BEFORE THE INDEPENDENT HEARING PANEL APPOINTED TO HEAR AND MAKE DECISIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON THE PROPOSED LOWER HUTT DISTRICT PLAN

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of Hearing of Submissions and Further Submissions on the Proposed Lower Hutt District Plan under Schedule 1 of the Act

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STATEMENT OF EVIDENCE OF RACHEL PAWSON

ON BEHALF OF WELLINGTON REGIONAL COUNCIL

MONDAY, 23 NOVEMBER 2026

Summary of Evidence

1 This evidence relates to Wellington Regional Council's (**WRC**) existing RiverLink designations and the notice of requirement for Te Awa Kairangi/Hutt River:

a. WRC-10 RiverLink - Construction and maintenance of flood protection works

b. WRC -11 RiverLink - Construction, operation and maintenance of a new Melling Station and associated infrastructure

c. WRC-15 Te Awa Kairangi/Hutt River NOR

2 The section 42a report has recommended:

a. Modifications to the roll-over of WRC-10 and WRC-11

b. Modifications to WRC-15 that alter the proposed conditions and reduce the extent of the proposed designation to existing flood protection structures, and for constructing new capital works which are identified in the FMP.

3 WRC is comfortable with the modifications set out in the officer's report for the two RiverLink designations subject to one minor amendment.

4 WRC continues to seek the full extent of the Te Awa Kairangi/Hutt River NOR but is generally comfortable with the modified conditions subject to some minor amendments.

5 The entire river corridor is part of the Hutt River flood plain management system of the Hutt Valley. This designation would be beneficial as it would identify and protect the flood protection and erosion control assets, including the river corridor, to ensure that the system remains fully operational and is not affected by inappropriate use and development.

Qualifications and experience

1 My name is Rachel Pawson. I am a Senior Policy Advisor in the Environmental Policy team at Wellington Regional Council (**WRC**).

2 I hold a Bachelor of Resource and Environmental Planning from Massey University.

3 I have approximately 25 years' experience in planning and resource management policy and resource consenting. I have worked in both a territorial authority and at the regional council doing both policy development and resource consents. I have

worked at Greater Wellington for 17 years across a variety of policy related work programmes.

Code of conduct

4 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and have complied with it when preparing this report. Other than where I state that I am relying on the advice of another person, this 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 that I express.

5 In preparing this evidence, I have referred to the following:

a. The Section 42A Officers' Report for Hearing Stream #9 – Designations

b. The Proposed Lower Hutt District Plan (**PDP**)

c. The Operative City of Lower Hutt District Plan (**ODP**)

d. The Notice of Requirement for Flood Protection and Erosion Control Public Works in the City of Lower Hutt District Plan (**NOR**)

e. Hutt River Flood Plain Management Plan (**FMP**)

6 In preparing this evidence I have also spoken to members of WRC's Delivery Team who are responsible for RiverLink and flood management within WRC.

Scope of evidence

7 This evidence relates to the roll over designations for RiverLink and the NOR for Te Awa Kairangi/Hutt River:

a. WRC-10 RiverLink - Construction and maintenance of flood protection works

b. WRC -11 RiverLink - Construction, operation and maintenance of a new Melling Station and associated infrastructure

c. WRC-15 Te Awa Kairangi/Hutt River NOR

6 Table 1 sets out the list of roll-over designations and NORs sought by WRC and the scope of my evidence and Emily Levenson's evidence.

