

R. J. Anker

Speaking notes.

PC 47 – Section 42A Report

## Mangaroa Peatlands Overlay

Mapping of the overlay is very broadbrush.

Section 32 of the RMA requires council to evaluate the proposed change and decide whether it is necessary. In respect of the Peatlands Overlay the Mangaroa Community Group considers that PC47 is an unnecessary duplication of measures already provided for in PC50 and the Building Act.

The entire area is in private ownership with one major parcel of some 300 hectares covering the central part of the peatland. PC50 clearly shows the variation in zoning going from large parcels of farmland, down to Rural Lifestyle minimum 1 hectare.

None of the area is classified as a “natural wetland”. It was first drained in the late 1800’s and has been actively farmed in one form or another since then. Only one very small parcel has been mooted as a significant natural area and this has not been notified as such by council. Given the directives of government to councils to cease denoting areas as significant there is a strong probability that no part of the Peatland will be classified as an SNA.

An attempt by GWRC to have an area to the south and on the boundaries of the main area, declared to be a natural wetland was an abject failure (GWRC v Adams) and a recent decision by the Court of Appeal (GWRC v Page/Crosbie) has further defined the process necessary to have an area classified as a natural wetland and it is now doubtful if any part of the Peatlands would meet this new stringent test.

An area consisting of “pure” peat has not been defined.

The outside edges of the overlay are not in fact peat. They are an overburden of Gley soils, the depth of which varies considerably. This overburden generally caps layers of clay and rotten rock, with some of the deposits of clay being anaerobic. An overburden depth of 800mm is commonly found.

## Resource Consents –

PC47 creates conditions where a Resource Consent becomes the norm rather than the exception. This produces another layer of bureaucracy and is not necessary. The Poor Ground Conditions overlay mapping is not sufficiently accurate to define the location of areas termed as poor ground and any underlying concerns are addressed by the Building Act 2004.

Page 10. Para 23.

Makes the statement that Poor Ground Conditions are already addressed by the Building Act 2004 and therefore do not require a planning response within the District Plan. As with other parts of PC47 this creates a duplication which gives little or no positive benefit.

### Subdivision.

Rules within PC47 regarding subdivision create an unnecessary duplication and overlap with other parts of the District Plan, namely the Urban and Rural chapters. PC50, encompasses the Rural areas of Upper Hutt, allocates and establishes certain zones to various areas. The zonings all contain rules that relate to the creation of new lots (subdivision) and specify, inter alia, that at the time of the lot creation suitable building platforms will be identified. The Building Act will determine the type and nature of any geotechnical surveys that may be needed to meet the requirements of the act.

The Peatland overlay incorporates land that is currently zoned Rural Lifestyle, Rural Production, General Rural and Active Recreation (PC49 – Gun Club). Each of these zones has its own set of rules relating to minimum lot size. The District Plan also establishes the parameters that must be met for subdivision including the determination of a building platform that meets the requirements of the Building Act 2004. There are additional rules that govern the number of buildings on each lot and the size of those buildings. These factors render the PC47 Peatland Overlay a redundant and unnecessary duplication.

### RMA – Section 8.

It is accepted that Hazards of all ilk have the potential to impact all of the populace. In respect of the Peatland Overlay, all of the encompassed land is in private ownership. The author of the section 42A report expresses concern at the impact on Iwi. If it should be that any of the landowners are of Māori descent then they are placed at no different risk than any other landowner. Within the boundaries of the overlay, Iwi have not identified or mapped any Taonga. Accordingly there is no known risk of loss of cultural value nor cultural practices.

### Regional Policy Statement – Change 1.

The author of the 42A report is second guessing the outcome of the hearings that are still in progress and this is not acceptable. The Commissioners are in the final stages of hearing 7 individual streams and are yet to issue their recommendations.

In respect of the Mangaroa Peatlands and Nature Based Solutions, the peatland community presented to the hearing for half a day. Some of the changes recommended by the Peatland Community Group have already been accepted by GWRC and incorporated into the Change 1 document.

Policy CC.7 - Protecting, restoring, and enhancing ecosystems and habitats that provide nature-based solutions to climate change – district and regional plans.

We consider that there is a strong probability that this policy will be amended following recommendations from the Commissioners.

It is our contention that it is not appropriate to reference RPS – Change 1 in PC47 until after the Commissioner’s final report has been published.

## GWRC NH 01

The suggested wording change is not acceptable. UHCC wording is “does not significantly increase”. This constitutes a neutral position.

GWRC wording “minimise” requires an action to change the status quo. This reflects the overall aggressive position adopted by GWRC. The same observation applies to NH – AER1.

GWRC has a philosophy of not wishing to see any new subdivision. This is clearly demonstrated in Natural Resources Plan – Change 1 which seeks to make Greenfield Development a prohibited activity. This ties in with the attempt to insert the concept in PC47 through the word “minimise”.

The “minimise” concept does not stand up to scrutiny when applied to a theoretical subdivision situation within the Peatland Overlay. If we take a single 20-hectare lot within the Overlay, the lot will be classified as having “Poor Ground Conditions”. If we split the area into 2 lots of 10 hectares each, the ground conditions will remain constant. The Poor Ground Conditions are what is deemed to constitute the hazard and there is no available course of action that will inherently improve on that. This, in itself becomes a nonsense and is intended to be impossible to comply with so that it becomes aligned with NRP – Change 1

Clause 111 (Risk of Activity or Not Acting) makes the incorrect assumption that there would be an increase in Risk through future development. In actuality the level of Risk would remain constant as the assessed cause of the Risk (Poor Ground Conditions) would also remain constant.

It is of concern that Mr Beban has chosen to give much weight to the submissions of GWRC and the Ministry of Education to the exclusion of other submissions. It is not clear if Mr Beban considers that the Ministry of Education have a level of specialist knowledge in respect of engineering, geology, construction and risk assessment that makes their submission preferred over all other submitters.

## Wellington Fault.

The thinking behind this section is nonsensical for the following two principal reasons.

1. The precise location of the fault and its branches are not known.
2. A presumption is being made that the pattern of a fault rupture will be such that only buildings within a certain locality will be impacted. The Kaikoura earthquake caused severe damage in Wellington – at a distance of 150km

The planning process should confine itself to specifying the existence of the fault and observing its general location. Detailed consideration of the factors relating to the structural integrity of any building should be left to the determination of the Building Department and the requirements of the Building Act 2004.

Para 143 – 7 Turksma Lane

1. GNS identified an aspect of the fault at this location.
2. Resident complained.
3. Site visited.
4. Mapped location moved 200m to the North.

Para 144, Para 145 and Para 146 show a persistent level of confusion.

Para 147 then demonstrates totally muddled thinking. Does the author actually believe that any resident will complain that their home is not shown to be in an area of fault line risk which inclusion would see their home drop in value or become unsaleable.

Recommended Decision. – Para 153 and 154.

Either the location of the fault is well defined or it is not. The author seeks to have an each way bet and contends that the Turksma Lane location is not accurate but that the Emerald Hill location is accurate.

Para 156 and Para 157.

The author would seem to have missed the object of the exercise which is to assess Risk. To try to incorporate the concept of natural justice into assessing risk is fatuous. Either a risk is present or a risk is not present. Natural justice will do nothing to ameliorate risk and has no place in risk assessment.

Para 162.

From a risk assessment perspective this is backwards. Uncertainty as to the exact location of the fault does nothing to reduce the actuality of risk.

## Slope Hazard – Policies.

Para 205.

GWRC makes the assumption (NH – P6) that all the slopes identified are prone to failure. The survey identifies only by the degree of slope and does not examine the geological structure of the land. Slope stability of sand is totally different from slope stability of granite.

GWRC makes the assumption that wet conditions and climate change will increase risk but has put forward no evidence to support this contention.

Their proposed amendment centres around the word “minimise”. Minimise means ‘to reduce something to the smallest possible amount. It therefore constitutes an open ended requirement that has no definitive end quantity making compliance impossible.

Para 206. NH – P7.

Subdivision, in and of itself, does not have the capacity to “cause” anything. The clause NH – P7 should be redrafted to identify the activity that may give rise to concern. If that activity is already identified elsewhere in the document then NH – P7 is redundant.

Script for spoken address to Commissioners.

PC47

R.J.Anker.

Hello commissioners.

My name is Bob Anker and I live at 76 Katherine Mansfield Drive.

I open my address with a general observation regarding the process that we are following as laid down by the RMA. I have been involved with a number of plan changes and I consider that the process becomes distorted to the detriment of submitters. The process of Plan Notification followed by a section 32 report, followed by the opportunity to submit, basically forms a level playing field. The section 42A report appears to be able to introduce “new” material and there is no opportunity for submitters to respond other than through a verbal presentation to Commissioners. I understand that the framework within which you have to work is laid down by the RMA but I considered that I needed to take the opportunity to raise the subject with you.

Mangaroa Peatland – poor ground conditions.

I, with my wife Delia, purchased our block of land in Katherine Mansfield Drive in 1983 and we built our home where we have lived for the last 40 years. We have raised 2 daughters and chose to split our block so that this year, my daughter Suzette could build her own home, where she now lives with Liam and our granddaughter Hannah.

As a family we are invested in our land and have planted over 1,000 trees to enhance our surroundings. My friends and neighbours have also extensively planted their land with the result being that Katherine Mansfield Drive has been totally transformed from retired pasture and scrub to its present form, a haven for extensive bird life.

In his section 42A report Mr Beban has chosen to dismiss the concerns of our community who believe that Greater Wellington Regional Council will seize on the PC47 Mangaroa Peatland mapping and use it to further their own agenda. The number of peatland residents who have submitted on this plan change gives a clear indication that this fear is genuinely held and for very good and logical reasons which I will expand on. Mr Beban is making the classic mistake of presuming that the actions of Greater Wellington Ecologists will be rational and reasonable. Our lived experience as a community tells us otherwise.

Greater Wellington ecologists, encouraged by Forest and Bird, have displayed a determination to gain control of the peatland and have been prepared to go to extreme lengths to achieve their aims. Forest and Bird apologists, in their submissions, imply that the entire peatland is a Significant Natural Area. In reality none of the area has been notified as an SNA and with the declared aim of the coalition government being to protect private property rights, no SNA in the peatland is likely. Submitters have ignored the fact that the entire area is in private ownership and that it was drained in the late 1800's. It has been farmed in various forms for the best part of 150 years. It is not a Natural Wetland. Following the most recent verdict against Greater Wellington Regional Council – Appeal Court GWRC v Paige and Crosbie, there is now a clearly

defined methodology for determining the presence of a Natural Wetland and the Mangaroa Peatland falls well short when measured against the criteria.

At a meeting attended by some 65 residents, we were informed by Regional Councillor Roz Connelly that she supported her ecologist's proposal for the peatland to be restored. This would involve deliberately raising the water table which in turn would render many properties uninhabitable. Although Greater Wellington Environment Committee Chair, Penny Gaylor, resiled from this agenda, it demonstrated a preparedness by Greater Wellington ecologists to take extreme action to achieve their aims for the peatland.

Further action by Greater Wellington attempted to establish that an area to the south of the main body of the peatland was a Natural Wetland and enforcement notices were taken out against the developer and a group of residents. This culminated in the court case GWRC v Adams and Others. The case went badly against the Regional Council with the Judge being highly critical of them and awarding costs. Regardless of this judgement Greater Wellington Regional Council continues to target the peatland community. Our community wished to know what lessons Greater Wellington had drawn from the judgement. LGOIMA responses reveal that Greater Wellington ecologists remain convinced that they are right and that the judge simply preferred the evidence of the opposing party. They have shown no remorse for the stress and anxiety that their actions caused to both those directly impacted and to the Community as a whole.

Regional Policy Statement – Plan Change 1 again evidenced potential for Greater Wellington action regarding the peatland with the inclusion of it as an example of a Nature Based Solution. Our LGOIMA request elicited the response that “peat has no part in climate change actions or policies”. Despite this assurance the concept has been expanded to become a proposal to either ‘protect’ or ‘maintain’ the peat to retain carbon stores. This position was initially put forward by Greater Wellington in their submission to Commissioners hearing UHCC – IPI. Our community was concerned at the implied scope of Nature Based Solutions, combined with the fact that there was no definition of peatland and no mapping of the targeted area. Equally there are no policies regarding permitted activities in any area deemed to meet the criteria for Nature Based Solutions which opens up potential for Greater Wellington to again establish rules by fiat.

