

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED TO HEAR AND MAKE
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED
CHANGE 1 TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION**

UNDER	Schedule 1 of the Resource Management Act 1991 (The Act)
IN THE MATTER OF	Proposed Change 1 to Greater Wellington Regional Council's Regional Policy Statement (PC1)
BETWEEN	Greater Wellington Regional Council
AND	Philip Clegg Submitter 62 to PC1

HEARING STATEMENT OF PHILIP CLEGG

28 AUGUST 2023

Introduction

1. In March 2019, we purchased a not yet titled section in a rural subdivision in Whitemans Valley. We have been looking for our next home to raise our growing teenagers that would be our next stage house capable of providing a safe haven as they grow and mature into young adults.
2. We were living in Auckland and wanted to escape the urban rat race and problems that rapid and unfunded expansions creates in urban infrastructure.
3. Things we were looking for included:
 - Minimising the reliance on public infrastructure
 - Building more environmentally friendly ways of dealing with plants, nature and water
 - No neighbors parking across our driveway
 - Somewhere peaceful and filled with nature
 - Still close to the convenience of civilization
4. With this list, we found our little spot of happiness and it is 12 minutes from a MacDonalds / supermarket / shopping hub.
5. We got the title issued in 2020 and spent up on engineering reports, we learnt a few things about our land. However, in all the purchase due diligence stage and the post title building consent process, what we did not find out was how invested GWRC is in the flat land that we need to cross to get to our slice of hill.
6. “Everyone who lives in the country is a little bit green” was a quote from one of my neighbors. She rightly pointed out that the sort of people who buy land out of an urban setting have an interest in nature and a bent towards doing the right thing and protecting it.
7. We didn’t use the term Nature Based Solutions but in hindsight, this is what we had done as part of making our land right for us and the future. These included:
 - Planting over 3500 native plants that are known to grow in this valley to stabilise exposed slopes
 - Letting the native bush regenerate by not spraying the gorse
 - Ensuring our septic soak field had appropriate planting
 - Using bunds to slow the pace of water from exposed tracks left by forestry work
 - Removed wilding pines
8. We also have taken much care to make sure our pollution aspects including light pollution does not make our property a blight on the landscape.

Why am I here?

9. A week after we achieved our CCC, we received news from a Neighbor that GWRC had named us in a court case and was trying to undo our subdivision. The evidence presented indicated that they considered it a wetland that needed to be protected.

10. This led to a court case and the Environment court found that there was no evidence that this wetland existed either at the time of subdivision or up until the time of the court.
11. You would think that this would be the end? Well it turns out that it was just the beginning. In meeting with GWRC in a community setting we were all told that GWRC wanted the Managaroa wetland to be protected and if they couldn't get it as a wetland, they would use SNA as their mechanism. If that failed, they would use Climate Change to make sure they took control of the use of the Mangaroa area.
12. Much of the court process was based on arguing over semantics and wording of the various GWRC policies. There seemed to be a faction within GWRC who had decided that evidence was not needed and their say-so was all that was needed to declare something a protected item.
13. I don't want anyone else in the Wellington region to have to go through this process based on so little fact and supported by vague words that are open to interpretation by someone with a agenda or bias they are trying to push.

Acknowledgment to Pamela Guest for her commentary and changes

14. I would like to acknowledge the proposed wording amendment in the S47 report. One of the reasons that we have not queried peat as a climate change mechanism is the scientific proof available indicating how effective wet peat bogs can be in carbon sequestration. This is clear in the report referenced by Al Cross in his OIA response as well as the details provided by Pamela Guest in her S47 report.
15. However, both describe peatland as wetland, and mention of dried or degraded exposed peat based soils (organic soils) in both articles raise the specter of carbon emitters.
16. We like Pamela's commentary on changing the wording of protect to maintain. That sounds friendlier and more restrained. In this case, it may be "be careful what you wish for, as you may just get it.
17. Lets take an example of an area defined on a map as peatland that is actually dried out, shrinking and reducing over time.
18. This is exactly what the Keith Tompson report describes the Mangaroa valley areas as. He explains:

"There has been farming on the Mangaroa peat since the natural peat forming vegetation was cleared in the late 1880s, and the area visited during the present study was part of the Waipango Farm in the early 1900s. Further clearance operations by Dalmatians in the 1930s had the objective of harvesting flax crops, but ignorance of wetland processes resulted in heavy compaction of the surface peat and the flax cultivation enterprise failed (Fuller, 1993). Since then, much of the peatland has been burned over at least twice and part of it used as marginal pasture. Some areas have been cleared, then allowed to revert, several times. The level of the peat surface will therefore have fallen significantly during the past 100+ years, due to the burning and the peat dewatering and oxidation."

