

Before the Hearings Panel
At Greater Wellington Regional Council

Under	Schedule 1 of the Resource Management Act
In the matter of	Proposed Plan Change 1 to the Natural Resources Plan
Hearing Topic	Hearing Stream 3 – Rural land use activities, Forestry including vegetation clearance and Earthworks

**Statement of evidence of Suzanne Rushmere on behalf of Upper Hutt City Council
(Operations)**

Date: 5 May 2025

INTRODUCTION

1. My full name is Suzanne Rushmere and I am employed as Principal Advisor in the Operations team at Upper Hutt City Council (UHCC).
2. I have prepared this statement of evidence on behalf of UHCC in support of the UHCC submission to Greater Wellington Regional Council's (GWRC) Plan Change 1 (PC1) to the Natural Resources Plan (NRP).
3. This statement of evidence relates to Hearing Stream Three – Rural land use activities, Forestry including vegetation clearance and Earthworks.
4. I am authorised to provide this evidence on behalf of UHCC.

QUALIFICATIONS AND EXPERIENCE

5. I hold the qualifications of Bachelor of Arts (Honours) in Planning from Oxford Brookes University (UK), Post Graduate Diploma in Planning from Oxford Brookes University, and a Master of Science in Planning from Oxford Brookes University.
6. I have worked for Upper Hutt City Council as Principal Advisor Operations since January 2025. Prior to that I held the following positions
 - a) Senior Policy Planner – Upper Hutt City Council August 2022 to January 2025
 - b) Roading Network Planner – Kapiti Coast District Council 2018 to August 2022
 - c) Policy Planner – Kapiti Coast District Council – March 2015 to 2018
7. In these roles, I have undertaken the following tasks and responsibilities:
 - Supporting the development of Plan Changes including preparing section 42A reports for and giving evidence at Proposed District Plan hearings;
 - Providing infrastructure advice on and developing resource consent applications;
 - Leading Upper Hutt City Councils involvement in regional projects as a lead for UHCC developing the Housing and Business Assessment and the Future Development Strategy;
 - Developing transport strategies and bylaws and inputting into the development of funding bids and asset management plans.
8. I am familiar with PC1 having drafted parts of the UHCC submission on the plan change.
9. I am a chartered member of the Royal Town Planning Institute (UK).

CODE OF CONDUCT

10. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

SCOPE OF EVIDENCE

11. In preparing my evidence I have relied on the following:

- The Resource Management Act (RMA)
- The National Policy Statement for Freshwater Management 2020 (NPS-FM)
- The operative NRP for the Wellington Region
- The NRP PC1 Section 32 Assessment
- The NRP PC1
- The submission on NRP PC1 made by Upper Hutt City Council
- The Section 42A reports for Hearing Stream Three written by Alisha Vivian

12. This Statement of Evidence should be read in conjunction with the Statement of Evidence prepared by Ms Gabriela Nes dated 5 May 2025.

Definition of earthworks and rule WH.R23

13. [S255.032] UHCC opposes the definition for earthworks due to concern that the definition does not correctly implement the national planning standards. UHCC considers that the removal of other exclusions is a fundamentally unreasonable policy setting and an issue of impracticality and cost for the ongoing cost for Council.

14. UHCC supported the clause 16 amendment to rule WH.R23, considering that the amendment significantly improved the outcomes for landowners and the public. However, [S255.107] UHCC is concerned about the implications of this rule when read alongside the proposed definition of earthworks.

15. The removal of exclusions from the definition significantly affects the ability to undertake business as usual maintenance and renewals particularly for local authority roads, footpaths and cycle paths

16. Under rule WH.R23, 3,000m² of earthworks would enable maintenance or upgrade of network utilities of between 150m and 1,500m linear metres in any one year. The rule also applies 'per property', and the definition of property is "Any contiguous area of land including adjacent land separated by a road or river, held in one ownership".

17. It is unclear whether a utility network is considered one property for the purpose of the rule or whether 'property' would relate to the area where works are being undertaken. If it is the former, then Council would only be able to undertake one or two minor maintenance activities per year without a consent.

18. To put this in context, if earthworks were undertaken along one road of 7m wide and 150m long this rule would introduce a cumulative issue whereby a consent could be required for every subsequent minor maintenance or upgrade activity undertaken on the network by Council.

