

**IN THE MATTER OF** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Natural Resources Plan for the  
Wellington Region

**STATEMENT OF EVIDENCE OF SYLVIA ALLAN  
ON BEHALF OF GBC WINSTONE AGGREGATES  
(HEARING 3)**

**1 Introduction and Background**

- 1.1 My name is Sylvia Jean Allan. I have a BSc (Hons) Degree in geography and geology and a Diploma in Town Planning. I am a Fellow of the New Zealand Planning Institute and a former President of that professional body. I have over 45 years experience as a planner, both in New Zealand and in the United Kingdom. More details of my relevant experience have been provided in my evidence on Hearing 1 topics and are not repeated here.
- 1.2 Mr Nel in his evidence for GBC Winstone Aggregates (Winstone) for Hearing 1 outlined the importance of aggregate resources and cleanfills to the Wellington community as a whole, and for economic development. He also summarised Winstone's major concerns relating to the recognition of quarries and cleanfills in plan policy, and some specific areas of the Proposed Plan. This background continues to be relevant for the remainder of the detailed submissions but again is not being repeated.

1.3 Winstone made a small number of submissions and further on the matters that are being covered in Hearing 3. My evidence addresses them in the order of the section 42A reports. Unfortunately the hearing of these submissions occurs while I am overseas. Winstone asks however that this evidence is accepted and that I answer questions arising from it at another future hearing.

## **2 Acknowledgement of Code of Conduct**

2.1 Although this evidence is not prepared for an Environment Court hearing, I have applied the Code of Conduct for Expert Witnesses in the Environment Court 2014 version. Except where I state that I am relying on the evidence of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might detract from the opinions that I express in this statement of evidence.

## **3 Definition of Bore (SS 66/002)**

3.1 Winstone submitted in support of the proposed definition included in this proposed plan as it corrected an issue with the operative Regional Freshwater Plan. The definition of Bore in that plan inadvertently captures quarrying activities (and presumably other activities) where they intercepted groundwater. This had resulted in a doubling up of consent requirements in some circumstances.

3.2 The officer's report supports the proposed wording, in accord with my opinion.

## **4 Definition of Natural Processes (SS 66/003, FS 51/001)**

4.1 Winstone expressed concern, which I share, that the definition of "natural processes" is confused and confusing in its conflating of physical and ecological processes. Examination of the definition reveals that all the examples of "processes" captured in the latter part of the definition are actually physical processes. These processes work on the environment (which may include vegetation) to shape and change it, but any "ecological relationships" are not part of the process as such.

4.2 The very woolly thinking which is encapsulated in the definition is expanded on in the Officer's report (paragraph 266) giving examples of "spinifex in dune building, and

wetland plants and the ecology of a wetland". It is entirely unclear from these examples how spinifex is a process, or how wetland plants are a process, let alone how the ecology of a wetland is a process.

4.3 The problem of the definition, and Winstone's concern about it, becomes clear when the key objective, Objective O19, is examined. Objective O19 works perfectly well and in context if the definition of natural process is modified to apply only to physical processes. Objective O19 sits alongside:

- Objective O18, which is specific to estuaries (and specifically includes ecology and other non-physical aspects of estuarine environments)
- Objective O25 to O28, which relate to ecological and biological components of the environment.

4.4 Within that wider policy context, Objective O19 should quite appropriately be interpreted as applying to natural physical processes. Objective O19 makes considerable sense if it is interpreted in terms of the physical geomorphological processes (unmodified by biological or ecological considerations) which are set out in the latter part of the definition of "natural processes".

4.5 If this definition is not clarified, in my opinion the issue identified in the Winstone submission, of confusion and effective double counting in objectives and elsewhere in the plan, will come to pass.

4.6 The definition of Natural Processes would remain perfectly workable and would be more clear if it simply read:

*"Dynamic natural and physical actions and events that are characteristically natural in their occurrence and effects, that shape the natural environment, its landforms and features, such as beaches, dunes, wetlands and rivers; and including processes of: wave formation, breaking and disruption; swash run-up; nearshore currents; sediment transport, erosion and deposition, flooding, river meandering, aggradation and mass movement."*

4.7 Winstone also made a further submission in support of Federated Farmers' submission (S3 56/036) on the same definition, that sought to clarify or delete the submission. As an alternative relief, Winstones supported deletion. This would overcome the confusion and allow for a sensible interpretation of related policy provisions in any particular circumstance. This situation now applies in relation to the NZ Coastal Policy Statement 2010, and there is no reason why it could not apply in terms of this plan.

## **5 Objective O19 (FS 51/006 and FS 51/007)**

5.1 Although Winstone did not make an original submission on this objective, it supported submissions which sought relatively minor changes to it by way of improvement.

5.2 The Officer's report proposes a major rewording which greatly worsens the wording of the objective, in my opinion. Interpretation is worsened because the objective itself, if reworded as proposed, now includes a definition of sorts ("elements, patterns and ecological processes"), and the purpose is that "they continue to occur". Further, the "integrity and functioning of natural processes and forms are retained". The overall recommended rewording is: "Natural processes, including natural elements, patterns and ecological processes continue to occur and the integrity and functioning of natural processes and forms are retained".

5.3 In my opinion, the rewording proposed would make the objective incomprehensible and incapable of reasonable interpretation. It demonstrates a basic lack of understanding of physical processes in the natural environment by the reporting Officer. Certainly, for example, and regardless of the rewording of the objective as suggested, it will continue to rain and rain will make its way to the sea as water, so at what point in a natural cycle does this objective take effect?

5.4 If the rewording of the objective is all about natural character (as stated in the "Effectiveness and Efficiency" assessment in the table of recommendations in the Officer's report), why is Objective O17 insufficient to cover the concern?

5.5 In my opinion, a simpler version of the objective, modified as suggested by either of the two submissions supported by Winstones, would be acceptable. This opinion, of

course, also assumes a more straight-forward definition of “natural processes” as proposed earlier in this evidence. The objective could, of course, be expressed in a much simpler way, such as “Natural processes are enabled”.

## **6 Objective O38 (FS 51/008)**

6.1 Winstone supported a submission by Masterton District Council on this objective. The objective is currently not clear. It is uncertain whether the “special amenity landscape values”, in as yet an unidentified context, are to be maintained or enhanced everywhere, or whether the objective only applies to the values of “special amenity landscapes” once such landscapes have been identified. Having been involved in settlement of a number of appeals on the RPS relating to identification of landscapes with values that are less than outstanding, in my opinion it is likely that the second interpretation is intended. However, it is clear that the objective as currently worded needs some correction.

6.2 I note that there is no policy which applies to the concept in this objective.

## **7 Policy P49 (FS 51/017)**

7.1 Winstone supported a submission by the NZ Transport Agency which would allow some conceptual balance within the policy. In practice, this policy is likely to have limited impact on Winstone’s own operations within and near to the CMA.

## **8 Conclusion**

8.1 The Winstone submissions which are within the scope of this hearing are relatively limited. However, the attempt in the proposed plan to define natural processes is problematic and the definition should either be subject to the modification proposed by Winstone, or deleted.

8.2 I am opposed to the wholesale rewriting of the associated policy provision, Objective O19, as it is both unnecessary and overly complex and thus confusing. This evidence provides a simple alternative, if rewriting is considered desirable.

Sylvia Allan - 21<sup>st</sup> August 2017