

**BEFORE THE HEARING PANEL APPOINTED BY GREATER  
WELLINGTON REGIONAL COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991 (“**the  
Act**”)

**AND**

**IN THE MATTER** of hearing of submissions on the Proposed  
Change 1 to the Regional Policy Statement  
for the Wellington Region

**HEARING STREAM 5**

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**STATEMENT OF EVIDENCE BY JORDYN LANDERS FOR  
HORTICULTURE NEW ZEALAND (PLANNING)**

**3 NOVEMBER 2023**

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## INTRODUCTION

1. My full name is Jordyn Maree Landers. I am currently employed as a Senior Planner at Beca, a role I have been in since July 2022.
2. I was previously employed as an Environmental Policy Advisor at Horticulture New Zealand (HortNZ) between August 2019 – July 2022. In that role I was involved with regional and district planning processes in regions where fruit and vegetables are grown commercially. Prior to my role with HortNZ, I was employed as an Environmental Planner at GHD.
3. I hold a Master of Planning and a Bachelor of Science from the University of Otago. I am a full member of the New Zealand Planning Institute (NZPI). I have over six years planning experience.
4. Based on my previous role with HortNZ I have a broad understanding of the horticulture sector and the interfacing planning considerations under the RMA.
5. I assisted HortNZ in the preparation of its submission and further submissions on Proposed Change 1 to the Wellington Regional Policy Statement. I was asked by HortNZ to consider the analysis and recommendations of the s42A reports for Hearing Stream Five – Freshwater/Te Mana o Te Wai and to prepare planning evidence. I am authorised by HortNZ to present this statement of evidence.
6. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2023) and agree to comply with it. This evidence I am presenting is within my area of my expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge, I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

## SCOPE OF EVIDENCE

7. HortNZ made submissions (and further submissions) on the Proposed Change 1 to the Regional Policy Statement for the Wellington Region ('Change 1') that are being addressed in Hearing Stream 5.
8. In preparing this statement, I have reviewed:
  - Proposed Change 1 to the Regional Policy Statement for the Wellington Region.
  - Section 32 Report Evaluation of provisions for Proposed Change 1 to the Regional Policy Statement for the Wellington Region.

- The Section 42A report for Hearing Stream 5 Topic: Freshwater and Te Mana o te Wai dated 20 October 2023 (prepared by Kate Pascall).
- National Policy Statement for Freshwater Management 2020, February 2023 (NPSFM 2020).
- 'Guidance on the National Objectives Framework of the National Policy Framework for Freshwater Management 2020' by the Ministry of the Environment (2022).
- HortNZ's submission and further submission.
- HortNZ Industry Statement prepared by Emily Levenson dated 3 November 2023.

## **RESPONSE TO SECTION 42A REPORT**

### ***Overview***

9. The table attached as Appendix 1 provides an overview of the provisions within this hearing stream which HortNZ made submissions and further submissions on, along with a summary of the s42A recommendation and my response to those recommendations.
10. Where I have agreed with the S42A author's analysis and/or recommendation I have not addressed this further in this statement, except where I consider this would assist the panel.
11. The remainder of this statement is structured to align with the grouping of provisions by 'issue' as per the s42A report.

### ***Issue 9: Earthworks and Vegetation Clearance***

12. HortNZ's interests in the provisions discussed under Issue 9 are set out in Appendix A, the following provisions are addressed below: Policy 41.

#### **Policy 41**

13. HortNZ's submission sought to delete Policy 41 as the policy was not considered necessary as target attribute states are not yet set and that in relation to consenting there is existing rules, objectives and policies that manage earthworks and vegetation clearance. HortNZ's submission also questions whether avoiding a discharge where suspended sediment exceeded a limit is practicable in all circumstances.
14. Policy 41 is a consideration policy, specifically for (regional) resource consents for earthworks or vegetation clearance. I consider that

amendments could be made to simplify Policy 15 and reduce duplication with direction that will sit in the regional plan, as set out below.