19. The articles attached to the S47 report seems to indicate that this could be a carbon emitter of substantial amounts of tons of CO2. Maintaining this means keeping it emitting, doesn't it?

Importance of words

20. Words are really important. Most communication is in person and as humans, we tend to favor the unwritten vs the written. This has manifested itself in many of the younger people taking offense at written communication when often none is meant. Regional plans and other things that affect how someone could live or use their land are no different.

21. We are not legal specialists or environmental scientists. We try our best to read and understand what our regional council is seeking us to do so we can be compliant. However, not everyone has good intent in their actions.

22. Twisting or bending words in a regional plan could lead to unintended consequences. Someone with a hidden agenda could take loosely formed wording and twist it to their ideology. Imagine a broad passage about an example that cars in the Wellington region could be green or blue. Someone with a pathological hate of purple may apply enforcement actions of owners of cars that are not green or blue.

23. I am sure the Pamela Guest had good intent in her actions to change the wording from protect to maintain.

24. Maintain is often used as a proper catch-all, inclusive of protection. Maintenance of something is used to include protecting, enhancing, and restoring depending on the context. The overall outcome of maintenance is to keep something in the same state as it currently exists which requires active steps to ensure that it remains in its intended state. Whereas protection refers to actions to preserve or avoid harm to a particular thing.

25. We are sure the regional council does not have this as their intent. However, one of the reasons for wanting this loosely worded example removed is because this interpretation of the definition of maintaining.

Interpretations – same words different uses

26. In the RPC PC1 definitions you have used the words Peatland and High Slope. These are also words used by Upper Hutt City Council in their PC47 – Hazards Plan change.

27. The reasons for these plan changes are both very different. While the regional council is looking to help the region weather its way through some hard decisions and evolve into climate change friendly practices, Upper Hutt City is looking at how to make intensification easier, safer and simpler. It is looking at identifying subdivision and build locations that may require extra reports or controls before consents are granted.

28. Yet there we are – the same words with different meanings and use cases. Upper Hutt is looking for any sign or indication of organic material in the soil's. This is to make sure the foundations and any septic tank system work correctly.
29. They also are looking at potential need for a geotechnical engineer to assess slope risk so have set a very conservative 26 degree angle before geotechnical reports are needed to demonstrate stability.
30. Imagine if one of your very busy people got the mapping overlay confused. Suddenly, all the foothills in the Wellington region look high slope risk and must be planted urgently with trees to prevent slope failure, and all the valley floors become marked as needing to be maintained or restored as they carry the label of peatland.

Same word - Peatland.

Different meaning

GWRC – Wetland peat bog with diverse ecosystem and carbon soak

UHCC – organic soil or soil containing organic material

Interpretations – River v Drain

31. We have already seen confusion with recent roadwork on Katherine Mansfield Drive delayed as a long straight ditch that moved rainwater alongside the road was considered a drain by Upper Hutt City Council, but a river with valuable aquatic ecosystems by the Regional Council. This vagary also underlays many if the challenges our community have had doing normal farmwork. This could be clearing drains – Enforcement notice from UHCC to clear drains but an abatement notice from GWRC stating you must not interfere with a river without a resource consent.
32. Or abatement notices to notify residents they cannot even set foot on their land even when no wetland exists or existed.