We presented to the Commissioners in Hearing Stream 3 and a full transcript of our submissions accompanies my speaking notes. It is clear that Greater Wellington Regional Council intends to use PC47 to identify the area covered by Nature Based Solutions despite UHCC mapping being produced for a non-related purpose. The Commissioners have not yet issued their recommendations following our presentation and they are not expected to do so for at least another 2 months with hearing stream 7 still being active.

It is the opinion of the Mangaroa Peatland Focus Group that the proposal for PC 47 to identify an area of the peatland as having Poor Ground Conditions should be withdrawn as we consider that it is not fit for the stated purpose. In addition to the strong probability that the mapping will be misused by Greater Wellington we consider that the following factors should be taken into account.

1. The PC47 mapping is broadbrush and inaccurate and makes no distinction between different depths of overburden. Large portions of the area have an organic loam soil overburden on top of an underlayer of stratified clay and fractured grey wake rock. The overburden varies in depth but 800mm or less is typical.

2. Classifying an entire area as “Poor Ground Conditions” is not helpful and rather than creating a clear picture, makes complicated geology even more confusing.
3. The operative District Plan and proposed PC50 contain clear rules relating to subdivision. Both the parent lot and the new lot are required to have a viable building platform identified. To have additional rules relating to subdivision within PC47 is an unnecessary and confusing duplication.
4. UHCC Building Department has a statutory responsibility to apply the Building Act 2004 in respect of any new building activity. The Building Department are best placed to make any decision as to what geotechnical reports are needed for the proposed build and it is not helpful for PC47 to presume to make decisions for them.
5. PC47 could be taken to imply that the only place within the city where Poor Ground Conditions exist is within the Mangaroa Valley Peatlands. This impression is false.
6. The presence of Poor Ground Conditions is not of itself a “Hazard”. It is simply another factor that needs to be taken into account when formulating an engineered building solution.
7. As far as regulations are concerned, more does not necessarily equate with better.

#### Wellington Fault.

The Wellington Fault runs from Wellington, alongside SH2, adjacent to Riverstone Terraces and through to the Rimutaka Ranges. It seems that it is not until the last section that concern morphs it into being a Natural Hazard worthy of special mention.

The precise location of the fault is not known and the presumption seems to be that fault line activity will only impact buildings within a certain locality.

The Kaikōra quake caused severe damage in Wellington – 150km from the site of the main fault rupture. The only thing that “experts” appear to agree on is that the amount and the extent of damage arising from a fault line movement is an unknown variable.

It appears to me that the function of the Planning Department should be to specify the existence of the fault and its general location. The Building Department is responsible for the implementation of the Building Act 2004 and ensuring compliance.

Para 143 – 7 Turksma Lane – GNS identified an aspect of the fault. The resident complained – site visit arranged – fault location moved 200 metres north.

Para 147 then demonstrates totally muddled thinking in that the S42A author applies the non-logic that the fault is not present because no resident has complained that their property was not included as being in the fault area. To be flippant this strikes like a combination of a Monty Python sketch coupled with a cunning plan from Baldrick.

Para 153 and 154 – either the location of the fault is well defined or it is not. The contention is that the Turksma Lane location is not accurate but the Emerald Hill location is accurate.

Para 156 and 157 – the S42A author seems to have lost the plot by attempting to insert the concept of Natural Justice into Risk Assessment. Either a risk is present or a risk is not present. Natural Justice does nothing to ameliorate risk and has no place in an exercise of risk assessment.



## Slope Hazard – Policies

Para 205 – NH – P6.

S42A report leans heavily in favour of Greater Wellington submission and does not appear to subject their statements to critical analysis. Greater Wellington makes the assumption that all the slopes identified are prone to failure.

The survey confines itself to identifying the degree of slope but does not examine the underlying geological composition of the land. In nature, slopes will vary according to the geology.

Greater Wellington also makes the assumption that wet conditions and climate change will increase risk. They have put forward no evidence to support this contention. They also focus their amendment around the word “minimise”. Minimise means to reduce to the smallest quantity possible. As such it constitutes an open ended requirement with no defined end point and thus becomes impossible to comply with.

Para 206. NH-P7

Subdivision, in and of itself does not have the capacity to “cause” anything. P7 needs to be redrafted to accurately identify the activity that may give rise to concern. If that activity has already been identified elsewhere in the document then P7 is redundant.

Thank you for taking the time to listen to my explanations and concerns. If you have any questions I will try to answer them.

## **Transcription Hearing Stream Three – Climate Change Day Three**

SUBMISSIONS Proposed Change 1 to Regional Policy Statement for Wellington Region Date: Wednesday 30th August 2023 Location: Venue: Ngami Hotel, 213 Cuba Street, Te Aro, Wellington 6011

Hearing Panel: Commissioner Dhilum Nightingale (Chair)

Commissioner Glenice Paine [Appearing remotely – Onsite]

Commissioner Gillian Wratt Commissioner Ina Kumeroa Kara-

France [Retired from Hearing Stream Three Unwell at 10:18am]

Hearing Advisors: Jo Nixon Whitney Middendorf.

**Chair:** Good morning everybody. My name is Dhilum Nightingale. I am a Barrister in 10 Kate Shepherd Chambers and an Independent Hearings Commissioner. I live in 11 Te Whanganui-a-Tara, Wellington. It's a pleasure to welcome you all to the third day for this climate change topic and the second day in which we are hearing from submitters.

We are the Independent Hearing Panels that will be hearing submissions and evidence and making recommendations to Council on Proposed Change 1. As I think you may all be aware, PC1 is being heard through two processes: a standard Schedule 1 process that will hear submissions on the non-freshwater provisions, and a Panel that will hear submissions on the freshwater provisions convened under Part 4 Schedule 1. There has been some changes in membership on the Panels. Chair Thompson had to withdraw for family reasons and I was appointed by the Chief Freshwater Commissioner as the Chair of the Freshwater Hearing Panel, and I will also continue in my role as Chair of the Part 1 Schedule 1 Panel. Commissioner Wratt has been appointed to the Part 1 Schedule 1 Panel, which does mean that we now have completely overlapping membership and that will help to promote integration and alignment between the processes and the provisions. We will be sitting jointly for all hearing streams. We may be making recommendations for re-categorisation of provisions

between the two processes in our recommendation reports and the final decision on that will be with Council.

I would like to invite the other Panel members to introduce themselves please.

**Wratt:** Kia ora koutou. Mōrena and welcome to this morning's hearing. Gillian Wratt. I am an Independent Freshwater Commissioner. I am based in Whakatū, Nelson. As Chair Nightingale has just mentioned, while I was initially just to be on the Freshwater Panel. I am now on both panels. I have a science background. Welcome to the hearing.

**Kara-France:** Tēnā koutou katoa. I am an Independent Hearing Commissioner on both panels. I am full-time employed with WSP Engineering, Tāmaki Makaurau, attached to Transport and Planning, Māori Business Services. I am advocate for mana whenua in regards to the legislation that protects mana whenua on sites, cultural values and sites of significance. I advise our engineers, architects and wider teams on these matters accordingly, with a clear focus on mana enhancing collaboration. I am also a board member for the Board of the New Zealand Conservation Authority Te Pou Atawhai Taiao O Aotearoa appointed by the Minister of Conservation.

Pleasure to meet you all today.

**Chair:** We do have a fourth Panel member. Commissioner is unwell at the moment but is sitting in a room just down the corridor. Commissioner, hopefully the sound is working and you are able to introduce yourself.

**Paine:** Thank you. Tēnā koutou katoa.

My name is Glenice Paine. I am an Environment Court Commissioner and I have been appointed to both panels. Kia ora.

**Chair:** Kia ora.

Just a few very brief housekeeping points. Hearings are being livestreamed and they're being recorded for transcription purposes. We would be grateful if you could please use the microphones at the table and say your name before you speak, if you can remember to do that, because that is useful for the transcript. First of all, I do want to acknowledge the submitters who are coming here today to present. We really appreciate you taking the time to engage with this process. This is your hearing. We have read your submissions and the talking points that you have sent through. We do invite you to take us to the key points that you wish to make, but please note we have pre-read everything. We will listen with an open mind and ask any questions of clarification. We are required to make sure that the hearing runs efficiently and that everyone who wishes to present can be heard. There are allocated timeslots and a bell will ring two minutes before the end of your allocated time slot and then it will ring again when we are nearing the end of the Panel questioning time. Finally, if everyone could just check their cellphones are turned to silent. Also just note for the Mangaroa Peatland Focus Group we appreciate that you have presented a lot of submissions and not everyone is coming to present, but please rest assured we have read what everyone has submitted. We will be considering all of your points in our deliberations. Thank you. Unless there's any matters of process or admin that anyone would like to raise, we can pass over to Dr Kerkin. Kia ora.

### **Dr Sarah Kerkin**

**Kerkin:** Kia ora. Tēnā koutou katoa. – although I acknowledge it's special to me in a different way than it is for mana whenua.

I felt I should introduce myself properly to help you know me a little bit. I was born in the Dandenong Ranges near Melbourne and moved to Aotearoa in my late teens. I have lived more than half my time here in Whanganui-a-Tara, mainly in the Hutt Valley – hence my love for its beautiful river in all its moods.

I want to thank you for hearing me today. I am also very grateful for your indulgence in receiving my hearing statement, and in fact all of our speaking points after the deadline. As you well appreciate, life gets in the way sometimes. So we do appreciate your indulgence. We acknowledge that we have given you some extra work to do.

I am just going to touch on some key parts of my hearing statement, because I know the folk at Greater Wellington and you will give my hearing statement further thought after the event. I know how these processes kind of work. I will just give you a very quick run-through of some of the key issues in my presentation and then I will be very happy to answer any questions that you may have for me.

I do have an over-arching theme. Actually, I should say all of the photos in my presentation are all taken on our section of land on the Mangaroa Peatland. I thought it was just helpful to kind of ground the concepts, because this regulation is very real to us. You will probably hear quite a bit of emotion, and that's why I do have a theme. Because the quality of regulation is rarely judged by how it works in the real world for real people, and that's the job in front of us all. You as Commissioners, Greater Wellington as the Regulator, and us as submitters.

PC1 is going to cascade through the RMA planning system and touch the lives of everyone living and working in the Wellington Region. I believe I can help you to make PC1 a better piece of regulation.

I am a career public servant. I have got nearly 24 years in the government service. It will be 24 years in October. I have a Doctorate in applying systems thinking to public policy and I know about legislative and regulatory design. I have served for the last seven years on the Attorney-General's Legislation Design and Advisory Committee, which its sole focus is on improving the quality of legislation, design and drafting. So that's the expertise that I bring to you. I am not a scientist and I don't pretend to have any real

understanding of scientific concepts. I think you will have seen in my submission that I asked a lot of questions about science, and I asked a lot of questions that were really, “Can Greater Wellington please explain the science to the community?” Those questions weren’t intended to question the scientific basis: they were literally, “Can you please make the science clear to people because we don’t understand.” If people understand the scientific basis of what it is that Greater Wellington is basing its regulatory frameworks on, people are more likely to buy into the regulatory frameworks; but they don’t buy into something they don’t understand, and I don’t understand them. I’ve been living with and married to a scientist for nearly thirty years, and I think I have a better chance than the average of understanding, but if I don’t understand I am pretty sure that my community is not going to understand. We are asking you, “Please explain to help us understand.”

What I want to do today is give you some context for my submission, and that’s grounded in my family’s relationship with our land and our experience with Greater Wellington’s regulation of the Mangaroa Peatland.

I want to highlight three key points about the drafting of PC1 as it's been modified by the S42A Reports; so I’m kind of moving away from my initial submission and really looking more at the S42A Reports, and to show some difficulties with the proposed redrafts for my community. I also want to outline some proposals for you to consider. I will just go through those very quickly because the detail is in my hearing statement. I think my proposals would go a long way towards resolving the concerns that many of us living and working on the Peatland have.

