



Friends of
Taupō Swamp
& Catchment

Friends of Taupō Swamp & Catchment Submissions 2021

Proposed Amendments to Natural Wetland Provisions in the National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater

Name of Contact Person	
Email Address	
Region	Wellington
Submitter is individual or organisation?	Organisation
Name of Organisation	Friends of Taupo Swamp and Catchment (FOTSC)
Type of Organisation	Registered Charity and Incorporated Society
Comments, ideas, and feedback	
Who is FOTSC?	FOTSC was formed in 2018 by a group of Porirua residents. The group is a not-for-profit Incorporated Society which is also a registered Charity (Number CC56756). FOTSC has grown out of concern for the protection and enhancement of the Taupo Swamp and surrounding catchment, and the maintenance and improvement in its functioning and vibrant ecosystems. We are a community led group of volunteers with a growing mailing list from all around NZ, and some overseas.
Context	<p>The Taupo Swamp Complex lies within a catchment with an area of about 1,345 hectares located between Plimmerton and Pukerua Bay. The Complex (c.38 hectares) is a wetland with outstanding indigenous biodiversity values and is recognised as such in the Natural Resources Plan for Wellington Region. The 'outstanding' classification arises from the Complex meeting several criteria such as: diversity of habitats, diversity of flora and fauna, rarity of its ecosystem type and rarity of flora and fauna.</p> <p>About 45% (or 610 hectares) of the catchment has been identified by Porirua City Council as being potentially capable of urban development.</p>
What are the ecological issues	<p>Like all wetlands, the Complex is very susceptible to changes in land use, with key considerations being: discharges of contaminants (including sediment); changes to the hydrological regime; and invasion of exotic weeds and animal pests.</p> <p>Ultimately all stormwater runoff and sediment discharge from urban development in the catchment will be to the Complex, and all changes to the catchment hydrology (for example by in-filling gullies and wetland drainage for roads and building platforms) will, in one way or another, impact directly on the hydrology of the Complex and therefore on its faunal and floral composition, and its ecological coherence and robustness.</p>

<p>What are the hydrological issues</p>	<p>Wetlands are products of their environment and by far the most important factor in characterising and managing a wetland is hydrology. This is all too often overlooked, under-estimated or simply inadequately researched, and insufficient attention is paid to hydrological events and to the size and characteristics of the full catchment area (the area inside the ecological boundary) of the wetland. The effective ecological boundary of most wetlands lies well outside the fence, or cadastral boundaries.</p> <p>Hydrology (water depth, and periodicity of rainfall and stream flow rate) not only interacts and often modifies the physical environment, it also determines plant distribution and wetland type, such as deep-water swamp and the extent of ephemeral (seasonal) wetland.</p> <p>Because of the prominent role of hydrology in wetland structure and functioning, changes in the hydrological parameters can have major effects on the character and sustainability of a wetland.</p>
<p>What are the council administration issues</p>	<p>Scheduled natural areas are at significantly more risk from activities outside those areas than within because generally resource management plans do not recognise downstream, off-site, and external effects. Council policy and consent planners as a matter of course view effects on the natural environment outside the application site as being something beyond the council's function.</p>
<p>What parts of MfE's proposed amendment does FOTSC oppose</p>	<p>FOTSC opposes MfE's proposed amendments in respect of:</p> <ul style="list-style-type: none"> • activity status for activities in, and closer than 100m from, natural wetlands; and, • a gate-way test having off-setting as its cornerstone.
<p>Why is the gate-way test inappropriate</p>	<p>MfE proposes that urban development (or quarrying, landfill, cleanfill and managed fill, mining) will be subject to a 'gateway test' where applicants must demonstrate how the 'effects management hierarchy' will be applied.</p> <p>MfE staff has been quoted as saying that: <i>"Any drained wetlands would need to be off-set elsewhere, meaning there would be no net loss to wetland area nationally."</i> (https://www.stuff.co.nz/environment/126384694/mines-landfills-near-wetlands-possible-under-government-walkback-of-environmental-rules)</p> <p>FOTSC unanimously and strongly opposes any suggestion that off-setting is an appropriate means to manage adverse effects associated with draining and infilling of wetlands.</p> <p>MfE's analysis itself as recorded doubts about the concept of off-setting saying that:</p> <ul style="list-style-type: none"> • it is unclear if, in the long term, constructed wetlands are as effective as natural wetlands. • some risk remains that off-setting may either not be undertaken or will not be maintained resulting in reduced biodiversity values over time".

