

HS1 Day 2**Greater Wellington Regional Council****HEARING STREAM 1****Overarching Matters and Region-Wide Changes:
Air Quality; Beds of Lakes and Rivers; Schedules and Threatened Species**

Date: Tuesday 5th November 2024

Time: 9.45am

Hearing Stream: One – Day 2

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

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

1 Chair: We will start with some introductions from the other Commissioners. Deputy
2 Chair is Commissioner McGarry.
3

4 McGarry: Kia ora koutou everybody. My name is Sharon McGarry. I'm an Independent
5 Commissioner based out of Canterbury. Welcome everybody.
6

7 Kake: Tena tātou, Commissioner Puawai Kake from Kohu Strategy & Planning based
8 in Northland. A planner by trade and a hearings Commissioner. Tena tātou.
9

10 Stevenson: Tēnā koutou. Ngā mihi nui kia koutou. Ko Sarah Stevenson tōku ingoa. I'm an
11 independent Commissioner based in Te Whanganui-a-Tara Wellington.
12 Welcome.
13

14 Wratt: Kia ora koutou katoa. Ko Gillian Wratt tōku ingoa. I'm based in Nelson and also
15 an independent Commissioner. My background is in the science sector.
16

- 17 Chair: Just seeing if there are any matters of process or that anyone would like to raise,
18 otherwise we'll begin with our first submitter today. Mr Ruddock are there any
19 other matters?
20
- 21 **Johnny Osborne**
22
- 23 Thank you very much. We welcome Mr Osborne. Kia ora. If you would like to
24 come up and have a seat. We have read your submission Mr Osborne, thank you
25 very much for that. Also to mihi your work on the Whaitua committee as well
26 for Te Whanganui-a-Tara. You're very welcome to take us to the key points and
27 then I'm sure we'll have plenty of time for questions. The floor is yours. Thank
28 you.
29
- 30 Osborne: [nil audible 02.13-05.05]
31 [00.05.05]
32 ... and I believe that the direction of this plan change will drive [05.11]
33 developers.
34
- 35 Ruddock: Apologies Mr Osborne your microphone is turned off and online cannot hear
36 you.
37
- 38 Osborne: My bad. Don't tell me I've got to start again.
39
- 40 Ruddock: I don't believe so. I think you should be good to continue.
41
- 42 Osborne: Okay, is that all good.
43
- 44 Chair: Mr Osborne, your notes, is it possible to have...
45
- 46 Osborne: My speech notes?
47
- 48 Chair: Yes.
49
- 50 Osborne: Yeah, you can have a copy of them.
51
- 52 Chair: Because we don't want the transcription to miss out, that's all. Thank you.
53
- 54 Osborne: I can start again if you want.
55
- 56 Chair: No, I think that's fine. We'll upload those to the website. Thank you.
57
- 58 Osborne: I believe the direction in this plan change will drive councils towards addressing
59 waste water leaks and water sensitive urban design. Then to add to that, it's clear
60 that we're losing way too much water through leaks. If we factor in more severe
61 droughts caused by climate change, and the forecast increases in population, this
62 really puts the health of our drinking water sources at too high a risk. Basically
63 we can't keep taking more water out of the Hutt or the Wainuiomata, or the
64 Orongorongo Rivers to compensate for our failure to maintain the pipes. We
65 must address that problem and improve the state of our pipes.

- 66
67 Again I believe the content in this plan change will drive Councils towards that
68 investment.
69
- 70 You will no doubt hear from many other submitters that the costs are just too
71 high, and to an extent they are right, the costs are astronomically high; but, the
72 fact is that the more we delay the unhealthier our water becomes and the costs
73 will just get bigger and bigger.
74
- 75 You're faced with a difficult task and I don't really envy you, but I just would
76 like to leave you with one final thought, which is please don't let this process
77 become centred around the false idea of the economy verses the environment;
78 because making these changes is ultimately the best thing for our economy and
79 our environment.
80
- 81 The alternative is simply continuing to allow environmental degradation, and if
82 we follow that path too long we basically are not going to have an economy to
83 protect.
84
- 85 That's all I wanted to say today. I'm very happy to answer questions. I apologise
86 for not turning on my microphone.
87
- 88 Chair: That's all fine. Thank you very much.
89
- 90 We do have questions.
91
- 92 Stevenson: Thank you Mr Osborne for your submission. I am interested in understanding a
93 bit more detail around particularly the timelines. You support the timelines set
94 out in Proposed Plan Change 1. Which specifically do you think are the most
95 important or most essential and what would be perhaps realistic short-term
96 milestones to demonstrate progress in them?
97
- 98 Osborne: I'll be honest, that's detail I can't really respond to you directly. I know we had
99 a lot of discussion around the timelines of the E.coli limit and we decided in the
100 end that we would push it back slightly beyond what we originally were planning
101 on recommending, largely on the basis of achievability.
102
- 103 Like I said before, I recognise that the recommendations are challenging, but I
104 just want to stress that for many of those target attribute states and the timelines
105 in which they were hoping that they would be met, that's really just about
106 arresting slides; it's not even about turning the curve upwards towards better
107 quality, it's really just topping degradation and I don't think we can honestly...
108 I don't think that we can really look at ourselves and delay that any longer than
109 that is really achievable. I don't want to drive home the point any further.
110
- 111 Stevenson: Just to follow up, I'm interested again in specificity. You support or advocate
112 for maintaining the plans regulatory strengths. Are there specific provisions
113 proposed in Plan Change 1 that you think are more important than others?
114

- 115 Osborne: No, I can't really give you that sorry.
116
- 117 Stevenson: That's a bit of an unfair question. Thanks.
118 [00.10.00]
- 119 Wratt: Thank you Mr Osborne for your submission and presentation. I appreciate you
120 taking the time to come along this morning. A couple of questions from me.
121
- 122 One of the points that's been made by some of our submitters, particularly sector
123 groups or businesses that are potentially directly impacted by the Proposed Plan
124 Change are that they haven't been sufficiently engaged in the Whaitua Process
125 and the consultations; and that that is a reason for pausing the PC1 process. And,
126 perhaps I'm hearing that you were also part of worked for MFE while the NPS-
127 FM was being developed.
128
- 129 Just any thoughts that you have on that?
130
- 131 Osborne: I don't want to sound too cynical but I understand that there were many
132 invitations put out to groups like developers and if they didn't choose to accept
133 those invitations I think that's probably more on them than it is on the process.
134
- 135 I think it's easier to stay out of the process for as long as possible and when you
136 get to this more litigious element of it then that's when you engage.
137
- 138 I think in good faith the Whaitua process really try to include as many interests
139 as possible, and was representative of a lot of those interests as well.
140
- 141 I think have a dose of cynicism I suppose about the concerns that certain groups
142 weren't properly engaged.
143
- 144 Wratt: So your view would be that they did have opportunity but didn't engage, to
145 paraphrase what you have commented?
146
- 147 Osborne: That is exactly my view, yes.
148
- 149 Wratt: Thank you for that. That's a clear statement of your view. Thank you.
150
- 151 The other question was around some comments also from submitters that what's
152 in PC1 is going beyond what's recommended in the Whaitua Implementation
153 Plans.
154
- 155 Osborne: I couldn't speak to specifics around that. To be honest I'm not a planner. I don't
156 really have a good knowledge of the specific rules and things like that. From
157 what I understand, and from talking to officials at Greater Wellington, the plan
158 change by and large reflects what the recommendations were made in the WIP.
159 I would just categorically state that I support the reflection of those
160 recommendations in the plan change.
161
- 162 Wratt: So in your looking at PC1 against your involvement in the Whaitua processes,
163 you're comfortable that they do reflect what came out of those processes?

164
 165 Osborne: From what I've been told, but again I'm not a planner. I can't tell you that I've
 166 specifically looked at all the various rules, target attribute states and what-not.
 167
 168 Wratt: Thank you.
 169
 170 McGarry: Thanks Mr Osborne, that was really clear, obviously what you were saying.
 171
 172 One thing I wanted to get a bit more from you on is economic information
 173 feeding into the Whaitua committee's process. I guess there's been a little bit of
 174 a criticism from some parties that there's a lack of quantitative economic
 175 information about the benefits. I just wondered if you could maybe give us a
 176 little bit as to what information you might have had, or how you've grappled
 177 with that as a committee in terms of that quantitative economic information.
 178
 179 Osborne: Sure. So, when we went through the process, I guess it started out with a very
 180 helicopter view and then you would narrow it down and you looked at specific
 181 issues. When we looked at those issues we were presented with different options
 182 and different timelines. They were generally associated. I mean as best as you
 183 can. You're talking about forecasts that are billions and billions of dollars and
 184 you can't really get these things perfect.
 185
 186 We weren't making these recommendations blind to the fact they were going to
 187 cost a lot of money, but I think the point is that it's just going to cost more money
 188 if we don't make the progress that we need to make.
 189
 190 McGarry: What about in terms of trying to put an economic value on the benefits of say
 191 improving water quality or those issues? Was there any discussion around that,
 192 or more just accepting that there's a significant benefit?
 193
 194 Osborne: I don't remember specifics. I could be wrong, but I don't remember there were
 195 [00.15.00] specific CBAs around various improvements that could be made. I'm sure there
 196 were but I can't speak to them now. I would just be basically guessing, so I don't
 197 really want to do that in a situation like this do I.
 198
 199 Kake: Kia ora, tēnā koe. Thank you for your opening statement and your submission.
 200
 201 I just want to quickly clarify just what you mentioned in your opening statement.
 202 I'm sure it's in the transcript, but you said we can't keep taking water from...
 203 and at least I picked up three sources. I just wonder if you could elaborate on
 204 that. I've got Wainuiomata and I missed the other two unfortunately.
 205
 206 Osborne: Sure. The three drinking water sources in the Wellington region are the Hutt Te
 207 Awa Kairangi which is both up at Kaitoke and one of its tributaries out of the
 208 aquafer. I'm not a ground water expert but I believe Te Awa Kairanga and the
 209 aquafer are connected. Then there's the Wainuiomata and the Orongorongo are
 210 the other two rivers.
 211

212 One of our recommendations which I believe has been followed through in the
213 plan change was to raise the minimum flows of those rivers.

214
215 I just want to make the point that numbers get bandied around at somewhere
216 about 40 or 45 percent of the water that we are taking out of these drinking water
217 sources is being lost through leaks. We have to get on top of that, especially
218 when you factor in we're going to be having bigger and more intense and longer
219 droughts and increases in population mapping – something like 80,000 more
220 people in the next twenty or thirty years.

221
222 We can't kill these rivers by taking more out of them because we've failed to
223 properly maintain our pipes. We really need to be on top of that.

224
225 Chair: Mr Osborne, the Whaitua Implementation Plan and the recommendations in that,
226 there's quite a lot of discussion in here about that the work doesn't stop here and
227 the importance of non-regulatory approaches as well, the importance of
228 catchment based planning - not necessarily planning in the RMA sense of
229 planning but catchment based engagement.

230
231 Can you explain what that sort of means for you as a member on the Whaitua
232 committee?

233
234 Osborne: I think the driver of that in my perspective would be planning is one driver of
235 fixing environmental issues, but it's not the only one. Even the best plans aren't
236 going to be the only solution. If we really are going to get on top of a lot of these
237 challenges what we need is engaged citizens. We need citizens that care about
238 the catchments that they live in and recognise that their actions have impacts on
239 those catchments.

240
241 So that's really the crux of it. It's really about we need as best as possible to
242 engage as many people as possible in changing their behaviour in order to
243 address some of our big challenges.

244
245 Chair: Great. Thank you very much. I think those were all the questions we had. Thank
246 you very much again for coming and presenting.

247
248 Osborne: I will leave that there for you.

249
250 Chair: Thank you.

251
252 **Upper Hutt Rural Communities – Robert Anker**

253
254 Welcome Mr Anker from the Upper Hutt Rural Communities. Good morning
255 Mr Anker.

256
257 Anker: Good morning Commissioner.

258
259 Chair: And, you've got someone else also from the...

260

261 Hill: John Hill. I'm his support person.

262

263 Chair: Welcome Mr Hill.

264

265 Anker: In reality John is here to put a very firm elbow in the ribs if I go too far in one
266 direction or another.

267

268 Thank you for hearing me this morning. You will probably remember us from
269 the original set of hearings.

270 [00.20.00]

271 One of the main concerns that the community that I represent has got is the sheer
272 volume of information that comes out from a hearing, such as this, that needs to
273 be absorbed and understood before you can realistically comment on what's
274 going on.