In case you’re not familiar with the Peatland, it's an area of around 360 hectares in the Whiteman’s Valley. It was once a large swamp, but geological activity has tilted and drained the valley to the point that it no longer holds water. It has been progressively drained and

farmed since the 1850's and the entire area is now in private ownership. There are working farms across the centre of the peatland and lifestyle blocks around its edge. The area is low intensity housing and it has lots of trees. Phillip Clegg will give you some more information about the Peatland and its landowning community in his presentation.

We own four hectares, a tiny, tiny slice of the peatland, but it was going to be our slice of rural paradise. We had a dream about doing lifestyle with a multi generational home. We were going to move my parents in there. It was going to be our home. We were going to plant a section full of trees to entice the birds down from the hills. That dream very quickly turned into a nightmare.

There's a group of officials in Greater Wellington who want to turn back the clock on the peatland and they have weaponised regulatory and legal procedure against landowners to get their way. Our journey is outlined in paragraphs 5 to 18 of my hearing statement if you're following along there. You will hear more too from other people in our community who are speaking after me today.

Greater Wellington tried and failed to halt land use by calling our land a natural wetland. They tried to have Upper Hutt City Council declare the entire 360 hectare peatland an SNA, which again would make any land use exceedingly difficult. And now, here we are, and they want to make peatland a nature-based solution. We have been put to life altering costs to defend basic property rights. Our community has been given conflicting advice by Greater Wellington about doing basic land management, like keeping our farm drains clear and mowing our paddocks to minimise fire risk. You can imagine what a fire on peat land is like and the risk that poses to our neighbours. All the while we've found it impossible to get a straight answer out of Greater Wellington about their intentions to the Peatland and whether they want to flood the valley and whether they will compensate us if they do. It is just beyond appalling.

What I am going to do in my remaining two minutes is, I'm going to talk briefly about the hierarchy of planning instruments and why national consistency is important, and then I am going to go through the nature-based solution and then talk about the redraft of the 4 to 14 suite of provisions. Hierarchy does matter. There is a vertical consistency in the RMA planning system that we need to maintain. In stepping outside its lane, Greater Wellington is seeking to disrupt the regulatory framework and its real world consequences for people in businesses, and it's doing so without even having done a cost benefit analysis to identify the regulatory costs. I think the real issue, which I have identified on this slide, and I won't go through them, but it's likely to have significant unintended consequences for whether a national level set of ambitious climate change goals even get set. In actual fact, I think by getting out ahead of the game on a national level set of climate change targets Greater Wellington may actually be working against that goal. I think they just need to step back from it. I'm sorry. I've probably just totally overdone my ten minutes.

**Chair:** That's quite okay Dr Kerkin. If there is some other really key points you would like to make we are very happy.

**Kerkin:** If I could just beg your indulgence about the nature-based solutions issue. I will be very, very quick. The thing I would like to just address here is that I think, as I understand it, the nature-based solutions policy, when it's looking at the engineered solutions and the way that Mr Farrant was talking about on Monday, I think that looks great and very helpful. What I have a problem with is where it's just applying the nature-based solutions approach to things that just exist. I think there's a world of difference between a wetland peatbog that's actively sequestering carbon, and something that can be restored so that it does it better, like we have in the QE2 park peatbog; and the Mangaroa peatland which is not a wetland, its unlikely to ever become one ever again, and it's just an area of land that's underpinned by peat. So I think what we have here is a



definitional issue. What I am suggesting that the Panel consider doing is to redraft the peatland example as protecting natural-wetlands with peat soils. That brings in that idea of sequestering carbon, which I agree that's important; but it means that you're not inadvertently capturing a whole lot of land that just happens to be underpinned by peat soil that's not really helping. There are two other alternatives if that doesn't work. I think those are the things that I would really like to bring to the Panel's attention. Thank you very much.

**Chair:** Thank you, that was very clear. The photos are really lovely. Thank you for including those. I have got some questions but I will see if anyone else would like to go first. Dr Kerkin, this is part of really making sure that I fully understand the issues. I have read the Environment Court decision. I can absolutely see how important this issue is for you and the community. Is my understanding right of that decision that the Environment Court confirmed that the area – and was it just talking about those twelve lots, like the area that was attempted to be delineated as an actual wetland – the Environment Court said, “There's no evidence that says this is an actual wetland.” Is that correct so far?

**Kerkin:** Yes that's right. The enforcement action was taken in relation to the twelve lots at our end of the peatland. The reason the Upper Hutt City Council came in and fought the case as hard as it did, is that we could see the precedent for marching up the peatland because at our end of the valley, which does take up a significant chunk of that 360 hectares, the land is not substantially different in kind. It is wetter and is more prone flooding up near the Mangaroa River, but at our end of the peatland it's not substantially different. We think that the precedent would hold.

**Chair:** Of the, I think you said 360 hectares, the twelve lots, just out of interest, how much is that of that larger... sorry, to put you on the spot. Are we talking about a quarter roughly?

**Kerkin** Each of the twelve lots is four hectares. It's a small proportion of the overall peatland, yes.

**Chair:** Please excuse me if these questions show my ignorance of the science, but there is currently in that entire 360 hectares carbon that's sequestered in the ground already, is that right?

**Kerkin:** In Greater Wellington's terms, that's the six hundred million dollar question. The peatland has never been comprehensively surveyed. There are maps that the Upper Hutt City Council are currently using to consider a plan change. Actually Bob Anker who is talking later this morning is the person to ask about that, because he has been engaging with the City Council on it.

**Chair:** That's PC47 isn't it?

**Kerkin:** Yes. But my understanding is there has never been a boots on the ground survey of the land to assess how much peat actually underpins the ground level soil. We've had to do some geo tech mapping just on where our house is to be built. Where we are on the peatland the soil is very stratified. There is a thin layer of peat. Elsewhere on the peatland it might be quite deep, and in other places on the peatland it might be like this. No one really kind of knows.

**Chair:** I guess I'm trying to see if there is a win-win solution here. How much compatibility is there with the community aspirations for the land and actually also being able to retain its carbon sequestering potential.

**Kerkin:** I think that's a good question. I guess the question I would put to Greater Wellington, and I think I do put it in my hearing statement, is the land is farmed. Again, John Hill who is going to be speaking a bit later, you could talk to him about this and the way he farms his land. It's not intensively farmed. In fact, he made some very specific decisions about the way in which he farmed his land to

protect it. It is currently zoned rural lifestyle. I guess our question for Greater Wellington is, just how compatible is a rural lifestyle low to moderate intensity farming incompatible with keeping the peat pretty much undisturbed. What our experience is with say the wetland rules, is that the natural resources plan tends to follow up policies like this with a set of very prescriptive rules that go “It's this way or the highway.” When the PNRP was first drafted, Greater Wellington made the decision to deem all wetlands to be significant – for all natural wetlands to be significant natural wetlands, because there were only three percent of wetlands left in the region or something. I understand that. We like wetlands. When we first looked at our land and had the prospect of their potentially being a wetland on our land we thought, ‘Okay, that’s really cool,’ and if there was one we would restore it. We did talk to Greater Wellington’s biodiversity people to see if there was one and what we could do to restore it. They said, “Your end of the peatland it's not a priority, there’s nothing there.” We went, “Okay, that’s fine,” which is why we were so surprised when we got stung with an enforcement action. The rules for a significant natural wetland assume that what you’re dealing with is really soggy ground that will be damaged if you take machinery into that. That is not the case when you are dealing with a paddock that is pretty firm under foot that grows grass that goes waist high in summer, that dries off because it doesn’t rain for fourteen weeks in summer and presents a fire risk. So there’s a real disconnect between the rules for wetlands and our reality on the ground. But the PNRP is so inflexible that we can’t do responsible land management, or we couldn’t, which is to mow our paddocks in summer to prevent fire risk. So that’s our fear with the peatland as a nature-based solution, is that there will be prescriptive rules coming down the track at us, that will mean that we can’t do responsible land management because Greater Wellington have a particular idea about what peatland looks like. Our fear is, that given the examples

in the S42A Climate Resilience Report, it's something like the peatbog in QE2 Park, and that's just not our reality on the Mangaroa Peatland.

**Chair:** Those provisions, those wetland provisions, obviously they're part of the Regional Plan and that's not our focus with this hearing; but they would only kick in if the area is a wetland, and those twelve lots have been confirmed as not being a wetland.

**Kerkin:** That's right. I think it's just our fear that this just feels like another bite at the cherry. I was particularly worried when I was listening in on Monday. It was sort of said again and again, "We haven't really worked out how this is all going to be implemented, we don't know what it's going to look like." The advice that the Legislation Design Advisory Committee is always giving departments is, you cannot take legislation to Parliament and ask Parliament to pass legislation with a whole lot of regulations to come, if you can't give Parliament a sense of what the overall regulatory framework is going to look like. Because Parliament doesn't know what it's authorising. That's what it feels like here: is you are being asked to comment on a part of the regulatory framework but not the whole of it. It's our lived experience is making us really nervous about what the whole of regulatory framework is looking like, and we just don't have a proper basis to take Greater Wellington on trust I'm afraid.

**Chair:** Looking at the provisions, obviously the Mangaroa Peatland is not specifically mentioned anywhere in the RPS.

**Kerkin:** No.

**Chair:** What I understand from the Council is that they are aware of the potential of peatlands generally in the region to have this important role in bringing the region's emissions down. I'm aware of the QE2 one and I am not sure of what other known peatland has been identified in the region. I do know that the numbers are very small because they have dwindled enormously over the decades. Do you think it is appropriate to remove all reference to peatland given

that there may be other areas out there that do have this carbon sequestering potential and may themselves be very appropriate to be maintained or protected?

**Kerkin:** That wouldn't be my preferred option. Of the three options I have given I prefer the first one, which is, if you've got natural wetlands with peat soils that's obviously where your best carbon sequestering bang for buck is going to come from. I don't know either what other peat lands there are. I think my concern is, in our LGOIMA files we keep getting these messages written by Greater Wellington officials to each other as, "Mangaroa Peatland is the largest peatland in the Wellington region." It once was this enormous peat swamp but hasn't been for thousands of years. I just think my community needs to feel safe, and we don't at the moment.

**Chair:** Sorry, I'm jumping back now into a bit more of scientific question. Again, forgive me, these are not the correct terms I'm sure. If the area is covered by water, does that somehow increase the potential to sequester carbon? What's the science that's happening there?

**Kerkin:** I'm probably really skating over the top of my knowledge, but from the court case I understand that the water needs to be very close to the surface in order for peat to be created, which is one of the reasons why we were all a bit horrified when one of the Regional councillors turned up to a community meeting and said, "Yeah, yeah, the Council wants to flood the valley." Actually with the elevations in the valley, to bring the water close to the surface, parts of the valley would actually be under water.

**Chair:** There's obviously a water table underneath?

**Kerkin:** Yes.

**Chair:** There is sequestration happening, but...

**Kerkin:** Well, I don't know. One of the things that the hydrologist said in the case is, that it needs to be at a certain level all year round, and what we have is quite a big fluctuation. The winter water table is quite high. The summer water table is very low. It needs to be at a certain height all year around. He also said that the hydrology in the valley is very complex and you would need to do a fairly big study over probably a ten year period to really establish what the hydrology of the valley was. So we just don't know.

**Chair:** In the provisions that Ms Guest is now recommending in her rebuttal statement, if you have seen those – they're actually on the table there aren't they Ms Nixon; what tab is the nature-based solutions one?

**Nixon:** I think it's just one page.

**Chair:** The heading is 'Climate Change Climate Resilience and Nature-based'... The very first para there is the revised definition that Ms Guest is supporting. I will just give you a moment. Is it possible to bring it up on the screen so everybody can see it?

**Nixon:** No, sorry.

**Kerkin:** I've touched on some of this briefly in my hearing statement. I was pleased with the redraft proposed to nature-based solutions to reflect better that sense of engineering; engineering in a way that works with nature, rather than just making use of what nature has already provided in a sense. What that does is, I think it minimises the risk of kind of an effective retrospective regulation. I do have some real concerns still about this idea of 'maintaining' versus 'protecting'.

