

**SUBMISSION TO GWRC ON THE PROPOSED  
CHANGE NO 1 TO THE REGIONAL POLICY  
STATEMENT  
FOR THE WELLINGTON REGION**

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**I wish to be heard in support of my submission at a hearing.**

**Disclosures:** I can NOT gain an advantage in trade competition through this submission.

This is my submission in 4 parts, that I make on the proposed change to the Regional Policy Statement.

**Part 1. Background**

I have lived in Katherine Mansfield Drive since November 1988. As this community has itself developed so has a flora and fauna rich environment.

A large number of native birds, that were absent when we first arrived, are now present and are a source of constant delight to us and our children and grandchildren. Our garden and block of land are an oasis of calm and our planning to initiate the garden with a variety of plantings has been supplemented by adding in native trees and shrubs.

We have participated in many fund raising activities with our garden, to the benefit of the wider Wellington Region community, such as ten years of hosting The Mansfield Meander.

I note that in the recent ADAMS/GWRC case, the Judge found that the propositions put forward by GWRC staff were examples of Fiats, Made-up laws, and biased use of policy designed to gain control of our private land illegally.

OB

The concept that “if we can’t get it by declaring a Wetland, then we will get it through the SNA’s use of resource consents, or by declaring it a Peatland” that I understand, has been espoused by a senior officer of the GWR council.

This indicates a complete disregard for the community and is an insult to the Judge’s comment that the people on the peatland should be left to the quiet enjoyment of their land.

I, along with all my neighbours, have never been consulted, or approached by any council staff member to discuss their ideological bias.

Further it would appear that the findings of the Environment Court, in this case, have been completely disregarded and no council officer has suffered any sanction for wasting not only the community’s financial cost of the action, but also no-one has been held accountable for the enormous stress placed on the community and the damage done to the GWRC reputation.

The angst caused by, what now seems to be a continuing secret conspiracy by the GWR council, has taken a large toll on individuals who are not only rate payers to Upper Hutt but also GWRC. Using ratepayers monies against the ratepayers is completely unacceptable and exposes the lack of ethics shown by GWRC in the pursuit of a scheme only apparently designed to promote the dogma and careers of GWRC staff.

We are all feeling very stressed and uncertain of our futures by this activity.

The blight placed on the value of private individuals property is another consequence of their injudicious action.

## **PART 2.**

Some of the flippant ideas espoused by the GWRC on how to restore the area to a wetland have no credibility. The idea that the water table could be raised by a couple of metres and the owners compensated for loss of their land is an example of someone just not having the competence for the job.

110 KMD is about half-way down KMD. A cursory review of LiDAR (Laser Imaging, Detection, and Ranging, mapping of the area indicates the valley surface, although it may vary in shape, or even bulge a bit, during the year has a nett slope to the west, and also has a nett slope to the north, where the Hutt Valley Clay Target Club is situated.

The level changes are about 2-3m and 5-7m respectively. There is then a fall of 3-5 m from the club house to the culvert draining the area into Mangaroa Valley.

Added up that means about 10-15 metres of water level would have to exist above the culvert. And that is to reach the halfway point +/-!

This would obviously require a major dam to be constructed across the whole valley floor to retain the water. That mass of water would only be contained by the upthrust western wall between KMD and urban Upper Hutt. It would be the same threat for Mangaroa Valley to the north.

A major earthquake that compromised the wall, or the dam, could lead to a loss of the water into the main urban valley, which is quite densely built up. There have been several examples of this type of failure in various parts of the world where dams have created flooding and inundation of housing. Depending on the type of failure, there is potential for loss of life as well as property. Consenting such a development would take a very long time and experience considerable objection.

It is unlikely that the cost engineering of such an edifice and the consequences of a safety case would allow the idea to go ahead.

### **PART 3**

Peat is only a carbon sink as it is laid down and forms a 'mulch'. Keeping it as a carbon store, which seems to be in line with the idea of locking it up, is best served by covering it up so that it does not become a hazard as it turns slowly to coal. There are several examples of spontaneous combustion of peat, brown coal and various other organic deposits in New Zealand.

