

**Report on a pre-hearing meeting held on 21.03.19  
From 10.30am to 2.30pm at Ōtaki Rotary Hall, 25 Aotaki Street, Ōtaki**

**GWRC Flood Protection Department  
Application for resource consents for river management  
activities in the Ōtaki River Catchment**

**Present**

- Jenny Grimmett – Independent Facilitator, Down to Earth Planning Ltd;
- Michelle Conland - Consultant Planner, for GWRC Environmental Regulation;
- Jacky Cox – Engineer, GWRC Flood Protection;
- Sarah Bevin – Senior Planner, Tonkin & Taylor for GWRC Flood Protection;
- Libby Cowper – Senior Solicitor, Buddle Findlay for GWRC Flood Protection;
- Tracy Berghan – Project Manager, GWRC Flood Protection;
- Max Lutz – Landowner/Farmer, Friend of Ōtaki River (FOR);
- Carl Lutz – Landowner/Farmer, FOR (arrived near the end of the meeting);
- Margaret Niven – Landowner/Deer Farmer/Conservationist;
- Dr Steve Lang – Resident, Rangiuru Residents Association;
- Caleb Royal – Ngā Hapū o Ōtaki;
- Michael Murphy – Kāpiti Fly Fishing Club.

**1. Introduction**

Facilitator Jenny Grimmett opened the meeting by welcoming everyone and explaining that the meeting was one of a series of pre-hearing meetings (PHM) with the purpose to discuss submitters' concerns relating to the consent application for the Ōtaki River.

Ms Grimmett explained that the Applicant had been working over a period of five years since the application had been lodged for consent to develop the draft conditions and Code of Practice circulated prior to and tabled at the meeting, and that GWRC Flood Protection officers were looking at identifying any outstanding matters that submitters considered still needed to be addressed.

Tracy Berghan (Applicant) gave a presentation assisted by others in the GWRC Flood Protection team describing how the proposal had been taken through three phases of development to the version of documents tabled at this meeting. Ms Berghan wanted to

explain the background to ensure everyone is aware of recent developments in the process. In summary (paraphrased) the key points made are as follows:

- GWRC Flood Protection is applying to GWRC for the consents and understands the importance of being transparent. GWRC wants to raise the bar to improve how river management is undertaken, taking into account all relevant river values and not just flood engineering, along with improving the quality and consistency of documentation and reporting processes. The underlying philosophy in this respect is “knowing what it is managing and its values”. The overall approach for the consents takes into account a very long list of requirements identified in the submission process and subsequent meetings with submitters and other advisors.
- The application for river management was made because the existing consents were expiring. Once the application was lodged and submissions received, the application was placed on hold so that issues could be addressed. At the time GWRC Flood Protection didn’t have all the information and wanted to undertake further investigations as part of the consent process. They took advice on a broader scale, a science group was set up (to agree on the science as the river environment is very complex and challenging), in conjunction with stakeholders including Fish & Game and DOC, with iwi, and with other GWRC staff. This process took about three years, resulting in agreement on the fundamental building blocks of the consent application, developing the monitoring regime, and the Code of Practice.
- In the last two and half years the Applicant has engaged with stakeholders and iwi to further develop consent conditions and the Code of Practice with a view to reaching agreement on these and avoid the need for a hearing. During this period, Ms Cowper was engaged to assist with drafting the conditions and help reach agreed outcomes with stakeholders. The focus during this period was on clearly identifying what people wanted to see in the consent, the obligations of the consent holder, ensuring transparency at all stages, and recording internal GWRC processes so they could be shown on the subsequently developed Consenting Framework diagram.
- The Consenting Framework shows the Flood Management Plan (FMP) for the Ōtaki River as the formal document that provides direction for the river management activities. This is currently under review for the Ōtaki River as a separate process. The rest of the table includes all of the other Council tasks “made transparent”, including the Operational Management Plan (OMPs), and Annual Work Plans (AWPs). The OMP sets the 5-10 year direction of operational work, and has to be prepared within one year of the consents being granted. One OMP will be prepared for the Ōtaki River and include specific sections for the individual reaches identified within the river. The OMP is intended to bring all of the information and knowledge of the river into one document and make it clear of what, where, why and how things will be done on that river. The content of the OMP will be developed in consultation with iwi partners, interest groups, Fish & Game, DOC and residents etc. The AMP sets out the programme of works for the

year and, the specific locations of work areas and identifies where environmental enhancement or SSEMPs<sup>1</sup> are needed.