**Chair:** This is in the example isn't it?

**Kerkin:** Yes, sorry, I've jumped down to the example. I don't know that maintaining is a more comfortable term for the community than protecting. My understanding is that in resource management law

'maintaining' is actually a broader term that encompasses protecting, so I don't think it kind of gets us any further. I think I am still stuck on the issue that there is a definitional issue about peatland, that I'm coming to.

**Chair:** I understand that. I don't think these provisions or anything that I've seen in the RPS is trying to provide a definition of peatland. But I do understand what you are saying. Commissioner Wratt do you have a question?

**Wratt:** I did. I'm just trying to come back to what it was. Continue on and I will come back to it.

**Chair:** Will you be staying Ms Kerkin to hear the others in the community?

**Kerkin:** I would love to but I'm afraid I have to dash back to work. If it would help the Panel, I would be very happy to continue a conversation by email, just to resolve this. I don't know if that process would allow for that.

**Chair:** The problem with that is because everything has to be transparent.

**Kerkin:** I get that. Or I could try and come back on another day if that could be scheduled.

**Chair:** Again just with the confines of... what you have said has been really, really helpful. We really appreciate it. It might be that others who are speaking we can continue this discussion with them. But I certainly have a better idea of the concerns and perhaps am starting to think more about how we might be able to resolve them.

**Wratt:** Thank you for your explanation. In terms of what you have provided us and what you have said today clarifies what your concerns are. In terms of the Mangaroa Peatland, there's the area that your subdivision is on and what I'm hearing from you is that there isn't good evidence around what the carbon sequestration

might be across the whole of the Mangaroa Peatland. You have commented though that you accept that is, or was once a significantly large area of peatland in the region, and we've got very little of that left. Just to clarify: your concern is for the whole 260 is it?

**Kerkin:** 360.

**Wratt:** The 360 hectares of the Mangaroa peatland. Or is it possible to separate off the area that your property is on and a lot of the rest of that area of peatland... and what I'm hearing is you're saying there would need to be some more work done on what actually is the potential carbon sequestration in that area. I guess the simple question is, is it the whole of the 360 hectares, or would it be possible to actually look at some of it as peatland that does need protecting?

**Kerkin:** Thank you Commissioner Wratt. I think my concern is for the whole of the peatland. I think we need to be really clear about the assumption that the peatland is still sequestering carbon. I think it's probably more accurate to look at it, as it is at best a carbon store. Based on some studies that are on Greater Wellington's own website, and that I think Phil Clegg has sent to the Panel, it hasn't been an active peatbog for a very, very long time. I don't think there is any active carbon sequestration going on.

**Wratt:** But there will be carbon stored. There may not be active sequestration. So what I am hearing you say is, you acknowledge that we should be looking at how can we keep the carbon that is stored there, where it is? But you would question whether there is any active sequestration happening. Your proposition or your proposal is that there needs to be more consideration given to whether low intensity farming use can be consistent with keeping that carbon in the soil.

**Kerkin:** Yes, that's right.



**Wratt:** Thank you. That clarifies that.

**Chair:** Coming back to this compatibility point, which I am really interested in, and Method CC.9, that is basically it's not regulatory and there's no sort of impact. No one is in breach if this doesn't happen – it doesn't have that regulatory impact. But it talks about providing support, incentivising programmes. Is there potential for perhaps bringing community together to try to actually achieve some of this win-win? So there is where it is compatible with also your aspirations trying to protect, maintain, restore, but not perhaps unreasonably or inappropriately preventing you from achieving what you want to do on the land.

**Kerkin:** Absolutely. We have been trying to engage with Greater Wellington to get a more constructive dialogue, so that we can engage better and have more input into development of things like PC1 at an earlier stage. The thing that worries me though is it's not so much the non-regulatory provisions, as it's the combined impact of the C.4 to C.14A suite of provisions and how those may play out for the community. There's always the regulatory sting in the tail, and I have gone into a bit of that in my hearing statement.

**Chair:** Thank you. I think we could keep talking, but I don't want to make you late for getting back to what you need to do. Did anyone have any follow-up to that? Commissioner Paine if you have a question feel free to jump in or wave.

**Paine:** I think my only question was around Ms Kerkin's wording about "maintain". If she didn't like, "maintain" what did she prefer, but I think you have already explored that.

**Chair:** Sorry Commissioner Paine, Ms Nixon just had to say something to me and I missed what you said. Do you mind repeating that? Sorry.

**Paine:** I think you have already explored my question. It was, what word would Ms Kerkin prefer over "maintaining" in the definition for

nature-based solutions? You've already had a conversation about that. Thank you.

**Chair:** Ms Kerkin, Ms Guest when she prepares her reply evidence, which is I think quite soon (I've lost track of the timetable for that but it is soon) will be responding to the wording, which was up on the screen, which has wetlands incorporated into that example. We'll be coming back with Ms Guest's views on that. I see you looking at your watch as well, so we'll wrap up there. Thank you. It's been really, really helpful. I've been involved with community groups and I know what an important role that they have - so to the extent it seems you might have been quite instrumental in bringing everyone together. I really acknowledge that really important issue. There is a lot of strength in a collective voice. Kia ora.

**Kerkin:** Kia ora. Thank you.

**Chair:** We are just going to have a bit of a break. We will come back in ten. Kia ora.

**Chair:** Kia ora. Sorry taking quite a bit of time there with the break. Commissioner Kara-France is actually unwell to the point where she isn't able to stay here for the rest of the hearing. We do wish that she is okay. That was just explain the reason for the break there. Ms Nixon, I've lost track on the timetable. I know we are hearing from Mr Hill and Ms McDonald, and we've obviously got others from the community. We're having a joint...

**Nixon:** John was looking for some moral support.

**Hill:** It's very important we are accurate in what we say. There's 700 pages of information and I actually work and it's very hard to get the full picture.

**Chair:** I just wanted to check that we have got from now until the break was really the question. We don't have to cut anyone off to

move onto someone else. You're presenting all together now until the break.

**Hill:** Yes. We are very much a community.

**Mangaroa Peatland Focus Group:** Good morning Commissioners. Thank you for hearing my submission. My name is John Hill and I farm on the Mangaroa peat, which has been farmed for over a hundred years. We believe responsible farming is the best compromise between productive and environmental land use. I am here to express the feelings and concerns of our community of over sixty families who live by or on the Mangaroa peat. I wish to give examples of how Greater Wellington has treated us in the past and why we have little trust in them. Greater Wellington have tried to take our community's land (all in private ownership) first as a wetland, then as a significant natural area, and now possibly as a natural-based solution. Greater Wellington stated as late as the 13th of July 2023 that peat has no mention in the climate change strategy or action plans. However, it seems once again we have been misled. Peat has been used in the glossary of the RPS as an example of nature-based solutions. Greater Wellington has a history with our community of not following policy. They gave abatement notices to us, and on Christmas Eve to our neighbours, because they decided our valley was a wetland, simply because it was peat; completely disregarding the actual definition of a wetland to suit their own agenda. Normally peat land or wetlands consist of water or have water content. The resulting court case found no substance to Greater Wellington's claims. The judge stated the case was without merit. Greater Wellington alone has wasted over a million dollars of ratepayers' money on a case that should never have been pursued. The families have still to this day not received any support or reimbursement for their losses. Two years of uncertainty under Greater Wellington terror has not come without severe consequences, with broken families, mental health struggles and

financial challenges that may not be overcome. The judge in the court case told the people involved they were entitled to the peaceful enjoyment of their land. They were entitled to the peaceful enjoyment of their land. This new RPS could be used to defy the court's wishes. It is clear ideological views within Greater Wellington are still taking the forefront and common sense is being ignored. During this time it was rumoured the court case was part of a broader attempt by Greater Wellington to flood the Mangaroa Peatland. Roz Connelly, our Upper Hutt Regional Councillor for Greater Wellington met with the community and was invited to allay our fears, but doubled down and told us the Greater Wellington Science team was intent on recreating a wetland, and even though houses would be flooded, she supported the idea. She then proposed the owners of the houses affected would be given compensation. Despite the science of the area, and the history, and the lives that were being destroyed, Greater Wellington marched on. This is only a small sample of how Greater Wellington has acted with regard to our community.

Since the court case we have been reassured as a community by Regional and Local Councils that we can continue with normal farming practices and people in the community can use and enjoy their land. We are still nervous, as can be seen by the 62 submissions presented. These are just ordinary people. These aren't doctors, these aren't scientists. They're just normal people wanting to get on with their lives. We have experienced Greater Wellington making up their own rules as they go along, effectively ruling by fiat. For example, if the soil was peat it was deemed to be a wetland. Pasture was defined as containing only six grass types. Drains were labelled as streams. Obviously all these things restricted our activities and what we could do with our land – unlawfully. Policy has been weaponised in the past to try and create an ideological wetland by Greater Wellington who seem intent on experimenting at other's

expense. Is this another attempt? What do you want? Well, basically we want that sixty families can have confidence that the court's judgement will be upheld; that we will be able to live in the peaceful enjoyment of our land. We would like nature-based solutions clearly defined. The policy should be written in a way that it cannot be broadly interpreted and weaponised by the Regional Council to circumvent independent analysis. For instance, we've had experts judge on our land, or on the peat repeatedly, saying it's not a wetland and they've just ignored it. Also, court ruling and moral boundaries should be accepted. We also hope that hearing this again will reinforce to Greater Wellington the urgency to make amends with this community (the fella's in the court case) and expedite the payments of compensation to those so badly affected by this debacle – the families and the developer. The families that were building houses and could afford to, two years later cannot continue with their projects. The developer is absolutely struggling. I don't know how he continues on. He supported twenty families, or employed people to do that and it's not looking good. It is not acceptable to hand off the problem to an insurance company and not own your mistakes. Holding people to ransom after such a damning judgement is still ruining lives. The relief that we seek because of fear of retribution is for references to peat or peatland to be struck out from the Regional Policy Statement to remove uncertainty. The Regional Council is here to protect the environment, but also pointed out by the judge, most importantly to look after people. People. What people? We have home owners, we have a developer, we have farmers. I have written this as I believe it to be so. I am happy to answer questions on the above – possibly with the help of my colleagues. The devastation has been traumatic. We feel like we're in the sights of enthusiasts wanting to do what they want. Thank you.

**Chair:** Thank you very much. I am really sorry, I meant to, before we began just to ask the Council staff and consultants who are here to

introduce themselves. It would be great if everyone else who is sitting up at the table with you could also introduce themselves, so we all just know who is here. I will just invite the Council staff/team.

**Watts:** Kia ora koutou. Ko Mike Watts tōku ingoa.

**Guest:** Good morning, I'm Pam Guest. I am a Senior Policy Advisor at Greater Wellington.

**Dawe:** Mōrena koutou. My name is Iain Dawe. I am a Senior National Hazardous 782 Analyst at Greater Wellington.

**Nixon:** Jo Nixon – Hearing Advisor.

**Whitney:** (Another Hearing Advisor)

**Chair:** It would be lovely if you could introduce yourselves if you don't mind.

**Clegg:** I am Phil Clegg, resident in the area as well, having recently moved down from Auckland.

**Chair:** Mr Clegg and Mr Anker, you are coming back after the break to present separately, is that the plan, or would you like to have your presentations while you're all there?

**Nixon:** Shall we just do speech, questions and answers and then just go to the next as planned?

**Chair:** If that's your preference. Entirely in your hands if that's how you would prefer it to happen. That's fine. Mr Hill, we just started a conversation before, and I said "Let's have it when we are all here together." Are you able to talk a little bit more about your land and the activities that you do on it?

**Hill:** Yes. Obviously before I said I'm a farmer and I've been there for at least thirty years. It's very easy, we just have sheep and cattle. The big threats to our area are pretty much fire and flooding - to mitigate both those things. We feel that pasture is the best way to make a few dollars, and also to look after the land. You asked was there any

sequestering peat on the property. There isn't, but there is certainly an awful lot of peat. There is carbon. The whole area is a peat resource.

**Chair:** Is that what creates that fire risk?

**Hill:** If you have gorse, and if things are just left to run amok and they're not farmed you have major problems. At Queen Elizabeth Park they've had tremendous worry about things catching fire. We've got houses so close to us. You've seen in the news or anywhere. We are extremely, extremely dry in the summer. That's our biggest problem; and we are very, very wet in the winter. Both extremes are not good. It's trying to go between.

