

Proposed Natural Resources Plan for the Wellington Region

Supplementary Right of Reply

**For Hearing Stream 5
Tabled 1 August 2018**

Topic: Wetlands and Biodiversity

**Prepared by:
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On behalf of Greater Wellington Regional Council

1. Introduction and scope

1. The Hearing Panel requested additional information during the Right of Reply hearing on 30 July 2018 for Wetlands and Biodiversity, being:

- a) *What proportion of wetlands in the region are estimated to be included in Schedule F3? (is it 95% or 80%?)?*
- b) *Should Wetlands General Condition (c), specifically refer to 'hand held' machinery?*
- c) *Should the recommended amendment to Rule R104 refer to any existing lawfully established structure, rather than an existing lawful structure?*
- d) *Provide clarification of Taupō Swamp Complex boundaries.*
- e) *What area did CentrePort seek be removed from the scheduled sites of significance?*
- f) *Is there scope to add a timeframe to Method M7: Outstanding water bodies?*
- g) *Can Method M20(b) be extended to state what will happen with the defined wetland boundaries e.g., added to the plan by way of plan change? Is there scope? Can a timeframe be included?*
- h) *Clarify the available budget to assist implementation of Rule R97*
- i) *Provide a redline version of the minor amendments recommended to Schedule G2 at the Right of Reply hearing*

2. In addition, this reply includes an updated redline version of the proposed amendments dealt with in Hearing Stream 5 for Wetlands and Biodiversity.

2. Proportion of region's wetlands in Schedule F3?

3. In the report "Review of wetland definitions and methods of identification" Mr Wyeth quoted two different figures as an estimate of the proportion of wetlands in

the region included as scheduled wetlands. The report should have referred to a broad estimate that the wetlands listed in schedules A3 and F3 comprise around 95% of the region's wetlands by area.

4. Wetland General Conditions - reference to hand held machinery

4. In response to whether the Wetlands general conditions clause (c) should state hand-held machinery, I note that these general conditions only apply to the permitted activity rules R104 and R105 which only allow the use of hand-held machinery. I don't consider that it is necessary for general condition (c) to repeat this and I think any wording to do so would be a little clumsy.

5. Lawful structure or lawfully established structure

5. In response to the question "Should the recommended amendment to Rule R104 refer to any existing lawfully established structure, rather than an existing lawful structure", Ms Anderson advised the Panel that, in her opinion, either 'lawful structure' or 'lawfully established structure' is appropriate, but she considered that there should be a consistent approach across the proposed Plan. Ms Conland has recommended several changes to the rules in the Beds of Lakes and Rivers Topic which refer to structures that are "lawfully established" and I therefore recommend that my recommendation to Rule R104 be amended accordingly:

Rule R104: Structures in ~~natural wetlands and~~ significant natural wetlands

The use, maintenance, repair, addition, alteration, or replacement (like for like) of an existing lawfully established structure or existing lawfully established regionally significant infrastructure, including associated vegetation removal, and the placement of...

6. Taupō Swamp Complex Boundary

6. In my Right Of Reply, I referred to the supplementary legal submissions of QEII Trust that clarified the extent of wetland (referred to as Taupō Swamp Complex)

subject to their request for upgrade to an outstanding natural wetland was shown on a map in the expert evidence of Ms Astrid van Meeuwn-Dijkgraaf (QEII's expert ecologist) (see Map A attached). In my Right of Reply I confirmed that this area was consistent with the 'Taupō Swamp Complex' as assessed by Dr Crisp in her primary evidence (see Map B attached).

7. Following release of my Right Of Reply, the QEII Trust contacted me to advise that the map included in my Right of Reply does not fully reflect the area identified in their evidence, as it excludes an area of wetland labelled on Ms Meeuwn-Dijkgraaf's map as "Private 3" (located to the east of the SH1).
8. I have discussed this discrepancy with Dr Philippa Crisp. We note that, when we reviewed the wetland boundary, we had understood the main point of clarification to be whether the Trust's submission related solely to the area of Taupo Swamp owned by the Trust or to the broader Taupō Swamp Complex as listed in Schedule F3 of the proposed Plan. Having received the Trust's supplementary evidence, we concluded the latter and confirmed that Dr Crisp had indeed assessed the values of the entire Taupō Swamp Complex in her primary evidence, recommending it be added to Schedule A3 with boundaries as defined in Council's wetland database.
9. Following contact from the Trust, we have compared the Council's boundary for the Taupō Swamp Complex against the map provided in the QEII Trust's evidence (refer to Map C attached). While we agree with the Trust that the Council's map for the Taupō Swamp Complex does not include the wetland labelled "Private 3" on the Trust's map, we note that this wetland area is recognized as a separate wetland in Schedule F3, identified as "Plimmerton Swamp East". We note that identification of this wider wetland area considered by the Trust to form the Taupō Swamp Complex was only clarified in their expert evidence lodged for Hearing Stream 5. Their original submission simply referred to the Taupō Swamp Complex with no map provided.
10. It is Dr Crisp's opinion that this wetland area is clearly a remnant of the once larger Taupō Swamp complex and, while it is not now hydrologically connected to the swamp because of the effects of land drainage and reclamation, it continues to provide significant flax swamp habitat that contributes to the outstanding values of the wider Taupō Swamp Complex. However, because of the lack of boundary clarity