15. The S42A author acknowledges the point raised by a number of submissions (including HortNZ's) that, as notified, Policy 41 requires consideration of environmental outcomes, target attribute states and suspended sediment limits – when these have not yet been established. To address this, it is recommended by the s42A author that there be an additional requirement to minimise silt and sediment runoff into water in the interim period.
16. I do not oppose the direction to 'minimise' in the absence of environmental outcomes, target attribute states and limits (noting that this would apply in addition to existing policy direction in the Natural Resources Plan). However I consider that the matters in (b) and (c) remain necessary because when environmental outcomes, target attribute states and limits have been set – as required by Policy 15 the regional plan will include a policy framework for assessing consent applications in relation to these matters.
17. I note that the operative drafting of Policy 41 included in the explanation the following statement with respect to its applicability: *"This policy shall cease to have effect once method 31 is implemented and policy 15 is given effect to in regional and district plans"*. In my opinion, this same statement would be useful to retain/reinstate in relation to the amended policy in the context of the direction in Policy 15.
18. Accordingly, should Policy 41 be deleted I do not consider that this would leave a gap for resource management direction in the current context. However in lieu of deletion, if Policy 41 is retained as recommended by the S42A author, I consider that the following amendments would be appropriate:
  - Amendment to delete ((b) and (c) so that the policy is focused only on the direction that is relevant until such time that target attribute states are included in a regional plan (with associated policy); and
  - Inserting a statement that the policy is only applicable until such time as the regional plan implements Policy 15.
19. A tracked change edit of this is included in Appendix 2 (s42A recommended changes in red, my changes in green).

#### ***Issue 10: Managing water takes***

20. HortNZ's interests in the provisions discussed under Issue 10 are set

out in Appendix A, the following provisions are addressed below:  
Policy 17, Policy 44, Method 48.

### Policy 17

21. Policy 17 provides direction as to what is considered a health need of people in relation to the take and use of water, and direction consistent with the Te Mana o te Wai hierarchy to prioritise the freshwater first, before prioritising any take for health needs of people over other uses.
22. HortNZ's submission sought to:
  - a. Broaden the application of Policy 17 to freshwater management generally (including management of discharges) rather than just water takes;
  - b. To clarify the matters listed in (a), (b) and (c) be included to the extent to which they relate to drinking water or other essential human health need; and
  - c. To add a new subclause that would consider 'food production that contributes to domestic food supply' as one of the matters listed as a human health need of people.
23. I discuss each of these points in turn below.

### *Scope of activities to which Policy 17 applies*

24. With respect to the scope of activities to which Policy 17 applies (i.e take and use of water as notified, or broader as sought by HortNZ's submission), this is not specifically addressed by the s42A author.
25. While I acknowledge that the policy has been developed from a take and use perspective only, and therefore further consequential amendments may be required if the scope of the policy was to be amended through this process, in my view, the Te Mana o te Wai hierarchy of obligations is holistic in that it applies to freshwater management from a water quality and quantity lens (and their interrelated values).
26. The NPSFM states that the Te Mana o te Wai hierarchy of obligations must be applied when implementing the National Objectives Framework (NOF) (NPSFM, clause 3.2 (2)(c)(ii)). The NOF process includes identifying values, environmental outcomes, target attribute states and environmental flows/levels, and limits and/or action plans. The NOF process covers both water quality and water quantity related matters.
27. I also note that the suggested definition of health needs of people (proposed by the S42A author, from the current Natural Resource Plan

definition) also speaks to the ‘*amount and quality of water*’ (emphasis added) – which supports the concept that health needs are not only about the quantity of water.

28. In summary, I consider there is more to applying the second priority of the Te Mana o te Wai hierarchy (‘the health needs of people’) in relation to freshwater management than Policy 17 in its current form anticipates or addresses.

*The matters listed in Policy 17 as a health need of people*

29. I agree with the S42A author<sup>1</sup> that the second priority of the Te Mana o te Wai hierarchy of obligations is not limited to only drinking water and is only one of several matters which may be included in the ‘health needs of people’.
30. I understand the intent of HortNZ’s submission in relation to clauses (a), (b) and (c) is to acknowledge that these takes as drafted may have components which are used for purposes other than the health needs of people. The s42A author considered the relief sought by HortNZ to be ambiguous and open to interpretation however does propose an amendment to include a definition for ‘health needs of people’.
31. HortNZ also sought to include a new clause ‘food production that contributes to domestic food supply’. The s42A author does not support this amendment on the grounds that “*the Te Mana o te Wai hierarchy of obligations would place food production in the third priority of the hierarchy - the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future*”.<sup>2</sup>
32. In my opinion, the NPSFM allows for Te Mana o te Wai to be applied locally through active engagement with tangata whenua and communities. Accordingly, I do not consider that the RPS needs to categorically (or exclusively) define what is a ‘health need’ in relation to water take and use. I consider it appropriate to list matters in Policy 17 which are considered a health need at a regional level, provided this also enables consideration of other matters at a more local level with tangata whenua and community engagement (for example through a plan change process).
33. In relation to the s42A authors proposed amendment to introduce the definition of ‘health needs of people’ as it is defined in the Natural Resources Plan, while this does add some additional nuance to matters (a) – (d), I have reservations about the amendments proposed for the following reasons:

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<sup>1</sup> At paragraphs 560 – 561 of the [S42A report for Hearing Stream 5](#)

<sup>2</sup> At paragraph 565 of the [S42A report for Hearing Stream 5](#).