**Wratt:** In addition to having pasture areas, do you have plantings of trees, flax or whatever and what sort of area is that?

**Hill:** We do. As an area we have Manuka for bees – we do a lot of honey on the area. With other restrictions and things we farm that as well.

**Wratt:** Other plantings?

**Hill:** We have native blocks there. We do plant regularly ourselves. With riparian planting we do have problems. Our drains need to be clean. We have all the run off from all these neighbours here. Everything just comes down onto us. We are having all these other subdivisions in the area that are doubling the amount of water that comes down. As all the forest and all the growth around the valley have taken down that water rises very quickly.

**Wratt:** What is the area of your farm and what percentage or area would be in plantings or Manuka?

**Hill:** That's a very hard one. The area of farm would be about 350 hectares, so 800 or 900 acres. It's got all the Manuka areas on it. There's three main areas that were pointed out originally. I could give you a bit of history actually. When I first went there, in 2010 a

chap, Keith Thompson, the Greater Wellington Regional Council said they wanted to find out all the significant wetlands in the area, and I think they found ten or twelve, but he actually visited ten.

I can remember well cooking him a curry and carrying all his equipment. We drilled holes in the peat and we worked out how much peat. We measured the size of the drains. We measured the undergrowth. We looked at all the plants. Keith looked at me and he said, "John, you haven't got a wetland here. This has been burnt several times. It's got no ecological value." Then he did a report that came out in 2012, and it's on the Greater Wellington website, saying that the whole area isn't a wetland or an active wetland. Because of this, I had a very, very big business looking after rest homes and I sold my business on the understanding of that report from Greater Wellington. I approached them and asked them, "Is this a good place to farm, is this okay?" and I took over from my father-in-law who had been passed away for a while, and started farming. I was relaxed and happy. I decided I was going to spend my retirement on the happy enjoyment of my land and farm, and be healthy. Then in 2015, Corry sent a letter out and showed three areas. One was the gun club, one was a chap Grant Munro next door, and the other was forty acres of our property that were tall Manuka, and they called that an active wetland. They said that was a wetland and it would have to be protected, etc. etc. My neighbour Grant, because it was a very large proportion of his property question it, and obviously referred back to the Keith Thompson report and Corry backed off and said, "I see we've done it." See, what I have alluded to in my speech and why I have been so nasty and mean is that every time we have been given assurances that land is good for farming, it is the best use of the land if you look after it. Peat is an absolute resource. It needs a crust over it to stop it degrading and affecting the environment. But you have to have a trade-off to earning money and the environment. We can't just turn the whole thing... well, some people would like to turn the



whole thing. One of the suggestions was to turn the whole thing into Manuka. The ecologist warned us very heavily against doing a mono non-diverse planting, because Myrtle Rust came in. It wasn't as big a deal as they made out, but it could have been. We believe, and I am doing what the ecologist told us, that the upset and mistrust. Calling an organisation that's there to help us, "We don't trust you mate," is pretty serious. And affecting the people. We're the people. We're the ones living there. So that's where that comes from. I feel that we're doing right by the environment doing what we're doing.

**Wratt;** Can I just come back to a specific point? Your relief point, which was that all references to peat land be struck out from the RPS. That is a bit different from what our previous Dr Kerkin was saying, in that she was looking for a different definition of peat land.

**Hill:** The reason is because I don't trust Greater Wellington. The reason is very clear. In New Zealand we have 240,000 hectares of peat. Of that two-thirds are farmed. An awful lot of that, about 95,000 hectares are in the Waikato. Our whole dairy industry is based on a lot of peat based land. We have a problem as New Zealanders – the whole show. But I don't want these chaps meddling around trying to solve it on my bit of land. That's my argument. I want to be treated fairly like everyone else. These chaps have decided this is the Holy Grail for curing the world's problems and I get hammered every five years. As a community we get hammered. That's what it feels like. That's pretty straight talking. It's a bit off the topic here I agree, but the topic is that we're getting a set of.. what is it Bob? You're told this is what we want. The Regional Council goes away and writes rules on it, and they're pretty free with their rules, or they have been with the last lot, and the judge was very, very upset with them. I want to make sure, or the reason why "peat" has got to come out of there, is because these chaps will write the rules and have another go. Enough is enough. We've had a guts-ache. For me to talk like this in an formal meeting it's pretty serious.

**Wratt:** Thank you. I understand where you are coming from. I hear where you are coming from.

**Chair:** I had read that chapter about the Mangaroa area in that Keith Thompson report. I think it was attached Mr Clegg to material that you had provided. I forget the year that was written. While that does have statements in it that say there's realistically little or no potential for restoration of a natural wetland in this area, and it does say that, we obviously can't make any determination about that, because that's first of all not what we are being asked to do through these provisions and this process. If we were doing that there would be raft of experts who know a lot more about me than peat and its potentials. I think you understand. There were a few nods there and I think you understand that we can't through this process make any decisions about whether 360 acres is peat land, is a natural wetland, or is an ecosystem. We can't do that. But we can do and what we are doing is, listening to you and understanding the issue, and then looking at these provisions and seeing are these provisions the best way of achieving the sustainable management of natural and physical resources, because that is our task. Everything that you're saying will be factored in as we go about that task. But just as long as you know we can't make any recommendations about whether the Mangaroa peatland is...

**Hill:** All I am trying to do is give the feeling the community – that's the science and whatever, and that we are not treated any differently from anyone else.

**Chair:** It sounds like you do accept that there is value in peat itself as a resource. It must be good for pasture to grow on because obviously it's happening so much in the Waikato and then your area as well. It does seem to be pretty undisputed that it does this very high sequestration potential.

**Hill:** The main point is that we are not being singled out. Greater Wellington is very lucky they've invested an awful lot of money in Queen Elizabeth Park. I would think it would be fair to see how that goes before we start moving onto other things.

**Chair:** You were here when Dr Kerkin was talking earlier about this idea of compatibility of your aspirations, the Council's aspirations generally across the whole region; not necessarily your community but the aspirations across the whole region to have these nature-based solutions helping in our climate change battle. That booklet of provisions that you have got up there, that's I guess the most up to-date version of the provisions that the Council are supporting. There's going to obviously be further iterations before we make our recommendations. Policy CC.7 and Method CC.9 do talk about working with and supporting land owners. I will give Mr Anker some time to see if he can find those. I will read it out. It's just one sentence in CC.7: Work with and support landowners, mana whenua/tangata whenua and other key stakeholders to protect, restore or enhance ecosystems that provide nature-based solutions to climate change." Do you think there's an opportunity here to have some sort of healing? Council have been very frank about what it's trying to do. You're being very frank as a community about what you're trying to do. Seeing if there's a way that you could actually come together and achieve some benefits.

**Hill:** Very much so. All we need to do is establish trust. Everyone here, Bob pointed out very clearly, or Sarah did, that Katherine Mansfield Drive was a bare open piece of land when everyone arrived and now you can't move for the trees and the environment. We're there because we love the environment. I go tramping. I spend a lot of time in the Tararua's. I love the outdoors. I was a pharmacist for forty years in a white coat serving people. I just love the environment. We do. I believe that I'm doing the best to manage the situation as it is. The residents in Katherine Mansfield Drive it's been

so wet this winter, horrendously, that they're onto me all the time, "What can you do about the water around our place?" In the summer they'll be complaining, "What can you do about all this dry grass? It's a danger to us." For sixty families, sixty groups, it's bloody unusual to get together and be reunited and to front up here. It's pretty tough stuff. Even if it's informal and casual it's pretty hard. I have talked to everyone in the street. I just walked from one end to the other. No-one believed what was going on, about people telling them they're going to lose their houses and things.

**Chair:** What would you like to see happen to resolve things? We have heard what you have said about no reference to peat land – we've heard all of that. If we can set aside the provisions for a bit, although I know that's really why we are here. What is the outcome you would like?

**Hill:** We are very lucky live next door to a very, very wealthy group of people that are establishing a model farm that includes everything – regenerative farming, etc. etc. We are moving towards taking on-board the advice. My problem is dealing with total enthusiasts that go to the extreme wanting a sequestering carbon wetland that is the Holy Grail of all things. What I have suggested to you, that our peat is very much degraded and needs to be protected. The carbon does as far as that goes. The experimentation and all the things, and what do I think we should do, I should be able to hop in a car, an electric car, and go over to QE Park and spend time with the experts who are still learning and still finding things out – finding is fire a danger? When they flood it is it going to release all the methane that people say it is? A lot of this stuff is in its infancy. It's not just black and white. There's so many grades. I would like peat to be treated as a soil type and go from there. The difference between sequestering carbon, protecting carbon loss, is quite major. Enthusiasts broadly talking about this stuff can be dangerous. I'm one of them I suppose. We as a group obviously are very open and very proud of our environment,

proud of what we've got and proud of where we are. We all are. We should work together. We are in this together. It's not you and us. It's just that people, Greater Wellington, have been trying to do their best for the environment and we've been the collateral damage. I don't really think that they realise how it's affected people. We've talked before – the Greater Wellington Council. The Councillors have been shocked by the communication. Communication is a big thing. Talking. I'm talking too much.

**Chair:** All good. Shall we move on to Ms McDonald. You are also within this hearing slot. Have you got a presentation as well?

**McDonald:** I'm an emotional person. I cry a lot so mine is very short. Sorry if there's lots of tears. I would like to say this is my first time in front presenting on this, and sadly it's not. The first time I spoke to Greater Wellington, at the time I was in shock with what Greater Wellington had told our community, and that they intended to push the idea of our community become a wetlands. I have spent the last two years since then fearful for their idea to come to plan. Our home was our dream come true; a place dreamt of to raise our children in a safe environment, teach them to live off the land, nurture and care for it in every way possible, plant life and watch it grow. All the best lessons in life. Our dream came true. Our two boys have started their lives in the best way possible in nature. But all of this is overshadowed over and over again where we still have to fight for our land. Are we not doing enough? Have we not given enough as the caretakers of our land? We now wonder why, why bother? Why plant more trees? Why look after it when we are repeatedly being told, "We will do anything to get your land." I thought after the court case for the sections down the street that we would be left to our lives, but I was told otherwise. Al Cross told me he would come for our land on an individual basis regardless of what the court case result would be; that if he didn't get it as a wetlands he would get it as peat. This starts to take its toll on you and its soul destroying. But

do you know what: what we have created is worth fighting for, because we made this land that it is today by caring for it. That's our passion. That's our reason we chose to live here. I please ask that we be left with peace of mind in the future to carry on our incredible work that we are already doing. Living in fear can't carry on and that is why I ask you to remove the reference to peat land. I do understand what I am asking for that, but by naming that peat land, what it can do to us, is why we ask for it to be removed. It leaves it wide open to take what it wants from us. Thank you for listening.

**Chair:** Thank you very much. It is very apparent this your lives, your livelihood, your community and how special the place is for you. Thank you.

**Paine:** Good morning Ms McDonald. I have two questions. The first one is who is Al Cross?

**McDonald:** Al Cross is from Greater Wellington. I wish I didn't know him to be honest. He came into our lives, into my life two years ago and ripped it apart by telling us... I don't think he is now part of Greater, which is nice. He made it very, very clear that he was coming for us. He says those words very blatantly, and that's what has scared the community. He doesn't hide it. Same with Roz. We have had many meetings and I am very frank with my questions, because I am scared of what is going on. He just says it blatantly. This was before the court case – that which way it goes, "If it's cleared, it's not a wetlands, will you just then leave us in peace?" and he said, "No. If I don't get it through that I will be getting it through peat." I then questioned that and I said, "So, why would we let you on our land?" They made it very clear they wanted everything back to water. They didn't care of our safety. They didn't care of our homes. It was they wanted it under water and that was what they were going to get. He said he would legally force himself onto all of our lands individually, and that's what he would do.

**Paine:** This is Al Cross?

**McDonald:** Yes.

**Paine:** Those issues have since been dealt with, with Mr Cross, or the Environment Court?

**McDonald:** No. I am not part of those twelve properties that went into court. We are further down the street. Our land has been there for a while. I have been there nine years now. We are not part of that. That's why my question to him at the time was, if those properties are cleared and that area, which is part of the whole area, if they were cleared would he then let us be, and he said no. That was his opinion back then. He carried it on. Roz sat there with him, and they were in agreement with everything. It was, "We don't have money, we won't be paying." We said, "If this is the land and this is what you want, why would you not fairly pay us for it? If you want to do this, where we can't actually live on our land, if this is what you want to happen to it, we can't safely live there so would you pay it?" Then it was, "No we don't have money for that and we will not be paying you for it."

