

**Before the Proposed Plan Change One Hearings Panel  
In Wellington**

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Under the Resource Management Act 1991 (the Act)

In the matter of the Proposed Plan Change One to the Natural Resources Plan  
– Hearing Stream 3: Rural land use activities, Forestry and  
Vegetation Clearance, and Earthworks.

Between **Greater Wellington Regional Council**  
Local authority

And **Wellington Water Limited**  
Submitter 151 and Further Submitter FS039

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**Statement of evidence of  
Caroline Horrox for Wellington Water Limited (planning)**

Dated 5 May 2025

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## **1 Introduction**

- 1.1 My full name is Caroline Anne Horrox. I am employed as a contractor by Wellington Water Ltd (**Wellington Water**) to provide planning advice and support on a range of district and regional planning related matters. I was previously involved in drafting Wellington Water's submission on the Proposed Plan Change 1 (**PC1**) to the Natural Resources Plan (**NRP**).
- 1.2 This statement of evidence relates to Hearing Stream 3 – which covers 'Rural land use activities, Forestry and Vegetation Clearance, and Earthworks'. I have prepared this statement of evidence on behalf of Wellington Water in respect of planning related matters arising from submissions, further submissions and the section 42A report on PC1.
- 1.3 I have been authorised to give this evidence by Wellington Water.

## **2 Qualifications and experience**

- 2.1 My qualifications include a Bachelor of Arts and a Master of Science (Natural Resource Management). I have 25 years of experience in resource management and planning, with roles within state owned enterprise, central government, local government and the private sector. Most of my experience has been associated with infrastructure providers in both a technical planning advisory and management capacity. I am currently self employed as a planning contractor undertaking a range of policy and project related planning work.

## **3 Code of Conduct**

- 3.1 Although this matter is not before the Environment Court, I confirm that I have read the 'Code of Conduct for Expert Witnesses' in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

## **4 Scope of evidence**

- 4.1 My statement of evidence addresses the following matters:

- a The policy requirements to recognise and enable Regionally Significant Infrastructure (**RSI**) through regional plan provisions
  - b The earthworks definition
  - c The earthworks rules
  - d The winter shutdown requirements for earthworks.
- 4.2 In preparing my evidence I have referred to the following documents:
- a The publicly notified PC1 on the NRP;
  - b The section 32 report accompanying the publicly notified PC1;
  - c Wellington Water's submission on the NRP PC1;
  - d The Regional Policy Statement for the Wellington Region including the decisions version of RPS Change 1 publicly notified on 4 October 2024;
  - e The section 42A Hearing Report and appendices prepared for Hearing Stream 3 by Alisha Vivian (Earthworks) all dated 15 April 2025.
  - f The statements of evidence and supplementary evidence of Dr Michael Greer dated 15 April 2025;

## **5 Recognising and enabling regionally significant infrastructure**

- 5.1 A resilient, cost-effective, and efficient three waters network is vital for human health, safety, and overall social and cultural well-being. Maintenance and enhancement of the Wellington Region's three waters network (bulk water, wastewater and stormwater) are crucial for delivering improvements that support freshwater health and fulfil Te Mana o te Wai principles, as mandated by the National Policy Statement for Freshwater Management. Planned improvements include additional drinking water supply storage, wastewater treatment plant upgrades and the wastewater and water supply renewals programmes.
- 5.2 Three waters network upgrades will also be required to address network constraints and support future urban development in line with the National Policy Statement on Urban Development.
- 5.3 The Wellington region's three waters network is Regionally Significant Infrastructure (RSI) as defined by the RPS and the NRP. Policy 7 of the Regional Policy Statement (decisions version) requires regional plans to include objectives, policies, rules and/or other method to recognise the benefits of RSI. The operative

NRP also contains objectives and policies requiring RSI to be recognised and provided for (for example Objective 9, Objective10, Policy 11, Policy P13).

- 5.4 In my view further modifications are required to the PC1 earthworks provisions to ensure these policy imperatives are adequately given effect to.