From our experience living here, this valley is not what it seems on the surface as it has quite thick clay layers and gravel deposits near the surface too.

The peat may only be a thin layer around the edges formed by the forest that was harvested to create the farmland visible now. It may be thicker in the middle but without a serious geological and geo-engineering research study either option is speculative.

### **PART 4**

The map of peatland used by various councils is one based on GNS information. This map is **not** accurate and, indeed has 110 KMD on peat whereas in fact it is on a clay/rotten rock spur about 3-5m above the garden. The lack of precision of this map has caused a lot of dis-information and confusion.

There has also been a lot of speculation about a high liquefaction risk of peat. Peat does not normally easily liquefy as it is a cross linked fibrous material.

There is no over pressured water in the peat layer which would be necessary to promote liquefaction. In fact there seems to be no benched water (water wet layers) in the surface peat, clay or gravel on the eastern side of the valley. Shaking a gravel layer, such as the gravels Christchurch is built on, results in liquefaction as there is pressurised water below the city. The effect is like making a cement/concrete mix in a wheel barrow. When the barrow is shaken the larger heavier particles tend to drop down and the water rich cement slurry appears on the surface.

The Judge, in the case mentioned above, also commented on clearing drains and cutting grass, normal activities for country dwellers. The surface peat is in fact quite a hazardous material if not properly managed. The long grasses that develop in the summer are a significant fire hazard and need to be either harvested or at least cut down. The drains that criss-cross the valley need to be cleaned to encourage rapid clearing of surface water that can develop during periods of high intensity rainfall. Where the drains are maintained the peat allows for some naturally controlled water clearance which is reasonably rapid.

### **CONCLUSION**

The above is my personal submission and opinion.

Furthermore I fully endorse the submission prepared by the Mangaroa Peatland Focus group and I authorise the Mangaroa Peatland Focus Group to present their submission on my behalf as it complements mine.

FOR THE SAKE OF COMPLETENESS I ATTACH BELOW THE  
SUBMISSION OF THE MANGAROA PEATLAND FOCUS GROUP

**Signature:**

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ROGER N O'BRIEN

**MANGAROA PEATLAND FOCUS GROUP SUBMISSION**

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n preparing this submission the relevant text from the proposed plan change is shown in **black**.

#### OBSERVATION

Take adaptation action to increase the resilience of our communities, the natural and built environment to prepare for the changes that are already occurring and those that are coming down the line. Critical to this is the need to protect **and restore** natural ecosystems so they can continue to provide the important services that ensure clean water and air, support indigenous biodiversity and ultimately, people.

#### COMMENT

This clause sees the introduction of the concept of restoration, which is inadequately defined at the conclusion of the RPS. Based on the past track record of GWRC ecologists, the community does not trust GWRC with open ended powers which an action concept of this nature would give. There is no argument against protecting that which currently exists, but issue is taken with the concept of returning something to a loosely defined prior state.

The community is increasingly troubled by the council's apparent belief that it has the right, power and mandate to regulate matters more properly the domain of central government, and to ignore limits imposed by central government where the council disagrees.

#### DECISION REQUIRES

Remove the words **and restore** from this clause.

#### OBSERVATION

Policy 18: Protecting and restoring aquatic ecological function health of water bodies – regional plans

- (a) there is no further loss of extent of natural inland wetlands and coastal wetlands, their values are protected, **and their restoration is promoted**.

#### COMMENT

When it comes to GWRC making statements relating to wetlands and the concept of restoration, the Mangaroa Peatlands community have every reason to be sceptical. The document implies that natural wetlands in the region are shrinking when in fact they have been expanding which poses the question “loss

since when?" GWRC have a past track record of taking punitive action against both members of the community and the Upper Hutt City Council. Their actions have been referred to as draconian by the Environment Court and their ill-considered case has cost the ratepayers of the Wellington Region in excess of one million dollars.

We have on record Councillor Ros Connelly informing the peatland community that she was in favour of the peatland water table being raised by over 2 metres in order to restore the wetland and that she was in favour of compensation being paid to affected property owners.

