Plan Change 1 to the Natural Resources Plan for the Wellington Region

Section 42A Hearing Report
Hearing Stream 3

Topic: Rural Land Use
Process: Freshwater Planning Process
Prepared by: Gerard Willis
Report Date: 15 April 2025
Hearing Date: 19 May 2025

Contents

Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council (**GWRC**) in relation to the provisions of Plan Change 1 to the Natural Resources Plan for the Wellington Region (**PC1**) as they apply to Rural Land Use.
2. This topic is following the Freshwater Planning Process of the Resource Management Act1991 (**the RMA**) and, for a small number of provisions, the Part 1 Schedule 1 process of RMA.
3. A total of 1102 submission points and 727 further submission points were received on this topic. The submissions on this topic are wide ranging but there is a preponderance of submissions expressing concern at the cost and imposition of the provisions on rural communities and questioning the need for such provisions. Submissions with environmental NGOs generally support the proposed provisions.
4. The following key issues are raised in submissions and are the organising themes of this report:
    a) the general approach taken, in particular:
        - degree to which existing water quality warrants the approach proposed; and
        - the degree to which management should take a regulatory approach versus non regulatory/supporting approach
    b) whether small rural land holdings should be subject to registration
    c) the required use of a recognised nitrogen risk assessment tool (RNRAT) by both small block and large farm owners
    d) whether land use change should be restricted
    e) erosion risk management
    f) stock exclusion
    g) the requirement for Farm Environment Plans (**FEPs**).
5. Other issues raised by submitters in relation to this topic are also covered in the report, along with a range of consequential amendments that have arisen in responding to submissions.
6. As a result of analysing the submissions and key issues, I have recommended a number of amendments to the PC1 provisions to address concerns raised.
7. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PC1 be amended as set out in Appendix 4 of this report.
8. I have also undertaken a section 32AA evaluation for the amendments I have recommended, and this also included in Appendix 4 of this report.
9. For the reasons outlined in the section 32AA evaluation and summarised in this report, I consider that the policies, rules, maps and other methods with the recommended amendments, are the most appropriate.

Interpretation

10. This report uses a number of abbreviations and should be read in conjunction with the document 'Plan Change 1 to the Natural resources Plan – List of Abbreviations of Terms and Submitter Names' available on the Plan Change 1 website[1].

[1] Proposed-Plan-Change-1-to-the-Natural-Resources-Plan-List-of-Abbreviation-of-Terms-and-Submitter-Names-.pdf

1.0 Introduction

1.1 Purpose

11. This report is prepared under section 42A of the RMA. The purpose of this report is to provide the Freshwater Hearings Panel and the Part 1, Schedule 1 Hearings Panel ('the Hearing Panels') with an analysis of submissions received by the Council in relation to the Rural Land Use topic of PC1. I make recommendations as to whether or not those submissions should be accepted or rejected, and where appropriate, provide recommendations for amendments to the PC1 provisions.

12. I have had regard to other section 42A reports including:

    a) Overarching (Hearing Stream 1)

    b) Objectives (Hearing Stream 2)

    c) Ecosystem Health and Water Quality policies (Hearing Stream 2)

    d) Forestry and Earthworks (Hearing Steam 3).

13. This report should be read in conjunction with the Officer's Hearing Stream 1 "Overarching Process" section 42A report which provides the background to PC1, the statutory context, scope of the plan change, the approach to the categorisation of provisions, and administrative matters relating to PC1.

1.2 Scope of this Report

14. PC1 has been notified via two plan-making processes under Schedule 1 of the RMA:

    a) The Freshwater Planning Process (**FPP**) under Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument (**FPI**). These provisions are marked in the PC1 document with the freshwater icon.

    b) The standard plan-making process in Part 1, Schedule 1 (**P1S1**).

15. This report covers submissions on provisions that have been notified within the FPP and 4 provisions that have been notified within the P1S1 process.

16. The provisions of PC1 that are addressed by this report are set out in Appendix 1. This table also includes the relevant page number in the notified plan change document, the relevant plan change process for each provision (FPP or P1S1), and the number of submissions received for each provision.

1.3 Author

17. My name is Gerard Matthew Willis. I am the director of Enfocus Ltd, a planning consultancy based in Auckland. I hold a Bachelor of Regional Planning (Hons) from Massey University. I am a Full member of the New Zealand Planning Institute.

18. I have 35 years of experience in resource management and planning. This includes periods working for local and central government (Ministry for the Environment) and, for the past 23 years, as a consultant working largely on rural/agricultural sector issues. During this time, I have undertaken a mixture of policy planning and resource consent planning work but largely

in the field of water management (both water takes and point and diffuse discharges). I have had extensive involvement in regional plans around the country designed to give effect to the National Policy Statement for Freshwater Management (NPSFM), since the first NPSFM came into effect in 2011. I have also been involved in national freshwater policy development, including as contributing author of previous national policy statements for freshwater management and various related national regulations.

19. I have been involved in the development of the provisions for PC1 and also contributed to the Section 32 evaluation report.

20. I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court (January 2023). I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.

21. The scope of my evidence relates to Rural Land Use. Other than when I state that I am relying on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise.

22. Any data, information, facts and assumptions I have considered in forming my opinions are set out. Where I have set out opinions in my evidence, I have given reasons for those opinions.

23. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.4 Supporting Evidence

24. The evidence, literature, or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:

    (a) Hearing Stream 2 evidence of:

    - Dr Michael Greer (Freshwater)
    - Mr James Blyth (Overview of water quality modelling)
    - Dr Antonius Snelder (Nutrient concentrations for managing periphyton)
    - Dr Megan Melidonis (Coastal ecology)
    - Mr John Oldman (Load reductions for Te Awarua-o-Porirua)
    - Mr James Blyth (Load reductions to meet visual clarity targets)
    - Dr Amanda Valois (Revisions of baseline state and attribute bands for suspended fine sediment in light of naturally occurring processes)

    (b) Hearing Stream 3 evidence of:

    - Dr Michael Greer (Freshwater)
    - Mr Jamie Peryer (Environmental Restoration programme)
    - Mr James Blyth (Rural Land use activities, forestry including earthworks)
    - Mr Thomas Nation (Erosion Risk Mapping)

(c) Technical and other documents

- *PC1 Annual Contaminant Load Modelling*, Easton, S., Nation, T. and Blyth, J.M. 2025. PC1 Annual Load Contaminant Modelling. Prepared for GWRC to support the PC1 process
- *Erosion Risk Mapping for Te Awarua-o-Porirua and Te Whanganui-a-Tara*, Collaborations memorandum to Greater Wellington, September 2023.
- *A literature review of nitrate leaching, phosphorus and sediment in horticultural crops in relation to their growth on the Wairarapa Plains*. Trolove S, Plant and Food Research, June 2021.
- *Risk Index Tool: Phase 1 draft implementation guidance: Estimating the risk of farm-level nitrogen loss.* Ministry for the Environment, April 2024.
- *Section 32 Report for Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region,* Greater Wellington Regional Council, October 2023.

1.5 Key Issues

25. Many submitters raise issues with the range of provisions relating to Rural Land Use. A total of 1102 submission points (from 164 submitters) and 727 further submission points (from 17 submitters)[2] on the provisions relating to this topic.

26. The following are the key issues in contention:

    a. The general approach taken, in particular:

        – degree to which existing water quality warrants the approach proposed, particularly when assessed at a localised level, and the validity of localised assessment.

        – The degree to which management should take a regulatory approach versus non regulatory/supporting approach.

    b. Whether small rural land holdings should be subject to registration (Rules WH.26 and P.R25 and Schedule 35)

    c. The required use of a recognised nitrogen risk assessment tool (RNRAT) by both small block and large farm owners (specifically, the definition 'nitrogen discharge risk' and Part C of Schedule 36)

    d. Whether land use change should be restricted (specifically Policies WH. P25 and P.P24 and Rules WH.R31 and P.R 27).

    e. Erosion risk management (specifically, WH.P23, P.P22 and associated controls in Rules WH.R.27 and P.R26, Schedule 36 Parts B and E, Maps 90 and 93)

    f. Stock exclusion (specifically, Policy WH.P26, Rule WH.R28, Schedule 36 Part F and Maps 96 and 97).

[2] One additional submission point [S217.002] and one further submission point [FS26.002] was made by R P Mansell; A J Mansell, & M R Mansell but subsequently withdrawn.

g. The requirement for Farm Environment Plans generally (specifically, WH.P24, P.P23 and Schedule 36)

27. This report addresses each of these key issues, as well as various other issues raised by submissions.

2.0 Statutory Considerations

2.1 Resource Management Act 1991

28. PC1 has been prepared in accordance with the RMA and in particular, the requirements of:

(a) Part 2 Purpose and principles

(b) Section 30 Functions of regional councils

(c) Section 32 Requirements for preparing and publishing evaluation reports

(d) Section 32AA Requirements for undertaking and publishing further evaluations

(e) Section 63 Purpose of regional plans

(f) Section 64 Preparation and change of regional coastal plans

(g) Section 66 Matters to be considered by regional council (plans)

(h) Section 67 Contents of regional plans

(i) Section 68 Regional rules

(j) Section 80A Freshwater planning process

(k) Part 1 and Part 4 of Schedule 1

2.2 National Direction – National Policy Statement for Freshwater Management

29. A full description of the NPSFM 2020 was set out in the section 42A Report for Hearing Stream 1.

30. The core direction of the NPSFM is that the health and wellbeing of waterbodies and freshwater ecosystems (applying to both freshwater quality and quantity) must be maintained (where it meets stated environmental outcomes) or improved over time (where it does not meet stated environmental outcomes).

31. The National Objectives Framework (**NOF**) within the NPSFM sets out framework of attributes representing components of water quality and allows communities to select the state ('band') to be targeted (known as target attribute states (**TASs**). Councils are not permitted to set TASs below the baseline state or below any specified national bottom line (**NBL**). Where water quality is below a TAS or an NBL, improvement is required. Limits on resource use must be specified (as rules) to achieve the TASs.

32. The Council must implement the NOF in a way that reflects Te Mana o te Wai. The concept of Te Mana o te Wai recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment. Included within this is a 'hierarchy of obligations' which prioritises:

- first, the health and wellbeing of water bodies and freshwater ecosystems
- second, the health needs of people (such as drinking water)
- third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

33. Ensuring this hierarchy is applied to the management of natural and physical resources is the sole objective of the NPSFM.

34. PC1 gives effect to the NPSFM by (in particular):

    a) Including tables of TASs as Table 8.2 (Whanganui-a-Tara) and 9.2 (Te Awarua-o-Porirua).

    b) Designing regulatory provisions that aim to achieve those TASs within the specified timeframes, either by themselves, or in conjunction with action plans (setting out non regulatory methods).

35. The discussion about the NPSFM in the s42A Report for Hearing Stream 1 noted that government had announced intentions to amend the NPSFM. The more recent announcements from government indicate that a discussion document on an amendment NPSFM will be released in early 2025 but at the time of writing no discussion document has been released.

36. In October 2024 the Resource Management (Freshwater and Other Matters) Amendment Bill was passed which (amongst other things) barred regional councils from notifying plans or plan changes to give effect to the NPS-FM. This was aimed at ensuring new plans were developed consistent with the reviewed NPSFM. PC1 was notified prior to this amendment coming into effect.

2.3 Other relevant legislative amendment

37. In January 2025 the Government introduced the Resource Management (Consenting and Other System Changes) Amendment Bill. That Bill would introduce a wide change of technical changes to consenting processes. Most significantly for PC1, the Bill would allow regional councils to write rules that permit discharges that have significant adverse effects on aquatic life if those effects already exist and the permitted activity rules include standards that would contribute to the reduction of the effects. At the time of writing, the Bill was before select committee. This amendment responds to recent case law that found that section 70 of the Act did not allow councils to permit discharges where TASs were exceeded (to the extent that there were significant effects on aquatic life) even if those permitted activity rules included conditions specifying that the adverse effects were not allowed.

38. In April 2024 the Government announced that it planned to review and improve the nationally regulated freshwater farm plan (**FWFP**) system to reduce cost and complexity. The nature, scale and timing of this review is not yet clear. The Commencement Order bringing the FWFP regime into effect in selected catchments (as a first phase of implementation) was revoked in August 2024 (although the obligation in respect of Southland was later reinstated). Greater Wellington was not part of that first tranche of catchments to be brought into the system, but it had been expected that would occur within the next 2 years. That is now on hold pending the review.

2.4 Regional Policy Statement for the Wellington Region (Operative)

39. The Wellington RPS contains few provisions specifically addressing the management of farming to achieve freshwater outcomes. Policy 18 refers to regional plans promoting protection and reinstatement of riparian habitat and discouraging stock access to rivers, lakes and wetlands. PC1 gives effect to these directions through, in particular, the required content of FEPs (erosion risk management and stock exclusion requirements).

40. Policy 35 refers to minimising any adverse effects of point source and non-point source discharges so that aquatic health is safeguarded. PC1 gives effect to this policy (in conjunction with the provisions of the NRP) by the requirement for FEPs to minimise discharges.

41. Method 15 relates to the preparation and dissemination of information about sustainable land management practices. This method is in use, and will continue to be used, for the implementation of PC1's rural land use provisions as discussed in the evidence of Mr Jamie Peryer.

42. The outcome-related provisions that constitute the bulk of the RPS, are set out in the evidence of Ms O'Callahan in her Hearing Stream 1 reply evidence.

2.5 Proposed Change 1 to the Regional Policy Statement for the Wellington Region

43. Proposed Change 1 to the Regional Policy Statement (**RPS Change 1**) was notified on 19 August 2022. RPS Change 1 makes changes to the operative RPS primarily in anticipation of significant increases in urban development activity as the National Policy Statement on Urban Development (**NPS-UD**) and the medium density residential standards (**MDRS**) take effect in the Region. The Council sought to take an integrated approach to managing resource management issues associated with this increase in urban development activity and RPS Change 1 includes a number of amended and new policies relating to climate change adaptation and resilience, freshwater management, and indigenous biodiversity.

44. Two plan-making processes were followed for RPS Change 1. Several provisions were notified as part of a FPI and proceeded via the FPP. The remainder of provisions followed the standard P1S1. As a result, two hearing panels were appointed, one for each process, albeit with the same panel membership for both panels.

45. Submissions on RPS Change 1 were heard by the panels from June 2023 to April 2024. The Panels' recommendations were reported back to Council on 26 September 2024.

46. The Council notified its decisions on RPS Change 1 on 4 October 2024.

47. The appeals period for Change 1 closed on 18 November 2024 (and 9 December for 274 parties). 14 appeals have been lodged, although one appeal was subsequently withdrawn.

48. The provisions relating to rural land use give effect to Proposed Change 1 by contributing to outcomes sought for freshwater and the concepts of ki uta ki tai and Te Mana o te Wai. Again, the connections are set out in the HS1 right of reply evidence of Ms O'Callahan. There are no RPS Change 1 provisions that relate directly and specifically to be management of rural land use. Policy CC.6, however, refers to regional plans supporting an increase in the area and health of permanent forest, in part, to assist with land stability and water quality. Particular

reference is made to promoting and incentivising the planting or regeneration of permanent indigenous forest representative of the natural type expected in the area over exotic species, particularly on 'highly erodible land' and in catchments where water quality targets for sediment are not reached. The term "highly erodible land' is specifically defined within RPS Change 1 as:

> *Land at risk of severe mass-movement erosion (landslide, earthflow, and gully) if it does not have a protective cover of deep-rooted woody vegetation*.

49. Clause b of Policy CC.6 refers to avoiding forestry on highly erodible land.

50. Federated Farmers of New Zealand has appealed the decisions made in respect of both Policy CC.6 (and, in particular, clause (b) of that provision) and the definition of 'highly erodible land'.

51. PC1 does give effect to this RPS policy in part through promoting planting and regeneration through FEPs. PC1 does not map 'highly erodible land' since the definition of that term (and hence its spatial extent) is currently subject to challenge through appeal.

2.6 Approach to identifying the freshwater planning instrument

52. The approach to identifying the FPI is set out at section 6.1 of the Section 32 Report.

53. In brief it involves:

    a) Excluding the Regional Coastal Plan provisions. None of the new rural policies or rules relate to an activity undertaken in the CMA[3]. Therefore, none of these policies and rules are coastal plan provisions. However, PC1 does:

        i. disapply existing NRP policies P70, P71 and P74 from the two affected whaitua which are described in the NRP as coastal policies; and

        ii. include Method M44 which relates to the improvement of urban and rural waterbodies and coastal areas and therefore forms part of the Regional Coastal Plan.

    b) Assessing whether the non-coastal provisions relate to an NRP objective that gives effect to the NPSFM. All the rural land use policies and rules within PC1 relate to the use of land and associated discharges because those activities are considered to influence whether the freshwater target attribute states will be met.

    c) Assessing whether any remaining provisions relate to freshwater. There are no PC1 provisions that relate to freshwater that do not relate to the NPSFM.

54. This assessment is set out in detail in Table A1 of the section 32 Report. That assessment (summarised above) concluded that the disapplication of those policies P70, 71 and 74 and inclusion of Method 44 must therefore be excluded from the FPP but that all other rural land use provisions are freshwater provisions that should be subject to the FPP. This matter is discussed further (insofar as submitters challenges the FPI content) in Section 3.2 below.

[3] Although some contaminants from rural land use may end up in the CMA as the terminal receiving environment, they are not discharged to the CMA.

2.7 Non-statutory documents relevant to rural land use

55. The key relevant non statutory documents relevant to the rural land use topic are the Whaitua Implementation Programmes (**WIPs**):

    a) Te Whaitua te Whanganui-a-Tara Implementation Programme, September 2021

    b) Te Awarua-o-Porirua Whaitua Implementation Programme, April 2019

    c) Te Mahere Wai o Te Kāhui Taiao (undated)

56. Recommendations of these documents relevant to the Rural Land Use topic are set out in the section 32 Report.

2.8 Section 32AA

57. I have undertaken an evaluation of my recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with section 32AA of the RMA.

58. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is set out in Appendix 4.

59. The section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the amendments that have been recommended in this report. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach or intent are not re-evaluated.

2.9 Trade Competition

60. Trade competition is not considered relevant to this topic within PC1.

61. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

3.1 Report Structure

62. The matters raised in submissions are addressed within this report by issue and sub-issue. Some submissions cross several sub-issues and are therefore addressed under more than one sub-issue heading. Although an attempt has been made to be provide a full and fair representation of submissions received, inevitably not every submission is noted in the summary analysis that constitutes the main body of this report. Appendix 2, however, provides a comprehensive description of all the submission points raised for each issue in table format, along with the relevant submission point references.

63. The RMA allows the Hearing Panels to address submissions by grouping them either by the provisions to which they relate, or the matters to which they relate[4]. On this basis, I have undertaken my analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach.

[4] Clause 49(4)(c) of Schedule 1, Part 4 of the RMA for the Freshwater Hearings Panel and Clause 10(3) of Schedule 1, Part 1 of the RMA for the P1S1 Hearings Panel.

