

File No: WGN130264 and WGN150094  
11 November 2018

**Report on a pre-hearing meeting held on 24.10.2018  
From 9.30am to 3pm at Buddle Findlay office**

**GWRC Flood Protection Department  
Application for Renewal of resource consents for river  
management activities in the Te Awa Kairangi/Hutt River and  
Wainuiomata River Catchments**

**Present**

- Jenny Grimmett – Independent Facilitator, Down to Earth Planning Ltd;
  - Anna Martin – Resource Advisor, GWRC Regulation;
  - Michelle Conland - Resource Advisor, GWRC Regulation;
  - Sarah Bevin – Senior Planner, Tonkin & Taylor for GWRC Flood Protection;
  - Libby Cowper – Solicitor, Buddle Findlay for GWRC Flood Protection;
  - Tracy Berghan – Project Manager, GWRC Flood Protection;
  - Jacky Cox – Engineer, GWRC Flood Protection;
  - Ric Barbiellini – Project Delivery Manager, Powerco;
  - Ken Murray – Planner, Department of Conservation (DoC) via speaker phone;
  - Katherine Anton – Solicitor, Department of Conservation (DoC);
  - Natasha Petrove – Department of Conservation;
  - Turi Hippolite – Resource Management Advisor, Te Runanga o Toa Rangatira;
  - Morrie Love – Port Nicholson Tenths Trust;
  - Kara Puketapu-Dentice – Port Nicholson Settlement Trust Taio Committee;
  - Strato Cotsilinis – Wellington Recreational Fly Fishers Association;
  - Phil Teal – Wellington Fish & Game Council;
  - Rebecca Beals – KiwiRail;
  - Peter Wilson – Wellington Fish & Game Council.
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- Apologies - Doug Fletcher – Resource Advisor, GWRC Regulation;

Mr Love had to leave the meeting for an hour and a half at 10.30am. Mr Teal left the meeting at 11.37am. Ms Beals, Mr Barbiellini, Mr Cotsilinas, Mr Love, Mr Puketapu-Datio left at 12.25pm. Mr Hippolite left the meeting at 1.20pm.

## 1. Introduction

Facilitator Jenny Grimmett opened the meeting by welcoming everyone and explaining that the purpose of the meeting was to follow up the 11 October meeting, present the updated consent conditions and Code of Practice documents resulting from that meeting, and to continue to address any questions that the submitters may have of the applicant. The new submitters were also welcomed with a view to them discussing whether their concerns raised to date had been addressed through consultation and/or whether there was possibility of coming to an agreement on consent conditions and the associated Code of Practice.

Libby Cowper (Solicitor for the Applicant) tabled the updated documents that had been emailed to all parties prior to the meeting and explained the changes that had been made in response to feedback provided at the 11 October meeting.

Tracy Berghan (Applicant) then gave a brief presentation, describing how the proposal had been taken through three phases of development to the version the subject of the meeting. In summary:

- Stage 1 involved consultation and engagement with the Department of Conservation, Fish & Game Council, the GWRC Scientists Group and some of the iwi representatives. This process, which commenced 3-4 years ago, enabled an understanding of the science behind the proposal to be explained, and an agreement reached on the “big” framework and the “Building Blocks” of the consenting table.
- Stage 2 identified that there were only two formal documents in place for flood management activities. One of these was the Flood Management Plan (FMP). The Stage 2 building blocks table was used to identify other River Management Activities that needed to be formalised and to tighten up the “language” used in the management documents. This led to further discussion and identification of ideas/items to act on/approaches that needed to be taken in the management documents in Stage 3.
- Stage 3 – was described as putting meat on the bones – it was described as a really important phase in the project and focussed on where GWRC does its work, and the need to rethink how and what work would be done – with a new philosophy that questions “is it so important that it must be done? And a focus on Avoidance at the outset in preference to Mitigation.