- The actual types of river management activities to be undertaken in relation to this application are limited to the river corridors, and the engineering information is known and has not changed in the consent process or the document development. The new information included in the consents and Code documentation covers increased transparency of intentions and actions and reporting. A higher level of scrutiny over the activities is also ensured by the single consent with a single set of management documents instead of a series of consents with different conditions and requirements.
- Wet gravel extraction is a new type of river management activity proposed for the Ōtaki River. Traditionally the work has been undertaken in the dry bed areas. With the addition of wet gravel extraction, it will be possible to undertake river management in the lower reaches of the river. However, it will come under a higher level of scrutiny. Wet gravel extraction, and any other “high potential impact activities” (activities that may have a significant adverse effect, as defined in Condition 4) proposed to be undertaken at certain times of the year, will require an SSEMP to be prepared.
- Submitter agreement was reached at the pre-hearing meetings held on 11 and 24 October for the Te Awa Kairangi/Hutt and Wainuiomata Rivers on the draft consent conditions and Code of Practice documents in respect of those rivers. Discussions relating to the Waikanae River were ongoing with submitters following PHMs for that river held on the 5<sup>th</sup> and 12<sup>th</sup> December 2018. A PHM for Ōtaki was held on 20 March 2019, and a further PHM for the Waikanae River is planned for early April 2019.

There is an absolute commitment from GWRC to follow the process developed in the consent conditions and Code.

After concern expressed by one submitter having to listen to the presentation for such a long time before they could speak to their submissions, a short break was taken between 12.35 and 12.45pm.

Ms Berghan’s presentation was followed by general discussion and questions asked by submitters ranging between the potential effects of the consents on their ability to use and access their land, whether the risk of inundation at Rangiuuru would be addressed by the consents, how the river values for fishing and recreation could be protected from gravel extraction and ripping activities, and options for joint decision making with iwi. These matters are covered in the following sections in more detail.

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<sup>1</sup> SSEMP = Site Specific Environmental Monitoring Plan

Dr Lang left the meeting at 2.10pm. Mr Lutz's father Carl Lutz arrived at 2.15pm and was invited to speak.

Documents circulated prior to the meeting, and provided as hard copies at the meeting included:

1. Western Rivers: Consenting Framework;
2. Western Rivers: Consenting Framework with iwi involvement in the process highlighted;
3. Western Rivers: Conditions of Consent for River Management Activities (Draft dated 9 January 2019); and
4. Code of Practice for River Management Activities Version 19 dated 9 January 2019.

## **2. Discussion of issues**

Margaret Niven: Ms Niven explained that she was a deer farmer at the top end of the river, involved with Friends of the River, an ex-representative of Forest and Bird, previously a corporate planner for DOC, and a committed conservationist. She advised that she opposes the resource consent application and in particular doesn't want a 35-year term of consent granted. Ms Niven outlined her concerns that GWRC is being excessive in its imposition of more regulations on private property owners, and advised that she has approached GWRC on several occasions where she has been "rebuffed" and advised her concerns are not relevant. She said that she will continue to oppose the application if it has a 35-year duration, even if it goes to a hearing. She said that there must be an FMP to protect the Ōtaki township.

Ms Grimmatt asked Ms Niven why she considers the consent being sought would take power away from the landowners. Ms Niven advised that:

- a) The water being taken from the river was resulting in a loss of water at her old bore;
- b) Toxic algae blooms are occurring due to increases in temperature and reduced water volume;
- c) Gravel removal downstream had resulted in upstream gravel moving downstream, as noted by different types of gravel present downstream near Rahui Road;
- d) The river used to have a nice slope and now there is a cliff which has reduced access for dog walking;
- e) There is a 'River Corridor' over her property that extends beyond the top of the cliff (which is 4 metres above the level of the river) and this could mean the Council will be able to prevent her using that land and could construct a road over it for their own purposes.

