

File No: WGN130264 [32238]  
26 May 2015

Greater Wellington Regional Council Flood Protection Department  
Internal Post

**For: Tracy Berghan**

Dear Tracy

**Further information request under section 92(1) of the Resource Management Act 1991**

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<b><i>Applicant:</i></b>	<i>Greater Wellington Regional Council Flood Protection Department</i>
<b><i>Proposal:</i></b>	<i>Operations and maintenance activities for flood protection purposes in the Hutt River</i>
<b><i>Location:</i></b>	<i>Hutt River and specified tributaries</i>
<b><i>Resource consents required:</i></b>	<i>Water permits, land use consents and discharge permit.</i>

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This letter is a summary of adequacy of your overall response to my previous information request letter dated 27<sup>th</sup> June 2013 and the ecological peer review work undertaken. Therefore it also takes into consideration:

- Your response my 27<sup>th</sup> June 2013 letter dated 30 August 2013
- Your provision of further information on 3 November 2014 including an updated application document, an updated ecological assessment of effects written by MWH, a draft Code of Practice including a draft Environmental Management Plan, and a finalised version of Alton Perrie's memorandum.
- Our subsequent ecological peer review conducted by EOS Ecology of all updated information.

I have also used this letter to identify additional further information gaps that have been identified via the peer review undertaken by Alex James of EOS Ecology of the updated application and COP has highlighted information gaps that weren't specified in my original letter requesting information of 27 June 2013. Technically I can't "stop the clock" for this additional information. I have assumed you want to know of information deficiencies that have been identified, regardless of my ability to stop the clock under the section 92(1) of the Resource Management Act. I have flagged these under each numbered question below as "additional information requested" in italics.

In terms of the information that has been provided to date I have indicated where I consider the information to have been provided. I have also indicated where I do not consider the information request to have been satisfied. Because parts of my initial information request have still not been met statutory timeframes have not recommenced.

### **Assessment of information provided<sup>1</sup>**

I have addressed the adequacy of the information in the order that it was initially raised in my letter of 27<sup>th</sup> June 2013 for clarity's sake. I have reached this conclusion primarily based on my own assessment of the information and the recommendations provided in the memorandum commissioned by myself and provided by Alex James of EOS Ecology titled "*Review of ecological components of GWRC's flood protection operations and maintenance activities in the Hutt River consent application*" and "*Review of Alton Perrie's memoranda and the Code of Practice and Environmental Management Plan components of GWRC's flood protection operations and maintenance activities in the Hutt, Otaki, Waikanae and Wainuiomata Rivers*".

Therefore:

- 1. Please provide a draft Code of Practice for the proposed Flood Protection operations.**

Information request met.

- 2. Please provide a copy of the final report by Alton Perrie (referred to as "unfinished draft" in the application) yet to be submitted.**

Information request met.

- 3. Please provide full details and description of options for the integration of native tree species with Willow for bank erosion protection purposes.**

I note your comments that this has been provided in the working draft Code of Practice (COP). For ease of reference please confirm where in the COP this has been provided.

- 4. Please provide a detailed description of how rock rip rap will be managed in areas identified as being suitable Inanga habitat within the application area in the future.**

I note your comments that this has been provided in the work COP. For ease of reference please confirm where in the COP this has been provided.

- 5. Please provide a description of the proposed frequency, timing and anticipated environmental effects anticipated from the dredging of the Lower Opahu Arm given the importance it has as fish habitat (in particular Inanga).**

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<sup>1</sup> Any person who has been asked to provide further information under section 92(1) of the Resource Management Act 1991 (the Act), has the right to object to the consent authority in respect of that request for information under section 357A(1)(b) of the Act.  
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Information request is met via the working draft of the COP on page 19 and in the relevant “Good Practice Methods” Section.

- 6. Please provide an overview of proposed erosion and sediment control methodology for stream works, works on the banks of the river and tributaries that would lead to a discharge of sediment to the river. E.g. when diversions need to be undertaken or works like River Rd/Royal Wellington Golf Club.**

Information request met in the working draft of the COP.

- 7. Please provide details of on-going mitigation proposals to improve the Stokes Valley Stream. This should include details on the ability to enhance the stream and ways of reducing the impact of mowing the berm.**

Information request responded to - in that there is no on-going mitigation work proposed for the Stokes Valley Stream.