- a. In my opinion it is not sufficiently clear on reading that the list is intended to be an inclusive list (despite this being the intent), I prefer the operative phrasing in this regard; and
  - b. The reference to a defined term (which states what it does and does not include) followed by list 'include: ... (a) – (d)' is in my view confusing and could create interpretation difficulties.
34. I consider that a clearer way of articulating that the takes listed in (a) to (d) that are only intended to be prioritised as a 'health need of people' where the use is associated with that outcome would be to add a statement to that effect directly to Policy 17.
35. These proposed amendments is set out in below (s42A recommended changes in red, my changes in green):

**Policy 17: ~~Water allocation~~ Take and use of water for the health needs of people – regional plans**

Regional plans shall include policies, rules and/or methods to ~~ensure the allocation~~ that prioritises the health and wellbeing of the waterbody and freshwater ecosystems first, and then prioritises any take and use of water ~~from any river or groundwater source provides sufficiently for the~~ *health needs of people*, including: ~~The health needs of people include:~~

- (a) the taking of water by any statutory authority that has a duty for public water supply under any Act of Parliament;
- (b) the taking of water for reticulation into a public water supply network;
- (c) the taking of water for community supplies; and
- (d) the taking of water for marae and papakāinga.

to the extent that the takes in (a) to (d) are needed to adequately provide for people's health needs (including hygiene, sanitary and domestic requirements).

Policy 17 gives effect to the objective of the National Policy Statement for Freshwater Management 2020 by prioritising the health and wellbeing of waterbodies first, and then providing for the take and use of water for the *health needs of people*, before other uses of water.

**New definition of 'health needs of people'**

**Health needs of people: The amount and quality of water needed to adequately provide for people's hygiene, sanitary and domestic requirements. It does not include:**

~~(a) water used outside, e.g. for irrigation, vehicle or house washing or hosing but not including water consumed by animals, or~~

~~(b) water used by industry as process water or cooling water.~~

36. Turning to the additional clause sought by HortNZ, based on the analysis provided by Emily Levenson in her industry statement, I consider that there is a link between domestic production of fresh and vegetations has a link to health, in addition to social, economic and cultural value.
37. Both the ‘the domestic supply of fresh vegetables’ and ‘maintaining food security for New Zealanders’ are recognised via the Specified vegetation growing areas provisions of the NPSFM (clause 3.33) as a resource management issue that has relevance to freshwater management.
38. The NPSFM policy framework does not, in my view, prevent domestic food supply from being considered as appropriate as a ‘health need of people’ in applying the second priority. However, I also consider that (provided Policy 17 does not prevent other matters being identified as a health need) that this is a matter which *could* be is considered and articulated at a more local level than the RPS (as the NPSFM provides for).

#### Method 48

39. Method 48 directs a review of the approach to water allocation in the Natural Resources Plan, with the list of matters in clauses (a) to (i) providing direction as to what that review should achieve.
40. HortNZ’s submission sought an amendment to clause (i) to include reference to ‘lower emissions’ land use change and amendment to correct grammatical errors to (c), (d), (g) and (h).
41. Clause (i) as notified reads:
- Review water allocation policy in the regional plan so that:*
- ...
- (i) *land use change to more climate resilient uses is promoted;*
42. I support the grammatical amendments recommended by the S42A author. However, I do not agree with the analysis of the s42A author<sup>3</sup> with respect to the change sought by HortNZ to clause (i), that the need for land use change to lower emissions is not related to how water is allocated.

<sup>3</sup> At paragraph 597 of the [S42A report for Hearing Stream 5](#).

43. The industry statement of Emily Levenson, discusses that horticulture is a low emissions land use, however that water availability can be a barrier to land use change.
44. On this basis, I consider that clause (i) of Method 48 should be amended as follows (s42A recommended changes in red, my changes in green):
- (i) *land use change to lower emissions or more climate resilient uses is promoted;*
45. That is because, based on my understanding of HortNZ's industry statement, there is a nexus between land use change to lower emissions land uses and water allocation which warrants reference in this method.
46. I do not agree that this is only a matter which should be dealt with in the climate change specific provisions of the plan addressed through Hearing Stream 3 (as suggested by the s42A author). Rather this change would in my opinion complement those provisions of the plan (which sets a clear direction seeking the reduction of greenhouse emissions, such as in Policy CC.8). The climate change provisions addressed in Hearing Stream 3 have a focus on greenhouse gas emissions, therefore I consider this amendment to Method 48 would not be duplicative.
47. In my opinion, including reference to lower emissions land uses in this method is consistent with the principle of integrated management and Policy 4 of the NPSFM 2020 which reads: '*Freshwater is managed as part of New Zealand's integrated response to climate change.*'

***Issue 11: Protecting and restoring the ecological health of waterbodies***

48. HortNZ's interests in the provisions discussed under Issue 18 are set out in Appendix A, the following provisions are addressed below:  
Policy 18.

