have less problems. I think there is still contribution of sediment but that
1306 is from everybody. I know that we need to be alert to other things, but I think
1307 that with the knowledge of the farm I am trying to adapt, because some areas
1308 revegetation or maintaining the existing vegetation is really important, but there
1309 are other areas, such as the head of this valley, where we tried the pole planting,

1310 and we've tried it in two parts and it has taken. So then it's a case of going,
1311 "Okay, what's going to catch the sediment?" because planting is not working.

1312
1313 We have looked at a sediment retention dam just a little bit upstream from this.
1314 The cost of doing that and the cost of resource consents is something that I would
1315 love it if the expertise that sits within Greater Wellington could be used more
1316 for supporting us and for the regulatory consenting processes, and that we could
1317 actually get the access to engineering advice and support to do the best actions.
1318

1319 Wratt: Thank you very much for that presentation. It's very useful to get some practical
1320 examples of how these requirements and provisions might come into play.

1321 [02.25.10]

1322 As I understand, you've been developing your own Farm Environment Plan and
1323 you are working with Council staff, and you would like to be able to do more
1324 so. It would be really useful to understand what would you see if the provisions
1325 that are now being put forward - and I guess I'm hearing from the Council
1326 officers that they want to do what you're asking to be done, but it's how do they
1327 do that in the context of a natural resources plan.
1328

1329 So, what would be different for you if the provisions as they are now were
1330 brought into the plan?
1331

1332 Strugnell: I think I've been really fortunate to have been part of the whitua process and to
1333 have had the opportunity to have been one of the earlier people to work with Mr
1334 Peryer. When we started he was one person over this side of the hill shared
1335 between us and Kapiti, and that team has now expanded. I think that team needs
1336 to expand more to support.
1337

1338 When he used to first pull up at my gate people used to go, "What have you
1339 done?" It was always viewed as I must have done something wrong that GW
1340 was turning up at my gate. I think slowly that perception is changing. I think
1341 that's where this has to go, and for me, that's why it has to make sense.
1342

1343 I tried to get my head around Schedule 36 with all the red and all the everything.
1344 It's just really hard to see how this is going to translate.
1345

1346 I've had the benefit of being on the whitua and listening to the modellers in that
1347 environment. I've had the opportunity to work with Mr Peryer for the past seven
1348 years and there are other people that have not had that opportunity. I would like
1349 to see it.
1350

1351 I know there have to be the rules and there's that great big folder, but it would
1352 be good to just be able to show people. Even just trying to share with my farmers
1353 that this is what we are talking about with Schedule Z and Schedule 36 it's just
1354 like... and then the ERTP. People just switch off. It's just too hard.
1355

1356 I think that's the risk: is that particularly with the revegetation and the 2040
1357 deadline, one of the things that I say to councillor and Council, the councillors
1358 come and go and they're here for three years by the will of the voters. Council
1359 officers it's their job and if there's a better job, or GW restructures or family
1360 reasons make the move, they're gone and we're still there. We have two lots of
1361 people: those who want to work and those that get away with it, because if you

- 1362 ignore the Council long enough they've gone and people have forgotten what
1363 was there, and you just carry on.
1364
- 1365 So the risk of a 2040 deadline for revegetation was I thought that people could
1366 wait until 2039 and nothing would change before then.
1367
- 1368 I don't know if that answers.
1369
- 1370 Wratt: In part, yes, thank you. I guess the simple message is to keep it simple. Thank
1371 you.
1372
- 1373 McGarry: Thanks very much. We really appreciate your presentation. I just wanted to give
1374 you a bit of heart that we have talked between the different hearing streams and
1375 gone back to the WIP, and that we talked just the other day about the importance
1376 of the integration process at the end of all of this. We will certainly be with an
1377 eye back to the Genesis and where this all came from, and whether we are on
1378 the mark or miles from it. I just wanted to give you some encouragement there.
1379
- 1380 Strugnell: Thank you very much.
1381
- 1382 Chair: Thank you Ms Strugnell. The Council I do think are very much aware of the
1383 need to bring the community along and to not just be out there with a regulatory
1384 stick.
1385 [02.30.05]
- 1386 Do you feel confident that more farmers would be willing to jump on-board and
1387 see that there is a need to manage sediment discharges and work with Council
1388 officers like Mr Peryer in achieving improvements on their farm?
1389
- 1390 It sounds like you would prefer to see a more voluntary approach being taken.
1391 Do you think that approach could be successful?
1392
- 1393 Strugnell: I'm optimistic that it will. I think it's a slow process. After the whitua initiated
1394 a freshwater catchment community it's slowly growing. It's by demonstration
1395 and people seeing and sharing information and seeing what other people do. I
1396 think that process may take a little bit of time and effort, but I don't think it will
1397 be any slower than a regulatory, and I think it will have better outcomes in the
1398 long run with buy-in from people, yes.
1399
- 1400 Stevenson: I just wanted to acknowledge and thank you for the clarity of your presentation
1401 and the practical on-the-ground experience, particularly of in the context of as
1402 you say these massive folders of regulatory proposals.
1403
- 1404 Reflecting on the changes that Mr Willis has now proposed to some of those
1405 parts of the massive folder, there is some acknowledgement of the need for more
1406 implementation support and financial support. There's some flexibility built in
1407 there or proposed to be built in around approaches to erosion mapping and more
1408 ground-truthing and Erosion Risk Treatment Plans being tailored to specific
1409 risks.
1410
- 1411 Did some of those recommended changes satisfy parts of the relief you were
1412 seeking?
1413

- 1414 Strugnell: The changes that came after the s42 that was, I think I said earlier, heartening
 1415 because it started to come back to where I thought we had started. When we
 1416 looked at the first notified the relationship to the WIP was very difficult to see.
 1417 Now I can see it. To me there are some of those tweaks around in Te Awarua-o-
 1418 Porirua around the FMUs and the differences there, and I would like to see that.
 1419 We are a handful of farmers and I think it's much easier if we are all working.
 1420 Personally I think it would be easy to bring into Schedule 36 the key parts of
 1421 Schedule Z that would make Schedule 36 complete. I think it's clunky to try and
 1422 pull the two together.
 1423
 1424 I think with that and making more sense out of our FMUs and the ability to
 1425 match what we are looking to achieve I do think it's possible. I certainly feel
 1426 more heartened by what's happening through this process now than I was when
 1427 it was notified.
 1428
- 1429 Stevenson: Thank you. From a Panel perspective it's heartening to engage with submitters
 1430 who communicate so clearly and succinctly.
 1431
- 1432 Chair: Thank you Ms Strugnell. I think we are unfortunately at time.
 1433 [02.35.00]
- 1434 I just wanted to also acknowledge Mr Peryer and your evidence, and talking
 1435 about the role of Restoration Advisors. I think there's really good connection
 1436 between your evidence and Ms Strugnell's presentation. I know that the Council
 1437 is wanting to promote more uptake of good management practices. I don't know
 1438 if you wanted to add anything more in terms of comms and getting the word out
 1439 there in bringing farmers along, in addition to what you have already said.
 1440
- 1441 Peryer: I would just reiterate that our team has grown a lot, particularly on this side of
 1442 the hill working in these two whaitua in the past ten years, or particularly the
 1443 past five years. Our goal is to help farmers in whatever way we can, whether
 1444 that's financially or through advice, or whatever. I'm pretty sure we've got pretty
 1445 good buy-in to continue that and continue that in the sense to whatever
 1446 regulations come through that were in support of those for farmers.
 1447
- 1448 Willis: May I just make on quick comment? I wouldn't presume to suggest to the Panel
 1449 what they might want to direct us to do, but if I was I might say something. The
 1450 two points that Ms Strugnell has suggested, which is a single integrated and
 1451 slightly more accessible schedule may well be something we can work with or
 1452 work to – so happy to look at that.
 1453
 1454 Also, I think the point around FMUs, which is hard to explain I agree without a
 1455 map, and some of that detail may have been lost. Mr Peryer and I have had a
 1456 look at that as well, and that's something else we might wish to come back to
 1457 you on.
 1458
- 1459 Chair: Thanks very much. Thank you. We'll take the morning adjournment now and be
 1460 back in 20 minutes. We will look forward to hearing the Makarā and Ohariu
 1461 residents next. Thank you.
 1462
 1463 Thanks Ms Strugnell.
 1464
 1465 [Morning Break – 02.37.20]

1466 [Hearing Resumes – 02.57.50]

1467
1468 Chair: Kia ora. Welcome to Makarā and Ohariu Residents. Thank you very much for
1469 joining us today. We'll do some quick introductions. Some of you might have
1470 heard them before but we'll be brief.

1471
1472 Dhilum Nightingale, a Barrister and I live in Te Whanganui-a-Tara. I am
1473 chairing both panels.

1474
1475 McGarry: Good morning, Sharon McGarry. I'm an Independent Commissioner based out
1476 of Ōtautahi Christchurch.

1477
1478 Kake: Mōrena Puawai Kake. Independent Commissioner and Planner from Northland.

1479
1480 Wratt: Mōrena, Gillian Wratt, Independent Commissioner based in Whakatū Nelson.

1481
1482 Stevenson: Mōrena, Sarah Stevenson. I'm an Independent Planner and Commissioner based
1483 here in Te Whanganui-a-Tara Wellington.

1484
1485 Chair: The floor is yours. Would you like to start with introductions and then however
1486 you would like to present your submission?

1487
1488 Bruce: Hi I'm Gavin Bruce.

1489
1490 Askin: I'm Louise Askin.

1491
1492 Hume: Hi, I'm Sharon Hume.

1493
1494 Grace: Michael Grace.

1495
1496 Best: Hamish Best.

1497
1498 Askin: Thank you, I will kick off. We thought maybe we could all talk and then have
1499 questions at the end, but if there are pressing questions feel free to put them
1500 through.

1501
1502 Kia ora koutou. I'm Louise Askin. I was co-chair of Te Whanganui-a-Tara
1503 Whaitua Committee and on that committee I also represented my rural
1504 community, like Dianne was the rural representative.

1505
1506 It's great that two of my committee colleagues have spoken in earlier hearings
1507 and also Dianne just before. There will be a few similarities in our presentations.

1508
1509 I also work closely with farmers and small block owners across the Makarā and
1510 Ohariu Catchment facilitating revegetation and stream and restoration projects
1511 as part of our local community group.

1512
1513 We have seen a big increase in revegetation work in our community in the last
1514 seven years, partly tied to the GW resourcing that Jamie Peryer talked about
1515 earlier, and other drivers around that have motivated that.

1516 [03.00.10]

1517 The focus of my submission, my original submission and my comments today
1518 is, how Council can best use a natural resources plan to support Wellington's
1519 rural community as long term, enduring and invested kaitiaki of the bulk of the
1520 whaitua streams compared to the city.

1521
1522 The good thing is that Council already has a plan for this – the Whaitua
1523 Implementation Programme and Te Mahere Wai that was developed by mana
1524 whenua.

1525
1526 My focus is really how well Plan Change 1 has implemented the communities
1527 recs that are in this document which we'll call the WIP.

1528
1529 My submission is much more focused then when I was on the Whaitua
1530 Committee. I am just looking at some of the implications for farms with over 20
1531 hectares grazing land and some aspects of the small blocks, but not forestry,
1532 earthworks, vegetation clearance etc. purely due to time which everyone
1533 struggles with busy lives.

1534
1535 A recap on the whaitua process: Greater Wellington took the impressive
1536 approach of running a collaborative decision-making process with their
1537 communities and mana whenua to give effect to the NPS-FM. That was bringing
1538 people together and bringing diverse views together to create an agreed plan.
1539 The process aimed to integrate scientific rigor, like what we have heard about
1540 over the first two days, also with community drivers and aspirations and mana
1541 whenua values. It was a big job over several years and produced this programme.

1542
1543 Tim Sharp in Hearing Stream 2 said the foundations for the plan change are the
1544 two whaitua processes. This was the intention at least.

1545
1546 We produced 111 recommendations to help achieve target attribute states over
1547 time and we set a pace of change towards an end goal of wai ora or healthy
1548 water. It is important to note that we did not say "get to these target attribute
1549 states in whatever way possible" – we set out some specific recommendations.

1550
1551 The process also highlighted where Greater Wellington might be more stringent
1552 than the national rules – based on local issues and community values. There was
1553 discussion on stringency on Monday.

1554
1555 Thanks to the rural community, especially my own community in Mākara and
1556 Ohariu, for engaging in the whaitua process and helping shape the rural
1557 recommendations.

1558
1559 Our final recommendations reflected their perspectives and I share their
1560 disappointment that this didn't flow through into the notified Plan Change.

1561
1562 To test our committee's thinking, I also ran the draft recommendations past
1563 Federated Farmers to give them a real grill. I told Federated Farmers that if they
1564 engaged on this then it there wouldn't be much to fight about in the Plan Change
1565 process, because we would have a really tidy product that would work for
1566 everyone.

1567

1568 So, a shout-out to Liz McGruddy, who was working with us and Federated
1569 Farmers, for the constructive input she provided at the whitua process stage,
1570 and also in the notified plan change stage - to me and to Diane.

1571
1572 We presented as a committee our programme and Te Mahere Wai to Greater
1573 Wellington and the city councils in late 2021. The Council then drafted the Plan
1574 Change to reflect aspects of our work. Council didn't engage with the Whitua
1575 Committee during the drafting process despite a "Whitua Reference Group"
1576 being formed. We didn't have any input to that.

1577
1578 Two years on the Council notified the plan change and it was an incredibly
1579 fraught period as people discovered proposed rules wildly different to what the
1580 community had recommended – and they experienced no meaningful
1581 engagement from Council except for one fateful workshop, which we will
1582 remember in Ohariu.

1583
1584 The notified plan change largely ignored the WIP's rural recommendations and
1585 also the people who look after the land. There had been a significant disconnect
1586 within the Council between their whitua implementation work and their
1587 drafting of the plan change - by the looks of it anyway.

1588
1589 The notified Plan Change proposed broad rules, tight timeframes, massive
1590 financial and social impacts and barely any of the non-regulatory support
1591 measures that we deemed essential for improving water quality – things that can
1592 sit in a plan changes as provisions or methods.

1593
1594 It is important to recognise that rural land and water management is actually
1595 about people as well – it's not just about rules. Stewardship, kaitiakitanga and
1596 behaviour change within communities.

1597
1598 The WIP recommendations acknowledged this and the range of levers that
1599 would help support the community transition through in that role, as opposed to
1600 just relying on rules and plan, or mainly relying on rules.

1601
1602 Non-regulatory methods also provide people with the missing information or
1603 resourcing they need to carry out their on-farm work. Councils across the
1604 country see huge levels of revegetation and stream protection through their
1605 voluntary, non-regulatory programmes. My neighbours here will touch on some
1606 of the work they've been doing over the last few years too.

1607
1608 I also want to just briefly note that normal people cannot engage in this type of
1609 council planning process. It's very resource and time intensive, and the
1610 understanding it takes to get through the documentation etc.

1611 [03.05.05]

1612 The whitua process was really good because it provided another avenue for
1613 that, but it then relied on the Council honouring and implementing the
1614 recommendations that were presented.

1615
1616 Some general comments on the proposed changes that have been made in
1617 response to the submissions.

1618

1619 I think they do a much better job of implementing the whitua recommendations
1620 and therefore I do support most of them. It was really good to see them when
1621 they came through.

1622
1623 Same as I would still like to see more of the non-regulatory methods that were
1624 proposed in the WIP included in the plan change, as well as outside the plan
1625 change.

1626
1627 An interesting development in the submission from Greater Wellington, the next
1628 version, was that the Council has obviously had enough of central government's
1629 delays in updating the national freshwater programme and has decided to make
1630 their own FEPs mandatory and create their own low slope stock exclusion map.

1631
1632 Our whitua process relied heavily on central government having done that,
1633 hence our recommendations mainly being non-regulatory. So, I kind of get the
1634 logic in doing that.

1635
1636 I don't disagree with it, but I do want to flag a couple of risks that do come with
1637 doing that, that need to be managed.

1638
1639 One is that the Council now becomes the bad guy rather than central government
1640 and that jeopardises the ability to partner with the community. I don't have
1641 solutions for that, but just noting it.

1642
1643 Two: adding two very significant rules at this late stage (so that's the mandatory
1644 stock exclusion and FEPs), after most submitters have already done their bit and
1645 checked out, isn't great for community awareness. I think that was a challenge
1646 and I suspect very few people will know that Council have proposed those
1647 things.

1648
1649 In terms of specific provisions:
1650 Farm Environment Plans: I support the use of the certified Farm Environment
1651 Plans, though noting the risks arising from them being compulsory. Various
1652 farm plan structures are often a constructive, informative tool for landowners,
1653 usually when they're voluntary.