275

276 Sorry, I'm disobeying the rules. I'm Bob Anker and I'm from Kathryn Mansfield
277 Drive in Upper Hutt. I am Chair of a focus group of concerned residents who
278 live in and around the Maungaroa Peatland and I am also self-appointed Chair,
279 I suppose, of community groups that are coming through from Akatarawa and
280 from the Maungaroa Valley, all of which or all of whom are impacted more by
281 stream three than anything else.

282

283 The reason that I came today is because when we presented to Commissioners
284 on the Regional Policy Statement it became quite clear to us that things had been
285 said and discussed in previous streams that were of interest to us, but that we
286 didn't know anything about until we fronted up to you.

287

288 In order not be blindsided, I considered that the first thing I needed to do was to
289 understand what overarching matters were supposed to cover. The only way that
290 I could do that was to read material that was available to me.

291

292 I had previously read the report from the Commissioners on the Regional Policy
293 Statement. We were advised it was ready for us to see six days before a meeting
294 in Masterton for the Regional Council to adopt it.

295

296 There is 1,416 pages of material. I appreciate it is split fifty-fifty between what's
297 covered by the Resource Management Act and what's covered by freshwater. I
298 understand that. But, it's still an awful lot of material and six days to read it,
299 absorb it and see whether there's anything that concerns us is probably
300 somewhat inadequate.

301

302 When I came to look at what was happening on the Natural Resource Plan I
303 started to look at the S42A Report and realised that in total I was looking at
304 another 1,400 pages. Whether it's all necessary or not I don't know. It's a positive
305 'disincentment' to a lot of the community to take part in the process. It puts
306 people off. They just glaze over the eyeballs. It probably does the same to you
307 on occasions as well.

308

309 The submitters that I represent and deal with are invariably just common or
310 garden lay people. They are not generally lawyers or architects, planners or
311 engineers. They are just ordinary people trying to understand what is being done
312 that is going to impact their community.

313
314 I hate problems. The problem that I see is that there is almost a lack of
315 understanding from the people producing the S42A Report and the people that
316 are going to read it.

317
318 There is virtually an expectation coming from the planners that the submitters
319 are going to be able to give you chapter and verse detail exactly how they the
320 submitter suggest that your problem gets solved.

321 [00.25.08]

322 The reality is that we are not going to know, so we are not going to be able to
323 put through a submission that details an action plan. We are going to put through
324 a submission that identifies a problem and our hope and expectation is that the
325 planners in turn will say, "We think we can solve this problem by doing a, b and
326 c."

327
328 A perfect example of it in the S42 Report was a comment, at para-192, where
329 the author says, "I agree with John Hill that legislation or council direction
330 should be clear and precise. The submitter has not provided reference to specific
331 provisions where more clarity and preciseness is required."

332
333 The submitter could have probably written the equivalent of the Encyclopaedia
334 Britannica and say, "This a problem and this is a problem." It doesn't actually
335 achieve a hell of a lot because it would just swamp people with information.

336
337 I think I am stating a known fact to you the Commissioners, that people that are
338 making submissions, and especially turning up to a hearing such as this, find the
339 whole process somewhat daunting and are completely out of their comfort zone.
340 But, we believe, or I believe that unless you actually turn up and unless you state
341 your concerns then you just sit back and take what you're given. I don't think
342 it's a good idea and my community doesn't think it's a good idea.

343
344 What we do bring to the process is we bring to the process practical lived
345 experience. People can work on theory and they can work on planning concepts,
346 but they don't actually have the practical lived experience of psychologically
347 what things do to you when there is a suggestion that your whole community
348 could be flooded because an individual thinks it would be a good idea to create
349 a wetland. A wetland means that half of my paddock disappears under water. It
350 means that 68 other people's properties disappear under water. It's not something
351 you can just click you fingers at and hope that it works.

352
353 So, we need to be able to express our concerns at what we see going on. We
354 can't understand what's going on unless we have concise material to inform us.

355
356 There seems also to be (and it's almost a complaint coming through) as from the
357 previous speaker that, "Oh but people had the opportunity to engage. They had

358 the chance to talk to the Whaitua. They had the chance to be involved with the
359 Whaitua.” Well, the reality is that 95 percent of the people in our community
360 didn’t even know what the Whaitua was. They didn’t know what it was about.

361
362 We were told they could have gone onto the Council website and found it. That’s
363 not the sort of communication that the community needs. A community needs
364 proactive communication. It should not be assumed that the community is going
365 to go and dig and start to find things. They may not even know the Council has
366 got a website.

367
368 There should be, in my opinion, a determined effort from Council to keep us as
369 ratepayers and residents informed of developments that are going on.

370
371 When it came to the Natural Resources Plan the community was totally blind-
372 sided. It was absolutely blindsided and it wasn’t just the out-of-reach general
373 Joe-Blow in the street.

374 [00.30.10]

375 John went to a meeting that was held in the Porirua [30.19] area and attending
376 that meeting were people from Meridian and the large owners in that area. The
377 complaint was coming through from them that they were blindsided and that
378 they didn’t know what was going on. And, if they did know what was going on
379 they didn’t know what the details were.

380
381 Our community: you only need to look at the submissions and you will see the
382 common theme that “We didn’t know this was happening. We were not
383 informed. If we were informed, nobody informed us as how serious the intention
384 was to do these things.”

385
386 So, I think we’ll call that a day. I have rambled far enough. I needed to know
387 what Stream 1 was all about. We will be like the proverbial batsman and we’ll
388 back again on Stream 3. There are over a hundred submitters just from the
389 Akatarawa Valley and from the Maungaroa Valley, all of whom are genuinely
390 concerned at the proposals that have been put forward, that are going to require
391 four hectare blocks to be registered as farms, that are going to require water
392 quality to be assessed without any measurement points to do it. Both the
393 Akatarawa Valley and the Maungaroa Valley are 20-odd kms from source
394 through to the point at which they join to the Hutt River, and that is the only
395 place there is a monitoring point.

396
397 So you have 21kms up a catchment area. A person does exactly the right thing,
398 exactly what they should do to protect water quality, but somewhere between
399 them and the measuring station an occurrence happens and they become
400 penalised for an action over which they’ve got absolutely no control. Same thing
401 applies to the Akatarawa Valley at 20kms and the monitoring point is at the end
402 of that 21kms.

403
404 Thank you for listening to the concerns. They will be expanded on Stream 3. I
405 still don’t really understand the intention of overarching matters, because the
406 S42A Report seems to go into extreme detail on every submission that has come

407 through. So, I will leave you on the basis that I'm confused. I was confused to
408 start with and I remain confused. And, I am not stupid. I am able to read,
409 understand and absorb things but I've lost the plot somewhere.

410
411 Chair: Thank you very much Mr Anker. Mr Hill, did you also want to...

412
413 Hill: I've always got lots to say. I've got to be careful what I say.

414
415 My name is John Hill. I live and am a farmer in the Maungaroa. I am here as an
416 ordinary person talking on a very simple matter really, a practical matter.

417
418 First off, I would like to just read out what I think the Regional Council does
419 need to do, which is I suppose a bit over the top. The Regional Council to me is
420 a regulatory body. It needs to have clear regulations that people support and that
421 can be implemented, being user friendly.

422
423 Its first responsibility is to people, people, people – the community. My
424 interesting being a farmer is drainage, flood protection and I wish to bring that
425 into focus.

426
427 [00.35.00] The second thing the Regional Council I believe does is to look after our
428 environment, to protect it, for those that are here now, and for future generations.

429
430 And, there's a third point for an ordinary bloke: all that should be done is simple
431 as possible and at a reasonable cost.

432
433 Now, the S42A Report I was mentioned. I did a very simple presentation saying
434 I wanted things to be simple and clear. In that report Mary O'Callahan said I
435 needed to give examples. On having a quick look at S42A I had a very good
436 example. She told us clearly, "As a land owner you are generally responsible for
437 normal maintenance of waterways on and around your property. This includes
438 maintaining the watercourse free from obstruction, so that water can drain away
439 quickly. For example, removing of a fallen tree blocking a stream."

440
441 In another submission in the S42A a Mrs Phillips requested a law be made so
442 she could clean her waterways. She gave videos and photos, etc. etc. Mary
443 O'Callahan's reply was, "I can't see a way to create a rule that requires someone
444 to do something."

445
446 I better say that again, because it seems a bit odd to me. "I cannot see a way to
447 create a rule that requires someone to do something," and this is the Regional
448 Council.

449
450 She states in paragraph 258, "On the basis I recommend rejecting the relief (to
451 Mrs Phillips, she asked for this rule) sought, as it is not practical to manage the
452 issue of naturally falling trees and waterways and trees growing in a way that
453 causes obstruction and consequently sedimentation through water quality
454 regulation.

455

456 We've got a statement from the Regional Council saying that waterways should
 457 be cleared, trees should be cleared and the lass that's asked for permission to do
 458 that, or ruled to do that, has been told it's not within the bounds of the Regional
 459 Council.

460
 461 So that's my example of things being obtuse – when one rules says one thing,
 462 and on the other hand says another thing.

463
 464 It is my understanding that fundamentally a land owner is required to accept
 465 water from upstream and not impede its flow through the property which
 466 requires watercourse maintenance.

467
 468 A recent example of why clarity is so important was highlighted by a neighbour
 469 who invited Greater Wellington to help her fix her flooding problem on her
 470 property, caused by a downstream property.

471
 472 Greater Wellington had helped fund riparian planting which now blocks the
 473 waterway and the Council also has an inadequate culvert on the watercourse at
 474 right angles to the drain, which block water-flow completely.

475
 476 Greater Wellington was contacted on several occasions. On one occasion two
 477 people arrived. They looked at it and said, "This is a very interesting problem,"
 478 and said, "We don't know the answer."

479
 480 On the next occasion an email was sent: "I have attached Rule 134 below, which
 481 in relation to the ongoing maintenance of highly modified waterways in the
 482 Wellington Region. However, I have had a quick look at our GIS mapping
 483 system and believe the stream of your property may not fit the definition of a
 484 highly modified stream." It goes on and on.

485
 486 What I am getting at is that a simple bloke, a normal person, rings the Regional
 487 Council and they come out. We show them the problem. The water is not flowing
 488 every time there's rain. In that particular area it's a blind valley. Since the culvert
 489 was put in we've had Kathryn Mansfield Drive developed. We've had two
 490 forests taken out. We've had a chap like me spray all the gorse. We've had two
 491 housing developments. So every time it rains all the water comes down
 492 immediately and hits Black Creek, which is a modified waterway, which is in
 493 debate, rushes down, hits a culvert at a right angle and causes flooding all the
 494 time.

495 [00.40.10]

496
 497 Now, one would think if three members of the Regional Council came and
 498 looked at it, they would either give a solution and say it was inappropriate, or
 499 have some action. As a farmer, it has to be absolutely clear and simple. I know
 500 it's boring and it's not out there, but it's everyday maintenance. If a tree is in the
 501 stream and I rock along and pull it out with my digger... I better stop talking.

502 Chair: Thank you very much Mr Hill. I think you've illustrated the concerns that you've
 503 got clearly. We want to make sure we have some time for questions and we're
 504 almost at time. Thank you also for confirming you will be back for Hearing

505 Stream 3 because that is I think where a lot of the points that you've raised in
506 your submission, the focus of the discussion will be on...

507
508 Hill: [41.15].

509
510 Chair: That's quite okay. We also understand as well that it is confusing – this knowing
511 where things fit in and the best place to come and talk about the issues that are
512 important to you.

513
514 I will just see if the rest of the panel have any questions. Does anyone have any
515 questions for Mr Anker or Mr Hill?

516
517 McGarry: Mr Anker and Mr Hill, I just want to say thanks very much for coming into see
518 us. I appreciate it is difficult with the different topics, knowing where to aim.
519 You've done exactly the right thing. I applaud you for engaging with the great
520 volume of documents. Your concerns about consultation and engagement, you
521 are in the right place to bring those. It's those higher level concerns that really
522 don't fit in another topic stream.

523
524 I just wanted to say you've done a good job and thanks for coming.