Interpretations - public info OIA request – Al Cross vs Pamela Guest insertions

33. There is much evidence that some in GWRC want to see something happen with the Mangaroa swamp/ wetland / peatland / SNA / pesky farmers thing.
34. These are included in reports from the Whaitua board to presentations to the Deer Stalkers association and farming reference group.
35. All reference protecting and restoring this area to a wetland and then protecting it as a wetland.
36. When we have asked for clarification, we have been threatened as a group and personally by GWRC councilors and officers.
37. In preparation for this RPS plan change process, we also have asked via the LGOIMA process 3 times for clarification on what GWRC has planned for our back yards and property. The response is in stark contrast to what we have seen Pamela Guest request added to the Upper Hutt City's plans and wordsmithing around the example of nature-based solutions.

38. Al Cross informed us on Nov 16, 2022 (File Ref: OIAP-7-26426) via a LGOIMA request that was made public:

“Reference to ‘peatland’ is only included twice in the Proposed RPS Change 1; both times used as an example of a natural resource that stores carbon (i.e. a ‘nature-based solution’). There was no specific discussion or decision-making associated with the inclusion of these two words given that peatlands are well known as carbon ‘sinks’ “

39. Al Cross also subsequently informed us on May 10 2023 (File Ref: OIA2022-203) after an Ombudsman complaint:

“The Ombudsman’s Office has also asked us to identify information that we hold relating to parts 2 and 3 of your request where the word “peatland” is substituted with the words “nature-based solution”:

“papers and presentations prepared for workshops with regional councilors and / or territorial authorities considering the peatland as part of a climate change strategy and papers documenting the decision-making process to include the peatland in the proposed RPS Plan Change 1.”

As previously detailed in our original response to your request, peatlands are not singled out in the Regional Policy Statement Change 1, nor do they have a specific objective or policy; this is why there is no detailed information regarding “the peatland” referred to in your original request. Peatland is mentioned as an example of Nature Based Solutions”

40. As there is no specific objective or policy on peatland, and it is only a simple example of a nature-based solution, then GWRC should have no hesitancy in changing the example for a different one, would it?

What other examples could there be?

41. Greater Wellington Regional Council has the capability to lead us into the change needed to help tackle living through climate change. This RPS PC1 is a great place to start looking at things that are nature based that lead to better outcomes for both people and the environment.

42. One of the natural resources we have plenty of and could help us remove reliance on out of region created resources is wind.

43. Is there something wind based that could be a better climate change example of a nature-based solution? Perhaps micro power generation via wind would be a good example. That could create a 24-hour electricity source to promote the use of EV’s with low cost / free at home charging therefore removing ICE vehicles from the road.

44. Perhaps a soggy section / soggy suburb idea? An area designated and deliberately slightly lower to catch rain runoff from high rainfall events so the existing urban or rural infrastructure can cope. That may be perhaps swales or leaky dams?

45. Maybe encouraging using dams and ponds to create freshwater aquaculture. Koura commercially created, Eels farmed for export, native fish hatcheries to encourage repopulation of our native fishes in our rivers?

Why should GWRC listen to a group of activists? Why do they have a say or sway in the GWRC process?

46. Let's look at the area we are talking about. Depending on your definition, this area could be a proposed 63Ha area on a single farm, to the organic based soils. This is almost 400 Hectares that cover from the Gun club at one end of the valley all the way to the base of the Blue Mountain Hills at the other.
47. Assuming the worst case (the largest one), this encompasses mostly properties on Katherine Mansfield Drive and its connected sub roads. (Ashton Warner Way, Janet Frame Way and Margaret Mahy drive.
48. There are approximately 75 properties in this area that are "on the flat". This area all would be considered to have a mapping overlay indicating they may have organic soils on some part of their property.
49. However, there are 54 households with the remaining land being owned by existing households
50. 48 people responded from this area asking for the reference to Peatland to be removed from the definitions. Another 3 also requested the same action.
51. If you only look at properties, this is a 68% response asking for the same outcome.
52. If you look at individual owners, that is a 90% response rate. When was the last time you saw or heard of a 90% response to any local government initiative?
53. In my mind, that is not a small group of activists, that is a community crying out to be heard.

Our ask

54. When making new regulations please be precise. Maintain is a superset of protect.
55. Peatland is too loose it can have many different meanings with unintended consequences. Al Cross tells us it is not important and not singled out. –Please remove all mention of peatland from RPS1
56. Feel free to add a different nature-based solution examples without peat references – There are MANY to choose from

Thankyou