	<p>FOTSC has similar concerns.</p> <p>FOTSC also notes that different wetland types are not nationally comparable in terms of floral and faunal composition. Nationally, wetlands have regional uniqueness, or endemism. <i>Therefore, MfE is misguided if it considers that the appropriate test is "no nett loss nationally"</i>.</p>
Why is off-setting inappropriate – ecological perspective	<p>Off-setting and wetland 're-creation' are often offered to justify the destruction of natural wetlands. However, it simply is not possible to re-create streams and wetlands destroyed by earthworks. Physical engineered constructions and manufactured replicas cannot re-create the intricate hydrological and ecological connections and interactions that occur within wetlands and within their contributing catchment, let alone try to reproduce natural wetland soils.</p>
Why is off-setting inappropriate – council administration, resourcing and competency	<p>Off-set plantings often fail due to a lack of commitment or maintenance by the developers or ineffective conditions or insufficient monitoring of conditions. Councils have a very poor record of monitoring or enforcing of consent conditions¹.</p> <p>A study by Thames- Coromandel District Council found many covenants were in poor condition, often because restoration planting of a natural feature had failed (Natural Solutions, 2010).²</p> <p>An evaluation of regulatory compliance of ecological compensation in 2013 found significant variation in compliance across different activities, applicants and condition types and more than 35% of requirements were not achieved. The study showed monitoring records were often observed to be missing, incomplete or out of date (Brown et al, 2013).³</p> <p>A current research project by a FOTSC member into local authority procedures and practices in terms of section 35(2)(d) of the RMA [Duty to gather information, monitor, and keep records – the exercise of resource consents] is revealing that a significant number of local authorities adopt a 'reactive' approach to monitoring consent conditions. For example, one council has indicated that: "<i>Compliance monitoring - complaints based reactive approach due to limited resources</i>"; and another that monitoring is a "<i>Complaints driven investigation</i>."</p> <p>In addition, effective conditions to prevent detrimental short and long-term effects will be difficult to impose because of a lack of knowledge on the hydrological functioning generally with local authorities, including base and peak flows within, to and from development sites.</p>

¹ Often imposed as covenants

² *Natural Solutions, 2010: "Are covenants working? Biodiversity protection through the Thames-Coromandel District Council District Plan". Hamish Kendal, Natural Solutions Contract report 10/093. <https://docs.tcdc.govt.nz/24DocServ/Default.aspx?DocSetID=1598742>*

³ *Brown, M. A., D. Clarkson, B. Barton, and J. Chaitanya, 2013: Ecological compensation: an evaluation of regulatory compliance in New Zealand, Impact Assessment and Project Appraisal. <https://researchcommons.waikato.ac.nz/handle/10289/7272>*

<p>Why is a 'discretionary activity' status not appropriate.</p>	<p>MfE suggests under the proposed consenting pathway, plan-enabled development in, or within 100 metres of, a 'natural wetland' would be a discretionary activity with consent being determined by councils on a case-by-case basis.</p> <p>FOTSC does not consider that a 'discretionary activity' status for urban development (or quarrying, landfill, cleanfill and managed fill, mining) in that proximity to a natural wetland is appropriate. We consider this activity status is a recipe for further loss of wetlands and a decline in the health of those remaining. A discretionary activity status assigned to such proposal would effectively strip wetlands of any meaningful protection.</p> <p>Council consent planners/hearing commissioners generally take the view that developments that fall within the 'discretionary activity' category are 'provided for in the district plan', and the rationale by the consent decision-maker then following is that consent must be granted to such activities, with discretion only being exercised with respect to the fine print of (what normally are) standard conditions.</p> <p><u>The experience of FOTSC members is that RMA decision-makers will rarely (if ever) consider the possibility that consent to a discretionary activity should be declined.</u> In our experience, the grant of consent is the guaranteed outcome where urban development is proposed even though there may be other relevant (albeit opposing) national policy statements (the NPS-FM for example).</p> <p>FOTSC considers that compensation will ultimately become the norm with an irreversible decline in the extent and quality of our wetland ecosystems.</p>
<p>What is the preferred outcome</p>	<p>FOTSC is stunned by MfE's suggested change. In essence, the proposal is a facilitation of activities capable of degrading the few remaining natural wetlands. The proposed amendments devalue and demean attempts by volunteer groups (such as ours) to address the loss of wetlands and the degraded state of freshwater ecosystems in New Zealand.</p> <p>FOTSC's position is that the proposed changes providing for a more-lenient consenting pathway for landfills, quarrying, mining, and urban development must be rejected.</p>



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The Plimmerton Farm Development:

*“Proposed Plan Change 18 Plimmerton to the Porirua City District Plan
Using a Streamlined Planning Process”*



This map shows the Plimmerton Farm sitting on the eastern side of State Highway 1, between Plimmerton and Pukerua Bay north of Wellington (outlined in green).

This farm is currently zoned as rural.

Porirua City Council has notified a proposed plan to change this zoning to residential and commercial. The land sits in the middle of a large catchment area where all the water/ sediment drains into the swamp and wetlands on both sides of the highway, are filtered by the Taupō Swamp and associated wetlands, and

then carried out to the harbour via Taupō Stream. You will see from this view that ‘transforming’ that landscape to build houses on its steep slopes, wooded valleys and connected wetlands would not be possible without substantial landform modifications.

We care about this for many reasons, and hope you do too...

We all have until July 2, 2020 to make our feelings heard. There’s just one chance to tell decision makers what we think. BUT the best chance to make a difference.

This is not just about the change of zoning, but is the ONLY chance we have to advocate for the conditions under which that land is developed over the next 20+ years or so!

We want to be proud of the actions we take now to insist on ‘best practice’ development with environment as a priority not a casualty.

Submission Information:

- Your submission must be with Porirua City Council (PCC) by Thursday 2 July 2020
- Keen to make a submission and not sure what to say? We have developed a helpful submission example which can be viewed [here](#)
- You can complete your own submission on the PCC website via [PDF](#) or [word document](#).
- Once you have downloaded the form, you can fill it in, save it, then attach it in an email to plimmertonfarmppc18@porirua.govt.nz
- Have some more questions? We have reviewed all of the information, met with environmental experts, partnered with environmental organisations, had in-depth discussions with residents, Council and the developer to ensure we could provide an exhaustive list of answers to your most complex questions. You can view these [here](#)
- Thanks for working with us to get the best outcomes for the Plimmerton Farm Development