

Proposed Plan Change 1 Reconvened Hearing

Presentation by Alyce Melrose, West Coast Regional Council's Planning Officer – 31 January 2019

Introduction

The purpose of this reconvened hearing is to hear submitters speak to their submissions in response to the December 2018 Section 42A Staff Recommending Report and the January 2019 Section 42A Staff Recommending Report.

My presentation covers the background to the December 2018 Section 42A Staff Recommending Report, an updated staff recommendation for wetland HOKP086 Ross, responses to questions from the Hearing Panel, and the background to the January 2019 Section 42A Staff Recommending Report. I will also explain a request by submitter Mr and Mrs Henschel.

Background to the December 2018 Section 42A Staff Recommending Report

The hearing for Plan Change 1 to the Regional Land and Water Plan was held on the 18th and 19th June 2018. A number of submitters presented evidence explaining why they believed the Schedule 2 wetland designation on parts of their land should be removed from the areas they requested in their submissions. After having carried out some site visits and receiving the staff right of reply on the 20th June 2018, it became apparent to the Commissioners that further information is required to make a fully informed and robust decision on those submissions that seek amendments to the wetland boundaries. Therefore the Commissioners requested for a person with suitable ecological qualifications to review areas of specific Schedule 2 wetlands, where a submitter had requested to have part, or all, of the wetland designation removed because they consider that the area does not have wetland values. The Assessor's Brief was to determine the physical extent of the wetland on the ground; not undertake a Schedule 3 Ecological Assessment of the significance of the wetland.

Between July and September 2018 the Assessor undertook site visits to 14 areas on 13 Schedule 2 wetlands.

This resulted in the "Schedule 2 Wetland Boundary Review 2018 Report" which provides ecological and hydrological details for each area visited and makes a recommendation on whether the designation boundaries should remain or be changed for each of the areas.

December 2018 Section 42A Staff Recommending Report

Following the release of the Boundary Review Report, staff reviewed their recommendations in the May 2018 Staff Recommending Report to see if any of these recommendations needed changing in light of the new information in the Boundary Review Report. On 7 December 2018 staff released the December 2018 Section 42A Staff Recommending Report which amends staff responses to submission points relevant to the 13 wetlands covered by the Boundary Review Report. The Boundary Review Report is attached as Appendix 2 of the December 2018 Staff Recommending Report.

Staff initially supported all the suggestions in the Boundary Review Report and made recommendations reflecting this in the December 2018 Staff Recommending Report. Since releasing the December Recommending Report, staff have reconsidered these recommendations and now support all but one of the recommendations as follows:

Staff recommend removing the entire Schedule 2 designation from wetland BULP050 Oweka because this area does not have wetland values.

Staff also recommend removing the designation from the same areas submitters have requested for wetlands HARP021 Lake Ianthe, HOC004 Candlelight Pakihi, PUNP001 Barrytown Flats, Maher Swamp, and wetland HOKP099 Little Houhou Creek because these areas do not have wetland values. Note that two areas were assessed for wetland HOKP099 Little Houhou Creek.

In regards to wetlands HOKP119 Lake Mudgie, KAGP008 Lake Kini and MAIP003 Fletcher Creek, staff recommend removing the designation from smaller areas than submitters have requested. This is because the Assessor could not guarantee that the remaining areas did not have wetland values as the areas are large in size and were difficult to access.

In addition, staff recommend leaving the designation on areas submitters have requested to have removed for wetlands HAAP012 Turnbull Waitoto, HOKP009/HOKP064 Totara Lagoon, HOKP018 Whiley Creek, and HOKP079 Cropp Road, Kowhitirangi as these areas have wetland values.

Updated staff recommendation for Wetland HOKP086 Ross

Staff now have a different view to the staff recommendation in the December 2018 Staff Recommending Report for wetland HOKP086 Ross. In the December 2018 Staff Recommending Report, staff recommended removing the entire designation from this wetland area because the Boundary Review Report considers that the area does not have wetland values. However, we note in the evidence submitted by the Department of Conservation that they question how thorough the assessment was, given that the Assessor had not penetrated the vegetation beyond the edge of the wetland. Having considered this view, staff undertook a drone flight over the wetland area to gain a better understanding of the vegetation in the middle of the wetland. This included two flights over the top of the wetland at 120m and 70m, and seven photos at 30m over the wetland. Photos taken from the two flights were then joined together to create a detailed aerial photograph of the wetland.

From looking at the information from the two flights and the photographs, staff can clearly identify a large number of flax throughout the wetland, as well as other vegetation which we cannot identify. Staff understand that flax is a common wetland species, and what can be seen in the photographs suggests to us that the middle area could be technically classed as wetland. However, we acknowledge that we are not expert ecologists, and the photos create uncertainty for us about recommending to remove the designation. For this reason, staff now recommend only removing the designation from the area that was originally proposed to be removed, as shown by red hatched lines on page 53 of the Section 32 Report: Maps Showing Changes to Scheduled Wetland Boundaries document, and recommend leaving the designation in place over the remaining wetland area, unless it can otherwise be confirmed that the central area is not wetland.

