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Subject: Submission relating to : Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region (Plan Change 1)
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Submission relating to : Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region (Plan Change 1)

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We do not stand to gain commercial advantage from my submissionS

We wish to be heard in support of our submission.

Our observations are shown in RED.

Requested relief is shown in GREEN

1.

Total Lack of Consultation

The rural community, at large, is deeply concerned that GWRC is choosing to push through the changes encapsulate in PC1 with virtually no consultation involving those most affected by it. Throughout the 2 Whaitua involved there are only 1,777 rural properties. The number most directly impacted, for instance those residents with properties in the 4 ha to 20 ha range, is a mere 757 and yet GWRC could not find the time or the inclination to contact them directly.

The majority of the rural community only discovered the existence of this Plan Change by word of mouth circulating through a close-knit community.

We consider that based on a total lack of meaningful consultation this process should be withdrawn and an effective period of consultation should follow.

Withdraw the Plan Change in total.

2.

Contempt of the rule of Law

During the recent Environment Court cases – GWRC v Adams & Others together with GWRC v UHCC the presiding judge was highly critical of GWRC on a number of grounds.

A common theme running through the judgement was that the judge considered that GWRC were regulating by fiat. That is to say, the GWRC were making things up as they were going along. Once again GWRC are indulging in this same practice.

In the GWRC case against UHCC the contention was made that a roadside drainage ditch constituted a natural waterway. Evidence presented to the court demonstrated conclusively that the feature was totally man made and the case against UHCC failed.

The judge made the rare decision to award costs against GWRC and leave the door open for the respondents to seek compensation.

In a blatant attempt to get round this judicial ruling, GWRC are introducing rules and methods within PC1 to classify all streams, drains, ditches and ephemeral flows as rivers. This totally cynical move by GWRC should be struck out.

Regulation by fiat is not acceptable and should be struck out. Court decisions should be respected. If GWRC did not agree with a court ruling then they should have appealed. The fact that they chose not to appeal indicates that the ruling should prevail.

Remove clauses that are demonstrably regulating by fiat.

Demonstrate respect for the rule of law.

3.

Contravention of the NZ Bill of Rights.

PC1 is proposing a regime of sanctions against property owners in respect of factors over which they have no control. This concept is totally alien to the NZ accepted concept of fairness and the rule of law.

Within any given catchment there will be upstream and downstream properties and very few indicative monitoring sites.

Mangaroa catchment is a complex network of waterways stretching some 20 km from the headwaters to the single Te Marua monitoring point. The same configuration applies to the Akatarawa Valley. All properties in the catchment will be assessed, based on the downstream results from this single monitoring point and penalised accordingly.

This concept is unacceptable.

Remove all such clauses where GWRC has failed to establish an adequate network of monitoring sites.

4.

Hierarchy of legislation

GWRC has to take into account, among other things, the following National Policy Statements.

National Policy Statement – Indigenous Biodiversity.

National Policy Statement – Urban Development.

National Policy Statement – Freshwater Management.

GWRC has decided that Freshwater Management is pre-eminent and overrules everything else. It is based upon this questionable decision that other decisions have been made.

Section 32 report.

3.1 Te Mana o te Wai

37. The hierarchy of obligations in Te Mana o te Wai prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems.

(b) second, the health needs of people (such as drinking water).

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

GWRC has erroneously decided to regard (a), (b) and (c) as mutually exclusive rather than regarding them as equally weighted and inter-dependent. For a society to function and to thrive there must be a preparedness to compromise and recognise that there will always be a preparedness to take decisions that are in the overall best interests of society.

At the inception of the Whaitua there was a constant reiteration of the Te Rito mantra which concludes with the following – **I ask you, what is the most important thing in the world? – It is people, it is people, it is people.**

GWRC is adept at preaching at us but is not very good at practising what it preaches.

GWRC has chosen to give maximum weight to one piece of legislation and has exacerbated that choice by taking in to account an opinion by one Whaitua in respect of levels of copper and zinc in stormwater. Levels of copper and zinc are not recognised in NPS-FM. This is a clear case of legislation by committee and is not acceptable.

Give equal weighting to all government legislation and disregard regulation by

committee.

5.