64. Appendix 3 sets out my assessment of the categorisation of provisions within the Freshwater Planning Instrument component of PC1 in support of my analysis of submissions seeking re-categorisation to the P1S1 process.

65. Appendix 4 sets out the amendments I am recommending to PC1 as a result of my analysis of submissions. These recommended amendments are supported by an evaluation in accordance with section 32AA of the RMA, which is also provided in Appendix 4.

66. This report should be read in conjunction with the submissions and the summary of those submissions as published on the Council's website[5]. Appendix 5 includes a table setting out all submission points relevant to this hearing topic. In that table I have identified whether I recommend accepting/accepting in part or rejecting/rejecting in part the relief sought by submitters or make no recommendation. My reasons for these recommendations are explained in the body of this report.

3.2 Issue 1: Categorisation of Provisions to the Freshwater Planning Process

3.2.1 Analysis

67. At the time of notification of PC1, section 80A of the RMA provided the relevant tests for determining which parts of PC1 should form part of the FPI. While an amendment to section 80A(4)(b) was made post notification of PC1[6], and a further amendment made through the addition of section 80A(4A),[7] those amendments do not have retrospective effect to PC1. Regardless, the amendment to section 80A(4)(b) of the RMA relates to the date by which the Council was to notify a freshwater planning instrument to give effect to the NPS-FM 2020 (a change from 31 December 2024 to 31 December 2027) and the addition of section 80A(4A) prevented new freshwater planning instruments being notified, as opposed to affecting the content of an FPI or categorisation of provisions.

68. I have not considered the amended version of section 80A as part of this assessment and instead have assessed the relevant FPI provisions against the version of section 80A as it was when PC1 was notified.

69. Section 80A of the RMA provided that:

    a) regional coastal plan provisions are not part of a freshwater planning instrument (section 80A(8));

    b) any part of PC1 that relates to objectives that give effect to the NPS-FM 2020 are part of a freshwater planning instrument (sections 80A(2)(d)(i) and 80A(6B)(a));

    c) any part of PC1 which relates to freshwater, where the Council has decided to use the freshwater planning process is part of a freshwater planning instrument (section 80A(2)(d)(ii)); and

    d) a proposed regional plan relates to freshwater if (section 80A(6A)):

        i. it relates (in whole or in part) to an objective of the NRP or the RPS; and

[5] Greater Wellington — Proposed Change 1 to the Natural Resources Plan Submissions (gw.govt.nz)
[6] Section 80A(4)(b) was amended on 12 December 2023 by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023.
[7] Resource Management (Freshwater and Other Matters) Amendment Act 2024, section 21(2).

ii. the objective relates to the performance of a function in section 30(1)(c), (e), (f), (fa), (g) or (ga).

70. The process the Council followed in determining which provisions should be notified as part of the FPI and which provisions should be part of the P1S1 process is outlined in section 2.6 above and set out in section 6.1 of the Section 32 report that was prepared in support of PC1[8].

71. I have assessed each provision addressed by this report according to the tests that were applied to categorise each provision in PC1 to either the FPP or to the P1S1 process at the time of notification, consistent with the Council's understanding of section 80A at the time.

72. The result of my assessment is provided in Appendix 3. In summary, I agree with the categorisation of the freshwater provisions to the FPP undertaken when PC1 was notified.

73. Two submissions (Horokiwi Quarries[9] and [10] [11]) seek that the rules and associated definitions aimed at managing erosion risk be re-categorised from FPI provisions to ordinarily plan provisions and be subject to the P1S1 process on the basis that the provisions aim at soil conservation not freshwater. I disagree with these submitters. The erosion management provisions aim to reduce sediment load in rivers as measured by the visual clarity attribute. I propose to make that clearer by ensuring that the erosion management provisions only apply where the visual clarity target attribute state is not met. 3.9 of this report. I therefore recommend rejecting the relief sought by the three submitters referenced above insofar as they seek re-categorisation of the erosion management provisions.

3.2.2 Recommendations

74. I recommend that the submissions and further submissions that relate to the recategorisation of PC1 provisions from FPI provisions to provisions that should be subject to the P1S1 process, be rejected, as detailed in Appendix 5.

3.3 Issue 2: Overall Approach

3.3.1 Analysis

Costs of regulation

75. Sixty-two submission and four further submission points commented on the cost of 'regulation' and/or the severity of the impact on farming. Fifty of those submitters submitted individually but under the 'umbrella' of the Akatarawa Valley Residents[12]. Their standard submission expressed concern about the "cost to be borne by rural landowners with no evidence that they are the cause of the issue, and the lack of information available on what fees and charges GWRC will levy". The Akatarawa Valley Residents submitters seek that *"all rules that add cost to landowners be reconsidered and 'recalibrated' with scientific evidence, whereby the more important issues are tackled instead of a 'broad brush*

[8] Proposed-Plan-Change-1-Section-32-report.pdf (gw.govt.nz), from page 22.
[9] S2.011
[10] S206.026
[11] S248.004
[12] See for example John Van Nortwick & Jill Van Nortwick (120.006)

approach' to all perceived issues". They also seek reconciliation of PC1 with other regulations relevant to rural landowners (including UHCC's PC50[13]).

76. Various other individual farmer submitters expressed concern that the cost of implementing the proposed changes on farms will be very high and will significantly impact farm viability as financial implications fall directly to individual landowners in rural communities. Maryanne Gill[14] expressed the need to consider losses on grazing area on farms not just from PC1 but from the existence of SNAs.

77. Wairarapa Federated Farmers (**WFF**)[15] considers that the direct and opportunity costs of proposed policies and rules to be too high for rural landowners and amount to a form or 'managed retreat'.

78. While the concern is generally expressed by these submitters, the concern seems in large part focused on the sediment management provisions requiring the establishment of woody vegetation (interpreted as 'land retirement'). This issue is addressed in detail in section 3.9 of this report.

79. Other costs as may be associated with compliance with specific rules are also addressed in later sections of this report. Costs associated with small farm registration are also acknowledged as of concern to many submitters. I address that issue in section 3.6 below.

80. Setting aside small block registration and erosion/sediment management (addressed separately), PC1 aims to take a low-cost approach to managing contaminant loss risk from farms (ie. those rural properties >20ha). This is in recognition that nutrient losses from farms and stocking rates within the PC1 area estimated to be low. This is acknowledged and discussed in detail in the section 32 Report.

81. The 'low cost' assessment is based on the provisions of PC1 providing for pastoral farming (>20ha) as a permitted activity subject only to having a FEP in place by specified dates. The FEP approach allows a degree of flexibility that recognises farm-specific conditions in a way that regulated standards cannot. It is worth noting that PC1 does not introduce any new or additional input, operating or 'output' standards with which existing farming must comply. I acknowledge that implementing a FEP will likely incur some cost.

82. FEPs are defined by PC1 so that Freshwater Farm Plans (**FWFPs**), prepared under national Freshwater Farm Plan Resource Management (Freshwater Farm Plans) Regulations 2023, would qualify. At the time of PC1's notification, the *Resource Management (Application of Part 9A – Freshwater Farm Plans Order)* 2023 required farms greater than 20ha in the Waikato and Southland regions to have FWFPs by specified dates but the intention to expand that to other regions (including Wellington) was well-signalled.

83. Accordingly, it had been anticipated that the dates specified in Tables 8.6 and 9.5 (the dates by which FEPs would be required in the two Whaitua) could be adjusted, if necessary, through the submissions process to align with dates specified nationally for FWFPs. The

[13] UHCC's Proposed Plan Change 50 (PC50) revises the rural zone provisions of the District Plan and seeks to implement the national and direction, including the NPS for Highly Productive Land. PC50 proposes zoning changes in the rural area as well and changes to minimum lot sizes and other rural subdivision standards. In my opinion, although it changes the development opportunities in Upper Hutt, it does not have direct implications for PC1.
[14] S42.007
[15] S193.004

marginal cost of PC1's FEPs was, therefore, considered minimal. As it transpired, following a change in government, the *Resource Management (Freshwater and Other Matters) Amendment Act* 2024 was passed revoking the *Resource Management (Application of Part 9A – Freshwater Farm Plans Order)* 2023 meaning that FWFPs are currently not mandatory outside of Southland and although a review of the FWFP regulations has been announced as noted above, there is currently no timetable available indicating the dates by which FWFPs will be required in regions other than Southland. .

84. This means that the costs and benefits of FEPs do need to be more thoroughly considered. That further evaluation is set out in Appendix 4. In my opinion, for the reasons set out in Appendix 4, FEPs remain that most effective and efficient approach to managing rural land use in the two Whaitua. However, as noted, there are some opportunities to significantly reduce cost without placing freshwater quality at greater risk.

85. For that reason, I agree in part with submitters seeking that rules be recalibrated or the regulatory approach be removed. I address more specific concerns about costs and the amendments that may reduce those costs later in this report.

Farming and Water Quality

86. 122 submission points express concern about whether the state of water quality warrants the approach taken, or whether the targets set are realistic. 98 further submission points are made in response to those submissions, 96 seeking that the submissions be disallowed.

87. Nine submitters make the general assertion that the water quality problem to be addressed by managing rural land use is not clearly articulated or supported by evidence/information. These include Terawhiti Farming Co (**Terawhiti Farming**)[16], Te Kamaru Station Ltd (**Te Kamaru Station**)[17]– who lodged identical submissions – Fenaughty Partnership - Riu Huna Farm (**Rui Huna Farm**)[18], Te Marama Ltd (**Te Marama**)[19]. Other individual submitters (S42, S5, S276, S205, S95), all raise similar points. This includes submissions that the Council's logic is flawed and demonstrates a bias by focusing on farming as the source of contaminants[20].

88. More specifically, the 96 individual submissions made under the auspices of 'Upper Hutt Communities', and several individual submitters, submit that water quality information shows that contamination in Te Awa Kairangi (Hutt River) is not originating from the Akatarawa and Mangaroa sub catchments (being rural sub catchments) but from downstream of the Taita Gorge. These submitters seek deferral of further action until better information is available and the withdrawal of measures targeted towards the Upper Hutt farming community.

89. Seven submitters express similar concern in regard to the Mākara and or Ohariu catchments. Terawhiti Farming[21] says:

> *There is only one water quality monitoring site across Mākara and Ohariu's full 15,000 hectares and it only relates to the 8,000 hectare Mākara Stream catchment. We believe*

[16] S224.004
[17] S229.004
[18] S39.006
[19] S231.005
[20] S202.001
[21] S224.004

that many of our smaller streams located on Terawhiti, have good water quality – yet stringent landuse rules will still apply?!

90. Kim Bowen[22] and John Bowen[23] expressed similar concern that there is only one monitoring site in the Makara River and consider this does not give an accurate idea of where contaminants are originating from.

91. Terawhiti Farming[24] asserts that *the lack of water quality data mean that council has had to make assumptions based on modelling which are not fit for purpose*. Ria Huna Farm[25] considers wider contaminant sources across Mākara and Ohariu are speculative and there is little acknowledgement of flooding and associated construction and remedial works along Takarau Gorge or the increasing number of houses being built and the potential for erosion and increases in sedimentation from these activities.

92. With regard to *E.coli*, Mākara and Ohariu Large Farms[26] state that the sources must be known for each catchment to be addressed appropriately and considers that work to reduce *E. coli* should only be targeted in areas where it is shown to be an issue. The same submitters consider it is inappropriate to extrapolate the results of one monitoring site across all of Mākara and Ohariu. The submitters suggests that local water quality studies are necessary, and seek an option to undertake landowner-led, farm-scale monitoring.

93. Manor Park and Haywards Residents Community Incorporated (**MPHRCI**)[27] opposes the Upper Hutt Communities submissions, although its opposition appears connected to the rezoning of rural land rather than the risk posed by rural activities.

94. Dr Greer's HS3 Statement of Evidence addresses the technical aspects of these submissions.

95. From a planning perspective, I concur with Dr Greer's assessment that it is appropriate to regard all those properties upstream of a monitoring site as contributing to the water quality at the monitoring site. While some properties will contribute more than others, to the extent that maintenance of water quality is the target, all properties need to be subject to provisions that the seek to limit contaminant losses (even if streams within their own properties are, as are submitted, in 'good' condition). To the extent that a *reduction* in contaminant loads is required, it is appropriate for the extent of reductions to depend on circumstances and, in particular, how high existing losses are. However, in the case of PC1 there are no specific numeric contaminant reduction targets that apply at the scale of individual properties. Instead, reliance in placed on seeking general practice improvement through FWFPs (although I acknowledge that there are specific erosion management provisions as discussed in section 3.9). Accordingly, I do not agree with the submitters who seek that further information be gathered on the sources of contamination before PC1 applies to rural landowners. As noted elsewhere in this report, amendments are proposed to key provisions that provide greater flexibility for the circumstances of individual farms to be considered.

96. Finally, Dr Greer's report deals with two matters relevant to these submission points. The first responds to the specific point that the Mākara monitoring site only relates to the 8000

[22] S103.001
[23] S117.001
[24] S224.004
[25] S39.012
[26] S51.008
[27] See, for example, FS27.1255

ha Mākara catchment. Dr Greer reports that is not the case and that the monitoring site is downstream of the confluence of the Mākara and Ohariu streams. I do not support the option and taking no action pending adding further monitoring sites. That is for multiple reasons including:

a) the NPSFM's requirement to act on 'best available information'(Clause 1.6),

b) The lack of any certainty that new site will be added as these are expensive to service and subject to council budgetary considerations; and

c) the length of time that would be involved before information from any new sites could be considered reliable for policy making purposes (generally speaking years of data to required)

97. Second, in her HS2 Statement of Evidence, Dr Amanda Valois reports that poor state of visual clarity in the Mangaroa is partly naturally occurring rather than being a wholly farming issue. This has implications for the need to apply certain provisions as discussed in section 6.

Pest and pest management

98. 55 submission points (including 50 from Akatarawa Valley Residents) address the issue of the effects of pests.

99. The 50 Akatarawa Valley Residents submission points[28] note that residents have to deal with incursion of pest species onto their land from GWRC. They also submit that pest species adversely impact stocking levels and prevent landowners from increasing indigenous biodiversity. They seek that GWRC actively manage pests on GWRC land that border the Akatarawa valley.

100. David and Pauline Innes[29] and Craig Innes[30] are similarly concerned that the effects of pest species on publicly owned land have not been taken into account and seek that public authorities undertake more pest control on public land. They say that private landowners should not be restricted because of the effects of pest animals on private land. No specific decision is requested.

101. Donald Love[31] comments on the sediment risk factors in Table D1of Schedule 36 noting that there continues to be substantial damage from pig rooting where wild pigs are harbouring on GWRC land and that there are related issues with deer. He seeks that the plan make clear the responsibilities for wild animals including the responsibilities of GWRC.

102. I agree with these submitters to the extent that high browsing pest numbers can be a contributor to sediment loss. To my knowledge, there have been no studies of the extent to which wild ungulates (pigs, goats and deer) contribute to sediment generation in the PC1 area or the wider Wellington Region. I understand, however, that GWRC does control ungulates under both the Biosecurity Services programme (at sites agreed with the territorial authorities) and the Key Natural Ecosystems Programme. The current budgets for, and areas

[28] See, for example, John Van Nortwick & Jill Van Nortwick (S120.007)
[29] S234.007
[30] S277.006
[31] S102.005

managed under, these programmes are set out in the GWRC's Regional Pest Management Plan - Operation Plan for 2024/25[32].

103. If the scope of these programmes is unsatisfactory to the submitters they could submit on the GWRC's LTP or annual plan or take other appropriate opportunities to engage with the GWRC biosecurity team. While I note the submissions, they raise a matter that cannot be addressed via PC1 and I make no recommendations on these submissions.

Non-regulatory support

104. Submissions received in relation to the non-regulatory support sub-topic focus mainly on Method 44: S*upporting the health of rural waterbodies*. Other submission points, such as that made by John Easther [S17], were general in nature, not referencing any particular provisions. I note these submissions but do not make specific recommendations in respect of them.

105. 29 submission and 13 further submission points address this topic. The overwhelming tenor of these submission points is one of support with the common relief sought being to retain Method M44 as notified. While most seek the retention of this provision, others support it in principle but seek amendment to recognise particular needs.

106. Sharyn Hume[33], Terawhiti Farming[34] Te Kamaru[35], Rui Huna Farm[36], Te Marama[37] and Mākara and Ohariu Large Farms[38] all seek that GWRC prioritise this Method M44 prior to implementing new rules and that a 'farm-scale approach' be integrated into PC1's sediment and erosion control policies. They also seek compensation if large-scale land retirement progresses and increased GWRC support for additional water quality monitoring activities in the Mākara and Ohariu catchments (including community-led monitoring). These matters are addressed elsewhere in this report.

107. WFF[39] seeks the replacement of the proposed wording directing GWRC to:

> *work in partnership with primary sector organisations and landowners to support an integrated catchment management approach including collection of baseline biophysical and ecological data at catchment scale, development of Freshwater Action Plans at catchment scale, preparation of Catchment Context, Challenges and Risks documents as set out in the national Freshwater Farm Plan Regulations, and directing Council assistance with riparian planting, erosion and sediment control for 100% of farms in rural catchments by x date, eg, 2030 (similar to that provided for in NRP Method M12)*

108. I agree in part with WFF, however, the monitoring requirements implied by the call for catchment scale data could be significant if 'catchment scale' is a smaller scale than the scale of current monitoring. This issue is partly addressed in the section on 'Farming and Water Quality' above, and more fulsomely in the HS3 Statement of Evidence of Dr Greer who advises on the benefit to be derived from monitoring at smaller (ie. less than Part FMU) scale.

[32] https://www.gw.govt.nz/assets/Documents/2024/09/RPMP-Operational-Plan-2024.25.pdf
[33] S95.001
[34] S224.006
[35] 229.006
[36] S39.011
[37] 231.007
[38] S51.006
[39] S193.054

Based on that evidence, I do not support the changes to Method M44 that would commit WRC to collecting catchment scale 'baseline data' as sought by WFF.

109. As discussed in paragraph 112, I do agree that Method M44 could convey a greater commitment to partnership. I also agree that the method should refer to the provision of catchment context, challenges and values (CCCV) and propose that be incorporated with clause (b).

110. If catchment scale is intended to be a smaller scale than Part FMU then I would not support a commitment for freshwater action plans comprehensively at that scale. That would be to impose a workload on GWRC that may not be manageable (and a number of plans that is unnecessary). There are already 18 Freshwater Action Plans identified across the two Whaitua. I note that Method M36 of PC1 provides for freshwater action plans to be provided at the FMU or Part FMU scale.