Policy 18

49. HortNZ sought that clause (l) be amended to refer to water storage generally by deleting reference to 'off-line'. The s42A author does not support such a change, noting that this could broaden the policy to allow damming of rivers.<sup>4</sup>
50. I acknowledge the concern of the s42A author in the context of Policy 18 (direction for protecting and enhancing health and wellbeing of water bodies and freshwater ecosystem health). I note that storage that is not off-line may not always be inconsistent with broader

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<sup>4</sup> At para 667 of the [S42A report for Hearing Stream 5](#)

freshwater direction, but agree that a provision to 'promote the installation of water storage' generally may be too broad in how it is interpreted. Nevertheless, I note that water storage (and use of high flows) will however be an important consideration in climate change adaptation and off-line storage may not in all cases be possible. The wording 'promote offline storage' does not in my view preclude the consideration of other storage options where appropriate.

**Issue 14: Policy FW.5 – Water supply planning for climate change and urban development**

51. HortNZ's interests in the provisions discussed under Issue 14 are set out in Appendix A, the following provisions are addressed below: Policy FW.5.

Policy FW.5

52. The s42A author does not support the amendments sought in HortNZ's submission to delete reference to 'and urban development' and include reference to water storage, as the policy is "*intended to address the immediate effects of urban development and intensification, alongside other policies, to provide an integrated approach to giving effect to the NPS-UD and NPS-FM*".<sup>5</sup>
53. I acknowledge that changes elsewhere (such as to Policy FW.7) have made the rural context clearer in the RPS provisions relating to water storage. Accordingly, I accept the s42A's recommendation, while noting that climate change also has implications that need consideration in relation to rural supply.
54. I consider that to provide further clarity as to intent that the policy would benefit from the following minor amendment, which would make the scope clear:

When considering a change, variation or review of a regional or district plan relating to urban development, local authorities must give effect to Te Mana o te Wai, and particular regard shall be given to: ...

**Issue 16: Policy FW.7 – Water attenuation and retention**

55. HortNZ's interests in the provisions discussed under Issue 16 are set out in Appendix A, the following provisions are addressed below: Policy FW.7,

Policy FW.7

56. HortNZ supported Policy FW.7 and sought its retention as notified. The s42A author recommends that the policy title and application be

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<sup>5</sup> At para 792

amended to apply specifically to Wairarapa rural areas (as it was intended to assist with the implementation of the Wairarapa Water Resilience Strategy), refer to nature-based solutions in (a) and add reference to the health needs of people in (b).

57. I generally support the proposed amendments, which for the most part provide further clarity as to policy intent, with the following additional comments:
- a. Reference to rural areas is useful in terms of the role of this policy in the broader RPS provisions, however water attenuation and retention is likely as relevant to consider in rural areas across the region, outside of just the Wairarapa. In my opinion, there is not a substantive rationale provided for limiting the application of this policy only to the Wairarapa. I propose for the panel's consideration, an amendment to refer to rural areas more generally, which would in my view 'future-proof' the application of the policy; and
  - b. The proposed amendment to (b) to refer to 'while ensuring appropriate consideration of the health needs of people' does not in my view add any additional value to the policy. This is because understand the role of the policy (and the scope of the Wairarapa Water Resilience Strategy) to be broader than just drinking water supply (which the amendment of the s42A author focuses on).
58. These proposed amendments are set out in below (s42A recommended changes in red, my changes in green):

**Policy FW.7 – Water attenuation and retention in ~~Wairarapa rural areas~~**

Promote and support water attenuation and retention in ~~rural areas of the Wairarapa~~ including:

- (a) ~~nature based solutions~~ including slowing water down in the ~~landscape and increasing groundwater recharge (riparian management, wetland enhancement/restoration, flood management); and~~
- (b) ~~built solutions including storage at community, farm, and domestic (rain tanks) scales, groundwater augmentation, built retention (wetlands, bunds) while ensuring appropriate consideration of the health needs of people.~~

Explanation

Policy FW.7 in part supports the implementation of the Wairarapa Water Resilience Strategy by promot~~ing~~ and support~~ing~~ natural and built solutions to attenuate and retain water.

