

Before the Hearings Panel
At Greater Wellington Regional Council

Under	Schedule 1 of the Resource Management Act
In the matter of	Proposed Plan Change 1 to the Natural Resources Plan
Hearing Topic	Hearing Stream 3 – Rural land use activities, Forestry including vegetation clearance and Earthworks

Statement of evidence of Gabriela Nes on behalf of Upper Hutt City Council
(Planning)
Date: 5 May 2025

INTRODUCTION

1. My full name is Gabriela Nes, and I am employed as a Senior Policy Planner at Upper Hutt City Council (UHCC).
2. I have prepared this statement of evidence on behalf of UHCC in support of the UHCC submission to Greater Wellington Regional Council's (GWRC) Plan Change 1 (PC1) to the Natural Resources Plan (NRP).
3. This statement of evidence relates to Hearing Stream Three – Rural land use activities, Forestry including vegetation clearance and Earthworks.
4. I am authorised to provide this evidence on behalf of UHCC.

QUALIFICATIONS AND EXPERIENCE

5. I hold the qualification of Bachelor of Urban Planning (Honours) from the University of Auckland.
6. I have worked for Upper Hutt City Council as a Senior Policy Planner since August 2022, in this time I have supported the development of Plan Changes, including the Intensification Planning Instrument, Rural Review and Outstanding Natural Features and Landscapes Review.
7. I am familiar with PC1 having drafted the UHCC submission on the plan change.
8. Prior to working at UHCC, I was employed by Aurecon New Zealand as an Environment and Planning Consultant. My role included the preparation of district and regional resource consents for major infrastructure projects, residential and commercial developments and the preparation and processing (on behalf of both district and regional councils) of environmental, economic, and social impact assessments, and policy research and analysis across Australia and New Zealand.
9. I am an intermediate member of the Te Kōkiringa Taumata/New Zealand Planning Institute.

CODE OF CONDUCT

10. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

SCOPE OF EVIDENCE

11. In preparing my evidence I have relied on the following:

- The Resource Management Act 1991 (RMA)
- The National Policy Statement for Freshwater Management 2020 (NPS-FM)
- National Environmental Standard for Commercial Forestry 2017
- The operative NRP for the Wellington Region
- The NRP PC1 Section 32 Assessment
- The NRP PC1
- The submission on NRP PC1 made by Upper Hutt City Council
- The Section 42A reports for Hearing Stream Three written by Ms Willis, Ms Watson and Ms Vivian and the supporting evidence of Dr Greer, Mr Nation, Mr Reardon, Mr Peryer and Mr Pepperell.

12. For ease of administration, this statement of evidence is focused only on areas of particular interest or importance. Where I have not commented specifically on a provision, I am generally comfortable/neutral with the recommendations proposed by the s42A authors within the Hearing Stream Three section 42A reports.

13. This submission should be read in conjunction with the Statement of Evidence of Ms Suzanne Rushmere prepared for Hearing Stream Three dated 5 May 2025.

Rural land use

Definitions

14. UHCC did not specifically comment on the definition of 'Registration' as it pertained to small farm registrations under Schedule 36, or the definition of 'small stream riparian programme'. However, I consider the deletion of these definitions appropriate given the deletion of their relevant rules and policies. The deletion can be supported by S225.008 where UHCC sought that those provisions without evidentiary support be significantly amended or deleted – for the reasons discussed further in paragraphs 19-23 of this evidence and Section 3.11 of Mr Willis' s42A report.

15. [S225.047] UHCC supported in part the definition of 'stocking unit' but was concerned that there did not appear to be any consistent definition across the country and stressed the importance of the notified definition being appropriate to the Wellington Region. Considering these concerns, I support the deletion of this definition as recommended by the s42A author.

16. [S225.037 and 225.038] UHCC supported the 'high erosion risk land (pasture)' and 'highest erosion risk land (pasture)' definitions, in so far as the mapped areas are consistent with UHCC's Plan Change 47, which has now completed its Schedule 1 process and is operative. Notwithstanding this support in the original submission, I support the deletion and replacement of these definitions, in favour of the 'potential erosion risk land' definition and mapping recommended by the s42A author. Relying on Mr Nation's evidence, I consider it appropriate that the approach to identifying erosion risk land be amended to focus much more on farm-sale assessment using the top 10% highest erosion risk layers as a guide, particularly

given the concerns raised by submitters in regard to the inaccuracy and pixelation of the mapping of the areas.