in the Trust's original submission there was no opportunity for landowners to recognize that this area was subject to consideration for designation as an outstanding water body and therefore lodge further submissions in opposition or support. Because of this lack of scope, I continue to recommend the recommendation as set out in my S42A report and Right of Reply which is to elevate the wetland area identified as Taupō Swamp complex in Schedule F3 (and shown in Map A attached and in Map 1, Appendix H of my Right of Reply) to the status of an outstanding natural wetland.

7. CentrePort submission on sites of significance

11. In their original submission CentrePort Ltd (S121/141) requested that Kaiwharawhara Estuary be deleted from Schedule F4 or provide exceptions for the Commercial Port Area in all rules relating to Schedule F4. As stated in para 492 of my Right of Reply: Wetlands and Biodiversity:

“With respect to the removal of Kaiwharawhara Stream mouth and estuary from Schedule F4, CentrePort did not present any further evidence challenging the scheduling of the Kaiwharawhara Stream mouth and estuary and Mr Daysh stated at the Hearing that they no longer seek its deletion.”

8. Method M7: Outstanding water bodies - timeframe

12. There were no submissions specifically seeking addition of a timeframe to Method M7. However, I consider that there is scope to do so in response to the submission of Rangitāne o Wairarapa who requested the addition of 15 water bodies to Schedule A. I rejected that request but recommended an amendment to Method M7 such that Council work with mana whenua to develop and apply criteria to identify water bodies with outstanding cultural and spiritual values. I agree that the open-ended nature of this method provides little certainty for iwi and therefore recommend addition of a time frame to Method M7 as follows:

d) work with mana whenua to develop and apply criteria to identify water bodies with outstanding cultural and spiritual values by June 2021, and

9. Method M20 – clarify where wetland boundaries will be identified/ timeframe/correction of error

13. The Panel heard evidence from both Mr Wyeth and Ms Gillon that set out the substantial amount of work being carried out by the Council to identify wetlands across the region, to better delineate wetland boundaries, and to support landowners to protect and restore wetlands. Council continues to add both new wetlands and more detailed wetland boundaries to the Council’s GIS Wetlands Database as a result of its active Wetlands Programme. I do not consider that it is necessary at this stage to include detailed wetland boundaries within the proposed Plan, but note that this can be reviewed at a later date should there be sufficient reason. Similarly, because Council’s wetland identification programme is very active, I do not consider there to be any value in adding a date by which a wetlands database should be complete.

14. With regard to Method M20(c), I note an error in the redline version of the Right of Reply: Wetlands and Biodiversity, with ‘significant natural wetland’ incorrectly replaced by ‘other natural’ wetlands and recommend that this be corrected as follows:

- (c) develop and implement Wetland Restoration Management Plans ~~for in partnership with~~ landowners and outstanding natural wetlands and ~~significant significant other natural~~ wetlands as required, and

10. Financial assistance to implementation of Rule R97

15. I can confirm that the Council has a budget of \$340k/year for the next three years to support implementation of Rule R97 – Access to the beds of surface water bodies by livestock. There will be continuing financial support to support good land use practice in the following years, but the detail of that is not yet developed.

11. Amendment to Schedule G2 – Biodiversity Offsetting

16. During the Right of Reply hearing, Dr Jamie Steer suggested a minor amendment to Schedule G2 (2) to provide further clarity regarding the limits to offsetting. This change is in the nature of a minor restructuring of the clauses and does not change

the effect of Schedule G2. I agree with Dr Steer's suggestion and, relying on his evidence, recommend the following minor amendment:

Schedule G2: Principles to be applied when proposing and considering a biodiversity offset

2. Limits to what can be offset

Consideration of biodiversity offsetting is inappropriate when an activity has the potential to cause residual adverse effects on an area after an offset has been implemented where:

a) there is no appropriate site, knowledge, proven methods, expertise or mechanism available to design and implement an adequate biodiversity offset, or

b) when an activity is anticipated to cause residual adverse effects on an area after an offset has been implemented where:

ai. the ecosystems or species are "threatened" (as defined by the New Zealand Threat Classification System categories: Nationally Critical (NC), Nationally Endangered (NE), and Nationally Vulnerable (NV)), or

bii. the ecosystem is naturally uncommon, or

e) there is no appropriate site, knowledge, proven methods, expertise or mechanism available to design and implement an adequate biodiversity offset.