Confusion among GWRC staff and contradictory advice given.

Section 32 report clearly and unequivocally states that under the heading “5.2.2 Legal effect of rules”

Quote “ **all of the rules in the proposed plan will have immediate legal effect** as they meet the requirements of section 86B.”

It would appear that the authors of this clause have spectacularly failed to advise their own staff of this.

In relation to fencing of waterways, at the meeting held at Ohariu those attending were advised that the set back distance for fencing is 3 metres. In light of information in the s32 report a farmer checked with GWRC by phone on 5th December and was advised that if it was a drain then 3 metres but if it was a river then the distance is 5 metres. The section 32 report, on page 230, Policy package Option 1, being the preferred option states – a minimum 10 metre wide vegetated riparian margin on rivers.

GWRC needs to urgently put its own house in order. It is rather difficult to comprehend how GWRC can realistically expect the community to comply with this ruling when they are not even able to convey the information to their own staff.

Delete the statement that all rules have immediate legal effect and substitute “all rules in this plan change will be held in abeyance pending the plan change passing through all stages required by the RMA.

6.

Reduction in sediment discharges from farming activities

The document sets about this concept by requiring an impossible to quantify position. Within both the Mangaroa catchment and the Akatarawa catchment no data on water quality is gathered. The only monitoring points are 1. At the confluence of the Mangaroa river and the Hutt river and 2. At the confluence of the Akatarawa river and the Hutt river. In both cases the headwaters of the catchments are some 20km from the monitoring points.

At the Zoom Q&A session the question was asked regarding where sediment was originating. The response was that it was from upstream of the monitoring points – in other words GWRC have no idea. Not only do they not know where it originates, they are simply guessing that it comes from farming activity.

GWRC is making the assumption that all sediment in rivers is the result of human activity. There is a strong probability that human activity can contribute to the sediment load but it is important to take into account that a proportion arises from natural erosion processes. It is vital that GWRC has a complete picture of all factors within the catchments, both natural and man made rather than simply taking a punt.

Within each of the Mangaroa and Akatarawa catchments GWRC should establish at least 3 monitoring points and accrue a significant data base to be able to identify the source of any quality reduction.

Defer any further action on PC1 pending gathering an effective database.

7.

Rules relating to livestock

In regard to Rule WH28 – Livestock access to a small river – the community notes that the only animals referenced are cattle, farmed deer and farmed pigs. In the absence of any other stock being mentioned the community concludes that all such other animals are exempt from all rules where only these 3 animals are referred to.

Confirm that the rules are exclusive to these animals.

8.

Small farm registration – farms of 4 hectares or more

The requirement is for small farms to be registered as at 30th October 2023. 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.

When questioned in the Zoom meeting the GWRC staffer stated that it was a simple form to fill in. They also arrogantly assumed that all landowners will have all of the requested information at their fingertips.

This response shows a total lack of understanding of what is involved and the nature of the difficulty. Filling in the form is the easy bit – there will be very few in the community who will have the level of expertise required to perform the complex mathematical calculations to collate the raft of data required. Nor will they possess the cartographical skills to produce accurate maps, especially given the undulating nature of the terrain.

Whilst GWRC maintain that it is a simple form to fill in, they themselves have not yet produced the systems necessary to record the information.

GWRC also require the landowner to perform calculations relating to Nitrogen

emitting from the property. Another simple form and application that has not yet been developed.

It is arrogant in the extreme for GWRC to expect lay people to gather, calculate and record data when GWRC has not yet developed its own systems to receive the data.

At the Zoom meeting GWRC staffers stated that they were expecting landowners to approach these requirements and gather the data as a matter of trust. They stated that GWRC would not rigidly adhere to the letter of the regulation and that if you did not reach the standards laid down all you had to do was apply for a resource consent. A resource consent application takes time, costs money and is beyond the technical abilities of most individuals. There is no guarantee that it will be approved and if it is, it may contain onerous conditions.

Delete the requirement for farms of 4 ha to register with GWRC .

Require GWRC to have the necessary systems and applications in place prior to promulgating regulation that will not function appropriately without those systems.

Confirm whether GWRC staff members have the authority to commit GWRC to a course of action which may be at variance to the letter of the drafted regulations.