**CONCLUSION**

59. For reasons stated above, I consider that the following provisions should be amended:

- Policy 41
- Policy 17
- Method 48
- Policy FW.5
- Policy FW.7

**Jordyn Landers**

**3 November 2023**

**Appendix 1: Summary of HortNZ submissions and further submissions and response to s42A recommendations**

| Provision                                     | Submission (S128) or further submission (FS28) reference | Summary of relief sought by HortNZ   | S42A recommendation on HortNZ submission/further submission | Commentary on/response to s42A report                     |   |
|---|--|--|---|---|---|
| <b>ISSUE 1: Categorisation of Submissions</b> |  |  |   |   |   |
| General comments – freshwater                 | FS28.019 - Carterton District Council                    | HortNZ supported the submission – agree that the FPP should be applied only to freshwater provisions.  | Accept in part  | Not specifically addressed in this statement of evidence. |   |
| <b>ISSUE 2: General Submissions</b>           |  |  |   |   |   |
| General comments – freshwater                 | FS28.020 - Carterton District Council                    | HortNZ supported the submission – agree how the TMOTW statements are articulated could be clearer.   | Accept  | Not specifically addressed in this statement of evidence. |   |
|   | FS28.021 - Ātiawa ki Whakarongotai Charitable Trust      | HortNZ supported in part the submission – agree with concerns that the provisions are dependent on provisions yet to be determined.                      | No recommendation   |   |   |
|   | FS28.022 - DairyNZ                                       | HortNZ supported the submission – support further work to add to how TMOTW applies in the regional context.  | Reject  |   |   |
|   | FS28.024 - Rangitāne O Wairarapa Inc                     | HortNZ supported the submission – agree with the view that many of the freshwater provisions simply duplicate the NPSFM.                                 | Accept in part  |   |   |
|   | FS28.025 - Rangitāne O Wairarapa Inc                     | HortNZ opposed in part the submission – could be unintended consequences of applying a policy developed for an urban context to rural development.       | No recommendation   |   | <b>Support s42A recommendation – not discussed further in this statement of evidence.</b> |
|   | FS28.026 - Rangitāne O Wairarapa Inc                     | HortNZ opposed in part the submission – there could be unintended consequences of applying a policy developed for an urban context to rural development. | Accept in part  |   |   |

| <b>ISSUE 3: Freshwater introductory text and Table 4</b>       |   |  |                |  |
|--|---|--|----------------|--|
| Freshwater introductory text                                   | FS28.027 - Wairarapa Water Users Society                                  | HortNZ supported in part the submission – support a decision to defer review of freshwater provisions until 2024, or to the extent they are retained recognition of the work undertaken to date. | Accept in part | Not specifically addressed in this statement of evidence.  |
| Table 4  | FS28.032 - Te Kaunihera o Te Awa Kairangi ki Uta, Upper Hutt City Council | HortNZ supported in part the submission – support Method 36 to support industry-led environmental accords and codes of practice.   | Reject         |  |
| <b>ISSUE 4: Freshwater Visions</b>                             |   |  |                |  |
| General comments – freshwater                                  | FS28.023 - Royal Forest and Bird Protection Society of New Zealand Inc.   | HortNZ opposed the submission – seeks to apply another layer to the NOF that is not required and will create confusion.  | Accept         | <b>Support s42A recommendation</b> – not discussed further in this statement of evidence.  |
| <b>ISSUE 5: Objective 12 and Te Mana o te Wai Statements</b>   |   |  |                |  |
| Objective 12   | FS28.028 - Porirua City Council   | HortNZ supported in part the submission – support amendments that provide clarity as to the status and purpose of the iwi statements.  | Accept in part | <b>Generally support s42A recommendation</b> which provides additional clarity as to how the iwi Te Mana o te Wai expressions are referred to - not addressed further in this statement of evidence. |
|  | FS28.029 - IrrigationNZ   | HortNZ supported the submission – support a regional articulation of TMOTW that recognises the importance of growing healthy food for the health of people.                                      | Reject         |  |
|  | FS28.030 - Wellington Water   | HortNZ supported the submission – support amendment to make it clearer for plan users how the iwi statements are given effect to.  | Accept in part |  |
| Statement of Rangitāne o Wairarapa Te Mana o te Wai expression | FS28.031 – Wellington City Council  | HortNZ supported the submission – agree there would be greater clarity as to how the TMOTW expressions are given effect to/integrated.   | Accept         |  |