Table 1: Greater Wellington rollover designations and NORs

ODP code	PDP code	Requiring authority	Designation title	Evidence presented by WRC
WRC 1		Deleted by request from WRC		Deleted. No evidence presented
WRC 2	WRC-01	WRC	Wellington Regional Council Depot	Roll-over. Support reporting officer recommended changes. No evidence presented.
WRC 3	WRC-02	WRC	Flood Mitigation Stopbank (Wainuiomata)	Roll over. No changes recommended. No evidence presented.
WRC 4	N/A	WRC	Water Supply Pumping Station (Waterloo Interchange)	Designation transferred to Tiaki Wai. WRC no longer has an interest.
WRC 5	N/A	WRC	Water Supply Pipeline (Wainuiomata)	Designation transferred to Tiaki Wai. WRC no longer has an interest
WRC 6	N/A	WRC	Water Supply Pumping Station (Petone Recreation Ground)	Designation transferred to Tiaki Wai. WRC no longer has an interest
WRC 7	N/A	WRC	Water Supply Pumping Station (Haywards Hill)	Designation transferred to Tiaki Wai. WRC no longer has an interest
WRC 8	N/A	WRC	Water Supply Reservoirs (Haywards Hill)	Designation transferred to Tiaki Wai. WRC no longer has an interest
WRC 9	N/A	WRC	Water Supply Pumping Station (Waione Street)	Designation transferred to Tiaki Wai. WRC no longer has an interest
WRC 10	N/A	WRC	Wainuiomata - Orongorongo Water Collection and Conservation Area	Designation transferred to Tiaki Wai. WRC no longer has an interest.

WRC 11	WRC-09	WRC	Boulcott Stopbank	Roll-over with modification to remove construction related conditions and replace with conditions to manage maintenance and upgrade of the stopbank. Reporting officer has recommended the proposed modifications be confirmed. No evidence presented.
WRC 12	WRC-10	WRC	RiverLink - Construction and maintenance of flood protection works	Roll over with modification. Officer recommendations are addressed in evidence of Rachel Pawson
WRC 13	WRC-11	WRC	RiverLink - Construction, operation and maintenance of a new Melling Station and associated infrastructure	Roll over with modification. Officer recommendations are addressed in evidence of Rachel Pawson
NOR	WRC-12	WRC	Belmont Regional Park	New designation. Officer recommendations are addressed in evidence of Emily Levenson
NOR	WRC-13	WRC	East Harbour Regional Park	New designation. Officer recommendations are addressed in evidence of Emily Levenson
NOR	WRC-14	WRC	Wainuiomata Regional Park	New designation. Officer recommendations are addressed in evidence of Emily Levenson
NOR	WRC-15	WRC	Te Awa Kairangi / Hutt River flood protection and erosion control	New designation. Officer recommendations are addressed in evidence of Rachel Pawson

RiverLink - WRC-10 and WRC-11

7 There are two Riverlink designations:

a. WRC-10 RiverLink - Construction and maintenance of flood protection works

b. WRC -11 RiverLink - Construction, operation and maintenance of a new Melling Station and associated infrastructure

8 The RiverLink project is managed through a combination of designations and resource consents. There is a suite of conditions attached to either the designations or the resource consents or both.

9 WRC has two designations, and we have sought to roll over and modify these designations to remove the construction-related resource consent conditions from the designation. This is because the conditions were imposed in error - they were only intended to apply to the relevant resource consents. As such, the current plan content does not accurately reflect the Court's decision.

10 The reporting officer has recommended some minor changes to the designation and clarified that only the designation conditions apply to the designations.

11 I am generally comfortable with modifications proposed by the reporting officer shown in Appendix 1 of the S42 report and support the recommendation to provide a link to the designation conditions, whereby only the designation conditions apply. I seek one minor amendment to the officer's recommendations and that is to include the word 'only'.

Conditions: *Yes – RiverLink conditions (designation conditions <u>only</u>)*

12 This will provide additional clarity and make the wording of the WRC RiverLink designations consistent with the other designations related to RiverLink within the HCC PDP (NZTA- 04, HCC- 04, HCC-24).

WRC-15 – NOR Te Awa Kairangi / Hutt River flood protection and erosion control

Importance of the Te Awa Kairangi / Hutt River flood protection system

13 I have received advice from Sharyn Westlake, Principal Engineer, RiverLink:

"that the Hutt Valley is one of New Zealand's most flood-prone urban environments, with significant residential, commercial, transport and lifeline infrastructure located within the floodplain of Te Awa Kairangi / Hutt River. The

current flood protection scheme has been developed over many decades and is designed to work as an integrated system that reduces flood risk to communities throughout the valley. The performance of that system relies not only on stopbanks, floodwalls and structures, but also on the river channel itself functioning as intended during flood events.