525
526 Chair: Mr Anker, there was one point which I just wanted to raise from your submission
527 and sneak it in. This might be something that you could maybe have another
528 think about and come back to us next year when you come back. It's in Section
529 4 of your submission where you talk about Te Mana o te Wai. You say about
530 halfway down that page that the Regional Council has erroneously decided to
531 regard A, B, C, (which is the three limbs of Te Mana o te Wai) as mutually
532 exclusive, rather than regarding them as equally weighted and interdependent.”

533
534 My comment just on that, is that doesn't Te Mana o te Wai deliberately set out
535 a prioritisation of those three limbs. It says the hierarchy or obligations prioritise
536 as first health and wellbeing and so forth.

537
538 I just wanted to check that I understand your comment there, or if there is
539 something that you would like to explain in some more detail.

540
541 Anker: Thank you for asking the question. I wrote that probably almost twelve months
542 ago. Without wishing to appear to dodge over the issue, which I am going to do,
543 I would have to go back and reread it and understand exactly the context that I
544 saw it in.

545
546 I think what you have just done is to pinpoint how complicated, complex and
547 convoluted the whole process can become. I have studied the things. I have
548 looked at the things. I turned up to one of the Whaitua meetings because I was
549 asked to give a presentation regarding watercourses on small rural properties.
550 But, there is no much information that I really would have to go back and check.
551 I will undertake to come back when we come on Stream 3. I will specifically tell
552 you what my brain was doing at the time.

553 [00.45.10]

- 554
555 Chair: Thank you Mr Anker. We really do look forward to engaging with you more on
556 these provisions and your concerns next year. It is really helpful, as
557 Commissioner McGarry said. We are trying to make recommendation on the
558 provisions that have the clarity and that you are seeking. Being able to
559 understand the on-the-ground experiences, and what the impact of the provisions
560 might be, is very important.
561
562 So do come and talk to us about those things. Your perspectives on those matters
563 are very important and we will be considering them when we are looking at the
564 Hearing Stream 3 provisions next year.
565
- 566 Anker: Thank you so much. I appreciate it.
567
- 568 Chair: Thank you. Thanks for coming. Have a good rest of the day.
569
570 We will take a break now and be back with our next submitter. We might start
571 at 10.15am and just give us five minutes over – so a ten minute break. Thank
572 you.
573
574 **[Morning Tea Break – 46.26 – 58.34]**
575
576 **Pat van Berkel**
577
- 578 Chair: Kia ora. Welcome back. I think that Pat van Berkel is here with us rather than
579 online. Welcome. Kia ora. Come and take a seat. Thank you for coming today.
580 I think you were in the room when we did introductions before.
- 581 Berkel: Not at the beginning.
582
- 583 Chair: Not at the beginning. Shall we quickly whip through who we are so you know
584 who you are talking to?
585
- 586 Berkel: Yes.
587
- 588 Chair: I'm Dhilum Nightingale. I'm an Independent Hearings Commissioner and RMA
589 Barrister. I am chairing the two panels. We are sitting jointly.
590
- 591 McGarry: Good morning I'm Sharon McGarry. I'm an Independent Hearing
592 Commissioner based in Canterbury.
593
- 594 Kake: Tēnā koe. Commissioner Puawai Kake. I'm based up in Northland and a planner
595 by trade. Tēnā koe.
596
- 597 Stevenson: Tēnā koe. Ko Sarah Stevenson tōku ingoa. I'm an Independent Commissioner
598 based in Te Whanganui-a-Tara Wellington.
599
- 600 Wratt: Good morning, Gillian Wratt, also an Independent Commissioner with a science
601 background and I am based in Whakatu, Nelson.
602

- 603 Chair: We have read your submission. Thank you very much for that Mr van Berkel.
604
- 605 [01.00.00] Also acknowledging your involvement in work as part of the Te Whanganui-a-
606 Tara Whaitua Committee. Over to you as to how you present, but we would like
607 to ask questions, so just leave enough time for that. Thank you.
608
- 609 Ruddock: Kia ora Mr van Berkel. Can I please ask if you are able to turn on the microphone
610 in front of you? The light should turn red. There is also a small clicker just in
611 front of you, so you are able to control the submissions, but if it's not working
612 just give me a yell. Thank you very much.
613
- 614 Berkel: Tēnā koutou panel members. Nō Te Awa Kairangi. Ki uta toku kāinga
615 [01.00.45]. Ko Pat van Berkel tōku ingoa. My name is Pat van Berkel. I live in
616 Upper Hutt. I regularly swim in Te Awa Kairangi all year around. As you have
617 mentioned I was a community member of the Te Whanganui-a-Tara Whaitua
618 Committee for its three year duration. I was on the committee, but I am not
619 representing the committee – similar to Johnny earlier.
620
- 621 It is most satisfying that many of our recommendations are adopted in this Plan
622 Change 1 of the Natural Resources Plan, and I am grateful that our democratic
623 process provides for citizens such as myself, to give our sincere and thoughtful
624 comments on the proposed changes.
625
- 626 However, I understand why the hearing or submissions for Plan Change 1 are
627 split into five streams. That makes your job possible. But, for myself, as a
628 submitter, it is quite difficult to dissect my submission into the stream
629 components. So that may mean that I am going to talk to day about some things
630 that should be in another stream, or I may miss some things out. Feel free to say,
631 “Leave that till later.”
632
- 633 I have a suggestion that the document called ‘Submission Points Ordered by
634 Submitter’ alphabetically, which has a column called ‘Plan Section’ have an
635 additional column called ‘Stream,’ so that for each submission we can know
636 which Stream that submission falls into. It would be great to have that document
637 before Stream 2.
638
- 639 I will start off with my Submission 2 which does refer to Objective 1 – so
640 perhaps that should be in Stream 2 which is objectives, but it is such an
641 overriding objective that to me it's an overarching matter.
642
- 643 That objective talks about achieving waiora by 2100. Indeed that's what the
644 committee said, that to allow time to get the job done, but get the job done –
645 which is to achieve waiora.
646
- 647 I would like to suggest that either that objective be modified or something added
648 to it, which is at the timeline for these progressive stages be published. So it's
649 not sufficient to just embark on the process and hope we get there by 2100; but
650 right now we give the stage right through to 2100, and that that be published and
651 then confirmed or updated each three years in line with the LTP process.

652 I do point out that ten year timeline of LTP of course does not fit with a 75 year
653 timeline. But, I would suggest to you that Greater Wellington, the TAs and
654 Wellington Water for that matter, are comfortable with longer than ten years.
655 For instance, the 35 year consents for discharging stormwater and for
656 wastewater, which are being negotiated right now. So, 35 years, 75 years,
657 [01.04.59], in so far as looking long distance.

658
659 So that's something I would like to add to the objective, or somehow get put into
660 the overarching parts of the plan change.

661 [01.05.10]

662 Related to that is the onus should not just sit with the Regional Council. There
663 are contributing Territorial Authorities and that they should also state clearly
664 how the Whaitua recommendations are going to be implemented from their point
665 of view. We have that long term vision or implementation being clearly stated.

666
667 This one: I'm not sure where the stream [01.05.55] later, but it's around this 2040
668 or 2060. It's in the plan change it talks about both. I just want to say, having just
669 spoken to you about 2100 and long term, I do favour 2040 for E.coli and suggest
670 that it is possible to get the loans. It's going to be made easier in the next year.
671 Get the loans, expand the workforce, prioritise the areas and then do the work.
672 It would be tough to get it done in fifteen years, but it would be possible.

673
674 The previous speaker won't like this: so, we have the Maungaroa peatland and
675 there has been a lot of discussion of is this peatland a wetland or not a wetland.
676 According to the New Zealand definition of wetland it is not a wetland.
677 According to the Ramsar definition of wetland the peatland is a wetland.

678
679 So we have this problem, that the peatland is not getting the protection that it
680 should; so I'm suggesting that the NRP has a specific clause just to do with the
681 protection of peatlands. Just ignore the fact or put aside, I should say, the fact
682 that there is a debate on whether it is a wetland or not a wetland. It's a peatland.

683
684 I presume you know, but maybe you don't, that peatlands are huge sinks of
685 carbon, but when they are not functioning properly they are huge emitters of
686 carbon. So it is in all of our benefits to look after, protect and restore the peatland.
687 This Maungaroa peatland is the largest peatland in the Wellington region, and
688 in fact it's the largest peatland in the lower North Island.

689
690 This is just a small again: is it overarching? I think so. In the document there are
691 many references to maps. There's a map, a space and then a number. When you
692 search on map, space and number it will find it in the text, but it won't find the
693 actual map in the appendices. It's just by luck that I found that where it was. In
694 the contents it doesn't call it Map 85 either, it just calls it 85. So, it would help
695 if these were searchable and findable.

696
697 The term 'unplanned greenfield development'. I see that a number of submitters
698 have protested at that term. I'm going to add my voice to that.

699

700 When you look at the map, all that green stuff in Upper Hutt is unplanned
701 greenfield development, but it's not. It's largely water, water supply areas, native
702 forests, pine forests, and it's never going to be a greenfield development.

703 [01.10.00]

704 There needs to be a better term used, and for want of a better term I suggest
705 'other land'.
706

707 So now I'm getting into some detail about [01.10.22] days and so that I think I
708 will leave until a later stream.
709

710 You can see a red circle there. It's a missing primary contact site. Is this the right
711 time to talk about that? Otherwise I can just talk about it later, in another stream.
712

713 Chair: Probably at a future stream is better. I'm looking at the reporting officers in the
714 room to see if they know which hearing stream that would be. Ms O'Callahan?
715

716 O'Callahan: Yeah, that will be in the objectors hearing stream, in Hearing Stream 2.
717

718 Berkel: Okay. I can go with that.
719

720 This one says stormwater discharges and I now know that's Stream 4. Let's skip
721 that one.
722

723 This one with sensitive urban design, that I think is also Stream 4, so let's skip
724 that one.
725

726 This is probably Stream 4.
727

728 We'll move onto this one. So, recommendation 83, this is the last thing that I
729 want to talk about by the way. Recommendation 83 from the Whaitua
730 Committee, this is the Te Whanganui-a-Tara Whaitua Committee (I have to
731 remember that we are not the only one) recommended gradually raising the
732 minimum flow of Te Awa Kairangi and this is not covered in the plan change. I
733 just had a little aside talk fifteen minutes ago with Tim Sharp and he said that
734 this is going to come up in a subsequent plan change.
735

736 I'll just talk about it briefly now. It's such an important thing, that the mean
737 annual low flow in the natural state is at a certain level and what we are doing
738 in our three water supply rivers – Te Awa Kairangi, Orongorongo and
739 Wainuiomata – is that we are going well below that mean annual low flow.
740

741 For Te Awa Kairangi the mean annual low flow is around about 2000 litres per
742 second, but we go right down to 600.
743

744 Chair: Thank you Mr van Berkel. I hate to cut you off, but yes the allocation Te
745 Whanganui-a-Tara is not covered in this PC1 and I do want to make sure that
746 we have time for at least a couple of questions, and we are at time.
747

748 Berkel: I can leave it at that. That's fine.

- 749 Chair: Thank you. Thank you also for the other points that you skipped through,
750 acknowledging that they're in future hearing streams. Please do come back to us
751 and talk about them because at the moment we can't really quite engage with
752 that level of detail for this hearing stream, but we do want to hear from you so
753 please do present again.
754
755 Let's see if anyone has any questions.
756
- 757 McGarry: Mr van Berkel thank you for your overview of your key concerns there. I am
758 just interested in your comments about the definition of wetland. You said one
759 was under Ramsar and one was a New Zealand definition. Are you referring to
760 the one under the NPS-FM – that it doesn't meet that definition of a natural
761 wetland?
762
- 763 Berkel: That's right.
764
- 765 McGarry: Great. Thank you.
766
- 767 Chair: I appreciate the point you raised about knowing which provisions are going to
768 come up in different hearing streams, and that is actually something that we
769 ourselves were puzzling over this morning before we began. There is I think
770 some information that is on the Council website, but it might be a bit varied, so
771 we're going to talk with Council staff and see what we can do to make that more
772 transparent and accessible to everyone – so then it is very clear that people know
773 when to turn up and talk to the points that they want to make. But, thank you for
774 raising that.
775 [01.15.15]
- 776 Wratt: No further questions from me, but thank you very much for your clear
777 presentation and acknowledgement of where you will come back. Certainly will
778 be very useful to hear that.
779
780 I'm not sure if it's the right place to make this comment but, we've heard from
781 the previous submitters in terms of how they've really struggled with this
782 process. I'm just wondering whether you have any comment. You've come to
783 us with some really specific points which they seem to have been struggling to
784 do. Almost any advice on how we can encourage community people to get to
785 grips with this. It is a complex process and we're challenged by it, let alone a
786 submitter in the community.
787
- 788 Berkel: I have spent many, many hours just preparing this, and that has been preceded
789 by many, many hours being on the committee and being involved with friends
790 of the Hutt River, Te Awa Kairangi, and various other water discussions. I've
791 been immersed in it for a while. I don't know how you get that. People have
792 their lives to lead. I think perhaps it's more public meetings. A two hour meeting
793 and staff present and have a bit of a workshop for the last quarter of the meeting
794 or something like that. That's about the only suggestion I can make. And, of
795 course making the information available, which Greater Wellington does
796 superbly, and Upper Hutt City Council does.
797