| <b>ISSUE 6: Policy 12 – Management of water bodies – regional plans</b>  |  |  |                |   |
|--|--|--|----------------|---|
| Policy 12  | S128.025   | HortNZ sought amendment to refer more generally to the regional plan implementing the NPSFM, with amendment proposed to (b) to add 'contribute to achieving' long-term visions for freshwater. | Accept in part | <b>Support s42A recommended amendment</b> to (b) - not addressed further in this statement of evidence. |
|  | FS28.042 - Hutt City Council   | HortNZ supported the submission – agreed that the policy duplicates the NPSFM and there would be value in applying it in a regional context.   | Accept         |   |
|  | FS28.043 - Fish and Game   | HortNZ supported in part the submission – agreed there was uncertainty as how the provisions apply ahead of LTV's being set.   | Accept in part |   |
|  | FS28.044 - Royal Forest and Bird Protection Society of New Zealand Inc | HortNZ supported in part the submission – agreed with amendments that address differences with the NPSFM.  | Reject         |   |
| <b>ISSUE 8: Urban development effects on freshwater and the coastal marine area (Policy 14, Policy FW.3, Policy 42, and Method FW.2)</b> |  |  |                |   |
| Policy 14  | FS28.045 - Rangitāne O Wairarapa Inc                                   | HortNZ opposed in part the submission – there could be unintended consequences of applying a policy developed for an urban context to rural development.                                       | Accept         | <b>Support s42A recommendation</b> – not addressed further in this statement of evidence.               |
| <b>ISSUE 9: Earthworks and vegetation disturbance</b>  |  |  |                |   |
| Policy 15  | S128.026   | HortNZ sought to retain Policy 15 with consideration for defining earthworks or vegetation clearance to provide clarity.   | Accept in part | <b>Support s42A recommended amendment</b> – not addressed further in this statement of evidence.        |
|  | FS28.046 - DG Conservation   | HortNZ supported in part the submission – agreed there was ambiguity in referring to yet to be set target attribute states.  | Accept in part |   |

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|--|--|--|----------------|---|
|  | FS28.047 - Wairarapa Federated Farmers                                 | HortNZ supported the submission – agreed there was ambiguity in referring to yet to be set target attribute states.  | Reject         |   |
|  | FS28.048 - Royal Forest and Bird Protection Society of New Zealand Inc | HortNZ opposed the submission – because an 'avoid' adverse effects direction is too absolute in this policy context.   | Accept in part |   |
| Policy 41  | S128.042   | HortNZ sought to delete Policy 41.   | Reject         |   |
|  | FS28.065 - Meridian  | HortNZ supported the submission – supported amendment to 'minimise' and retaining operation provision in absence of limits.  | Reject         | <b>Amendment sought - refer to discussion in paragraphs 13 - 19 of my evidence.</b> |
| <b>ISSUE 10: Managing water takes and uses (Policy 17, Policy 44, and Method 48)</b> |  |  |                |   |
| Policy 17  | S128.027   | HortNZ sought to amend the chapeau to refer to 'managing take and use of water and discharges to freshwater' and deletion of reference only to take and use of water.    | Reject         | <b>Amendment sought - refer to discussion in paragraphs 20 - 38 of my evidence.</b> |
|  | S128.028   | HortNZ sought to amend (a) and (b) to add 'for drinking water or other essential health need'.<br>HortNZ sought to amend (c) to add community 'drinking water' supplies. | Accept in part |   |
|  | S128.029   | HortNZ sought to add a new subclause (e) 'food production that contributes to domestic food supply.'   | Reject         |   |

|  |  |  |                |   |
|--|--|--|----------------|---|
|  | FS28.049 - Wairarapa Federated Farmers | HortNZ supported the submission – as alternative relief to what was sought by HortNZ.  | Reject         |   |
| Policy 44  | S128.043                               | HortNZ sought amendment to the chapeau text to refer 'and' rather than 'so that' and to delete (c) and (d) and replace with '(c) Where take limits have been set, take limits are achieved'. | Accept         | <b>Support S42A recommendation to amend (c) and (d)</b> - not addressed further in this evidence. |
|  | FS28.066 - IrrigationNZ                | HortNZ supported the submission – support amendment to give effect to the NPSHPL.  | Reject         |   |
|  | FS28.067 - DairyNZ                     | HortNZ supported the submission – agree that further work is required to articulate TMOTW at the regional level.   | Reject         |   |
|  | FS28.068 - Sustainable Wairarapa Inc   | HortNZ opposed the submission – the proposed wording may restrict water storage options unnecessarily.   | Accept         |   |
| Method 48  | S128.059                               | HortNZ sought to amend (i) to refer to 'lower emissions' land use change.  | Reject         | <b>Amendment sought - refer to discussion in paragraphs 39 - 47 of my evidence.</b>               |
|  | S128.060                               | HortNZ sought to amend grammatical errors to (c), (d), (g) and (h).  | Accept         | Support s42A amendments that correct grammatical errors.  |
|  | FS28.089 - Wellington Water            | HortNZ opposed the submission – support clarity, however want to retain the consideration of transferable permits as a method.   | Accept in part | Support s42A recommendation (retains reference to transferable permits).                          |
|  | FS28.090 - Rangitāne O Wairarapa Inc   | HortNZ supported in part the submission – support editorial corrections, it is appropriate for the review to consider allocation methods.  | Accept in part | Support s42A amendments that correct grammatical errors.  |
| <b>ISSUE 11: Protecting and restoring the ecological health of water bodies (Policy 18, Policy 40 and Policy 43)</b> |  |  |                |   |

