

To: Aurecon

Date: 1 October 2021

Attention: Helen McLean

Ref: 61714- 1B1

Subject: **144 Park Estate Road and wetlands adjacent to State Highway 1**

The following are ecological responses and comments to the Hugh Green Limited document “Comments on Papakura to Drury South State Highway 1 Improvements – Stage 1B1”.

The consent held by Hugh Green Group Ltd (HGG) and referred to in their comments on the Papakura to Drury South Stage 1B1 Improvements (**the Project**) is for **enhancing** of wetlands, there is no provision for, and no intention, for the **construction of new wetlands**. Throughout the resource consent the mitigation is referred to as ‘wetlands for enhancement planting’.

The batter slopes identified in the comments are not wetlands at present, were not wetlands in recent times (including when the consent was assessed) and will not be wetlands in the future. As they are not wetlands they cannot be enhanced wetlands.

HGG did not intend to create or construct wetlands in the batter slopes from the motorway. This would require huge volumes of earthworks to get to a level where wetland hydrology was possible, exposure of the culverts, and major retaining of the batter to ensure the land uphill was stabilised. None of which is covered in their current consent.

The ecological map is not a formally surveyed boundary but gives a clear description of the ecological habitats present. When scaled up, as has happened on the maps included in the comments, the lines on the map reach well beyond the wetland areas adjacent to SH1.

HGG state that the wetlands have been induced by drainage from the culverts, yet pursue the point that the wetlands are located uphill from the culverts on dry land. Unless there is a natural spring or a natural seep in the areas above the culverts, which there is not, these areas must be dry. In addition, culverts and pipes, in almost all circumstances create dry land and are assessed as such i.e. a reclamation.

Section 7.2 of the comments addresses discussions between HGG, Waka Kotahi and Auckland Council and reports that Auckland Council’s view is that the areas in question do meet the definition of a ‘natural wetland’ under the National Policy Statement for Freshwater Management (NPS-FM) as a wetland constructed by artificial means is considered to be a wetland when it is “constructed to offset impacts on, or restore, an existing or former natural wetland’. In this case, the new ‘wetland’ has not been ‘constructed’ and in practical terms could not be constructed in future due to the nature of the land and lack of hydrology; the wetland enhancement is not offset, as offset is quantifiable, and although the stream loss was offset, the wetland loss was *mitigated* by enhancement of existing wetland; and these areas are not, and were not, a former natural wetland. Therefore, it cannot be classified as a wetland under this interpretation either. I further note that the Wetland Delineation Protocols are incorporated by reference into the NPS-FM to aid in cases where there is uncertainty in identifying wetlands. The

Protocols set out three tests for identifying wetlands (Rapid Test, Dominance Test and Prevalence Index). Drylands would fail to meet any of the three tests.

There are several areas that provide for allowances in the boundaries of the planting, which could easily be utilised to correct the acknowledged errors in the map.

These include

- the consent clearly acknowledges that the wetland boundaries required additional work by requiring wetland boundary delineation before earthworks and fencing (#22). *Prior to the commencement of earthworks and / or streamworks within 50 m of the wetlands ...these wetlands and streams (or part thereof) **shall be delineated** and fenced by the consent holder so as to exclude stock and machinery.*
- the consent also allows for any approved variations of the Ecological Management Plan, which would allow variations to be made regarding the areas required to be enhanced as part of their consent.

Consent condition 52 states

*52. The consent holder shall undertake the enhancement works in accordance with the approved Ecological Management Plan ('the EMP') authorised by the granting of this consent, **or any approved variations of this document**, including:*

- b. Enhancements to 88,890m² of wetlands 7 – 13, comprised of:*
 - i) 5m riparian around the edges of wetlands 7 – 13*
 - ii) Planting within the wetlands.*

Advice Note:

Any planting areas identified within the Ecological Management Plan that overlap with an area required to construct a culvert shall be deemed excluded from that planting area.

It would be an easy solution to agree to have the wetland boundary adjacent to the motorway delineated, correctly mapped and have this included in the EMP as an approved variation. This would not involve a change in the consent conditions and would have the added benefit of reducing HGL liability of planting a clay bank with wetland vegetation, that they would be required to replace continuously because of the lack of success. In the absence of the Project identifying this issue, HGG will have likely needed to request a variation to the EMP to plant this area with species that could be successful in this area as the EMP requires that *all planting work within these areas should follow the plant schedules provided below (Tables 1-21) and the timeline presented in Section 8.*

The Ecological Management Plan states (with my highlights in **bold** and comments in square brackets):

- *'ecological restoration of ...six wetlands', stating **Restoration will be achieved through stock exclusion, and revegetation and enhancement planting.***
[Note: enhancement planting for wetlands not creating or constructing wetlands].
- *Recommendations for revegetation planting include plant schedules with details of the species, grades, and numbers of plants to be planted along with maps of the **recommended** planting areas.*

[Note the use of the word recommended, with reference to planting areas. This is not highly prescriptive and allows for flexibility, likely recognising that the edges of the wetlands were not surveyed].

- Revegetation and enhancement planting will improve the ecological values of the site through the **restoration** of riparian habitat, **promoting natural regeneration of the wetlands**, and improving habitat values for indigenous flora and fauna.

[Note the wording: promoting natural regeneration of the wetlands. There was no intention by any parties, ecology, developer or council, to enhance wetlands outside of wetland areas, irrespective of what the high level map shows].

- *Detailed planting plans then were developed for each area, taking into consideration environmental conditions of the site and the objectives of the planting. Planting plans include plant schedules, pre-treatment requirements, and ongoing maintenance of the planting areas to ensure ongoing survival and success. All planting work within these areas should follow the plant schedules provided below (Tables 1-21) and the timeline presented in Section 8.*

[Note: this last sentence states the all planting should follow the schedules, but they take into account the environmental conditions. The total reliance of the overlaid map (which all parties agree is not accurate on this edge), should not supersede all the other requirements in the EMP.

In summary, the consent requires an EMP, the consent conditions allow for approved variations to the EMP, the EMP requires wetland enhancement planting, the mapped wetland boundary adjacent to SH1 is incorrect, the EMP is not highly prescriptive when it describes the areas for planting, but is very clear that wetland enhancement planting is just that - enhancing wetlands.

In relation to the National Environmental Standards for Freshwater (NES-F) provisions, the assessment undertaken for the Project was for the maintenance and operation of the culvert outlets, which are covered under Regulation 46 as a permitted activity.

The shared path is 'construction of specified infrastructure', therefore assessed against Regulation 45. The path is located more than 10m from the actual wetlands (not the incorrectly mapped wetlands), and will not result in the complete or partial drainage of the wetland (corroborated by HGG which has found the hydrology of this area is driven by the culvert outlets).

Yours sincerely
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