1654
1655 I support Jamie Peryer's comment that there must be a plan for how they're going
1656 to integrate with Freshwater Farm Environment Plans if that comes to pass from
1657 central government, to reduce duplication. That's not clear in the S42A material
1658 at the moment.

1659
1660 On Monday someone mentioned that "collective responsibility is the only way
1661 to manage" I think it was the achievement of a target attribute states, in the
1662 catchment. I thought, that may be true with a scientific-modelling lens but it's
1663 not in terms of practical mitigation in the catchment – it must be at a farm scale.
1664 So this move to farm scale plans I think is really good.

1665
1666 Provisions around small properties: I support removing the N monitoring
1667 requirement – a high regulatory burden for little benefit. However, as a whitua
1668 committee we did want some provisions around small blocks in there. So I
1669 support the "method" to investigate what's happening in those blocks,
1670 particularly around source of E.coli. I also support the low slope stock exclusion

1671 rules being applied to the small properties if it's also being applied to the larger
1672 ones, as they're usually located along the mainstreams in the whaitua.

1673
1674 Stream bank erosion risk map: good to see acknowledge of stream bank erosion
1675 and interestingly Les Basher pointed that out earlier on that that's a source of
1676 sediment in this catchment.

1677
1678 I'm not confident the map though will actually provide any value compared with
1679 an onsite assessment given the site-specific nature of this particular issue.

1680
1681 Stock exclusion: the Whaitua Committee expected some compulsory low slope
1682 stock exclusion to occur since the MFE was proposing that at the time. I am
1683 unclear with this particular map how well designed it is – because I just know
1684 the MFE took about two years to develop theirs. Maybe it is a version for the
1685 MFE map. I am not sure.

1686
1687 I am also unclear to what degree it's expected to actually create those reductions
1688 in E.coli versus stream bank erosion and sediment levels. Around stock
1689 exclusion the Whaitua Committee also asked for horses to be included because
1690 that's one of the dominant or more intensive land uses in our whaitua catchment,
1691 but they haven't been included there.

1692
1693 In terms of sources of E.coli, there's an assumption that livestock are likely to
1694 be the main source of E.coli in the Makarā and Ohariu Catchment, however the
1695 WIP notes that farming is very low intensity and the source could also be septic
1696 tanks, horse grazing or avian.

1697
1698 We need better data on the source of E.coli and we also need a feedback loop
1699 for if local monitoring is carried out to then feed into the application of rules –
1700 as new info comes to light.

1701
1702 Small stream riparian programme: I support the removal of this. I also support
1703 the farm advisor certified discretion for retiring small streams in the Farm
1704 Environment Plans. But, I acknowledge that small streams are particularly
1705 valued in Te Mahere Wai, in the mana whenua document. So I do support these
1706 things coming out, but only know because I know the Farm Environment Plans
1707 will pick that up and still assess the risks.

1708 [03.10.20]

1709 Sediment / Erosion / Revegetation: I support the more accurate naming of maps,
1710 the focus on “highest potential erosion risk” land, and use of that mapping as a
1711 guide, rather than mandatory treatment areas. These catchments are not high
1712 erosion risk and the proposed approach was not proportionate to the risk that
1713 exists.

1714
1715 I support the farm-scale assessment through a Farm Environment Plan to provide
1716 better assessment of actual risk therefore tailored mitigation that can be practical
1717 and have results. That's normal practice around New Zealand as well.

1718
1719 I support James Blyth's comment that the map is best used as guidance and that
1720 ground-truthing is needed. I support the proposal to allow a wider range of
1721 “appropriate erosion control treatments” to mitigate erosion.

1722

1723 “Woody vegetation” is ideal in a lot of situations, apart from grazing land but
 1724 it's just not viable in many mapped areas whether it's due to wind-farming and
 1725 the rules around that, or the harsh environment, etc.

1726
 1727 People need flexibility to innovate as well, so that gives them more options.

1728
 1729 A brief wrap-up: the first two days of this hearing focused on the reasonably
 1730 clinical approach taken to developing the plan change – that was the modelling
 1731 (based on imperfect data or a lack of data in some situations), the attribution of
 1732 impacts to activities (and that’s been contested by different submitters including
 1733 some of the experts), discussions on rates of change, and solutions that are
 1734 largely based on rules in the Council plan, required by the NPS-FM but it seemed
 1735 kind of in isolation in those discussions.

1736
 1737 So, I ask you as Commissioners to consider how the plan change can best
 1738 support the rural community to own the long-term enduring change – not just
 1739 what will tick the NPS-FM box; particularly given that we’ve got this change in
 1740 central government or politicians in terms of what the NPS-FM is going to do.
 1741 We can create something longer term than that, but it requires bringing the
 1742 community with the Council.

1743
 1744 There’s a lot of good change proposed in the S42A work, so that’s cool, but also
 1745 lots of room to better support the hard work done by the two whitua committees
 1746 and therefore support better implementation of their recommendations. It was
 1747 great to hear the comments that you will be looking more at that too.

1748
 1749 Thank you. Should we move to the next?

1750
 1751 Chair: Yes, absolutely. I also just want to say if we could get a copy of your speaking
 1752 notes that would be really helpful if you don’t mind. It doesn’t have to be now,
 1753 but in time emailing them to the Hearings Advisor Mr Ruddock. Thank you.

1754
 1755 Grace: Good morning Commissioners. My name is Michael Grace. That’s a hard act to
 1756 follow but I will do my best.

1757
 1758 I’m a director and shareholder of Terawhiti Farming Co Ltd, Te Kamaru Station
 1759 Ltd, and Te Mārama Ltd. All three properties are collective known and farmed
 1760 as Terawhiti Station. For context it's a significant portion of the west and south
 1761 coast of rural Wellington. Terawhiti is the largest landholding in the
 1762 Wellington City boundaries and comprises approximately 4,800 hectares.

1763
 1764 I am here today speaking on behalf of my family’s significant interest in this
 1765 proposed Plan Change. My family has been farming Terawhiti since the 1840s.
 1766 We have had to face a lot of challenges over the years, and we believe that Plan
 1767 Change 1 is the latest threat to the farm – and I don’t say that lightly.

1768
 1769 We are not, however, opposed to improving the natural environment. Indeed we
 1770 want to leave it in a better state than we inherited it for future generations. We
 1771 have already retired over 1000ha to regenerating bush and have planted over
 1772 10,000 mostly native trees.

1773

1774 Terawhiti Station was the foundation property from which the Capital Kiwi
 1775 programme sprung and was able to flourish. We are voluntarily, and actively
 1776 engaging in activities that are enhancing the environment.
 1777

1778 Not to my general comments:
 1779

1780 Our view is that the consultation process before the notification of Plan Change
 1781 1 was poor, and, as to be expected, PC1 in its original notified form was simply
 1782 unworkable.
 1783

1784 Significant time and money was invested in the Whaitua process – as Louise has
 1785 outline, yet when Plan Change 1 was originally notified virtually none of the
 1786 rural whaitua recommendations were incorporated. A lot of time and angst could
 1787 have been saved had those recommendations been incorporated into Plan
 1788 Change 1 before being notified.
 1789

[03.15.10]

1790 Our view is that there was a conspicuous lack of guidance (online or otherwise)
 1791 from Greater Wellington when trying to navigate through the Plan Change
 1792 documents.
 1793

1794 There have been so many changes that it has been very difficult to follow the
 1795 latest version and confusing about what is being sought. It was only last week
 1796 that I learnt that the low slope provisions now only apply to the Makara/Ohariu
 1797 catchment, and not the Ministry for the Environment’s region-wide low slope
 1798 map. As I say, a very confusing process.
 1799

1800 From the outset I want to make it clear that the station is not against targeted
 1801 actions that will improve water quality – where it is proven to be poor.
 1802

1803 Mr. Willis in his rebuttal evidence (point 80) suggests that PC1 aims to take a
 1804 low-cost approach to managing contaminant loss risk from farms. If only that
 1805 was reality.
 1806

1807 In actual fact the costed certified farm plans will only be a small cost of the
 1808 implementation and maintenance of these proposed rules.
 1809

1810 What is being ignored is the cost to other areas of the environment and the
 1811 community. Fencing off waterways is a huge initial cost to the environment, and
 1812 the landowners.
 1813

1814 The salt-laden Makara wind means this fencing has to be renewed every 15 – 25
 1815 years (cost).
 1816

1817 Regular flood damage will mean ongoing repairs at much shorter intervals
 1818 (cost).
 1819

1820 Alternative water sources will need to be provided for grazing livestock on the
 1821 remaining land (cost).
 1822

1823 It will also mean more stock reliance on smaller waterways – surely that’s a
 1824 perverse outcome.
 1825

1826 Less grazing area means less income for the farmers and in turn wider
1827 community. We already have a very low stocking rate, but as a consequence of
1828 both the reduction on effective grazing land and the costs incurred we may have
1829 to increase the rate in order to simply stand still – is this a positive consequence
1830 of the proposed changes?

1831
1832 In time the flow on effects will ultimately mean less jobs and income for farm
1833 staff, truck drivers, meat workers, shearers, etc. What we don't see from this
1834 policy is how the sector is going to be able to replace this lost income.

1835
1836 Mr. Willis in his rebuttal evidence (points 95-96) agrees with Dr Greer's
1837 assessment that all properties upstream of the Makara/Ohariu monitoring site
1838 contribute to the water quality. Yet he does not recommend actually trying to
1839 actually find the source of the contaminants. Why – because it's too expensive
1840 for the council. Yet it is acceptable to lump the cost with farmers without
1841 understanding the sources of contaminants.

1842
1843 Regarding E.coli, as Louise has mentioned, sources Mr. Willis (point 161) notes
1844 that Dr Greer disagrees with submitters who say the source of E.coli is unknown
1845 and Dr Greer's opinion is that large reductions in E.coli from livestock will be
1846 necessary throughout the entire catchment to achieve the E.coli TAS. Yet there
1847 is no evidence specifically that farmed cattle in particular is a significant source
1848 of E.coli.

1849
1850 We know through the rural whitua work that there are high concentrations of
1851 horses grazing in Ohariu Valley, yet horses do not have to be excluded from
1852 waterways under PC1.
1853 There are also a significant number of septic tanks situated in the valley floor.
1854 And what about avian E.coli sources?

1855
1856 Well, we don't actually know what the sources are, yet a blanket and costly
1857 approach applies.

1858
1859 With regard to Mr. Willis' Large Blocks rebuttal section (point 220) we take
1860 exception to the view that requiring a certified FEP is a 'light regulatory touch'
1861 by recent standards. For almost 180 years we have been farming within the rules.

1862
1863 There is now a risk that cost conscious and practical solutions outlined within
1864 the FEP may not be accepted by the certifier. We would then require a Resource
1865 Consent to continue farming – this wouldn't be a light touch, this would be the
1866 proverbial banging over the head of the regulatory stick. While I don't want to
1867 sound melodramatic there are very real risks and costs that we are now facing
1868 because of this plan change.

1869
1870 With regard to erosion risk mapping we support the deletion of the 'high erosion
1871 risk' map and the subsequent proposal to use the new potential erosion risk land
1872 map as guidance only in the FEPs.

1873
1874 The previous requirement to establish woody vegetation on the highest erosion
1875 prone land was completely unworkable, not ground-truthed, and would have
1876 been a further waste of money. We have already tried planting both natives and
1877 exotics in some of these erosion prone areas – between the soil types, pests and

1878 the salt wind nothing has survived. Therefore we supported those proposed
1879 amendments.

1880
1881 Finally, with regard to stock exclusion, we support the deletion of the Small
1882 Stream Riparian Programme.

1883 [03.20.00]

1884 We are also supportive that the stock exclusion provisions now only apply to the
1885 Makara and Ohariu catchments, and only to the areas identified as low slope
1886 land within the catchment.

1887
1888 We also support the amended Schedule 36 Provision F (on page 325 of the full
1889 plan change document) which allows for an assessment within the FEP to
1890 identify where excluding stock from waterways would be impractical. That is an
1891 important change. We do however seek that the consideration of cost be included
1892 in clause F2.

1893
1894 Clause F2 (c) talks about the adverse effects of earthworks outweighing the
1895 benefits. Yet there is no mention of farm economic viability being an important
1896 consideration. To us that is of equal importance when we seek to achieve our
1897 triple bottom line goals of profitability, social and environmental.

1898
1899 Therefore we seek the inclusion of cost as being an equally important
1900 consideration when evaluating whether stock exclusion is practical or not.

1901
1902 Thank you for your time and we hope that you are willing to consider our
1903 concerns about how this plan change will impact us, and indeed the region.
1904 Thank you.

1905
1906 Bruce: Good morning Commissioners. As I've said I'm Gavin Bruce. Our family have
1907 been farming the Ohariu Valley since 1918 – relatively newcomers actually
1908 when you hear how long these other families have been here.

1909
1910 I'm not going to repeat too much of that stuff, but I think it's important to
1911 reiterate where the area has improved in its response to erosion and water
1912 quality.

1913
1914 Over the years we've implemented several measure to combat erosion and
1915 enhance water qualities and these efforts have led to significant improvements
1916 in sustainability and health of our land.

1917
1918 To this end, I'm going to outline where we have been. Let's look at the '70s to
1919 the '90s. There were several dairy and pig farms operating, which were all
1920 discharging into the Ohariu Stream. Ewe numbers were probably at their peak
1921 with approximately 25,000 sheep and 3,000 cattle in Ohariu alone. With Makarā
1922 this would have doubled. Super-phosphate was being applied in an expansive
1923 manner with little consideration to waterways etc. Mob stocking was used to
1924 remove rough feed and promote better growth. Unfortunately this promoted
1925 excessive runoff and discharges of effluent from the hills. Waterways were
1926 being cleared of willows to prevent flooding. Pine planting began to appear.
1927 Some water quality testing was done in early 2000's by Ag Research.

1928
1929 Where are we now?

1930
 1931
 1932
 1933
 1934
 1935
 1936
 1937
 1938
 1939
 1940
 1941
 1942
 1943
 1944
 1945
 1946
 1947
 1948
 1949
 1950
 1951
 1952
 1953
 1954
 1955
 1956
 1957
 1958
 1959
 1960
 1961
 1962
 1963
 1964
 1965
 1966
 1967
 1968
 1969
 1970
 1971
 1972
 1973
 1974
 1975
 1976
 1977
 1978
 1979
 1980
 1981

There are no dairy, pig or chicken farms in the area, so there's been a huge instant improvement of water quality. Stock numbers have reduced by fifty percent at Ohariu and probably seventy percent in Makarā – a much less intensive approach.

Fertiliser is applied to areas with specific demands and is applied using GPS – often with helicopter to be more precise, or directly drilled. Lower stocking rates means less demand.

Mob stocking is used but with lower numbers and it does not involve clearing paddocks to bare dirt. A more regenerative approach giving much less run-off. Willows were replaced by pines on a lot of steeper faces above streams. Works well until the trees start to fall over or riverbanks collapse and trees fall in. Large areas of planting would protect some waterways for thirty-odd years, until as the East Coast found harvesting becomes a problem.

Ag Research did a study and report in 2004 which showed a healthy stream more so up by Makarā School where red gilled cockabullies' were found – indicating apparently very clear water.

Some sediment was found but the main issue was water heat, and possibly testing may have only been necessary in the Ohariu Stream, because I'm confident the Makarā won't have deteriorated in any way.

What next?

I think we can agree that there have been a lot of improvement to farming practices. Land retirement, whether by choice or necessity is contributed, but we must be mindful that this country needs productive land to keep producing for the future prosperity of all residents.

Does fencing-off waterways work or will be pulling them out in thirty years or before to stop flooding? I'm unsure.

Will it reduce E.coli? Without testing we have no idea where waterways are. Indeed they may be healthier than we think. For the Regional Council to dismiss testing is too expensive and time-consuming and does us all a disservice. Surely it is about doing it once right.

[03.25.00]

How expensive and time consuming is fencing off streams or spraying gorse and blackberry that will grow within these confines? We also have to be mindful that there is only a certain level of production that the farmers can drop to before they come completely unsustainable.

To finish I reiterate the water sampling should be the main focus before any arbitrary decisions are made.

Thank you.

