

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

Date: Wednesday 28<sup>th</sup> 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

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[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

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

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

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

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

[00.40.20]

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

Foster: I did get wind yesterday. I've got a version that's got 27<sup>th</sup> of May on it. Is it different from then?

Chair: Slightly yes.

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

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

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

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

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

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.

Foster: Neither Mr Feierbend or myself were involved in the consenting for Mount Munro which would be a good example to draw from. So we can't answer today.

Vivian: I can touch on that as reporting officer for Regional Council for Mount Munro. Mount Munro is an example where winter works conditions were placed on that resource consent, bearing in mind the conditions were slightly different, as was joint consent with Horizons Regional Council. The standard conditions don't look exactly as they would within our region. However, winter works condition is on the consent.

They are an example of what we were talking about yesterday, where they have the ability to provide an additional erosion sediment control plan for the winter period and have some works certified to continue through that period. That might look like some civil works or limited works. It doesn't have to be an area, but works that pose less of a risk, or works that they have planned to undertake that can be managed appropriately in the circumstances.

McGarry: Again just bringing up speed from yesterday, we did also raise some concerns that the policies as drafted kind of don't put in the chapeaux, or the point that you're trying to achieve here, which is to avoid direct discharges to surface waterbodies without treatment firstly.

We have actually asked Ms Vivian to do some redrafting so that the chapeaux of those policies would be more along the lines of avoiding direct discharges of sediment to water by managing, and then having all discharges going through a treatment device.

Then she has talked about maybe combining (e) and (b) together, so they would read more along the line of limiting the amount of land disturbed and also that close-down period and limiting disturbance during that close-down period.

It would avoid using the minimising word. I just raise it for you because I think there's got to be some natural justice issues in terms of that redrafting and I think we're going to have to think on this side of the table about how we could give you maybe even just the opportunity in writing to be able to respond to the new drafting of that – because I'm sure you'll be interested in the wording, in the reordering.

I just wanted to highlight that for you, that we're not happy with the drafting as it is at the moment. It's kind of lost the message of avoiding direct discharges to surface waterbodies.

Foster: That's very interesting to hear. Thank you for that.

I highlight it from the same point. I don't think Meridian had scope to raise it necessarily through in the policy, but in the rule where I've suggested combining some points into one, because it didn't seem to talk about what the point of that was. I was attempting to do that. I agree with you that the policy could be more directive of what the point is.

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,

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

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

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

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

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

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

[01.05.00]

That's probably enough on that.

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

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

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

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

Whatever the right wording is for that, there are various suggestions before you. But, that's actually the point of it. When you look at there could be whole filing systems full of consents that actually take you to exactly this place. That is my suggestion to you.

So (a) the works that are highly risky within five metres of the surface waterbody or high tide mark, that can be dealt with through that process. Positioning or leaving soil or debris where it could end – that can be dealt with through that process. Stabilisation can be incorporated into that.

I say in my evidence and say it again, a standard that says “no discharge” is in my mind unrealistic and it has to go to the minimise, but that can be addressed – one standard I think. I'm sure it could be better drafted. That's the reason I put that before you.

I think that's probably all we needed.

I think I noted in my speaking notes I'm grateful for the recommendation that the ultimate default not be a non-complying activity. My view is that all of these matters could be dealt with as a restricted discretionary activity.

I know that people think that's easier than a discretionary activity, but possibly not because the matters are so confined. I think with things like earthworks and managing the risk of sediment discharge you can confine it pretty tightly and make it very clear what's expected. Whereas the discretionary activity introduces a whole lot of wider thinking. But, I accept these are restricted discretionary activity entry level rules that have conditions, and therefore if they're not met then you need to fall somewhere. But, they could equally be **RDA** [01.08.56].

I might leave it at that. Thank you.

Chair: Ms Foster, is that also why you would like to have the benefits of the use and development written into a matter of discretion because...

Foster: Yes that's correct. I think it's mandated via the other provisions of the RPS but also the Natural Resources Plan. It's not particularly enabling, it is just recognising that.

Chair: Ms Vivian, I was just having a look again at the operative plan and Rules 106 and 107 about earthworks, and in particular 106 the RD rule. Have there been issues that have come which mean that the framework needs to be tightened up, or is it simply that you think additional requirements are needed to give effect to the NPS-FM?

[01.10.10]

Vivian: Is that just specifically relating to renewable energy activities applying under that rule, or do you mean the earthworks [01.10.15] in general?

Chair: R106 is specific to renewable energy generation I guess. Feel free to talk more broadly if that's better. I guess there's a reason for tightening things up.

- 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

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

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

[01.25.10]

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

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

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

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

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

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

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

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

[01.30.00]

Chair:

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

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

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

Willis:

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

Chair:

My reporting officers are mixed up there, sorry about that.

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

Matich:

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

This is Rule R17?

Chair:

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

Matich:

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

Chair:

That's the one.