- 798 Wratt: Have you made any use of the 'Friends of a Submitter'? There is a link to that
799 provided.
800
- 801 Berkel: No, I did not.
802
- 803 Wratt: Thanks for that comment.
804
- 805 Berkel: If I had had a phone number for him or her perhaps I would have, but it was an
806 email address.
807
- 808 Wratt: Thanks.
809
- 810 Stevenson: Thanks Mr van Berkel for your very clear and clearly expressed specifically in
811 terms of referencing provisions. We'll probably get into the definition of
812 unplanned greenfield development in future hearing streams, but I just wanted
813 to foreshadow my interest in understanding more of your concerns around the
814 terminology.
815
- 816 You've expressed opposition to the term 'unplanned greenfield development'
817 and you prefer and you've offered this morning an example of 'public land' or
818 some such.
819
- 820 I am interested in your understanding of what that terminology would mean for
821 any plan change process, because regardless of the nomenclature, the words
822 used, any stormwater discharge from those unplanned areas would need a plan
823 change. Do you think the naming of those areas would impact how that plan
824 change carries through considerations and outcomes? I'm fishing. It may not be
825 your...
826
- 827 Berkel: I suppose if it was truly a greenfield development area then to say it is planned
828 or unplanned is appropriate. My comment was that 80 percent of Upper Hutt
829 will never be built on. It is water supply. If they built on the water supply... well,
830 maybe if we an unlimited electricity supply and we could then desalinate, yes
831 maybe that would be the time we could then cut down the lovely forest and put
832 housing there. But, I don't think that's realistic.
833
- 834 The term 'unplanned greenfield development' applying to a whole swathe... it
835 is planned to be water supply.
836
- 837 Stevenson: Thank you.
838
- 839 Chair: Just one final question from me.
840
- 841 Your involvement in the Whaitua Committee, is it correct that the plan was
842 produced it was very much the output of the collaborative work of the whole
843 committee, and that had TAs, mana whenua representatives, Council
844 representatives, yourself as a community representative and other members of
845 the community. Those recommendations in there, was there broad consensus in
846 those recommendations?

847 [01.20.30]

848
849 Berkel: There was, but there were definitely some areas of contention. For instance, I
850 was favouring that rainwater tanks should become compulsory in all housing
851 development, new development; and there were others who said no. I lost that
852 one.

853
854 Chair: So sort of majority, there was a bit of a majority decision-making?
855

856 Berkel: We were going for consensus. In fact, when I say I lost, the end result of that
857 recommendation was to promote the use of rainwater tanks. To me that's very
858 different from require.

859
860 Chair: Then you say in your submission that you recognise that the Territorial
861 Authorities need to be behind the proposed plan change, and that you asked that
862 each of the TAs publicly state how they are going to implement the Whaitua
863 recommendations and the limits in PC1.

864
865 They've submitted, and we'll be speaking to them throughout this process.
866

867 Once the implementation plan was published, has there been ongoing
868 engagement, or was that the end of your involvement?
869

870 Berkel: In September 2021 the Whaitua Committee presented its plan to Council and
871 Council accepted the plan. Then things went quiet for a year. Then a reference
872 group was established of ex Whaitua Committee members. The idea of that
873 reference group was to oversee how Greater Wellington were implementing the
874 WIP. When I say 'oversee' to hear progress and comment back on any issues
875 that might have arisen. That reference group I think lasted for about a year and
876 then that has now also closed down. What happens is that Greater Wellington
877 now reports on the recommendations. There 111 recommendations but in actual
878 fact one or two of them, or more, are complex and have been split out. So there's
879 more than 111 now recommendations that are being worked on by Greater
880 Wellington.

881
882 Every six months they report on those to the Environment Committee. The ex
883 Whaitua committee members and the whole of the public can see how that is
884 progressing. The big thing that has happened is Plan Change 1. But, the 111
885 recommendations are not all reflected in Plan Change 1. Maybe half. I don't
886 know.

887
888 Chair: Thank you. That's really clear and very helpful. I wasn't quite sure sort of what
889 happened with the WIP process after then. Thank you for explaining.

890
891 I think we are out of time.

892
893 Kake: Sorry, one last question. Thank you Mr van Berkel for your submission and for
894 speaking today. The majority of my questions, actually all of them, have been
895 answered. The panel members have also reiterated some of the queries I had in

896 my mind. I look forward to what you have to say next year with respect to these
 897 particular topics, but in terms of the overarching comments and an overarching
 898 comment stream, the definitions part would be quite good to get your perspective
 899 on next year with respect to those particular hearings and submission points that
 900 you've raised. I just go back to your comments around paragraph-4, where you
 901 have requested a particular river be added to a map, and essentially just
 902 elaborating why you would add that particular river. Are there any certain values
 903 apart from recreational use perhaps?
 904

905 [01.25.00] And, then actually just a point of clarification in terms of your submission – and
 906 sorry, this is really long-winded question/comment - you said the timeframes for
 907 meeting the attribute for E.coli, in terms of those bottom lines, in your
 908 submission (and I don't want to get into too much detail because I know you
 909 will address it next year) but it was just for E.coli that you were seeing that
 910 particular amendment for? And, whether or not you have in your
 911 recommendations for other attributes next year would be quite good to get your
 912 thoughts on as well.
 913

914 Berkel: You will hear from me about that, because there are two attributes that are
 915 missing – namely swimmable days as a measure of whether there is good water
 916 quality or poor water quality. It all gets summarised in this one attribute of
 917 swimmable days, and that's a measure that the public can understand. I will talk
 918 about that next year.
 919

920 Chair: Thank you very much. Let's have a good rest of the day.
 921

922 **Wellington Fish and Game – Ami Coughlan**

923 We'll welcome Ms Coughlan from Wellington Fish and Game online.
 924

925 Coughlan: Good morning.
 926

927 Chair: Kia ora Ms Coughlan. How are you? I'm sorry to keep you waiting. Thank you
 928 for your patience.
 929

930 Coughlan: Not a problem.
 931

932 Chair: We'll make sure you do get your full speaking time. Would you like us to run
 933 through who we are? Or, have you heard our intros already.
 934

935 Coughlan: I heard just after the break but I appreciate the offer. Thank you.
 936

937 Chair: Thank you very much. We have read both the submission and also the evidence
 938 that you have provided for this hearing stream. Feel free to present how you
 939 would like – if you want to go through the key points. But, please do leave time
 940 for questions because I think we have quite a few. Thank you.
 941

942 Coughlan: Now it's my time to run away. I appreciate that, and I also appreciate Andrew
 943 who just text me and said they were running behind and Josh who has been
 944

945 wonderful behind the scenes and everyone else on the team. I can only imagine
946 the effort, so I just appreciate that, and the opportunity to comment.

947
948 A quick introduction, just reading off some of my presentation. My name is Ami
949 Coughlan. I am speaking to the submission of the Wellington Fish and Game
950 Council on the Greater Wellington Regional Council proposed Plan Change 1
951 to the Natural Resources Plan.

952
953 We're the statutory body established under the Conservation Act and we are
954 responsible for the management of sports, fish and game bird resources in the
955 Wellington Fish and Game region. These statutory functions include the
956 maintenance and enhancement of the habitat of sports fish and game; which is
957 the rivers, lakes, streams, and wetlands within which sports fish, game birds, and
958 many indigenous species thrive – hopefully.

959
960 In discharging its statutory obligations, Wellington Fish and Game represents
961 the interests of over 8000 license holders in the region. These recreational and
962 food gathering pursuits are part of New Zealand's historic and ongoing cultural
963 heritage.

964
965 I am here to provide some brief context from amendment sought from Fish and
966 Game to Proposed Plan Change 1 included in Hearing Stream 1.

967
968 I do note here though that this has changed. I went and read the rebuttal evidence
969 and was pleased to see that some of the matters I was confused about being in
970 the stream were in fact in other streams. So this is a condensed version of what
971 I have as my submission. I have taken those ones that have been nominated for
972 Hearing Stream 2 and 4 out - they were fairly brief anyway – leaving behind
973 probably the ones people have the questions about.

974
975 Just very briefly, talking to Provision 5.4.4, we obviously strongly support
976 retaining the protections for trout spawning habitat; as in the current NRP and
977 as stated in s.7(h) of the RMA.

978
979 Provision 5.4.8 Rule 1515A. I am never going to get used to these acronyms I'm
980 sorry, I'll stumble over them a little bit. This will be the bulk of my submission
981 here today, and I am sure the bulk of the questions, and certainly was the rebuttal
982 which is absolutely fine.

983
984 The reason given in the S32 Report to grant these diversions of rivers of ten
985 years old to be allowed as permitted activity, is that after ten years the affected
986 water body has stabilised and the requirement for re-consenting these is
987 expensive and can cause stress to the applicants.

988
989 The report states approximately 75 diversions region wide would be captured by
990 this new division and gives a handful of examples, which is good to see.

991
992 We appreciate the stress, time requirements, and financial burden of consent in
993 re-consenting activity – we do. It is also understood that many of these

994 diversions won't be able to be changed into the future, as in examples given of
 995 stream diversions from greenfield developments on which housing now stands
 996 – hopefully safe from flooding of old waterways.

997 [01.30.03]

998 However, there are several main concerns that we have with this provision. The
 999 first and probably the main one is that they haven't been listed. We've got the
 1000 examples, but we don't have the 75, and without full transparency it is difficult
 1001 to understand the implications of allowing these works and the diversions to be
 1002 permitted into perpetuity.

1003
 1004 The second concern is that by accepting an impacted or potentially impacted
 1005 waterway as becoming 'naturalised', in some cases, what is actually being
 1006 accepted is a level of degradation.

1007
 1008 The NPS-FM asks that freshwater should be managed to ensure that the health
 1009 and well-being of degraded waterbodies and freshwater ecosystems is improved
 1010 where it's degraded. It does not ask that degraded waterbodies are accepted and
 1011 permitted.

1012
 1013 At a minimum, risk impacts of each of these diversions need to be completed to
 1014 ensure they, and the practices to maintain them are not contributing to aquatic
 1015 degradation.

1016
 1017 Further, despite understanding the financial and time constraints, re-consenting
 1018 does provide opportunity to check that diversions and structures remain fit for
 1019 purpose.

1020
 1021 Issues such as fish passage barriers can occur over time, and methods to allow
 1022 fish passage can fail. Without a system of regular checks for consenting purposes
 1023 these are unlikely to be detected in a timely manner.

1024
 1025 As mentioned in the report, adverse effects are difficult to attribute to diversions
 1026 after a short period of time: this does not mean that those effects are not
 1027 occurring, however, without a re-consent system these are even less likely to be
 1028 detected.

1029
 1030 Noted in the rebuttal evidence of Sam O'Brien, the consent conditions must be
 1031 complied with throughout the term of the resource consent and not just at the
 1032 end of the consent period. However, once these diversions become permitted
 1033 activity, I believe, and I could be wrong, I'm open to being wrong very
 1034 frequently, there won't be any conditions placed on them, and there won't be
 1035 any need to monitor any impacts, including those developing over time and
 1036 therefore there will be no reason to mitigate them.

