

File No: WGN130264 and WGN150094  
21 October 2018

**Report on a pre-hearing meeting held on 11.10.2018  
From 10am to 1pm at Shed 39, GWRC office**

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

**Present**

- Jenny Grimmett – Independent Facilitator, Down to Earth Planning Ltd;
- Jo Frances – Team Leader, GWRC Regulation;
- Doug Fletcher – Resource Advisor, GWRC Regulation;
- Anna Martin – Resource Advisor, GWRC Regulation;
- Sarah Bevin – Senior Planner, Tonkin & Taylor for GWRC Flood Protection;
- Libby Cowper – Solicitor, Buddle Findlay for GWRC Flood Protection;
- Tracy Berghan – Project Manager, GWRC Flood Protection;
- Jacky Cox – Engineer, GWRC Flood Protection;
- Ric Barbiellini – Project Delivery Manager, Powerco;
- Ken Murray – Planner, Department of Conservation (DoC);
- Katherine Anton – Solicitor, Department of Conservation (DoC).

Apologies - Natasha Petrove – Department of Conservation.

**1. Introduction**

Facilitator Jenny Grimmett and Team Leader Jo Frances opened the meeting by welcoming everyone and explaining that the purpose of the meeting was to address any questions that the submitters may have of the applicant, to explore the extent that submitter concerns raised to date had been addressed through consultation and/or whether there was possibility of coming to an agreement on consent conditions and the associated Code of Practice.

Tracy Berghan (Applicant) then gave a brief presentation, describing the engagement with submitters to date to develop the consent conditions and the Code of Practice. She also explained that the application documents had been lodged with the intention of presenting

the building blocks of the flood management proposal in a transparent manner and utilising the consent process to engage with submitters and tighten up the conditions and related document content. The first stage of consultation had developed a flow chart that incorporated a mix of existing consenting procedures and new or not yet formalised procedures and a feedback process involving consenting partners. The second stage was the engagement with submitters to tighten up the documents. A consultant Peter Taylor had also been engaged to advise on implementation of the consent conditions and how to bring in the philosophy of river management and report on it in the Operations Management Plan process, with a more focus on the “avoid” part of the Resource Management Act’s “Avoid, Remedy or Mitigate” regime. The outcome being aimed for was a system where by the Flood Management Plan (FMP) would feed into the OMP and then into an Environmental Monitoring Plan (EMP) with an adaptive management approach providing a feedback loop of “monitor – report – feedback”. The pre-hearing meeting with some of the submitters was called to enable discussion and further feedback on the latest version of the consent conditions and code of practice. Further meetings would be available to continue discussions as required and to enable other submitters to participate.

Documents circulated prior to the meeting included:

1. Joint Western Rivers Consent Conditions Draft dated 1 October 2018;
2. Code of Practice v19 dated 1 October 2018.

A flowchart showing the proposed adaptive feedback relationship between the FMP, OMP, EMP and SSEMP was circulated at the meeting.

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

1. Mr Barbiellini of Powerco was present to finalise the discussions on the conditions that had been agreed in principle with his colleagues to date. He wanted to clarify that Powerco needed to know if any works would occur near their resources and then settle on a simple process based on separation distances between works and resources, notification procedures and an annual works plan. He asked if it would be possible to have the work identified in an annual or multi-year plan;
2. Ms Anton and Mr Murray of DoC confirmed the remaining issues related to in-stream works, and the need to demonstrate necessity for the flood protection works. They were pleased to see the changes that had been made to the documents to date to address this.

## **2. Discussion of issues**

Powerco Submission: The discussion of issues in response to the Powerco submission were led by Jacky Cox who confirmed that the OMP would signal any need to move Powerco infrastructure, and Dial Before U Dig would always be employed for any work, and there were other indicators in the FMP, while the resource consents would be more specific for

dealing with such matters. Ms Cowper also referenced Condition 3.1 on page 44 of the latest Code of Practice that is Powerco specific. She commented that the basics are set out to ensure a good working relationship. Ms Cox further confirmed this with comments on how key contacts would be set up so information on works would be communicated to Powerco at an early stage. Section 10 of the Code is provided for in the consent conditions and Appendix 7. Mr Barbiellini indicated he was quite positive with the process so far and he would remain at the meeting so he could get an understanding of the overall proposal.