19. This is not a cost that can be borne by ratepayers, particularly as we are operating in a constrained financial environment and 51% of our funding is from a NZTA bidding process.

20. I agree with Ms Vivian that there have been unintended consequences of the definition of earthworks in Plan Change 1 as notified.
21. I support Ms Vivian's recommendations to exclude infrastructure activities from requiring a consent, however, it is not entirely clear why this needs to be addressed through proposed new rule WH.23A rather than an exclusion to the definition.

Rule WH23A

22. Notwithstanding my comments above, if rule WH.R23A is retained to address the concerns of UHCC I am unclear why the term 'minor' is required and am concerned about how this may be interpreted, given that there is no exclusion for earthworks associated with infrastructure in rule WH.R23.
23. Therefore, I consider than the rule should read "Earthworks associated with infrastructure" and that rule WH.R23 requires an associated exception to read: **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 (except earthworks associated with infrastructure in rule WH.R234),** is a permitted activity, provided the following conditions are met:.....
24. Or other similar wording that addresses this concern, as well as any other consequential amendments required to address the relief sought.
25. It is also unclear why the following text is included in rule WH.R23A when it is proposed for deletion in rule WH.23

"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"

26. The reasoning for removal of this sub clause from rule WH.R23 should also apply to rule WH.R23A, therefore, I consider that this part of clause d) should be removed WH.R23A if this rule is to be retained.

Policy WH.P29

27. UHCC submission considers that the matters addressed in this policy are reasonable for large scale projects but may not be reasonable to require of smaller projects such as maintenance of driveways and footpaths, which are now considered to be earthworks in accordance with the definition in NRP PC1 as notified. The UHCC submission seeks that the policy should be amended to identify the scale or threshold this policy should apply at.
28. From a consenting point of view, I am of the opinion that the amendments proposed by Ms Vivian provide a more practical option for all scales of earthworks, particularly given the relief provided by Ms Vivian in respect of the definition of earthworks and the rule WH.23 / WH.23A.
29. However, I do note that policy WH.P29(a) reads more like a standard and there is no comparable requirement in rule WH.R23 to undertake earthworks in accordance with the GWRC erosion and sediment control guidelines, only a note that guidance is available in rule WH.R23.

Policy WH.P30

30. [S255.092] UHCC opposes WH.P30 raising concern that this policy reads more like a rule or standard rather than outlining how an objective will be implemented.
31. The amendments proposed in Ms Vivian's evidence do not address the concern in the UHCC submission, and I am still of the opinion that it is not good drafting and that the objective of the section 42A writer can be addressed in a rule.

Policy WH.P31

32. [S255.093] UHCC opposes WH-P31 raising concern that this policy reads more like a rule or standard than outlining how an objective will be implemented.
33. I note that there may be some circumstances where earthworks may be required in the winter close down period, particularly following a natural event, and this is recognised in proposed clause (e) in Ms Vivians recommended amendments to policy WH.P29.
34. Therefore, I support the proposal by Ms Vivian to amend policy WH.P29 and delete policy WH.P31 and address this matter through the rules framework.

Rule WH.R24

35. [S255.108] UHCC opposes WH-R24 raising significant concerns about the application of the amended earthworks definition and the implications for this rule. UHCC considers amended permitted activity standards are a far more appropriate way to manage sediment runoff concerns.
36. I have no further comments to make in this regard but do note that in Appendix 4 to Ms Vivians evidence the rule refers another rule for Porirua and not Te Whanganui-a-Tara.

Rule WH.R25

37. [S255.109] UHCC, although supporting in part WH.R25, has made comments on other rules which default into this non-complying rule. UHCC seek that this rule is reviewed, and consequential amendments made in relation to concerns raised.
38. I support the amendment of activity status of WH.R25, from non-complying to discretionary. I consider that the discretionary activity status recognises that earthworks activities which are unable to meet WH.R24 can be undertaken in a manner in which the effects of the activity are able to be mitigated to a level in which the effects are less than minor, and retaining the non-complying status would not reflect the actual and potential risk the activity poses to the environment.
39. I also note that in Appendix 4 to Ms Vivians evidence the rule refers another rule for Porirua and not Te Whanganui-a-Tara.

Conclusion

Overall, I consider that the majority of the issues raised by UHCC have been addressed in part. However, I still remain concerned about some of the provisions and recommend some minor amendments as per this statement of evidence.

S Rushmore