111. I do not agree that the method needs to go to the extent of committing to providing assistance with riparian planting and erosion and sediment control to 100% of farms by a specified date. The purpose of the method is to explain the general scope of non-regulatory support GWRC will provide to assist implementation of the objectives and policies of PC1. It is an expression of intent, but it does not create a legally binding commitment on GWRC no matter how, or in how much detail, it is expressed. The Statement of Evidence of Mr Peryer sets out the scope of resourcing available to assist landowners in TWT and ToAP in recent years and, on that basis, provides an indication of the timeframes likely to be involved for assistance to be afforded to rural landowners in the PC1 area significantly affected by the PC1 provisions (revised as shown in Appendix 4). I discuss these further in Appendix 4.

112. Louise Askin[40], seeks that the words "in partnership with the community" be added in the description. As per above, I agree in part with this submission point. The health of rural water bodies can only be achieved in partnership with rural communities, and it is appropriate to acknowledge that. My proposed redrafting of Method M44 incorporates the notion of working in partnership.

113. Porirua CC[41], Christine Stanley[42], Hannah Gray[43] and Taranaki Whānui support Method 44 in principle but consider it lacks detail in terms of time and methodology (such as, for example, a timeframe of the programme of engagement with small landowners) and seeks that such detail be added. I disagree with the submitters on this point. The timing and prioritisation of this method is a matter for GWRC's long term plan (LTP) and annual plan processes and will be dependent on final decisions (and any appeals) on PC1 itself. Having the method included in the NRP may assist in prioritisation in GWRC's financial planning but inserting a specific date would be speculative (and in any event non-binding) ahead of those processes.

114. CFG[44] seek reference to delivering a specific programme of engagement with forestry practitioners. The same submitter notes that any rates relief will likely be 'miniscule to zero' and that there is 'no long-term commitment of any tangible nature'. No specific amendment is sought. In my opinion, the scale and effectiveness of rates relief is something the requires

[40] S9.010
[41] S240.022
[42] S26.011
[43] S105.010
[44] 288.016 and S288.037

investigation. Method M44 proposes such investigation. I propose no change to that part of the method.

115. Others such as Te Awarua o Porirua Harbour and Catchments Community Trust & Guardians of Pāuatahanui Inlet[45] do not seek change but stress the need for full implementation of this method. No relief is requested and, accordingly, I make no recommendation.

116. Jo McGready[46] makes a general submission expressing a preference for non-regulatory methods and pointing to recommendations of the TAoP WIP and the importance of resourcing positive support, such as through GWRC's Environmental Restoration and Catchment teams and actions, rather than on regulatory enforcement. I agree in part with the submitter. Non regulatory programmes and support will be an important component to achieving the objectives of PC1 but relying entirely on non-regulatory programmes is unlikely to be sufficient and would not, in my opinion, meet GWRC's obligations under the NPSFM 2020.

117. Donald Love[47] notes confusion about what is bad management practice and notes that the only existing GWRC guide relates to earthworks controls (rather than farming). He seeks retention of clause (c) and its commitment to promote the uptake of good management practice. I agree with the submitter that management practice evolves and a fixed and exclusive list of good and bad practices does not exist within GWRC (or nationally). There is, however, a nationally agreed set of good farming practice principles[48] which form the basis for assessment at the farm specific scale. I understand those principles are applied by those preparing and certifying FEPs. I note the submission but propose no change in response.

118. With specific reference to Method M44, Environmental Defence Society (**EDS**)[49] seeks that the word wetland be included in the chapeau along with the other surface and coastal water features. I agree that wetlands should be included.

Stream shading

119. Policies WH.P27 and P.P25 promote stream shading and I refer to these as the "stream shading policies". The stream shading policies are included largely because of the need to achieve shading of streams to reduce risk of periphyton accrual. The approach to setting nutrient TASs is discussed in the HS2 Statement of Evidence of Dr Antonius Snelder. Using that approach, the DIN concentrations set as TASs in Tables 8.4 and 9.2 assume a level of stream shading. I understand, based on the HS2 Statement of Evidence of Dr Greer, that in the absence of such shading, the DIN concentration (using Dr Snelder's model) would need to be set at more stringent levels.

120. Policies WH.P27 and P.P25 are not given effect to by specific rules. Rather, they provide, in part, the foundation for the Council's non regulatory Method M44 of providing support to landowners and to the general encouragement of riparian management and planting as a mitigation that might be adopted in FEPs where farm-specific risks apply.

121. 25 submission points and 27 further submission points relate to the stream shading policies.

[45] S176.011
[46] S94.006
[47] S102.009
[48] Good Farming Practice, Action Plan for Water Quality 2018.
[49] S222.020

122. Wellington Fish and Game Regional Council (**Fish and Game**), Royal Forest and Bird Protection Society NZ (**F&B**), Yvonne Weeber and Winstone Aggregates all support the policies.

123. While broadly supportive of stream shading, WFF seek an amendment to refer to GWRC 'supporting' not simply 'promoting' stream shading. That is consistent with the intention of the policy and method, and I support the amendment.

124. EDS[50] also seek an amendment to consider requiring rather than just promoting stream shading. Pareaho Forest Trust[51] wants to remove the qualifier so that shading is not promoted just to achieve periphyton TASs but to achieve other water quality outcomes.

125. As noted above, rules do not require stream shading hence I do not support EDS's submission on this point. Pareaho Forest Trust's point that stream shading has benefits other than managing periphyton risk is a fair one and I agree the stream shading policies should acknowledge those benefits (without losing focus on the primary point to be made). I note that my opinion aligns with a recommendation made by Ms O'Callahan on the same provisions as part of her HS2 42A Report: Ecosystem Health and Water Quality policies.

Map Clarity

126. 12 submission and nine further submission points address the question of map clarity generally. Pāuatahanui Residents Association[52], for example, submits that PC1's maps make it difficult for property owners to work out how they might be affected.

127. It appears most of these submission points relate to mapping of erosion risk and the ability to identify individual properties. I discuss that issue from paragraph 309. In summary, as discussed in the Statement of Evidence of Mr Nation, there are some acknowledged limitations with erosion mapping that are not quickly or easily resolved, and mapping risk will always be imperfect.

128. I accept, in part, those general mapping submission points that seek that the maps be amended[53]. I recommend some amendments to maps in section 3.9. However, I also consider that part of the solution to the erosion mapping issues raised by submitters is in how the maps are used in the farming rules (ie. whether they are used as an absolute trigger within rules or simply as a guide to inform farm-scale assessment). I discuss that from paragraph 313.

129. Seven of the 12 submissions[54] do not specify the relief sought. I have noted those submissions but make no recommendations in respect of them.

Provisions PC1 disapplied by PC1s

130. PC1 disapplies six existing farming policies of the NRP to the PC1 area. These are:

- P70: Minimising effects of rural land use activities
- P71: Managing the discharge of contaminants

[50] S222.047
[51] S213.023
[52] S16.002
[53] S206.018, S225.005, S26.002, S26.008, S217.002
[54] S94.002, S98.002, S55.003, S39.010, S277.002, S262.004, S248.004, S234.002, S16.002

- P72: Priority catchments
- P73: Implementation of farm environment plans in priority catchments
- P74: Avoiding an increase in adverse effects of rural land use activities and associated diffuse discharges of contaminants
- P76: Consent duration for rural land use in priority catchment

131. 13submission and 16 further submission points were received on this topic.

132. 11 submission points are either in support or are neutral and seek no change. MPHRCI further submits in support of these supporting or neutral submissions.

133. WFF opposes the disapplication of both policies P70 and P74 submitting that the policies remain relevant to both whaitua. Further submissions by Horticulture New Zealand (**Hort NZ**) and (in respect of P70) Meridian Energy, support the WWF submission. F&B further submit opposing the WWF submission.

134. Policy P70 refers to *minimising* adverse effects of rural land use activities *"through the use of regulatory and non-regulatory methods that promotes, as a minimum, good management practices"*. The policy further specifies the methods to be used which include rules, FEPs, information gathering, monitoring and assessment and integrated catchment management within GWRC and with the involvement of mana whenua and others.

135. At a superficial level, there is nothing in P70 that is obviously in conflict with the approach proposed in the rural policies of PC1. However, P70 was always intended as a 'stop gap', generic approach to managing rural land use activities pending more specific, whaitua-specific policies being introduced by plan change. This is reflected in the absence in Policy P70 of any reference to TASs or any obligation beyond effects being 'minimised'. The policy framework proposed under PC1 seeks to give effect to the NPSFM's requirement to impose limits and require reductions in contaminant losses where TASs are not met. In that respect, P70 is not consistent with the PC1 rural land use policies and could, in my opinion, set up an unhelpful conflict in a resource consenting context (ie. in a catchment where a TAS is exceeded, is the obligation on a consent applicant to *minimise* effects (under Policy P70) or *reduce* effects under Policies WH.P21, WH.P22 or WH.P23 (or the equivalent policies in whaitua TAoP)? Disapplying Policy P70 ensures that potential conflict does not arise.

136. Policy P74 only addresses use of more than 20ha of land (or 5ha of higher intensity horticultural land) that is either irrigated with 'new' water or in a priority catchment. It requires that *increases* in effects from such land use be avoided and where reasonably practicable, reduced. It explains that this is ensured by not increasing either contaminant loss from properties or contaminant concentrations in receiving water (relative to 2 September 2020).

137. There are several points to note about Policy P74. First, it only applies to newly irrigated land and priority catchments. Priority catchments are listed in Schedule Y of the NRP. None are in PC1 area (all but one are in the Ruamāhanga Whaitua). The concept of 'priority catchments' was intended as an interim measure until such time as plan changes giving effect to the NPSFM were developed (which, by definition, would need to establish TASs and identify catchments which exceeded TASs). That approach supersedes the 'priority catchment' approach.

138. Secondly, P74 applies to any new irrigation on the basis that irrigation could enable higher intensity farming systems, particularly in light of the large irrigation scheme proposed in the Ruamāhunga catchment at the time the NRP was developed. I do not understand there to be the same risk of new irrigation in the PC1 area given the overwhelming 'hill country' nature of rural catchments as set out in the section 32 report. For that reason, PC1 does not contain any rules requiring irrigating farming to obtain resource consent.

139. For those reasons I consider the Policy P74 should be disapplied in the PC1 area as proposed.

General/Miscellaneous

140. 14 submission points and three further submission points raise general or miscellaneous points that do not fit into other specific themes.

141. John Easther[55] suggests that to achieve the objectives of the plan change, provisions are required to address this anomaly whereby landowners are restricted on the use of the land by lease agreements and windfarm generators can avoid liability for diverting revenue into reforestation. The need, or justification for, amendment to PC1 as a result of these submissions is not clear to me. The submitter may bring further information on these matter to the hearing but at this point I do not recommend any amendments in response.

142. John Boyle[56] and Susan Boyle[57] comment on the absence of detail on how GWRC will manage its land. In response to this point I simply note that GWRC land is subject to the requirements of PC1 like any other land. I do not recommend any amendments in response.

143. WWF[58] considers there is a better way forward than the provisions proposed and that GWRC should be an "exemplar" on its own land and to other regional councils across New Zealand on partnering with landowners and rural communities to get serious about the smart data needed to inform best bang-for-buck policies that will enable it to achieve the long-term objectives.

144. GWRC does have a 'Recloaking Papatūānuku' programme that since 2021 has been progressively planting regional parkland. Details of this programme and the areas revegetated to date are set out in Appendix 6.

145. Furthermore, as noted in the Statement of Evidence of Mr Jamie Peryer, GWRC already has programmes that aim to partner with landowners and the community. As discussed elsewhere, the NPSFM does not provide for an approach that relies solely on partnership programmes (albeit I acknowledge the importance of this dimension). I do not support the submission for that reason.

146. Isabella Cawthorn [S249] seeks reference to guidance for beneficial use of organic material. Melanie Rattray [S4] considers limited herd sizes and protecting rivers a basic first step. I note both submissions but do not propose any recommendation in response as the relevance of the guideline mentioned is not clear (the guideline is not published) and limiting stock numbers is considered unnecessary given existing low stocking rates in the Whaitua.

[55] S17.030
[56] S181.008
[57] S182.008
[58] S193.005

147. Willowbank[59] generally supports the intent of amendments but is concerned that PC1 does not acknowledge the importance of rural and primary agricultural activities and the approach does not fit with s5 of the RMA. In response, I consider that the most appropriate way to acknowledge the importance to rural land use and to express consistency with s5 of the RMA is to ensure that the cost and regulatory burden on such uses is the least possible while ensuring meaningful progress towards freshwater objectives. In my opinion, that approach has been taken in the analysis that follows.

Forestry

148. Forestry owners PF Olsen Ltd (**PF Olsen**) and China Forest Group Company New Zealand Ltd (**CFG**) submit[60] on the farming provisions suggesting a divergence of approach between the management of farming from that of forestry.

149. PF Olsen submits that there is a preferential leniency towards farming and that this disadvantages forestry. It points to "a systematic process in place for farmers allowing them to gradually comply with the rule without jeopardising their land use. Conversely, for forestry, a stringent policy mandates the retirement of forestry in high erosion-risk land." This or similar points are made in relation to a range of policies and rules.

150. CFG points to there being no discharge limit for farming as there is for forestry and that sediment generation from non-high erosion risk land are ignored. The submitter also suggests that Rule P.R 27 effectively provides for the continuation of existing activities subject to efforts to meet good practice.

151. While I agree with CFG that there is no general discharge limit as there is for forestry. I disagree with the submitter to the extent that both the NRP's Schedule Z and PC1's Schedule 36 require the assessment of sediment loss risk from all land not just land identified as mapped as high erosion risk land. I agree that Rule PR27 provides for the continuation of farming if, for example, a compliant erosion risk treatment plan is not included within the farms FEP, but only where the catchment is compliant with the visual clarity TAS. Moreover, a discretionary activity consent would be required and appropriate conditions on sediment management could be expected to be imposed through that consent process.

152. I do not consider it feasible to have a discharge (or receiving water standard) for farming because of the highly diffuse nature of most farming discharges. I do note, however, that there are some narrative standards included in the NRP stock exclusion rule R98 that apply in the PC1 area.

153. On the specific point raised by both forestry submitters about a difference in approach in managing erosion risk between farming and forestry, I accept that farming does not a face a prohibited activity rule. However, it does face a requirement to progressively retire Highest Erosion risk land and that rule has essentially the same or similar effect as prohibiting farming on such land. On the more general point, of aligning management approaches, it is my opinion that, to the extent that alignment is justified, the answer rests with amendment to the forestry provisions. That issue is addressed in the section 42A report of Mr Watson. I note from that report that Mr Watson recommends significant amendments to the forestry provisions so that reliance is placed entirely on the existing National Environmental

[59] S204.001
[60] S18.040, S18.041, S18.42, S18.051, S18.052 (Olsen) and S288.075, S288.076, S288.078, S288.079, S288.118 and S288.119 (CFG)

Standards for Commercial Forestry (**NES-CF**). In my opinion, those recommendations, if adopted, remove any suggestion that PC1 treats farming more leniently that it does forestry.

3.3.2 Recommendations

154. I recommend no amendments to provisions as a result of these general submission points

155. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.4 Issue 4A: Nutrient and E.Coli Management

3.4.1 Analysis

General

156. 33 submission and 43 further submission points address the general approach to managing nutrient and *E.coli* discharges as expressed in Policies WH.P21 and WH.P22 and Policies P.P20 and P.P21.

157. Few submitters offer a clear view on whether they support or oppose the overall approach to managing nutrient and *E.coli* discharges but key issues generally raised include the following points.

a) Pastoral land should be measured by the area of land used for that purpose not the size of the block of land (John Easther[61]). I agree with the submitter and note that that is the approach proposed in the relevant policies (there is an anomaly in the rules that I address in paragraph 194 of this report).

b) Reductions in discharges should be sought from small properties not just large properties and horticulture (F&B[62]). I do not agree with that submission as it would require that small properties (or more accurately properties with less than 20ha of pasture) to prepare FEPs (or be subject to resource consent). The section 32 report shows that there are 312 properties across the two whaitua greater than 20ha and a further 757 properties between 4 ha and 20 ha. Although the size of the property is not an exact analogue for the number of properties that are 'caught' by rules, it provides a reasonable proxy. Accordingly, accepting the F&B submission point could require a 200% increase the number of FEPs required across the two whaitua.

c) Policy P.P20 can be deleted as it unnecessarily cross-references other policies (Porirua City Council (**PCC**)[63]). Taranaki Whānui makes a similar point with respect to Policy WH.P21. I agree in part with these submissions but note that the purpose of P.P20 and WH.P21 was to set out the overall strategy and to clearly demonstrate how the approach complies with the NPSFM's requirement to set limits. For that reason, on the basis that the NPSFM requirement to set limits remains, I consider these policies continue to be useful and appropriate.

[61] S17.015
[62] S261.083
[63] S240.051

d) The Minister of Conservation[64] supports the intent but considers Policy P.P20 needs to be consistent with Policy 23 of the NZCPS. The submission does not say how the provision is not consistent with NZCPS Policy 23. Policy 23 relates to discharges to water in the coastal environment. I consider that the policies, in conjunction with other provisions of PC1 and the NRP are consistent with Policy 23. The matter will need to be reconsidered on the basis of evidence the Minister for Conservation brings to the hearing.

e) F&B[65] submit that stock exclusion should apply to ephemeral water courses and estuaries as they can support high ecological values. Stock exclusion is addressed in detail in section 3.8 of this report.

f) WFF[66] seek that the approach be amended to be consistent with the WIP recommendations. The relevant WIP recommendations are set out in section 6.6 of the Section 32 report. They call for a predominantly non regulatory approach to managing farming and associated diffuse discharges. That is reflected in the rule structure that provides for farming without resource consent. The approach, however, is tempered by the requirement to give effect to other statutory and policy directions most notably the NPSFM. In my opinion, an approach that focuses solely on collecting robust baseline data in all rural catchments and on promoting and supporting hill-slope planting would not be consistent with the NPSFM 2020 requirement to set limits on resource use (as rules, NPSFM Clause 3.12) to achieve target attributes states using "best information available" (NPSFM Clause 1.6) and the obligation to give effect to the NPSFM as soon as reasonably practicable (NPSFM Clause 4.1). It is acknowledged that the NPSFM 2020 is being reviewed and those policy settings are subject to change. WWF seek that the chapeau of Policies WH.21 and P.P20 also refer to sediment. I agree with the request as these policies are designed to provide an overview of the management approach proposed for all four major rural contaminants.

g) Dianne Strugnell[67] submits that reference to "phasing out any poor management practices" is unnecessary (Policy WHP22 and P.P21) as that is inherent in the notion of adopting good management practice required by the same policies. I agree with that submission.

h) Urban Edge Planning Group on behalf of Mangaroa Farms Ltd (**Mangaroa Farms**)[68] take a neutral approach to the rural management policies. They submit that the PC1 rural management framework is generally aligned with the regenerative farming practices undertaken and supported by Mangaroa Farms and are supported.