A few outstanding issues have been identified as being quite significant in the 11 October meeting, being: sedimentation, the need to be more explicit about intentions, high impact activities such as gravel removal and channel widening and deepening. These were addressed in the latest amendments to the Code and conditions tabled at the meeting and circulated prior to it.

Ms Berghan indicated that it would be desirable if it could be agreed that the issues raised to date had now been met, and if so were the submitters in a position that would allow them to

withdraw their submissions to avoid the need for a hearing. She asked for feedback from the submitters on whether the latest version of the Code of Practice and conditions covered the outstanding issues as discussed at the 11 October pre-hearing meeting (PHM).

Libby Cowper explained that the key theme of the 11 October PHM was based around five outstanding matters. She had been tasked to take the results of the PHM discussions and redraft the documents.

Documents circulated prior to the meeting included:

1. Memo re Outstanding Issues discussed at the prehearing meeting on 1 October 2018, prepared by Libby Cowper of Buddle Findlay, dated 19 October 2018;
2. Joint Western Rivers Consent Conditions Draft v3 dated 19 October 2018;
3. Code of Practice v19 redline version with updates from PHM 11 October 2018;
4. Record of Responses to DOCs Comments on the Code v2 dated 18 October 2018;

Ms Cowper talked through the amendments she had made to the documents for the benefit of the attendees from the 11 October PHM, to confirm the agreed amendments were covered, and to introduce these documents to the new attendees at the 24 October PHM. Ms Cowper also explained consequential amendments to other parts of the documents. In particular, these focussed on the requirement to prepare SSEMPs for all gravel extractions and high risk activities, and place focus on “avoidance” instead of “mitigation”.

Ms Berghan explained that the Annual Works Plan (AWP) would be the high level document, and the decision making process in the Code of Practise would be used to decide what is included in the AWP. The AWP would also be communicated to manawhenua and DoC and Fish & Game and Power Co.

General questions/advice at this stage of the meeting included:

1. Ms Berghan noted that if it was possible to gain agreement on the provisions relating to the two rivers then subject of the PHM, global consenting could proceed without a hearing and help guide the process for the Riverlink project and the other two rivers that were to be addressed.
2. Iwi representatives indicated that they would like to be involved in the AWP process, not just the OMP process. This generated discussion, refer later, on how other parties could be involved.
3. Ms Anton and Mr Murray of DoC confirmed they were pleased to see the changes that had been made to the documents to date to address the concerns discussed at the 11 October PHM, in particular the “no intention to widen channels” provisions being made clear. Some deletions were asked to be added back in and all parties present agreed they

cod be added back in. The ability to amend parts of the Code too easily was raised as a matter for further discussion.

## 2. Discussion of issues

Department of Conservation: Ms Cowper went through the five issues that had been identified in the 11 October meeting by Ms Anton and Mr Murray, with more discussion between all concerned on the following matters:

- Sedimentation;
- Process for Amending the Code of Practice;
- River birds.

Some final suggested tweaks to the documents were discussed and agreed by GWRC (as applicant) that it could happen, including reinsertion of some of the deleted items relating to the necessity test for wet gravel extraction, and adding wording to make it clear that GWRC intends to avoid deepening and widening of channels, and clarify restrictions relating to crack and grey willows. This was agreed by GWRC. Katherine Anton, Natasha Petrove and Ken Murray all agreed there was no extra matters they required to be considered.

Wellington Fish & Game Council – Mr Wilson commented that the documents had largely landed at something a lot better than when the process was started. He wanted some tweaks to be made so that all statutory agents, including mana whenua, would be involved in the management plan process (OMP and FMP and AMP) and a feedback loop included if problems found. He said Fish & Game was happy with the items of the Code that could be set in stone and what could still be amended. Conditions could be amended and circulated by email. It was suggested that outcomes of the NCI/HQI be incorporated into the development and review of OMPs, and that Fish and Game be added into the parties to be consulted regarding management plans. This was agreed by GWRC.