Hume: Kia ora I'm Sharon Hume speaking today as a person who has a deep historical with Ohariu Valley, and in particular our farm that has been in the family for

1982 now six generations, starting with Henry Hume purchasing a block of land here
 1983 in 1868 – so Gavin you’re a newcomer.
 1984
 1985 Ohariu Valley, including our farm, is not without its challenges as farmland. It's
 1986 windy, steep and rocky. The soil does not naturally produce the lush pasture of
 1987 other areas of New Zealand, which means we need to farm in a low intensity
 1988 way to be successful and we need to be innovative.
 1989
 1990 In most cases around here farmers have other income streams and small
 1991 businesses to help make our land economically viable. Luckily our proximity to
 1992 the capital city allows this and assists this.
 1993
 1994 My family and neighbouring farmers care deeply for their local environment and
 1995 our current plan for the farm is to create areas within the land that encourages
 1996 the growth of native flora and fauna including kiwi.
 1997
 1998 Thanks to the local financial support and hours of labour we are fencing and
 1999 planting most of our low lying waterways. My family alone planted over 800
 2000 trees last year and have at least 500 and counting waiting to plop in the ground
 2001 this year, and I believe that locally over 60,000 trees have been planted recently
 2002 and 600 hectares of land has been retired. All this without being told.
 2003
 2004 Now onto what we are potentially being told by the Greater Wellington Regional
 2005 Council in the proposed change.
 2006
 2007 Most points in my original submission have been addressed by the rebuttal of
 2008 Gerard Willis, which is pleasing; and to this end I would like to support the
 2009 following proposed changes.
 2010
 2011 I support that in terms of the local erosion control and risk mitigation each farm
 2012 in Ohariu Valley and Makarā is treated individually, as opposed to a one size
 2013 fits all approach.
 2014
 2015 Compulsory retirement of areas seemingly only assessed from the view of
 2016 someone’s computer in the city, as opposed to a proper assessment, does not
 2017 properly assess the actual erosion risk and also does not acknowledge the
 2018 practicality of fencing and retirement of land.
 2019
 2020 All the large farms in our neighbourhood are managed by people who have
 2021 generations of knowledge around the behaviour of waterways, terrain and stock.
 2022 This needs to be taken into account. On our farm slips are actually extremely
 2023 uncommon.
 2024
 2025 The blanket approach also doesn’t take into account where the high levels of
 2026 sediment are actually coming from. Why should we all be subjected to
 2027 prohibitive rules when we don’t even know if our piece of land or livestock are
 2028 actually contributing to the problem? Surely targeted monitoring and a lot more
 2029 monitoring of the problem sediment is required. It seems that we don’t actually
 2030 know if our livestock and large farms are contributing to the problem, and so
 2031 blaming us is really just a guess, which to me isn’t very scientific.
 2032

2033 Official farm plans as opposed to the ones we do anyway as responsible business
 2034 and landowners are a necessity of most New Zealand farmers these days. Of
 2035 course we are happy to accept these, but I do hope they will assist us in our
 2036 planning and not incur yet another substantial running cost to farmers and to
 2037 submit us to another ‘red-tapey’ bureaucratic process.

2038
 2039 I support though the recommendation to a more flexible approach to appropriate
 2040 erosion control treatment is encouraged, and that individual Farm Plans will
 2041 allow a higher degree of tailoring to appropriate solutions for each farm.

2042
 2043 A little on stock exclusion: I was pleased to read on page-47 of s42A report by
 2044 Gerard Willis, “I accept that exclusion may not always be practicable on steeper
 2045 land. I also accept that for some streams stock exclusion may be unnecessary
 2046 due to the presence of natural barriers, meaning stock access is highly unlikely.
 2047 This may occur for example with **streams** [03.29.30] with steeply incised
 2048 channels.”

2049
 2050 Simply put, stock will choose easy spots to get water from and graze from. If
 2051 there’s an easy option like a trough stock will wander there rather than risk life
 2052 and limb on a steep slope. We see it every day. Likewise, they won’t actually
 2053 venture onto steep slopes if there’s plenty of grazing on the easy slopes. It harks
 2054 back to my point about low intensity farming. Steep slopes will not be
 2055 compromised if stock levels are kept regional which they are.

[03.30.00]

2056
 2057 A quick word on costs: as alluded to earlier we don’t farm in the Ohariu Valley
 2058 to get rich. The cost implications of fencing, planting, water reticulation, farm
 2059 plan consulting, water testing will add up very quickly and may well quickly
 2060 become prohibitive.

2061
 2062 Targeted financial support for us, to help us enhance the local water quality and
 2063 biodiversity will be imperative to ensure it's done for the greater good. For this
 2064 to fall on local farmers alone would seem very wrong.

2065
 2066 Not to end on a negative but the difficulty of the process: it would be great for
 2067 future consultation if it was done in a more accessible and meaningful way. It
 2068 would have been a lot easier to have our say. It would be really great if the pre-
 2069 requisite to engaging was not to have to navigate the 350 page document. I feel
 2070 like you’ve lost quite a few folks at this point.

2071
 2072 Also, I really hope that the maps are going to be readable. Currently the maps
 2073 and appendices are illegible and I couldn’t even find where our farm was.

2074
 2075 In conclusion, we look forward to practical, workable and sensible solutions
 2076 from Greater Wellington Regional Council to ensure our water quality and farm
 2077 lifestyle is future-proofed. I remember well the days of jumping off my horse
 2078 and slurping a drink from our creek. Let's hope that together we can get back to
 2079 that for future generations.

2080
 2081 Best: Lucky last. Firstly thanks for giving up time to hear us all today and for travelling
 2082 so far. My name is Hamish Best. I’m farming down at Ohariu and am another
 2083 long term family there, but we won’t get into dates. Currently farming Huiawa

2084 there leasing the farm, plus another block up that hill and directly feeding
2085 Wellingtonians through our red meat resale brand Conscious Valley.

2086
2087 I'm going to cover off a lot of similar things but probably from a different angle.
2088 I've never done one of these before so I didn't know how detailed they were in
2089 terms of clause x and number y and whatever; so I was probably not able to
2090 relate to specific numbers. But, I think you guys know what they are.

2091
2092 Firstly talking about water quality and E.coli and sediment and what-not. From
2093 and on-the-ground perspective a lot of the sediment is coming from roading,
2094 earthworks and those sorts of things. However, the tracks that we have on a lot
2095 of the properties aren't farm tracks, they're there to support nationwide
2096 infrastructure such as wind turbines, Transpower pylon system and all of the
2097 maintenance is done by them.

2098
2099 A classic example is we have two sediment traps not far from each other. One is
2100 straight down the hill from a lot of the main roading, and another one is basically
2101 in the farm quite far away from the roading. After a rain event they are two very
2102 different colours. One is full of roading sediment and the one that's on the farm
2103 looks like nice drinkable stock water.

2104
2105 We need help testing our streams to see where the sediment problems start and
2106 finish. Blanket rules are applying to everyone because one measurement at the
2107 bottom of the Makarā Stream is not good enough in my opinion – and I'm a data
2108 person with a science background. I love numbers.

2109
2110 Places where E.coli could come in Forest & Bird would probably not be happy
2111 that there's thousands of Paradise Ducks at the start of the Mill Creek at the
2112 Pakarere Dam, where I'm sure E.coli from the avian variety is going to start
2113 from the start.

2114
2115 There's also a bird sanctuary located right next to the stream, which I am sure
2116 will be contributing a lot of avian E.coli, and of course Ohariu Valley Road
2117 where there's a lot of cuddly animals that tend to pug the ground up.

2118
2119 Huiawa means meeting of two waterways. On our farm we have one stream that
2120 comes mainly through Mr Bruce's property and farmland, and the other one
2121 comes from the Ohariu residential range and they are two very different colours.
2122 They are two very different colours when there's a rain event. Earthworks and
2123 subdivision and what-not up the Ohariu Stream contributes a lot more sediment.

2124
2125 Speaking of that, the four to twenty hectare blocks, they need accountability for
2126 what they're putting in because they're mostly around low-lying flat areas. They
2127 are very close to streams and they are often over-stocked with non-productive
2128 cuddly animals that do not provide food for the local community.

2129 [03.35.10]

2130 There are good operators. One of them is sitting at this table. She has her horses
2131 in very well-managed fenced paddocks. They rotate around. There is grass
2132 management. But, if you go past the riding school and you've got mud and what-
2133 not with a lot of horses stocked on a small area of ground.

2134

2135 We need to have some way of making four to twenty hectare farms accountable.
2136 These lifestyle blocks do cause soil damage and erosion and they increase the
2137 nutrient load on the soil through their pugging, and when they run out of food
2138 they often bring food in from a bag (supplementary feed) which is a big source
2139 of nutrients in your overseer budgets.

2140
2141 I acknowledge the rebuttal that the four to twenty hectare owners would create
2142 a lot more work for the Council, but if you're serious about getting everyone
2143 involved then we need these people to be accountable for what they are doing.
2144 Having third party people certify the farm plans, is like what happened when I
2145 was living in the Hawkes Bay. That probably helped reduce the workload.

2146
2147 Removing on to fencing off of flat land, minimising cost to farmers is important
2148 – potentially only being single wire fences to exclude heavy ruminants – cattle,
2149 deer, horses – would be important, but also on flood prone land those fences are
2150 going to be wiped out probably once every ten years maybe.

2151 Trust me, gorse spraying and fencing are the two biggest jobs that aren't stock
2152 related on the farm. We don't really want to have to lift that level of fencing.

2153
2154 The other way to help get stock out of waterways is to help fund reticulated
2155 water systems to keep animals at the tops of the hills, to keep them away from
2156 bogs, rivers and creeks. An animal would much prefer to drink fresh trough
2157 water than bog water or creek water.

2158
2159 In terms of the erosion risk land, I suppose that it needs to be assessed on a farm
2160 by farm basis. I loved geography at school but those maps scared me.

2161
2162 Saying that the majority of our land is erosion prone to me is interesting. I have
2163 lived in the Hawkes Bay a long time and our soil types are very different. We
2164 have firm brown soil types which Land Care Research say are a relatively stable
2165 topsoil with a well-developed structure on top of a solid sub-soil. We are not
2166 talking about some of the East Coast soils which you've got two very river beds.
2167 You've got rivers that are in our area swimmable. You can see the bottom and
2168 you feel safe in them. Over in certain parts of the East Coast you've got parent
2169 materials which are pallic soils which have slow permeability with limited
2170 rooting depth and medium to high bulk density which are very susceptible to
2171 erosion because of their potential for slacking and dispersion.

2172
2173 So I think having parent material in our minds when we are talking about high
2174 erosion risk is also important. Most of the erosion on our place occurs from
2175 artesian water which is basically water sources developing underground. They
2176 cause tomos and things like that which are a real nuisance when you've got
2177 young stock. Where erosion has occurred on our farm since I've been back it's
2178 these tomos and the underground water systems. Fencing them off and planting
2179 is not going to change a lot.

2180
2181 Then the last point about erosion prone land on our particular farm, like Mr
2182 Bruce said, he said that the stocking rates have reduced in the last twenty to
2183 thirty years, which has meant the animals aren't forced into these steeper areas
2184 to graze and to keep themselves fed. This has resulted in a lot of scrub
2185 development or Mahoe, Manuka, Tauhinu growth in a lot of the very steep areas.
2186 I would love to take some council members out and show them these steep areas

- 2187 and have a walk-through of these high risk erosion zones, which are already in
 2188 a lot of scrub and what-not. No doubt that will be assessed in our individual farm
 2189 plans and hopefully be discarded to fence off.
- 2190 [03.40.00]
- 2191 Planting the steepest areas that are currently regenerating native scrub won't
 2192 particularly slow off sediment or run-off and I think common-sense will need to
 2193 be applied for if you want Wellingtonians to be able to enjoy and eat locally
 2194 grown beef and lamb.
- 2195
- 2196 To sum up the Council need to invest in testing, make sure small land owners
 2197 are just as liable as us, especially if they have high stocking rates of certain big
 2198 animals, and to use common sense for fencing waterways and managing steep
 2199 land instead of the blanket approach.
- 2200 Thanks.
- 2201
- 2202 Chair: Thanks very much. We appreciate all of your perspectives on these provisions.
 2203 We have about twenty minutes, just so we all know, for questions. Is there
 2204 anyone who would like to go first?
- 2205
- 2206 Kake: Kia ora. Thank you. Very well written and received presentations.
- 2207
- 2208 Just a couple of questions and it's probably going to go across maybe a few of
 2209 you. Method 4 in your submission Mr Grace, you're supportive of Method 44,
 2210 that's correct? Method 44 talks about those non-regulatory processes that the
 2211 Council can undertake.
- 2212
- 2213 Grace: Correct.
- 2214
- 2215 Kake: I'm not sure if you've seen some of the revised wording but in that Method 44
 2216 Mr Willis has also included something around or to the effect of including
 2217 smaller or less than 20 hectare blocks. Have you seen that change?
- 2218
- 2219 Grace: No, not directly as I say. All the changes have been somewhat difficult to follow.
 2220 Doing our best but not that specific one, no.
- 2221
- 2222 Kake: We've just heard from another property owner in the whitua region who has
 2223 voluntarily undertaken the development of a Farm Environment Plan. I'm also
 2224 hearing that it's been considered from land owners in your particular community.
 2225 Just wondering how that might be working for you guys and what the challenges
 2226 are you might be facing. We are hearing that the support for Council is needed.
 2227 I'm just wondering if you've got any particular comment around that.
- 2228
- 2229 Best: I think if the Council want engagement with farmers on the Farm Environment
 2230 Plans this may already exist. But, if there is a very simple template to follow,
 2231 which I'm talking farmer simple and not politician simple, that would be quite
 2232 helpful.
- 2233
- 2234 Bruce: Firstly I would just like to say to Jamie and Catherine (I don't know if Catherine
 2235 is still here) but since they've come into the area, seven years ago maybe, it's
 2236 been like a breath of fresh air really. They've been proactive. Not overbearing
 2237 but really, really helpful. I think they could probably continue that with farm

- 2238 plan advice. We would really embrace that. As Hamish said, just simple and
 2239 “Can you comply with this, this and this?” “Yeah, let's do it.”
 2240
- 2241 Grace: I don't think in the scheme of Change 1 having the Farm Environment Plan is a
 2242 bad thing at all, and is reasonably easy to do from a farming perspective – not a
 2243 political perspective. As I say, as I mentioned in my submission, I guess it's those
 2244 unknown risks and threats that we might be facing that is very scary to us right
 2245 now. It might be just as I say being over the top, but those are risks that we see
 2246 in front of us at the moment, of not complying.
 2247
- 2248 Kake: Just a final question – it might be final, it might not be.
 2249
 2250 You spoke about tomos. Do you mean a cave, a tomo?
 2251 [03.45.00]
 2252 Best: Underground rivers which cause sub-surface erosion. Probably not as bad as you
 2253 can get in other parts of the country like around Takaka or those parts. We've
 2254 got a couple of particular areas where from the surface it looks fine and there
 2255 might be a small hole the size of a gold hole, and then a calf sticks its foot in
 2256 there and all of sudden it's a big cave. Mr Bruce helped me get a calf out of one
 2257 last year which looked very inconspicuous but underneath it was serious.
 2258
 2259 I call them tomos but I'm not sure what their real name is.
 2260
- 2261 Kake: I'm particularly interested in that because tomo is a cave and te ao Māori was
 2262 often the tomo in the caves some of our ancestors were buried there.
 2263
- 2264 Best: Okay, that might just a slang term that we've picked up on the farm.
 2265
- 2266 Askini: There was a question around farm plan uptake which we could talk to, but I think
 2267 it's also worth noting that in both whatua they're kind of strange peri-urban rural
 2268 areas. We don't have the same kind of sheep and beef industry discussion groups
 2269 or a lot of the norms that you might find in bigger farming areas. We're a little
 2270 bit under the radar with Beef & Lamb and Fed Farmers, other than of course
 2271 there's a plan change coming up. So that may also be feeding into why we don't
 2272 have so many farm plans in the area compared to other areas.
 2273
- 2274 McGarry: I'm interested in the people source tracking and that you would like some
 2275 assistance into finding out the source of the E.coli in the catchment. We've
 2276 certainly been on this with the Council in earlier hearing streams just to
 2277 understand what faecal tracking source work has been done throughout the
 2278 whatua.
 2279
- 2280 Grace: What you're really asking for is, you're not asking for an ongoing programme
 2281 of monitoring or anything like that; you're looking for a sort of one-off
 2282 investigation to be able to identify critical source areas. Am I getting you right?
 2283
 2284 I think it would necessarily have to be ongoing for a few years, just because of
 2285 the nature of the climate and whether we're getting a lot of run-off one year.
 2286 Basically it's really just narrow down the source of what may or may not be
 2287 there. I guess a simple example is you maybe test the top of your boundary, the
 2288 bottom of the boundary and if it's not deteriorating in between then probably the
 2289 source is not you. So you move up to an area.