<u>E.coli</u>

158. Terawhiti Farming[69], Te Karamu Station, Te Marama, Riu Huna Farm and Mākara and Ohariu large farms all assert a lack of consistency between the approach proposed for *E.coli* with

[64] S245.035
[65] S261.082
[66] S193.081 and S193.131
[67] S5.008
[68] S194.002
[69] S224.009

that proposed for nitrogen (in the nitrogen policies) and sediment (in policy WH.P23 and P.P22). They consider that provisions seeking reduction in *E.coli* should be targeted to where *E.coli* is shown to be an issue submitting that it is inappropriate to extrapolate results of one monitoring site and seeking farm-scale monitoring.

159. They emphasise better understanding of sources of *E.coli* noting that the source of high *E.coli* levels in the Mākara Stream is unknown. Louise Askin makes the same point.

160. Louise Askin[70] also seeks implementation of WIP recommendations 15 (the provisions of more specific, local information on water quality) and 33 (support for land management advisory services).

161. I do not agree that there is inconsistency between the management of *E.coli* and the other rural contaminants. Requirements to respond to N and sediment loss risk are not triggered by information any more fine-grained than applies to *E.coli*. All management relates to the TASs at the monitoring sites indicated in Tables 8.4 and 9.2. In that regard, *E.coli* is generally in the 'D' or (more often) 'E' band using the NPSFM 2020 NOF. While the submitters may be correct that at a finer scale of monitoring the results could be different (and that in some streams sources other than pastoral farming could be significant contributors), taking a farm-scale approach is not consistent with the general approach adopted by PC1 or the NRP as discussed in Section 3.3 of this report. I note Dr Greer's HS3 Statement of Evidence in which he disagrees with submitters who say the source of *E.coli* is unknown and expresses his opinion that large reductions in *E.coli* from livestock will be necessary throughout the entire catchment to achieve the *E.coli* TAS.

162. It is important to note that stock exclusion is the only response to the risk of *E.coli* contamination proposed by Policies WH.P21 and P.P22 and that stock exclusion has benefits beyond managing *E. coli* risk (eg. reduction of other contaminant losses to water and aquatic habitat protection). Hence, the fact that *E.coli* may be at reasonable levels at a particular farm boundary, will not necessarily justify continued stock assess to streams on that property.

163. I note that stock exclusion is addressed in section 3.8 and recommendations are made that are likely to go some way to satisfying the farming submitters on this point.

<u>Nitrogen</u>

164. Five submissions and eight further submissions relate expressly to nitrogen management (Policies WH.P22 and P.P21 – the "nitrogen policies").

165. Hort NZ[71] does not support the approach of capping nitrogen discharges from individual properties preferring an approach of applying limits to the FMU or sub catchment scale. I do not consider Hort NZ's proposal to be viable. The NPSFM specifies that limits must be set as rules. Rules must be enforceable and therefore need to apply to identifiable legal entities. In the absence of a collective (eg. FMU or sub catchment scale) entity, the point of compliance must be individual resource users. However, for reasons set out in section 3.5, I do agree with Hort NZ that reference to '*capping discharges from farming activities'* needs to be deleted from the nitrogen policies.

[70] S9.016
[71] S12.002

166. Hort NZ also raises an issue with whether horticulture should be regarded as intensive farming under these policies and expresses the view that fruit and vegetable growing are not intensive farming practices.

167. 'Intensive farming' is not a defined term and in common usage means different things in different contexts. From a discharge management perspective, vegetable growing is regarded as an intensive practice since it involves cultivation (often multiple times a year) and typically high inputs of fertiliser to improve yields and agri-chemicals to control pests. Nitrogen leaching rates can be high. Fruit crops (while intensive in terms of inputs and management requirements) are generally low nitrogen leaching activities (similar to drystock farming).

168. This issue has previously been extensively traversed in other fora, including in appeals on the NRP. As part of resolving those appeals, GWRC commissioned a report from Crop and Food[72] that included nitrogen loss estimates from different horticultural crops. On the basis of that evidence, the NRP distinguishes between 'low intensity horticulture' (a defined term that includes common orchard and berry crops) and horticulture more generally (which includes vegetable production). That approach has also been applied in Rule WH.R31 and P.R28 (which controls change in land use) but is not currently applied in the nitrogen policies. The reason for that is that is twofold. Firstly, horticulture is a very minor land use in the Whaitua at the present time. In fact, the section 32 reports states that there are no horticultural properties greater than 5 ha (the threshold applied in nitrogen policies) in the Whaitua. Secondly, the obligation promoted by these policies to *not increase* nitrogen losses applies to *all* land uses including very low leaching pastoral uses (which may be leaching less than any horticultural use in the Whaitua). Hence, from an equity perspective, excluding horticultural land use (even 'low intensity horticulture') is difficult to justify.

169. Hort NZ's submission that fruit and vegetables can be distinguished and preferred above other rural land use is not, in my opinion, currently supported by higher order policy.

170. Fish and Game submits that a requirement to reduce 'to the extent reasonably practicable' is unlikely to achieve the improvements required. It supports strengthening of the policy with time-bound and measurable actions that will return degraded water to a state of well-being. The submission is supported by two further submitters and opposed by two other further submitters. I disagree with the F&G submission for two reasons. First, waterbodies in the Whaitua are not degraded for nitrogen. With one exception, target attribute states (TASs) seek DIN concentrations are *maintained* in rural streams. Second, as discussed in section 3.5 below, determining what 'measurable actions' at the farm-scale will achieve a particular discharge rate (let alone in-stream concentration) is not currently possible at anything other than an extremely coarse scale. There is a generally accepted view, although admittedly with limited research, that adoption of farm environment plans (FEPs) will deliver a level of improvement. The policy already requires that FEPs be adopted.

171. WFF[73] questions why reductions in N are sought when monitoring shows that river and stream surface water bodies are almost all within the NOF 'A' Band for nitrate toxicity and ammonia toxicity. It seeks the deletion of the nitrogen policies or replacement with text directing monitoring of periphyton at SOE sites and catchment monitoring sites. While I

[72] *A literature review of nitrate leaching, phosphorus and sediment in horticultural crops in relation to their growth on the Wairarapa Plains*. Trolove S, Plant and Food Research, June 2021.
[73] S193.015

agree that nitrogen-related TASs are generally not exceeded, the nitrogen policies only require a reduction, to the extent practicable, where the TASs are exceeded. Otherwise, the requirement is to *maintain* (hence the importance of FEPs). Dr Greer's evidence[74] is that maintenance is required if periphyton outcomes are to be achieved. Accordingly, I do not agree that the nitrogen policies should be deleted entirely, although I do agree that amendment is required in response to a range of submissions.

172. John Carrad[75] submits that nitrogen does not come from animals, it is supplied by legumes or fertiliser. He seeks that the nitrogen leaching accounting method be upgraded. I agree that nitrogen is introduced to farm systems through legumes and fertiliser (and in feed imported onto farms). However, I understand that in the way nitrogen is lost to groundwater in pastoral catchments is largely through animal urine. As discussed in section 3.5 below, there are serious limitations in accounting for nitrogen leaching given the complexities and variability of farm systems (inputs and practices), exacerbating factors (like rainfall) and in drainage/discharge pathways (including soil porosity). I note the submission but make no recommendations for change in response to this submission point.

3.4.2 Recommendations

173. I recommend that Policies WH.P21, WH.P22, P.P20 and P.P21 are amended as shown in Appendix 4.

174. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.5 Issue 4B Recognised Nitrogen Risk Assessment Tool

3.5.1 Analysis

175. Provisions relating to both large and small rural farming blocks require 'nitrogen discharge risk' to be assessed. The definition of 'nitrogen discharge risk,' and Part C of Schedule 36, require the use of a Recognised Nitrogen Risk Assessment Tool (RNRAT). This is defined by PC1 as:

> *The tool that provides a quantitative assessment of risk of diffuse nitrogen discharge from rural land that has been approved for use as a recognised risk assessment tool by the Wellington Regional Council.*

176. F&B[76] note that assessing nitrogen discharge risk is a contentious matter and questions the lawfulness of the delegation to approve the tool outside of the Schedule 1 process. It suggests that a plan change would be required to approve a tool for use that is not expressly referenced in the plan. In its further submission Kāinga Ora[77] supports F&B suggesting that critical documents should be consulted on. F&B also submits that it is critical that the tool considers biophysical factors and relate to the actual discharge or environmental effects of the discharge. The relief sought does not seek deletion of reference to the RNRAT in provisions, but it does seek an amendment to the definition of RNRAT that would mean that,

[74] HS3 Statement of Evidence of Dr Michael Greer
[75] S50.001
[76] S261.008
[77] FS45.026

in so far as nitrogen management is concerned, the provision would essentially be inactive until a further plan change is notified identifying specific tool(s).

177. WFF addressed this issue in the context of WH.P22, P.P21 (the "nitrogen provisions") discussed in paragraph 171 and seeks deletion of the policies that refer to the RNRAT.

178. I agree with F&B that assessing diffuse nitrogen discharge or the risk of discharge is a contentious matter. Until 2021 it was commonplace to require use of the Overseer nutrient model (which estimates nitrogen discharges from individual farms on a kilogramme per hectare, per year basis). However, a Government-commissioned science review of that model published in July 2021[78] cast doubt on the appropriateness of using Overseer in a regulatory context due to uncertainties associated with modelling outputs. The Government issued a response to the review in August 2021[79] and provided further guidance on Overseer in April 2024[80]. Both documents cautioned against using Overseer output numbers as absolute numbers and recommend that, to the extent the Overseer is used in regulation, it is used as part of a multi-evidence approach (ie. sole reliance is not placed on Overseer modelling outputs).

179. To fill the gap (at least in part) left by Overseer being essentially 'withdrawn' from use in regulatory contexts, Government agencies embarked on a process to develop the Risk Assessment Tool (RIT) in 2021. That was initially expected to be available in 2022 but has been subject to multiple delays. In preparing PC1, officers had intended that PC1 would refer specifically to the RIT but unexpected delays in release of the tool meant that was not possible. As it turned out, PC1 was notified with the provisions described above (allowing for the use of the tool once available and approved by Council). In reality, it was hoped that the RIT would be released before hearings and could be specifically referred to as sought by F&B. However, at the time of writing, the RIT remains unavailable. The latest advice from MfE is that the RIT will be available "in 2025".

180. It is also notable that further guidance on the RIT was issued by MfE in April 2024[81]. Relevantly, with regard to the RIT output 'score', that advice sates:

> *The risk score should not be treated as a hard number where there is a threshold that cannot be exceeded or must be reduced* (p.9)

181. That is important because PC1 is drafted so that the nitrogen discharge risk cannot be increased above the risk level generated by the RRAT at the time of registration (for small blocks) or 2 September 2020 for larger (>20ha) areas of pastoral/arable farming. In other words, PC1 does propose to use the RNRAT output (risk 'score') as a numeric threshold that cannot be exceeded. That appears contrary to official guidance (released after PC1 notification).

182. Subject to the implied delegation to approve a tool after decisions have been issued on PC1 being lawful, the approach could continue in the expectation that another suitable tool will emerge (or Overseer modelling is reinstated as an acceptable approach in the context of

[78] *Overseer whole-model review Assessment of the model approach*, MPI Technical Paper no: 2021/12.

[79] Ministry for the Environment and Ministry for Primary Industries 2021. *Government's response to the findings of the Overseer peer review report*, Wellington: Ministry for the Environment and Ministry of Primary Industries.

[80] Ministry for the Environment 2023. *Responding to the Overseer model redevelopment review: A guide for councils*. Wellington: Ministry for the Environment.

[81] Ministry for the Environment. 2024. *Risk Index Tool: Phase 1 draft implementation guidance: Estimating the risk of farm-level nitrogen loss*. Wellington: Ministry for the Environment

rules proposed in PC1). I do not support such an approach. Although this a matter of significant interest nationally, to my knowledge no such tool exists or is currently in development (at least not for the farming systems prevalent in the Whaitua) and there has been no indication that Overseer will be reinstated to the role it previously played. In other words, it would be entirely speculative to continue with the approach set out in the PC 1 as notified.

183. For those reasons, I agree in part with WFF to the extent that those parts of the nitrogen provisions (along with the RNRAT definition and references in Schedule 36) be deleted.

184. In the absence of a nitrogen loss risk assessment tool there will need to be a continuation of the approach taken under the NRP provisions where nitrogen loss risk is assessed and managed using expert judgment as part of FEPs as discussed in the evidence of Mr Peryer.

185. The implications for the definitions of 'nitrogen discharge risk' and 'recognised nitrogen risk assessment tool' are discussed in section 3.11.

186. This has implications for the feasibility and merit of small block registration and nitrogen risk reporting as discussed below.

3.5.2 Recommendations

187. I recommend that Part C Schedule 36 and the definition of 'nitrogen discharge risk' and 'recognised nitrogen risk assessment tool' be amended as shown in Appendix 4.

188. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.6 Issue 5: Small block registration

3.6.1 Analysis

General

189. Rules 8.3.6 and 9.3.6 require properties with between 4ha and 20ha to register with the Council and provide certain information (including an assessment of nitrogen discharge risk using a RNRAT). I refer to these rules and the associated Schedule 35 as the 'small block provisions'. The justification for the small block provisions is set out in the section 32 Report and relates to the fact that small blocks tend to occupy the better land (mostly the valley floors) within the Whaitua and are capable of relatively intensive agricultural use despite their small individual parcel size.

190. 127 submission and 27 further submission points were received making general comment on the small block provisions and a further three general submissions addressed the question of stocking rate 'limits'. 100 of the primary submissions were received from individuals representing the Akatarawa Valley Residents. Those submissions objected to rules targeting small blocks and what they perceived as an arbitrary stocking limit. They suggested registration was onerous and unjustified and should be reserved for properties where there is a risk of elevated nitrate levels. Bob Curry[82] considers "stocking limits" are arbitrary and would affect farming with significantly higher stocking rates.

[82] S53.001

191. Various individual submitters made similar points. David and Pauline Innes[83], Craig Innes[84] and Jody Louise Sinclair[85] all made general submissions[86] objecting to "the stock number limitation" suggesting it was inappropriate, unreasonable and too low. (I address this issue at paragraph 204 below).

192. WFF[87] does not believe that there is evidence the approach will be efficient and effective. Both PCC and UHCC are concerned at the regulatory burden on small landowners.

193. Half of the submissions received sought deletion of the requirement to register. Various others sought that the thresholds be amended to exclude 'low intensity farming' on these small blocks.

194. GWRC[88] and Louise Askin both propose technical changes to the rules so that they focus on effective area rather than lot size. There is currently an anomaly in the provisions whereby smaller blocks of land are referenced by property size as opposed to area in use for farming. This contrasts with the approach to describing larger farmed areas. Accordingly, I agree that, should the rule be retained, the wording should be amended as proposed by GWRC and Louise Askin.

195. Louise Askin[89] questions the focus on nitrogen management on small blocks and seeks the reference to *E.coli* be included (but also seeks deletion of the registration requirement).

196. F&B[90] supports the rules on the basis that information on land use pressures is critical to ensuring appropriate management of inputs, setting limits on resource use, and assessing effectiveness of the plan (but seeks amendment to require provision of additional information - including annual fertiliser use and average and winter stocking rates). Yvonne Weeber, Hannah Gray and Taranaki Whānui also support the provision.

<u>Information requirements</u>

197. The information requirements for registration are set out Schedule 35. Forty-three submission and 37 further submissions points were received specifically in relation to information requirements associated with registration. Individual submitters, such as Jody Sinclair[91], assert that the information requirements are extensive and complex for lay people and many landowners will not have the information or ability to collate the information.

198. The concern is perhaps best summarised by Jo McCready[92] who states that:

> *Land owners are required to furnish a complex range of data including average stocking rates. They are also required to calculate effective grazing areas, map the property boundaries and show waterbodies where stock exclusion is required under new rules and to show the location of fences relative to the waterbodies… there will be few in the community who will have the level of expertise required to perform the complex*

[83] S234.006
[84] S277.005
[85] S276.012
[86] I address these general submissions in this section because the small block provisions are the only provisions that refer to stocking rates.
[87] S193.014
[88] S238.019
[89] S9.026
[90] S261.196
[91] S276.014
[92] S94.014

mathematical calculations to collate the raft of data required or produce accurate maps, especially given the undulating nature of the terrain.

199. Thirty-two residents submitting as Upper Hutt Communities make similar submissions. Others point to the cost associated with providing the required information. MPHRCI further submit in opposition to those submissions.

200. In all, 38 submissions seek deletion of small block registration due to concern about information requirements.

201. In contrast, F&B and EDS seek inclusion of a requirement to report nitrogen fertiliser use.

Assessment

202. The section 32 Report identified small blocks as potentially presenting risk to current or future water quality. Little information on actual risk currently exists. The identified nitrogen loss risk was based on the 'natural capital' of the land rather than a detailed understanding of current farming intensity and practice or likelihood of changes that would increase risks. It represents *potential,* rather than (necessarily) actual, risk.

203. Submitters who identified a focus on nitrogen in these rules are correct (although there is also a lesser focus on erosion management). Dr Greer's evidence[93] is that to have high confidence that periphyton outcomes will be achieved, the nitrogen concentrations in-stream must not increase and shading of streams (achieved by riparian planting) must occur. Diffuse nitrogen discharge is largely a function of stock numbers/rates and nitrogenous fertiliser use that enables higher stock rates. Because small blocks generally comprise land with higher natural capital, the potential for nitrogen discharges to increase was considered to warrant some level of regulatory oversight. Nevertheless, the regulatory approach is intended to be 'light-handed' in the sense that no resource consent and no FEP is required for these properties.

204. Furthermore, it is important to record that Rules WH.R26 and P.R25 do not impose any stocking rate 'limit'. Some submitters appear to have misunderstood how the rule would work. The reference in those rules to 12 stock units per effective hectare (su/ha) is a threshold *below which the rule does not apply*. In other words, if the stocking rate on a small block is less than 12 su/ha then Rules WH .R26 and P.R25 do not apply and pastoral farming undertaken on such properties is permitted without conditions. If the stocking rate exceeds that threshold then the property must register with the council and provide an annual assessment of nitrogen discharge risk. The same requirement applies whether the stocking rate is 12 su/ha or 25 su/ha (there is no upper limit on stocking rates). For clarity, no stocking rate limit or threshold is proposed for properties farming more than 20ha.

205. The Awatarawa Residents' suggestion that registration should be reserved for properties where there is a risk of elevated nitrate levels is precisely what the rules attempt to do by focusing on properties with relatively high (or at least above average) stocking rates, and those engaged in cropping (an activity known to present greater risk due to potentially high fertiliser use).

206. I agree, in part, with submissions claiming that information requirements are potentially burdensome. The calculation of effective hectares and average and winter stock rates, in

[93] Statement of Evidence of Dr Michael Greer - HS2 Objectives, Ecosystem Health and Water Quality Policies, 28 January 2025 and Statement of Evidence of Dr Michael Greer – HS3 Rural land use.

particular, while straightforward for most farmers, may not be intuitive for those without a pastoral farming background. There is, therefore, both a cost (if expertise is required) and a risk (that information supplied may be inaccurate) that needs to be considered.