Mr Max Lutz noted that the existing Ōtaki FMP identified in 1989 the need for a choke in the channel to be removed and this has not been completed. The proposed FMP direction is for the berms on either side of the river to be left to naturally erode away slowly.

In respect of items (a)-(d) above, Ms Berghan responded that the cumulative effects of river management activities were very difficult to assess so that is why GWRC is proposing the Natural Character Index/Habitat Quality Index monitoring, and involving Kyle Christensen and others, to address the river geomorphology and the effects of water and bank changes noted by Ms Niven. This will assist with determining if the changes to the geomorphology of the river are due to natural processes upstream or as a result of Flood Protection activities. The proposed consents will facilitate the work programmes identified in the Ōtaki FMP. Ms Berghan confirmed she would ask Mr Christensen to talk to Ms Niven about her concerns in items (c) and (d) above.

In respect of item (a) above, Ms Berghan advised that GWRC had assisted Ms Niven with a proposed new bore and confirmed with her that her water level concern had been resolved.

In respect of item (e) above, Ms Berghan and others noted that the 'River Corridor' notation is in the Kāpiti Coast District Plan and its removal or amendment is outside the scope of this consent application. Ms Berghan confirmed that GWRC will not come onto Ms Niven's land without making a formal approach. Ms Cowper stated that this is reiterated in the Code. Ms Conland advised that none of these consent applications permit rights of access over private land, and a landowner has to be asked for permission, unless provided for under other legislation. Ms Berghan offered to put this in writing on GWRC letterhead, including stating that there is no plan by GWRC to construct a road on Ms Niven's land. Ms Berghan and Ms Cowper further advised that the OMP could reference the GWRC letter and therefore ensure Ms Niven's voice could be heard in the OMP process.

Ms Cowper asked Ms Niven what matters she considered were still outstanding. Ms Niven asked for the 'River Corridor' to be removed from the top of the cliffs on her property. Ms Cowper reiterated that this matter is outside the scope of the river consents, and that any removal of or amendment to the 'River Corridor' notation would require a plan change to the Kāpiti Coast District Plan. Ms Grimmett advised that the plan change process usually takes at least 1 to 2 years.

Dr Stephen Lang/Rangiuru Residents Association (RRA): Dr Lang explained that he was acting both for himself and the RRA. Dr Lang wanted to clarify some of the wording in the consent documents and raise concerns about the flood risk to his community. He asked how the Council collaborated with the community and about consultation mechanics. Dr Lang explained that there are about 300 houses near the Ōtaki River mouth, and the Rangiuru residents were concerned that there is no continuous dune height to protect their property from inundation. There is a levee that ends just past the new toilets and peters out before sweeping round towards the dunes. The concern is the gap in the protection barrier formed by the dunes and the levee. Two years ago the mouth of the Ōtaki River migrated south. There was a king tide, and the river could not get out to sea and backed up into the

lagoon which then flooded Kāpiti Lane and the houses. Some of the houses were not insured. Dr Lang wanted to know if GWRC recognised this and what it intended to do about it. He noted that the consent application and Code documents enable repair, maintenance and replacement of existing structures like the levees but no new structures. He also noted that there is damage to the levee in the dip area due to access by 4WD vehicles. This 4WD activity has increased in the last 20 years, and there has been increased erosion in the gap in the lagoon edge at the back of the new house and the new toilets. Vandalism is noted as a reason in the consent documents to trigger repair work. Dr Lang was concerned that “vandalism” might not cover 4WD access and therefore that the new consents would not cover this effect on increased erosion and vulnerability to the Rangiora community.