- 2290
2291 Like I said, I think Makarā Stream will be probably miles purer now than it was
2292 in 2004, because basically it's just about retired down there most of it isn't it
2293 really – apart from Terawhiti and the odd smaller block.
2294
- 2295 I think you can probably pick maybe four or five spots and then just gradually
2296 we'll figure out where it is.
2297
- 2298 McGarry: The faecal source tracking actually will tell you whether it's human, ruminant or
2299 whatever.
2300
- 2301 Askin: I can respond to that. The issue is you can't address something if you don't know
2302 what the issue is and those are such different issues – septic tanks versus
2303 livestock versus avian and horses in the mix too. We recognised that in the
2304 whitua discussion. It was quite a key point, that if we want to address E.coli we
2305 need to look at what those sources are and that hasn't gone through to the plan
2306 change.
2307
- 2308 I'm just looking at one of the recommendations in the WIP which was GW
2309 provides more specific local information on water quality to communities
2310 through making existing data more readily available and collecting new data
2311 including via citizens science programmes, GW monitoring programmes and the
2312 integration of the two.
2313
- 2314 McGarry: So you're really looking for a new method in the plan which would require the
2315 Council to work with communities that have an E.coli TAS that's not being met,
2316 just to really start identifying the sources and then working with them to address
2317 those on a priority basis. The largest sources first kind of approach?
2318
- 2319 Bruce: I think it's really just to ascertain what the E.coli burden is – where it is and what
2320 it is. Is it avian? Is it cattle or sheep, or horses? Who knows. Or, septic tanks.
2321 [03.50.10]
- 2322 Pretty much you've got to source that. Find that and then we can deal with it. If
2323 it's stock we'll address it but it may not be. Let's find out what the cause is.
2324
- 2325 Askin: And, the method in a plan is certainly one way to do that.
2326
- 2327 Wratt: Perhaps just responding a little bit to that. Faecal source tracking is a routine
2328 technology which is used for identifying the source of faecal contaminant.
2329 Perhaps Mr Peryer do you know the degree to which it is already used by
2330 Council?
2331
- 2332 Peryer: I have limited knowledge of how it is used. I understand it's quite expensive so
2333 it is limited in its use. We have used it in some Kapiti catchments to identify
2334 exactly what they're asking for and it is useful in that regard. I think the biggest
2335 reason we haven't done it is the cost.
2336
- 2337 Greer: Do you mind if I jump in here?
2338
- 2339 Chair: Please. Go for it Dr Greer.
2340

- 2341 Greer: The Council has commissioned a report from SLR Consulting on the sources of
 2342 E.coli in the Makarā Stream and has supported the Makarā Community Group
 2343 in faecal source tracking which I believe has been undertaken but the data won't
 2344 be released back to the Council. I'm not entirely sure why but we can look into
 2345 that further. But, the Council has actively engaged in faecal source tracking in
 2346 the catchment and has not received the results of the investigations to date.
 2347 You will see in my reply evidence to Hearing Stream 2 that I have provided a
 2348 summary of the faecal source tracking data to date for the parts of PC1 where it
 2349 has been conducted.
 2350
- 2351 Askin: Louise Askin here, just responding to that, [03.52.15]. The Mākaracarpas did
 2352 receive a small amount of funding from Meridian to do this work and we had a
 2353 group that got together to do it. We've started that. It was a little while ago I'll
 2354 admit. We have been delayed. It's only for six samples because it is so expensive.
 2355 It's to give a bit of an indication. We need something a lot more significant than
 2356 that if it's to inform these types of rules that are proposed.
 2357
- 2358 Wratt: Thank you for that. I have one other question I think for Mr Best. In the rebuttal
 2359 revised version of Method M44, which I think Commissioner Kake referred to,
 2360 in clause (d) there, and this is in relation to small properties, that clause there
 2361 reads, "Investigate the contribution of small less than 20 hectare land holdings
 2362 to water quality issues and to the extent warranted develop and deliver a specific
 2363 programme of engagement and education with small land owners."
 2364
 2365 Is that the sort of action that you're looking for?
 2366
- 2367 Best: Yes, probably not a whole Farm Environment Plan but something that they can
 2368 quantify what they've got on their property and what they're carrying, and to
 2369 give the Council an idea of maybe the stocking rate isn't consistent with some
 2370 of the bigger farms around. If there are things in place that can monitor those
 2371 smaller blocks that would be very helpful I think going forward.
 2372
- 2373 Wratt: So, depends what comes out of that but I guess the intention is there to explore.
 2374
- 2375 Best: You don't want to over-burden them because it's not their primary focus. As in
 2376 the lifestyle the smaller block is. But, also if they are a source of contamination
 2377 and there's a lot of them then it's probably worth investigating – not to be
 2378 dismissed.
 2379
- 2380 Chair: It's perhaps that equity issue has been used a justification for some of these
 2381 provisions.
 2382
 2383 I'm interested in your submission, if we can call it the group submission. You
 2384 talk there about the provisions needing to have an accurate assessment of
 2385 sediment loss that's made at farm scale level.
 2386 [03.55.00]
 2387
 2388 The significant amendments that the officer is now proposing and I really
 2389 appreciate this is very complex drafting. You're not the first people that have
 2390 said that, so Mr Willis is going to have another look and see if these provisions
 2391 can be consolidated and perhaps simplified.

- 2392 The provisions now I think that is what they are trying to do. They are saying if
 2393 you're 20 hectares or more you do need to get a Farm Environment Plan that's
 2394 going to require someone coming out and having a look at what's going on, on
 2395 the farm, and identifying where there's potential sediment discharges and
 2396 working very much with the property owner to come up with mitigation
 2397 measures.
 2398
- 2399 Is the concern that this could be achieved as a voluntary approach rather than
 2400 through regulation? Because to me it does seem as if we are getting this on the
 2401 farm scale assessment happening now.
 2402
- 2403 Grace: I think the question still remains what is the potential scale of those events
 2404 basically and trying to understand at this stage what that cost might be is
 2405 unknown. And, 21,000 hectares versus 4,800 is a big question mark from our
 2406 point of view.
 2407
- 2408 Best: I guess to just further add to that a lot of the initial shock was as farmers who
 2409 have been looking at that land for multiple generations are these rule changes
 2410 going to result... the initial thinking was - is the Regional Council's initial goal
 2411 to get rid of farms in the area by making them plant trees, retire areas, make
 2412 them unviable blocks of land. I think there was a lot of angst thought because of
 2413 that, that the big stick was getting waved, and that there wasn't a great vibe from
 2414 the Regional Council towards farming.
 2415
- 2416 So as farmers we just want to make sure that we are doing our best to look after
 2417 the land. We don't want to lose topsoil. It's our most profitable asset. We want
 2418 to maintain that on our farms and be able to produce high quality red meat for
 2419 local people is what we like to do.
 2420
- 2421 As long the plan change doesn't involve us retiring these farms then that's the
 2422 biggest concern I guess for a lot of people.
 2423
- 2424 Chair: Unfortunately we are at time. As the others have said we really do appreciate
 2425 you taking the time out. I'm sure you would much rather be on your farms and
 2426 out there, rather than talking to us. We really do sincerely appreciate your
 2427 submissions and your presentations today. Thank you very much.
 2428
- 2429 Bruce: Thanks for listening.
 2430
- 2431 Chair: Do we have Mangaroa Valley Residents?
 2432
- 2433 [End of recording – 04.00.00]
 [NRP PC1 – HS3 Day 3 – Part 2]
- 2434
- 2435 Chair: Good afternoon Mr Anker and is it Ms Sinclair? Kia ora. Welcome.
 2436
- 2437 Mr Anker you probably know who we all are, you've presented to us before but
 2438 we'll do some quick introductions for Ms Sinclair in particular.
 2439
- 2440 Anker: I think I know all of you but Jodie won't. It's the first time she's been to the
 2441 hearing.
 2442

- 2443 Chair: Yes. We're the hearing panels, we're actually two panels with overlapping
2444 membership. We are making recommendations to Council on both the
2445 freshwater provisions and non-freshwater provisions of this proposed plan
2446 change.
2447
- 2448 My name is Dhilum Nightingale. I'm a Barrister and I live in Island Bay in
2449 Wellington.
2450
- 2451 McGarry: Hi, I'm Sharon McGarry. I'm an Independent Commissioner from Ōtautahi
2452 Christchurch.
2453
- 2454 Kake: Kia ora, Puawai Kake. Commissioner and Independent Planner from Northland.
2455
- 2456 Wratt: Hi, I'm Gillian Wratt, Independent Commissioner from Whakatū Nelson.
2457
- 2458 Stevenson: Mōrena, I'm Sarah Stevenson, an Independent Planner and Commissioner based
2459 here in Te Whanganui-a-Tara.
2460
- 2461 Chair: We have your submissions. Thanks very much for those. We have read them but
2462 over to you as to how you would like to present on these Hearing Stream 3
2463 provisions.
2464
- 2465 Anker: Thank you very much. Firstly I would like to apologise for the lateness of notes
2466 coming through to you. I've been having a week long fight with Telecom and
2467 they seem to think it's a good idea that I can't communicate. Sometimes I believe
2468 my wife feels the same thing. We believed that we had the problem sorted
2469 yesterday and today it's come back again. So it's nice to know that some things
2470 are consistent.
2471
- 2472 I was quite surprised in a way to read the s42A Report where it became quite
2473 clear that some of the ideas, such as measuring nitrogen at, weren't going to
2474 work because there was no effective tool to enable it to take place.
2475
- 2476 I must say that I concur with the whole concept that the small farm rules are
2477 probably not fit for purpose and should be dispensed with.
2478
- 2479 The proposals that we were looking at were first put in front of us prior to
2480 Christmas 2023. You will appreciate that that time of year is hectically busy for
2481 everybody and to try and get people organised, sorted out and submissions into
2482 you before Christmas it's a pretty big ask. But, I think you will see that from the
2483 numbers of submissions you received people did take the time and the effort to
2484 approach it seriously.
2485
- 2486 Those people have lived with genuine concern over the last eighteen months as
2487 to how those proposals were going to impact on them. And, now I'm seeing that
2488 perhaps they weren't adequately thought out in the first place and that we're
2489 back to square on in many respects.
2490
- 2491 The Upper Hutt Catchment for rural areas has got somewhat less than 800 rural
2492 properties and an even smaller number of that would fall into the four to twenty
2493 hectare bracket.
2494

2495 The thing that concerns me is that meaningful consultation September 2023
 2496 would probably have resulted in some of these proposals never even being put
 2497 forward, because the rural community in general is pretty constructive, and
 2498 given the opportunity to talk with people and explain their problems, explain
 2499 why particular concepts are going to be very difficult to put into place, the
 2500 community is normally only too happy to do that.

[00.05.15]

2502 The other thing that concerns me really relates to effective communication.
 2503 Greater Wellington seems to make the assumption that the rural community has
 2504 always been aware of what was taking place with the whaitua and the reality is
 2505 the majority have got no idea as to what even whaitua are. If you approached a
 2506 lot of people and said them “whaitua” they would look at you like, “What are
 2507 you talking about?”

2508
 2509 We get told as a community it's on the website and you only need to go to the
 2510 website and check and it will tell you. Well, most people don't even know that
 2511 website exists and even if they do they're not going to go on to the website and
 2512 dig for information. So there has to be a much more effective way of
 2513 communicating with the target audience, and what we are doing at the moment
 2514 isn't achieving it. It gets left to people like myself and the people who are going
 2515 to talk to you later from the Akatarawa region to organise their own
 2516 communities, and the biggest danger that you have got then is that the message
 2517 doesn't get through because it's coming third-hand.

2518
 2519 I don't know what the answer is, but I do know that as a community we need to
 2520 give it some serious thought, because a result of what's happened in 2023 has
 2521 meant that we've gone through a lot of time, effort and expense to come to a
 2522 conclusion that could have been reached before the proposals were even put
 2523 forward.

2524
 2525 That's me. Jodie is a neighbour. She lives in the Mangaroa Valley and has some
 2526 thoughts that she would like to express. So I will pass across to Jodie.

2527
 2528 Sinclair: Thanks Bob. I fit within that small farm of four to twenty hectare category. To
 2529 be honest, this all came about end of 2023 and obviously the proverbial was put
 2530 up all of us with this report with these objectives that were potentially needing
 2531 to be followed or put out.

2532
 2533 I got to the point where there were so many emails bouncing back and forth that
 2534 I've given up looking. But, Bob very kindly sent me an email and said, “Jodie,
 2535 I think the Council has listened to you. Your name is in this report.” I went,
 2536 “Ooh, okay, right, what did I say?”

2537
 2538 So basically I'm here to endorse the fact that I believe in the S42A Report the
 2539 author has said that the rules around four to twenty hectare management rules
 2540 need to be scrapped. I did hear what the gentleman said earlier, and there was
 2541 another lady with horses here.

2542
 2543 A lot of what they were talking about in terms of pasture management and
 2544 things, I don't think has actually been looked into. I don't wait until I've got no
 2545 grass to supplementary feed my horses. That doesn't even seem to compute is a

2546 Council issue for me. That seems to be if you wait until you've got no grass it's
2547 an SPCA issue.

2548
2549 I'm a lifestyle block. I'm one person with some horses. I'm not running a
2550 commercial enterprise. So to try and report on all of these things that actually
2551 Council has already got records for – you know my property, you know my land
2552 size, you know what my effective grazing area is, you know where my stream
2553 is. What is the purpose of me reinventing the wheel when all of that information
2554 is already readily available?

2555 [00.10.00]

2556 The stocking units is another thing – 12 stock units per hectare. I think I worked
2557 it out. It could be seen in two ways: either it's not an effective use of your land
2558 for stocking, or actually there's an over allocation of stocking units per hectare.

2559
2560 In my size property, basically it says I can have eleven horses, which I've got
2561 ten and a little pony. I supplementary feed six months of my year because I know
2562 full-well that pasture management to rely on grass alone wouldn't be sufficient.

2563
2564 But, then you've got the small farms that are four hectares or less. If you base it
2565 on four hectares that person could have seven horses and that's an overstock of
2566 a property of that size, and that's just basic maths on that.

2567
2568 It could be seen on both sides of the spectrum. I think there was another person
2569 that said, "What's 20 hectares versus 400 hectares?" It's being proposed that
2570 we're all managed the same when there's quite a vast difference.

2571
2572 So yes, I would much like to see any rules and regulations that are proposed
2573 around the small farms to be scrapped.

2574
2575 That's me.

2576
2577 Chair: Thank you very much Ms Sinclair and Mr Anker. So you're comfortable with
2578 the recommendations that came out in the s42A to now propose deleting Rule
2579 WH.R26 which is about the farming activities between four hectares and 20
2580 hectares; to deleting that and the equivalent deletion also in the other whaitua.

2581
2582 Were there any other provisions that you were particularly concerned about?

2583
2584 Sinclair: I think my big ones were around the registration and even there's the winter
2585 stocking unit. Me personally, I have horses. I don't run like I said a commercial
2586 enterprise, or even a hobby farm with beef or sheep. I don't kill off my horses at
2587 a certain time of the year and reduce my stock numbers. I don't have the luxury
2588 of another block of land somewhere else that I could off-cart my animals to.
2589 I think it's potentially the one size fits all approach doesn't work. That's probably
2590 what the big concern was for me. Like I said, there's a huge difference between
2591 four to 20 hectares and a large enterprise.

2592
2593 Anker: Can I just endorse what Jodie is saying there and say that it appears to both of
2594 us that adequate consultation would have shown the way in which those small
2595 farms are managing their land. It is very different. As you're aware my friend
2596 and neighbour is John Hill. John is looking at 300-odd hectares. The way that
2597 he manages his land is going to be totally different from the way that Jodie has

2598 to manage hers, and coming to that, how I have to manage mine because my
 2599 granddaughter has got a couple of horses and we're only sitting on a much
 2600 smaller area; but we use the same management techniques of making sure that
 2601 the animals are supplementary fed at all the times they are likely to need it. There
 2602 would only probably be three months of the year where we are not having to
 2603 actively supplementary feed the animals.
 2604

2605 So it become an animal health issue rather than a stocking type of issue.

2606 [00.15.00]

2607 Chair: Thank you. Yes, the officers also now are recommending that any stocking rate
 2608 limits are also deleted.

2609
 2610 I think you were here when the previous submitter, I think it might have been
 2611 Mr Best made a comment about there had been more nutrient discharges with
 2612 supplementary feed. Any sort of comments on that? Is there a way that that can
 2613 be reduced?
 2614

2615 Sinclair: I guess it depends on what you supplementary feed with. If I'm supplementary
 2616 feeding hay or baleage it's grass. I think it depends on what. But, then a prudent
 2617 landowner would undertake soil testing of their land, whether it be yearly. Every
 2618 year I get my land soil tested. I find out what levels of nutrients are in or have
 2619 depleted in my grass, and then make the decision as to how I fertilise my land to
 2620 ensure pasture growth and health.
 2621

2622 In a nutshell it depends on what you're supplementary feeding. I can't see any
 2623 of the horse feeds that we potentially buy in bags doing any harm. There's
 2624 already a lack of magnesium and selenium in Wellington grass anyway. I in
 2625 particular give selenium to my horses once a month because there is none in our
 2626 grass and I regularly supplement them with magnesium. My soil testing shows
 2627 those levels in my grass. I use manure basically to harrow my paddocks and
 2628 repute, but nothing ever goes into the water. I fenced off my whole perimeter of
 2629 the water. I do my due diligence to make sure that all levels are kept at optimum.
 2630

2631 I can't see that supplementary feeding would cause any issues because they're
 2632 designed in a way to keep optimal health – not only for the animal, but it's got
 2633 to come out. So it's got to be kept in mind when they do their testing on their
 2634 products.
 2635

2636 Chair: Thank you for that explanation. We've heard about the Council being keen to
 2637 promote increased use of good management practices, maybe along some of the
 2638 lines of what you've been describing as well throughout the community to
 2639 basically improve the health of rural waterbodies.
 2640

2641 These non-regulatory measures, would you support those? Would you support
 2642 working where you could in collaboration with environment restoration advisers
 2643 to improve or perhaps even make the uptake more widespread in the community
 2644 of these good practices?
 2645

2646 Anker: I think there's almost an assumption that the people going into a rural
 2647 community are not going to actively try to do everything they can to make that
 2648 community better than when they came into it.
 2649

2650 I've been in Katherine Mansfield Drive now since 1983. When we purchased
 2651 the property it was bare land and had previously been pastoral grazed farm and
 2652 had been let to go and was covered in Manuka, gorse and general scrub, and no
 2653 trees.

