

Proposed Change 1 to the Wellington Regional Policy Statement – Hearing Stream 5

Speaking notes of Murray Brass for the Director-General of Conservation / *Tumuaki Ahurei*

1. These notes are intended to assist the Panel by providing updates to my Evidence in Chief (EiC) in response to matters raised in the hearing so far.
2. Urban development effects on water bodies (EiC para 22): At the hearing there has been discussion about whether it is still necessary to remove the word “adjacent” from Policy 14(h) given the addition of reference to “other receiving environments”.
3. My reason for raising this matter in my EiC was concern that water bodies affected by a development may not be “adjacent”, they could be within or downstream of a development. I understand that Ms Pascall’s intention in her rebuttal evidence was that the clause be read such that “adjacent” applies to all the following terms. This means that it would still apply to “adjacent other receiving environments”, so my concern remains.
4. I also note that in this clause and FW.3(k) Ms Pascall has agreed to reinstate the term “gully heads”. I suggest as a matter of consistency this should be carried through to Policy 40(i).
5. Giving rivers room to move (“natural form and function”) and daylighting (EiC paras 30-32): At the hearing there has been discussion about whether these matters are relevant to territorial authority functions, or only to regional councils.
6. In my experience, the physical location, design, servicing etc of land use and development can directly constrain or provide space for rivers and daylighting. This is illustrated in the photos in Dr Boddy’s evidence, where increasing extent and intensity of development has constrained the space available for waterways. These are matters that sit squarely under territorial authority plan and consenting functions.
7. I also point out that water in a pipe is not “water” under the RMA definition, and the pipe is not “bed”, limiting the applicability of regional functions to daylighting. Similarly, allowing room for a river to move can involve land outside the current active bed (also illustrated by Dr Boddy’s photographs), again limiting the applicability of regional functions.
8. In my EiC I addressed the territorial authority functions under the Act, but Ms Downing for Forest and Bird has helpfully also pointed out relevant provisions of the NPSFM in clause 3.5, which I consider further support my view that territorial authority functions are directly relevant to giving rivers room to move and to daylighting.

9. Earthworks and vegetation disturbance (EiC para 43): Discussion in the hearing has involved a similar question to above, regarding regional vs territorial functions. In my experience, most consents for the actual earthworks and vegetation disturbance sit with the territorial authority as land use matters, while regional consents are generally focussed on discharges.
10. This is reflected in Ms Pascall's rebuttal at [149], where she accepts that territorial authorities have a role to play in managing these activities. She recommends addition of a reference to district plans managing earthworks "less than 3,000m²" reflecting the permitted activity standard for general earthworks in the Wellington Natural Resources Plan. For comparison, I note that the proposed Wellington City District Plan permitted activity for general earthworks is limited to 250m² (EW-R6 and EW-S1).
11. I also note that witnesses for Wellington Water at the hearing commented that it is much easier to manage sediment at source than by treatment further down the network.
12. "Health needs of people" (EiC para 48): My EiC proposed changes to avoid potential conflict in the use of this term between Policy 17 and the definition. Ms Pascall's rebuttal (para 170) on this point recommends slightly different drafting, but I confirm that I am comfortable with what she now proposes.
13. I note that my support is based on the fact that Ms Pascall's drafting retains the intent of the original definition of the term, as I would have concerns if the term's meaning was expanded beyond that.
14. Fish passage (EiC para 58): My EiC supported two options for additions to Policy 18(r). Ms Pascall's rebuttal prefers the version proposed by Fish and Game, and I confirm that I support this drafting as it reflects the wording used in the NPSFM.

Murray Brass

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