Dr Lang queried the following provisions of the consent documents:

- a) Section 10.4.26 of the Code – reference to safe use of a river corridor (Page 115)<sup>2</sup>. What is safe?
- b) Section 10.4.27 of the Code – a list of causes of damage triggering/enabling reinstatement of the banks to original profile. Dr Lang considers it would be difficult to establish what the original state of the lagoon levee was, or its height.
- c) Section 10.4.30 of the Code - Dr Lang advised that two triggers need to occur before the river mouth is cut, being that the river needs to move a certain distance and that there is a flood event. Both of these have occurred, and the community is not happy that one of the triggers is a flood because it causes the problems that they are vulnerable to.
- d) There is a misfit between the intentions in Section 1 of the Code and what is actually done. This comment was directed at the lack of work done on the lagoon levee (seaward stopbank) referenced below.

Dr Lang asked if GWRC sees containment of the lagoon as part of its remit. He considered it would be possible to raise the levee and still enable 4WD access over it. Dr Lang asked for answers, consultation, and reassurance in this respect.

Dr Lang also queried the inclusion or not of the Waimanu and Waitohu Streams in the consent documents. Ms Berghan confirmed the Waimanu Stream was included but the Waitohu Stream had its own separate consent.

Mr Royal showed a draft document on his laptop that confirmed there was some progress on the Ōtaki River FMP review and this confirmed that there is a plan to raise the low point to stop the sea coming through. Ms Berghan noted that the FMP review process has been delayed but has just started up again. Ms Berghan noted that if the seaward stopbank construction work was undertaken, its future maintenance would become part of the maintenance works provided for under this consent application. *This advice has since been*

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<sup>2</sup> This section relates to the construction of structures and tracks on berms (and includes paths and fences).

*corrected as the location of the proposed stopbank is outside of the application area. Future maintenance of any new structure would be included in the resource consent needed to construct the proposed seaward stopbank.*

Mr Lutz commented that the work is already identified in the existing FMP. Mr Royal also confirmed this, noting that the flood bank has been in the FMP since 1999, with the required work being identified in 1998 but it just hasn't been done. Other work lower in priority in the FMP had been completed during the intervening period. Mr Royal noted that there are multiple processes overlaying each other, iwi are working hard across lots of different agencies, and rivers engineer Kyle Christensen is going to talk to the Ōtaki community about ideas he has worked on with Mr Royal.

There was a general discussion on what needed to be done to address the concerns raised by Dr Lang about the levee. Ms Berghan and Ms Cowper said that seaward stopbank construction is not within the scope of the Ōtaki River consent application, which just relates to maintenance works in the river bed. With regard to the works proposed to be undertaken, ideally the FMP would inform the OMP. However, depending on the timeframe for reviewing the FMP, an OMP would either be developed following on from the FMP process or would assist with getting projects into the FMP. The OMP information could be pushed back up to determine priority of works in the FMP document.

Ms Berghan confirmed the lack of attention to the seaward stopbank in terms of GWRC funding for the work and priority of work needed to be investigated and confirmed. She noted that Mr Christensen needs to be keyed into communications and if agreed the seaward stopbank priority is raised, further discussion is needed around concerns, conditions, and monitoring requirements. Ms Berghan noted that the seaward stopbank work would be covered under a separate consent and that it would have its own monitoring regime.

Mr Lutz commented that the annual walkover of the river would be another opportunity to raise the issue of the levee. He considered part of the problem is that the FMP has not been reviewed and updated prior to this consent process. Ms Berghan acknowledged that and confirmed she would raise his and Dr Lang's concerns about the FMP process with the appropriate staff and would arrange for Mr Christensen to talk to Dr Lang.

Mr Royal also mentioned that there are several ideas to take to the public, including things not acted on to date in the current FMP. The drafts he has are not official at this stage but there should be some information available to the public within the next month. Mr Royal and Dr Lang discussed how they could meet up to discuss their respective interests.

Dr Lang left the meeting at 2.10pm.

Max Lutz: Mr Lutz introduced himself as a landowner, a farmer from a family of farmers, and a Friend of the Ōtaki River (FOR). He outlined his knowledge of the Ōtaki Flood Management Plan, noting it was in place in 1999 and he has been involved with the Ōtaki River since 1989. Mr Lutz said consultation on the river has been wonderful, and the

Council has provided the community with an affordable, 1:100-year protection scheme, with some work required to be undertaken in the river channel.