[00.20.15]

2654 Like all of my neighbours the first thing that a townie does when they go into
 2655 the country is plant trees. The whole of the area of Katherine Mansfield Drive
 2656 now bears absolutely no resemblance to what it did in 1983. In 1983 you could
 2657 stand at the head of the valley and look down where Katherine Mansfield is and
 2658 count every single housing plot that there was down there. If you do the same
 2659 exercise, if you can see more than three houses you're doing really well. All the
 2660 rest of them are engulfed in effectively a forest and it's a cross-section of
 2661 different types of trees.
 2662

2663 The same thing applies with looking after the soil. The point that I would like to
 2664 stress is that the community always welcomed practical advice. As an indication
 2665 of that Mangaroa Farms, who believe in regenerative farming, held a couple of
 2666 seminars in this last week relating to compost. The place was packed.
 2667

2668 So there is an active interest in doing what this particular plan change is trying
 2669 to achieve, but doing it voluntarily and all people look for is advice, practical
 2670 advice and "What is the best thing for me to do?" because nobody wants to leave
 2671 their land in a worse state than it was when they walked into it. All of us want
 2672 to see an improvement.
 2673

2674 To that extent I think we are all working towards the same end.
 2675

2676 Chair: Thank you Mr Anker. I think in the past you've showed us photos of the planting
 2677 and other work that you've done your land. I recall seeing those previous
 2678 presentations.
 2679

2680 Stevenson: Thank you Ms Sinclair. A really compelling and clear commentary. I just want
 2681 to round back to the comment you made about providing information, and that
 2682 you're not a business and you would be required to provide information the
 2683 Council already has, etc.
 2684

2685 Specifically to the method that was introducing that requirement, Mr Willis in
 2686 his S42A Report has proposed that method is deleted.
 2687

2688 A very obvious question, but you're comfortable with that?
 2689

2690 Sinclair: Yep. Delete away.
 2691

2692 Chair: Thank you very much. We really appreciate your time in coming and talking
 2693 with us today. Your points are well-noted. We will take them into our
 2694 deliberations. Thank you very much.
 2695

2696 We're going to take the lunch break now and we will be back at two o'clock.
 2697 Thank you.
 2698

2699 [Lunch Break – 00.24.15]

2700 [Hearing Resumes – 01.26.35]
 2701

2702
2703 Chair: Good afternoon. Mr Carrad is it?
2704
2705 Carrad: Yes. My name is John Carrad.
2706
2707 Chair: Welcome.
2708
2709 Carrad: I'm a farmer in Porirua Whaitua. The basis for my submission is two papers –
2710 have you got those?
2711
2712 Chair: Yes we have the nitrogen paper.
2713
2714 Carrad: It's known as the Magesan report. You will see that's the author. And, the other
2715 one...
2716
2717 Chair: Just before we begin Mr Carrad, would you like us to do some introductions, or
2718 were you here earlier when we introduced ourselves?
2719
2720 Carrad: No I wasn't.
2721
2722 Chair: We'll just do some really brief introductions.
2723
2724 My name is Dhilum Nightingale. I'm a Commissioner and Chairing these two
2725 panels.
2726
2727 McGarry: My name is Sharon McGarry. I'm an Independent Commissioner based out of
2728 Ōtautahi Christchurch.
2729
2730 Kake: Puawai Kake. I'm a Planner and Independent Commissioner based out of
2731 Northland.
2732
2733 Wratt: Good afternoon. Gillian Wratt. I'm an Independent Commissioner based in
2734 Whakatū Nelson.
2735
2736 Stevenson: Hello Mr Carrad. I'm Sarah Stevenson, an Independent Planner and
2737 Commissioner based here in Wellington.
2738 Chair: Sorry to interrupt. The floor is yours. Just checking we have both papers.
2739
2740 Wratt: Is it the Dymond paper?
2741
2742
2743 Carrad: Yes, I think that's how you pronounce his name – Landcare Research.
2744
2745 Wratt: The other paper?
2746
2747 Carrad: Is the gorses part and nitrogen leaching.
2748
2749 Chair: Sorry Mr Carrad. Over to you.
2750
2751 Carrad: My concern was that some of the science around this stuff is simply missing,
2752 hence the two papers. If we knew a little bit more about dung beetles I would
2753 have sent that lot to you too. Three out of the four water quality issues. Yes, the

2754 dung beetles can be an interesting one. That could make quite a significant
2755 difference. We think they're surviving in the New Zealand environment, but we
2756 have to be patient for the numbers to build up.

[01.30.10]

2757 Dymond's paper, and I'm not expecting you to do anything with that, I just want
2758 it recognised. For somebody who has spent tens of thousands of dollars trying
2759 to control gullies that have been problematic and the willows that have been
2760 planted (probably well before Jamie's time) have reached a mature state. It's an
2761 ongoing process.
2762

2763 The Magesan Report is another matter altogether. I want to see it go to
2764 Wellington to get this one right. It's important and should be seen as a land
2765 management issue. Don't let it spread. If you're going to let it spread. To our
2766 politicians who have got a problem with their emission inventory, how to solve
2767 that problem without upsetting voters, do them a favour and put it in trees. It just
2768 makes sense.
2769

2770 I wanted to make it short and brief. The two papers speak for themselves.
2771

2772 The only thing I will add is at some later date through your Regional Policy
2773 Statement I've got pressure on me to reduce my emissions by reducing stock
2774 numbers and those two papers are going to come up.
2775

2776 Yes, I guess my take-home-point for you people is that nature is complex and
2777 that complexity is not being recognised through this process, starting from the
2778 Environment Minister's office in his national policy statements – looking at too
2779 narrow a view of land, land use and its effect on the environment broadly. That
2780 includes not only water quality but the effects on climate. That's the radiation
2781 balance of this planet.
2782

2783 My main plea is the gorse nuisance part. I know that some people see it as a nice
2784 little **nurse** [01.33.09] plant but if you look at it closely you will see that it's too
2785 big a problem.
2786

2787 Magesan has measured the nitrogen leaching, so it's not a mystery. I notice a lot
2788 of debate about how to measure nitrogen. He was talking about 45 to 55
2789 kilograms of nitrogen per hectare per year.
2790

2791 To correspond with Regional Council I was told you can't extrapolate that down
2792 to our neck of the woods, so I went straight to a soil scientist, a Ravensdown
2793 chief soil scientist, Ants Roberts, and he said yes you can, but it's a lower rainfall
2794 and he said, "Take twenty percent off. No more." That's his opinion.
2795

2796 My next question to him was, "On our place it's got a little bit of fertiliser but
2797 it's a stock unit pretty low and it's hard hill country. How many kilograms of
2798 nitrogen would we be leaching per hectare per year on our hard hill country?"
2799 and he said, "Between 10 and 15 kilograms."
2800

2801 So you're getting estimates there but from science.
2802

[01.35.00]

2803 Plant it in trees if it's growing gorse.
2804
2805

2806 I wanted to make it short and sweet.

2807
2808 Chair: Thank you very much. We have the two studies you have provided. Thank you
2809 for those. You will no doubt be pleased to see the reporting officer for the rural
2810 topic is now recommending that the provisions on stocking limits are deleted.

2811
2812 I think the Council is also very concerned in these provisions to limit soil erosion
2813 and I think this paper, the Dymond paper, as I understand it makes the
2814 connection between erosion of soil is an emitter of carbon dioxide. There are
2815 provisions right through from riparian planting and other provisions to limit soil
2816 erosion. I think the notified provisions in the plan around nitrogen the Council
2817 is saying we are not at the point yet of being able to assess, or having a tool for
2818 assessing nitrogen with any confidence. So those have come out as well in the
2819 officer's recommendations.

2820
2821 Carrad: Yes, I think my original written submission was that you've got to account for
2822 all nitrogen sources, otherwise it's done on a stock unit basis. You could have a
2823 paddock next door that's leaching more and it's got no stock on it.

2824
2825 Yes, as I said earlier, better get that one right on a basis of solid science.

2826
2827 Chair: Any questions for Mr Carrad?

2828
2829 It's very clear and very succinctly put, thank you.

2830
2831 Carrad: You've heard this anyway – this is what sparked my attention in this whole thing
2832 right from the start, was I was looking at rules that couldn't apply. Just couldn't.
2833 Wouldn't even start. So where do you go from there?

2834
2835 Chair: Thank you so much. We appreciate you time. Thank you.

2836
2837 Actually, sorry I also note when you said "dung beetles" I was thinking where
2838 had we seen that. I think actually Ms Strugnell's voluntary Farm Environment
2839 Plan has a provision in there about recommendation for releasing dung beetles
2840 to help with soil erosion. Very interesting.

2841
2842 Chair: We are slightly ahead of time, but if Wellington Water are ready – great.

2843
2844 Kia ora Ms Horrox. Welcome. I think you were here when we did the
2845 introductions before, so if you're all comfortable with that we'll pass over to you
2846 for introductions and talking to your submission. Thank you.

2847
2848 Horrox: Thank you very much. Tēnā koutou katoa everybody. I'm Caroline Horrox. I'm
2849 representing Wellington Water on the planning side of things for this Hearing
2850 Stream. Just me speaking today. Unfortunately it's probably not going to be as
2851 exciting as talking about dung beetles.

2852
2853 I also have with me Mr Tim Blackman who is a Principal Advisor at Wellington
2854 Water in the Resource Management & Environment Team. If there's any curly
2855 questions at the end we'll be directing them to Tim.

2856 [01.40.00]

2857 Hopefully it will be quite brief. Am I the last submitter? You might get away
2858 early.
2859

2860 Generally I guess I'm very supportive of the intent of Ms Vivian's provision
2861 changes, particularly the further ones in rebuttal – although I understand from
2862 discussions with Heppelthwaite and Ms Foster that there may be some further
2863 changes in the offing.
2864

2865 Chair: Yes. Do we have a copy of the latest versions there on the table? There aren't
2866 many and there may not be many that actually address Wellington Water's relief,
2867 but we'll just make sure you've got those. These just came through.
2868

2869 Horrox: Hot off the press.
2870

2871 Chair: Yes, hot off the press. Sorry to interrupt.
2872

2873 Horrox: That's all good. I guess one of the key points I want to make is that generally it's
2874 pretty supportive of where things were heading post the rebuttal evidence that I
2875 have seen most recently.
2876

2877 I do think they've gone quite a long way to address a lot of the issues in relation
2878 to regionally significant infrastructure with the notified earthworks provisions
2879 and is noted in my evidence and also is noted in a number of other infrastructure
2880 providers' evidence.
2881

2882 I think the drafting really does... and obviously what we are trying to do is to
2883 ensure that effects associated with earthworks are being appropriately managed,
2884 but that doesn't unduly impose consenting requirements with associated costs
2885 and process to require consents when you don't need it to manage effects.
2886

2887 Today there's just a couple of things to note – provisions that remain of issue in
2888 my mind, and there's a couple of other things I will just note about things that I
2889 support in particular with the rebuttal.
2890

2891 The first thing I want to talk about is the proposed new permitted activity
2892 earthworks rule which is the WH.R23A and P.R22A – so that's the new
2893 permitted activity rule proposed by Ms Vivian in her s42A Report.
2894

2895 As per my evidence I do support these new rules in principle and I do think they
2896 offer a practical solution to some of the challenges arising from having to forgo
2897 the earthworks exemptions that we know are out the window now.
2898

2899 Firstly, just in relation to bores, in my evidence I proposed that they should be
2900 incorporated into those rules. I see that in the rebuttal evidence Ms Vivian has
2901 disagreed and essentially having had a look at what she's proposing I agree and
2902 I've got no further issues with that. I think it's relatively workable.
2903

2904 The second matter is the work related particularly for linear infrastructure within
2905 five metres of a waterbody – so it's the same rules. In my evidence I raised
2906 concerns regarding permitted activity condition A. That requires obviously that
2907 earthworks will not occur within five metres of the surface waterbody, or the
2908 CMA which I see has now been removed. I outlined in my evidence a number

2909 of problems with this approach and I am still of the opinion that effects can be
2910 avoided or managed by adopting good construction practices and robust erosion
2911 sediment control measures, irrespective of the waterways proximities.
2912

2913 Ms Vivian had noted in her rebuttal that Wellington Water had only sought one
2914 consent for works within five metres of a waterbody over the last twelve months,
2915 and therefore she has disagreed with my argument that it was going to be quite
2916 an onerous and complicated process with a number of issues.
2917

2918 But, I would just like to point out – that's it's not a matter of only the consents
2919 that are required, but the time and resource and cost associated with assessing
2920 those requirements. I note for example a number of issues with the D&C, the
2921 design and construct contracts, and so the timing around when we will know –
2922 the methodology for earthworks that you kind of need to know before you can
2923 determine whether consent is required, and a number of other issues.
2924

[01.45.05]

2925 I maintain my position on that – that it is going to be quite difficult resulting in
2926 probably a number of consents that we'll have to get just in case ahead of time.
2927 You can or should be able to manage effects without having this blanket five
2928 metre no-go zone.
2929

2930 This is particularly an issue for the linear infrastructure. I imagine it might be
2931 relevant to maybe something that Transpower and perhaps NZTA also raise.
2932

2933 Keeping in mind that this rule only applies to specific limited activities, so it's
2934 supposed to be managing some of these issues that were previously covered by
2935 the exemption – so it's not just all earthworks, it's a number of limited activities
2936 – I think that we could still look at some Condition A changes to allow
2937 earthworks within five metres subject to appropriate controls.
2938

2939 The last thing of note on this particular rule is the removal of Condition D. I
2940 understand it was a mistake. It got me quite het-up and a number of other people.
2941 Obviously I support the removal of Condition D and the replacement of the texts
2942 proposed by Ms Vivian, or something similar.
2943

2944 I would like if I may to move onto permitted activity earthworks rules WH.R23
2945 and P.R22.
2946

2947 As explained in my evidence, in particular clauses 8.2 and 8.3, the way these
2948 rules are framed results in the need for resource consent even when earthworks
2949 on the same property are spatially distinct are carried out at different times,
2950 months apart potentially, and don't combine to impact on the overall effects.
2951

2952 Ms Vivian has acknowledged this issue, which is great, in her rebuttal and has
2953 recommended additional clause (d) to specify that for network utility operators
2954 that the area of earthworks does not exceed 3000 square metres for any particular
2955 location or worksite in any consecutive twelve month period.
2956

2957 I am generally supportive of this new clause and I think it does go some way to
2958 resolving some of the concerns I had. I guess I just have some remaining
2959 concerns about the reference “any particular location” in particular. I think that
2960 the worksite is quite a good way of framing this. But, I'm just wondering

2961 whether it still leaves room for interpretation more conservatively than what
 2962 obviously is intended by the author a couple of years down the track. For this
 2963 reason I really still prefer the wording that was proposed in my evidence. It was
 2964 actually drafted originally by Ms Heppelthwaite for NZTA. Because I think
 2965 that's just clearer about framing up the area of earthworks and there's less room
 2966 for interpretation there, and also it's not limited by the twelve month period.

2967
 2968 The last thing I want to talk about is the winter shut-down. In my evidence I had
 2969 agreed with Ms Vivian's assessment from her s42A Report that the potential
 2970 adverse effects of conducting earthworks during the winter shut-down can be
 2971 effectively managed in the rural framework.

2972
 2973 Obviously as a result of the changes made I'm supportive of those.

2974
 2975 I notice and I think there may have been some further changes from some of the
 2976 emails I've seen between this morning and now, that there's some further
 2977 changes proposed to policies WH.29 and P.P27 and potentially some further
 2978 changes by Ms Vivian in rebuttal.