Effective flood risk management therefore requires managing the river corridor as a flood conveyance system rather than focusing solely on the physical flood protection structures. The capacity of the river channel to safely convey flood flows is fundamental to the level of protection provided throughout the valley. Changes to the river channel, floodplain margins, vegetation, sediment deposition, infrastructure or development within the river corridor can affect flood levels, flow paths and system performance, potentially reducing the effectiveness of existing flood protection works.

For this reason, WRC's flood risk management responsibilities extend beyond maintaining stopbanks and structures. They include actively managing the river corridor, channel capacity, erosion processes, sediment dynamics and floodplain interactions to ensure the flood protection system continues to perform as intended and communities remain protected from unacceptable flood risk."

Scope of the Te Awa Kairangi/Hutt River NOR

14 WRC has proposed a new designation for the Te Awa Kairangi / Hutt River corridor for the purpose of construction, operation and maintenance of flood protection and erosion control works and assets.

15 The Hutt River Floodplain Management Plan (FMP) sets out the strategic plan to manage flood risk in the Hutt Valley for the following 40 years (until 2041). The FMP proposes structural measures such as stopbanks, rocks and vegetation to protect river edges. The NOR (page 13) sets out the remaining capital works listed in the FMP that may be constructed under the proposed designation.

16 There are also general maintenance activities undertaken within the area of the NOR including maintaining riparian vegetation, mulching of bankside vegetation, works on tracks and structures on berms, planting on berms and other activities designed to maintain the integrity of the flood defences.

17 The river corridor forms the basis for the extent of the proposed designation as it is the minimum area able to contain a major flood and enable the water to pass

safely to the sea. The majority of land within the designation is owned by WRC, with some land owned by Hutt City Council and a few discrete parcels owned by other private or public entities. The only areas of private land within the proposed designation are where the piece of land is clearly within the river corridor and stopbanks are located within these parcels. Appendix B of the notice of requirement, Sheets 1 – 26 show the extent of the proposed designation and who owns each parcel of land within the proposed designation.

18 The flood protection and erosion control assets currently present within the proposed designation include the river corridor itself, stopbanks, flood walls along the lower reach of the Waiwhetu Stream, rip rap and rock groynes, flap gates, planting and willows, and the Silverstream weir.

Reasons for the designation and the powers of s176

19 WRC seeks the proposed designation for the maintenance, operation and construction of public works (under s168(1)(a)) and to ensure that the river corridor safely and efficiently functions as a flood protection asset (under s168(1)(b)).

20 Under s 176(1) the effect of a designation is twofold. It will:

a. Enable WRC to undertake public works for the construction, operation and maintenance of flood protection without resource consent from HCC, and

b. Require any person, doing anything, in relation to the land that would prevent or hinder the purpose of this designation to get written consent from WRC.

c. WRC requires both of these powers to effectively managing the flood protection and erosion control works and assets along Te Awa Kairangi/Hutt River.

Alternative sites, routes and methods and whether the designation is reasonably necessary

21 The reporting officer recommends the notice of requirement is modified to reduce the designated area to that required for maintaining existing flood protection structures, and for constructing new capital works which are identified in the FMP and are within the purpose of the designation. They conclude that there is not a clear case to include the full extent of the river corridor within the proposed designation.

22 I do not agree with the reporting officer's recommendation to reduce the extent of the designation boundary to only include existing and proposed flood protection structures.

23 There appear to be four different scenarios to consider when recommending on the proposed designation. Those being where:

(a) WRC is the landowner and the designation applies only to existing and proposed flood protection structures

(b) WRC is not the landowner, and the designation applies only to existing and proposed flood protection structures

(c) WRC is the landowner and the designation applies to the wider river corridor

(d) WRC is not the landowner, and the designation applies to the wider river corridor

24 In respect of scenarios (a) and (b) the reporting officer considers that WRC has an interest in the land and supports the proposed designation for existing and proposed flood protection structures.