Mr Lutz said that the key is flood protection, and that whatever is needed to provide the appropriate level of protection should be done, provided it's affordable. For the Ōtaki River, Mr Lutz commented that the 100 year flood level had been chosen as appropriate. Mr Royal noted that for some parts of the river the level of flood protection is the 20 year flood level.

Mr Lutz noted that the presentation and following discussion placed a lot of emphasis on wet gravel extraction and the effects of cross-blading in the river bed. He was interested in the length and location of the reaches that are identified in the Ōtaki River. Mr Lutz advised the community buy-in is huge and the annual river walkover and the river in general, has a high level of community interest. He said there is active community involvement in river monitoring matters on a weekly basis. Mr Lutz noted his concerns that there seems to be more emphasis on "values" in the consent documents compared with landowner concerns about flood work that needs to be done. He confirmed he likes what is being done under the current consent regime.

Ms Cox advised that the Council was trying to fill the gaps with increased monitoring so they could know more about the existing environment and focus the work, determine what the effects of flood management activities will be, and then make decisions on the flood management work. She noted that the Gibbons Street project in the Hutt River was being used as a case study and the opportunity was being taken to refine the nature of the work, and where possible preserve natural features such as riffles.

Ms Berghan confirmed the Ōtaki FMP has status, validity and community support. It is a "living document", that can be changed, and is currently being reviewed. The FMP is not part of the consent process but has status under the Local Government Act.

Ms Berghan advised that the Council is seeking a 35-year consent as it provides greater surety and efficiencies, and as such is required to assess the environmental issues as part of that consent process. Council is wanting to undertake more monitoring to identify the environmental effects of the works, as well as ways of giving the Ōtaki River more room, but that it would not be removing existing stopbanks as part of the current consent applications.

Ms Berghan explained that GWRCs responsibilities under the Soil and Water Conservation Act are absolutely front of mind, but that there are other values that can be taken into account, such as the preservation of riffles, while undertaking works in the river.

Ms Berghan noted that there is no intention to alter or compromise the 1:100 flood protection that is currently in place, or the 1:20 year protection in the other reaches of the river. The focus of the new consent related work will be to look at ways the flood management work can be undertaken having looked at other values in the river. Engineer

Kyle Christensen is currently looking at the flood management requirements of the Ōtaki River.

Ms Berghan noted that the GWRC policies support a 1:100-year level of protection for both houses and for urban stopbanks. She also pointed out that the consents the subject of this PHM are about channel maintenance and not stopbanks. Stop banks / flood banks need separate consents for new works.

Caleb Royal – Ngā Hapū o Ōtaki: Mr Royal explained that Ngāti Raukawa is the main iwi responsible for the Ōtaki River and it is split into 25 hapū, five of which occupy the Ōtaki area, and are collectively known as Ngā Hapū o Ōtaki. These five hapū work together to respond to consents, and they are seeking shared decision-making models for the Ōtaki River consent.

In summary, Mr Royal's concerns were primarily based around the process for approvals in the OMPs and the need for a joint decision-making approach. He had previously suggested some changes to the Applicant and been provided with a response from Ms Cowper. He also had concerns about the triggers for SSEMPs to be produced and considered that the current triggers are inappropriate for the Ōtaki River.

Mr Royal referred to Appendix 4 (Pages 147-149) of the Code which sets out a series of steps to be taken to determine when an SSEMP is required, and the risk of adverse impacts from a High Impact Activity (HIA). In Table 4 he noted, 800 metres of river bed length is set as the upper limit for a moderate effect of an HIA. Mr Royal gave the example that a bulldozer could work for 80 hours on an 800m long reach in the wet river channel and not trigger an SSEMP. He questioned whether this was enough of a test to protect the river. Ms Cox advised that the triggers had been developed with ecologist David Cameron and he "drew the line in the sand". Ms Cowper explained that the Code and the draft consent conditions are for all four rivers but that the OMP process could set specific triggers for an SSEMP, so there was an opportunity for work to be tailored to address the specific requirements of the Ōtaki River.