## **6 Earthworks definition**

- 6.1 Wellington Water operates and maintains a network of approximately 6,300kms of pipes across the Greater Wellington Region. Earthworks are required on a regular basis as part of ongoing maintenance and upgrade of the pipe network.
- 6.2 As highlighted in Wellington Water's submission (S151.018), the removal of the earthworks exclusions from the earthworks definition for Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua will significantly increase complexity, cost and time required for pipe maintenance and upgrades. It will also necessitate a large number of consents to be sought for minor earthworks activities.
- 6.3 I consider it essential to make changes to the provisions to address this issue, and to ensure alignment with the objectives and policies in the RPS and NRP (noted in paragraph 5.3 above) that require RSI to be recognised and provided for.
- 6.4 Wellington Water's submission supported the retention of the earthworks definition in the operative NRP across the full region (including retention of the current exemptions). Given the PC1 earthworks definition for Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua aligns with the national planning standards (2019), I do not consider it practical to reinstate the earthworks definition exemptions.
- 6.5 In Ms Vivian's Section 42A report (paragraph 72), she acknowledges that the incorporation of the earthworks definition from the National Planning Standards has had unintended impacts on the ability to undertake the operation, maintenance and upgrade of lifeline utilities and regionally significant infrastructure. Ms Vivian notes that given the linear nature of this infrastructure, it is unlikely to be able to meet the earthworks permitted activity rule (paragraph 72). I agree with these comments.
- 6.6 At paragraph 73, Ms Vivian proposes new permitted activity rules WH.R23A and P.R22A to provide for some of the activities previously excluded from the new EW definition.
- 6.7 I consider the introduction of new permitted activity rules, broadly consistent with those proposed by Ms Vivian, offer a practical solution to the challenges arising from the adoption of the new earthworks definition. However, I consider that further modifications are necessary to ensure these rules are effective. These additional changes are outlined in paragraphs 7.1 - 7.10 below.

## **7 Proposed new permitted activity earthworks rules WH.R23A and P.R22A**

- 7.1 As noted above, I generally support WH.R23A and P.R22A proposed by Ms Vivian. I note however, that bores or geotechnical investigation bores, which were previously covered under the earthworks exclusions that formed part of the earthworks definition, have been excluded from the new permitted activity rules WH.R23A and P.R22A. Bores (including geotechnical investigation bores) are essential to supporting Wellington Water's ability to manage risks, monitor groundwater, and enhance the resilience and security of the water supply network. Bores associated with RSI should therefore be incorporated into rules WH.R23A and P.R22A.
- 7.2 Except for proposed permitted activity conditions (a) and (d), I consider the permitted activity conditions proposed by Ms Vivian to be generally achievable for the types of work previously covered the earthworks definition exemptions.
- 7.3 Ms Vivian's proposed WH.R23A and P.R22A permitted activity condition (a) requires that earthworks shall not occur within 5m of a surface water body or the coastal marine area.
- 7.4 Meeting this requirement presents several challenges. Firstly, water bodies are often situated near linear infrastructure at multiple points, including Wellington's three waters pipe network. Many maintenance and upgrade activities would therefore inherently fail to meet this condition.
- 7.5 Additionally, this condition necessitates a thorough evaluation of the proximity of works on linear infrastructure to waterways for any planned maintenance or upgrades. Conducting such assessments would require significant time and resources.
- 7.6 Even with such efforts, these evaluations are unlikely to definitively confirm compliance with the 5m setback requirement for upcoming works. There are two reasons for this:
- a In some cases, it might be difficult to confirm whether a waterway qualifies as a 'surface water body' under the NRP, as there are numerous exclusions. For example, 'ephemeral streams' are not considered 'surface water bodies'. Determining whether a waterway is ephemeral for example (rather than rather than an intermittent or perennial stream) typically requires an on the ground assessment by a specialist and even then, the determination may remain unclear.