Matich:

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

Chair:

Sorry to interrupt Mr Matich, I think you might be looking at the notified version 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 whaituas. 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

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

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

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

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

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

[02.05.05]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The monitoring site for the Takapū FMU is taken as Elmwood on the 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

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

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

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

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

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

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

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

Thank you.

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

The point you make about Schedule 36 and Schedule Z is a good one. We were grappling with the two on day one, as you might have heard. My understanding is that are scope issues with amalgamating them all into just one. I don't know 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 whaitua 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 whaitua 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 ERTTP. 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]

[Hearing Resumes – 02.57.50]

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

Dhylum Nightingale, a Barrister and I live in Te Whanganui-a-Tara. I am chairing both panels.

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

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

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

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

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

Bruce: Hi I'm Gavin Bruce.

Askin: I'm Louise Askin.

Hume: Hi, I'm Sharon Hume.

Grace: Michael Grace.

Best: Hamish Best.

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

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

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

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

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

[03.00.10]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[03.05.05]

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

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

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

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

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

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

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

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

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

In terms of specific provisions:

Farm Environment Plans: I support the use of the certified Farm Environment Plans, though noting the risks arising from them being compulsory. Various farm plan structures are often a constructive, informative tool for landowners, usually when they're voluntary.

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

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

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

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

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

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

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

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

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

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

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

[03.10.20]

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

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

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

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

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

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

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

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

Thank you. Should we move to the next?

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

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

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

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

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

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

Not to my general comments:

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

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

[03.15.10]

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

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

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

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

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

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

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

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

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

It will also mean more stock reliance on smaller waterways – surely that's a perverse outcome.

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

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

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

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

We know through the rural whitua work that there are high concentrations of horses grazing in Ohariu Valley, yet horses do not have to be excluded from waterways under PC1.

There are also a significant number of septic tanks situated in the valley floor. And what about avian E.coli sources?

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

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

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

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

The previous requirement to establish woody vegetation on the highest erosion prone land was completely unworkable, not ground-truthed, and would have been a further waste of money. We have already tried planting both natives and 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 There are no dairy, pig or chicken farms in the area, so there's been a huge  
 1932 instant improvement of water quality. Stock numbers have reduced by fifty  
 1933 percent at Ohariu and probably seventy percent in Makarā – a much less  
 1934 intensive approach.  
 1935  
 1936 Fertiliser is applied to areas with specific demands and is applied using GPS –  
 1937 often with helicopter to be more precise, or directly drilled. Lower stocking rates  
 1938 means less demand.  
 1939  
 1940 Mob stocking is used but with lower numbers and it does not involve clearing  
 1941 paddocks to bare dirt. A more regenerative approach giving much less run-off.  
 1942 Willows were replaced by pines on a lot of steeper faces above streams. Works  
 1943 well until the trees start to fall over or riverbanks collapse and trees fall in. Large  
 1944 areas of planting would protect some waterways for thirty-odd years, until as the  
 1945 East Coast found harvesting becomes a problem.  
 1946  
 1947 Ag Research did a study and report in 2004 which showed a healthy stream more  
 1948 so up by Makarā School where red gilled cockabullies' were found – indicating  
 1949 apparently very clear water.  
 1950  
 1951 Some sediment was found but the main issue was water heat, and possibly  
 1952 testing may have only been necessary in the Ohariu Stream, because I'm  
 1953 confident the Makarā won't have deteriorated in any way.  
 1954  
 1955 What next?  
 1956  
 1957 I think we can agree that there have been a lot of improvement to farming  
 1958 practices. Land retirement, whether by choice or necessity is contributed, but we  
 1959 must be mindful that this country needs productive land to keep producing for  
 1960 the future prosperity of all residents.  
 1961  
 1962 Does fencing-off waterways work or will be pulling them out in thirty years or  
 1963 before to stop flooding? I'm unsure.  
 1964  
 1965 Will it reduce E.coli? Without testing we have no idea where waterways are.  
 1966 Indeed they may be healthier than we think. For the Regional Council to dismiss  
 1967 testing is too expensive and time-consuming and does us all a disservice. Surely  
 1968 it is about doing it once right.  
 1969 [03.25.00]  
 1970 How expensive and time consuming is fencing off streams or spraying gorse and  
 1971 blackberry that will grow within these confines? We also have to be mindful that  
 1972 there is only a certain level of production that the farmers can drop to before  
 1973 they come completely unsustainable.  
 1974  
 1975 To finish I reiterate the water sampling should be the main focus before any  
 1976 arbitrary decisions are made.  
 1977  
 1978 Thank you.  
 1979  
 1980 Hume: Kia ora I'm Sharon Hume speaking today as a person who has a deep historical  
 1981 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

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

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

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

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

[03.30.00]

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

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

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

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

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

Best:

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

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

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

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

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

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

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

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

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

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

[03.35.10]

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

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

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

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

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

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

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

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

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

Then the last point about erosion prone land on our particular farm, like Mr Bruce said, he said that the stocking rates have reduced in the last twenty to thirty years, which has meant the animals aren't forced into these steeper areas to graze and to keep themselves fed. This has resulted in a lot of scrub development or Mahoe, Manuka, Tauhinu growth in a lot of the very steep areas. 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 whaitua 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 Askin: 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 whaitua 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 whaitua.  
 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 The significant amendments that the officer is now proposing and I really  
 2388 appreciate this is very complex drafting. You're not the first people that have  
 2389 said that, so Mr Willis is going to have another look and see if these provisions  
 2390 can be consolidated and perhaps simplified.  
 2391

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

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

[00.05.15]

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

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

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

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

Sinclair:

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

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

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

A lot of what they were talking about in terms of pasture management and things, I don't think has actually been looked into. I don't wait until I've got no 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?