17. As the new definition 'priority erosion treatment land' was proposed as part of Mr Willis' s42A report, UHCC did not specifically seek relief in relation to this provision.
18. As a result, I support the inclusion of the new definition as it speaks to prioritisation and implementation planning which UHCC sought within its original submission. My further consideration of the implementation priorities in Schedule 36 are discussed further in paragraphs 42 to 47.

Method 42, WH.R26 & Schedule 35 – Small rural properties and small block registration

19. [S225.055] UHCC opposed Method 42 raising concerns with the unknown registration process and the onerous impact on owners of small lifestyle blocks having to undertake this level of assessment.
20. [S225.110] UHCC opposed Rule 26 raising concerns about the additional burden this would place on small landowners, with many properties having limited production occurring on them.
21. [S225.124] UHCC opposed Schedule 35 raising concerns about the increased burden this would place on landowners and the requirement appears to be assessed as an options package alongside other unrelated provisions.
22. It is my understanding from the s42A report¹ that these rules and method sought to address the *potential* risk of small blocks to freshwater quality, despite little information being held surrounding actual risk. Further, data to determine actual risk is unable to be gathered, due to the lack of an available, reliable nitrogen tool to assess whether a change in nitrogen discharge risk is occurring.
23. Given this information and the concerns raised in UHCC's original submission, I agree with the s42A author that the lack of an available nitrogen tool to support data collection, renders the policy oversight on these properties impractical and unreasonable, and support the deletion of Method 42, WH.R26 and Schedule 35 in their entirety.

Policy WH.P21

24. [S225.083] UHCC supported in part Policy WH.P21, however, raised concerns that this is a substantial change for livestock farmers and horticulture, resulting in the need to significantly change their practices at great cost and time. UHCC sought further clarity on how this will be implemented, funded and what support will be given to landowners.
25. I agree with the amendments proposed within the s42A report, including the addition of 'sediment' to the chapeau, removal of 'capping' and progressive treatment of 'priority erosion treatment land', which seek to specify and prioritise the actions anticipated by the policy.
26. However, I consider that subclause (b) should refer directly to Table 8.4, as it is in WH.P22 rather than generically referencing 'target attribute states' as limits. This amendment would

¹ Refer paragraphs 202-211 of Mr Willis' s42A report

provide greater consistency and would be supported by S225.023 where UHCC seeks that a full planning review is undertaken to ensure that provisions are fit for purpose.

27. I note that WH.P21, WH.P22 and WH.P23 still have significant overlap and there may be some benefit in combining these policies to avoid duplication. However, I am happy to leave this to the discretion of the Panel.

Policy WH.P22

28. [S225.084] UHCC opposed Policy WH.P22 raising concerns that the policy is unclear on what is meant by 'smaller properties'. UHCC also considered that this policy appeared to duplicate much of WH.P21 so sought for these policies to be combined.
29. In light of the removal of 'smaller rural properties' from the chapeau of the policy, I am satisfied that UHCC's main concerns in S225.084 have been addressed. I also support the removal of references to the assessment of nitrogen discharge for the reasons identified in paragraph 22 of this statement of evidence.
30. I support the intent of new subclause (b) which seeks to further investigate the effect of pastoral land use or arable land use of >20ha properties, on water quality. As identified in Hearing Stream Two, UHCC supports the improvement of water quality and our awa – through the use of practical actions where data has identified risk or priorities.

Policy WH.P23

31. [S225.085] UHCC supported the intent of Policy WH.P23, but raised concerns that this policy is going to incur significant costs for landowners and could mean the retirement of large areas of land. UHCC sought implementation support for landowners, including funding and guidance through transition.
32. As with WH.P22, I support the changes recommended to expressly target part-Freshwater Management Units (FMUs) with visual clarity issues, in order to prioritise the actions anticipated by the policy. I consider that this is consistent with the approach of Hearing Stream 2 to focus policy oversight and prioritise the part-FMUs which require improvement and will benefit the most from intervention actions. I note that Mr Willis' recommended amendment have also been proposed to ensure GWRC's ability to support landowners with funding which addresses UHCC's concerns in S225.085.