- b Furthermore, while linear infrastructure may be physically situated further than 5m from a waterbody, a construction area may extend beyond this. Construction methodology details, which are generally finalised once a contractor is appointed, are necessary to establish this. Contractors are typically engaged after consents are obtained. These types of uncertainties would likely require Wellington Water to obtain earthworks consents as a precautionary measure for a large number of pipe maintenance and upgrade works.
- 7.7 I therefore consider that WH.R23A and P.R22A permitted activity condition (a) is not an effective or efficient way to address the effects of earthworks on waterways. In my view, effects can be avoided or managed by adopting good construction practices and robust erosion and sediment control measures, irrespective of a waterway's proximity. I have suggested some alternative condition (a) wording to reflect this as outlined in **Appendix A**.
- 7.8 My other key concern with WH.R23A and P.R22A relates to permitted activity condition (d) as proposed by Ms Vivian. This requires that there to be no discharges of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network.
- 7.9 At paragraph [116] of her s42A report, Ms Vivian recognises that it is unpracticable to require no discharges from a site. She notes that the volume can be minimised and measures taken to minimise effects (paragraph 128). She has recommended changes to Rules WH.R23 and P.R22 to reflect this. However the 'no discharges' requirement is included as part of proposed Rule WH.R23A and Rule P.R22A for minor earthworks associated with infrastructure.
- 7.10 For consistency, to address the impracticality (regardless of earthworks scale) of requiring no discharges from a site, while still ensuring effects are appropriate managed, Rule WH.R23A and Rule P.R22A permitted activity condition (d) should be updated to align with the changes Ms Vivian has proposed to Rules WH.R23 and P.R22. I have included recommended changes to permitted activity condition (d) to redress this. These are based on changes proposed by Ms Christine Foster assisting Meridian Energy who I have discussed this matter with in formulating my evidence. My proposed changes to WH.R23A and P.R22A are outlined in **Appendix A**.

## **8 Permitted activity earthworks rules WH.R23 and P.R22**

- 8.1 At present, clause (c) of permitted activity rules WH.23 and P.R22 requires that an area of earthworks does not exceed 3,000m<sup>2</sup> per property in any consecutive 12-month period. The 'per property' and '12 month period' requirements are particularly problematic for linear infrastructure and large sites associated with RSI.
- 8.2 Wellington Water's submission (S151.018) states that many earthworks activities carried out by Wellington Water with minor effects would not comply with the permitted activity conditions of these rules. Consequently, numerous resource consent applications would need to be submitted annually to Greater Wellington Regional Council, for minor earthworks activities.
- 8.3 By way of example, Seaview wastewater treatment plant sits on large site which would be considered one 'property' for the purposes of rule WH.23. A number of separate projects are planned at this site within an upcoming 12-month period. These will require earthworks in different locations within the site. One of these projects, the Dryer Replacement, will involve more than 3000m<sup>2</sup> of earthworks and will therefore require consent. Various other projects with very minor earthworks requirements (one project involves around 26m<sup>2</sup> of earthworks) are planned on other parts of the site within 12 months of the Dryer Project. Under the current PC1 provisions, all projects involving any earthworks that occur after the Dryer project and within 12 months of it, will trigger the need for consent irrespective of earthworks area, location on site, timing in relation to the Dryer project or the effects generated (if any).
- 8.4 In my opinion, changes to WH.23 and P.R22 (c) are required to ensure that RSI related earthworks on the same property (as defined under the NRP) that are spatially and/or temporally distinct and do not 'combine' to materially impact on the overall effects, do not trigger the need for consent. I therefore recommend the addition of a new RSI specific permitted activity condition and minor changes to existing permitted activity condition (c), as outlined in **Appendix A**. These changes are based on those proposed by Ms Catherine Heppelthwaite assisting NZ Transport Agency Waka Kotahi who I have discussed this matter with in formulating my evidence.

## **9 Earthworks Rules WH.R25 and P.R24**

- 9.1 I support Ms Vivian's recommendation (paragraph 163) to change the activity status of Rules WH.R25 and P.R24 "Earthworks" from 'non-complying' to 'discretionary'. In my view this sufficiently enables environmental effects associated with RSI related work to be addressed, while providing an appropriate consenting pathway for this work.

## **10 Management of earthworks sites – winter shutdown**

- 10.1 Policies P.P29 and WH.P31, and restricted discretionary earthworks rules WH.R.24 and Rule P.R23 (condition (b)) requires earthworks over 3000m<sup>2</sup> to be shutdown from 1<sup>st</sup> June to 30<sup>th</sup> September each year.
- 10.2 Wellington Water's submission stated that this blanket approach was excessive and would make it difficult to deliver the significant work programme associated with delivering Te Mana o te Wai (as per paragraph 5.1 of my evidence).
- 10.3 I agree with Ms Vivian's assessment in her s42A report (paragraph 158) that the potential adverse effects of conducting earthworks during the winter shutdown period can be effectively managed via the rule framework. As such, I support Ms Vivian's recommended deletion of policies P.P29 and WH.P31 and the inclusion in Policy WH.29 and P.P27 of new clause (e) requiring works during the winter close down to be minimised.
- 10.4 While in my view Ms Vivian's proposed changes to WH.R.24 and Rule P.R23 (condition (b)) improves the pathway for winter earthworks, I note that target attribute state Tables 8.4 and 9.2 are subject to further potential change as part of Hearing Stream 4 which may impact on the workability of condition (b).