2979
 2980 I'm generally comfortable with what I've seen with the various variations
 2981 around that, as long as the intent is maintained as it is. So as long as it doesn't
 2982 move away too far from what we've got I'm supportive of that.

2983
 2984 I think that's probably about it from me.

2985 [01.50.00]
 2986 I guess, and I'm not sure whether Ms Foster mentioned this, but in my evidence
 2987 I had said that there has been quite a bit of discussion between the various
 2988 planners representing the infrastructure providers that was leading us to us
 2989 lodging evidence and then quite a bit between then and now. A lot of
 2990 commonalities really. I'm not sure whether there's any thoughts at this stage for
 2991 some conferencing, but certainly I would be quite supportive of that.

2992
 2993 Chair: Thank you very much. Maybe just to quickly note, Ms Vivian clarified this
 2994 morning that the exemptions in Rule 23 and Rule 22 under C.1 – so earthworks
 2995 shall not occur within five metres of a surface body, except for earthworks
 2996 undertaken in accordance with Rules 122, etc. Those are going to be carried over
 2997 in her recommendations into the infrastructure permitted activity rule they're
 2998 currently missing. But, sorry they're not. I don't think they're captured in that
 2999 version. It's even hotter off the press than that. It's just the final sentence here.

3000
 3001 Vivian: So those are the beds of lakes and rivers rules. That's for culverts and outlets. I
 3002 don't necessarily think that addresses the concerns of Wellington Water in terms
 3003 of linear projects within five metres.

3004
 3005 Chair: It does apply to culverts.

3006
 3007 Ms Horrox, my question is, these provisions are carried from Rule 101 in the
 3008 operative Natural Resources Plan, which you might not have in front of you, but
 3009 the permitted activity rule I'm talking about the cap on 3000 square metres per
 3010 property per twelve month period and then the requirement that earthworks do
 3011 not occur within five metres of the surface waterbody except for what Ms Vivian
 3012 was talking about – culverts and lake beds.

- 3013
3014 As I understand it, these provisions were subject to a lot of discussion,
3015 negotiation and possibly mediation as well through that appeals process. Has
3016 there been a workability issue with them for Wellington Water?
3017
- 3018 Horrox: Really my concern with the five metres of the waterbody is related to the works
3019 that have previously been covered by the exemptions, which is the maintenance
3020 of pipes. I fully accept that if you're doing the other work then that's fair enough.
3021 So it's the maintenance and upgrade of the pipes. I'm just finding the words.
3022
- 3023 With the construction repair, upgrade and maintenance of pipelines – it's that
3024 maintenance and standard every day kind of BAU work, rather than massive big
3025 projects where I think you're going to trigger consent anyway.
3026
- 3027 So generally sort of low impact potentially that was initially covered by the
3028 exemptions.
3029
- 3030 Chair: By the exemptions, yes, I understand.
3031
- 3032 Previously that minor maintenance repair work that you talked about, was it
3033 subject to that five metre exclusion? Yes. Okay.
3034
- 3035 Horrox: My concern I guess is that it's great to have this cut-out for these particular pieces
3036 of work that used to be covered by the exemption. I feel that the linear
3037 infrastructure that this five metres is going to essentially cancel out that rule for
3038 a lot of the work we've done, that we want to do, or will just eventually trigger
3039 the requirement for a consent.
3040 [01.55.10]
- 3041 McGarry: Is it possible to get Ms Horrox a copy of Ms Foster's suggested amendments
3042 from this morning's speaking notes. I'm happy to give her my copy if that's
3043 easiest. Ignore my scribble.
3044
- 3045 Horrox: I do appreciate this seems to be moving at pace with the different variations to
3046 drafting. Thank you.
3047
- 3048 McGarry: You will see that Ms Foster's is the green. It starts on page-5 and then goes over
3049 to page-6.
3050
- 3051 It could be that you don't have to give us an answer off the hoof, that's a bit
3052 unfair. She's basically suggesting deleting the five metres and then just adding
3053 what's on page-6.
3054
- 3055 Horrox: I'm having issues with my numbering Commissioner. It's the green writing?
3056
- 3057 McGarry: Yes, page-6 is the gist of it. It really deletes the whole bit, the way that the
3058 officers had put in. This is Ms Foster's suggestion. So deletes clauses (a), (b) to
3059 (d) and then just adds a single clause - erosion and sediment control measures
3060 shall be used to prevent the extent practicable and otherwise minimise the
3061 discharge of sediment and debris from earthworks.
3062
- 3063 Horrox: Well, that would be fabulous but I'm not quite sure how palatable it would be.
3064 It's fine as far as I can see on the face of it.

- 3065
3066 McGarry: So that would meet your concerns?
3067
- 3068 Horrox: Yes, it would.
3069
- 3070 McGarry: I've not heard from the officer yet, her view on that obviously but I just wanted
3071 to see if there was alignment between you and Ms Foster. That's a start.
3072 Horrox: I haven't this exact phrasing but I had previously discussed with Ms Foster some
3073 of the possible permutations and was sort of comfortable with that.
3074
- 3075 McGarry: Thank you.
3076
- 3077 Chair: I think one of the points Ms Foster raised in supporting this wording is that if
3078 you breach the permitted activity standards then you're simply going to just need
3079 to give proof that you've carried out those erosion sediment control measures at
3080 (d) anyway, so why not go straight there. I think she expressed it more eloquently
3081 than that.
3082
- 3083 Horrox: It does make sense.
3084
- 3085 Chair: Makes sense, yes.
3086
- 3087 This might be a question, I don't know, for Blackman. Any comments on the
3088 workability of that second one – so the condition below the five metre from the
3089 surface body? Just looking at the soil or debris from earthworks is not placed
3090 where it can enter a surface waterbody or the CMA including via stormwater
3091 network.
3092
- 3093 Horrox: Commissioner are you asking me or are you asking Mr Blackman?
3094
- 3095 Chair: If Mr Blackman is able to comment on an operational perspective, if that's more
3096 appropriate. I am just wondering if this is a condition that would actually be
3097 breached quite often.
3098 [02.00.00]
- 3099 Blackman: I don't have any comments on that.
3100
- 3101 Vivian: In just one example where I can think where that would breach, particularly in
3102 the works relevant to Wellington Water would be the likes of replacing a pipe
3103 where they just do stock piling next to the pipe consistently the entire way down.
3104 If they didn't have that clause in there, and you're placing it where it can directly
3105 enter the waterbody, that's where that would kind of come into play.
3106
- 3107 McGarry: Ms Vivian you gave a response this morning about an alternative to Ms Foster's
3108 wording which was (I've recorded something along the lines of) pulling through
3109 some of the clauses from the existing operative rule regarding culverts etc. Could
3110 you maybe explain what you said this morning for Ms Horrox's benefit, and just
3111 to test that versus Ms Foster's wording?
3112
- 3113 Vivian: This is the clause that I just showed you earlier. That would bring through works
3114 associated with undertaking those permitted activities listed in that clause. Those
3115 activities are not all permitted and are rules from the beds of lakes and rivers
3116 chapters. Those rules allow for works associated with those activities.

- 3117
3118 I guess in the case of replacing pipelines that were to go over rivers or under the
3119 beds of lakes and rivers, then earthworks within five metres would be contained
3120 within those rules as opposed to these earthworks rules.
3121 From an initial thinking I think that would solve some of the issues raised by Ms
3122 Horrox, but where it wouldn't be solved is where they have these pipelines that
3123 need replacing that are running parallel to streams or occasionally come within
3124 five metres of the stream, and how we deal with it that wouldn't be fixed via
3125 pulling those through.
3126
- 3127 McGarry: Ms Horrox, I'm just wondering what you think of that. At the moment, I think
3128 Ms Vivian in fairness to her, hasn't had time to go away and think about it and
3129 process obviously a reply. I am just wanting to test the waters. Is that kind of
3130 methodology versus Ms Foster deleting everything...
3131
- 3132 Horrox: Without having considered it in depth, I guess my preference would be simple
3133 as always better – ideally isn't it, if you can get it right. For that reason I think
3134 that what Ms Foster has proposed is probably more eloquent, but I guess you
3135 can cut things different ways and if that's not feasible then I think that potentially
3136 could work.
3137
- 3138 Chair: Just on the winter works provision, Ms Horrox, you support the new clause (e)
3139 in Policy P.28 and P.27, except now... you may no longer support it, or you
3140 would prefer going back to the s42A wording – and that's because now the
3141 officer supports the exemption for quarrying and renewable energy production
3142 activities.
3143 [02.05.05]
3144 I guess I would query if we are going to start pulling out specific activities, could
3145 you not just refer to RSI. Yes, it was in my view better before.
3146
- 3147 Chair: I think one of the responses to that from the officer was that RSI might be in
3148 position where it can plan its works. I might actually ask Ms Vivian to explain
3149 that.
3150
- 3151 Vivian: I'm happy to touch on that again. I'm not sure if you had time to tune in
3152 yesterday at all. I will start from the start.
3153
3154 Yes there was a request from NZTA in particular to include RSI to include RSI
3155 as opposed to just these activities. My thought process through it was I don't
3156 think that clause was intended to capture quarrying. There are no conditions on
3157 consents at that moment that require quarries to shut-down over the winter
3158 period – it's impractical.
3159
3160 There was a request for renewable energy activities/production or whatever
3161 wording we decided on, to be exempt as well because of the higher order policy
3162 documents that push us in that direction. I know there's similar documents that
3163 push for RSI.
3164
3165 When I looked at the new definition for RSI under the RPS and looked at the
3166 activities or infrastructure that met that criteria, in my opinion a lot of that could
3167 actually now be undertaken as a permitted activity by that minor infrastructure
3168 rule, especially for all the existing infrastructure.

- 3169
3170 While it might not capture new infrastructure, in my opinion those are large
3171 infrastructure projects and they should be subject to the consenting framework.
3172 That was my kind of thinking around it.
3173
- 3174 Horrox: It certainly makes sense. I guess the main thing from my perspective is that there
3175 is a pathway to enable, even if it's a consented one, winter works. That's the
3176 main thing, as opposed to just being almost impossible to undertake.
3177
- 3178 Vivian: Yes, absolutely and we discussed that and the process around that, and how that
3179 may look like obtaining an additional winter works Erosion Sediment Control
3180 Plan during that winter period and programming your works for lower risk
3181 works occurring during that period.
3182
- 3183 Kake: I suppose I'm interested in scale. We've heard previously from Wellington
3184 Water and I'm referring back to HS2 now, but in previous evidence we've heard
3185 that wastewater alone has around 2,658kms of pipes. That's just wastewater and
3186 then obviously on top of that is other pipes that are running through the system.
3187
- 3188 This being a permitted activity and encroaching on the five metre area of the
3189 waterbody, how is that currently managed through I suppose conditions of
3190 consent? We've heard a little bit about the global consent, but not too much, it's
3191 on hold. Just wondering if you could give an operational perspective with respect
3192 to current status of maintenance with respect to that scale of pipes that are being
3193 considered?
3194
- 3195 Horrox: Commissioner, if I can just clarify, are you talking about the maintenance aspect
3196 with the new infrastructure rule that we've applied to the pipelines and
3197 maintenance and upgrades, or are you talking about larger scale works like
3198 new...
3199
- 3200 Kake: Both I suppose. Is the encroachment into the five metre area of a waterbody with
3201 the existing scale of pipes problematic at the moment? We've heard the linear
3202 problem.
3203 [02.10.00]
- 3204 Horrox: As you might imagine, and I think Mr Blackman might be able to confirm this,
3205 I think I did have it in my evidence, but there is something like 6000 (hopefully
3206 not making that up) but there's an awful lot of pipeline. Obviously there's a lot
3207 of waterways in the Wellington region, so this is something that Wellington
3208 Water have to deal with on a daily basis, both with their maintenance and also
3209 with the bigger pieces of the bigger projects.
3210
- 3211 Currently there are processes in place to ensure that when these works are being
3212 scoped, whether it's maintenance or capital works, we have to go through a
3213 process to assess what they want to do and what the consenting risks, issues or
3214 requirements might be. Typically under the current regime consent is required.
3215
- 3216 Often it's triggered by the fact that we are actually a lot of the time, often, even
3217 if it's just for a short span, in waterways – and that's obviously a separate issue
3218 and reasonable in my view to expect that you would want to have a consent
3219 requirement around that and condition it.
3220

- 3221 I am not quite sure Commissioner if that answered your question.
3222
- 3223 Kake: I think I'm just wondering how it's controlled and managed at the moment as
3224 well and whether that comes through the Erosion Sediment Control Plans, the
3225 opportunity for Wellington Water to do remedial works quickly, and I just kind
3226 of want to get to understand what the actual problem might be currently. I know
3227 there's a few.
3228
- 3229 Horrox: Certainly as well, obviously there's the emergency works provisions that now
3230 and then we utilise. Most recently the most infamous incident I think would be
3231 the pipe that goes from the Korori wastewater treatment plant out to the coast
3232 where we had some catastrophic failures and they did some emergency works
3233 out there.
3234
- 3235 McGarry: Any consents held at the moment by Wellington Water which are like a global
3236 consent for a certain type of works? Has there been consideration to that
3237 approach going forward? I know there is the global consents for discharges.
3238
- 3239 Horrox: Mr Blackman looks like he's got an answer for that one.
3240
- 3241 Blackman: Yes we have our global wastewater and stormwater consents that we are working
3242 on, but in addition to that we are currently also working on a global stream works
3243 consent. I'm not working on that project myself so I can't set out the scope of it,
3244 but as I understand it is there to provide a global consent across its metropolitan
3245 area as far as I understand for maintenance activities. It won't cover all
3246 maintenance activities but it will cover some. Kia ora.
3247
- 3248 Horrox: Just to clarify, that's just works in the stream as opposed to in proximity.
3249
- 3250 McGarry: There would be no reason why the global application couldn't be expanded to
3251 cover the bed and five metres either side would there?
3252
- 3253 Horrox: No, not in theory. That is correct. In my experience that sounds like it's getting
3254 to be quite a large consent. It's probably going to be quite a [02.14.15] off
3255 anyway in terms of managing it. It could be difficult to wrangle I think to end
3256 up with some manageable conditions that actually don't require a whole lot of
3257 additional work possibly similar to what you would need for a bespoke consent
3258 for a particular piece of work. I'm not sure how workable that would be. It's a
3259 possibility.
3260 [02.15.00]
- 3261 Chair: One final question I wanted to ask was about the works being undertaken at a
3262 particular site, particular location. I understand the issues that Wellington
3263 Airport have raised, where they've said, "If we do works down near adjacent to
3264 the wastewater treatment site, and then we've got to do some other works over
3265 here, and then we may end up needing two separate consents, I understand those
3266 issues.
3267
- 3268 How does it work in terms of Wellington Water's infrastructure? The wording
3269 you are seeking Ms Horrox you're asking for the 3000 square metre threshold
3270 as a permitted activity to apply to an area of work undertaken at any one time,
3271 provided it's stabilised and all the rest of it. So then if there was work being

- 3272 undertaken a week later further along on the network, could you talk through
 3273 how that would work?
 3274
- 3275 Horrox: Yes, no problem. This particular rule, for Wellington Water I don't think it's
 3276 really applicable to the linear infrastructure. I think it's more the wastewater
 3277 treatment plants and then it would be exactly the same issue as Wellington
 3278 Airport.
 3279
- 3280 The example I provided in my evidence was some real work that's been planned
 3281 at the Seaview Wastewater Treatment Plant – a big site. A whole lot of distinct
 3282 projects being planned over a number of years, but within twelve months there's
 3283 going to be at least maybe three different projects. One of them is going to
 3284 require consent. It's going to trigger the 3000 metres.
 3285
- 3286 That's fine but then there's a whole lot of little pieces, like really little pieces of
 3287 work that are going to happen. It might be six or nine months after that, in a
 3288 completely different location. It might be just replacing foundations. It meets the
 3289 definition of earthworks and because it's on the same property and it already
 3290 triggered the 3000 square metres, those pieces of work will require consent
 3291 under the rule.
 3292
- 3293 So, it was just trying to make it so that those scenarios were not captured under
 3294 the rule. But, also I assume applied to the State Highway network as well, or a
 3295 property could be like the road reserve. It was intended to just apply to those
 3296 large essentially; it would also be some of the water treatment sites as well, those
 3297 big sites.
 3298
- 3299 Wratt: I'm struggling with a bit around that. The concept as I understand it is that once
 3300 you get beyond 3000 square metres in a twelve month period, that is feeding into
 3301 the same catchment, or into the same stream or whatever, that's what it is trying
 3302 to capture. And, what you're talking about is still going to exceed that 3000
 3303 square metres.
 3304
- 3305 Horrox: It depends on what you define as the property. If you've done some earthworks
 3306 and you've completed the earthworks and it's stabilised and concreted, or
 3307 whatever, if you're talking about Seaview again, and then nine months later the
 3308 first earthworks that were 3000 square metres is done and dusted and there's no
 3309 ongoing effects. You're doing a very small piece of work replacing a foundation
 3310 in a completely different location, or even nearby, but there is nothing going on
 3311 related to the initial works that triggered – what is the effect that you're
 3312 managing that is exacerbated by the fact that within twelve months and on the
 3313 same site.
 3314
- 3315 I think that's an actual example of what we've been wrangling with.
 3316
- 3317 Wratt: Clause (c) there doesn't say it's an active area of earthworks. Without your
 3318 proposed amendment it just says, "The area of earthworks does not exceed 3000
 3319 square metres per property in any consecutive twelve month period." It doesn't
 3320 say it's...
 3321
- 3322 Horrox: Well that's the way it's been interpreted currently by Council.
 3323 [02.20.00]

