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27 June 2024

Hutt City Council
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Attn: Dan Kellow
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Request for more information – Eastern Hill Notice of Requirement (Ecology)

Dear Dan,

Please find below our response to your letter dated 18 June 2024 requesting comment on the Ecological peer review carried out by Wildlands Consultants Ltd on behalf of Hutt City Council. The Landscape and Visual Assessment peer review comments in the same letter will be dealt with in a separate reply. A revised version of the Ecological Report, to replace Appendix G to the NOR, is attached to this letter.

Please take into account the Wildlands review of the first ecology assessment when preparing the revised ecology assessment.

We have reviewed the ecological peer review and the key items that Wildlands have identified as it relates to the findings of the initial assessment. These are addressed under subheadings as they relate to each point raised below.

Indigenous Orchids

The peer review identified a gap in the vegetation analysis as there was no effort to search for indigenous orchids at the site. We note that none were observed on site during any of the extensive site assessments carried out by WSP Ecologists. If they are discovered during works the proposed Vegetation Management Plan will include an accidental discovery protocol for managing any adverse effect that may be generated on them.

Rifleman / Tītitipounamu

We note that the peer review does not support our assessment that rifleman/tītitipounamu are unlikely to be present on site. The findings of the initial ecological assessment were that no rifleman/tītitipounamu were observed on site during any of the site assessments carried out by WSP Ecologists. If they are discovered during works the proposed Bird Management Plan will provide accidental discovery protocols for managing them.

Ecological Values

The Wildlands peer review notes that the Ecological Impact Assessment has combined the value of all avifauna and of flora species in their respective values assessments, and that this may be elevating the levels of impact in some circumstances. We note that separate assessments for each vegetation / habitat type and bird species is something that would typically be done on large scale projects. However, on small scale projects, such as this project, it is not always justified or practicable to carry out an individual values assessment within the project time frames. Further, we note that in this instance changing how the values are addressed would not have changed the outcome or volume of mitigation proposed.

The peer review also provides comments on the Waiwhetū Steam and tributaries, wetlands and freshwater fauna, including requesting the assessment of effects on the Waiwhetū Stream be teased out further, requesting a reassessment of individual values of the Waiwhetū Stream tributaries and fauna species, and questioning the appropriateness of survey timeframes for wetland plots. As per sections 30 and 31 of the Resource Management Act 1991 we note that these comments are outside of HCC's jurisdiction as a territorial authority. These items will be addressed by Greater Wellington Regional Council through the separate resource consent process.

Revision of the Ecological Impact Assessment

The Projects Ecologist has proactively implemented some changes to the Ecological Impact Assessment that was submitted with the Notice of Requirement. Changes are based on learnings taken from similar projects elsewhere in New Zealand. As a result, the values of onsite flora that were initially prescribed were incorrectly influenced due to the presence of Significant Natural Areas (SNAs) and the policy requirements as set out in the National Policy Statement for Indigenous Biodiversity (NPS-IB).

In the original Eastern Hills Reservoir Ecological Impact Assessment submitted on 29 February 2024, the project's Ecologist prescribed a 'high' value to the vegetation within the Project footprint due to the presence of a Significant Natural Resource (SNR) identified in the Hutt City District Plan (which the NPS-IB requires us to treat as a SNA). The magnitude of effect (post-mitigation) was assessed as 'moderate' which resulted in a 'high' level of effect that required offsetting to be proposed.

Following lessons leant on another project, and in response to the comments received from the Wildlands Peer Review, the Project's Ecologist has revised the assessment and the ecological values that were applied to the project downward. This revised assessment of ecological values is considered to more accurately represent the value of vegetation at the site as it better reflects the scale and magnitude of the works within SNR12 as a whole, as well as the overall level of effect associated with the construction of the project following application of the effects management hierarchy (avoid, remedy and mitigate).

An updated Ecological Impact Assessment is attached to this letter response, which should be read in place of the report previously submitted on 29 February 2024. In summary, the changes the Project's Ecologist has made are:

- The value of the existing vegetation has been changed to '*Moderate*' (down from '*High*')
- The magnitude of effect, pre-mitigation has been changed to '*Moderate*' (down from '*Very High*')
- The magnitude of effect post-mitigation has been changed to '*Low*' (down from '*Moderate*')
- A "*Moderate"* value for the vegetation assessed with a "*Low"* magnitude of effect has resulted in an overall "***Low"*** level of effect (down from '*High*')

As a result of this reassessment, the '**Low**' level of effect on vegetation means that the proposed offsetting, and associated pest management, are no longer required.