Conclusion

207. It would be possible to revise the risk thresholds to capture a more select group of very high risk small blocks (based on shifting the stocking rate threshold). Similarly, there would be ways to address concerns about the extent and nature of information required to be provided upon registration (eg stocking rate calculations could be automated by an online portal). However, I am not recommending such amendments at this point. That is because I recommend deleting Rules WH.R26 and P.R25 entirely. The reasons for that recommendation relate, in large part, to the unavailability of a suitable RNRAT (as discussed in paragraphs 180 to 184 of this report).

208. As noted, the primary purpose of Rules R26 and P.r25 is to ensure that there is no increase in nitrogen discharge from the small blocks occupying the Whaitua's higher quality grazing land. Without the ability to assess whether a change in nitrogen discharge risk is occurring, the rules have little value other than collecting information on stocking rates for future policy development. If the collection of information is the sole purpose of the rules, then I agree with those submitters who suggest that the benefits of the rule do not justify likely costs and that there are likely better ways to obtain the information (including ways that do not rely on self-reporting by inexpert landowners).

209. In addition to the points made in paragraphs 180-181, without the Ministry for the Environment's Risk Index Tool (RIT) available for scrutiny I am unable to confirm that it could be used with confidence by individual property owners without technical assistance (and therefore what the cost of using that tool may be, should it become available).

210. Those factors have confirmed my opinion that Rules WH.R26 and P.R25 and the associated Schedule 35 should be deleted.

211. I do, however, recommend an amendment to Policies WH.P22 and P.P21 to recognise the that further investigation of the effects of rural land use on small (<20 ha) rural holdings in the Whaitua is appropriate. Such an addition is consistent with the submissions of WFF who seek, in relation to Policy WH.P21 the policy direct collection of robust baseline data in all rural catchments and in relation to WH.22 (as an alternative to deleting the policy) that council undertake monitoring of periphyton. In addition, various general submissions request GWRC gather further information on sources.

3.6.2 Recommendations

212. I recommend that Rules WH.R26 and P.R25 are deleted and Policies WH.P22 and P.P21 are amended as shown in Appendix 4.

213. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.7 Issue 6: Farming

3.7.1 Analysis

214. 136 submission and 106 further submission points address the rules regulating farming. These relate to rules managing farming on large blocks (both the permitted activity rules and the rules requiring consent) and the control of rural land use change.

Large blocks

215. 67 submission and 14 further submission points were received on rules relating to the use of more than 20ha of land for pastoral and or arable use (Rules WH.R27 and P.R26 – referred to as the "large block rules")

216. These rules make the use these larger blocks of land for farming a permitted activity subject to having a certified FEP in place by prescribed dates. The details of what these FEPs must contain is set out in Schedule 36 and is addressed separately in paragraph 338 of this report.

217. The large block rules also apply to horticultural use of more than 5ha but that issue is also addressed separately (from paragraph 244).

218. 50 submission points made by the Akatarawa Valley residents expressed the view that there was no evidence that farming on larger properties is the cause of poor water quality. They seek exclusion of properties that are largely unproductive.

219. There may be some misunderstanding with the rules as written. As noted elsewhere in this report, the provisions do not apply according to property size. They apply according to the area in use for pastoral farming and/or arable farming. For example, a 100 ha property that has only 19ha in pasture and the balance in scrub or forest is not subject to the large block rules. In that sense, the rules do exclude properties that are largely unproductive.

220. In terms of the broader point about a lack of evidence of farms contributing to water quality, this matter is addressed in section 3.3 of this report. In short, the general approach of PC1 (in common with the approach to freshwater management elsewhere) is that all land above a monitoring site is regarded as contributing (via diffuse discharges) to the contaminant load/concentration at that monitoring site. I agree that contributions will vary between uses and properties but there is a collective interest and responsibility on all land uses. I also agree that, at least for some contaminants, the contributions and risks from large blocks is, on the basis of the best information, likely to be small. That is acknowledged in the section 32 report as several submitters point out. That low risk should be reflected in the stringency of the management approach. In my opinion it is. Permitting the activities (and associated diffuse discharges) subject to an FEP is a 'light regulatory touch' by recent standards when viewed in the national context. Ensuring the FEP is effective without being unnecessarily burdensome will be important and I address that matter in paragraph 338.

221. F&B[94] seek a change to the large block rules to require the regular reporting of N fertiliser and stocking rate, submitting that this is what is required by Waikato Region's Plan Change 1. Waikato's PC1 is currently before the Environment Court. At the time of writing, a decision has not been issued by the Court. However, based on my involvement in that process I am not aware of any requirement for regular reporting of these matters. It is the case, that rules

[94] S261.120

are framed so that the stocking rate acts as an activity status threshold for drystock farms. It is also true that farming standards do require that nitrogen fertiliser not be applied above a certain rate, but I am not aware that annual reporting is required. In any event, it is worth noting that Schedule Z of the NRP (which sets out required content of all FEPs) requires both stocking rates and fertiliser use to be described in the FEP.

222. Diane Strugnell[95] supports Rule P.R.26 and seeks it be retained as notified. She notes that the small number of farms within the Whaitua contribute diversity, landscape and amenity values to Wellington area and considers it important that farming in the whaitua has continued support. I agree with the submitter and accept the importance of minimising impact on farming while also ensuring the freshwater objectives of PC1 are not put at risk.

Consents

223. Rules WH.R30, WH.R32, P.R27 and P.R29 require resource consent when permitted activity rules applying to farming cannot be complied with. Rules WH.R30 and P.R27 are discretionary activity rules. Permitted activities that do not comply with standards default to these rules provided the TAS for any of the four key contaminants in the relevant catchment do not exceed the TAS at any monitoring site in the relevant Part FMU. If the TAS is exceeded the activity defaults to a non-complying activity under Rules WH.R32 or P.R29.

224. Thirty-one submission and 45 further submission points were received on this issue.

225. The Environmental Defence Society (**EDS**) and F&B support these rules suggesting they are necessary to give effect to the NPSFM. Similarly, Yvonne Weeber and Taranaki Whānui support the provisions in principle.

226. WFF[96] consider the rules "disproportionate to any real evaluation of existing and future rural land use". They seek the rules be deleted.

227. I agree with EDS and F&B and disagree with WFF on this point. As a matter of plan drafting, all permitted activities should be part of a rule cascade so that activity status is clear when permitted activity standards are not met. The approach of the NPSFM 2020 is based on meeting TASs and limits. Accordingly, a cascade that relates to whether TASs are met is appropriate. I agree that the permitted activity rule standards need to be well-defined and achievable to ensure the rules requiring consent apply only in exceptional circumstances. In that regard, the dates by which FEPs are required (as a permitted activity standard) do need to be reconsidered as discussed in section 3.10.

228. Upper Hutt CC[97] is concerned with affordability and achievability of the rules and seeks further consultation and the setting of realistic timeframes. These comments seem aimed at the achievability of the permitted activity standards which, as noted above, I agree need reconsideration.

229. Louise Askin[98] and Jo McGready[99] both consider that the TAS should be assessed at smaller scale/at the property level. They consider limitations should be imposed on properties only where a contaminant is shown to be a problem across the whole of the FMU. Pāuatahanui Residents Association makes a similar point. I disagree with this approach as previously

[95] S5.012
[96] S193.110
[97] S225.114
[98] S9.029
[99] S94.013

discussed. However, I agree that any available localised water quality information will be relevant to whether consent is granted.

230. CFG[100] submit that the discretionary activity rule provides for the continuation of current activities. The submitter appears to support Rule WH.R30 but opposes P.R27.

231. I note again, that WH.R30 and P.R27 only come 'into play' when a property does not have a compliant FEP in place. Some submitters appear to misunderstand the rule as requiring consent for all properties when a TAS is not met. That is not the case.

232. GWRC[101] submits seeking correction of drafting errors to both WH.R30 and P.R27 by deleting the word 'change'. I agree with that submission as the rules are about existing land use not land use change (that being the subject of the following rules WH.R31 and P.R28 respectively).

Land use change

233. Thirty-eight submission and 46 further submission points relate to the 'land use change provisions' (Policies WH.P25 and P.P24 and associated rules WH.R31 and P.R28).

234. The provisions are designed to allow any land use change as a permitted activity that might be expected to maintain or reduce contaminant losses but requires consent for land use change of greater than 4 ha that represents intensification and greater risk of any single contaminant discharge.

235. F&B[102] support the land use change policies but oppose the rules and seek that land use change be a non-complying activity

236. Fish and Game, EDS, Taranaki Whānui, Porirua CC, and Yvonne Weeber[103] support the provisions (both the policies and rules).

237. WFF[104] oppose the provisions suggesting they are disproportionate to the reality of rural land use in the whaitua. I agree that based on best available information the likelihood of rural land use intensification with either whaitua is very low (for reasons set out in the Section 32 report). However, there is a positive obligation under Policy 11 of the NPSFM to avoid future over-allocation. 'Avoid' is a directive policy that I interpret as requiring more than being satisfied an effect is unlikely to occur.

238. Willowbank Trustee Ltd[105] seeks that the 4ha threshold be increased to 20ha to provide for greater flexibility. While I agree a 20ha threshold would provide greater flexibility, that flexibility comes with risk. The 4ha threshold was set to reflect a form of 'permitted baseline' that was created by the small block rules that only apply to pastoral or arable use above 4ha. As noted above, I now propose deletion of the small block rules meaning that pastoral/arable land use of less than 20 ha is not controlled by PC1. Although that might result in argument for a revision of the land use change threshold from 4 to 20ha, I consider that the potential cumulative effect enabled by the potential for more than 700 rural

[100] S288.123
[101] S238.022 and SS238.034
[102] S261.086, S261.125, S261166 and S261.200
[103] S188.060, S222.071, S222.111, S286.056, S286.096, S240.055, S183.215, S183.255, S183.299, S183.335
[104] S193.109 and S193.135
[105] S204.007

properties to change land use by between 4 and 20ha to be too great (unlikely as that might be). However, with the rationale for 4ha now largely removed, I consider that a slightly greater 5ha threshold would be appropriate and would align with the threshold that applies for a Freshwater Farm Plan for horticulture required under national regulation and with the 5ha threshold that applies to horticulture under the large block rules.

239. PF Olson[106] opposes the land use change provisions considering them too restrictive with potential adverse economic effect. The submitter seeks flexibility for case-by-case evaluation with consideration of a range of criteria. In my opinion, case by case evaluation can only be achieved through the consent process. Land use change is not prohibited. Allowance is made in rules WH.P30 and P.P28 for threshold tests to apply at the "catchment", rather than the receiving Part FMU scale provided such information is part of the GWRC monitoring record. This means that more localised water quality can be the relevant factor (rather that the Part FMU scale) in determining what consent category applies.

240. I have considered whether land use change from forestry to pastoral land use should be excluded from the land use change provisions on that basis that such change is unlikely to occur at any meaningful scale (due in part to ETS obligations) and some flexibility for land use rationalisation at the property-scale may be reasonable. However, based on the HS3 Statement of Evidence of Mr Blyth, I conclude that there is a high probability that such change will result in increased sediment loss long-term (with Mr Blyth estimating from the national literature that forestry catchments could yield around 62% that of pasture over a 30-year period, that includes a harvest cycle). Accordingly, I do not consider it prudent to provide for such land use change (beyond the 5ha threshold now proposed) as a permitted activity.

241. In commenting on Policies WH.P25 and P.P24, Winstone Aggregates[107] seeks clarification that the approach applies to primary production and not to other rural activities (such as quarrying). Use of the term "primary production" is requested. In my opinion, the policies are clearly implemented by Rules WH.R31 and P.R28 which relate to specified primary production uses. Although I do not think it likely that the policies could or would be applied outside the scope of the activities captured by those rules, I agree that a minor change to the policy as proposed by the submitter could remove any doubt.

242. CFG[108] supports Rules WH.R25 and P.R24 but opposes rules WH.R31 and P.R28 because it considers the rules could enable an increase in contaminants up to, or beyond, the TAS thresholds. I do not agree with that assessment. While the rules do not expressly prohibit such an increase in contaminants, a discretionary activity consent is required and the key policies applying to that consent consideration (WH.P25 and P.P24) expressly state that the discharges must be demonstrated to be "the same or less" than the activity being replaced. Although that is a difficult matter to demonstrate, the burden on proof rests with the applicant.

243. Hort NZ's submission points opposing these provisions are addressed separately in the following section.

[106] S18.053
[107] S206.072
[108] S288.053, S288.080, S288.097, S288.120

Horticulture

244. There are no separate provisions in PC1 specifically for horticulture. However, for ease of reference this section discusses most of the horticulture issues including those relating to the land use change provisions. Horticulture, as it relates to the broader issue of nitrogen management, is discussed from paragraph 164 above.

245. Hort NZ[109] submit that proposed policies and rules restricting rural land use change would make crop rotation impossible and suggest that land use change should be enabled to allow for economic diversification and transition to low emission land uses. Deletion of the land use change policies is requested and replacement with a new policy that expressly provides for management of commercial vegetable production including the flexibility to undertake crop rotation multiple and/or changing properties within an FEP. I do not support such a policy.

246. I acknowledge that vegetation production requires crop rotation. Crop rotation can occur within the same property (ie. one crop in one paddock one season and a different crop the next) or by the exchange of land between different growers (ie. from land permanently in crop to land of another grower permanently in crop). My experience elsewhere suggests that is the common approach. Neither of those practices would be inhibited by the land use change rules proposed in PC1. I do acknowledge that in some commercial growing areas there can be a degree of rotation from land permanently in vegetable production to pastoral land leased from a livestock farmer and which might return to pastoral use once a lease expires. I am not aware that this occurs within either of the two Whaitua.

247. Moreover, the scale of actual and potential commercial vegetable production (**CVP**) in the two Whaitua is extremely limited. The section 32 report indicates that there are three properties in horticultural use (not necessarily CVP) that are between 4 and 5ha in size and further three that are between 3 and 4 ha. That being the case, any crop rotation that is required off these small properties, that is not onto another vegetable grower's land (which would not be a land use change) but instead onto pastoral land, could occur under the rules as drafted given the 4ha threshold that applies (which I recommend be increased to 5 ha).

248. For that reason, on the basis of the information available to me, I do not consider any change is required to accommodate the scale of CVP and associated crop rotation that can be expected in the Whaitua (aside from the lifting of the threshold of land use change from 4 to 5 ha). Based on experience elsewhere, robustly providing for crop rotation (but not for expansion) between properties in different uses and different ownerships in regional plan provisions is complex. I consider it should be avoided in PC1 unless Hort NZ brings evidence contradicting my understanding of the scale of actual and potential of CVP and crop rotation on and off pastoral land in the Whaitua[110]. I do accept that in Whaitua where CVP is, or could likely be, a major land use, a different set of provisions may be necessary. In that regard, the approach proposed in PC1 should not be regarded as the model that should necessarily apply elsewhere in the region.

[109] S12.003, S12.005, S12.007, S12.009

[110] The HortNZ submission notes that there is *"very little horticulture in the Porirua City, Upper Hutt City, Lower Hutt City and Wellington City areas"* and only 94ha of vegetable production in the entire region.

3.7.2 Recommendations

249. I recommend that Policies WH.P25 and P.P24 and associated rules WH.R31 and P.R28 are amended as shown in Appendix 4.

250. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.8 Issue 7: Stock exclusion

3.8.1 Analysis

251. Policy WH.P26 and Rules WH.R28 and WH.R29 address stock exclusion from small rivers in the Mākara and Mangaroa catchments (as shown on Maps 96 and 97). I refer to these collectively as the "stock exclusion provisions". Rule WH.R28 permits stock accessing small streams provided the farm has a small stream riparian programme (SSRP).

252. The stock exclusion provisions are aimed at responding to a particular water quality issue in the Mākara and Mangaroa catchments, notably poor visual clarity caused by high concentration of suspended sediment. Stock exclusion has other benefits and will also contribute to reduction in *E.coli* – which is also at high concentrations (E band according to Table 8.4 as notified) in these catchments.

253. The construction of the rules requiring an SSRP is unusual and some misunderstanding appears to have arisen amongst submitters. The SSRP does not require livestock exclusion from streams less than 1m in width but it does require the risk of stock accessing those streams, and options to restrict that access, to be assessed as part of a farm planning (FEP) process. It sets an expectation that stock will be excluded where practicable/achievable or, where that is not the case, some riparian revegetation of streams where stock have been excluded will be achieved as a mitigation measure. The intent is that, through a process for developing and certifying an FEP, there will be strong encouragement of stock exclusion from small streams but that there is flexibility and discretion able to be exercised so that risk to rivers and practicality of stock exclusion are able to be assessed at the individual property scale.

254. The rule, and associated Schedule 36, complement the existing stock exclusion rules of the NRP (Rules 98-100) by requiring greater stock exclusion to reduce sediment mobilisation in the Mākara and Mangaroa catchments due to water quality in those catchments being below the national bottom line for visual clarity.

255. 251 submissions and further submissions were received on this issue.

<u>General</u>

256. 80 submission and further submission points commented generally on stock exclusion from small streams.

257. 20 general submission and further submission points commented on the practicality of Rules WH.R28 and WH.R29 and/or the burden on landowners.

- Terawhiti Farming, Te Karamu Station and Mākara and Ohariu large farms are concerned planting will not always be successful.

- Riu Huna Farm, Te Marama, Makāra and Ohariu large farms and Sharyn Hume are concerned about animal welfare if stock cannot access streams for drinking water.
- Ian Stewart is concerned all farms will be captured by the rules since there is no minimum size of streams and also considers it is impractical and unnecessary to exclude stock on slopes greater than 10 degrees or from intermittent streams.
- Upper Hutt City Council (**UHCC**) is concerned that timeframes are unrealistic.

258. While several submitters[111] seek deletion of these rules, many[112] seek a 'farm-scale approach' to the issue. Relief sought includes reliance on national stock exclusion regulations, reliance on FEPs and an exclusion of non-intensively farmed cattle. CFG asserted that the approach provides inadequate protection and seeks amendment to an effects driven approach (where pastoral farming and forestry are regulated on a similar effects basis).

259. Sue Hawkins[113] submits that wording should provide for use of temporary fencing due to some areas being flood prone.

260. Sharyn Hume[114] expresses concern about stock access to drinking water in hill country where reticulating water is difficult.

261. Louise Askin[115] seeks implementation of WIP recommendations 33 and 34 and a focus on non-regulatory means. She seeks that WH.R28 (b) (referring to a SSRP) should be removed.

262. F&B support the stock exclusion provisions and oppose submissions seeking a less stringent approach than notified.

263. The diverse interpretations of the rule and its effect by submitters illustrates the misunderstanding (and complex nature) of the rule as noted above.

264. Te Marama[116] seeks that the wording of Policy WH.P26 be amended so that the wording 'restrict' (in relation to livestock access to rivers) is replaced with the word 'reduce'. As discussed from paragraph 291, I consider the concept of a SSRP for streams less than 1m in width to be problematic and recommend that is be replaced with a different approach. Nevertheless, the replacement wording I propose also provides some flexibility and will likely deliver reduction in stock access rather than absolute restriction. Accordingly, I accept the Te Marama submission point.

