

BEFORE THE HEARINGS PANELS

UNDER the Resource Management Act 1991

AND

IN THE MATTER of proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region

AND

IN THE MATTER of Hearing Stream 1 (Overarching matters and region-wide changes)

**MEMORANDUM ON BEHALF OF THE ENVIRONMENTAL DEFENCE SOCIETY
INCORPORATED**


18 November 2024

Environmental Defence Society Inc
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Attn: Freshwater and P1S1 Hearings Panels
By email: regionalplan@gw.govt.nz

1. I refer to Minute 3, dated 13 November 2024, in relation to Hearing Stream 1 of proposed Plan Change 1 (**PC1**) to the Natural Resources Plan for the Wellington Region (**NRP**). Specifically, the request that the Environmental Defence Society (**EDS**) provide drafting for changes sought to R128¹ and clarify its relief sought on Schedule F² of PC1.
2. EDS's proposed drafting changes to R128 are enclosed in **Attachment A**.
3. With respect to Schedule F, EDS has reviewed the recently released Department of Conservation (**DOC**) report,³ referenced in EDS's submission, which details the habitat attributes for ten indigenous freshwater fish.
4. EDS considers Schedule F1 appropriately includes critical habitat attributes for Threatened species (as required by the National Policy Statement for Freshwater Management 2020 (**NPS-FM**)) but notes that the Schedule does not describe habitat attributes for other indigenous freshwater fish. This could present challenges for the Council in ensuring it meets its obligation to protect the habitats of indigenous freshwater species under Policy 9 of the NPS-FM.
5. EDS therefore recommends that an advice note be added to Schedule F that refers plan users to the DOC report as a source of information on the types of indigenous species habitat that must be protected.



John Commissaris
Legal Advisor – Environmental Defence Society Inc

¹ Minute 3, Hearing Stream 1, paragraph 14

² Minute 3, Hearing Stream 1, paragraph 22

³ Natasha Petrove and Amber McEwan *Habitat requirements of native freshwater fish in Aotearoa New Zealand* (Department of Conservation Te Papa Atawhai, May 2024)

Attachment A

Clause	Original submission	Specific amendments sought
<p>Rule R128: new structures – permitted activity</p>	<p>Ensure that activities avoid the loss of river extent and values and that the habitats of indigenous species are protected. Introduce TASs for habitat and natural form and character which activities must achieve.</p>	<p>R128: new structures – permitted activity ... is a permitted activity, provided the following conditions are met: (f) ... <u>(X) the activity does not occur within an area identified in Schedule A (outstanding water bodies) or Schedule F (ecosystems and habitats with significant indigenous biodiversity values)</u> ...</p> <p>Reasons:</p> <p>The scale of potential adverse effects of the activities provided for in Rule R128 is unclear (for example disturbance of a river or lake bed resulting from laying a pipeline or cable). Therefore, these activities should not be permitted in Schedule A areas (outstanding water bodies) or Schedule F areas (Ecosystems and habitats with significant indigenous biodiversity values).</p> <p>This ensures PC1 gives effect to policies 7-9 of the NPS-FM, and policies of the NRP (including policies P30, P31 and P37).</p> <p>EDS understands the issue of including reference to Target Attribute States will be discussed in Hearing Stream 2, and reserves the opportunity to suggest further amendments in relation to TAS in that hearing stream.</p>