Changes to NOR Document

As a result of the changes to the Ecological Impact Assessment, the following changes are proposed to the Notice of Requirement (NOR) submitted on 29 February 2024. An updated revision of the NOR is attached that incorporates these.

Text to be inserted into the NOR is shown as *underlined*, and text that has been removed is ~~*struckthrough*~~. For ease of interpretation the relevant headings and associated heading numbers from within the NOR are replicated below.

2 Background to the Project

2.4 Project Benefits

Bullet point 6 amended to read:

- *"Ecological benefits associated with ~~offset~~ remediation planting proposed which will create habitat and improve ecological values"*

5 Description of the Environment

5.5 Environmental Features

5.5.3 Ecology

- **Vegetation**

Last sentence of text is amended to read:

"The overall value of vegetation on-site is ~~High~~ Moderate, as detailed in Table 13."

'Table 13: Terrestrial Flora Values" is amended to read:

Matter	Attributes	Value	Overall Value
Representativeness	• The site is fundamentally changed from a natural ~~pre-1840~~ state pre-1840 • Considering the Eastern Hills and SNR12, the site comprises a typical structure and composition, ~~though some aspects are lacking (e.g. emergency and ground cover tiers)~~ consistent with historical (logging, fire) and ongoing (pests) impacts • Emerging and ground cover tiers are lacking, while understory is lacking in some areas • The site is largely dominated by indigenous species	~~High~~ Moderate	~~**High**~~ **Moderate**
Rarity/Distinctiveness	• The indigenous species found on-site are typical of ~~the~~ SNR12 • Nationally 'Threatened' but regionally 'Not Threatened' myrtaceae (mānuka/kānuka) are present on-site • ~~The site is comprised almost entirely of a moderately threatened environment type with only 20-30% of vegetation remaining nationally~~	~~Very High~~ Moderate	
Diversity and Pattern	• The diversity and pattern of vegetation types on-site is low, dominated by indigenous species, of which species richness is moderate • Lack of ground cover and understory abundance on-site due to herbivore browsing pressure	Moderate	
Ecological Context	• The ecosystem services that the vegetation on site provides are rare considering the surrounding urban catchment • Historical impacts (fire and logging) and local conditions (pests) has contributed to shaping vegetation community on-site	Moderate	

9 Assessment of Environmental Effects

9.1 Summary of environmental effects

The Ecology row in 'Table 20: Summary of Environmental Effects' is amended to read:

Ecology	Effects on ecology include the removal of native and non-native vegetation, and the disturbance and removal of habitat for avifauna and herpetofauna. ~~*An overall net gain will be achieved for vegetation after offsetting has been implemented. Offsetting will provide additional benefits for birds, lizards and terrestrial invertebrates.*~~ *Remediation of the available site with eco-sourced vegetation, will improve the underlying character and composition of vegetation within SNR12 as well as resulting in an overall improvement of the values.*	~~*More*~~ *Less* than minor	Positive

9.2 Positive effects

Bullet point three is amended to read

- *"Remediation of the available site with eco-sourced vegetation, suitable for the site conditions and consistent with the values of SNR12, will improve the underlying character and composition of vegetation on-site. It will also improve upon the values of the vegetation on site when compared to the current values present.* ~~*An overall net gain will be achieved for vegetation after offsetting has been implemented. Vegetation offsetting remediation will also provide additional ecological benefits for birds, lizards and terrestrial invertebrates. The proposed removal of off-site 'Gorse/Broom' and 'Exotic Forest' near the Project Site and replacement with indigenous vegetation will enhance and expand existing habitats for indigenous fauna and improve habitat connectivity.*~~*"*

9.8 Ecology

Third paragraph of introductory text is amended to read:

~~*Offsetting proposed includes:*~~

1. ~~*Preparation of an Offsetting Management Plan by a suitably qualified ecologist.*~~
2. ~~*Undertaking pest animal control 1 month prior to construction of the Project, and for a period of 10 years following completion of the project in all offset sites.*~~
3. ~~*Creating areas of new forest and restoring existing areas of forest to improve native dominance and ecosystem health.*~~
4. ~~*Maintenance of the offset planting for a minimum of 5 years as required by the VMP.*~~
5. ~~*Monitoring and the subsequent reporting to council to confirm that the required level of offsetting, as set out in the Offsetting Management Plan, has been achieved and if it hasn't the steps to be taken to achieve the appropriate level of offset.*~~

~~*Mitigation following the completion of the construction of the Project includes:*~~

6. ~~*Post construction, pest protection for newly established plants and relocated lizards, will occur for an appropriate period.*~~

With the implementation of the proposed mitigation it is considered that there will be a less than minor effect on birds, lizards, ~~*and*~~ *terrestrial invertebrates and,* ~~*and a more than minor effect on*~~ *vegetation* ~~*that requires offsetting*~~*. Remediation of the available site with eco-sourced vegetation, suitable for the site conditions and consistent with SNR12, will improve the underlying character and composition of vegetation on site, whilst also improving the values of vegetation onsite.* ~~*An overall net gain will be achieved for vegetation after offsetting has been implemented and the offsetting requirements will also provide additional benefits for birds, lizards and terrestrial invertebrates.*~~

The Flora row in 'Table 26: Summary of Ecological Effects' is amended to read:

Flora Construction of the proposed reservoir could potentially involve the complete removal of all vegetation on site (approx. 1.9ha, ~~of which 1.32ha (69%) is indigenous~~ or 0.3% of the 670ha SNR12). Post-construction, planting is proposed consistent with the wider landscape. Fast growing and regenerating vegetation will experience a short-term loss, mature vegetation may experience a long-term loss while some areas will be permanently lost due to infrastructure. the loss of vegetation onsite is not restricted to indigenous plants as the site includes exotic plants and weeds. Effects will be ~~high~~ low.	Avoid • Avoid the removal of, or impacts to, indigenous vegetation where practicable • Development of a VMP to avoid, minimise and remediate vegetation where practicable. Minimise • Minimise the extent of indigenous vegetation removed where possible • Staged vegetation removal to minimise impacts on the indigenous fauna inhabiting the vegetation on site Remediation • Remediation of vegetation where practicable onsite with eco sourced indigenous plants	~~More~~ Less than minor

10 Environmental Management and Monitoring

10.1 Management Plans

The Pest Management Plan row in 'Table 29: Proposed Environmental Mitigation' is deleted

~~Pest Management Plan~~	~~Hutt City Council~~	• ~~Pest management methods~~ • ~~Trailbait station densities~~ • ~~Maintenance duration~~

12 Statutory Assessment

12.3 National Policy Statements

12.3.2 National Policy Statement for Indigenous Biodiversity

The Objective (1) row of 'Table 32: Relevant objectives and policies of the NPS-IB for the Project' is amended to read:

Objective (1) The objective of this National Policy Statement is: (a) To maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and (b) to achieve this: (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and (iv) while providing for social, economic and cultural wellbeing of people and communities now and in the future.	This Project will result in the removal of vegetation within an SNR in the HCDP, which has the status of a SNA under the transitional provisions of the NPS-IB. This is to provide for the construction of regionally significant infrastructure that will positively contribute to the social and economic needs of the community now and into the future. It has been identified that the vegetation to be removed comprises a mosaic of exotic and indigenous vegetation with low ecological values. To ~~*offset*~~ *mitigate* the effect of the Project, replacement planting is proposed which will utilise indigenous species. Consequently, the Project will not result in a net loss of indigenous biodiversity values at the site following the completion of construction.

The Policy 7 row of 'Table 32: Relevant objectives and policies of the NPS-IB for the Project' is amended to read:

Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.	A mitigation ~~*and offset*~~ package commensurate with the scale of the effects generated has been proposed so as to appropriately manage the adverse effects associated with the proposal.

The Policy 13 row of 'Table 32: Relevant objectives and policies of the NPS-IB for the Project' is amended to read:

Policy 13: Restoration of indigenous biodiversity is promoted and provided for.	The comprehensive ~~*offset and*~~ mitigation/remediation package will provide for the restoration of indigenous biodiversity values within an area that is currently dominated by exotic species with low values.