<u>Maps</u>

265. 12 submission and further submission points specifically address Maps 96 and 97 showing the Mākara and Mangaroa catchments for the purpose of the stock exclusion provisions.

266. Best Farm Ltd, Lincolnshire Farm Ltd, Hunters Hill Ltd & Stebbings Farmlands Ltd[117] oppose the maps and seek deletion. Woodbridge Holdings[118] seek amendment to the maps to allow

[111] For example WFF S193.106 and S193.107 and Rui Huna Farm S39.018
[112] Including, Te Marama S231.017
[113] S44.003
[114] S95.008
[115] S9.021 and S9.028
[116] S231.013
[117] S254.003
[118] S255.122

them to be viewed at a more usable scale (described as "TA District Plan style"). Others such as F&B and Yvonne Weeber supported the maps.

267. In relation to the issue of scalability I note that Maps 96 and 97 are provided as layers on Greater Wellington's Web Map. It is not clear whether the submitters appreciate the maps are provided in that scalable, on-line format.

268. In my opinion, because the stock exclusion provisions are intended to apply only to the Mākara and Ohariu catchments, maps are necessary to provide clear spatial delineation for the rule. I therefore disagree with submitters seeking deletion of Maps 96 and 97.

Animals to be excluded

269. 37 submission points (mostly from Upper Hutt Community submitters) submit that they consider that animals other than cattle, deer and pigs are excluded from the rules and seek confirmation that that is the case. Kelly & Lewis Few-MacKay[119] and Robert Pavis-Hall, Gaynor Rowswell, Katie Norman, Megan Norman[120] make similar points.

270. MPHRCI lodged further submissions opposing the submissions of Upper Hutt Community submitters.

271. Rule WH.R28 expressly refers to "cattle (including dairy cows), farmed deer and farmed pigs". In my opinion, the exclusion of other animals is clear and no further clarification is required within the rule itself. The rule does not rely on the definition of "livestock". The wording used is consistent Rule 98 of the NRP which addresses stock exclusion broadly across the region.

272. While I do not consider that the rule itself needs amendment, I do agree that the wording used in the description of the SSRP, in the associated Schedule 36, should be clarified (if retained). In places, that description uses the generic and undefined term 'stock' which is not consistent with the wording of Rule WH.R28 and may be the cause of uncertainty expressed by submitters.

Setbacks

273. Both EDS[121] and F&B[122] submit that setbacks should be required as part of stock exclusion. This view is supported by a further submission by MPHRCI and opposed by a further submission from WFF.

274. Submitters point to the contaminant buffering provided by setbacks and also to the benefits of fences not getting washed away during floods.

275. While I agree that setbacks can offer significant benefit, I am also conscious that setbacks from small streams can impose a significant burden in terms of land lost to grazing. Furthermore, the size of setback is, particularly in hill country, often best determined on a farm-by-farm, stream-by-stream, basis that recognises flood risk, contour and feasibility (rather than being a uniform and somewhat arbitrary set number of metres). Landowners themselves are probably best placed, for example, to know whether a particular fence alignment would place a fence at risk from flooding.

[119] S205.007
[120] S273.003
[121] S222.146
[122] S261.149

276. For those reasons, I consider the width of any setback from streams should be a matter to be determined by those preparing and certifying the FEP/SSRP.

Small stream riparian programme (SSRP)

277. As notified, Rule WH.R28 states that stock access to streams <1m wide in the Mākara and Mangaroa River catchment was permitted provided (amongst other things) the FEP includes a SSRP. No reference is made to property size. That has the effect of suggesting the farms less than 20ha would need an FEP if stock access to streams <1m wide was to be permitted. That was not the intent. A submission by GWRC[123] seeks that a SSRP could be provided as a stand-alone plan and need not be part of the FEP where no such FEP was otherwise required.

278. F&B submitted in support of this submission on the basis that it would clarify the intent.

279. I agree in part with the GWRC submission since it ensures SSRPs could be required of small blocks without imposing the added cost of requiring full FEPs. However, for reasons set out below, I do not support this submission.

280. WFF[124] oppose the SSRP. Yvonne Weeber[125] supports the SSRP.

Stock exclusion and estuaries

281. As noted at paragraph 157 e), F&B[126] seek that stock exclusion should apply to ephemeral streams and estuaries. A further submission by New Zealand Forestry Association (**NZFA**)[127] seeks that the F&B submission be disallowed while a further submission from MPHRCI[128] seeks that the F&B submissions be allowed.

282. I do not agree that stock exclusion should apply to ephemeral watercourse. An ephemeral watercourse is defined in the NRP as follows:

> *A watercourse that:*
>
> *(a) has a bed that is predominantly vegetated, and*
>
> *(b) only conveys or temporarily retains water during or immediately following rainfall events, and*
>
> *(c) does not convey or retain water at other times,*
>
> *(d) is not a wetland.*
>
> *Note: An **ephemeral watercourse** is not a surface waterbody*

283. In my opinion requiring stock exclusion from such watercourse (which in many cases are pasture that acts as a flow path for surface water run off) is not practicable.

284. In general, PC1 does not seek to fundamentally reconsider stock exclusion being a topic that was addressed in NRP. It does propose additional stock exclusion requirements in Mākara/Ohariu largely because of the need to make better progress towards achieving the

[123] S238.021, S238.036, S238.037
[124] S193.191
[125] S183.398
[126] S261.082
[127] FS9.489
[128] FS27.781

visual clarity TAS than could be achieved by the erosion management provisions alone. As noted earlier, this acknowledges that poor state of visual clarity in that catchment.

285. The NRP already addresses stock exclusion in the coastal marine area. Under Rule 98, livestock have been required to be excluded from 'Category 1 surface water bodies' since 31 July 2019. Category A waterbodies include:

a) outstanding water bodies listed in Schedule A (this includes almost the entire Pāuatahanui Inlet as well as the Lake Kohangatera and Kohangapiripiri estuaries); and

b) estuaries listed in Schedule F4 (which include the balance of the Pāuatahanui Inlet); and

c) inanga spawning sites identified in Schedule F1b – which includes the Mākara estuary

286. Since 1 July 2022 cattle, farmed deer and farmed pigs have had to be excluded from all other estuaries (being 'Category 2 surface water bodies').

287. Rule 98 continues to apply in the PC1 area and on that basis, I do not agree that PC1 needs to provide for stock exclusion from estuaries.

Overall Assessment

288. In assessing the submissions, it is important to understand the proposed rules in the context of the existing NRP provisions and national Stock Exclusion regulations.

289. Under the NRP, Rule 98 requires that by mid 2025 cattle, farmed deer and farmed pigs be excluded from all rivers with in the Mangaroa Catchment that have an active bed wider than 1 m. The rule does not require stock exclusion from *any* rivers in the Mākara catchment (with the exception of the very lowest reach of the Mākara stream which, as noted above, is an identified inanga spawning area).

290. In addition to the NRP rules, stock exclusion is required by the *Resource Management (Stock Exclusions) Regulations 2020* which impose requirements in respect of streams >1m wide. However, those regulations were amended by the *Resource Management (Freshwater and Other Matters) Amendment Act 2024* in October 2024 with the effect that beef cattle do not need to be excluded from streams on any land (including 'low slope land') unless they are being intensively grazed (ie. break fed, fed on forage crops or on irrigated pasture). Pigs and dairy cattle must still be excluded.

291. This leads to a perverse situation whereby, under PC1/NRP, streams in the Mākara catchment >1m wide would not need to be subject to stock exclusion but those <1m wide would (or at least there would be strong expectation for them to be so by way of the SSRP).

292. Two other issues arise from the provisions:

a) The first is that considerable discretion would rest with the farm owner and their FEP certifier. This raises issues of fairness and consistency. Indeed, it is possible (perhaps likely) that the rule would result in very little, if any, stock exclusion from small streams given the wide discretion available and the challenging terrain over much of the catchment (and therefore the ease with which 'impracticality' may be asserted).

b) The second issue arises from the desirability of taking an equitable approach whereby the exclusion requirement applies regardless of property size. That means even very small properties would require an FEP or at least an SSRP (or 'mini FEP') as proposed in the Greater Wellington, submission. That imposes a significant cost on small property owners.

293. With the benefit of submissions, I conclude that the provisions have an uncertain but probably low potential benefit but a high cost (at least for the owners of properties <20ha who would otherwise not require an FEP/SSRP).

294. On the other hand, stock exclusion is one of the key actions that assists reducing all four key contaminants. Having no stock exclusion regulation apply across any stream in a catchment that is below a national bottom line for clarity and in the E band for *E.coli* is not appropriate.

295. Accordingly, I propose that Rules WH.R28 and WH.R29 be substantially revised to require Stock exclusion from streams >1m wide in the Mākara catchment unless the FEP Certifier certifies that stock exclusion is not practicable – a discretion I consider should apply only where land is not "low slope land". I accept that exclusion may not always be practicable on steeper land. I also accept that for some streams stock exclusion may be unnecessary due to the presence of natural barriers meaning stock access is highly unlikely (this may occur, for example, with streams in deeply incised channels). On low slope land, however, the presumption is that stock exclusion will be practicable, and I do consider it appropriate to provide the FEP certifier with discretion to effectively waive the stock exclusion requirement.

296. I am conscious that the flexibility I propose for rivers on land that is not low slope land would not be available to properties <20ha that do not have an FEP. Analysis[129] shows that there is 5.95km of >1m wide stream running through <20ha properties in the catchment (3.18km on low slope land and 2.77km outside low slope land). Affected small properties would have to stock exclude or apply for resource consent. Importantly, non-compliance with stock exclusion requirements is managed by discretionary activity Rule WH.R29. That rule does not use compliance with the TAS as a 'gateway' test. Accordingly, I consider that there is a viable consenting pathway where there is a legitimate reason (such as impracticality or fencing being unnecessary due to terrain) why some or all of the 5.95km on smaller properties cannot be stock excluded.

297. Focusing on streams >1m also responds to those submitters concerns about stock assess to drinking water in hill country. Dr Greer's analysis indicates that the provisions will apply to 13.5 km of river on 'low slope land' and to 28.5km of river outside of low slope land. Further analysis is provided in Appendix 4.

298. I agree with UHCC[130] that the timeframes (exclusion required by 30 December 2025) are unrealistic and recommend that these dates be extended by three years to 30 December 2028.

299. I recommend that these new provisions would replace the requirement for a SSRP (which would be deleted).

300. This regime would only apply in the Mākara catchment because stock exclusion from >1m streams already applies to streams in the Mangaroa under the NRP.

[129] As provided by Dr Greer in his HS3 Statement of Evidence
[130] S225.112

301. In the context of submissions on the definition of SSRP, various submitters raise concerns about how the width of streams is to be measured (see section 3.11 for analysis of these submissions). I note that the NRP does not currently address that question. I propose that, for simplicity, and to provide the greatest certainty, a stream should be considered 1m wide or greater if it has an active bed of 1m anywhere within the property. The reference to 'anywhere on the property' is consistent with national regulations. The term 'active bed' is already clearly defined in the NRP.

302. I agree with the submissions suggesting that the provisions should allow for temporary fencing due to flood risk. However, I do not consider the provisions as drafted require permanent fencing and in the redrafting provided in Appendix 4, I ensure that that continues to be the case.

3.8.2 Recommendations

303. I recommend that Policy WH.P26, Rules WH.R28 and WH.R29 and Part F of Appendix 36 be amended as shown in Appendix 4.

304. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.9 Issue 8: Managing erosion risk

3.9.1 Analysis

305. 141 submission and 123 further submission points address the topic of erosion risk management. This topic covers various provisions including Policies WH.P23 and P.P22, Schedule 36, Maps 90 and 93 and the associated definitions. I refer to these as the "erosion management provisions". In simple terms, these provisions require landowners, via their FEP, to plant and maintain mapped 'Highest Erosion Risk land' in woody vegetation and undertake appropriate erosion control on mapped 'High Erosion Risk land'.

General

306. F&B, Fish and Game, EDS, Te Awarua o Porirua Harbour and Catchments Community Trust & Guardians of Pāuatahanui Inlet[131] and several individual submitters support the approach proposed to reduce sediment. Other general submissions opposing or seeking amendment to the provisions include the following:

a) Concern about the financial cost and timeframes (Te Karamu, Te Marama, Upper Hutt CC, Riu Huna Farms, John Cannard, Sharon Hume[132]). I agree that there is a significant financial cost implication for some property owners. That has been a consideration the assessing whether the amendments to the erosion management provisions are necessary and appropriate.

b) Disagreement with the regulatory approach and preference for non-regulatory means (WFF and Kim Bowen[133]). Similarly, that planting should be a Regional Council function, and that compensation should be payable (John Easther, Kirsty

[131] S261.164, S108.058, S222.041, S176.013
[132] S229.012, S231.012, S225,085, S39.015, S50,002, S103.002
[133] S193.010 and S103.002

Gill[134]). WFF[135] question whether GWRC can regulate to require planting. As discussed from paragraph 104, GWRC has obligations under the NPSFM that require a level of surety that TASs will be met. Clause 3.12 of the NPSFM states that regional councils must set limits on resource use that will achieve TASs and that those limits must include rules. This restricts the extent to which reliance can be placed on non-regulatory measures alone. Despite that, I acknowledge the role of public investment ought to play in delivering the outcomes in acknowledgment of the multiple sources of sediment and the public benefit to be derived from planting and/or land retirement. I address this matter further in paragraph 329.

c) General disagreement with the erosion management provisions and their necessity (due to lack of evidence on the source of sediment – eg M. Garcia[136]) and potential efficacy of the approach proposed (eg Kelly & Lewis Few-Mackay[137]). Also concern that the approach focuses on hillside erosion rather than other sources of sediment loss (eg Sharyn Hume[138]). That submitter (and various others) seeks a refocus from 'erosion risk' to 'sediment management'. Diane Stugnell[139] expresses concern that PC1 may consider erosion risk as being associated with landslide risk rather than more subtle sediment loss. I address these issues further in paragraph 317.

d) WFF[140] submits that there is too much uncertainty and error in the dSedNet catchment load modelling to be used as a basis for policy decisions that will impact farming. The submitter requests that GWRC improves the quality and quantity of monitoring data to inform dSedNet modelling before any changes to policies and rules are made in the NRP. This matter is addressed in the HS2 evidence of Mr Blyth (Revision of load reductions to meet visual clarity targets). I understand that Mr Blyth agrees that absolute sediment loads as modelled by dSedNet should be treated with caution and for that reason recommended removing the Baseline dSedNet mean annual loads from Tables 8.5 and 9.4. I understand from Mr Blyth's HS Statement of Evidence, that the load reductions to meet TAS have not been calculated using the dSedNet model but rather using the approach summarised in paragraphs 13 to 19 of that evidence.

307. Many submitters, including WFF, seek the removal of what they see as a 'blanket' approach and rely instead on bespoke actions.

308. These general points are further responded to in the context of resolving the major issues discussed below.

<u>Mapping erosion risk</u>

309. 67 submission points and 62 further submission points are made on the approach to mapping/identifying erosion risk.

[134] S17.018, 17.019 and S281.004
[135] S193.010
[136] S287.006
[137] S205.006
[138] S95.005
[139] S5.009
[140] S193.011

310. There is some support (from Yvonne Weeber, Ara Pareraho Forest Trust and F&B), but the majority of submissions oppose the identification/mapping approach or seek amendment.

311. Some of the main reasons for this opposition are:

a) The maps are not fit for purpose and /or the methodology used in their development is flawed and/or inconsistent with the RPS approach to "erosion prone land". PF Olson[141] considers there is more research available to determine landslide susceptibility. John Easter[142] considers Makara and Ohariu catchments are faulted with variable aspects and topography and that potential erosion varies within sub catchments, which cannot be determined through aerial scanning data. Diane Stugnell[143] is concerned the mapping *"doesn't take into account other sediment transport risk factors"* and considers the *"information in the map doesn't provide any meaningful relationship to actions to address sediment loss on highest erosion risk land*".

b) The perceived inaccuracy of the mapping when viewed at farm scale. Karamu Station[144] and other large farm submitters consider mapping "*does not correspond well with ground-truthed information on erosion from landowners*". Pikaraere Farms says[145] their farm *"although identified on the Highest Erosion Risk Land shown on Maps 91 and 94, does not include any significant erosion risk"*. Winstone Aggregates[146] submits the mapping is too high level and unsubstantiated. The submitter notes that Belmont Quarry is shown as highest risk erosion land.

c) The pixelation of the mapping meaning that very small areas (5m x 5m) scattered across the landscape. Te Marama[147] submits that the pixelation will force larger areas into retirement due to the need to aggregate area and work to the landscape to locate sensible fence lines. Similar points are made by other submitters including Ara Poutama Aotearoa the Department of Corrections[148] and Cannon Point Development Limited[149]

d) Dougal Morrison[150] submits that the erosion risk land is identified on the basis of relative risk not absolute risk and that this is unhelpful.

312. Submitters opposing the maps either seek substantial revision or deletion. Many seek that they be replaced or complemented by farm-scale assessment.

313. I agree that the identification of high and highest erosion risk land is problematic and greater farm-scale assessment is required. The development of the maps is discussed in the evidence of Mr Nation. Based on that evidence, I consider that Maps 90 and 93 should be used as a guide only and that identification of erosion risk should be a matter for the FEP. In my opinion, the mapping should act as a trigger for a FEP to include an erosion risk treatment

[141] S18.005
[142] S17.002
[143] S5.018
[144] S229.010
[145] S199.004
[146] S206.094
[147] S231.010
[148] S248.084
[149] S260.019
[150] S3.006

plan **(ERTP**) with the area to be treated for erosion risk confirmed by farm-scale assessment. This approach will largely remove issues associated with mapping accuracy and pixelation.

314. I also agree in part with submitters who point to inconsistency with the RPS. As noted in section 2.5, the decisions on Change 1 and Variation 1 to the RPS (issued after PC1 was notified) introduced the defined term "Highly erodible land". For simplicity PC1 would, ideally, be consistent with the RPS. However, there is an important distinction between the RPS's concept of *highly erodible land* and the need to manage erosion risk in PC1 catchments. The RPS's definition focuses on "severe" mass movement (landslide, earthflow and gully erosion risk). This does not include surficial erosion risk which I understand can be a very significant source of sediment in PC1 catchments. Surficial erosion risk is the loss of soil from the surface of the land often associated with run-off after rain and shallow soil disturbance as a result of, for example, grazing or cultivation. Furthermore, the RPS concept of highly erodible land is aimed at the maintenance and establishment of deep-rooted plants, whereas the management of surficial erosion can involve other responses.