**Paine:** Since this approach have you had any other approaches like that?

**McDonald:** Not since then. This was us. We actively asked for these meetings. We said, "This is our concern as a community, can we please..." trying to get the two together; us and Greater Wellington to try and understand really what's going on. We have tried everything. They have come to our homes to talk. We have been to a café with them. Just to kind of go over what it is. Every time it was a strong front of "This is what we are going to do, regardless of you and your community and you living here. This is our idea and we are going to get it, regardless of how we get it."

**Clegg:** AL Cross' title was General Manager Environment Management.

**Paine:** Thank you. Ms McDonald, one last question, and Mr Hill talked about this as well. It was about removing the term "peat lands" from the RPS. Commissioner Wratt has followed that up as well. But for me, I was just wondering, that's a fairly broad brush and is it more about the Mangaroa peat lands rather than peat lands in general?

**McDonald:** Obviously we are scared for our own properties. It's more the fear that we have of that term. It's the fear of...

**Hill:** Being targeted. We've had approaches from Whaitua. We've had meetings in schools with the whole community. They have made it very clear then, and that would be several years ago that I was approached and told that they wanted the whole area, because it was such a gem. I think they believed it was carbon sequestering. It would have to be. Otherwise it's 240,000 hectares of peat throughout New Zealand. There's something there. There was a group.

**Paine:** Here's my question Mr Hill about your interests really. Not to make you sound selfish or anything, but it's specific to that – your area, the Mangaroa peatland?

**Hill:** Sorry, I didn't...

**McDonald:** I think it's one area that's just been really targeted. I think that's the problem.

**Hill:** It's not just ours. It's the gun club and Mr Munro's. There's the other...

**McDonald:** The whole of Mangaroa as a community is picked on. It's their experiment on our private lands that's the scary part. It's no-one knows what it is. The reports say it can't be brought back to this, but this is our own personal... we do everything to look after it as it



is. If you saw our street it's beautiful. It's amazing. I remember always driving up thinking this is my absolute dream to live amongst this. Before all of this happened, we did everything to look after it. We were looking for ways to nurture it, to what was best for our soil, and what was best for everything. Now, everyone is so scared. No-one wants to plant anymore. No one wants to do those things that we would still be doing, because we are so scared it's going to be used against us with these terms that are coming in. That's the really sad part, is that what we love to do we now... I look out at my property and I think I don't even want to be out there. I don't want to go and plant. What's the point? You just don't know what point you doing good is going to be used against you. That's the really sad thing.

**Wratt:** I certainly hear your concerns and why you are so passionate about your land, obviously. I do have a question and I think it's perhaps just going back to Mr Hill, which is, you did mention not only the Mangaroa peatland; obviously that's where your personal interests are, but you also indicated Mr Hill that there are potentially other similar areas around. I'm not sure, did you say in Wairarapa or Waikato, that there are previous peatlands that are now being farmed and are concerned that this whole issue does go beyond just the Mangaroa peatlands.

**Hill:** I think it was mentioned we have 300 hectares. I was saying New Zealand has 240,000 hectares and of that two-thirds is farmed. Once you're farming peat it's not going to be a sequestering wetland. Peat is like a sponge and once it's collapsed it doesn't go back into a sponge. It needs to have a cover over it. It needs to be looked after.

**Wratt:** I guess the question I had though was other similar peat areas that are farmed within the Greater Wellington region.

**Hill:** It doesn't really make any difference. The only thing that's important to Greater Wellington should be areas that can be created into sequestering peat. A peat swamp is an area that takes carbon

out of the area. It's the best thing that you could possibly have. Sarah was asked earlier what about the entire area? Every time they had an expert in their court case they came and practiced on my place. They walked all over it. That Keith Thompson you said was back in 2012, he personally came from holiday visiting his daughter in the South Island, to come to my farm two years ago, just before the court case. Hopped on the quad bike and went over the whole place to reinforce that it wasn't a wetland and that the area hadn't changed since he was there. We had the other expert that they used and they looked at our land. They looked at the drains we had and was all brought in. The Holy Grail of a sequestering area, that Greater Wellington is looking for are absolute gems. They are.

**Wratt:** I do appreciate that, but one is sequestering and the other is keeping the carbon in the soil.

**Hill:** That's right.

**Wratt:** I'm hearing that you are aware of that and concerned about.

**Hill:** Very much so, yes, very much so.

**Wratt:** But, how do you manage your land so that there isn't release of the carbon that is in it?

**Hill:** Yes, that's right, that is right.

**Wratt:** My question and maybe this is going beyond your knowledge, but for Greater Wellington we've got these two types – we've got active live peatland which sequesters and which is important that we look after. We've also got areas of previous peatland which are now in pasture and also need to be looked after in terms of not losing the carbon that's already in them. Are there other extensive areas across the Wellington region that have that sort of now farmed peatland.

**Hill:** That are being farmed, I think there are some north of Queen Elizabeth Park. But what's the significance of the question? Are you

saying it's valuable to have areas that are farmed with peat in it, or is it not?

**Wratt:** No, I'm questioning whether there needs to be two separate approaches I guess. One is around actively sequestering peat land.

**Hill:** Peat that is not sequestering carbon is going to have to be treated by the country as a whole. It's a national problem. It's a major problem. You would be well aware of it.

**Wratt:** My question really was following from Commissioner Paine's question which was, is your only concern the Mangaroa Peatland?

**Hill:** I'm only a dumb farmer. I'm only looking after the bit of land I'm after.

**Wratt:** Your concern is the Mangaroa Peatland, but the issue that you're raising is not just an issue with the Mangaroa Peatland.

**Hill:** I'm reaching out to our neighbours that have got unlimited money. They have an extensive part of our particular area. They've got no economic restraints whatsoever. They're trying regenerative farming and they are experimenting on how best to do that. We're still in a learning stage. I can't look over here and Pam can't tell me exactly, definitively, though she may try. There's still a lot of unknowns out there and I don't feel... I'm happy to experiment with my farm and do the best it can be, but I don't want ideologists having a crack. Queen Elizabeth Park is a big experiment and that should be concentrated on and we should learn from what's going on there.

**Chair:** We might unfortunately have to keep things moving so we can also hear from Mr Clegg and Mr Anker. Is the best thing Ms Nixon to keep going in terms of the timetable?

**Nixon:** Let's do a five minute break now.

**Chair:** Is that okay? A five minute break. There may be some more things if you do have the time to stay.

**Hill:** We're all together. Chair: We'll see you all in five then and we'll pick up the discussion. There is tea and coffee up the back there. Help yourselves

**Chair:** Kia ora. Welcome back everybody. Mr Clegg and Mr Anker, it's your turn to present. Just so you know, we are actually doing reasonably okay for time. Just so you know you don't have to rush through your presentations. We have roughly about 25 minutes each, just so you know. The floor is yours.

**Clegg:** Hi, Phillip Clegg. Do we have my presentation, and the magic clicker? Thank you. First of all, thank you very much for hearing us speak today. I do have to apologise for the hearing statement I submitted. I work in IT and I live with acronyms and numbers all the time. I got a little bit confused with the ones around the Resource Management Act. I kind of know how people feel when they talk to me sometimes. I did confuse S47 with S42A when referring to some of the reports. A quick apology for that. Thank you very much anyway. In March 2019 we purchased a not yet titled section in a rural subdivision in Whiteman's Valley. We were looking for our next home. We tend to buy our homes in stages depending on where our kids are at and what we are doing. They had just turned into teenagers, going to be turning into their early twenties, and we wanted a place that was able to provide a safe haven for them as they went through that. We escaped the world of Auckland. We discovered there's life outside the big city. I am actually born in Kaponga, so escaping Auckland is something that we did on a relatively regularly basis. We escaped Auckland because we wanted to escape a lot of the problems and the challenges that region and area has had with unplanned expansion. We had a 9000 litre water tank that was sold to us by Fletcher Building as, "Isn't it great, your toilets and your taps run off this 9000 1342 litre water tank," when the reality is it was a rain soak. It stopped the stormwater in the Auckland northern suburbs from being flooded by massive amounts

of water, but using it a little bit like a leaky damn, if you like, in our back yard; where it would fill up to 9000 litres and then slowly drain back down to three. We were wanting to escape that. We had been looking around the Auckland area. My family is from the Bay of Plenty, so we were looking around Whakatane and Tauranga. I am very fortunate I can work from anywhere. We had our little shopping list of things that we were looking for. We wanted a bit of peace. We wanted areas which weren't designed for neighbours to have to park across our driveway, and somewhere where we could get back to nature and actually building something a little better ourselves. So, went from here to here. It's a little bit different. With this shopping list we found our little piece of paradise. We are twelve minutes from McDonalds, from Brewtown, from the supermarket, from civilisation. But this is my office view. We got our titles issues in 2020. We spent up large on engineering reports. We spent up large on due diligence before we bought the land and we learnt a lot of things. We learnt a lot about the soil we were on and the land around us. One of the things we actually learnt is, despite being 53 metres above the valley floor, the soil database says we're actually on peat land. The latest mappings, that's not correct and doesn't show us on that. But that's an indication of probably the age and the quality of some of the soil mapping that we discovered through the court cases and the court processes that subsequently followed. We've got our lovely little patch of paradise here, where the hawks hunted about the level of our fence. We tried to do the right thing. That's our place, the little black one in the middle there. You can see our driveway. You can see a slope of bedrock that was left by the developer. We have done things here to try and improve this. We have planted 3500 native plants on that bank. We spent time at a local nursery and we talked with the locals to find out what would grow and what wouldn't grow. What lives there and what doesn't. We have let the native bush regenerate through using gorse as a nursery and we are beginning to see it move from the bush on the valley side towards the higher side

of the hill every year as the native bush is regenerating and taking back over. We have made sure that we have removed the wilding pines. Not only are they bad for our water because it's rain water, but they're actually just bad in general and we would much rather have, and what we have always wanted to have is, what my wife calls a 'fussy garden'. It's one we don't have to do much to and it looks after itself. It encourages the bird life and it encourages nature to be happy in our presence. We have also taken a lot of care around pollution. We have made sure that our septic field drains into areas that don't drain into streams or waters – that's absorbed. It's planted with appropriate plants as well. We have even gone as far as removing as much light pollution as we possibly can. One ridge over from us is the Dark Sky Reserve and I didn't really want us being a beacon or spotlight in the valley sending light up into the sky, when I can instead sit out in my spa pool and look at the stars and watch all the meteors come across, which is quite phenomenal. So, why am I here? Well, a week after we received our CCC, we also received news from a neighbour that we'd been involved in a court case. It was Greater Wellington was trying to undo our subdivision. We have heard a little bit about it through this so I don't really need to go over what that was. But you would think that at the end of the court case everything would be happy. Ruled in our favour. But no, it turns out it was actually the beginning. Since that court case, in meetings with GWRC in community settings, we were told that GWRC wanted the area, the land around us, and if they couldn't get it one way they would try multiple different mechanisms, either as an SNA or that they would use climate change as an excuse to stop us using our land. Much of the court case was actually based around arguing on semantics – the wording of various policies. There seemed to be a faction who had decided that evidence was not necessarily as important as potentially their expert opinion, therefore that's how definitions were... it was declared that our subdivision needed to be protected as a wetland. The reason I am here is I don't want anyone else in Wellington to