- 3324 Vivian: Just for a little bit of further context, that wording of 3000 square metres per
 3325 property per twelve month period, that property is defined in the NRP and that
 3326 wording has come directly from the permitted activity rule in the NRP.
 3327
- 3328 In terms of I guess an issue that Wellington Water have been grappling with, in
 3329 my time here at Greater Wellington I think that issue has been raised once in
 3330 terms of someone trying to figure out what the intention is behind that 3000
 3331 square metres. That was related to a linear road that was being created, because
 3332 it was all considered one property.
 3333
- 3334 I guess what I'm trying to say here is I can hear Ms Horrox's point, but in terms
 3335 of intention and people's perception in reading those rules it hasn't been a
 3336 problem in the past and it has come straight from the NRP rule.
 3337
- 3338 But, in hearing you out I can see how it can be a problem. I just haven't had
 3339 significant issues with it in my time consenting under the NRP.
 3340 McGarry: I think it's clause (d) that's the important one here isn't it, to you, the new clause
 3341 (d) – the network utility operators, the area of earthworks does not exceed.
 3342 That's the key one now, rather than the property one because that applies to
 3343 Wellington Water.
 3344
- 3345 Firstly for you Ms Vivian, I wonder if that should be "undertaken at one
 3346 particular location," rather than "any particular location", or "worksite," because
 3347 you're thinking about one site there.
 3348
- 3349 That you need "particular locations" sort of makes me feel like there could be
 3350 more than one location. So I just wonder if that would assist.
 3351
- 3352 Then secondly, I wonder if you could add to it, "or worksite in any consecutive
 3353 twelve month period unless the site, or the particular location or site is
 3354 completely stabilised." That would address Ms Horrox's point.
 3355
- 3356 Vivian: Yes, I have no concerns with the suggestions you've just raised Commissioner
 3357 McGarry. Thank you.
 3358
- 3359 McGarry: Ms Horrox, that would meet your concern?
 3360
- 3361 Horrox: Yes it would.
 3362
- 3363 Chair: Ms Horrox, in the wording that you had proposed for that provision, you had
 3364 suggested "where practicable progressive closure and stabilisation of works." If
 3365 in a particular instance it wasn't practicable then that exemption that wouldn't
 3366 exist and consent would be needed. If the threshold was triggered would be
 3367 probably how that would work. But, if you could stabilise then... okay, great,
 3368 thank you.
 3369
- 3370 I think those were all the questions that we have. Thank you very much for your
 3371 time.
 3372
- 3373 Horrox: Thank you very much.
 3374

- 3375 Chair: I'm sure we will see you in Hearing Stream 4. We look forward to that and your
3376 report then.
3377
- 3378 Welcome our final submitter for the day, Akatarawa Valley Residents. Is it Ms
3379 Wallace and Dr Laing?
3380
- 3381 Wallace: Yes.
3382
- 3383 Chair: Great. Thank you. Come and join us at the table.
3384 [02.25.00]
3385
- 3386 Kia ora. Welcome. While you're setting up we'll do some really brief
3387 introductions.
3388
- 3389 Kia ora and welcome to Hearing Stream 3 for Proposed Change 1. We are the
3390 independent panels who are hearing submitters and making recommendations to
3391 Council.
3392
- 3393 My name is Dhilum Nightingale. I'm a Barrister based in Te Whanganui-a-Tara
3394 Wellington. I am chairing the freshwater panel and the non-freshwater
3395 provisions.
3396
- 3397 McGarry: Good afternoon, I'm Sharon McGarry. I'm and Independent Hearings
3398 Commissioner based in Ōtautahi Christchurch.
3399
- 3400 Kake: Kia ora, Puawai Kake. Independent Planner and Commissioner based out of Tai
3401 Tokerau Northland.
3402
- 3403 Wratt: Kia ora, Gillian Wratt. Independent Commissioner based out Whakatū Nelson.
3404
- 3405 Stevenson: Kia ora, Sarah Stevenson. I'm an Independent Planner and Commissioner based
3406 here in Te Whanganui-a-Tara Wellington.
3407
- 3408 Chair: We've got the reporting officers as well in the room or online. We'll quickly do
3409 some intros.
3410
- 3411 Willis: Good afternoon, I'm Gerard Willis. I'm the Rural Land Use Reporting Officer.
3412
- 3413 Peryer: I'm Jamie Peryer and I'm the Senior Environment Restoration Advisor for
3414 Greater Wellington supporting the rural land use provisions.
3415
- 3416 Vivian: Ms Vivian. I am the Reporting Officer for the earthworks topic – Senior Policy
3417 Advisor here at Greater Wellington.
3418
- 3419 Chair: Thank you. We have read your submission. It looks like you've got a
3420 presentation to talk to so we'll hand over to you.
3421
- 3422 Laing: Thank you very much. I'm Trisha Laing and this is Karen Wallace. We are the
3423 co-agents for the Akatarawa Valley community. We want to emphasise that our
3424 presentation was a collaborative effort by members of our community rather
3425 than us writing a presentation and then getting people to agree to it.
3426
- We often come together to address issues. Originally there were sixteen
properties who got together to seek a resource consent from the Upper Hutt City

3427 Council for the sorts of things that you're addressing in this stream, and then
 3428 when Plan Change 1 came up the sixteen became 72, or 73. Since we finished
 3429 doing the work we have had people approach us saying, "We want to be involved
 3430 too."

3431
 3432 I just want to emphasise that we are speaking for quite a lot of people here.
 3433

3434 We want to draw your attention to the uniqueness of our particular environment.
 3435 We are a valley which runs from Crest Road to the summit at the southern end
 3436 of the Tararua Ranges, and the northern end of the Akatarawa Forest.

[02.30.05]

3437 Basically you're our neighbours. The Greater Wellington Regional Council are
 3438 our neighbours. Our only other neighbour of our community is the Tararua
 3439 Forest Park which is owned by DoC. In this sense we are different from other
 3440 rural areas. We really do work together as neighbours and we want to present to
 3441 you the idea of what it means to be a good neighbour.
 3442

3443
 3444 We thought about how we work together. For example, we have a pest issue and
 3445 we have arrangements between the different properties, so that the hunters can
 3446 go across the properties without getting permission, so we can actually reduce
 3447 the number of pests we have to deal with.
 3448

3449 We lend a helping hand when we can. Last Christmas there were trees down on
 3450 the road and my son-in-law and another neighbour went out onto the road with
 3451 chainsaws and cut a pathway so that some people who were due at neighbours
 3452 for Christmas dinner could get through. We work like that and we trust each
 3453 other.
 3454

3455 We also are mindful of things like noise levels with our neighbours or smoke
 3456 levels. If our neighbours are going to put a fire up to get rid of branches and
 3457 things then they let the neighbours know and they don't do it unless conditions
 3458 are such that the neighbours are going to be impacted as little as possible.
 3459

3460 We communicate with each other even when we disagree about things.
 3461

3462 We wanted to give you some idea about how we understand what it means to be
 3463 good neighbours.
 3464

3465 You may remember the work that local government was doing on SNAs and one
 3466 of the responses of the Akatarawa community was that we had a horrible time
 3467 the first time we met with the Upper Hutt City Council. We didn't want to
 3468 criticise them. We wanted a constructive outcome. So we all got together and
 3469 worked out a language that could describe not only the way we behave as good
 3470 neighbours but what we do as rural lifestyle, so that we had a shared language
 3471 that we could map; that we could give to an evaluator, in this Keith Budd and
 3472 his time, that they could map onto our properties. So all sixteen properties have
 3473 been mapped in terms of pathways, outbuildings and vegetation areas.
 3474

3475 Listening to the last speaker I was a little bit concerned about the five metre rule,
 3476 because we definitely do small earthworks and vegetation clearance within the
 3477 five metre area and we have a consent which allows us to do that. I was thinking
 3478 what is going to happen if Greater Wellington then decide that this is not a

3479 possibility, when our properties were mainly subdivided in 1875. Most of us
 3480 who haven't subdivided own the riverbed and have maintained the river through
 3481 small earthworks and managing the vegetation to keep the river clean. It's one
 3482 of the cleanest rivers in New Zealand apparently.

3483
 3484 So you can see that our good neighbourly behaviour includes things like
 3485 ensuring that we have food security - in harvesting and planting indigenous and
 3486 exotic species for food, bee forage, medicinal uses and heating purposes for
 3487 example.

3488 We've got a list here of all the things that we do as part of our rural lifestyle.

3489
 3490 I'm a little bit worried I guess that what happens for Plan Change 1 will
 3491 undermine all the work that we've done to try and be very clear about we do, to
 3492 support each other in what we do, and to maintain the regeneration of the native
 3493 bush in the Akatarawa Valley, and to keep the river clean.

3494 [02.35.15]

3495 I'm going to hand over to Karen for our slides.

3496
 3497 Wallace: This moves us onto understanding the context through which we saw the Plan
 3498 Change, just to talk about one of our fundamental points that we made about
 3499 good communication and consultation. Again we see that through the lens of
 3500 being a good neighbour. We communicate respectfully and openly.

3501
 3502 The Regional Council has got principles of consultation that it is obliged to
 3503 follow, which does have good neighbourly features. It talks about affected
 3504 people having reasonable access to information and acknowledgement of their
 3505 preferences. This hasn't been our experience.

3506
 3507 In Hearing Stream 1 your advisor's s42A Report noted the consultation had its
 3508 foundation in the whitua process and targeted engagement. Neither of those
 3509 processes engaged with any part of our community.

3510
 3511 The stream - in that same s42A Report also said that more consultation and
 3512 engagement could have been valuable, but that this formal submission process
 3513 is an opportunity to share views and seek changes. We beg to differ.

3514
 3515 This plan change process is really long. It's complex. It's very legalistic. Our
 3516 submission gave you some of the detail and our perspective on this experience
 3517 with this process.

3518
 3519 In brief we started four weeks out from Christmas trying to write a group
 3520 submission. A bunch of 73 people got together trying to understand.

3521
 3522 This is what it looks like. I've printed this and had to read it. Seventy-three other
 3523 people we had to get them up-to-speed with this document, four weeks before
 3524 Christmas. You've seen it affects our life, the way we lead our rural lifestyle.

3525
 3526 There was no summary. The Regional Council in the Waikato managed to
 3527 produce a summary that was explained very clearly, was well laid out, simple
 3528 tables, and the guts of their equivalent plan change was.

3529

3530 This Regional Council didn't produce one. It eventually produced one and we
3531 got it nine days before the submission deadline. Too late. We had to have written
3532 our submission then.

3533
3534 This one is full of text and it's got a ten page table that doesn't explain it simply
3535 or easily.

3536
3537 We have spent countless hours monitoring this process, responding to emails,
3538 and reviewing documents. Even today listening. We've got day jobs and other
3539 things that we do. We can't even listen to these transcripts at night when we
3540 finish work. We can only watch these sessions during the day.

3541
3542 I've had to go online and read the Power Point presentations from all the people
3543 who have been trying to present in these previous days. We have read rebuttal
3544 reports, the technical expert reports. We are just volunteers trying to understand
3545 what's going on. We are not a bunch of lawyers. We are smart people. Patricia
3546 has got a PhD. I have spent twenty years in local government as a public servant.
3547 I'm no dummy. We've got lawyers. You can say we are an 'average punter' but
3548 we are smart average punters. This stuff is really hard.

3549
3550 Listening to you guys talk and trying to keep up-to-speed with it.

3551
3552 I guess what we are wanting you to think about is to try walking in our shoes.
3553 We asked you about plain language – there's a plain language act in New
3554 Zealand that you are obliged to comply with. The s42A Report didn't even
3555 respond to that, so we don't know what your answer is as to why you don't use
3556 plain English.

3557
3558 I guess I want to say that it's not a good way to engage with our community. We
3559 are willing, ready and able to meet and discuss. We have a network and we can
3560 get to all our neighbours. We can get them to meetings and we can have a
3561 conversation.

3562
3563 This conversation about sections and rebuttal reports, we could have had all this
3564 discussion about what happened and how it affected our area right at the
3565 beginning before you wrote the document. We could have talked about it.

3566 [02.40.05]
3567 Even now your s42A person is saying that this is the way that our community
3568 should be engaging with you. It's really intimidating. I couldn't get anyone else
3569 from our group that wanted to come.

3570
3571 When we look at your list of people that are on your schedules you've only got
3572 three lots of residents. You've got lawyers and work people that are coming
3573 because this is all about their job.

3574
3575 I've done lots of these submissions. These submissions are actually a lot harder
3576 and much more complex a planning submission than a normal annual plan, long-
3577 term plan submission. People just aren't going to participate.

3578
3579 I guess I would ask you to think about how this process works and how you
3580 engage, because the things that you are talking about, as Patricia has explained,

3581 it affects how we live our lives. That's how come we spent four weeks out from
3582 Christmas running around worrying about a plan change.

3583
3584 You're submitting – probably another couple of little examples I wanted to give
3585 you, one was in the s42A Report. There's lots. I gave you just a few quotes.
3586

3587 Clearly the process doesn't work because they were saying some submitters
3588 misunderstand the rule. They don't understand the rules, how they're written.
3589 Some submitters misunderstand them. No response was given as relief wasn't
3590 specified.

3591
3592 I learnt something through this process – that you have to specify relief. You
3593 don't have to do that in long-term plan submissions. If you don't know that –
3594 like one of our neighbours put a whole lot of effort into a lovely submission,
3595 which was completely ignored by the S42A Report because they didn't ask for
3596 relief. They didn't know they needed to ask for relief.
3597

3598 It's just a simple little technical requirement that meant you shut out a whole
3599 range of feedback from this person.
3600

3601 I guess we would say to you to engage with us. We've got an established
3602 network. We are interested in sustainable lifestyles and we would like to talk.
3603

3604 We also need to update you following reviewing of all these reports, because
3605 obviously some things have changed. We are pleased to see that the small holder
3606 provisions are disappearing, but I guess they're being made redundant because
3607 the tool isn't available.
3608

3609 For us, the issue remains that there is still no information about the actual risks
3610 on water quality and that applies for all the block sizes – the small ones and the
3611 larger ones. So there's a conversation about doing further work for the over
3612 twenty hectare blocks to see what is the actual impact and contribution that they
3613 may or may not be making towards water quality, and we ask that that continues
3614 as well as if there's any further consideration going back to smaller block sizes.
3615 You actually monitor to find out is there an issue that you're trying to manage.
3616

3617 We also noted in our submission that we wanted something done for where there
3618 are QE2 Conservation and other property management plans – what recognition
3619 is given of those, when you're compared to an FEP but we didn't get a response
3620 to that in the s42 Report. We would like a response to that.
3621

3622 I'm going to hand back to Patricia.
3623

3624 Laing:

3625 Talking about the relief that we would like, at the moment the Akatarawa is
3626 measured for water quality at the point where it meets Te Awa Kairangi. It's not
3627 the actual quality of the water in the Akatarawa River is unclear, unless you
3628 specifically go and test it.

3629 One of the things that we would like and we've talked about as a community is
3630 a minimum of three stations where the water quality in the Akatarawa River can
3631 be monitored.
3632

3633 Because the Greater Wellington Regional Council actually owns a lot of land
 3634 which contributes to the runoff into the Akatarawa River we would like some
 3635 funding for this to happen from the Greater Wellington Regional Council.

3636 [02.45.00]

3637 The other response following our review of the s42A Report that we recommend
 3638 is that the terminology referring to unplanned greenfield areas in the Akatarawa
 3639 Valley be changed because it's misleading.

3640
 3641 If you go to this book written by Peter O'Flaherty, there is nothing about
 3642 Akatarawa Valley which is greenfield. It's all brownfields at least, because of
 3643 the forestry activities that occurred in the valley from the mid-1800s and are still
 3644 going on. So we would like that to be changed.

3645
 3646 Wallace: We are just commenting on that now because it's not coming up until Hearing
 3647 Stream 4, but we haven't seen the s42A Report, so we can't make any comment
 3648 on that.

3649
 3650 I guess that's a little side bar for you that we are coming here once, we are not
 3651 coming here three times. You sliced this to suit your process, so we're just going
 3652 to come and talk once.