[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

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

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

[00.15.00]

Chair:

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

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

Sinclair:

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

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

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

Chair:

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

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

Anker:

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

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]

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

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

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

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

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

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

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

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

2690  
 2691 Sinclair: Yep. Delete away.

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

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

2699  
 2700 [Lunch Break – 00.24.15]

2701 [Hearing Resumes – 01.26.35]

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 Carrad: Yes, I think that's how you pronounce his name – Landcare Research.  
 2743  
 2744 Wratt: The other paper?  
 2745  
 2746 Carrad: Is the gorses part and nitrogen leaching.  
 2747  
 2748 Chair: Sorry Mr Carrad. Over to you.  
 2749  
 2750 Carrad: My concern was that some of the science around this stuff is simply missing,  
 2751 hence the two papers. If we knew a little bit more about dung beetles I would  
 2752 have sent that lot to you too. Three out of the four water quality issues. Yes, the  
 2753

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

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

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

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

[01.45.05]

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

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

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

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

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

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

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

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

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

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

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

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

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

I think that's probably about it from me.

[01.50.00]

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

Chair:

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

Vivian:

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

Chair:

It does apply to culverts.

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

3041 [01.55.10] 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 Kia ora. Welcome. While you're setting up we'll do some really brief  
 3386 introductions.  
 3387  
 3388 Kia ora and welcome to Hearing Stream 3 for Proposed Change 1. We are the  
 3389 independent panels who are hearing submitters and making recommendations to  
 3390 Council.  
 3391  
 3392 My name is Dhilum Nightingale. I'm a Barrister based in Te Whanganui-a-Tara  
 3393 Wellington. I am chairing the freshwater panel and the non-freshwater  
 3394 provisions.  
 3395  
 3396 McGarry: Good afternoon, I'm Sharon McGarry. I'm an Independent Hearings  
 3397 Commissioner based in Ōtautahi Christchurch.  
 3398  
 3399 Kake: Kia ora, Puawai Kake. Independent Planner and Commissioner based out of Tai  
 3400 Tokerau Northland.  
 3401  
 3402 Wratt: Kia ora, Gillian Wratt. Independent Commissioner based out Whakatū Nelson.  
 3403  
 3404 Stevenson: Kia ora, Sarah Stevenson. I'm an Independent Planner and Commissioner based  
 3405 here in Te Whanganui-a-Tara Wellington.  
 3406  
 3407 Chair: We've got the reporting officers as well in the room or online. We'll quickly do  
 3408 some intros.  
 3409  
 3410 Willis: Good afternoon, I'm Gerard Willis. I'm the Rural Land Use Reporting Officer.  
 3411  
 3412 Peryer: I'm Jamie Peryer and I'm the Senior Environment Restoration Advisor for  
 3413 Greater Wellington supporting the rural land use provisions.  
 3414 Vivian: Ms Vivian. I am the Reporting Officer for the earthworks topic – Senior Policy  
 3415 Advisor here at Greater Wellington.  
 3416  
 3417 Chair: Thank you. We have read your submission. It looks like you've got a  
 3418 presentation to talk to so we'll hand over to you.  
 3419  
 3420 Laing: Thank you very much. I'm Trisha Laing and this is Karen Wallace. We are the  
 3421 co-agents for the Akatarawa Valley community. We want to emphasise that our  
 3422 presentation was a collaborative effort by members of our community rather  
 3423 than us writing a presentation and then getting people to agree to it.  
 3424  
 3425 We often come together to address issues. Originally there were sixteen  
 3426 properties who got together to seek a resource consent from the Upper Hutt City

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

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

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

[02.30.05]

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

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

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

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

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

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

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

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

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

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

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

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

[02.35.15]

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

Wallace:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[02.40.05]

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

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

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

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

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

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

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

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

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

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

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

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

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

I'm going to hand back to Patricia.

Laing:

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

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

[02.45.00]

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

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

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

Wallace:

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

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

Laing:

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

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

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

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

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

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

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

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

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

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

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

[02.50.00]

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

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

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

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

Thank you.

Chair: Thank you very much.

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

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

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

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

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

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

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

[02.55.00]

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

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

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

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

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

Wratt:

Thank you for that. I do appreciate the complexity of this whole process in trying to get your head around it. It's been challenging for me to get my head around it 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 [03.05.12]
- 3884 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]