have to go through this process. I don't want someone else to find that they are under protection orders, or that they're being enforced for vague words that are open to interpretation. First of all, I would like to acknowledge Pam's work and her commentary changes in the S42A. We are not questioning the science on peat and peat bogs, and peat wetlands. There is enough reference in the information that Pam put into the S42A, but also in our information requests, and the LGOIMA requests answered by Al Cross as General Manager of Environment, and also answered by Lian Butcher who is now GM Environment. Later this year we had three responses on that and we'll get to those a little bit later. What is clear is that good wetland peat is awesome at becoming a carbon soak. We have difficulties with sequestration. It's hard a word to say so we'll use some English. All of the reports talk about peat as a wetland, as a bog and how wonderful it is in holding and creating carbon soaks. But all the articles talk about is they raise the perspective of the potential of carbon emitters; when peat is exposed, when it's degrading, when it's at the surface that potentially could be an emitter of carbon dioxide by several tonnes. I suppose one of my thoughts was, if you're going to use the word "maintain" and this happens to be a damaged bit of peat, maintaining it means keeping it the same doesn't it. So doesn't that mean I have to keep my emitters emitting? Because I'm maintaining it. I don't think that's the intent. I don't think that's what we mean with that word change from "protect" to "maintain", but it's an example of why words are important. Twisting and bending words in a regional plan can lead to unintended consequences. Someone with a hidden agenda can take loosely formed wording and twist it to their ideology or bent. Just imagine a broad passage that says, "We are going to make this street for passenger cars only, for example, green cars or blue cars." If someone had a pathological hate of purple, like my father-in-law does, and he was running it, he might start enforcing, "If it's not green or it's not blue, if it's purple, I can now enforce that. I can now take some action

from that meaning.” I’m sure that’s not what is intended by this RPS, but this is our fear. “Maintain” is another interesting word. Words are important. If we look at protect versus maintain, maintain is a superset word. It implies protect if necessary. It also kind of implies that something actively needs to be done to keep it in the state it's currently at. Why are words important? Well, here we are. We have some very, very interesting definitions. There are two plans that are going around at the moment. We have the Upper Hutt Council’s PC.47 Natural Hazards Plan and we have RPS PC1, one from Upper Hutt, one from Greater Wellington. They both used the word peatland, but they use it in different contexts with different meanings. When Upper Hutt uses these words what they are looking for is organic based soils that can be identified, because they go a little bit whibbly when the earth shakes. That’s a bad thing to have under a house. So to make sure that if your soil type is organic and within a boundary, they want an additional report to be generated if you’re going to subdivide or build on that, to make sure in a whibbly event your house doesn’t fall over. That’s generally a good thing. While peatland in the Greater Wellington, we’re looking at how do we help the Wellington Region evolve, change and tackle the challenges of having to live differently with climate change? It's in that context that peatland is actually brought in. The two are very, very different. So here we have the same word with different meanings. One is a wetland bowl with a diverse ecosystem and a carbon soak, and a really, really good thing to have and to encourage; and the other is organic soil that might shake nastily.

After the court case our community was relatively shaken. Is that the polite word for it? That’s a polite word. We are actually representing our community in general and not just ourselves as individuals. We all have different views and opinions because we’re all different people. We have different experiences and different takes on life. Through preparation for planning and helping the councils out, we



have lodged a couple of LGOIMA requests. Much of that and some of the evidence that came through our court case has shown that there are factions/individuals or there is a theme within Greater Wellington that they want to do something with this ecology that happens to be in the Mangaroa Valley. Yes, there's some peat there. It might be a wetland. These are included in reports from the Whaitua Board. They were quite interesting. They believed that if they could flood the Mangaroa peatland they could turn it back into a functioning wetland and it would then start sequestering several hundred thousand tonnes of carbon. There was presentations to the Deer Stalkers Association where they refer to turning the valley back into a wetland, so that hunting can occur on the hills. And there was several references to it being an SNA in the farming working group presentations – all referenced protecting and restoring this area to a wetland and then protecting it as a wetland, as well as the climate change concerns. This is a group of documents that sixty-odd households have had access to and they span a period of time that start around about 2015 and continue through to 2023. We are not talking something that's historic. In 2018 seems to be when there was a lot of conversation about the Mangaroa area. One of the things that came out in the information request, we received three letters specifically asking for information to prepare for both natural hazards, or primarily natural hazards, where we asked in our LGOIMA request, "Is there a grand plan for the peat?" I am going to read a couple of them. They were answered by two individuals three times – so once in November last year, 16 November 2022, once in May and the latest one was answered in July 2023. The first two were by Al Cross who was General Manager of Environment and the last one was Lian Butcher who is also GM Environment – probably because that's the name that gets put on the LGOIMA requests around this sort of stuff. We understand they don't write that stuff. They go and ask people and stuff comes back and it comes to us. What Al told us was reference to peatland is only included twice in the RPS Change 1.

Both times there's an example of a natural resource that store carbon. There is no specific discussion or decision-making associated with the inclusion of peatlands that are known as sinks. That was his first one in November last year. In May his response got a little bit clearer. He said, "As previously detailed peatlands are not singled out in the Regional Policy Statement Change 1, nor do they have a specific objective or policy." This is why there is no detailed information when we asked for what are the plans around peatland. He's basically saying, "In our eyes we're not interested. There is no plan. There's no policy. RPS is not designed..." and this is a wording of an example. So, why should GWRC listen to us activists? Why should we be listened to? Well, let's have a look at the area we are talking about. Depending on your definition, we've seen numbers anywhere from 400 hectares down to 53, mostly based on soil based reports that look for organic content. You're going, "Let's try and use this Upper Hutt soil survey that originated around about 1978 to ring-fence." There is very little modern documentation around this particular area that we live in, as to what's there, how deep it is, how wet it is, or what the water-table is going. So why should you listen to us? Well, assuming the worst case, the largest one, this incorporates mostly properties on Katherine Mansfield Drive and its associated sub-roads – Ashton Warner Way, Margaret Mahy Drive. If we just look, and I did actually count, there are 54 households from the beginning of the Katherine Mansfield Drive to the end that's in the area in blue, that incorporates what is generally acknowledged as either Mangaroa Swamp, Mangaroa Peatland, or the area. There are 54 households. Forty-eight people responded from this area. There were 48 responses with addresses in this area, asking for reference of "peat land" to be removed from the definitions. There were also another three, and one that surprised me was Forest & Bird was one of those. There are approximately 75 properties all up. It's hard to see the green on here and I apologise. I probably should have used a

different colour. I didn't want to use an emotionally bad colour like red.

But when you incorporate the several large land owners, some of the farms are in several titles; so all up, there's approximately 75 properties in the area that we will call on the flat. The hill dwellers, of which I am one, were not really concerned because in their eyes, "It doesn't impact us, and we don't really need to have a say." What we are talking about is our community is the people of the flat. They get upset if you call them drinkers of the swamp by the way. So, if you have a look, at 75 properties, with 48 responses that's 68 percent of an area have wanted to have a say. But if you look at just individual land owners, that's a 90 percent response rate. When was the last time in local government you saw a 90 percent turnout for anything?

**Hill:** Here, here. Point made.

**Clegg:** So, our ask: when making new regulations please be precise. Peat land is too loose and it can have different meanings and unintended consequences. Al and Lian told us it's not important. So, if it's not important and it's just an example, why don't we just remove it as an example? There are many other nature-based solutions. We can put those in as examples instead. Thank you.

**Chair:** Thank you very much Mr Clegg. That was an excellent presentation, thank you. Mr Clegg, earlier I think you said there have been surveys or some assessments and they range from five hundred and something to...are you talking about assessing the land as peat land or as something else? Sorry, I might have my numbers wrong.

**Clegg:** That's a really, really good question. It turns out there isn't an easy answer to that. There appear to be two reports that everything hinges on. One is the 1978 Soil Survey from Upper Hutt Bureau of Soils that went around and measured what the soil types were, and tried to map them. A lot of the boundaries, it says in the report itself, are estimates. That was actually originally also used as part of the

evidence to try and explain where the wetland was, under the idea a good peatland is a wetland, therefore if we find peat we should find wetlands. The only other recent survey is probably Keith Thompson's report. There has been very little published that we could find, or our lawyers could find through the court case, around anything to do with soil hydrology or ecology in the area.

**Chair:** The statement in para 41 of your hearing statement, I think universally there is no disagreement at all about that sentence – Greater Wellington has the capability to lead us into the change needed to help tackle living through climate change. I do think that there is so much commonality that I am seeing, as an outsider really, because that is what these provisions are trying to do. You, Ms McDonald and others talk about... those photos are beautiful. The things that you've been doing for years – 3500 native plants, that's just remarkable and a wonderful acknowledgement and testimony about how much you care. It seems that these provisions should be supporting all of that great work. Everyone is trying to get to this place where we are leaving it a better place for our children, but not doing it in a way that's causing you the fear, worry and stress that you might be losing your properties as you've talked about. How we get there is... it's just an observation that it would be perverse if Ms McDonald now feels she can't continue all that great work that she's been doing on her land, and you too. All of you. Through these provisions that can't be the outcome that the Council is wanting.

**Clegg:** I think you're right, I don't believe that is the outcome the Council wants, but it is our lived experience; not just the subdivision I was in, but our area in general has been through. This isn't all about us. I think that's the point I'm trying to make. This is how do we together get through changes that are going to be necessary to live with a changing world. One of the questions that I asked Pam very quickly was, "How often are RPS 1646 plan changes done?" If it's a short-term, maybe it's too soon. Maybe this is something that should

go a little bit later once we can find... after all, this is just an example. Maybe putting it into the next one as an example, or maybe having more substance under it, because it's very clear from the science that I read, there's some real positive benefits to the Wellington Region in finding those great wet carbon soaks that are out there, without them exposing people to risk that personal agenda that sometimes comes through. Does that make sense?

**Chair:** Yes, it does make sense.

**Clegg:** Actually, I quite liked the thought of splitting between the wetland, the QE2 and the dry land.

**Chair:** I think that's part of the change that Dr Kerkin was proposing in that first option. So that you don't have to keep coming back every time there are changes as well, it would be fantastic to see if there is a way of you can be more confident about it, and more transparency about intentions and working together to achieve that. I think that sentence that I read out in your statement is very compelling. I do wonder if there's a way to bring everyone together. I'm really conscious of every time there's a tweak in a planning instrument for you to have to come back and run the same argument; so a lot of empathy for that. We don't want to eat into Mr Anker's time. You've been waiting there very patiently. Like I said, we could keep talking, but really appreciate everything that you have provided. Your presentation was really, really fantastic. Thank you very much Mr Clegg.

Mr Anker.

**Anker:** Thank you. I am sure that in the course of my presentation I will go over things that have already been talked about. That's one of the natural perils of being 'tail-end Charlie'. You've already heard from my friends and neighbours. We speak not only for ourselves, but for our community.

My name is Bob Anker and I live on the western side of Katherine Mansfield Drive. I purchased my land and built my home in 1985, some 38 years ago. For some fifteen years I grew flowers commercially on my land. When purchased the land was bare – marginal grazing land practically devoid of trees, as was the entire Katherine Mansfield development. A typical townie who obtains land I planted trees, lots of trees. My neighbours who followed me did the same. I planted around 1600 trees. Too many, too close together, wrong varieties but the intention was good. We have totally transformed the area and seen an exponential increase in the quantity and variety of bird life. We are all invested in our land, have acted independently of any local or regional authority. Our actions have been those of stewards and guardians of the environment. The only threat to our being able to continue in the peaceful enjoyment of our land has come from the Regional Council; but the former manifestation of this threat has already been outlined. Compared to Greater Wellington, our relationship with Upper Hutt has been good. The Mangaroa Peatland community has endured repeated attempts to gain control over the peat land of about 350 hectares, all of which is in private ownership. We have documentary evidence of a determination by GW ecologist to get control of the valley, initially as a significant natural wetland and when that failed as a significant natural area, and now as a nature-based solution. It was in light of the concerted action by GW officials supported by Roz Connelly that we read RPS Change 1 and found the definition of nature-based solutions in the glossary at the end of the document. The level of concern generated in our community can be measured by the response of 62 individual submissions. The list of nature-based solutions included peat lands, and prompted us to use LGOIMA to ask for information. Our request was: papers and presentations prepared for workshops with Regional Councillors and/or Territorial 1725 Authorities, considering the peat land as part of a climate change strategy.

The response drafted by Matt Hickman is signed off by Al Cross dated 16 1728 November 2022, stated: "Peat land has no mention in the climate change strategy or climate action plans." We considered this to be disingenuous and followed our complaint to the Ombudsman and GW's response was reiterated on the 13<sup>th</sup> of July 2023.