Ms Berghan noted the Gibbons Street project in the Hutt River was helping GWRC refine the SSEMP process. Very little is known about the effects of river management activities on river environments so GWRC is working on monitoring and have provided for with iwi to undertake kaitiaki monitoring. What is learned from the Hutt River project will also be fed into the Ōtaki River SSEMP process. Ms Berghan also noted there is an independent review every three years built into the 35-year consents being sought for the four rivers. This could be ceased if reporting indicates there are no problems. She noted that GWRC is lucky the rivers have a relatively benign flooding environment at the moment which gives the Council time to develop the consents and the Code and get it right. The Council will not rely on emergency RMA provisions and instead follow a process for urgent work that has checks and balances. The Applicant representatives reiterated that "necessity of the works" has to be established prior to works being programmed, so flood management is not the sole / paramount goal and other things that are important are addressed. In all cases the

Council is looking for the best outcome in terms of flood management and the effects on the environment.

Mr Royal noted that part of the introduction on page 6 of the Code (in relation to the mauri of the river and cultural values) was “tokenism” in his opinion. In terms of decision making, Mr Royal explained that iwi has an issue with the current certification of documents by Environmental Regulation and particularly the OMP, where GWRC is the ultimate decision maker. He advised he would rather go to court and discuss this matter.

Mr Royal also noted that the stopbank discussed in relation to Dr Lang’s submission is a “Māori Reservation (Fishing)” and an old landfill. He stated iwi do not want approvals being made by someone who is not actively engaged with the community and requested a joint certification process or he will take it to court. He acknowledged that joint and shared decision-making models had been discussed already with the applicant, and he understands the “ultra vires” legalities of third-party approvals in consents. He noted, however, that it is possible to have a joint management approach or a transfer of powers. Mr Royal requested joint creation and approval of plans.

Ms Cowper responded that this matter had been discussed several times and the Applicant had tried to work within the consent proposal to address Mr Royal’s requirements. She explained that:

1. GWRC Flood Protection is the applicant and only the applicant can be given obligations under the consent conditions.
2. The statutory function of the Councils regulatory officers can only be done by them, unless there is a higher-level decision to jointly share roles, and this decision needs to be made at a higher level.
3. Reaching a Joint Management Agreement (JMA) could take a long time (years).

Ms Berghan considered there needed to be certain information in the conditions and a side agreement. Ms Cowper confirmed that Mr Royal had previously rejected a joint applicant approach offered by the Applicant due to liability issues. She explained that conversations required to cover the joint management approach are outside the scope of the consent.

Mr Royal re-stated his position that the actions and functions of the river consents with a 35-year duration excludes iwi and he will be going to court.

Ms Berghan advised she wants to talk to the higher-level representatives on this matter, being GWRC’s Wayne O’Donnell, General Manager - Catchment Management Group, and Rupene Waaka - Convenor, Ngā Hapū o Ōtaki, and have a conversation about joint decision making. There needs to be a way through without the need for a Treaty Settlement, and she can’t do that without the General Managers on board. Ms Berghan requested that she be able to take her ideas to a Ngā Hapū o Ōtaki forum, and asked who

does she need to have at the table. She advised that the final decision on a JMA rests with the Chief Executive and potentially the elected representatives.

Ms Berghan asked Mr Royal to provide a letter on Ngā Hapū o Ōtaki letterhead that sets out what he wants in terms of joint governance, and the current consent application to avoid stalling this consent process.

Ms Cowper advised that it could be possible to include a reference in the review condition that “in the event of a Treaty of Waitangi Settlement ...”.

It was agreed that the discussions on this matter could not be progressed further at this PHM.

Mr Royal noted there were some activities that may breach other acts, such as the Wildlife Act, and noted that there are issues to do with fish stranding that he still wanted to address. Ms Cowper provided him with the latest version of the consent documents which specifically respond to this concern.

