

**BEFORE THE HEARING PANEL APPOINTED TO HEAR AND MAKE DECISIONS ON SUBMISSIONS
AND FURTHER SUBMISSIONS ON THE PROPOSED PORIRUA DISTRICT PLAN AT WELLINGTON**

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 Porirua
District Plan under Schedule 1 of the Act

**MEMORANDUM ON BEHALF OF GREATER WELLINGTON
REGIONAL COUNCIL IN RELATION TO WETLANDS REGULATION
– HEARING STREAM 2**

10 November 2021

MEMORANDUM ON BEHALF OF GREATER WELLINGTON REGIONAL COUNCIL IN RELATION TO WETLANDS REGULATION – HEARING STREAM 2

1. During Hearing Stream 2 on 5 November, the Chair gave leave for Greater Wellington Regional Council to file further advice as to whether the management of buildings and structures adjacent to wetlands is a ‘gap’ in the regulation provided by the National Environmental Standards for Freshwater Management and the Proposed Natural Resources Plan for the Wellington Region (PNRP) that the Proposed District Plan needs to fill.

Effects of buildings and structures adjacent to wetlands on the biodiversity in wetlands

2. The effects of buildings and structures adjacent to wetlands on wetland ecosystem function and biodiversity will vary considerably depending on the type, size and footprint of individual buildings, as well as the density of buildings. For example, housing on a concrete pad will have greater effects than a bird viewing hide on poles, and intensive development on all sides of a wetland will have greater effects than a single structure.
3. Buildings and structures can affect wetlands in the following ways:
4. During construction, vegetation clearance and earthworks within the area surrounding a wetland can result in the runoff of sediment-laden water with subsequent sedimentation within the wetland itself, and direct loss of biodiversity in the loss of buffering vegetation (regardless of whether the vegetation is indigenous or exotic as both types provide habitat for indigenous species).
5. Once established, effects on biodiversity within the wetland can occur due to changes in wetland hydrology, contamination of the wetland and ongoing effects from the new land use.
6. Wetland hydrology can be impacted by:
 - a) altered flow paths due to the physical disturbance;
 - b) loss of catchment area to the roof of the structure and any hard surfaces surrounding the structure i.e. stormwater captured and directed elsewhere; and

- c) a shift from a naturally diffuse source of flow discharge to a point discharge resulting in greater fluctuations in flow, and potentially greater volumes of water. Changes in wetland hydrology will have effects on biodiversity within the wetland.
7. Contamination of the wetland can occur due to:
- a) runoff from roading and other hard surfaces can result in non-point pollution of the wetland with contaminants, for example, zinc from vehicles; and
 - b) a potential increase in contaminants entering the wetland due to loss of vegetation buffer.
8. The new land use can result in:
- a) disturbance to biodiversity from pets and activities of people; and
 - b) the potential to introduce new weeds and pests into the wetland.

Regulation of buildings and structures adjacent to wetlands

9. Buildings and structures require consent under the National Environmental Standards for Freshwater (**NES-F**) if they involve vegetation clearance and/or earthworks within 10 metres of a natural wetland, or are within 100 metres of a natural wetland and have an impact on hydrology (i.e. result in the taking, use, damming, diversion, or discharge of water).
10. Under the NES-F, any vegetation clearance or earthworks of any nature within 10 metres of a natural wetland and the taking, use, damming, diversion or discharge of water within 100 metres of a natural wetland is a **non-complying activity**, unless the activity has a special status under Part 3, Subpart 1 – Natural wetlands. The following activities that could include a built component have a more permissive status:
- a) Construction of wetland utility structures (restricted discretionary activity) and maintenance of wetland utility structures (permitted or restricted discretionary activity)
 - b) Construction of specified infrastructure (discretionary activity) or maintenance of specified infrastructure and other infrastructure (restricted discretionary activity)
11. Building for urban development has no special status and therefore is a non-complying

activity within 10 metres of a natural wetland.

12. The PNRP rules apply only **within** a wetland, except for setbacks for taking and using water within 50 metres of a wetland.
13. As the Panel is aware, changes to the NES-F regulations have recently been consulted on. In relation to buildings and structures, the Ministry for the Environment discussion document “Managing our wetlands”¹ includes a proposal to reduce the activity status for activities associated with urban development that are ‘plan-enabled’ for housing or for business use. The proposed consenting pathway is for plan-enabled development within, or within 100 metres of, a natural wetland to be a discretionary activity with consent to be determined by regional councils on a case-by-case basis.
14. Greater Wellington Regional Council has submitted against reducing the activity status for activities associated with urban development, and sought for non-complying activity status to be retained.

The role of district councils

15. While the regional council has the primary role to implement the NES-F regulations within and adjacent to wetlands, district councils have a complementary role to play in managing land use in areas surrounding wetlands.
16. As outlined in our submission, we consider that the National Policy Statement for Freshwater Management and the Regional Policy Statement for the Wellington Region establish a clear directive to local authorities to provide for the integrated management of freshwater and land use and development, and to develop provisions that support a co-ordinated and integrated approach by the district plan and regional plan.
17. The Porirua Proposed District Plan does this in part through ECO-P5, however, this policy only applies to known wetlands that occur within identified Significant Natural Areas.

¹ “Managing our wetlands: A discussion document on proposed changes to the wetland regulations” Ministry for the Environment, 2021.

Conclusion

18. Greater Wellington Regional Council considers that buildings and structures adjacent to wetlands are adequately regulated through the NES-F, and therefore the Porirua Proposed District Plan does not require rules that apply to the same activity. However, as noted in our submission, to support integrated management, we consider that including known wetlands in the planning maps and ensuring there are policies that provide for wetland protection are needed. This is particularly important where urban development is 'at-scale', for example in the design of new subdivisions, structure planning and new urban zoning.