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|-----------|--|--|----------------|--|
| Policy 18 | S128.030   | HortNZ sought in lieu of listing (c) to (h), 'as required to give effect to the NPSFM 2020'.   | Reject         | <b>Support S42a amendment to (g) and (e), and grammatical improvements</b> - not addressed further in this evidence.<br><br><b>Accept S42a recommendation in relation to (l)</b> - refer to discussion in paragraphs 49 - 50 of my evidence. |
|           | S128.031   | HortNZ sought to amend (g) to correct a grammatical error  | Accept         |  |
|           | S128.032   | HortNZ sought to amend (e) to add 'to the extent practicable'  | Accept         |  |
|           | S128.033   | HortNZ sought to amend (l) to delete 'offline' water storage (and refer only to water storage).  | Reject         |  |
|           | FS28.050 - BP, Mobil, Z Energy   | HortNZ supported the submission – support aligning with NPSFM direction.   | Reject         |  |
|           | FS28.051 - Royal Forest and Bird Protection Society of New Zealand Inc | HortNZ opposed the submission – because the avoid direction sought in (n)-(p) is too absolute and not justified. Amendment to (q) does not make grammatical sense. | Reject         |  |
|           | FS28.052 - Rangitāne O Wairarapa Inc                                   | HortNZ supported in part the submission – supported alignment with 'ecosystem health' term and drafting improvements.  | Accept in part |  |
| Policy 40 | S128.041   | HortNZ sought to retain Policy 40.   | Accept in part | <b>Support S42A recommendation</b> - not discussed further in this statement of evidence.  |
|           | FS28.060 - UHCC  | HortNZ supported the submission – support review to ensure it can feasibly be achieved.  | Accept in part |  |
|           | FS28.061 - Fish and Game   | HortNZ opposed the submission – relief sought does not align with policy direction in NPSFM (which includes 'where practicable').                                  | Accept         |  |
|           | FS28.062 - Fish and Game   | HortNZ opposed the submission – relief sought conflicts with policy direction in NPSFM.  | Accept in part |  |

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|   | FS28.063 - Fish and Game       | HortNZ opposed the submission – relief sought conflicts with policy direction in NPSFM.   | Accept in part |  |
|   | FS28.064 - Winstone Aggregates | HortNZ supported the submission – seeking to allow amendments that accurately reflect the NPSFM 2020.   | Accept in part |  |
| <b>ISSUE 12: Reducing water demand (Policy FW.1 and Policy FW.2)</b>                          |                                |   |                |  |
| Policy FW.1   | S128.034                       | HortNZ sought amendment to use consistent language, by amending the reference to 'registered water suppliers' to 'municipal water suppliers' to align with the explanation. | Reject         | <b>Support s42A recommendations to refer to community drinking water supplies and group drinking water supplies - not discussed further in this statement of evidence.</b> |
|   | FS28.053 - Wellington Water    | HortNZ supported in part the submission – support alignment with terms used by Taumata Arowai for water suppliers where these align with intent.                            | Accept in part |  |
| Policy FW.2   | S128.035                       | HortNZ sought amendment to use consistent language, by amending the reference to 'registered water suppliers' to 'municipal water suppliers'.                               | Reject         |  |
|   | FS28.054 -Wellington Water     | HortNZ supported in part the submission – support alignment with terms used by Taumata Arowai for water suppliers where these align with intent.                            | Accept in part |  |
| <b>ISSUE 14: Policy FW.5 – Water supply planning for climate change and urban development</b> |                                |   |                |  |
| <b>Policy FW.5</b>  | S128.044                       | HortNZ sought amendment to delete 'and urban development' to broaden the scope of the policy.   | Reject         | <b>Amendment sought to - refer to discussion in paragraphs 52 - 54 of my evidence.</b>   |