Policy WH.P24

33. [S225.086] UHCC, although supporting in part WH.P24, raised concerns that, due to the large numbers of landowners in the district, the timeframes provided were overly ambitious. UHCC also considered the use of and/or as inappropriate drafting.
34. I support the extension of timeframes recommended by Mr Willis as this partially aligns with submission point S225.086, and recognises the resources and costs associated with the implementation of this policy which will impact our rural landowners within the District.

35. Despite the 2032 date identified in UHCC's submission, I am comfortable, based on my reading of the Mr Peryer's evidence on certified Farm Environment Plans², that 2029 is likely to be a reasonable timeframe.

Policy WH.P25, WH.R31, WH.R32

36. [S225.087] UHCC opposed WH.P25 as being overly onerous on small properties and considering that other policies will apply that already impose significant costs to the landowner and all regional ratepayers to fund this work for a marginal level of improvement. UHCC sought for the deletion of this policy and associated provisions (i.e. WH.R31 and WH.R32) to focus on larger properties where more meaningful outcomes can be achieved.
37. I support the increase of the threshold from 4 ha to 5 ha to better align with the Farm Environment Plans and National Freshwater Farm Plans and the amendment to specifically refer to 'primary production' rather than 'rural'. I consider this to be a reasonable amendment which will reduce costs to rural landowners, and specify the intent of the policy which will reduce any unintended consequences of unreasonably capturing ancillary rural activities.

Policy WH.P26, WH.R28 and WH.R29

38. [S255.088, 225.112 and 225.113] UHCC, supported in part WH.P26, WH.R28 and WH.R29, but considered that the stock exclusions should be flexible enough to not require fencing in steep areas where stock are not anticipated to go. UHCC raised concerns about the potential burden on rural landowners and sought acknowledgement of pest species contribution of *E.coli* in these areas and management of these pests within the regional parks and forests which surround the Mangaroa River catchment. Particular concerns were raised with the implementation timeframe provided.
39. I agree with some submitter's comments surrounding managing nutrients and *e.coli*, who sought that pastoral land should be measured by the area of land used for that purpose not the size of the block of land. I note that the s42A author has acknowledged that this is the intent of the policy and proposes amendments to the rules to reflect this. I support this amendment.
40. Acknowledging that the s42A author has proposed to remove the Mangaroa Catchment from the scope of WH.R28 and WH.R29 due to already being covered by operative Rule R90, I support the recommendation to extend the implementation date to 2028.
41. However, in my reading of Appendix 4 to Mr Willis' s42A report, I have noted that the provision wording of WH.R29 still contains reference to Mangaroa River, though the reference to the relevant Map 97 has been deleted. Based on my reading of the s42A and other amendments made to this rule, I assume this is an error and recommend it should be removed for consistency with WH.P26 and WH.R28.

Schedule 36

42. [S225.113], [S225.125] UHCC supported the intent of Schedule 36, but was concerned that the costs associated with, and timeframes of the Schedule were unachievable for landowners,

² Refer paragraphs 42 to 45 of Mr Peryer's Statement of Evidence prepared for Hearing Stream Three

particularly as revegetation of steep slopes could involve slower techniques due to access, as well as costly to plant and ongoing management. UHCC sought timeframes be amended to be achievable, and support provided for landowners, including funding and guidance to assist them through this transition.