315. The reality is that the mapping of 'Highly erodible land' using the RPS decisions version definition has not been undertaken. I understand that it could be a significant task that could not be accomplished in the time available even if we could be confident that the definition of the term would not change as a result of the appeal (which we cannot be). What has been undertaken is a mapping exercise of hill slope risk (based on the most at risk 10% and 30% of land in each land cover class) as discussed in the evidence of Mr Nation. In terms of responding to the need to achieve, or at least moved towards, the visual clarity TAS by targeting where erosion treatment may be necessary and most productively managed, in my opinion, those maps (though imperfect) are helpful if used appropriately.

316. I accept, in part, those submissions that seek a review of the mapping and greater emphasis on on-farm (ground-truthed) assessment. I reject those submissions that seek deletion of the erosion risk maps entirely, although I propose:

    a) that the 'high erosion risk' maps be deleted; and

    b) simplification of mapping so that the pasture, woody vegetation and forestry maps are brought together as a single map.

    c) That given the imperfections in the mapping, the maps be re-labelled as showing *potential* erosion risk land (which would show the top 10th percentile of land in each land cover category that is at most risk of erosion).

317. In response Sharyn Hume[151] I refer to the evidence of Mr Nation who confirms that the erosion mapping was undertaken in the basis of hillslope erosion (surficial and landslide). Mr Blyth's HS2 statement of evidence confirms that the other main source of sediment is streambank erosion (which is factored into catchment load modelling[152]). On that basis, I agree that the sediment management provisions should take into account streambank erosion. Accordingly, I recommend amendments to ensure that as erosion risk is assessed on-farm, streambank erosion risk is also considered. I also propose that, to assist that

[151] S95.005

[152] As discussed in Mr Byth's HS3 Statement of Evidence - Appendix A. Easton, S., Nation, T. and Blyth, J.M. 2025. PC1 Annual Load Contaminant Modelling. Prepared for GWRC to support the PC1 process

assessment, a map of streambank erosion risk be added. The approach taken to that mapping is discussed in Mr Nation's Statement of Evidence.

318. As discussed in the following section, I also propose that mitigations should include measures that seek to contain sediment (such as silt traps) and not simply limit mobilisation of sediment (through revegetation). This does constitute a refocus from erosion management to sediment management as sought by the submitter.

Establishment of woody vegetation

319. As noted above, the erosion management provisions require that 50% of mapped Highest Erosion Risk Land on each property is in permanent woody vegetation (but not plantation forestry) within 10 years of the FEP being certified (see in particular Schedule 36 E 1). The Management Objective set out in Schedule 36 B sets out an expectation in that mapped High Erosion Risk Land is subject to 'treatment' to address erosion risks and that the full 100% of the Highest Erosion Risk Land being revegetated by the end on 2040 (to align with the sediment reduction target for the Porirua Harbour).

320. Various submitters say that planting on at least some of the mapped land is impractical or won't be effective. Willowbank Trustee Limited[153], for example, says that it is not always possible to establish woody vegetation on pasture due to differing land qualities such as soil type, soil depth, and exposed ridgelines. The same submitter refers to the impracticalities of revegetation of non-contiguous areas.

321. Donald Love[154] suggests there are outcomes from planting mapped land associated with soil disturbances from falling trees. While I understand the potential for fallen mature trees to give rise to localised soil disturbance, I understand that the benefits from vegetation generally significantly outweigh such localised risk.

322. Meridian[155] opposes the requirement for revegetation in close proximity to wind turbines. I agree that woody vegetation establishing near wind turbines would be an undesirable outcome and ought not be required.

323. Terawhiti Farming[156] is concerned about the timeframes to transition to woody vegetation and how long it will take given difficult growing conditions. Upper Hutt CC[157] makes a similar point.

324. Porirua CC[158] and Taranaki Whānui support the planting requirement but express a preference for planting to be native and seek that such a preference be included in Policy P.P22. I agree that a preference for natives "*where these can provide suitable stablisation*.." is consistent with various provisions of the RPS that seek to enhance and restore indigenous biodiversity. I note, however, that natives will not always provide the best erosion control and, based on the Statement of Evidence of Mr Peryer, are significantly more expensive than exotic species. For those reasons, although a preference may be expressed, this should not extend to any mandatory requirement.

[153] S204.010
[154] S102.006
[155] FS47.171
[156] S224.012
[157] S225.125
[158] S240.057

325. Louise Askin[159] submits that establishment of woody vegetation is only one option for land treatment and is a challenge to establish in exposed Mākara/Ohariu areas. Dianne Strugnell[160] makes a similar point noting that flexibility in solutions should be equally available for high and highest erosion risk land.

326. As noted above, WFF have suggested that PC1 cannot regulate to require planting. The extent to which a plan can require mitigation for an effect of a land use beyond ceasing a harmful activity (ie. through requiring 'positive action') is a fraught planning issue. I agree that requiring widespread, and potentially very significant, expenditure as a condition of an existing lawful activity may go too far. On the other hand, PC1 allows for establishment of vegetation by natural regeneration in acknowledgement of potential costs and the opportunity to argue the impracticality of planting in a particular case is always available through the consent process.

327. Having considered the evidence of Mr Peryer it is also apparent to me that pole planting may be impractical over quite large areas of identified high risk land due to shallow soils and exposed conditions and that alternative treatment options will be available and are already used in at least some instances (I note here the submission of Diane Strugnell[161]). For that reason, I agree that the erosion management provisions should not specify the type of erosion control treatment that may the used and that all options should available to be considered in the preparation of the FEP/ERTP.

328. I note also that there is some inconsistency between, in particular, the rules and the contents of Schedule 36, as well as between Parts B and E of Schedule 36, such that the requirements beyond erosion treatment of 50% of the identified area are not clear. As part of the redrafting of these provisions I recommend that it be confirmed that all Highly erodible land (identified by farm-scale assessment) be subject to treatment (but not necessarily revegetation) over a 15-year period.

329. I agree that it will likely be important for GWRC to support land management (through financial support for planting and other erosion management). Mr Peryer's evidence is that over the two years , GWRC has supported approximately 271ha of planting or 135ha per year across the two Whaitua. Support for riparian planting has been additional. If that level of support is maintained throughout PC1 implementation, this could lead to up to 2025ha of assisted planting over the 15-year period to 2040. Table 8 in the PC1 Annual Contaminant Load Modelling memo attached to Mr Blyth's evidence (as Appendix A), records the areas of land mapped as Highest and High Erosion Risk Land across both TWT and TAoP as 1916ha and 2641ha respectively (ie. a total of 4557ha). On that basis, should the current level of support continue, GWRC would likely support less than half the required revegetation/risk treatment. However, as discussed elsewhere, I recommend that the approach to identifying erosion risk land be amended to focus much more on farm-sale assessment using the Highest erosion risk layer (only) as a guide (i.e. Maps 90 and 93 as amended). I am also proposing that an ERTP only be required in part FMUs where an improvement in visual clarity TASs. On that basis, it seems likely that the level of support able to be offered to landowners

[159] S9.017
[160] S5.016
[161] S5

could approximate the scale of the required landowner response[162]. Again, assistance with riparian planting could be in addition to this figure.

Necessity for erosion management provisions

330. The erosion management provisions in Chapter 9 of PC1 were included in PC1 on the understanding that a 40% reduction in sediment load to the Porirua Harbour would be required by 2040. As noted in the Hearing Stream 2 evidence of Ms O'Callahan, these sediment load reductions are recommended to be deleted. The Statement of Evidence of Dr Megan Melidonis (Coastal Ecology) calculates that no reduction in sediment load (relative to the rolling-average annual current load – 2020-2024) is required for catchments draining to the Pāuatahanui inlet of the Porirua Harbour. In the catchments draining to the Onepoto Arm, Dr Melidonis calculates a 49% reduction from the current load is required.

331. While these revised harbour load reduction targets lessen the need to reduce sediment from rural land use loss in TAoP, they do not eliminate it. A secondary rationale for the erosion management provisions is the need to meet visual clarity TASs in various streams across both Whaitua[163]. These stream load reduction targets are set out in Tables 8.5 and 9.4 and are also recommended to be revised in the Hearing Stream 2 (HS2) Statement of Evidence of Mr James Blyth (Load reductions to meet visual clarity).

332. Table 1 below assembles data from PC1 as notified, Mr Blyth's HS2 Statement of Evidence and from the technical memorandum on Annual Load Contaminant Modelling[164] attached as Appendix A to Mr Blyth's HS3 Statement of Evidence.

[162] Noting that, as explained in Mr Peryer's evidence, GWRC funds 50% of qualifying projects. This matter is further discussed in the s32AA Report in Appendix 4

[163] Although, in Te Awarua-o-Porirua stream load reductions are only required in the Takapū catchment.

[164] Easton, S., Nation, T. and Blyth, J.M. 2025. PC1 Annual Load Contaminant Modelling. Prepared for GWRC to support the PC1 process

Table 1: Load reductions required to meet visual clarity TASs in rural catchments and predicted reductions achieved by PC1 as notified

Part FMU/catchment (Rural)	A. Modelled load reduction from PC 1 as notified	B. Reduction required to achieve target attribute state as notified (difference from modelled)	C. Reduction required from 2012-2017 baseline to achieve target attribute state as revised (difference from modelled)	D. Reduction required from 2019-2024 baseline to achieve target attribute state as revised (difference from modelled)
Takapū (Pāuatahanui Stream at Elmwood)	22%	24% (+2%)	26% (+4%)	2% (-20%)
Te Awa Kairanga rural streams and rural mainstems (Mangaroa at Te Marua)	30%	51% (+21%)	17% (-13%)[165]	22% (-8%)
Te Awa Kairangi lower mainstem (Hutt River at Boulcott)	9%	24% (+15%)	25% (+16%)	6% (-3%)
Wainuiomata Rural streams (Black Creek at Rowe Parade)	16%	7% (-9%)	8% (-8%)	0% (-16)
Parangārehu catchment streams and south-west coast rural streams (Mākara at Kennels)	38%	48% (+10%)	38% (0%)	48% (+10)

333. Table 1 shows, in column C, the load reductions recommended by Mr Blyth and Ms O'Callahan in HS2. Based on those load reductions PC 1 provisions (as notified) could 'overshoot' the level of reductions required in the Mangaroa and Wainuiomata small streams part FMUs. However, the load reductions recommended are based on a 2012-2017 baseline. If current water quality is considered (ie. a 2019-2024 baseline), then the PC1 provisions could result in an overshoot in all but the Mākara part FMU (albeit some only marginally). The other point to note from Table1 is that apparent improving trend in the Takapū and Hutt River part FMUs (ie 2012-2017 versus 2019-2014). I note also that the

[165] The substantial change in the required reduction is due to the revisions of the TAS to account for colour dissolved organic matter as discussed in the evidence of Dr Amanda Valois

predicted reductions[166] relate solely to the farming provisions and do not take account of reductions achieved through forestry and earthworks controls.

334. I conclude from these data that there is a need to reduce sediment but that the approach proposed in PC1 maybe overly aggressive. In that sense I agree in part with those submitters who seek deletion of the erosion management provisions, although I do not agree with those submitters to seek deletion of the provisions entirely.

335. In summary, consistent with the relief sought by many submitters, I propose a bespoke approach that:

a) uses the Highest Erosion Risk land mapping *as a guide* to the identification of erosion risk on farm (I consider the High Erosion Risk land maps should be deleted)

b) allows erosion risk and treatment options to be determined through the farm planning process and include sediment management options (such as silt traps and detainment bunds where revegetation or pole planting are not feasible)

c) limits the requirement for erosion risk treatment plans to those >20ha areas of pastoral land in Part FMUs that are exceeding the visual clarity TAS, or which are upstream of a Part FMA that exceeds the visual clarity TAS. These are set out in Table 1 above with the addition of:

i. Orongorono, Te Awa Kairanga and Wainuiomata small forested and Te Awa Kairanga forested mainstems Part FMU; and

ii. Te Awa Kairangi urban streams.

336. Despite the names of these two Part FMUs, they do contain approximately 388ha of pastoral land held in parcels exceeding 20 ha mostly in the Whakatikei and Speedy Creek and Dry Creek and Akatarawa catchments. Based on the HS2 Statement of Evidence of Dr Greer, I understand that both contribute to the exceedance of the visual clarity TAS in the Hutt River at Boulcott.

3.9.2 Recommendations

337. I recommend that Policies WH.P23 and P.P22 Schedule 36, Maps 90 and 93 are amended as shown in Appendix 4.

338. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.10 Issue 10: Farm Environment Plans (FEPs)

3.10.1 Analysis

339. This topic includes Policies WH.P22 (c) (i), WH.P24, P.P21 (c) (i) P.P23, and Rules WH.R27 (including Table 8.6) and P.R26 (including Table 9.5) and Schedule 36. I refer to these as the "FEP provisions". These provisions require farms that have more than 20ha of land in pasture

[166] As modelled by the annual average Contaminant Load Model (CLM) discussed in Mr Byth's HS2 statement of evidence, Appendix A - Easton, S., Nation, T. and Blyth, J.M. 2025. PC1 Annual Load Contaminant Modelling. Prepared for GWRC to support the PC1 process

or arable use to have a certified FEP by a prescribed date in order to continue as a permitted activity.

General

340. Yvonne Weeber supports the FEP provisions. Guardians of the Bays specifically support the certification requirements.

341. F&B[167] notes that PC1 provides for farming as a permitted activity provided there is an FEP. The submitter notes that additional regulation can be imposed beyond farm plans and considers it critical to regulate land use to manage cumulative effects, noting existing challenges with contaminants in the Porirua whaitua. The same submitter considers Council should be able to decline resource consent for farming activity where it is not confident the effects will be appropriately managed by a farm plan, and that a stronger activity status is required. F&B also notes that the requirement for farm plans may be confusing for plan users due to being spread across PC1 Schedule 36 and the existing NRP and suggests this could be improved.

342. I agree with the submitter in part. I agree that the planning regime *could* be as outlined by F&B but I do not agree it *should* be in the two whaitua. As discussed in the section 32 Report, farming in the catchments is generally very low intensity and there is limited opportunity for land use intensification. In my opinion, in those circumstances permitting farming subject to having an FEP is appropriate. I consider that independent certification of FEPs to ensure they meet the requirements of PC1 is important. I note that if a certifier does not certify that the FEP meets the requirements (including identifying and appropriately addressing all contaminant discharge risks on the farm) then the farm would require consent as sought by the submitter. The difference between the PC1 approach and that sought by F&B is that under PC1 the assessment is undertaken by an approved certifier (a farm systems expert) rather than a council consent processing officer (who would act on the advice of a farm systems expert). In my opinion, requiring a certified FEP and a resource consent in the context described would be regulatory duplication and impose unreasonable additional cost.

343. Fish and Game[168] notes the need to resource consultants to certify effective FEPs. This matter is addressed in the evidence of Mr Peryer who explains that current capacity available for FEP certification and the relatively small number of FEPs expected to be required under PC1 (~130[169]). I note Fish and Game's point but consider, based on the evidence of Mr Peryer, that the matter is, or will be, addressed by the farming advisory consulting sector provided the timeframes for preparing an FEP are revised as suggested by Mr Peryer.

344. WFF[170] is concerned the term FEP is being used interchangeably with the nationally regulated FW-FP. It seeks that references to FEPs are amended to 'FWFPs' for consistency, and to avoid 'double-up' (two separate plans being required for the one property) and confusion. In short, the submitter considers that farm plans are already covered by national regulation and PC1 should simply rely on the national regulations taking effect independent of PC. All reference to 'FEPs' in PC1, they argue, can and should be deleted. This submission is supported by Hort NZ. Similar submissions are made by Terawhiti Farming, Te Kamaru

[167] S261.010
[168] S188.059
[169] Based on estimates provided by Mr Peryer.
[170] S193.019

Station, Te Marama and Riu Huna Farm and Mākara and Ohariu large farms. I disagree with these submitters on this point.

345. In my opinion, in this instance, PC1 needs to satisfy the various legal and policy requirements independent of national regulation. This is because, aside from FEPs, there are effectively no controls on farming in the Whaitua and where there is continuing uncertainty as to whether national regulations will continue (or in what form they will continue). As noted at paragraph 82, the Government has not brought the *Resource Management (Freshwater Farm Plans) Regulations 2023* ("FW-FP Regulations") into force for the Wellington Region and has recently removed the obligation for farms in the Waikato to have a FW-FP pending a review of the FW-FP regulations generally. At the present time, there is no certainty about when FWFPs may be required in Wellington or what changes might be made to the FWFPs as we currently understand them (and, in particular, whether they will need to be certified and audited). Should the Government decide not to apply the national regulations in Wellington (or have an extended deferment) or apply the regulations but materially change the nature of an FW-FP then, as notified, the effectiveness of PC1 would be largely unaffected. However, if the FEP provisions were removed as sought by the submitters, then there could be unmanaged risks/effects. I do not consider the FEP provisions duplicate the national regulations. Several regional plans around the country required FEPs well before national FW-FP regulations were promulgated. They are a legitimate regional planning tool. PC1 simply provides that if, and when, an FW-FP is required by national regulation then that instrument will qualify as an FEP under PC1 (provided any additional requirements set out in NRP/PC1 are met) thereby avoiding duplication. There is, in my opinion, no risk that a farm could be required to have two plans.

346. GWRC[171] seeks clarification (in Rules WH.R27 and P.R26) regarding when certification of the FEP is required. As notified the rules simply state that a certifier has to certify the FEP for the farming activity to be permitted. It implies therefore that the FEP must not only be submitted to GWRC by the dates set out in Tables 8.6 and 9.5 but that the FEP must be certified by those dates as well. That may be unrealistic given the short timeframes within which FEPs must be submitted to Council (see section below). GWRC seeks to clarify that landowners would have 6 months after submitting the FEP before it need be certified. This is designed to provide some flexibility if there are constraints in having a plan certified. The submission is opposed by Hort NZ who consider that18 months should be provided. Although Hort NZ points to the 18-month period provided under the FW-FP Regulations that timeframe applies to the period between the regulation applying in a region and the need for each farm to have a certified FEP. That is not synonymous with the situation sought to be addressed by the 6-month period proposed by GWRC. In my opinion, the more critical timeframe is that discussed in the following section.

347. GWRC also seeks to remedy the omission of reference to the Small Stream Riparian Programme (SSRP) in the list of requirements that a certifier must consider. It seeks that Schedule 36 A 2 be amended to add reference to the SSRP. I do not support that submission because, as discussed in section 3.8, I now recommend deletion of the SSRP.

348. Donald Love is concerned there is no definition of "farm environment plan certifier". That term is defined in the NRP as a person who is a certifier as defined in section 217B of the RMA or who is approved by the GWRC for the purpose of preparing plans in conformance

[171] S238.020 and S238.035

with Schedule Z. It does not, however, refer to preparing or approving plans under Schedule 36. In that regard, I agree in part with the submitter. Rather than add a definition, I recommend adding a note to Schedule 36 to clarify that for the purpose of Schedule 36 (and associated provisions in Chapters 8 and 9), a farm environment plan certifier means "a Farm Environmental Plan Certifier as defined in section 2.2 of this plan but includes a suitably qualified person approved by the Chief Executive of the Wellington Regional Council for the purpose of ensuring plans are prepared in conformance with Schedule 36".