Evidence

Following the release of the December 2018 Staff Report, six pieces of evidence were received, both supporting and opposing the recommendations in the December 2018 Section 42A Report. Submitters Mr and Mrs Coates and Frida Inta have submitted evidence but will not be attending this hearing to speak to their evidence and submissions. All evidence has been forwarded to the Hearing Panel for their consideration, put on the website and submitters advised to keep an eye on the website for any updates. We currently make no further comments on the submitted evidence at this stage.

Questions from Hearing Panel

On 14 January 2018 the Hearing Panel forwarded two questions for the Assessor regarding the "Schedule 2 Wetland Boundary Review 2018" Report. These questions were in relation to two wetland areas. Council's Senior Planner, Edith Bretherton, accompanied the Assessor on the site visits to the 14 wetlands for safety reasons, and has responded to the Panel's questions, if this is helpful for the Panel as the Assessor is unable to attend the hearing. Edith is not an expert ecologist but has commented on what she observed and understood from on-site conversations.

Question 1 regarding wetland HOKP099 Little Houhou Creek: Can you confirm from your Report on page 38, the last paragraph (see page 71 of the Staff Recommending Report), that the actual building site as shown on Figure 42 does not contain wetland values?

Answer: Edith advised that her understanding was that the Assessor believed the building site did not contain wetland values.

Question 2 regarding wetland PUNP001 Barrytown Flats, Maher Swamp: With reference to your report at page 69, last paragraph (see page 102 of the Staff Recommending Report), without knowing the perimeter boundaries of the Nikau Deer Farms Ltd property, please clarify the Report recommendation as Figure 87 appears to indicate wetland values but this area is proposed to be removed from the designation.

Answer: Edith observed that there was surface water within the designation, as shown in Figure 87, and referred to the Assessor's conclusion that this was due to recent rainfall rather than permanent pooling of water as the ground was firm underfoot in the area shown in Figure 87.

January 2019 Section 42A Staff Recommending Report

In late December 2018, further submitter William Foster contacted the Council requesting a site visit to be undertaken to the area of designated wetland on his property as the area had previously been developed and, in his view, does not have wetland values.

Staff considered that Mr Foster's request was within scope of his further submission as it stated that the area of designated wetland on his property has been developed and he would like the designation to be removed. Staff had not previously undertaken a site visit to this area as this further submission point had been misinterpreted when reviewing submissions and further submissions.

The site visit to this area was undertaken by the same person who undertook site visits for the wetland areas covered by the Boundary Review Report and the December 2018 Section 42A Staff Recommending Report. Staff made the decision to use the same person rather than Jane Marshall from DOC for the site visit due to the limited time available to undertake the site visit, write up the report on the site visit, and write and circulate the amended staff recommendation, prior to reconvening the Plan Change 1 Hearing.

Staff have recommended removing the designation from the entirety of the Foster's property as the designated area on their property was found to have previously been developed and did not have wetland values.

Mr and Mrs Henschel

On 4th January 2019 submitter Ruth and Richard Henschel contacted the Council asking if someone could look at the wetland on their property as they would like the designation to be removed from their property, particularly over the old drain along their southern boundary. Mr and Mrs Henschel had made a submission on Plan Change 1 submitting that they support the proposed removal of the wetland designation from the northern drain area, and supported various policies in the Land and Water Plan. At the time of the phone call, staff considered that their request was in scope of their submission and so the staff member organised for their wetland to be assessed by the same person who assessed the wetland areas covered by the Boundary Review Report and the December 2018 Staff Recommending Report.

A site visit was undertaken on 9 January 2019 which concluded that the area on the Henschel's property did not have wetland values. When writing up the recommendations for this wetland area, I reviewed the Henschel's submission. Their submission states that they support the designation being removed from the area shown in the document titled "Section 32 Report: Maps Showing Changes to Scheduled Wetland Boundaries" as the area has a combination of exotic vegetation and development had occurred prior to notification of the wetland. Their submission, however, does not request any additional areas of Schedule 2 wetland to be removed from their land; it does not state that, in their view, their land does not have wetland values, nor does it state that they support the Council removing the designation from other areas that have been developed. For these reasons I concluded that their request was out of scope of their submission and so I could not recommend removing the designation from any additional areas. Therefore, staff do not recommend amending the staff response to the Henschel's submission point under Decision Requested number 2.6 in the May 2018 Section 42A Staff Recommending Report.

This concludes my opening presentation and I look forward to hearing from the submitters.