Wellington Fly Fishers Association – Mr Cotsilinis commented that the Hutt Anglers Association could not make it to the meeting. He was pleased with Condition 1. 99% of complaints were about ripping in the Hutt River because it has a significant effect on native fish and trout fishery. It was requested that ripping only occur where it was clear of the shoreline. This was agreed by GWRC and the group discussed how the “avoidance” area could be defined in the documentation.

KiwiRail Holding Ltd – Ms Beals raised the concern that the rail corridor was electrified and there needed to be minimum approach distances. The approach taken for Transpower was relevant to KiwiRail. The integrity of KiwiRail’s assets needed to be provided for. She did not want to see the Code being amended without input from KiwiRail. This was agreed by GWRC.

Powerco Submission: Mr Barbiellini was happy with the amendments to address PowerCo to date and following comments made by KiwiRail said he wanted to ensure the issues raised by Ms Beal in terms of minimum safe approach distances also applied to PowerCo.

This was agreed by GWRC. Ms Cowper confirmed that the issues raised by KiwiRail and PowerCo could be addressed and the Code amended accordingly to reflect the approach taken for Transpower (noting Transpower had requested that).

Te Atiawa Taranaki Whanui and Ngāti Toa Rangatira – Queried the Kaitiaki Monitoring Strategy (LMS) and how it was to be implemented, and linked to other management plans. Kara discussed a paper he had prepared and the role and naming of an annual sharing and knowledge forum, suggesting “Ropu Kaitiaki”. He asked if the two catchments could be ring fenced and for there to be reference to an iwi management plan.

Ms Cowper confirmed that all baseline and Kaitiaki monitoring would be fed into the annual report and this would be the key mechanism for proposing future changes to the Code and other documents. She would make some changes to make it clear how the KMS would be fed through to meet the concerns raised, and address the separation of the two catchments (Te Awa Kairangi/ Hutt and Wainuiomata Rivers) given that different monitoring consent conditions were necessary in each case.

Other Matters – Ms Berghan noted the discussions on conditions were being kept as a set for all four rivers. Waikanae and Otaki Rivers would be addressed in February as they could not be split out of the conditions yet. These rivers would need a slightly different approach as different iwi were involved. Ms Berghan also requested a ball park cost for the iwi monitoring work so the budgets could be presented to GWRC management.

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

It was agreed that the matters raised by Powerco had been covered by the latest version of the consent conditions, and that the additional minimum approach distance provisions requested by KiwiRail and consultation over proposed works near the PowerCo and KiwiRail assets could be added into the consent conditions/Code of Practice as appropriate.

The revisions to the conditions and code discussed at the meeting were agreed amongst GWRC Flood Protection and all submitters present as noted in Section 2 above.

A sign off process was also agreed between the parties present whereby Ms Cowper would obtain sign offs from each party on the conditions relevant to them and then present a final set of ‘agreed documents’ to be circulated by email. The revised documents (listed at the end of this report) were emailed to all parties on 9 November 2018.

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

The issues summarised in Section 2 above were addressed by Ms Cowper via email with the individual parties, and agreements reached. The documents listed in Section 5 below record the agreed version of Consent Conditions and Code of Practice following this process.

The next Prehearing Meeting would be set down for the first week in December 2018.

#### **5. Further information provided following meeting**

Ms Cowper provided the following documents (as noted in Section 4 above), which are also attached with this report:

1. Memo re amendments following the second prehearing meeting on 24 October 2018, prepared by Libby Cowper of Buddle Findlay, dated 9 November 2018;
2. The Western Rivers Conditions of Consent (Draft 9 November 2018);
3. Version 19 of the Code of Practice (Draft 9 November 2018); and
4. The Consenting Framework Flow Diagram (draft 9 November 2018);

#### **6. Close of Meeting**

It was agreed that a further meeting would not need to be held and that all discussion could occur via email as noted in the previous sections

Jenny Grimmett thanked everyone for their attendance and closed the meeting at 1.40pm.