3653
 3654 Laing: That takes us onto pest control. We've been informed that pest control is outside
 3655 the scope of Plan Change 1. However, our ability to regenerate our ecosystem
 3656 depends on us working with you to work out a way to manage the pest levels in
 3657 the Akatarawa Valley. The pest include deer, pig, goat, possums and wild sheep
 3658 and a lot of other things besides.

3659
 3660 While we try and cull the deer particularly in order to manage the stock levels
 3661 on our land, we need some help from you.

3662
 3663 We would like to engage with the Greater Wellington Regional Council on
 3664 identifying agreed levels of stock, in other words stock or pests, that Greater
 3665 Wellington Regional Council will tolerate on their own land, on your land, so
 3666 that we can manage what's happening on ours.

3667
 3668 Because what happens is, if we cull all of the pests from our land they just get
 3669 repopulated from your land.

3670
 3671 I don't know how we go about doing this, but we would like clarification about
 3672 how we can improve the quality of our ecosystem, manage stock levels and
 3673 water qualities in the Akatarawa Valley with your help. We need some help. We
 3674 need to have a conversation.

3675
 3676 Even if pest control is not something that you're going to specify in the plan
 3677 change, we need to on the side maybe. We desperately need some help and
 3678 cooperation from you. The pests basically destroy the understory of the native
 3679 bush. If you walk through our properties you won't find any seedlings
 3680 underneath the native trees.

3681
 3682 There's one story – the school bus comes up to outside our gate at 2300
 3683 Akatarawa Road every day. There was one occasion last year where we had to
 3684 get the boys next door who are hunters to get their dogs out to chase the sow and

3685 her piglets off the road so the kids could get on the school bus. That's not a one-
 3686 off. It happens occasionally that we have to do things like that.
 3687 We really do need your help to control pests. I don't know how strongly I can
 3688 say it, but we definitely need your help.

3690 The next thing also is this photograph is of land which is in the Akatarawa Forest
 3691 which is owned by the Greater Wellington Regional Council but let to, I think,
 3692 a Canadian company, but I am not sure which it is.

3694 Basically the slash is just falling down the hill and will eventually end up in the
 3695 Akatarawa Valley, or the streams leading into the Akatarawa River. We request
 3696 that you model best practice when managing your land basically. You expect it
 3697 of us. Please could you do it for yourselves?

3699 We have a conclusion here where we have recognised, which we've asked that
 3700 as neighbours that you present any further information in a way that we can
 3701 understand it more easily, and the process is less burdensome.

3702 [02.50.00]

3703 That information and evidence is gathered to support targeted and tailored
 3704 strategies for specific ecologies. The Akatarawa Valley is unique. It's a one-off.
 3705 It's not like Mangaroa or Whiteman's Valley or other places that we know
 3706 around the place.

3708 Also, we have asked that you consider the costs and impacts of the plan change
 3709 provisions on rural lifestyles.

3711 We would like you to acknowledge that our land and our ability to manage it is
 3712 impacted by how well you in the surrounding areas manage your land, and we
 3713 would really like to engage with you and connect with you as active and
 3714 interested neighbours.

3716 I also want to just very quickly reiterate the relief that we want. We want you to
 3717 manage your land the same as we are expected to manage ours. We would
 3718 like funding for three water stations to monitor the quality of the water in the
 3719 Akatarawa Valley. And, we would like very serious consideration given to the
 3720 acceptance of our resource consent, recognising the uniqueness of our
 3721 ecosystem. And, some way of having a conversation about pest control.

3723 Thank you.

3725 Chair: Thank you very much.

3727 McGarry: I'm interested in the resource consent that you do hold and what that allows you
 3728 to do. Maybe you could explain a little bit more about that.

3730 Laing: It enables us to do all the things that are listed on the slide – the Akatarawa
 3731 Residents Good Neighbourly Behaviour Include.

3733 We worked out who was doing what in terms of food security, so who has
 3734 vegetable gardens, who has access to bush that can provide food for people,
 3735 harvesting and planting in exotic species for food and beer forage (because a
 3736 number of us are beekeepers) medicinal uses and healing purposes.

3737 Some of us are completely off the grid and use wood for heating the house,
 3738 cooking and everything like that. We worked out how much that would be in the
 3739 year that we would have to harvest in order to do that activity.
 3740

3741 For example, I'll talk about our place at 2300 Akatarawa Road. Part of us to the
 3742 north is our neighbour Staglands. Then we have the Akatarawa River that runs
 3743 through our property and we have a water supply that's a spring on the other
 3744 side of the river from our house. The water comes down a pipe and across the
 3745 river on a steel rope and then into a pipe. Then we stack it in tanks behind the
 3746 house and then it runs into the house. There's about three filtering systems in
 3747 that process. We are not the only ones who have a water supply like that.
 3748

3749 Many of us have solar arrays which support our electricity use. At our place we
 3750 have a pretty big one. What we don't have is an electrical generator, but we do
 3751 have a lithium battery which the power feeds into and tops up. We have a system
 3752 where if the weather is bad they'll top it up to 80 percent, but if the weather is
 3753 good it's only topped up to 30 percent – otherwise the excess energy goes into
 3754 the main system.
 3755

3756 Because the Akatarawa Valley was forested and there are old train tracks and
 3757 old tracks throughout the valley, some of them we keep open so that if there was
 3758 a fire the fire engine would be able to get as close to the fire as possible. But, we
 3759 do that as a personal thing, because we care about our community.
 3760

[02.55.00]

3761 We monitor what plants there are in the valley which are pests and go out and
 3762 get rid of them. There's not a lot of gorse in the valley but there is quite a lot of
 3763 St John's Wort for example.
 3764

3765 Then there are areas where stock are rough-grazed, which is they're not fenced
 3766 in fertilised fields, but there are places where you can graze stock – although
 3767 that's pretty difficult because both my neighbour to the south and my neighbour
 3768 to the north, their feed has been taken by deer, so the sheep and the horses are
 3769 on our place which hasn't been so badly eaten by deer – although we get five to
 3770 fifteen deer through our place every night. Then we do the building and
 3771 maintaining of fences. Some of the fences are existing and have been there for a
 3772 very, very long time. Others we have got new fences in.
 3773

3774 When it comes to waterways if there are weeds in the waterways then we'll get
 3775 rid of the weeds in various ways – either by going in there and just pulling them
 3776 out, or having ducks that like to eat them, or things like that.
 3777

3778 At our place there is a ford which goes over the river. We don't use it very often
 3779 but the neighbours use it for bringing their horses to our place. These kinds of
 3780 things.
 3781

3782 Does that give you a sense of what it's like?
 3783

3784 Wratt: Thank you for that. I do appreciate the complexity of this whole process in trying
 3785 to get your head around it. It's been challenging for me to get my head around it
 3786 and I'm paid to do it, so yes I do appreciate that.

- 3787 Just a particular comment you made was that you were concerned that PC1
 3788 would undermine what you do at the moment. I guess I'm not clear as to what
 3789 is it that you think and how would it undermine?
 3790
- 3791 Laing: I think the thing we are most concerned about is the fact that many of us still
 3792 own the riverbed and do small earthworks and manage the vegetation within five
 3793 metres of waterways.
 3794
- 3795 Wratt: Is that in your current consent?
 3796
- 3797 Laing: Yes it is covered in our current consent.
 3798
- 3799 Wratt: So why would that be at risk?
 3800
- 3801 Laing: I was listening to the conversation that was just had and I couldn't process
 3802 quickly enough as it was happening. I was wondering whether that conversation
 3803 might lead to people asking or saying that our resource consent was no longer
 3804 appropriate.
 3805
- 3806 I know that there are people, and at least one of them is listening in now, that are
 3807 wanting to build houses up the Akatarawa Valley and they haven't built yet.
 3808 They're worried about platforms for houses and managing runoff from those
 3809 houses. It can rain in our valley and we have to be careful about runoff and water
 3810 absorption and all sorts of things like that.
 3811
- 3812 Wratt: That will do for now. Thank you.
 3813
- 3814 Stevenson: On the issue of your existing resource consent and the concerns you have that
 3815 Plan Change 1 might undermine your ability to exercise it, I'm wondering if any
 3816 Council staff can comment on existing resource consent and the impact of
 3817 subsequent plan changes generally.
 3818
- 3819 Vivian: I can make a general comment on that.
 3820
- 3821 If you already have a resource consent that's granted by Greater Wellington...
 3822
- 3823 Laing: No, it's Upper Hutt City Council.
 3824
- 3825 Vivian: I can't speak on behalf of Upper Hutt City Council but in general when resource
 3826 consents are granted they have an expiry date on those consents. In our case, if
 3827 it was a Greater Wellington Resource Consent for earthworks for example there
 3828 would be an expiry date on that consent. At the point of expiry if someone
 3829 wished to obtain a new resource consent for that same activity, that activity
 3830 would be assessed under the new plan rules and provisions, if that makes sense.
 3831
- 3832 If I could provide you with any more I guess reassurance regarding earthworks
 3833 within five metres of stream beds and what-not, largely those permitted activity
 3834 provisions are actually in the NRP as it exists. So there is already restrictions
 3835 regarding earthworks within five metres of streams.
 3836
- [03.00.10]

- 3837 Laing: Yes, but our resource consent allows us to do minor earthworks and manage
3838 vegetation within five metres of the waterbody. So I don't know how we get
3839 around things like that.
3840
- 3841 Vivian: Thank you.
3842
- 3843 Chair: I was just pulling out some maps. Do you know if the particular monitoring point
3844 for your area is the Whakatikei River at Riverstone? Does that mean anything?
3845 Otherwise I might ask Mr Ruddock if he wouldn't mind pulling up Map 79 and
3846 sharing that on the screen so we can have a look.
3847
- 3848 Laing: I think it's the one above that.
3849
- 3850 Chair: Dr Greer is online as well to help with this. I'm interested in your comment
3851 about some of the things that the community has done and the quality of the
3852 water. If I am reading target attribute state tables correctly... the next trick will
3853 be if we can see it in enough resolution.
3854
- 3855 Greer: It might be easier just to bring up the web map if you can. This is all available
3856 in an interactive web map. It might be clearer.
3857
- 3858 Chair: Maybe Dr Greer if you're there, first the relevant part of the FMU for the
3859 community. If we could start with that. Is it the Whakatikei River at Riverstone?
3860
- 3861 Greer: To confirm this is for the Akatarawa Catchment which sits in the
3862 Ōrongorongo... the big FMU that starts with the Ōrongorongo, Te Awa
3863 Kairangi, Wainuiomata, forested main stems and forested streams I believe it's
3864 called.
3865
- 3866 The target attribute state site for the part-FMU is at the Whakatikei River at
3867 Riverstone and it also contributes to the Te Awa Kairangi lower main stem part
3868 FMU which has a monitoring site at the Hutt River at Boulcott.
3869
- 3870 Chair: Thank you for that.
3871
- 3872 Greer: No problem.
3873 Chair: The current target attribute baseline and target attribute states are showing good
3874 water quality for many of the attributes at the Whakatikei River monitoring
3875 point, but then degradation Hutt River at Boulcott, which as Dr Greer said the
3876 catchment also feeds into.
3877
- 3878 I appreciate again, as has been acknowledged, that the vast information and
3879 complexity of the provisions. But, this map there that Mr Ruddock has pulled
3880 up does show the spatial layers on it. If you were to put in your address in the
3881 top there, which I am not suggesting you do, but it does bring up what freshwater
3882 management unit you're in and the other relevant mapping layers that apply.
3883
- 3884 [03.05.12] Laing: We know that the Akatarawa River has no water monitoring tech stations on it.
3885
- 3886 Greer: The Akatarawa River does have a water quality monitoring site on it, it's just not
3887 specified as a target attribute state site?
3888

3889 Laing: Oh is that right?
3890

3891 Greer: Yes.
3892

3893 Laing: Do you know where it is?
3894

3895 Greer: I will get that up for you right now. The Akatarawa River at Hutt Confluence,
3896 so it's just upstream of where it meets the Hutt.
3897

3898 Wallace: So that's not in our area.
3899

3900 Laing: That's not in our area. We're Crest Road and north.
3901

3902 Wallace: We live above that.
3903

3904 Greer: Greater Wellington's monitoring sites are predominantly focused on the bottom
3905 of catchment. But, it is in the main stem of the Akatarawa River. On a map it
3906 looks like it could be in the Hutt River itself, but it is in the Akatarawa River.
3907 But, you're right, it's not in the upper reaches or even the middle reaches.
3908

3909 Wratt: My question there is that the priority through this planning process has been to
3910 identify where particular issues are with river quality, estuaries, coastal waters,
3911 and where the quality problems are and to focus in on there.
3912

3913 What we are seeing here is confirmation from that site at Riverstone that the
3914 water quality at the monitoring site is good.
3915

3916 So in terms of I guess resourcing from the Council what would make it a priority
3917 for them to put in monitoring sites on the Akatarawa River?
3918

3919 Wallace: See, that was us responding to you saying, because you were concerned...
3920

3921 Wratt: I didn't say. I'm a Commissioner.
3922

3923 Wallace: Sorry, so you generally. The proposition was that there were issues that needed
3924 to be managed, which imposed changes in costs on us as landowners. And, we
3925 were saying, "But, we don't believe there is a problem. If you tested the water
3926 you would find there isn't a problem."
3927

3928 There isn't a problem so now your processes iterated in saying, "We're pulling
3929 back from that," and I guess we're left with saying we just ask if you've got
3930 evidence that there's an issue of water quality that we're contributing to? Give
3931 us the evidence and we'll do something.
3932

3933 But, this process didn't have any evidence that there was a problem. It just said,
3934 "We think there might be a problem, and just in case there is let's impose a whole
3935 lot of stuff." That's how it arrived to us.
3936 So we're going, "We care about the quality. We already do stuff that we care
3937 about." There's no account taken of that. We just have to have a new process.
3938 We had stock level things and a whole tonne of things that are going to change
3939 the way we operate based on no information.
3940

- 3941 So, if you are now saying you're not going to do it anymore, then we don't need
 3942 to ask for the resource to test the water. But, that's not what the report said. The
 3943 report said they're not going ahead with this stuff because the risk tool is not
 3944 available. Not because you recognise that the costs outweigh the benefits.
 3945
- 3946 We're just left with that point, just saying, "Neat that you're not going to do it
 3947 to small holders and that you're going to get some information for the over 20's,
 3948 but can we just have some information."
 3949
- 3950 We're continuing to ask about the water quality question, because I guess we
 3951 don't think it will go away.
 3952
- 3953 Laing: There is one other point and that is that the community was having a long
 3954 conversation about stock levels that were increased by the number of deer that
 3955 were added to the stock that people had on their properties. There was a worry
 3956 that if the pest levels were high then the quality of the river would be
 3957 compromised.
 3958
- 3959 That was an issue for you and us.
 3960
- 3961 Wallace: We're not an intense farming rural area. There's an occasional cow and sheep.
 3962 By the time you have half a dozen deer tromping around your property they out-
 3963 number our stock really quickly and really easily.
 3964
- 3965 [03.10.00]
 3966 So that's why it's a different issue, and it's more of a significant issue.
 3967
- 3968 When we researched and compared to other areas and other Regional Councils,
 3969 it's the uniqueness of our rural area that makes a difference. We're not like our
 3970 colleagues at Mangaroa who have got swathes of flat land that they put cows on.
 3971 We're not like that.
- 3972 Laing: The only stock that we have on our place are pests, otherwise we have ducks and
 3973 hens. No stock, other than the deer which accumulate.
 3974
- 3975 Chair: Thank you very much. Really appreciate your perspective and fully
 3976 acknowledge it's an absolutely beautiful area. I love biking through the
 3977 Akutagawa's. Thank you very much for coming along today.
 3978
- 3979 Your points as well about the unplanned greenfield that's been noted and those
 3980 submission points will be factored into Hearing Stream 4 assessment.
 3981
- 3982 Laing: Thank you very much.
 3983
- 3984 Wallace: Thank you.
 3985
- 3986 Chair: That brings us to the end of submitter presentations for the day. We will be back
 3987 tomorrow morning. We are starting at 9.30 for the second day of submitter
 3988 presentations. Thank you very much everyone. Thank you reporting officers and
 3989 Dr Greer and the rest of the Council team. We will close with karakia.
 3990
- 3991 Ruddock: Ngā mihi Commissioners.
 3992

3993 *Kia tau ngā manaakitanga a te mea ngaro*
3994 *ki runga ki tēnā, ki tēnā o tātou*
3995 *Kia mahea te hua mākihikihi*
3996 *kia toi te kupu, toi te mana, toi te aroha, toi te Reo Māori*
3997 *kia tūturu, ka whakamaua kia tīna! Tīna!*
3998 *Hui e, Tāiki e!*
3999
4000
4001 [End of recording – 03.12.25]