Meanwhile on the 19<sup>th</sup> of April Pam Guest presented to the Commissioners for the Upper Hutt IPI hearing and as part of her climate change submissions cited nature-based solutions. Objective CC.4 nature-based solutions, examples include protecting peat land to retain carbon stores, policy CC.12 protect, enhance and restore ecosystems that provide nature-based solutions to climate change. We are now left wondering which arm of GW we should believe. We are accustomed to Regional Council speaking with forked tongue. They consistently give us no reason to trust what they say. The RPS references peat land and there is no definition of peat land. There is an area known as the Mangaroa Peatland, but the RPS does not refer to any map that identifies the extent of this feature or any other peat land in the Wellington Region. Among the responses to our OIA, there is a statement that GW views the Mangaroa Peatland as a regionally significant ecosystem. We have never been informed what factors make it a significant ecosystem. Lived experience has taught that such classification leads to problematic interference. Mangaroa Peatland is private land. It's a farm. It's a home to over 75 families. GW gives lip service to, but fails to give effect to the Whaitua concept, and I quote, "You ask me what is the most important thing in the world. It is people. It is people. It is people." In July 2015 the Proposed Natural Resources Plan was notified. It was another eight years before it was signed off by Darren Ponter yet is still an inchoate instrument. We understand there will be a change notified in November, a bare four months after sign-off. The NRP operative 9 July 2023 references buffer zones, but does not define the dimension of any such zone; neither does it specify any rules that apply within the main area or the buffer zone. Buffer zones are of material

interest to our community. Once more we seem to be dealing with the rationale that first we are being asked to concede to the concept of buffer zones, and then GW will make up the rules afterwards. Both Pam Guest and Mr Farrant propose changing the wording from “protecting” to “maintaining” peat land. They claim maintaining is less onerous whereas protecting is more regulatory. Our feeling was the opposite is the case, and we consulted an RMA barrister for his legal opinion. We are advised, and I quote: “Standard rules of statute interpretation apply to Regional Policy statements. In Resource Management law “maintain” is often used as a proper ‘catch-all’ inclusive of protection. Maintenance of something is used to include protecting, enhancing and restoring, depending on the context. The overall outcome of maintenance is to keep something in the same state as it currently exists, which requires active steps to ensure that it remains in its intended state; whereas protection refers to actions to preserve or avoid harm to a particular thing.” It seems to be at odds with the statements made by Pam Guest and Mr Farrant. Additionally, if as stated by Al Cross peat land has no mention in the climate change strategy or climate action plans, why are they going to such lengths to change phraseology?

I am here talking to you today on behalf of myself and the wider Mangaroa Peatland community of over 75 families. Firstly, we want to be able to trust GW. Secondly, we are looking for consistency. Thirdly, we are the stewards and guardians of our land. Start treating as such and engaging in timely and meaningful consultation. Fourthly, please start treating our community with respect.

On Monday the Panel asked a question regarding my submission that increased CO2 levels can result in increased rates of plant growth. It was my intention to take issue with the GW position that increased levels of CO2 were inherently bad for biodiversity. Commercial greenhouse operators seek to increase levels to between 800 and 1200 parts per million which maximises growth.



The relief that we seek is for all references to peat land to be struck out from the Regional Policy Statement Change 1. However, since I wrote that, I have listened to what Sarah had to say and the alternative option of confining it to “wetland areas of peat land that are actively sequestering carbon” would probably seem to be a better option.

Thanks for hearing me.

**Chair:** Thank you very much Mr Anker that was very clear.

**Wratt:** Just while Chair Nightingale is looking through her notes, just in terms of your comment around CO2 levels and plant growth, I certainly appreciate that in a glasshouse context yes, you're quite right, and there are positive benefits. But I think in the context of our conversation here I really don't think that's an issue that we need to explore any further.

**Anker:** I noticed on Monday, I was watching the livestream and I noted your question that you put out regarding what I had said. I think it's like everything else in this life. There's a trade-off. You get some plusses and you get some minuses. The only plus that I could see is that you would get increased rates of growth. Indeed, if we go back to the Jurassic era, levels then were between 2000 and 4000 parts per million, which is why you have so much plant growth that the dinosaurs could manage to eat to their heart's content.

**Wratt:** There are other implications of increased CO2 levels though that are not quite so good for our plant growth, as in impacts they do have on our climate, which is now well recognised. Appreciate your comments. In terms of your presentation in general, thank you for that. I don't think I have any further questions. Your concerns and positions are clear. I think there is some work for our Wellington Regional Council experts to do in thinking about how it may be possible to address the concerns that you have raised in the drafting of the provisions. I will hand back to our Chair. Thank you.

**Chair:** Thank you. This is something that I would be interested in seeing if anyone has a view on please feel free to jump in, or Mr Anker you might be able to respond. Objective CC.4, and I am sorry to bring it back. You're all spoken so passionately and I'm now bringing it back to black and white, but as you have acknowledged words do matter. Looking at the words of Objective CC.4, which is in that ring-bound bundle, it says – I will read it out again, it's just one sentence: "Nature-based solutions are an integral part of climate change mitigation and climate change adaptation improving the health, wellbeing and resilience of people, indigenous biodiversity and natural and physical resources." It sounds to me that the things you've talked about, that you have been undertaking very willingly on your properties does meet that objective. The planting and the other work that you have been doing, the caring for the land, it will be playing very much an important part in helping look after our indigenous biodiversity, and also helping respond to flooding, and the increased change in climate, as well as soaking up carbon. So, to me, the work that you're doing... I wouldn't want this word "nature based solutions" to become a term if there's a lot of distrust and fear about the word, but if we just put that one side; it seems like what you're doing is actually very much achieving this objective. Any comment on that?

**Anker:** I appreciate from having been involved in various plan changes that gone through, including the IPI for urban intensification, I appreciate that nature based solutions as such is a pretty wide ranging subject. It's not an issue with nature-based solutions that I think is driving us; it is the concern that taking peat land as an example will then get extrapolated all the way down the line. The comment I made regarding buffer zones, is that if the peat area is regarded in a special light and there is a buffer zone which is as yet undefined of let us say 50 or 100 metres, that then has an immediate impact on how all on the people on the western side of Katherine

Mansfield are going to be able to use their property. It comes back to this unintended consequences concept.

**Chair:** That's very clear, thank you. The additional words that Ms Guest supports so far, and this is before obviously hearing from submitters, into Policy CC.4 may go some way to giving you some comfort. The key part that Ms Guest is supporting here, and there are two policies actually, they talk about providing for mitigation, adaptation and resilience,

[loss of connection/audio - 02.56.50 – 03.00.40]

**Chair:** We're back. I think I just wanted to note that there is some recognition in these policies that the context in which these nature-based solutions are occurring and perhaps being support by the provisions that context does need to be taken into account. It might be that having heard the presentations today, it might be that Ms Guest is able when she provides reply to see if there's any other wording changes that might help to perhaps recognise your community and the issues that are important to you. I might also ask Ms Guest in her reply if she's able to give any more information on Method CC.9, so information that the Council has. Basically, is there a programme, what's the planning so far to achieve Method.9 which is about providing support, seeking new sources of funding to incentivise or implement programmes, that protect, enhance or restore ecosystems. It might be that is all still in very early stages of development. But there may be some information that the Council has that they could share about what their plan is for that. It brings me to the statement that you make Mr Anker, almost near the end of your statement. It's under the definition of nature-based solutions, where you say, "Greater Wellington needs to clearly state what it means by protecting peatland," and exactly what form that protection would take. They may not be aware. There may not be information that they can provide at this stage, but if it is possible to share any information that they have I think the panel would find

that really helpful in the reply. Do you have any other thoughts Mr Anker? It's that same question I think I asked Ms McDonald about – what you would like to see in terms of working more with the Council to help achieve these broader goals which I think you all support as well about climate change.

**Anker:** I think as a community we have felt that we have not been consulted. We are only too happy to join in with a consultation process. When I look at the post mortem results from the court case, which came through as part of my information request, it was clearly stating in there that GW felt that they needed to rebuild relationships with landowners, and to communicate more effectively with the landowners, but they seem to have phobia about doing that by way of a town hall type of meeting, and wanted to be able to do as an individual on individual. In the case that we've got with the peat land sitting there in the centre of the community, and 70-odd properties going around the outside of it, to communicate on a one-to-one basis with those means going through 75 individual properties, which starts to become almost impossible. We don't have a problem in meeting with the Regional Council. I can give them an assurance that if we meet as a group we're not going to set about trying to drag them outside and beat them to pieces. We are quite happy to engage in a conversation and we would welcome that. If we know what's going on and we know what's behind the thinking, then that stops us taking a response that would otherwise be seen as extreme. We just want to be involved in things that affect our property. It's no more complex than that.

**Chair:** Very well put. Thank you. Yes Mr Hill.

**Hill:** One of the problems I had, when I was meeting with people from the Regional Council and they said, "If it was peat, it's a wetland and we don't consider water as necessary now," I had no-one to ring. I want someone's name. I can ring up Pam and say, "This is a load of cobblers. What's the story?" I feel quite isolated. And when

something comes up like that, that I believe it's in the RMS and it was very clear in the court case, it was made absolutely clear, that the idealistic view of a group may not have been quite the beans, then who the hell do I ring? I don't read, don't write, got no time. I want to ask somebody. I want to ask them as a friend. When I had a dark time, there was a chap, Doug Fletcher, who was an enforcement officer or some such. He used to ring me on a regular basis telling me exactly where the Regional Council were coming from. That was a very simple matter of defining what pasture was, and the Regional Council decided there was only six types of grasses they would accept as pasture – which was absolute cobblers. I think it's up to about 30 now. But it was impossible for me as an individual without a bank of lawyers behind me, without a team, and the time to contact. I know it's all about me, but it would be very beneficial to have a name that I could ring with confidence, that I could say things, and they say, “Look mate, you've got it all wrong here, this is where we are coming from.” But it was very confrontational. It has been as one of the land owners, and it's very lonely out there. Very lonely out there. Every time I speak, speaking here, I'm losing the family's empire. I mean, 350 hectares is a lot of land sitting right next to Upper Hutt. Every time I talk, and I am not very diplomatic, it's worrying. I go away afterwards saying, “What did I tell those people?” It should be an environment where you can be safe. We're all wanting the same thing. We're all trying to look after. You saw the passion here fighting for her land. The chap here has planted all these trees. We're heading in the right direction. I sound bloody confrontational, but I didn't mean it as such. I was trying to give the expression that if you give people a set of rules they can mix them up and use them for their ends, and it can be very, very hurtful. That's what I would like. I would like someone to give me their card and, “You can yell at me mate and I'll get back to you.” I don't know if Pam's the one. That's a start.

**Chair:** Thank you Mr Hill. It might be that in the response we can get some comment from the Council on that as well.

**Hill:** I usually have to have someone sitting next to me when I'm talking.

**Chair:** For the record, I don't think at all you were confrontational. I think you have all spoken very honestly and with a lot of integrity and compassion. The last question I had: Mr Clegg the "maintain" versus "protect" wording, absolutely words matter. We will ask the lawyers for the Council if they can comment on. There will be cases that talk about that wording and what it means. We'll ask if they can provide some legal analysis of "maintain" in the RM context and how the courts have interpreted that word.

**Hill:** That would be fantastic, because at first glance it looks like "maintain" is that softer non-regulatory approach and the right thing; but in hindsight, could there be the unintended consequence was the whole reason for kind of putting that in – particularly when had our environmental lawyer come back with that actually the RMA is a potential definition.

**Chair:** Thank you. Commissioner Paine did you have any questions?

**Paine:** No Madam Chair. All the evidence was very clear, thank you.

**Wratt:** I would just like to thank you for the time that you've taken to be here. I haven't seen a confrontational approach. I think it's been very constructive. Thank you for that.

**Chair:** I don't think it's by any means the end of the dialogue. What will happen in terms of next steps is, there have been various submitters that have requested changes to these provisions we've been talking about. The Council will come back with their suggestions for changes and that will all form part of the Panel's deliberations. Those recommendations in those reports are not actually due until next year. So sorry, there is more waiting time for you, which I

appreciate you're wanting more certainty. We have absolutely heard what you wanted to say. Thank you.