- ***Significant Natural Areas***

Paragraph 5 is amended to read:

"*Consideration has also been had to the application of the effects management hierarchy where effects are generated on the SNA as required by Clause 3.10(3) for those activities provided for under the exception in clause 3.11. Further, clause 3.10(4) requires the application of the effects management hierarchy to be demonstrated including how each step of the effects management hierarchy will be applied and where biodiversity offsetting is applied that it has been done so through application of the principles within Appendix 3 and 4 of the NPS-IB. A detailed assessment of the level of effects generated within the identified SNA is provided in Section 9 of the AEE. Further, the Ecological Impact Assessment has considered the application of the effects management hierarchy for those activities within the SNA ~~and where required offsetting has been addressed through the Offsetting Management Plan which has applied the principles of offsetting as set out within the appendices of the NPS-IB.~~"*

Paragraph 6 is deleted:

"~~The ecological assessment has also clearly demonstrated how each step of the effects management hierarchy has been applied, and detailed where offsetting was considered to be applicable due to effects that were unable to be mitigated.~~ ~~Offsetting has also followed those principles set out in Appendix 3 and 4 of the NPS-IB~~. "

12.4 Regional Policy Statement for the Wellington Region

The Indigenous Ecosystems row of 'Table 33: Relevant objectives and policies of the RPS for the Project' is amended to read:

Objective 16 and **Policies 23, 24 & 47** seek to identify, protect, maintain, and restore indigenous ecosystems and habitats with significant biodiversity values.	The Hutt City District Plan identifies parts of the Project footprint as being within a SNR. This overlay is used to identify those areas whereby there are significant botanical or zoological values present. Because of this, areas of the Project footprint are considered "*areas of significant indigenous vegetation and significant habitats of indigenous fauna*" as outlined in the Ecological Impact Assessment (**Appendix G**). Neither the native planted communities nor the introduced exotic communities are considered to be significant The assessment provided in the Ecological Impact Assessment (Error! Reference source not found.Appendix G), concludes that the reservoir construction will have Very Low ~~*to High*~~ level of effects following mitigation ~~*with offsetting being*~~ provided for vegetation. This is assessed in Section 9 of this NoR.

12.5 Hutt City District Plan

The Objective/Policy 14E1.1 row of 'Table 36: Relevant objectives and policies in the significant natural resources chapter of the HCDP' is amended to read:

Objective 14E1.1 Protection of significant natural, cultural and archaeological resources To identify and protect significant natural, cultural and archaeological resources in the City from inappropriate subdivision, use and development.	The Project is not considered to be an inappropriate use of land which features a significant natural resource as it will result in the

Policy 14E1.1 • That a schedule of significant natural, cultural and archaeological resources within the City be compiled. • That it be recognised that new significant natural, cultural and archaeological resources may be discovered, and added to the schedule of significant resources. • That any activity or site development shall not modify, damage or destroy a significant natural, cultural or archaeological resource. • That any activity or site development shall not compromise the natural character or visual amenity values of a significant natural, cultural or archaeological resource. • All buildings, structures and activities shall preserve the natural character, visual amenity values and landscape values of the significant natural, cultural or archaeological resources including the identified coastal environment. • The scale, height, location and design of all buildings and structures shall protect the amenity values, especially landscape values, of the identified coastal environment. • That any activity or site development will take into account new findings of significant natural, cultural and archaeological resources. • That the cultural significance of these natural resources be recognised and protected. • That any activity or site development shall not modify, damage or destroy the intrinsic values of the ecosystems of a significant natural, cultural or archaeological resource.	construction and subsequent operation of a regionally significant piece of infrastructure. In addition, as detailed in the ecological assessment, the identified significant natural resource features a mosaic of indigenous but predominantly exotic vegetation. To address the effects associated with the Project, a comprehensive mitigation ~~*and offsetting*~~ package is proposed to address this (Refer to details ~~*of the offsetting proposed*~~ in **Appendix G**).

12.6 Part 2 Assessment

12.6.2 Section 6 – Matters of National Importance

Bullet point three is amended to read:

- Where the Project intersects with the identified significant natural resources a comprehensive mitigation package has been proposed which ~~*includes offsetting which will result in a net gain of ecological values*~~ *will improve underlying character and composition of vegetation* at the site.