1037
 1038 The suggested provision also risked grandfathering historic diversions and
 1039 structures, and removing incentives to adopt better options as technology and
 1040 understanding makes these available.

1042 Globally water diversions and dams are being removed, rivers are being given
 1043 room to move, wetlands are being reconstructed and restored, and science is
 1044 continuing to gain wider understanding of how to adjust urban design in water
 1045 sensitive ways that benefit the entire catchment. Likewise, there is a much-
 1046 needed acceptance of Mātauranga and other ways of looking at the world we
 1047 live in, and locking in old schemes is likely to add delays in accepting these new
 1048 means of thinking and doing which could assist with restoring our freshwater
 1049 ecosystems.

1050
 1051 Wellington Fish and Game therefore asks that water diversions are retained as
 1052 discretionary activities, particularly in the absence of a list of affected diversions
 1053 and any critical analysis of their ongoing impact, to avoid stifling or denying
 1054 needed innovation and forward thinking that will drive freshwater restoration.

1055
 1056 I do want to make the point that even if Te Mana o te Wai is removed from the
 1057 Natural Resources Plan, under the principles the RMA and NSP-FM as currently
 1058 stated - looking after the environment is still justified as the expectation of
 1059 steady stepwise improvements.

1060
 1061 Objective 19 – I’m going to change entirely what I wrote there, having read the
 1062 rebuttal evidence of Mary O’Callahan. I agree: the inclusion into the NRP of
 1063 Objective WH.09 and Objective P.09 does direction to the requirement to
 1064 improve degraded water quality. Although I would still like to see this direction
 1065 firmed to provide guidance and overview with other Waitua development
 1066 consents granted in the interim, this could potentially a future plan change thing.
 1067 It would be nice. I see that as noted as out of scope, but the scope of this is to
 1068 change things. If that would be in scope then I think it could be firmed up to
 1069 provide that direction to improve where degraded.

1070
 1071 I just also finally want to recognise the huge amount of work completed by the
 1072 Council teams. I do appreciate the opportunity to comment.

1073
 1074 That’s me.

1075
 1076 Chair: Kia ora. Thank you very much. I might just start.

1077
 1078 It is Rule 151A that my question relates to. In paragraph 2.3 and 2.4 of your
 1079 evidence, this one dated 17 October, you talk about a re-consenting of structures.
 1080 The report states approximately 75 structures region-wide would be captured by
 1081 the provision.

1082 [01.35.20]
 1083 I just want to understand what you mean by structures there, because my
 1084 understanding of the proposed rule is that it will not be a permitted activity if
 1085 the diversion is associated with an existing structure; but it might be that I’m
 1086 misunderstanding your use of the word structure there.

1087
 1088 Coughlan: It could well be. I could have misunderstood how the thing was written.
 1089 However, for an example, and I think again it comes down to I would love to
 1090 have, even if it's set out in a schedule, a list of what these diversions are, so that

- 1091 they are known, that could indicate changes in the future should that be required
 1092 or needed, or just let go.
 1093
- 1094 But, as it is, part of the concern is we know a lot of these will be necessary. There
 1095 are things such as the Wairarapa water-races and those are a permanent
 1096 diversion, however they also have a long ways structure to obviously be in the
 1097 inlet to the outlet and to control the height of the water and the depth of the water
 1098 along the way.
 1099
- 1100 When we look at the re-consenting of those you see that they have maintenance
 1101 activities around them. So while it isn't a structure and we would look at is a
 1102 bridge – and I am probably using the wrong word here, but it is still in my mind
 1103 a structure to maintain that diversion itself. The maintenance of those has
 1104 impacts on that receiving in downstream environment.
 1105
- 1106 Chair: Thank you Ms Coughlan that's clear. So the structure that's enabling the
 1107 diversion as opposed to having occurred because there's a house that's been built
 1108 on top of the waterway for instance.
 1109
- 1110 Coughlan: Absolutely. Yes.
 1111
- 1112 Chair: So there might be a bit of a terminology issue. I'm looking at Mr O'Brien there.
 1113 Sorry Mr O'Brien to put you on the spot – was there anything that Ms Coughlan
 1114 mentioned there? Is there some confusion that's arisen that could be clarified?
 1115
- 1116 O'Brien: To clarify: where the diversion is associated with the structure to divert it, that
 1117 wouldn't be included in this rule. Where a water-race for example is within an
 1118 inlet structure that wouldn't be included in this rule. It is not just for the housing
 1119 development, for example, that it was provided.
 1120
- 1121 So yes there is a confusion.
 1122
- 1123 Chair: You said it would 'not be' part of the permitted activity rule?
 1124
- 1125 O'Brien: Correct.
 1126
- 1127 Chair: So, what is included is a diversion that doesn't involve any form of culvert or
 1128 any type of structure, but not necessarily the Planning Standards definition of
 1129 structure, is that right?
 1130
- 1131 O'Brien: Yes, correct.
 1132
- 1133 Chair: Ms Coughlan does that clarify anything?
 1134
- 1135 Coughlan: I think I'm 75 percent of the way there. Just for me, please, how would these
 1136 diversions be? We've just dragged a new channel through the river. We've
 1137 blocked off the old waterway and now it's as naturally as it could be flowing
 1138 through that new path. Are those the only diversions we're talking about?
 1139

- 1140 O'Brien: Correct. It's diversions that are associated with the land use consent, where there
1141 might be earthworks used to divert a channel.
1142
- 1143 Coughlan: That would remove a lot of the concerns I have, yes. It would still be nice to see
1144 that list though. Again, and I sort of alluded to it, that we do often see these
1145 major flood events happening, which can have big-big impacts on rivers as well
1146 obviously as the people who live... what was next to a river now becomes a
1147 river. It's out of scope for me to talk to that, but in terms of having those impacts
1148 on the waterways around it, I think still within my lane, to have a list of where
1149 those are for future reference.
1150
- 1151 Chair: Thank you Ms Coughlan. I think we heard yesterday from the Council officer
1152 about the difficulties. I don't think there is a complete full record of the 75
1153 consents which we might do a little bit more questioning about – because
1154 obviously the Council knows that there's 75 of them.
1155
- 1156 [01.40.00] I think you have explained your point. I think that if you weren't clear on the
1157 wording of this provision, there could be some more work that has to come still.
1158
- 1159 I will just see if anyone else had some more questions.
1160
- 1161 Wratt: I am just clarifying a little. If a list of the diversions was provided, what would
1162 your response then be? Would it be a matter of identifying specifically some
1163 diversions that would need a discretionary status and others that would be
1164 permitted? What would you do with that information in terms of the plan?
1165
- 1166 Coughlan: That's a great question. I think I would need to see that list before myself and
1167 the wider team would know. We would probably be like, "Okay, well these are
1168 here and these are fine," but if there are one or two that we thought actually it
1169 does have ongoing impacts. I did appreciate the proposed clause from Mr
1170 O'Brien regarding erosion and flooding. I potentially love to see if any of these
1171 will contribute to that. Something along the lines of bed damage and scour as
1172 well.
1173
- 1174 So that would be probably about the extent of where our interests would be, but
1175 again without being able to see that list and talk to the wider team I couldn't
1176 specify exactly.
1177
- 1178 Wratt: There was also discussion of this issue with Forest & Bird yesterday. I think the
1179 possibility of some sort of restricted discretionary as well. Any thoughts on that?
1180
- 1181 Coughlan: Yes, I think that would be a good compromise. It would still be monitored. We
1182 would still have a list of what was going on and if there was any issues people
1183 would be much better placed to be able to respond to those.
1184
- 1185 Stevenson: Thank you Ms Coughlan. A really clear submission. Sorry for the pun, but
1186 there's a lot of water to go under the bridge before we resolve this issue.
1187

1188 I am interested at this stage flagging my interest, or perhaps even getting some
 1189 detail from you, about the nature of environment or ecological impact that might
 1190 result from these diversions, and your concerns, and that would then feed into
 1191 our considerations further down the track of activity status and what potentially
 1192 might need discretion restricted to. I am interested in things like ecological
 1193 changes, habitat changes from these diversions.

1194
 1195 I realise we don't have the list.

1196
 1197 Coughlan: Absolutely. I think a lot of the issues that we see now, and I potentially see
 1198 coming up stronger in the future, which is why I flagged this to discuss, is when
 1199 we have water changes, either droughts or flood events, so when we have a
 1200 waterway that's been diverted that's going against where the water originally
 1201 wanted to go, it's not even considered a palaeochannel the old channel, it's still
 1202 a really recent channel. We see a lot of impacts there with water suddenly going
 1203 where we have trained it away from for a hundred years, ten years or twenty
 1204 years. If that goes back to where it was obviously it's a big problem for whatever
 1205 we were protecting from that water in the first place – housing developments.
 1206 It's also a problem for the downstream environment where that water has become
 1207 used to going.

1208
 1209 So we have that impact. We also have, with some of the diversions, if they've
 1210 become channelized and sped up, we start to see downstream impacts on the
 1211 erosion, we start to see bed scour, we start to see loss of micro and mesa habitat.
 1212 We see big impacts on things like periphyton and growth – either too much when
 1213 it's too slow if it's been diverted away from where it was to just a trickle; or
 1214 obviously scoured out and we don't want necessarily nuisance periphyton in our
 1215 algae but we definitely need some. So we have macro invertebrate impacts, and
 1216 obviously stepping up through your food webs to fish and birds which eat fish.

1217
 1218 So, although it seems like it's been in place for a while, a little change that we
 1219 make can have big ongoing downstream impacts and upstream for a certain
 1220 degree. Erosion around things that we're not expecting to see it. Bank collapse.
 1221 There's a whole list.

1222
 1223 Stevenson: Thank you. Very comprehensive. I took lots of notes.

1224 [01.45.00]

1225 Coughlan: Sorry, I talk too fast.

1226
 1227 McGarry: Much of my focus was on Rule 151A. I guess what you're saying to us in a
 1228 nutshell, without seeing a list of those 75 diversions, you're questioning
 1229 anybody's ability really to say that the effects would be minor or less than minor
 1230 and be appropriate for a permitted activity. I must say I'm struggling with that
 1231 concept too, and the S42A Report used the word "few effects" rather than the
 1232 threshold of minor effects.

1233
 1234 So those are things really to signpost for you to give us some more in the future.
 1235 Hopefully, maybe if we could perhaps get a list of those diversions you could be
 1236 more helpful in perhaps giving us your view on ones that perhaps could be

1237 permitted activities, and those that would be more appropriate maybe as a
 1238 restricted discretionary rule, and the matters for those in particular with
 1239 examples.

1240
 1241 Just in light of that, I'm just conscious that a diversion consent has got two
 1242 aspects to it. It's got the water permit side, the actual diversion and the taking of
 1243 water; and then it's got the discharge component where you put it back into the
 1244 naturalised waterway. That raises for me s.105 and s.107 and how you would
 1245 give effect to those sections.

1246
 1247 I guess my question really is around your paragraph 2.8 and the risk of
 1248 grandfathering. Your point there is you can't assess the best practical option
 1249 going forward and give effect to that requirement.

1250
 1251 Coughlan: I love all of that comment and question thank you very much. I would love to be
 1252 more helpful than currently present. I think it makes it almost impossible once
 1253 things have become the way that it is, once it has become permitted, and then
 1254 we have to get a consent to do things – which is probably better. You do risk a
 1255 real world dis-incentivising of improved ways of doing things, and I really don't
 1256 think any of us would like to see that.

1257
 1258 McGarry: Thank you. There were some comments there which will give you some
 1259 signposts hopefully to give us a bit more detail at the next hearing stream. Thank
 1260 you for your submissions.

1261
 1262 Kake: Thank you Ms Coughlan for your submissions and evidence. Similar to the
 1263 questions that have just preceded me, it is with respect to the permitted activity
 1264 status under Rule 151A, and I will just refer you to the same paragraph
 1265 essentially, 2.8, where there is a need in terms of acceptance of mātauranga and
 1266 other ways of looking at the world we live in.

1267
 1268 Without again going back to the list and the activity status, and whether it
 1269 becomes a restricted discretionary activity or a discretionary activity, just your
 1270 thoughts. I suppose you don't have to comment on this – or you can, but I know
 1271 there will be more discussions next year which you might want to elaborate on,
 1272 and acknowledging that we do have mana whenua involved in this process as
 1273 well.