25 In respect of scenarios (c) and (d) the reporting officer notes that the proposed designation is not limited to the land necessary for maintaining existing assets or for new capital works identified in the FMP as it includes the wider river corridor.

26 For scenario (c) the reporting officer does not support the proposed designation because *"the proposed designation does not restrict WRC from developing the land they own in the river corridor for purposes not related to flood mitigation, including residential activity. Therefore, the designation is not an effective method for this purpose. The fact of WRC ownership of the land already provides that protection."*

27 For scenario (d) where WRC does not own the land the reporting officer does not consider there is a clear rationale to include this land in the designation. Fraser Park is provided as an example, here the notice of requirement extends to the stopbank which is set 250m away from the river meaning that parts of Fraser Park are located within the proposed designation.

28 In response to the reporting officer's view, I understand from Sharyn Westlake that the river corridor provides the required volume to carry flood waters safely to the sea and is an essential part of the flood protection scheme. To fulfil WRC responsibilities, WRC seeks to have the powers of a requiring authority over the

wider river corridor to ensure it functions effectively during flood events. The designation of the river corridor would allow WRC to:

(a) Undertake a variety of activities within this area to provide flood protection, including the maintenance of vegetation, flap gates, and access tracks which serve a secondary purpose of recreation along the river.

(b) Enable access to maintain or construct new flood protection assets, noting that stopbanks are linear structures, that require multiple access points

(c) Protect the river corridor from inappropriate development and use that may reduce the river corridor flood volume and/or impact the nature of the flow of flood water.

29 In response to scenario (c), I consider that as WRC owns the land, WRC have an interest in the land sufficient for undertaking the works. This means that section 171(1)(b)(ii) (which is the provision that requires consideration of, "whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought") does not apply. In addition, I also do not consider it appropriate to rely on s171(1)(d) to apply the tests of s171(1)(b). A designation over the wider river corridor will support WRC in undertaking its activities related to floodplain management and will also mean that if in future another requiring authority proposes a designation over the same area WRC would hold the primary designation.

30 In response to scenario (d) and the example of Fraser Park, where a stopbank is set back from the river, the entire area up to the stopbank is a floodway and must be planned and used as such. A designation is not just a mechanism to undertake the public work but is also a protection mechanism from other entities undertaking an activity in that area, without the requiring authority's approval.

31 I consider that a designation is the most appropriate mechanism for ensuring that WRC has the ability to fulfil its functions to minimise and prevent damage by floods and erosion.

32 I note that this reasoning was accepted by Hutt City Council for the current Boulcott Designation WRC-09 where the stopbank is set back 500m from the river channel with the entire golf course site designated as part of the floodway.

Conditions on the proposed designation

33 The NOR proposes 11 conditions in Appendix C of the NOR. These conditions cover operation, maintenance and construction.

34 The reporting officer has recommended modifications to the suite of the proposed conditions. These modifications and my response are set out in Table 2.

Table 2: Response to officers' recommendation on proposed conditions

Condition	Officer Recommendation	Response
New condition - vibration	Include a condition which manages the effects of vibration from new capital works, in line with the requirements of NOISE-R5	I would support a recommended new condition that addresses vibration from construction activities. I propose a new condition: *Construction vibration must be managed in such a way that ground vibration effects are contained as far as practicable to the site. Vibration from construction activities shall avoid damage to buildings, by ensuring all vibration levels received at any building shall not exceed the guideline values set in Tables 1 and 3 of DIN 4150-3:1999-02 Structural vibration - Part 3: Effects of vibration on structures.* *If these provisions cannot be met, the requiring authority shall provide to the Hut City Council a Vibration Management Plan prepared by a suitably qualified expert. The plan shall identify all potential sources of vibration and include information on how the best practicable option will be adopted for keeping vibration to a reasonable level. No works shall occur on side until the Manager has certified in writing the Vibration Management Plan is accepted.*
New condition – public access	Include a condition which ensures that public access to and along the river is maintained,	WRC cannot ensure that public access is maintained during periods of construction and maintenance for public safety reasons. There is a risk of a perverse outcome that maintaining public access extends the construction timeframes, which would overall restrict full public access to and along the river for longer. I would support a condition that sought to maintain public access where practicable during periods of construction and maintenance.