The peatland is not now a natural wetland and has not been a natural wetland since the late 1800's and early 1900's as confirmed in evidence to the Environment Court, which hearing which was initiated by GWRC. We consider that the phrase "and their restoration is promoted" should be deleted from the RPS as its presence will be interpreted by the eco factions within GWRC as license to proceed along extreme lines.

For the avoidance of doubt, the RPS should also acknowledge that it respects and observes the Environment Court's finding in GWRC v Adams and others that the land subject to that decision was not and is not a natural wetland.

#### DECISION REQUIRED

Delete the phrase "and their restoration is promoted".

#### OBSERVATION

Policy 47: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values

(b) providing **adequate buffering** around areas of significant indigenous ecosystems and habitats from other land uses

#### COMMENT

The entire concept of buffering has not been adequately defined and there has been no consultation with communities that would be impacted. There has been no definition as to the dimensions of any buffer zone, no definition as to what constitutes 'adequate' nor has there been any clear direction as to what activities within the buffer would be constrained. Not only will there need to be effective

consultation with the landowner where the SNA is situated but there would also need to be another layer of consultation for those landowners within the buffer zone. This concept has not been thoroughly thought through and GWRC has failed in its obligation to consult.

To consult meaningfully, we need to understand matters like the dimensions of any buffer zone, the scientific basis on which those buffers are being drawn, what constitutes 'adequate' and the restrictions that might be imposed on activities within the buffer.

To reiterate, before a buffer zone could be imposed, there would need to be effective consultation with the landowner where the SNA is situated as well as consultation for landowners within the buffer zone.

#### DECISION REQUIRED

GWRC be required to clearly define the concept of buffering, including all relevant factors and rules that would apply to the buffer zone. GWRC be required to undertake extensive community consultation prior to issuing a consultation document. It is not acceptable for GWRC to be left to make up detailed regulations on the fly.

#### OBSERVATION

Insert a new definition of nature-based solutions as follows: **Nature-based solutions**

Examples include:

Reducing greenhouse gas emissions (climate change mitigation):

- planting forests to sequester carbon
- **protecting peatland to retain carbon stores**

#### COMMENT

GWRC must clearly state what it means by "protecting" peatland and exactly what form that protection would take.

The Mangaroa peatland overlay encompasses over 75 individual landowners and not one single one has been consulted.

The community feels very strongly regarding the high-handed approach taken by GWRC and the devious way it appears to be trying to gain control of all aspects regarding the peatland.

The inclusion of the reference to peatland within a definition constitutes an attempt to regulate by stealth, and flies in the face of the Environment Court's expectation that people on the peatland would be left to the quiet enjoyment of their land. It smacks of bad faith regulation.

The community is aware that GWRC officials have long sought to limit use of the peatland, first through wetland rules, then using SNA rules and now, it seems by citing it as a carbon 'sink' which it isn't. It is a carbon 'store'.

#### DECISION REQUIRED

GWRC be instructed to cease and desist in yet another attempt to gain control over the Mangaroa peatland. That the concept of "protecting peatland to retain carbon stores" is struck out pending thorough and extensive consultation with the community and Upper Hutt City Council.

That GWRC be required to formulate simple, clear rules regarding the peatland and the implications around and compensation for any loss of use by landowners.

#### OBSERVATION

**Restoration** The active intervention and management of modified or degraded habitats, ecosystems, landforms and landscapes in order to reinstate indigenous natural character, ecological and physical processes, and cultural and visual qualities. The aim of restoration actions is to return the environment, either wholly or in part, to a desired former state, including reinstating the supporting ecological processes.

#### COMMENT

The process of restoration as outlined in the definition is so wide sweeping that it needs to be redefined. It should not be undertaken without extensive community consultation and support.

The perspective – whose desired former state it is – needs to be defined, as does the time at which that former state existed. Some reference to expert opinion needs to be included. The assessment of what is needed to restore a habitat etc should not come down to the subjective opinion of a council official, given that GWRC has strongly stated environmental goals.

Balancing perspectives are needed from expert advisors and from people directly affected in the local community.



The perspectives of people indirectly affected may also be relevant but should be given less weight than those directly affected.

DECISION REQUIRED

Insert a clause requiring GWRC to engage with the community and only proceed once they have community approval in each case.

End of submission

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