1274
 1275 So that's a comment and a question I suppose just to consider for future reference
 1276 and what Fish and Game thinks that might look like.

1277
 1278 Then just referring again to a method that you've referenced, Method M.40, and
 1279 it might be picked up again next year, but just flagging this again in terms of
 1280 your paragraph 2.1.2 where there's a comment around science-based events with
 1281 iwi. I'm just wondering if you could clarify that particular paragraph or comment
 1282 and what you think I suppose from a Fish and Game perspective that might look
 1283 like.

1284
 1285 Coughlan: Sorry, my train of thought was completely derailed.

1286
 1287 I wouldn't know what it would look like, but what I would hope it would look
 1288 like, the primacy wouldn't be science-based, although it has to be collaborative.
 1289 Collaborative would be the primary word in that framework.
 1290
 1291 I took this one out because it was flagged as being in Hearing Stream 4. We will
 1292 talk to it next year.
 1293
 1294 There's often a conflict, and I'm going into my lane and out of the scope slightly
 1295 here somewhat, so please bear with me. We talk about protecting the habitat of
 1296 trout and species, the NPS-FM, where this is consistent with protecting the
 1297 habitat for a [01.50.00] species, which is brilliant.
 1298 [01.50.02]
 1299 One of the conflicts that comes in here is the conflict between protecting habitat
 1300 and species interaction. They are linked but they are not the same. So when this
 1301 one was talking about fish passage, and just flagging that we are aware that there
 1302 are going to be places where specie interactions will need to be discussed, and
 1303 that as a statutory that manages a sports fish in the region, we would like to be a
 1304 collaborative part of that discussion. We are very, very happy to be part of that
 1305 discussion in a very robust way. If there are places where they say trout shouldn't
 1306 be, we are really happy to have that conversation and make sure they're not.
 1307
 1308 So that's what that was referring to and we do think that it is absolutely
 1309 imperative that all the people who have those collaborative roles and statutory
 1310 roles, obviously mana whenua and tangata whenua, iwi, councils, territorial
 1311 authorities, Department of Conservation and us, should all be part of that
 1312 conversation.
 1313
 1314 Chair: Ms Coughlan, two questions. The first one: you're employed by Wellington Fish
 1315 and Game as a resource officer and you've got environmental science and a
 1316 Master of Science, ecology qualifications. Your statement of 17 October, would
 1317 it be correct to say that you're advocating Fish and Game's position rather than
 1318 presenting scientific? It's not independent evidence is it?
 1319
 1320 Coughlan: No it's absolutely not, no. Just from my role in my lane as a resource officer for
 1321 Wellington Fish and Game Council.
 1322
 1323 Chair: Thank you. Then my final question was on Wellington Fish and Games
 1324 involvement in the Whaitua process and developing the implementation plans.
 1325 Were Fish and Game involved and did participate in community meetings and
 1326 that sort of thing?
 1327
 1328 Coughlan: I believe our Manager Phil Teal was involved some of those higher level
 1329 discussions. I personally haven't been unfortunately.
 1330
 1331 Chair: But, what you've said is very clear: you support the direction that PC1 is taking
 1332 for freshwater management for the region.
 1333

- 1334 Your speaking notes that you were reading from, is that basically a summary of
 1335 your 17 October submissions? If you've got additional speaking notes feel free
 1336 to provide them to Mr Ruddock and we can have those. Otherwise, I think a lot
 1337 of it was taken from the provisions coded to this topic, 151A for instance. I think
 1338 you were basically reading that out from your submissions, is that right?
 1339
- 1340 Coughlan: I did take most of it from the submission. I tweaked it after reading the rebuttal
 1341 evidence obviously and added a few more salient points. I'm happy to provide
 1342 that to Mr Ruddock, or if not necessarily it's fine to go from the submission.
 1343
- 1344 Chair: I think the latest version is helpful. If it's an update based on Council's rebuttal
 1345 then that would be useful for us to have. Thank you.
 1346
- 1347 Coughlan: I'll send that through.
 1348
- 1349 Chair: Anything else from anyone? No. I think we're good. Thank you. We look
 1350 forward to talking with you further next year on these provisions. Thank you.
 1351
- 1352 Coughlan: Thank you for your time.
 1353
- 1354 Chair: I think we are going to just take a five minute break and then we will be back
 1355 with our final submitter for the day, NZ Carbon Farming Group. Thank you.
 1356
- 1357 **[Break taken – 01.54.25-02.03.00]**
 1358
- 1359 Chair: Kia ora. Almost at the afternoon. Welcome to NZ Carbon Farming Group – Mr
 1360 Casey and Ms Westman is it?
 1361
- 1362 Casey: That's correct.
 1363
- 1364 Chair: Thank you very much for joining us and thank you for your submission which
 1365 we have pre-read. I see you've got a presentation for us. The floor is yours. We
 1366 do have plenty of time but we do have questions for you, so if you can make
 1367 sure that we leave enough time for that, that would be great. Thank you.
 1368
- 1369 Casey: Peter Casey. Thank you for the opportunity to talk to you today on some
 1370 elements of our submission here at Stream 1, and there will be other points in
 1371 other streams.
 1372
- 1373 I'm Peter Casey. I'm the Chief Executive of New Zealand Carbon Farming. I
 1374 have been with the organisation for seven years. I am a New Zealand Institute
 1375 of Forestry registered forestry professional and Chartered Accountant. I hold a
 1376 Bachelor of Forestry Science with Honours, a post-graduate Diploma in
 1377 Accounting and MBA, and also outside my day job I'm also Chair of the New
 1378 Zealand Institute of Forestry Registration Board. I have been doing that for six
 1379 years, which is responsible for the professional services and quality assurance
 1380 for the provision of forest management advice.
 1381

1382 My colleague Tayla Westman is the corporate counsel and Environmental
 1383 Planner in New Zealand Carbon Farming, is a member of the Bar and holds an
 1384 Honours degree in Law and a BA.

1385
 1386 New Zealand Carbon Farming – who are we? We started in 2010 as a private
 1387 company established by Bruce Miller and Matt Walsh. The organisation is the
 1388 largest New Zealand owner of planted managed forests. We manage 78,000
 1389 hectares of forest lands. We have 118 forests across New Zealand and we have
 1390 114,000 hectares under carbon management.

1391 [02.05.03]

1392 We have 70 fulltime staff and forty percent of those are located in Auckland and
 1393 the rest of them are across the country where our forests are.

1394
 1395 The bulk of the forest that we manage are permanent forests. We also have
 1396 twelve forests that we have established and we manage for other land owners,
 1397 for what I call timber-land outcomes.

1398
 1399 We are one of the largest contributors to the New Zealand climate change
 1400 mitigation measures. We've sequestered 30 million tonnes of carbon since we
 1401 started.

1402
 1403 What do we do? Our forest management regime includes [02.05.44] crop
 1404 establishment, pest animal and pest plant control, thinning, canopy
 1405 manipulation, enrichment planting of natives as required, fire mitigation and
 1406 forest and health programmes; which were really designed to align with
 1407 commercial imperatives with really long-term specific ecological objectives.

1408
 1409 The focus of our business is two-fold. It is first of all sequestered carbon to make
 1410 a real difference in climate change mitigation, and also concurrently provide a
 1411 long lasting legacy of a resilient and biodiverse native forest in our permanent
 1412 forest estate.

1413
 1414 We have a very strong focus on forest ecology that underpins our forest
 1415 management regime. Our team includes four trained ecologists, seven
 1416 professional foresters, we also have an independent advisory group of
 1417 professors, researchers and other people with significant native forest
 1418 experience; and also as part of our management a really good knowledge of
 1419 spatial structure of our current and future forests is imperative, and so we have
 1420 seven GIS specialists in our team.

1421
 1422 Hopefully that should provide some context to our submission, in terms of where
 1423 we are coming from.

1424
 1425 We have some key matters we just wish to highlight. I will pass over to my
 1426 colleague Tayla.

1427
 1428 Westman: Tayla Westman. Thank you Peter. Thank you to the panel for inviting us to speak
 1429 to you today.

1430

1431 As Peter said, I will now turn to three key matters which we would like to briefly
1432 discuss with you.

1433
1434 Firstly, we wish to address the simultaneous progression between this proposed
1435 Change 1 to the Natural Resources Plan, RPC1, as well as the proposed change
1436 to the Wellington Regional Policy Statement, the WRPS.

1437
1438 At the time of submitting our initial submission in December of 2023,
1439 submissions on the proposed change to the WRPS were being heard. The
1440 decision resulting from those hearings were notified on 4 October of this year,
1441 so just over one month ago, and the right of appeal remains open until the 18th
1442 of November.

1443
1444 So that means that as of today the final form of the Wellington Regional Policy
1445 Statement is unknown.

1446
1447 Under the RMA original plans are required to give effect to Regional Policy
1448 Statements, so in other words the RWPS. So, how can we decide the rules of a
1449 plan without a solid understanding of the policy which underpins it?

1450
1451 In the view of this submitter, PC1 is therefore premature and it is our preference
1452 that the WRPS is determined prior to decisions being notified on the NRP.

1453
1454 This will safeguard against a risk of rework and inefficiencies in circumstances
1455 where the final form of the WRPS is not appropriately appreciated by the NRP.

1456
1457 Quoting page-122 of the S42A Report, it is ideal to have higher order planning
1458 documents in place and operative prior to changing lower order documents.
1459 Although it is not, and I quote, ‘imperative’, it is ultimately ideal.

1460
1461 New Zealand Carbon Farming as forest owners, as forest managers, always aim
1462 to operate at best practice standards, at the ideal, and we encourage PC1 to do
1463 the same.

1464
1465 Turning to our second hearing point for today, PC1 needs to give greater weight
1466 to the recommendations of the Whaitua Committee implementation
1467 programmes, both of 2019 and 2021, so that these recommendations are
1468 appropriately reflected and provided for in PC1.

1469 [02.10.04]

1470 As per the S32 Report both of these programmes should form part of the Greater
1471 Wellington Regional Council’s approach to implementing the National Policy
1472 Statement for freshwater management. But, for the purpose of today and in the
1473 interests of time, we will just draw on a couple of examples.

1474
1475 For our first example today I am going to look to the 2021 implementation
1476 programme, which recommends that the Greater Wellington Regional Council
1477 should support best practice, support compliance to work with the forestry
1478 groups, provide proactive and advisory support, and where applicable take
1479 enforcement action for non-compliance.

1480 Similarly, in our second example, the year 2019 implementation programme, we
 1481 can see there that it is said that forestry operations if undertaken correctly should
 1482 result in minimal if any discharges of sediment, and again focuses on
 1483 engagement and monitoring is the priority of the Council.

1484
 1485 Accordingly, we are of the view that while purported to implement these
 1486 recommendations of both committees, PC1 fails to appropriately consider the
 1487 recommendations that PC1 is too onerous and that greater weight should be
 1488 given to the recommendations.

1489
 1490 We are also in-line with the findings from both committee programmes and
 1491 agree that insufficient time has been given to the now National Environmental
 1492 Standard for commercial forestry, to allow for the standard to really bed in
 1493 before putting in place more stringent rules in regional plans.

1494
 1495 So that's point one and point two. In regards to point three, whereby we say
 1496 greater weight should be given to achieving environmental outcomes through
 1497 effective management of the effects of activities, rather than blanket removal of
 1498 land uses in particular areas, I will turn back to you Peter.

1499
 1500 Casey: Thank you Tayla. On the screen here we've got WHP.28. This also applies to
 1501 P.26 as well. You will see we propose some changes there with the
 1502 strikethrough. I might just talk to each of those three points.

1503
 1504 In terms of clause (a) we seek this to be deleted because the rationale for
 1505 appropriateness of the approach to the identification of the highest erosion risk
 1506 land is not clearly set out. The rationale for departing from the erosion
 1507 acceptability classification in the NES-PF is not set out, in the manner required
 1508 under s.32.4. And, also the practical implications of a mapping of associated
 1509 provisions has not been considered, including extent to which the mapped areas
 1510 result in greater constraints, because matters such as scale, ownership and
 1511 topography may result in large areas no longer being viable for forestry use.

1512
 1513 In terms of (b), we know that planning and implementing erosion and sediment
 1514 control is just a normal part of forest operations. The NES-PF includes
 1515 requirements to manage erosion and sediment in any case. These regulations
 1516 were updated in the NES-CF for commercial forestry. So, we seek these limited
 1517 amendments to clause (b).