13 Conclusion

Bullet point three is amended to read:

- The proposal will generate positive effects associated with resilience within the WSA, recreation, improvements to habitat, and ecological benefits associated with the ~~*net gain for*~~ *improvements in underlying character and composition of* vegetation ~~*after offsetting occurs*~~ *on site*.

Changes to Proposed Conditions

The following changes to the proposed conditions are requested:

Definitions, Abbreviations, Acronyms and Terms

Delete references to OMP and PMP in table

~~*OMP*~~	~~*Offsetting Management Plan*~~
Outline Plan	An Outline Plan of Works prepared in accordance with section 176A of the Resource Management Act 1991
~~*PMP*~~	~~*Pest Management Plan*~~

Certification of Management Plans

8. *"The Construction Works management plans listed in clause (a) shall be submitted to HCC for certification. The certification process shall be confined to confirming that the Management Plan meets the requirements of the relevant management plan condition (s). The preparation of all management plans required by these conditions shall be undertaken by a Suitably Qualified Person.*
    a. *The following plans shall be submitted for certification:*
        i. *Construction Environmental Management Plan (**CEMP**);*
        ii. *Construction Noise and Vibration Management Plan (**CNVMP**);*
        iii. *Construction Traffic Management Plan (**CTMP**);*
        iv. *Landscape Concept Plan (**LCP**);*
        v. *Bird Management Plan (**BMP**);*
        ~~*vi. Pest Management Plan (**PMP**);*~~
        vii. *Vegetation Management Plan (**VMP**); and*
        ~~*viii. Offset Management Plan (**OMP**)."*~~

Ecological Management Plans

Delete conditions 34 and 35 requiring a Pest Management Plan to be prepared and submitted for certification:

~~*34. "The Requiring Authority shall not commence Construction Works until a Pest Management Plan (**PMP**) has been certified by Hutt City Council confirming that the **PMP** satisfies the requirements of Condition 35. The objective of the **PMP** is to remediate and offset potential adverse effects of*~~

~~*the Project on indigenous vegetation appropriate to the site and impacts over an area of 18ha. Pest Management shall be undertaken by, or on behalf of, the Requiring Authority for a period of 10 years after the final indigenous planting has been completed, or until such time as technological advances mean that pest control is no longer necessary.*~~

~~*35. The **PMP** must include, as a minimum;*~~

~~*a. The species being targeted by pest management;*~~
~~*b. Pest management methods;*~~
~~*c. Any pest management required to occur at least one month before works commence;*~~
~~*d. Trap or bait station densities;*~~
~~*e. Detail the information to be supplied as part of annual reporting to Hutt City Council; and*~~
~~*f. The maintenance duration."*~~

Delete conditions 38 and 39 requiring an Offsetting Management Plan to be prepared and submitted for certification:

~~*38. "The Requiring Authority shall not commence Construction Works until an Offsetting Management Plan (**OMP**) has been certified by Hutt City Council confirming that the **OMP** satisfies the requirements of Condition 39. The objective of the **OMP** is to offset the potential adverse effects of the Project on the loss of indigenous vegetation.*~~

~~*39. The **OMP** must, as a minimum:*~~

~~*a. Confirm the volume of indigenous vegetation removed as part of the Construction Works that requires offsetting;*~~
~~*b. Confirm the volume of vegetation to be planted to offset the vegetation lost in clause (a) above;*~~
~~*c. Identify through mapping where the offset planting will occur;*~~
~~*d. Confirm that a biodiversity net gain will be achieved by the proposed offset planting;*~~
~~*e. Propose maintenance measures to maintain the outcome required by Condition 38;*~~
~~*f. Detail the monitoring required consistent with the monitoring required in the **VMP**; and*~~
~~*g. Detail the information to be supplied as part of annual reporting to Hutt City Council. "*~~

Ongoing Monitoring and Management

Delete condition 43 requiring monitoring and management measures for the pest and offsetting management plans to be in place for 10 years once construction works are complete.

~~*43. "Notwithstanding Condition 8 and 42, monitoring and management measures required by the following management plans must remain in place for 10 years once Construction Works are complete:*~~

~~*a. Condition 34, **PMP**; and*~~
~~*b. Condition 38, **OMP**."*~~

An updated copy of the NOR, conditions and Ecological Impact Assessment (Appendix G) are attached that incorporates these.

Yours sincerely

Cathy Crooks

Cathy Crooks
Principal Planner
Connect Water/WSP