## **11 Conclusions**

- 11.1 In my opinion, the changes proposed by Ms Vivian address a number of issues with the earthworks provisions as notified in PC1. However additional changes are required to give effect to objectives and policies in the RPS and NRP to recognise and provide for RSI, ensure rules are effects based and that the thresholds for permitted, restricted discretionary and discretionary activities are reasonable.
- 11.2 Issues raised and relief proposed in this statement of evidence have been informed by discussions with other RSI providers including Ms Christine Foster assisting Meridian Energy Limited, Ms Catherine Heppelthwaite assisting NZ Transport Agency Waka Kotahi, Ms Kirsty O'Sullivan assisting Wellington International Airport Limited and Ms Pauline Whitney assisting Transpower NZ Limited.
- 11.3 Given the substantial alignment among these infrastructure providers regarding the NRP PC1 earthworks provisions, I consider that conferencing with these and other relevant parties would be beneficial in resolving the matters raised.

**Caroline Horrox**  
**5 May 2025**





## Appendix A: Further Changes to Provisions Recommended in 42A Report

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- Provisions as notified are shown in black text. Additions are underlined and deletions are ~~struck through~~.
- Section 42A recommended amendments are shown in **red text**. Additions are underlined and deletions are ~~struck through~~.
- Recommendations by Caroline Horrox are shown in **blue text**. Additions are underlined and deletions are ~~struck through~~.

### **Rule WH.R23A – Minor earthworks associated with infrastructure and Rule P.R22A Minor earthworks associated with infrastructure**

Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, associated with:

- (a) thrusting, boring, trenching or mole ploughing associated with cable or pipe laying and maintenance, and
- (b) the construction, repair, upgrade or maintenance of:
  - (i) pipelines, and
  - (ii) electricity lines and their support structures, including the National Grid, and
  - (iii) telecommunication structures or lines, and
  - (iv) radio communication structures, and
  - (v) (v) firebreaks or fence lines, and
- (c) repair or maintenance of existing roads and tracks, and airfield runways, taxiways, and parking aprons for aircraft;
- (d) a bore or geotechnical investigation bore associated with regionally significant infrastructure

is a permitted activity provided the following conditions are met:

- (a) ~~the earthworks shall not occur~~ within 5m of a surface water body or the coastal marine area shall be subject to erosion/sediment controls installed and maintained during works to avoid adverse effects of sediment on water bodies, and.

- (b) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, including via a stormwater network, and
- (c) the area of earthworks must be stabilised within six months after completion of the earthworks, and
- (d) erosion and sediment control measures shall be used to prevent, to the extent practicable, and otherwise to minimise, the ~~there is no~~ discharge of sediment from earthworks and/or flocculant into a surface water body, the coastal marine area, or onto land that may enter a surface water body or the coastal marine area, including via a stormwater network, and ~~erosion and sediment control measures shall be used to prevent a discharge of sediment where a or~~ preferential flow path connects with a surface water body or the coastal marine area, including via a stormwater network.

## Rules WH.R23 and P.R22

Earthworks and the associated discharge of sediment and/or flocculant into a surface water body or coastal water or onto or into land where it may enter a surface water body or coastal water, including via a stormwater network, is a permitted activity, provided the following conditions are met:

- (a) [...], or
- (b) [...], or
- (bb) for regional significant infrastructure, a 3000m<sup>2</sup> threshold applies to the individual area of work being undertaken at any one time at a particular location such that, where practicable, progressive closure and stabilisation of works can be adopted to maintain the activity within the threshold; or
- (c) where (bb) does not apply, the area of earthworks does not exceed 3,000m<sup>2</sup> per property in any consecutive 12-month period, and
  - (i) [...]
  - (ii) [...] etc