Kāpiti Fly Fishing Club (KFFC) – Michael Murphy: - Mr Murphy advised that the KFFC had put in a submission in conjunction with Fish & Game. He said that he and other club members fish regularly in the Ōtaki River (at least every week) and are “Johnny on the spot”, passionate conservationists, and could help with the river management process, based on their local knowledge. Mr Murphy advised that his group’s primary interest is in the health of the river - if trout die, other fish will die.

Mr Murphy noted Mr Royal’s comments about the extent of works, and asked if the length and location of the reaches in the OMP had been set yet. He was concerned that an 800m disturbance trigger for an SSEMP could be equivalent to about 10% of a particular reach.

Mr Murphy commented that his main concern is silting up of the river, with lots of fine shingle smothering everything. Furthermore, Mr Murphy noted that unless gravel is placed in a stable manner there will be lots of shingle movement which will cause death of insects and fish. He noted that Fish & Game have requested a 500m disturbance length in a year and all work to be done in one event, but queried what the effect would be without knowing how long the work could take (as noted by Mr Royal it could be 80 hours). Mr Murphy wanted to ensure the reaches were identified and then the importance of these before setting the triggers. He said 800 metres is a huge amount.

In particular, the fishers have observed loss of habitat due to gravel washing down from ripped beach areas after a flood. He commented on the bad state of the river and was concerned that remaining good areas would be lost without care in selecting where and how river management activities in the corridor take place. He wanted to ensure that beach ripping and gravel extraction activities are managed carefully to protect habitat from silt or the fish will move out as there are no food or resting places. Mr Murphy noted his concern about the dangerous state of the river beds after ripping due to loose, rolling stones which

make walking over the beaches difficult. He asked how ripping helps with flood protection, and questioned how much is needed to fix the problem.

Mr Murphy said it was marvellous what is being done in the Hutt River<sup>3</sup>, and the learning that can be achieved about what can be avoided, and then building that into the current river consents. He didn't want to see the Ōtaki River being turned into straight channels by simply sticking to the old UK versions of flood management because what has been done for ages does not mean it is still appropriate.

Ms Grimmatt commented that the beach ripping issue had been addressed for the Hutt River (in terms of sedimentation effects management) with a provision in the consent documents that requires a 5-metre buffer around rip areas and asked the Applicant whether this could also be identified in OMPs for Ōtaki.

Ms Berghan advised the OMP process would identify the various sensitive parts of the river and processes needed to be managed carefully to reduce effects on the range of conflicting interests. She made reference to the Science Group, and the NCI/HQI, and the need to collect more monitoring information including geomorphological information to provide "science" that will help determine what are appropriate works. Ms Berghan said she needed to talk further with Ms Cox about what further assurances could be provided by GWRC that the reaches would be suitably addressed in the OMP to cover Mr Murphy's concerns, and asked what kind of things would satisfy these.

Mr Murphy advised it would be useful to have the reaches identified on a map showing their widths, not just a straight line. This information would help to identify areas that have less value and allow more flood work such as beach ripping to occur in these areas, compared with the current situation which seems to allow works all over the river resulting in a very unstable river with nothing living in it. Ms Berghan said the OMP will enable that conversation, and asked if she needed to give any more guarantees.

Mr Murphy responded that it could be useful to have the lengths identified to be up for discussion. Silt from beach ripping also gets released. He reiterated comments made at previous PHM for Waikanae River where slips had occurred upstream and where logs had caused gravel build up with large gravel dumps occurring downstream following a storm event. Such upstream activities had effects, yet these matters could not be considered.

Ms Berghan advised that the wider catchment could be looked at via the Whaitua process. She said she did not want to change the lengths of disturbance referenced in the Code and would rather rely on the OMPs because these will be developed in consultation and negotiated with the interest parties, iwi etc.

Ms Cox and Ms Berghan reiterated the philosophy of the proposed consents in being clear about what GWRC (Applicant) is doing, and why – and making sure the question "Do we need to do it?" is always asked.

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<sup>3</sup> Gibbons Street project

Mr Carl Lutz: Mr Lutz, the father of Mr Max Lutz was introduced when he arrived at 2.15pm, and was invited to speak. He asked if GWRC was happy with the consent conditions.