1518
 1519 Finally with (c), we don't support (c) because preventing the establishment of
 1520 plantation forestry, or in the continuation of plantation forestry in the areas
 1521 identified, it's not supported by the evidence and may result in outcomes not
 1522 sought – in returns of reduced sediment and in the rivers. It's inconsistent with
 1523 the Whaitua recommendations and is also contrary to the New Zealand
 1524 Emissions Reduction Plan and the New Zealand National Adaptation Plan.

1525
 1526 I just wanted to provide some images here - particularly that point about
 1527 prohibiting the planting of trees in high erosion. These are some shots we took
 1528 when we were doing a survey about national estate. These are post 'Gabrielle'

1529 so the last year. You can see the impact that forest cover has on holding the soil
 1530 there. There's many reasons why forest cover makes a difference, but I thought
 1531 those images there are quite striking.
 1532

1533 What clause (c) would do would prohibit planting forest cover on land that needs
 1534 protection.
 1535

1536 [02.15.00] In terms of our forest management regime, we consider our exotic species as a
 1537 nurse crop. They can last a very long time, but Radiata Pine and other exotics
 1538 many of them are pioneer species. So with our active management, the
 1539 succession process, the natural forest ecology process of what comes after those
 1540 pines when they eventually will [02.15.30]. There's some photos of that process
 1541 there.
 1542

1543 Those are the East Coast and also Northland. Here's another East Coast photo
 1544 there showing quite intense [02.15.46] into the Kahikatea and Totara
 1545 regeneration under a 42 year old pine stand.
 1546

1547 We welcome any questions.
 1548

1549 Chair: Thank you very much for your presentation. Can I ask if you are planning to
 1550 come back in Hearing Stream 3 which is specifically on forestry to talk about
 1551 that policy and those amendments and other relief you're seeking? Have you
 1552 planned to come back?
 1553

1554 Casey: May is a long way away.
 1555

1556 Chair: Yes. So the reason I ask is because we haven't got our heads around that
 1557 particular policy and these forestry provisions yet, because we've been looking
 1558 at Hearing Stream 1. We would really appreciate being able to talk with you
 1559 some more once we are more engaged on those particular provisions for Hearing
 1560 Stream 3.
 1561

1562 So, if it is possible to come back and talk to us about that, and there may be other
 1563 provisions as well. I've read your submission and there are other provisions.
 1564

1565 Casey: Our point as been made by quite a few other submitters as well. We are not alone
 1566 in our statements. There's lots of other parties that have similar views to us and
 1567 other views relating to our own submission.
 1568

1569 Chair: I have got some questions but I will see if anyone else would like to go first.
 1570

1571 Kake: Thank you. I appreciate the submission and the presentation this afternoon. Just
 1572 really a general question with respect to how you might engage with mana
 1573 whenua across the country – acknowledging that you've got bits and pieces
 1574 across the country of Aotearoa. Whether or not it is something that is part of
 1575 your best practice approach which you mentioned. I'm just really seeking how
 1576 you might undertake that engagement, if at all, in terms of those relationships.
 1577 Kia ora.

- 1578 Casey: In terms of our business I talked about, we manage large areas of forest under
1579 carbon. One of our major clients is Ngāti Porou on the East Coast. We've had a
1580 partnership with them for twelve years. Active engagement with various land
1581 owners and iwi land owners. For us, we have a very long term view on our
1582 management of our forests, which is a real synergy with how iwi view their
1583 custodianship of their own land. That's their land and we manage the carbon for
1584 them on their properties.
1585
- 1586 I'm just trying to give you a short answer to quite a big question. Those
1587 relationships for us are really important and are valued by us, and they value our
1588 relationship with us as well.
1589
- 1590 McGarry: Some of the questions will be things that we hope to hear more about, because
1591 we do appreciate you haven't got a lot of time and it's on-the-hoof as it were; so
1592 happy for any of our questions for you to pick up the lead and come back to us
1593 with a bit more information.
1594
- 1595 I don't understand what a permanent forest means. Does that mean a forest is
1596 there forever? Because there's another term 'a forever forest' as well that gets
1597 bandied around. Or, does permanent forest that at some point in the future there
1598 might be some kind of harvest?
1599
- 1600 Casey: Our forests are not harvested. They're in the Emissions Trading Scheme.
1601 Basically, if you cut the trees down you've got to give your carbon credits back
1602 to the Crown. So therefore us managing our forests as forever assets to maintain
1603 our carbon stocks is what we do.
1604 [02.20.00]
- 1605 McGarry: So the term 'permanent forest' equals 'carbon forest?'
1606
- 1607 Casey: No. I mean all biomass is carbon. The term 'carbon forests' there are rotational
1608 forests that they can earn carbon credits, and that they will be harvested. They
1609 get more limited carbon credits basically. Basically, the carbon that is removed
1610 through logs then by default you're reducing your carbon stocks.
1611
- 1612 McGarry: So the image you showed us with the indigenous forest coming through
1613 underneath the exotic forestry, how will that go onto the future? Will there be
1614 an opportunity as you get more carbon sequestration through the indigenous
1615 wood? Will you be able to take out the exotic over the...
1616
- 1617 Casey: It's a natural forest succession process. If you have a pine forest and you come
1618 back in 200 years it will be something else. A good example here is in the Hutt
1619 Valley. I grew up here when I was young. When I was young it was always
1620 yellow in the summer and it would get burnt all the time, and now those hills the
1621 gorse has gone and the succession is to a different native species.
1622
- 1623 McGarry: Understood. I understand that.
1624
- 1625 Casey: That's a forest succession process.
1626

- 1627 McGarry: I understand that. I'm trying to understand the succession from that under-story
1628 of a native forest with that over-story of the...
1629
- 1630 Casey: The pines will over time thin out. If you want some practical examples, there's
1631 102 year old stand in Kaungaroa that was initially established at 2,500 stems per
1632 hectare and is now standing at about 100-odd stems per hectare. The total
1633 biomass is continuing to increase. Eventually you get fewer big enormous trees
1634 and then there's space and other trees come through. You get a change in forest
1635 over time.
1636
- 1637 McGarry: It would be important for us in the next hearing stream to understand the context
1638 of what you're saying within this region, that numbers across New Zealand don't
1639 really help us with context as to what this plan change means for you. I'm sure
1640 you can't answer my question on-the-hoof, but again I would like to understand
1641 what kind of acreage you've got in this region that's affected by this plan change,
1642 and what percentage of that would be permanent forest versus those that you're
1643 managing under that rotational harvest operation; so that we can really
1644 understand the context of what you're talking about here.
1645
- 1646 Casey: I'm more than happy to provide that, but I think the point here is about you're
1647 prohibiting a land use in this plan change.
1648
- 1649 McGarry: Understood. My final question for you – or actually I might have one more – is
1650 that do you think the plan is too blunt in terms of that it is not recognising the
1651 differences or the nuances between forestation and those that are permanent
1652 forest, and those that may be on a rotational harvest? Because it seems to me
1653 that a lot of the land use activity effects relate to the harvest activity. So is that
1654 one of the problems with the plan, that it hasn't really recognised the difference
1655 between permanent forests and those that will be harvested?
1656
- 1657 Casey: As Tayla said as well, acknowledging the process of how you manage the land;
1658 whatever the land use is, whether it's pastoral farming, timberland forestry or
1659 other forestry. What's the management process? And, from a regulatory
1660 perspective how does the Regional Council and other bodies put in place
1661 appropriate compliant regimes that ensure that best practice management
1662 techniques are used to minimise or eliminate the risks that you're talking about?
1663
- 1664 McGarry: And you're aware that in areas of New Zealand you do require a consent for the
1665 harvest, say on peatland and those kind of things?
1666
- 1667 Casey: Exactly. That's my point.
1668
- 1669 McGarry: So you're saying manage the harvest activity.
1670
- 1671 Casey: Manage the activity. You don't just prohibit it with a really blunt tool. And, if
1672 there's particularly areas that need more controls then they need more controls.
1673 But, don't just have a blunt tool, which is what this plan shows.
1674

- 1675 McGarry: So a more nuanced approach perhaps separating out the activities could be
 1676 another approach as well as look...
 1677
- 1678 Casey: The point we raised in terms of actually identifying these areas, the actual
 1679 erosion acceptability classification, and what is actually the problem at the
 1680 moment, how I read this, is prohibiting a particular land use on certain very
 1681 broad land types – on what basis and what evidence. Other submitters have
 1682 covered this in some detail as well.
- 1683 [02.25.07]
- 1684 McGarry: Yes.
 1685
- 1686 Casey: It's important that we provide for land owners across your region, across New
 1687 Zealand options for long-term economic use of the land that is also sustainable
 1688 and provides an appropriate return, but also ensures that the long-term
 1689 stewardship of that land is well managed.
 1690
- 1691 McGarry: Just finally, and maybe one for Ms Westman, in terms of your comments about
 1692 giving effect to the RPS, would you agree that the RMA actually anticipates the
 1693 situation where you do have a proposed document and that we have to have
 1694 regard to that, rather than give effect to it. And, in the absence of giving effect
 1695 to an RPS, that you would go up to the higher order documents that you're still
 1696 required to give effect to in the short-term; so there should be an alignment of
 1697 all those.
 1698
- 1699 Do you agree that the Act anticipates that with those words “have regard to” for
 1700 a proposed document?
 1701
- 1702 Westman: Yes, I heard a bit more about that yesterday with the legal submission of course.
 1703 I guess just with the gravity of what this could mean for forestry, we still stand
 1704 by asserting perhaps it would be best to hold out and wait. But, yes, I do
 1705 acknowledge that, and it was good to learn more about that yesterday in legal
 1706 submissions.
 1707
- 1708 McGarry: Thank you.
 1709
- 1710 Wratt: Just a follow-up question around the permanent forests, and perhaps just going
 1711 back in history a little.
 1712
- 1713 After some, many years ago, Cyclone Bola and it's impacts on the
 1714 Tairāwhiti/Gisborne area, there were a lot of forests planted in that area which
 1715 were exotic forests, which were to be for land stabilisation. Subsequently those
 1716 forests ownership changed. They were forests that were logged and harvested,
 1717 and then we see the results along the lines of a couple of photos that you showed
 1718 there.
 1719
- 1720 I guess my question is just when we talk about permanent forests now, your
 1721 ambition sounds great. But, do we have sufficient – and I'm not familiar and it's
 1722 an area that certainly I need and I think we need to be a bit more familiar with is
 1723 the NES on commercial forestry – but are there sufficient protection there to stop

1724 that sort of thing happening again? I mean, one would hope that we learn from
 1725 history and that we don't repeat those sorts of activities, but our history is that
 1726 we are not very good at learning from history and twenty or thirty years later we
 1727 forget.

1728

1729 I guess my question is how much security is there in that concept of permanent
 1730 forestry going forward?

1731

1732 Casey: You've asked quite a few questions in there. On the East Coast with the Mangatu
 1733 it was planted by the New Zealand Forest Service. It's from an erosion focus,
 1734 but then it was sold and it was sold and harvested. So that's a government policy
 1735 framework there.

1736

1737 Things change over time, is the answer to your question. In terms of the
 1738 "permanent forests" we have a very strong commercial imperative to maintain
 1739 our carbon stocks, because as I said under the Emissions Trading Scheme if our
 1740 forest burns down or blows down we've got to give those carbon units back to
 1741 the Crown. So there's that compelling commercial imperative.

1742

1743 But, I keep coming back to the point about the important role of really good best
 1744 practice and regulatory practice, about people doing the right thing – and that
 1745 being the norm. It's not only forestry, it's pastoral farming and other land uses.
 1746 How do you actually put in place [02.29.32] best practice standards that people
 1747 adhere to? Some people don't, so therefore people like the Regional Council
 1748 have authority to say, "You're not doing the right job," and there'll be a
 1749 compliance regime for it.

1750

1751 So that's really my short answer to what is a big question.

1752

1753 Wratt: I guess what I'm hearing from you, and it's perhaps coming back to
 1754 Commissioner McGarry's questions and points, is that what you're really saying
 1755 is this is too blunt of an instrument for dealing with that situation?