43. I agree with the phase-in dates being extended as proposed by Mr Willis as I consider this addresses the concerns raised by UHCC in the original submission.
44. I agree with submitters on Parts B and E that woody vegetation may not be practical to establish on pasture due to differing land qualities such as soil type, soil depth, and exposed ridgelines and beyond this it is only one option for land treatment to address erosion risk.
45. I do not consider that treatment of erosion risk should be limited to one treatment option and agree with Mr Willis that the erosion management provisions.
46. I support and agree with the recommended amendments to Parts B, C, and E of Schedule 36 by Mr Willis which focuses erosion risk management to the 10% of land most at risk of erosion in the part-Freshwater Management Units. I further agree with Mr Willis that PC1 provisions should not specify the type of treatment that may be used, and that all erosion management options available should be able to be considered by landowners³.
47. I consider the recommended amendments will reduce costs for landowners by prioritising areas of greatest risk and provides flexibility at the farm-scale as to the identification and treatment/management options which can be implemented.

Forestry and vegetation clearance

Definitions

48. I understand that the s42A author has recommended the deletion of the definitions for 'highest erosion risk land (plantation forestry)' and 'highest erosion risk land (woody vegetation)'.
49. While UHCC did not specifically seek relief in relation to these definitions, I support the removal of these definitions given the relevant policies and rules will also be deleted. It is practical to remove definitions which are not in use within the plan.

Policy WH.P28

50. [S255.090] UHCC opposed WH.P28 seeking to delete this policy as it considered the policy would conflict with the requirements of the National Environment Standard for Commercial Forestry (NES-CF).
51. I acknowledge that the policy seeks to implement an objective of the National Policy Statement for Freshwater Management (NPS-FM) to improve water quality by managing containments, and as such is able to be more onerous than the NES-CF.
52. I support the amendments proposed by Ms Vivian to lower the threshold from 'reduce' to 'minimise' within the chapeau of the policy, which acknowledges that minimising impacts of

³ Refer paragraph 327 of Mr Willis' s42A report

sediment discharge may be all that is practically possible for commercial forestry and further reductions may not be feasible.

53. I further support the removal of the separate reference to the preparation of erosion and sediment management plans, instead, referring to Farm Environment Plans as a whole which is part of the operative Natural Resources Plan. I consider this is practical and provides consistency.

Rule WH.R20, WH.R21 and WH.R22

54. [S255.105] UHCC opposed WH.R20 and sought the deletion of the rule as it did not align with the requirements of the NES-CF.
55. I acknowledge that as with Policy WH.P28, this rule seeks to implement an objective of the NPS-FM to improve water quality by managing containments from forestry activities, and is able to be more onerous than the NES-CF.
56. I support the inclusion of the 'Note' ahead of the rule which explicitly states that WH.R20 prevails over the NES-CF. I consider this is helpful for plan users and provides additional clarity on the interaction between the Natural Resources Plan and the NES-CF.
57. Further, I support the implementation of the risk-based prioritisation approach identified in Hearing Stream 2, to expressly target those part-FMUs where reductions are required to meet the target attribute states. I consider this better prioritises actions and identifies a clear policy direction of oversight where waterbodies are degraded and require intervention.
58. As a result of the amendment recommended by Ms Vivian to introduce specificity to this rule (i.e. target degraded part-FMUs), I am supportive of the change of activity status to restricted discretionary, as I believe this can adequately assess the effects of any discharge from forestry activities (which are well understood and can be mitigated). Given this amendment to Rule WH.R20, I also support the deletion of Rules WH.R21 and WH.R22 as I agree that the plan does not require a more restrictive activity status where activities, effects and tools to minimise and mitigate effects are well understood.
59. I consider the deletion of these Rules WH.R21 and WH.R22 also reflects the limitations of the current mapping and unnecessary burden and costs on landowners which would result from a 'Prohibited' activity status, i.e. an effective retirement of land and the subsequent financial burdens which would arise.

Earthworks

60. As stated in paragraph 13, this Statement of Evidence should be read in conjunction with the Statement of Corporate Evidence prepared by Ms Suzanne Rushmere dated 5 May 2025 which states UHCC's response in relation to earthworks provisions recommended by Ms Vivian.

Conclusion

Overall, I consider that the majority of the issues raised by UHCC have been adequately addressed. However, I recommend some minor amendments as per this statement of evidence.

A handwritten signature in black ink, appearing to read 'Gabriela', is centered within a light gray rectangular box.

Gabriela Nes

BUrbPlan(Hons), NZPI.Int

Senior Policy Planner