- 8. Please provide the proposed Draft Monitoring Plan that will form part of the Adaptive Management framework.**

Information request met as a draft Environmental Management Plan has been submitted.

- 9. Please provide the details of the proposed “flood event” water quality monitoring that was discussed in the question and answer session on 11 June 2013.**

Information request met as detail provided in Section 5.2 of the David Cameron Report dated September 2014 “*Effects of Flood Protection Activities on Aquatic and Riparian Ecology in the Hutt River*”.

- 10. Please provide identification of areas where mitigation planting using native species has been undertaken in the application area and how this is seen to be suitable mitigation.**

Information request met in that the information has been partially supplied. Overall, *a more complete description of riparian vegetation in the application area would be desirable. A detailed description and map showings any remnant native vegetation, areas of planted natives and significant areas of native vegetation would be useful.*

- 11. Please provide a summary of the proposed exclusion periods for gravel extraction and bed re-contouring in relation to effects on aquatic ecology and recreational users.**

Information request is met via the working draft of the COP (Table 6)

- 12. Please confirm the proposed limits to the amount of bed re-contouring and gravel extraction proposed by Flood Protection per calendar year. This should detail both wet and dry extraction.**

Information request is met via the working draft of the COP in that no physical limits are proposed in the application.

- 13. Please provide a set of plans with a key that clearly and accurately shows the total area affected by the application including all specified tributaries. If possible these maps should show the location of where data was gathered that was included in the report.**

I consider this item has being partially met. EOS memorandum identifies that a single plan showing locations where data was gathered would be very useful. I feel this information would also be useful when notification occurs to make the application easier to understand. Therefore please provide this information.

- 14. Please provide full details and description of the composition of fish, periphyton, macrophyte, invertebrate communities and bird life in the application area compared to the unaffected area of the Hutt River.**

As this is a broad question I have broken it down into the various ecological components identified above as identified in the EOS Ecological memorandum.

**General:**

Overall, the description of the existing environment is missing some key information that is required to adequately assess the effects specific to the Hutt River and the affected tributaries. This specific information is especially important given the adaptive management approach proposed by the “Code of Practice” document as the means of avoiding, remedying the mitigating the effects of the proposed flood protection activities over the next 35 years.

Information on the existing environment needs to compare the ecology of the area affected by the consent application (the impact section) with the upstream catchment that is outside the influence of flood protection activities (the reference section). As per my comments above the peer review undertaken by Alex James of EOS Ecology of the updated application and COP has highlighted information gaps that weren’t specified in my original letter requesting information of 27 June 2013. In this section I have included some further information requests.

**Fish:**

The fish distribution, maps for NZFFD records for several species are presented but there are no comparisons made between impacted and reference sections of the Hutt River. To be able to use the information provided in Table 14 in the Application Report for example, please indicate where each fish species has been found in relation to the application area.

Differentiation of the locations is required to provide a reference point to ascertain what effects occur from existing activities and what could be expected in future.

***Additional Information Requested:***

*Please provide more information on the fish species that are of most concern, such as those that are most abundant and spawn in the area covered by the application, and especially in habitats that are affected by proposed gravel extraction and beach contouring. Please compare data for impacted and reference reaches of the Hutt River and specified tributaries.*

**Periphyton:**

This aspect of the question has been satisfied.

**Macroinvertebrate community**

Overall the EOS ecological review (Both McMurtie and James) have found the level of macroinvertebrate data to be lacking. There has been no comparison between affected and unaffected areas. There has also not been targeted information for reaches of the river which are likely to be subject to more invasive activities like bed recontouring.

If MCI surveys of the affected tributaries are not possible, please provide prediction data from the Freshwater Ecosystems of New Zealand (Leathwick et al, 2010)<sup>2</sup>.

**Birds:**

The information that has been provided does not compare between affected and unaffected areas of the Hutt River. Especially given there is no bird data or comment with regards to birds in tributary streams within the application area.

**Summary:**

I do not consider the additional information provided to have completely satisfied question 14. Therefore please provide the further information detailed above.

**15. Please provide an analysis of water quality in the Hutt River during base flow conditions.**

Information request met.