Information requirements

349. Eight submission points and 10 further submission points address the information requirements associated with FEPs.

350. Yvonne Weeber and Guardians of the Bays support the information requirements.

351. WFF oppose the requirements and seek deletion.

352. Ian Stewart[172] opposes the requirements as part of a broader concern about the "array of different documentary requirements for rural landowners (which include the FEP and its various components). He seeks documentary requirements be removed "unless they are directly mandated by National directions and do not directly duplicate National Environment Standards requirements".

353. I agree in part with the submitter. I recommend that some of the 'documentation requirements' (eg. registration and small stream riparian programmes) be deleted, however I do not agree that the requirements of the FEP should be limited to that required by the FW-FP regulations or other national direction. The required content of FW-FPs is set out in section 217F of the RMA and in Part 2 of the FW-FP regulations. Those requirements are detailed and extensive. Nevertheless, they do not encompass all locally relevant factors nor do that set out the risk assessment methodology to be used when preparing the FEP (as is set out in the NRP's existing Schedule Z for nitrogen, *E.coli* and phosphorus). In my opinion, and based on the evidence of Mr Peryer, those requirements are important and add relevance and rigour to the FEP development process. As noted below, other submitters seek greater detail not less.

354. Louise Askin[173] (further supported by Diane Stugnell) considers PC1 should provide "catchment context" to inform farm plans to ensure FEPs focus on actual issues and solutions for unique landscapes and avoid regulatory by-catch" from broad rules. "Catchment context, challenges and values" (CCCV) is a term defined in the FW-FP Regulations. Under Regulation 46, the regional council must collate CCCV and make it publicly available free of charge. It does not need to be included in the regional plan.

355. PC1 (and the NRP itself) does, however, contain much information that is within the definition of CCCV used in the FW-FP Regulations. It may be that the submitter seeks information at a more localised scale. While I accept the relevance and usefulness of very localised information to inform FEPs, I do not consider it appropriate to include it within PC1. There are methods in PC1 that commit to providing further information on (for example) regularly updated information on degradation of freshwater bodies (Method M41). I do

[172] S32.020
[173] S9.004

accept, that these methods could specifically reference CCCV and I recommend an additional method that regard.

Phasing/timeframes

356. The phasing of the introduction of FEPs is addressed by Policies WH.P24 and P.P23. These policies set out the basis for phasing with catchments with poor visual clarity or DIN given priority. Tables 8.6 and 9.5 set out the specific dates.

357. EDS[174] and F&B[175] support the phase-in tables but seek that Policies WH.P24 and P.P23 be amended so that phasing takes into account deposited sediment. I do not support that submission because I do not understand that considering deposited sediment would alter the prioritisation of catchments reflected in the phasing. In Te Awarua-o-Porirua, Taupō and Takapū are currently prioritised above Pouewe and Wai-O-Hata (Te Rui o Porirua and Rangituhi was omitted). Table 9.2 provides that deposited sediment needs to be *improved* in Takapū. There is currently insufficient data for Taupō to determine whether maintenance or improvement in deposited sediment is required. In the remaining catchments, deposited sediment must only be maintained. In Te Whanganui-a-Tara the situation is similar. Wainuiomata rural streams and Parangarua catchment streams both require improvement for deposited sediment but both are prioritised already. Orongorongo, Te Awa Kairanga and Wainuiomata small forested and Te Awa Kairangi forested mainstems also require improvement but are not farmed catchments. On that basis, considering deposited sediment in the phrasing would not change the priority order.

358. WFF[176] opposes the dates for FEPs in Tables 8.6 and 9.5 because FWFPs are not required to be prepared by these dates as part of the national roll-out. It doubts the specified dates will be achievable. I agree that the dates require revision but I disagree with the submitter on the wider point for the reasons given in paragraph 345.

359. Yvonne Weeber, Fish and Game, Porirua CC, Forest and Bird and Taranaki Whānui support the policies and specific dates. UHCC[177] supports the Policy WH.P24 in principle but considers the dates are overly ambitious given the number of landowners in the catchment. It seeks the dates by which the last FEPs are required be pushed be out until 2032.

360. Pareraho Forest Trust[178] seek amendment to bring forward that date by which FEPs in the Korokoro Stream catchment are required to 30 December 2025. My understanding of that catchment is that it contains little pastoral farming and the current state of water quality is generally very good. In my opinion, it is not a first order priority catchment.

361. GWRC[179] submitted that the dates be amended so that phasing is timed to align with the national roll out of FWFPs. Louise Askin[180] made a similar submission. I agree in part with these submitters. However, while I agree that some adjustment to the phase-in timeframes is appropriate, as explained earlier, there is not currently a planned 'national roll out' and hence there is nothing to align with.

[174] S222.089
[175] S261.165
[176] S193.105 and S193.154
[177] S225.086
[178] S213.035
[179] S238.033
[180] S9.020

362. Louise Askin[181] also seeks implementation of WIP recommendation 34 WIP. That recommendation relates to supporting landowners with stock exclusion and is discussed in section 3.8.

363. In my opinion, the most important factor is that the phase-in dates are practicable given the number of FEPs required and the resources (in terms of expertise and number of approved certifiers) available. On that point I have relied on the advice of Mr Peryer and recommend dates that would see the first FEPs required by 30 December 2027 and all completed by 30 June 2029 (noting the landowners will have a further 6 months after an FEP is in place before it needs to be certified).

3.10.2 Recommendations

364. I recommend that Policies WH.P24 and P.P23, and Rules WH.R27 (including Table 8.6) and P.R26 (including Table 9.5) and Schedule 36 are amended as shown in Appendix 4.

365. I recommend that the submissions and further submissions be accepted, accepted in part, rejected, or noted as no recommendation as detailed in Appendix 5.

3.11 Issue 11: Definitions

3.11.1 Analysis

Intensive grazing

366. PC1 includes a definition of 'intensive grazing' which simply refers to the definition in the *Resource Management (Stock exclusion) Regulations 2020*. F&B submit that the definition should be set out in full rather than by reference as proposed.

367. I disagree with the submitter, not because I oppose a full definition, but because the term is not used within PC1 and is therefore unnecessary. Accordingly, I recommend that the definition of intensive grazing be deleted.

Erosion risk treatment plan

368. The definition of an 'erosion risk treatment plan' simply refers to a plan prepared in accordance with Schedule 36.

369. The definition is supported by Yvonne Weeber[182], Guardians of the Bays[183] and Upper Hutt Council[184]. Further submissions seeking that the submissions of Yvonne Weeber and Guardians of the Bays be allowed were made by MPHRCI. F&B further submitted seeking that the UHCC submission be disallowed.

370. There is nothing in any of those submissions that causes me to recommend any change to the definition as notified.

High erosion risk land (pasture)

371. High erosion risk land (pasture) is defined by reference to land shown on Map 90

[181] S9.020
[182] S183.017
[183] S186.011
[184] S225.034

372. Four submissions and 5 further submissions addressed this definition. UHCC[185] and John Easther[186] both seek amendment but both submissions seek amendment the mapping rather than the definition itself.

373. WFF[187] seeks the definition be deleted, suggesting it is not fit for purpose. Again, it appears the concern relates to the mapping rather than the definition itself. F&B further submit against the WFF submission. Meridian submits in support of both the WFF and John Easther submissions.

374. Yvonne Weeber supports the definition. MPHRCI further submit in support.

375. As I set out in section 3.9, I propose that the erosion maps be:

a) simplified (so there is one consolidated map for each Whaitua and one 'level' of risk only identified),

b) characterised (and renamed) as areas of *potential* erosion risk; and

c) used as a guide for on-farm assessment (rather than be used in a strict pass/fail sense).

376. In that respect I agree with WFF that the definition should be deleted. However, I consider that a new definition of 'potential erosion risk land' be added as discussed below.

Drain

377. UHCC[188] seeks amendment to *"the proposed definition of a 'drain' that would result in all drains being considered modified streams"*. It is not clear what this submission point relates to and may be an error. PC1 does not contain a definition of 'drain' nor of 'modified stream'.

378. The term 'drain' is defined in the NRP (modified stream is not). The term drain(s) is used in PC1 only in regard to the map information that must be supplied with an Erosion and Sediment Management Plan (Schedules 33 C1 and 34 C1) and in the definition of impervious surface.

379. Accordingly, I make no recommendation on this submission point.

Nitrogen discharge risk

380. GWRC submitted to correct a minor wording error in the definition of 'nitrogen discharge risk'. This amendment would simply add the word "nitrogen' to be consistent with the defined term 'recognised nitrogen risk assessment tool' so that the definition reads;

> *The quantitative assessment of nitrogen loss risk as determined using a recognised nitrogen risk assessment tool*

381. F&B[189] submit that there must be consideration of biophysical factors influencing nitrogen loss, and the sensitivity of the receiving environment to that nitrogen loss and propose an amendment to the definition to include that point.

[185] S225.037
[186] S17.003
[187] S193.024
[188] S225.019
[189] S261.019

382. In my opinion, risk of nitrogen loss is a product of many factors that can be categorised in various ways. The many risk factors are already comprehensively set out in Tables 1 and 3 of Schedule Z of the NRP which categorises risk as:

    a) sources of nitrogen (ie how nitrogen is introduced to and managed within a farm system); and

    b) transport pathways for the loss of nitrogen to the receiving environment.

383. I am conscious that the definition of 'nitrogen loss risk' needs to integrate with those existing provisions and introducing new and different terms would likely lead to unnecessary confusion.

384. While I agree with the submitter that biophysical factors are important to understanding the degree of risk of nitrogen losses from a particular farm to the environment, they are not the only factors. The nature of the farm system and the specific management practices employed on the farm are equally relevant. For those reasons, I do not support the submitter's proposed drafting but I do support redrafting to remove reference to the Recognised Risk Management Tool (as discussed below) and replacement with reference to the risk factors set out in Schedules Z and 36 (which include biophysical factors). Because the absence of a suitable tool, reference to 'quantitative' is inappropriate and I propose that it be deleted.

<u>Recognised Nitrogen Risk Assessment Tool</u>

385. The concept of a RNRAT is addressed in Section 3.5. For the reasons set out in that section, I propose to delete reference to the RNRAT in the context of both the small block provisions and the large farm provisions. In both instances the provisions would require the RNRAT to be used in a pass/fail context to demonstrate that nitrogen loss risk is not increased above a benchmark level. That would be contrary to available guidance on the use of MfE's RIT – the only tool likely to be available.

386. The definition is supported by Yvonne Weeber and sought to be amended by GWRC (to address the same minor wording omission discussed above).

387. F&B[190] oppose the definition noting contention with the efficacy of nitrogen risk assessment tools. F&B considers there a gap from the lack of reference to a widely acceptable tool. It considers it inappropriate to delegate councils the ability to approve a tool. The submitter proposes wording that removes that reference to the RNRAT being approved for use by the GWRC and replaces that with reference to a tool "*that has been included in the plan using a plan change or variation"*.

388. I do not support F&B's rewording of this definition. In my opinion, the definition should be deleted entirely. If one or more suitable tools do become available, they could be introduced by way of plan change or variation as propose by the submitter. That need not be foreshadowed in a definition that otherwise has no purpose.

389. WFF oppose the suite of nitrogen management provisions and all farming rules and request they be deleted and any consequential amendments made. In my opinion, that submission provides scope for the deletion of the RNRAT.

[190] S261.020

Registration

390. Yvonne Weeber supports the definition of 'Registration'. However, as discussed in section 3.6, I recommend deleting the requirement for small block registration. If that recommendation is accepted, this definition is redundant and can be deleted.

River and river bed

391. 53 submission points seek a definition of "river". 51 of these submission points are from the Akatarawa Valley Residents grouping. These submitters seek a definition (including a picture) and description of how a 1 m wide water course is measured. Kelly & Lewis Few-Mackay[191] and Jody Louise Sinclair, Joshua William Lowry, Anne Friedarika Sinclair & Tracey Lynn Browne[192] note that there are a number of references to small rivers, less than 1 metre wide but are concerned there is an open-definition for the minimum small river size. Jo McCready[193] similarly submits that PC1does not state what the minimum size of a river is an considers that unacceptable.

392. Heather Phillips[194] is concerned about a lack of definition of "river bed".

393. While not entirely clear from the Akatarawa Valley submissions, many of these concerns appear related to the proposal for a SSRP and its proposed focus on rivers <1m wide. As noted in section 3.8, I recommend deleting that requirement and that may resolve, in part, the concerns of many of these submitters.

394. The term 'river' is defined in the RMA. It is not specifically defined in the NRP but by default the NRP adopts the RMA's definition. The NRP defines various related terms including 'surface water body', Category 1 surface water body, Category 2 surface water body', 'ephemeral watercourse', 'highly modified river or stream' and 'active bed' (which is defined with a picture). In my opinion, further definitions would not be helpful (nor are they necessary).

395. I note that this issue is already partly addressed in section 3.8 and in particular, submissions seeking that ephemeral streams be included in the stock exclusion requirements. My recommended redrafting in relation to submissions is discussed in section 3.8. This uses the existing definitions and describes how width of a stream is to be determined. I consider those revised provisions provide appropriate clarity.

396. Accordingly, I accept the submissions in part (in that I recommend amendments that will provide clarity) but I do not recommend the additional definitions sought.

Sacrifice paddocks and effective hectares

397. The term 'sacrifice paddock' is defined in PC1 by reference to the definition provided in the *Resource Management (National Environmental Standards for Freshwater) Regulations 2017*. The term is only used once in PC1. That is in relation to the definition of 'effective hectares'.

[191] S205.003
[192] S276.009
[193] S94.008
[194] S212.006

398. The term 'effective hectares' is itself only used in the small block rules (WH.R26 and P.R25). In section 3.6 I propose to delete both those rules. If that recommendation is accepted, the definitions of both 'sacrifice paddock' and 'effective hectares' are redundant.

399. F&B, one of just two submitters and two further submitters on the topic, seeks for the definition of sacrifice paddock to be set out in full. Yvonne Weeber, the only submitter on the topic of effective hectares, supports the definition of both sacrifice paddock and effective hectares.

400. While I note the submissions and further submissions, I recommend that both definitions be deleted.

Small stream riparian programme

401. 32 submitters from Upper Hutt Rural Communities (**UHRC**) submit on the definition of small stream riparian programme (SSRP) questioning what the minimum distance of a small stream is. They seek that the definition be clarified so that this is clear. MPHRCI further submit seeking of the UHRC submissions seeking they be disallowed.

402. As notified the intention was that SSRP applied to all rivers <1m wide. However, this was not intended to apply to ephemeral watercourses as defined in the NRP. I agree with the UHRC submitters that that was not clear in the drafting of the stock exclusion provisions. As noted above, I recommend that the provisions relating to the SSRP be deleted. However, if they are retained, I recommend that Schedule 36 Part F be amended to exclude ephemeral water courses.

403. Applying stock exclusion requirements to ephemeral water courses can be unreasonable and impractical given the large number of such features on a property. I am not aware of any regional plan that imposes exclusion requirements on such ephemeral streams.

404. GWRC submit seeking a small cross-referencing amendment to the definition of SSRP as a consequence of another GWRC submission seeking that the requirements for a SSRP be moved to a separate Schedule 36A.

405. As discussed in section 3.8, I propose deleting the requirement for a SSRP. Accordingly, should that recommendation be accepted, this definition should also be deleted.

Stock unit

406. Four submissions and 3 further submissions address the stock unit concept and associated definitions.

407. Lindsay Jenkins[195] submits that smaller animals (certain breeds) are not comparable to regular sized farm animals in terms of stock unit. The submitter seeks amendment to recognise animals/breeds typical on small block and use of a weight range calculation.

408. UHCC express concern that there are no consistent stock unit numbers used across New Zealand and that any departure from numbers used in other regions needs to be justified. The submitters also consider it easier for landowners and managers if stock units were simplified to recognise these numbers will change as stock age.

409. The definition is supported by Yvonne Weeber and F&B.

[195] S11.001

410. In response, I note the trade-off between simplicity and catering for a wide range of animals and breeds and age classes. I agree with UHCC that there are various stock unit metrics used in New Zealand. The table of stock unit metrics included in the definition is based on the commonly used Beef and Land Benching-marking tool[196] with a small number of changes made for simplification. It was reviewed by an independent farm systems expert (Dr Terry Parminter from KapAg) prior to notification.

411. In any event, the term 'stock unit' is only used in the small block rules (WH.26 and P.R25) and in the associated definitions of 'annual stocking', 'rate stocking rate' and 'winter stocking rate'. As noted earlier, I recommend deleting the small block rules.

Stocking Rates: Stocking rate, winter stocking rate and annual stocking rate

412. F&B and Yvonne Weeber support all 3 definitions of stocking rate, winter stocking rate and annual stocking rate.

413. WFF seek amendment to the definition of 'stocking rate' so that it refers to the average number of stock units in a 12-month period rather than the highest number at any time in that period.

414. As with the term 'stock unit, the terms 'stocking rate', 'winter stocking rate' and 'annual stocking rate' are also only used in relation to the small block provisions (WH.R26, P.R25 and Schedule 35). As set out above, my recommendation is to delete those provisions.

415. None of these definitions are required if the small block provisions are deleted, and should therefore also be deleted.

4.0 Conclusions

416. A range of submissions have been received in support of, and in opposition to the provisions relating to Rural land use of PC1.

417. After considering all the submissions and reviewing all relevant statutory and non-statutory documents, I recommend that PC1 should be amended as set out in Appendix 4 of this report.

418. I consider that the amended provisions will be the most appropriate in achieving the purpose of the RMA, the relevant objectives of PC1 and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

Recommendations:

I recommend that:

1. PC1 is amended in accordance with the changes recommended in Appendix 4 of this report; and
2. The Hearing Panels accept/accept in part or reject submissions (and associated further submissions) as outlined in Appendix 5 of this report.

[196] https://tools.beeflambnz.com/benchmarking-tool

These appendices can be found in the Greater Wellington Regional Council website along with the section 42A report.

Appendix 1: Table of Provisions within the Rutal topic and supporting information

Appendix 2: Description of matters raised by Submitters

Appendix 3: Assessment of the categorisation of provisions in the Freshwater Planning Instrument component of PC1

Appendix 4: Recommended Amendments to Provisions and Section 32AA Evaluation

Appendix 5: Table of Recommendations on Submissions

Appendix 6: GWRC Recloaking of Papatuanuku Progress

Appendix 7: Map 90 Potential Erosion Risk Te Awarua-o-Porirua

Appendix 8: Map 93 Potential Erosion Risk Te Whanganui-a-Tara

Appendix 9: Map 90A Streambank Erosion Risk Te Awarua-o-Porirua

Appendix 10: Map 93A Streambank Erosion Risk Te Whanganui-a-Tara

Appendix 11: Map 96A Low slope land in Makara catchment Te Whanganui-a-Tara