12. Updated redline version of the proposed amendments dealt with in Hearing Stream 5 for Beds of Lakes and Rivers

17. This is provided as a separate attachment, including the amendments recommended by Ms Conland in her Supplementary Right of Reply.

Map A: Taupō Swamp Complex – as shown in the evidence of Ms Astrid van Meeuw-Dijkgraaf (QEII’s expert ecologist)

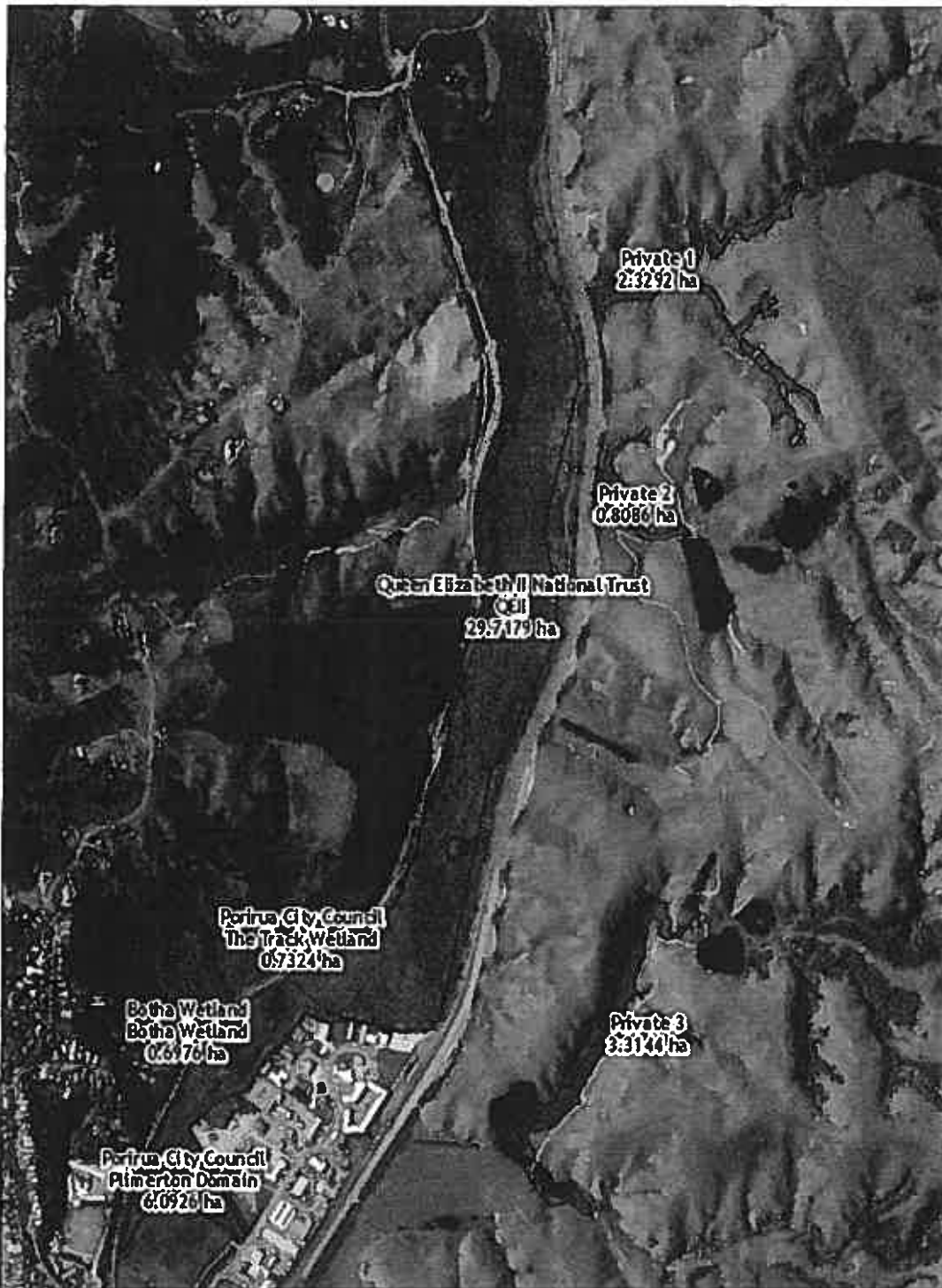


Figure 1a. Location and area of all parts of the Taupō Swamp wetland complex. Wetland arm 'Private 2' lies within proposed development area B.

Map B: Taupō Swamp Complex as identified in Schedule F3 of the proposed Plan and recommended be elevated to Schedule A3 (Outstanding natural wetland)



Map C: Comparison of Council's delineation of Taupō Swamp Complex with the QEII Trust's map of Taupō Swamp Complex