9.

Errors in drafting

The PC1 document contains unacceptable errors in drafting which change the intended meaning to the diametrically opposite. There are also drafting errors resulting from cut and paste operation which renders the second paragraph meaningless.

Subject the document to a thorough editing operation.

10.

False assumption that contamination originates from farming activities.

Overall there is a totally insufficient level of data to identify the point of origination of any contamination. The concept appears to be to require registered farms to collect the data for GWRC and at no cost to them.

There are, however, indicators from primary contact sites along the Hutt River that paint a clear picture. These contact sites commence from south of Te Marua and move through Birchville, Maoribank, Poets Park, Silverstream Bridge and from there past Taita Gorge on to Melling and the Hutt river estuary

All readings in the Upper Hutt reaches are excellent. Those reaches are fed by the rural rivers of Akatarawa and Mangaroa. It is not until downstream of Taita Gorge that the readings decline rapidly in quality. This clearly establishes that whatever contamination is present in the lower reaches is not originating from the farming communities of Akatarawa and Mangaroa.

GWRC appears to be putting a disproportionate amount of effort in to trying to solve a problem that does not exist. The farming communities of Upper Hutt have rapidly evolved and with the move away from dairy farming any prior problem has removed itself from the spectrum.

GWRC needs to move away from attributing contamination problems to farming and re-focus on the more complex issues of urban sources.

11.

Small Streams/Rivers

Within the document there are a number of references to small rivers, less than 1 metre wide,

There is nowhere within the documents that tell us what the minimum size is.

It is unacceptable to have an open-ended definition for a minimum.

Clarify the definition upon which other regulations rely eg. Stock exclusion and fencing rules.

12.

Section 32 report – 6.9 Sources of nitrogen and other contaminants.

This part of the report sets about systematically demolishing any justification for focusing on the rural sector.

The report tells us that stocking rates are low, even for the classes of land grazed.

It also tells us that absolute stock numbers are low.

It tells us that the amount of nitrogen fertiliser used is very low and that some farms apply none.

It tells us that there is a low opportunity to reduce nitrogen discharges either by reducing stocking rates or by reducing the amount of fertiliser applied.

It tells us that On Site Wastewater systems **can** be a source of nitrogen losses BUT they have no data.

And – they tell us that Gorse fixes nitrogen and has been found to leach as

much nitrogen as a dairy farm.

This part of the GWRC's own reporting clearly establishes that none of the measures aimed at the Mangaroa Valley and Akatarawa Valley farming community are justified. It shows that the proposed measures will achieve little at an unquantified cost.

GWRC should take notice of its own report and withdraw all those measures targeted at the Upper Hutt farming community.

13.

Section 32 report

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36. Not all costs have been economically quantified, and the environmental and cultural benefits have not been quantified through a specialist economic impact assessment. The value in doing such an assessment was determined to be very complex and of limited relevance for implementation of the mandatory requirements of the NPS-FM. This is because we consider, had the benefits been quantified (e.g., a financial value assigned to represent how much society is willing to 'pay' for clean water) **the benefits would likely not outweigh the significant costs** associated with improving the environment in the manner directed by the NPS-FM – particularly in the urban areas.

This, above all else, is totally irresponsible and unacceptable.

It says that because GWRC knew that any cost benefit assessment would show a negative position they did not bother to find out. So not only do they have no quantification for the benefits they equally do not know the costs. The fact that GWRC consider that they are obliged to undertake an exercise is not a valid reason to have no idea of the value or the cost of the exercise.

GWRC is stating that no matter what the cost, the ratepayers will pick up the bill.

GWRC should be obliged to produce a thorough cost-benefit exercise and be compelled to recognise that the ratepayers are not a limitless source of funds. They need to follow a clear concept of financial accountability.

14.

Stocking Units

We believe the proposed stocking unit rate is unreasonable and the allocation of SU/HA is too low. Comparing wellington grass growth to further north is incomparable as the growth rate and sugar levels are much higher south of Palmerston North, let alone Waikato.

GWRC should remove the proposed stocking unit rate and allocation from the

plan as it is utterly unreasonable and has no impact on water quality.

End of submission.