Ms Berghan explained that the river maintenance consents are a big step change for GWRC and confirmed that they would still maintain the 1:100 flood protection to the wider Otaki community outlined in the FMP. Ms Berghan noted that there is agreement amongst submitters that GWRC is heading in the right direction and how it is going to change. However, there is still disagreement about the certification and approval of plans which is still to be addressed for the Ōtaki River. The politicians and senior management need to make a decision and decide on a forum for discussion. GWRC continues to operate under its old consents and can't do anything under the new consents as they are not granted yet. This is causing delays and confusion about what works can be done and how this should be managed. GWRC is keen to move forward with the new process.

Mr Max Lutz commented that going to court would cost ratepayers money, in excess of \$100,000.

#### Other Matters:

Withdrawal of Right to be Heard: Ms Berghan and Ms Cowper discussed submitters' rights if they withdraw their right to be heard. Ms Cowper explained that once submitters were happy with the documents and what GWRC is proposing, they could formally withdraw their right to be heard under Section 100 of the Resource Management Act 1991. Ms Conland noted that they remain included in the process but the consents are granted without a hearing. Ms Berghan commented that the Hutt and Wainuiomata River consent applications are nearing completion as most submitters have withdrawn their wish to be heard.

Mr Max Lutz said he would not withdraw his right to be heard if there were any further changes. Ms Cowper said if anything changed fundamentally the Council would let submitters know.

Mr Murphy queried if Peter Wilson of Fish & Game was comfortable with the documents. He would speak/coordinate with him regarding withdrawal. Ms Berghan advised that she has to write a letter to Fish & Game and that there is one more PHM to be held for the Waikanae River on 10 April 2019.

### **3. Issues in agreement**

It was agreed that:

1. Ms Berghan would arrange for rivers engineer Kyle Christensen to talk to Ms Niven and Dr Lang about their respective concerns relating to changes in the river

geomorphology and inundation of the Rangiora community, and ensure these are referenced in the FMP review.

2. The 'River Corridor' on Ms Niven's land is a Kāpiti Coast District Plan map notation and is outside the scope of the Ōtaki River consents for river management activities.
3. Ms Berghan would prepare a letter on GWRC letterhead confirming that GWRC had no plans to access Ms Niven's land or to construct a road over it within the area denoted on the District Plan maps as 'River Corridor' or any other part of her property as part of the Ōtaki River flood management activities consent. This letter could be referenced in the future OMP for the Ōtaki River.
4. GWRC had assisted with the Nivens replacement bore and confirmed that her water levels concern had been resolved.
5. The documents to date provide for involvement by stakeholders and mana whenua in a range of ways including site visits to ensure the OMP is prepared with all relevant input and local knowledge.
6. The request for joint decision making by Mr Royal is to be set out in a letter with Ngā Hapū o Ōtaki letterhead and provided to Ms Berghan who will approach her senior management and commence follow up on a way forward. This matter is outside the scope of the Ōtaki River consent application.
7. Provide an indicative map of reaches or what the reaches might be based on for Mr Murphy.

#### **4. Issues remaining outstanding**

There are no outstanding matters to be addressed relating to this PHM, but it is noted that:

- Subject to a letter from Ms Berghan to Fish & Game being provided and their subsequent feedback, it is expected that Fish & Game will be in a position to withdraw its right to be heard for the four consent applications for the Te Awa Kairangi/Hutt, Wainuiomata, Waikanae and Ōtaki Rivers.
- The next pre-hearing meeting is for the Waikanae River which is scheduled for 10th April 2019. It is possible that some outcomes from this meeting may affect the draft consent conditions and/or Code of Practice. If these are substantial updates recommended, Ōtaki submitters will be advised and if necessary a further PHM for the Ōtaki River consent applications arranged.

**5. Further information provided following meeting**

N/A.

**6. Close of Meeting**

It was noted that a report of this meeting (under Section 99 of the RMA) would be circulated to all submitters in due course.

Jenny Grimmett thanked everyone for their attendance and closed the meeting at 2.30pm.