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|   | S128.045                               | HortNZ sought amendment to (c) to refer to water storage schemes.   | Reject         |  |
|   | FS28.069 - Wellington Water            | HortNZ opposed in part the submission – the wording proposed is not sufficiently clear as to how the amendment to (d) would be implemented.     | Accept in part |  |
| <b>ISSUE 16: Policy FW.7 – Water attenuation and retention – non-regulatory</b> |  |   |                |  |
| Policy FW.7   | S128.052                               | HortNZ sought to retain as notified.  | Accept in part | <b>Amendment sought - refer to discussion in paragraphs 56 - 58 of my evidence.</b>  |
|   | FS28.084 - IrrigationNZ                | HortNZ supported the submission – support clarification to account for primary industries.  | Reject         |  |
|   | FS28.085 - Wairarapa Federated Farmers | HortNZ supported the submission – support expression as an objective (or policy) recognising the importance of water attenuation and retention. | Reject         |  |
| <b>ISSUE 17: Method FW.1 – Freshwater Action Plans</b>                          |  |   |                |  |
| Method FW.1   | S128.055                               | HortNZ sought amendment to refer to communities in the list of parties to prepare Freshwater Action Plans in partnership with.                  | Accept         | <b>Support S42A recommendation to amend Method FW.1 include reference to engagement with communities</b> - not discussed further in this statement of evidence.                |
| <b>ISSUE 20: Preparing a regional water supply strategy (Method 34)</b>         |  |   |                |  |
| Method 34   | S128.057                               | HortNZ sought amendment to refer to supplies for 'urban and rural' communities, so it is clear.   | Reject         | <b>Support s42A recommendation to amend Method 34 amendment to include reference to consultation with 'communities'</b> - not discussed further in this statement of evidence. |
|   | FS28.086 - IrrigationNZ                | HortNZ supported the submission – support the need to consider the role of water storage.   | Reject         |  |

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|  | FS28.087 - Wairarapa Federated Farmers                                 | HortNZ supported in part the submission – agree that the amendments to the policy reduce the ability to consider rural water supply strategy. | Reject         |  |
|  | FS28.088 - Royal Forest and Bird Protection Society of New Zealand Inc | HortNZ supported the submission – support engaging with stakeholders and the community.   | Accept in part |  |

## Appendix 2: Tracked change amendments sought to Policy 41

### Policy 41: ~~Managing~~ ~~Controlling~~ Minimising the effects of earthworks and vegetation clearance disturbance – consideration

When considering an application for a regional resource consent, ~~notice of requirement, or a change, variation or review of a regional or district plan, for~~ earthworks or vegetation clearance particular regard shall be given to ~~controlling earthworks and vegetation disturbance by~~ to minimise:

- ~~(a) — erosion; and~~
- (a) the extent to which the activity minimises erosion;
- ~~(b) — the extent to which considering whether the activity will achieve any relevant environmental outcomes and target attribute states set for the FMU or part FMU; silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained; and~~
- (c) where suspended sediment limits have been set in a regional plan, and the activity cannot meet these limits, avoiding discharges to water bodies, and to land where it may enter a waterbody; where limits for suspended sediment are not met.
- ~~(c) — in the absence of environmental outcomes, target attribute states, or limits for suspended sediment for the relevant FMU or part FMU, the extent to which silt and sediment runoff into water, or onto or into land that may enter water, will be minimised.~~

#### Explanation

Policy 41 applies to regional resource consents that involve earthworks and vegetation clearance. The policy intent is to manage both rates of erosion and sediment runoff into waterbodies. The policy recognises that it may not be possible in all cases to avoid the effects of these activities, but nevertheless requires that the effects be minimised. The policy also recognises that there may be a period of time where environmental outcomes and target attribute states for a FMU have not yet been set in the regional plan, and in these cases, there remains a requirement to minimise silt and sediment runoff into water.

This policy shall cease to have effect once Policy 15 is given effect to in regional plans.

~~An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and vegetation disturbance, including clearance. Large scale earthworks and vegetation disturbance on erosion prone land in rural areas and many small scale earthworks in urban areas — such as driveways and retaining walls — can cumulatively contribute large amounts of silt.~~

~~Minimisation requires effects to be reduced to the extent reasonably achievable whilst recognising that erosion, siltation and sedimentation effects can not always be completely avoided.~~

~~This policy provides for consideration of earthworks and vegetation disturbance to minimise erosion and sediment runoff prior to plan controls being adopted by regional and district plans in accordance with policy 15. This policy shall cease to have effect once method 31 is implemented and policy 15 is given effect to in regional and district plans.~~

~~Policies 15 and 41 are to ensure that Wellington Regional Council and district and city councils integrate the control earthworks and vegetation disturbance in their regional and district plans. Method 31 is for Wellington Regional Council and district and city councils to develop a protocol for earthworks and erosion from vegetation disturbance. The protocol will assist with implementation of policies 15 and 41.~~

~~Some activities – such as major road construction – are likely to require resource consents from both Wellington regional council and district or city councils, which will work together to control the effects of the activity.~~

~~Vegetation disturbance includes harvesting plantation forestry.~~