DoC Submission: The remaining issues to be addressed were identified by Ms Anton and Mr Murray:

- Adverse effects from high impact activities on native fish (wet gravel extraction and necessity/option assessments);
- Being explicit about not deepening and widening drains;
- Sedimentation;
- Processes for amending the Code of Practice; and
- River bird nesting conditions.

These issues were discussed between the attendees at the meeting with reference to all the rivers in the consent process (i.e. including also Wainuiomata and Ōtaki Rivers) as the flood protection work, environmental issues, and mitigation were largely the same.

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

It was agreed that the matters raised by Powerco had been covered by the latest version of the consent conditions.

The issues set out in Section 2 above were agreed amongst GWRC Flood Protection and DoC representatives as being in need of further work by GWRC Flood Protection to further tighten up the consent conditions and Code of Practice (the Code). The nature of the necessary changes to the latest version of the documents was agreed at the meeting.

In summary this included:

- Amend Condition 4.3(b), Section 10.4.18 and Appendix 3 of the Code to provide that all wet gravel extraction requires an SSEMP (Site Specific Environmental Monitoring Plan);
- Demonstrating how options and necessity were taken into consideration prior to Flood Protection deciding whether to undertake river management activities, as this was seen as a necessary step to ensure activities (particularly high impact activities) can be avoided wherever possible;

- Amend Condition 10.4.19 of the Code to strengthen the wording and make the intent clear that GWRC does “not intend to deepen or widen drains” and that an SSEMP will always be required before undertaking this activity
- Clarify the processes that would be triggered if the limit at Condition 5.7 (sediment release) were to be reached. Update Section 10.3.6 of the Code to clarify this;
- Amend Condition 10.1 Table 1, which allows for amendments to the Code (Good Management Practices in Section 10, baseline monitoring triggers and responses in Tables 5 to 7, site specific effects management process in Appendix 3, and general activity constraint calendars in Appendix 7 of the Code) to ensure the appropriate wording agreed with DoC and other submitters would be retained while still enabling positive amendments or improvements and restricting amendments that may be detrimental to key river values. Other amendments may also be required, including Conditions 6.2(c)(i) and 8.3(b) to ensure workability of the amendment processes.
- Redraft consent conditions 16.2 and Appendix 3 and 7 of the Code to only apply to river birds protected by the Wildlife Act 1953, given that only the banded dotterel, pied stilt and black-fronted dotterel fall within the scope of the conditions.
- Add a new paragraph to the end of Condition 16.2(c) to read “*the birds and chicks should not be disturbed*”.

It was agreed that this work would be undertaken by Ms Cowper and the revised documents circulated prior to the next pre-hearing meeting on the 24<sup>th</sup> October 2018.

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

The issues summarised in Section 3 above remain outstanding. However, they have been addressed following the meeting by Ms Cowper in the documents circulated by email on 19 October 2018 to the applicant’s representatives (Tracy Berghan, Jacky Cox, Sarah Bevin) and the Department of Conservation representatives (Katherine Anton, Ken Murray, Natasha Petrove) in order that they can be reviewed and discussed at the next pre-hearing meeting set down for 24 October 2018. Refer documents listed in Section 5 below.

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

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

1. Memo re Outstanding Issues discussed at the prehearing meeting on 1 October 2018, prepared by Libby Cowper of Buddle Findlay, dated 19 October 2018;
2. Joint Western Rivers Consent Conditions Draft v3 dated 19 October 2018;

3. Code of Practice v19 redline version with updates from PHM 11 October 2018;
4. Record of Responses to DOCs Comments on the Code v2 dated 18 October 2018;

## **6. Close of Meeting**

It was agreed that a further meeting would be held on the 24th October 2018.

Jenny Grimmett thanked everyone for their attendance and closed the meeting at 12.50pm.