Condition 5	Delete conditions 5 and 8 which identify exemptions or requirements for outline plans.	Condition 5 was proposed to provide certainty to both WRC and HCC on what activities can be waived from an Outline Plan of Works upfront, rather than requesting a waiver each time. This is an approach used by Auckland Council in Designations they have for their regional parks and cemeteries (See condition 3 of Designations, 400, 401, 402, 403, 404, 415, 416, 418 of Auckland Unitary Plan). If HCC would prefer to now confirm that these activities do not need an Outline Plan, I would be willing to accept the deletion of this condition. However, I stress that my preference would be to retain the condition for clarity and efficiencies for both entities in the future.
Condition 7	Extend or replicate condition 7, to include both the effects of lighting from maintenance and construction activities	I would agree to a recommended new condition that can manage the effects of lighting from construction activities even though nighttime construction is unlikely. I propose a new condition: *Any lighting required for construction activities must ensure that the direct or indirect illuminance does not exceed 8 lux at the window of a dwelling on a neighbouring site.*
Condition 8	Delete conditions 5 and 8 which identify exemptions or requirements for outline plans	The intention of the condition was to provide certainty that an Outline Plan would be required for all non-excluded items. However, I agree that this condition is not necessary as it repeats the relevant provisions of the Act and do not oppose the recommendation to remove it.
Condition 9	Replace condition 9 with an amended version.	I agree in part with HCC's recommendations to amend Condition 9, however I propose the following amendments: - Remove reference to stormwater as there is no stormwater in a construction site, it is all construction water. - Remove the condition related to sediment and erosion control measures as these effects are regulated by the Regional Council, for which any capital flood protection works would require resource consent from the Regional Council for these activities. However, if HCC are adamant that this condition is required we are comfortable with the inclusion of this condition.

		Prior to the commencement of any works on site, the ~~consent holder~~ requiring authority *~~-~~shall submit a Construction & Traffic Management Plan to the Council for certification by the Resource Consents and Compliance Manager. The plan must address, but is not limited to, the following matters:* *• Details of construction hours;* *• Details of how any adverse effects arising from construction will be managed to avoid effects from dust, noise and construction traffic. This includes how the proposal will comply with the NZS 6803:1999 Acoustics - Construction Noise. If the provisions of NZS 6803:1999 cannot be met, then the requiring authority shall provide to the Hutt City Council a Noise Management Plan prepared by a suitably qualified acoustic consultant. The plan shall identify all potential sources of noise and include information on how the best practicable option will be adopted for keeping noise to a reasonable level. No work shall commence on site until the Manager has certified in writing that the Noise Management Plan is accepted. All construction works shall be undertaken in accordance with the approved Noise Management Plan.* *• ~~Specific vibration mitigation measures to manage vibration from earthworks and foundations construction including duration, or any other process which may give rise to detectable vibration effects within adjacent residential buildings;~~ Replace with new vibration above.* *• ~~Details of sediment and erosion control measures to be installed on-site to ensure that dust is prevented from blowing beyond site boundaries and sediment prevented from entering any stream or waterway. Sediment and erosion control shall be undertaken in accordance with Greater Wellington Regional Council's erosion and sediment control guidelines issued in September 2002 and reprinted in June 2006~~;* *• Details of how ~~stormwater and~~ surface water run-off will be controlled during site works to ensure they do not affect adjoining properties;* *• Outline traffic and transportation requirements relating to the proposed works, and describe the management measures and methods which are proposed, together with any mitigation action which might be required to minimise disruption to the transport network and safety effects on all mode users.* *• Outline the process by which complaints will be managed, including contact details for the appropriate person to respond to such complaints.*