1756 [02.30.07]

1757 Casey: Yeah. Whether it's timber land forests or permanent forests, forest cover is good
 1758 and people who want timber they cut trees down. But, how do you do that as
 1759 well on the East Coast? Basically they cut down huge catchments in short
 1760 timeframes and therefore put the whole area under a lot more risk. So what are
 1761 the differences in practices to manage and mitigate that?

1762

1763 In order to understand the underlying soil types and topography, which goes
 1764 back to the whole thing around mapping and erosion stability analysis and all
 1765 those sort of more technical details; which comes back to good management.

1766

1767 Wratt: Are you saying that the NES-CF create that framework, or do we need
 1768 additional. Does this region need additional provisions which would come
 1769 through in this plan change, to make sure that those things are in place?

1770

1771 Casey: The NES-CF if it's a success with the NES-PF which was developed over an
 1772 extensive long period of time, and seen by all parties as appropriate. Put into

1773 context we adhered to the NES-PF even though we didn't have to, because we
 1774 weren't cutting our trees down. So we've been working with other regional
 1775 councils for the last seven years with the NES-PF. So When the NZ-CF came in
 1776 [02.31.34] there was no change – which is my point about we did that because
 1777 we knew that doing the right thing from day one is just the logical thing to do.
 1778

1779 So actually good management practices to adhere to. I think NES-CF is a product
 1780 of a long process [02.31.54] had some further things added to it to make it more
 1781 robust in the view of the Crown.
 1782

1783 Wratt: I think that answers my questions. Thank you.
 1784

1785 Chair: I'm interested, and this might be a question more for you Ms Westman, in the
 1786 relationship between the NES-PF and the proposed rules in Plan Change 1,
 1787 keeping in mind that I haven't got my head around those yet; but I appreciate
 1788 there's this proposed prohibitive activity status for afforestation on high risk
 1789 erosion land, and that is something that we are going to be looking at in a lot
 1790 more detail next year.
 1791

1792 Actually, I said Hearing Stream 3 but the objectives are being considered in
 1793 Hearing Stream 2 Ms O'Callahan, is that right?
 1794

1795 O'Callahan: Yes, that's correct. And, waste water.
 1796

1797 Chair: And, waste water, but the rules, the forestry rules are Hearing Stream 3?
 1798

1799 O'Callahan: I think they are, yes.
 1800

1801 Chair: Sorry, I just didn't want to put you wrong there because it might actually be
 1802 Hearing Stream 2.
 1803

1804 O'Callahan: The policies for the forestry are in Hearing Stream 3 but the objectives are in...
 1805

1806 Chair: Okay. Sorry, bear with me. Where I am going with this is because you have
 1807 rightly pointed out that the NES-PF says that a rule in a plan may be more
 1808 stringent if it gives effect to an objective that's developed to give effect to the
 1809 NPS-FM.
 1810

1811 So, the objectives are in Hearing Stream 2. I just didn't want you think that
 1812 Hearing Stream 2 was completely not relevant to your submission, because it
 1813 may be.
 1814

1815 That was that point, but the rules will be considered and policies will be
 1816 considered in Hearing Stream 3 specific to forestry.
 1817

1818 The relationship between the two: is it over simplistic for me to say based on
 1819 what I think you're saying, afforestation activities are not going to impact fresh
 1820 water. They're not regulating them in the way PC1 proposes and is not actually

- 1821 going to give effect to the NPS-FM, so you can't have a rule that's more stringent
 1822 than what's in the NES-PF?
 1823
- 1824 Westman: If I'm understanding correctly, and please let me know if I'm not, yes you are
 1825 allowed to have more stringent rules. That's imbedded in the NES now CF which
 1826 came into force in November of last year; which is I think a questions of my
 1827 own I guess as well, is the way that that interface now plays with this proposed
 1828 plan change, because now the NES-PF has become the NES-CF which does
 1829 capture our activity.
- 1830 [02.35.18]
- 1831 But, I think what we are saying here is the NES-CF came out in November and
 1832 why don't we allow space for that set of standards, a national standard, to really
 1833 bed-in and see whether it's affective and whether it does a good job, because it
 1834 provides for in and of itself, before we put in place such, as you've been saying,
 1835 'blunt' rules at this regional plan level.
 1836
- 1837 Does that answer your question?
 1838
- 1839 Chair: Yes. Sorry, I think I probably got my CFs and PFs mixed up there.
 1840
- 1841 Westman: It's very confusing.
 1842
- 1843 Chair: Yes, I think you've understood what I was trying to get at. So it is possible to
 1844 have a more stringent rule, if it is giving effect to an objective of the NPS-FM,
 1845 to accept that. But, you're saying too soon really for these provisions now and
 1846 let's see what the NES-CF is shaking out?
 1847
- 1848 Westman: Yes, that's correct.
 1849
- 1850 Casey: Maybe I could also add to that. We've got forests all over the country. We work
 1851 closely with a number of regional councils. It's interesting in terms of our
 1852 afforestation programme, is that we work closely with a number of those officers
 1853 in the various regional councils. We're planting land that should never have
 1854 really been cleared of trees in the first place. All the officers intimately knew the
 1855 properties that were planted, because they were the problem properties. They
 1856 were the properties they'd put in lots of money in terms of fencing – lots of
 1857 grants and other activities.
 1858
- 1859 In the Waikato, we planted about five properties in the Waikato. They're trying
 1860 to address sediment yield issues and they said we've done more in one year than
 1861 they've done in the last five years. We took five problem properties out of
 1862 pastoral farming with significant sediment water quality issues. What I'm really
 1863 saying here is the forestation in many areas is a way forward.
 1864
- 1865 The same with Horizons. They're similar. A lot of our areas we've planted they
 1866 knew intimately because they were areas that were problematic for them.
 1867

- 1868 We've only got one property in Greater Wellington, but we are quite concerned
 1869 about this proposed policy in terms of how it might be interpreted by other
 1870 parties.
 1871
- 1872 Chair: So you're not saying that afforestation in and of itself can never have a sediment
 1873 run-off and never have effects on freshwater – that's not what you're saying?
 1874
- 1875 Casey: If you have really poor harvesting practices, yeah of course that can be
 1876 problematic; but the forestation itself, I mean, Horizons have been running a
 1877 large scale programme encouraging forestation because of their sediment and
 1878 water quality issues. They've funded about 20,000 hectares of forest over the
 1879 last eight or nine years, because of the issues that they've had.
 1880
- 1881 Your Regional Council up the road is saying forest cover is a good thing. It's
 1882 actually how you manage the land that is more important. That's our key point.
 1883 It's about the active management, which goes back to Tayla's point around the
 1884 NES-CF and let's see it work; because the NES-PF was working and now the
 1885 NES-CF is even more stringent, so make that work. It is working.
 1886
- 1887 Chair: Still not quite clear on harvesting and the permanent forest idea, because I think
 1888 you had also said that on your plantation forests you don't harvest, because that's
 1889 defeats the purpose of having these as carbon sequestration projects.
 1890
- 1891 Casey: Yep.
 1892
- 1893 Chair: So, I'm still confused about your position. So harvesting can have sediment run-
 1894 off and freshwater impacts, but is that because there will always be a point at
 1895 which you have to harvest? Or, is it because if things come down in a cyclone,
 1896 in a weather event?
 1897
- 1898 Casey: If you have poor practices... I mean, good practice harvest management is to
 1899 minimise or eliminate sediment run-off and maintain water quality.
 1900 [02.40.04]
 1901
- 1902 Chair: And, that's possible even on the very highest and steepest erosion – the red zone
 1903 land?
 1904
- 1905 Casey: More challenging. Then that comes back to the... if you needed consent to do
 1906 that, then the consent would be very clear about what you need to do to manage
 1907 and mitigate that. That's the process.
 1908
- 1909 Stevenson: Thank you. Really clear submission evidence and comments today. Thank you.
 1910 Helpfully Commissioner Nightingale's most recent kōrero picked up what I
 1911 think is missing for me and will probably help the panel.
 1912
- 1913 We're talking about a land use, but what I am interested in is the practices within
 1914 that land use, the forestry practices. Are there specific practices that you think
 1915 lead to more erosion, or can mitigate the potential for erosion and sedimentation?
 1916 I'm not asking for that chapter and verse now, but for subsequent hearing

- 1917 streams, I think just helping us understand your business would be incredibly
1918 helpful as we consider a framework for the NRP.
1919
- 1920 Casey: There's a range of other submitters to this who have forests and they harvest
1921 them. They would be better placed to answer that question because we don't
1922 harvest trees. We know quite a bit about it, but we are not...
1923
- 1924 Stevenson: Are there practices that you engage in? I'm assuming you don't just plant your
1925 slopes and leave them. Is there pest eradication or maintenance?
1926
- 1927 Casey: Yeah, I covered that. We've got the largest privately funded pest control
1928 programme in the country. For us with our nurse crop, exotics and our natives,
1929 [02.42.17] and possums are the challenge. For us, we have a significant pest
1930 control programme – as I said, the largest privately funded in the country. We
1931 use a lot of technology. We own half of a company called 'Auto Trap' which is
1932 a very innovative trap which rests itself a hundred times, and now a new version
1933 of that can be monitored remotely.
1934
- 1935 Really what I'm saying there is about the use of technology and pest control,
1936 which is a big challenge for all land owners and particularly forest owners,
1937 whether it's [02.42.57] or native, as well as pest plants as well which Regional
1938 Councils play a big part in.
1939
- 1940 Stevenson: Am I correct in understanding your primary point around practice is that you do
1941 not harvest?
1942
- 1943 Casey: We don't harvest trees, correct, but there is quite clear practices and guidelines
1944 for those folk who do, and there will be people who have submitted who that's
1945 what they do, so they can definitely give you the strong guidance on that, if you
1946 ask.
1947
- 1948 Stevenson: Thank you.
1949
- 1950 Kake: Just one last request and it's actually following on from the last question.
1951
- 1952 You mentioned again a forest management regime and best practice standards,
1953 assuming that you have a copy or a link to those documents, that would be really
1954 helpful if you are coming back next year as well, just to review those. Thank
1955 you.
1956
- 1957 Chair: Mr Westman this might be another question for you. I think one of the reporting
1958 officers said in their rebuttal evidence, might have been in the S43A, they
1959 pointed to the transitional provision in the NES-CF in Schedule 1, Part 2, clause
1960 1, which basically says every reference in any enactment to the NES-PF must be
1961 read as a reference to the NES-CF. It's in any enactment and in any document.
1962
- 1963 So the proposed PC1 when it was notified, obviously it referred to the NES-PF,
1964 but do you think it's not as simple as just saying, "On the basis of the transitional
1965 provision all references to the NES-PF can now be read as the NES-CF."

1966 [02.45.12]

1967
1968 Westman: That's a good question. I would be more than happy to go through and consider
1969 that, but I can't recall right now a specific reference for example to the NES-PF
1970 in PC1 and the context of how that would impact us now that it's the NES-CF.
1971 It's a really good question and I would be happy to answer it more thoroughly
1972 with a bit more time to consider it.

1973
1974 Chair: Yes. No problem. I think it is somewhere in your submission. But, maybe or
1975 hopefully you will be able to come back and take us through your concerns on
1976 the specific provisions next year. Maybe that's a point you could have a look at
1977 for then.

1978
1979 This has been very useful in terms of us getting our head more around the issues
1980 that are important to you. We will continue to develop our understanding, so
1981 when we come to Hearing Stream 2 and 3 we will be more on top of the issues
1982 and also perhaps have the opportunity to hear from the Council's counsel as
1983 well.

1984
1985 That's been a really useful discussion. Thank you for coming to the Hearing
1986 Stream 1 to present to us on these.

1987
1988 I think that's all that we have for the moment, so thank you very much.

1989
1990 Casey: Thank you.

1991
1992 Westman: Thank you.

1993
1994 Chair: That concludes the hearing of submitters for Day 2. Thank you very much.

1995
1996 Officers, Council staff, Mr Ruddock and all the submitters who have presented,
1997 you have given us lots of food for thought. We will close with karakia.

1998
1999 Ruddock: Kia whakairia te tapu
2000 Kia wātea ai te ara
2001 Kia turuki whakataha ai
2002 Kia turuki whakataha ai
2003 Haumi e. Hui e. Tāiki e!

2004
2005

2006 [End of recording 02.47.45]

2007