**16. Please provide an ecological description and details of the existing environment of the tributaries of the Te Mome Stream, Speedy's Stream, Stokes Valley Stream and Akatarawa River.**

Overall no invertebrate, macrophyte, or bird information has been provided for the Te Mome Stream, Speedy's and Stokes Valley Streams. While some fish data has been provided it does not relate to the specific areas or reaches that are to be impacted by the proposal.

I do not consider the additional information provided to have completely satisfied question 16.

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<sup>2</sup> Leathwick, J.R., West, D., Gerbeaux, P., Kelly, D., Robertson, H., Brown, D., Chadderton, W.L., and Ausseil, A.-G. 2010. Freshwater Ecosystems of New Zealand (FENZ) Geodatabase Version One – August 2010 – User Guide. Department of Conservation. 57 p.  
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17. Please provide a detailed assessment of environmental effects of channel and bank maintenance works on the tributary streams included in the application area.

I do not consider the additional information provided to have completely satisfied question 17.

18. ***Estuary description - additional information requested:***

*Please provide full details and a description of the Hutt River estuary and the potential effects of flood protection activities. Please include a description and data in relation to the composition of fish, shorebirds, invertebrate communities, plant species, and the biodiversity values of the estuary.*

*I note that recent surveys done by Robertson and Stevens 2012<sup>3</sup> could be utilised in providing this information. Also, work undertaken as part of the consents for WGN110149 may be relevant.*

*This information is required as the Estuary, while outside the application area, is part of the receiving environment and affected by Flood Protection Activities.*

***Code of Practice – additional information requested:***

19. *Please provide comment on alternatives to mowing the riverbed of Stokes Valley Stream.*

*This information is required in line with Schedule 4 of the Resource Management Act which requires an analysis of alternatives where adverse effects are proposed.*

20. *Please provide comment on whether a free-draining bucket is the most appropriate method for removing silt from the Opahu Stream.*

***Environmental Monitoring Plan - additional information requested:***

21. *Please provide more details in relation to the proposed bird monitoring and its workability including details of the basis for the proposed percentage triggers.*
22. *Please provide further details on the proposed pool and riffle counts using aerial photography. Please discuss how features obscured by vegetation are accounted for, and discuss whether the variability of habitats (depth, area, ecological value) would be noted or whether the proposed methodology simply counts features.*
23. *Please provide any information available on the optimal width of willow plantings to achieve the objective of vegetative bank protection. Please identify any areas where willow planting can be retired over time and natives planted instead.*

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<sup>3</sup> Robertson, B & Stevens, L. 2012. Hutt Estuary – fine scale monitoring 2011/12. Wriggle Coastal Management. Report for Greater Wellington Regional Council  
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*These above additional information requests are made because Alex James' peer review covered the Environmental Monitoring Plan and has identified gaps. I was not privy to this information when I wrote my original information request letter on 27 June 2013.*

24. *Please provide further details on how the Natural Character Index (NCI) will be useful in the context of ecological monitoring. This information is required to ascertain if the NCI will be able to effectively monitor changes to the ecology of the river in relation to the proposed activities.*

### **Date information required**

Please provide the above information to me by 16 June 2015. If you are not able to supply the information requested<sup>4</sup> by this date, you must let us know in writing within this timeframe, either that you require additional time (at which time we will set a reasonable timeframe for you to provide the information) or that you refuse to provide the requested information. I appreciate it may take longer to address my requests depending on the complexity or amount of work required for each. It may be worth discussing timeframes or having a staged response to my request to ensure an understanding of how long it will take to respond.

We may decline your application if we consider we have insufficient information to enable us to determine your application, or if you do not respond to our request by 16 June 2015, or if you refuse to supply the information. If you consider you have a valid reason for refusing to provide the requested information, please contact me on the number below to discuss this further.

### **Processing of your application**

Your application is still on hold, and the statutory 'clock' stopped<sup>5</sup>, until such a time that either I am satisfied that I have received the further information initially requested, receive written notice that you refuse to provide it, or the time period for providing the requested information has expired. As soon as one of these occurs, the statutory 'clock' will restart and I can continue processing your application.

Please feel free to contact me on 04 830 4139 if you have any questions or concerns.

Yours sincerely

**Andrew Dooney**  
Senior Resource Advisor, Environmental Regulation

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<sup>4</sup> Under section 92A of the Resource Management Act 1991.

<sup>5</sup> Under section 88C of the Resource Management Act 1991