

**In the Matter of the Resource Management Act 1991  
AND**

**In the Matter of Hearings into the Provisions of the  
Proposed Natural Resources Plan for the Wellington  
Region**

**Hearing Stream 3: Natural Form and Function & Water  
Allocation**

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**STATEMENT OF EVIDENCE OF LINDSAY DAYSH FOR KIWIRAIL HOLDINGS LTD.**

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**Introduction**

1. My name is Lindsay John Daysh. My qualifications and experience are outlined in my evidence in chief for Hearing Stream 1 on behalf of KiwiRail Holdings Ltd (KiwiRail) dated 5 May 2017.
2. I reiterate that I have read and am familiar with the Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014), have complied with it, and will follow the Code when presenting evidence.

**Scope of Evidence**

3. I have been requested by KiwiRail to provide evidence on the PNRP provisions relating to Natural Form and Function that are under consideration at Hearing Stream 3.
4. There is only one Objective that KiwiRail submitted on being Objective O19 and there are no matters submitted on in respect of the water allocation topic.
5. I have concurrently prepared a Statement of Evidence for CentrePort Ltd and CentrePort Properties Ltd. Therefore this evidence repeats my views expressed in that evidence.

**Objective O19**

6. Objective O19 that also applies to the CMA states:

The interference from use and development on natural processes is minimised.

7. KiwiRail's submission was that the use of the word interference within the objective is not appropriate. Interference, such as appropriate dredging, reclamations or protecting regionally significant infrastructure, may "interfere" to a greater or lesser degree with natural processes, but there could be a functional and operational need for such interference and it could be acceptable from an effects perspective.
8. The relief requested was to make the following changes:

The interference **adverse effects** from use and development on natural processes is ~~minimised~~ **avoided, remedied or mitigated**.

9. This is consistent with other submission points on a number of Objectives and Policies made by KiwiRail, CentrePort, CPPL and a number of other submitters that have an issue with the use of the word “minimised”. The Panel will also be aware of the Joint Witness Statement from a number of planners involved in the PNRP that had a focus on Policy P4 that attempts to outline a definition to describe how minimisation of adverse effects would apply.
10. The Officer recommends that KiwiRail’s submission seeking amendments to Objective O19 is rejected<sup>1</sup>. The report states:

*“The submissions made by CentrePort Limited (CentrePort) S121/026, Kiwi Rail Holdings Limited S140/018, Horticulture NZ S307/016 and Wellington International Airport Limited S282/011 provide general support for Objective O19, however their submission is that ‘interference’ is not appropriate in an objective. The submissions seek that the objective be reworded, replacing “Interference from use and development on natural processes is ‘minimised’ with “The adverse effects” from ... is ‘avoided, remedied, or mitigated’. The submission of CentrePort raises a concern about the expression ‘interference’ being unclear that is supported in part by Meridian Energy Limited FS32/014. Carterton District Council FS85/076 supports the submission.*

*The operative plans use ‘interference’ when discussing the natural course or flow of the river or stream, and any diversion of water; and in the context or relationships and activities that may affect ground water replenishment and use. The issue identified in the RPS is that “Human activities have modified and continue to interfere with natural physical and ecological coastal processes.” The word ‘interference’ is intended to describe the potential adverse effects.*

*The RPS recognises that “The land and everything within and upon it is interrelated. Land management, river management, and maintaining and developing transport or housing infrastructure all utilise resources and can have an effect upon natural processes” and “Ecosystems are dynamic (constantly changing) and the many diverse natural processes that drive ecosystems are as important as the biodiversity values within them. In addition, all parts of an ecosystem are interconnected” and “Landscape is shaped by a combination of natural processes and human actions”.*

*I consider that Objective O19 as notified describes an outcome that would allow activities to be undertaken in a manner that provides for natural processes to occur. Nevertheless, an amendment to Objective O19 could more clearly state the intended outcome sought in terms of ensuring natural elements, patterns and ecological*

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<sup>1</sup> S42A Report, Appendix C Recommended decisions on submissions: Natural Form and Function.

*processes continue to occur, and the integrity and functioning of natural processes and forms are retained.*<sup>2</sup>

11. The preferred option from the Officer for Objective O19 is to amend it as follows

*Natural processes, including natural elements, patterns and ecological processes continue to occur, and the integrity and functioning of natural processes and forms are retained.*<sup>3</sup>

12. I consider that this alternative wording has practical problems when it comes to assessing what may be otherwise be appropriate use and development particularly when it comes to regionally significant infrastructure.
13. Firstly it uses the words 'Natural processes, including natural elements, patterns and ecological processes continue to occur' and the retention of "the integrity and functioning of natural processes and forms'. In essence I do not agree with the Officer. If you do not retain both natural processes and the form of those natural processes a proposal would not meet this objective. The possible outcome is that an otherwise appropriate proposal may suffer from a policy "knockout".
14. My preference is to utilise the wording in KiwiRail's submission. As an objective or outcome statement you seek to avoid first and if you cannot avoid then you seek to remedy or mitigate adverse effects - in this case on natural processes.



**Lindsay Daysh**

**Incite**

**22 August 2017**

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<sup>2</sup> S42A Report, paragraphs 277-281.

<sup>3</sup> S42A Report, Appendix A, p 21.