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31 July 2024

Hearing Evidence – proposed TTPP
C/o West Coast Regional Council
P O Box 66
Greymouth 7840

To whom it may concern,

WCRC written evidence for TTPP Hearing – Ecosystems and Indigenous Biodiversity Topic

The West Coast Regional Council (WCRC or the Council) does not wish to appear before the proposed TTPP Hearing Panel on our submission points on the Ecosystems and Indigenous Biodiversity chapter. However, we wish to submit written evidence.

The Council's evidence is attached.

Our contact details for service are:

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We would be grateful for acknowledgement of receipt of our written evidence.

Yours faithfully

Max Dickens
Manager Policy

West Coast Regional Council Written Evidence on TTPP Ecosystems and Indigenous Biodiversity chapter

Background

The West Coast Regional Council (the Council) made submission points S488.003 and S488.004 seeking that “environmental monitoring facilities” be added to the proposed TTPP Ecosystems and Indigenous Biodiversity permitted Rules ECO-R1 and ECO-R2. These two Rules permit indigenous vegetation clearance outside of, and within, the coastal environment respectively, subject to conditions.

The amendments were sought by Council because the notified version of permitted Rules ECO-R1 and ECO-R2 did not allow for occasional small-scale indigenous vegetation trimming around Council’s hydrology monitoring sites to maintain and operate the equipment. In hindsight, the Council’s original submission did not make it clear the nature of the indigenous vegetation trimming that needs to be undertaken. This written evidence provides clarification of that, in relation to recommended changes in the s42A Officer’s Report. The attached Appendix 1 has photos of examples of Council’s hydrology monitoring equipment located near indigenous vegetation which occasionally needs minor trimming to ensure that the vegetation does not interfere with the equipment. In Photos 1 and 5, the vegetation has since grown back substantially.

Changes to ECO-R1

The s42A Officer’s Report for the TTPP Ecosystem and Indigenous Biodiversity chapter recommends to accept Council’s submission point S488.003 and proposes to add “environmental monitoring facilities” to Rule ECO-R1, Condition 4iii. Council supports the drafted change, however we have concerns about other related changes to this permitted Rule.

ECO-R1 Condition 1 is also amended to permit indigenous vegetation clearance outside a site where a SNA assessment has been undertaken. Council recognises that it is reasonable that a consent is sought for any new environmental monitoring facility that needs to be located within an SNA which is likely to be confirmed as significant. However, given there is a lot of indigenous vegetation on the West Coast, and could be a high number of SNAs assessed, this could take considerable time to review and confirm SNAs. There is also a risk that a site which has been assessed may not be confirmed as an SNA. The new wording creates uncertainty and potentially extra cost for the Council, as it could require resource consent which is later found to be unnecessary. Council suggests that

the wording in Condition 1, “...on a site where no SNA assessment has been undertaken...” is deleted.

ECO-R1 Condition 2 is further amended to remove the reference to the permitted Natural Character Rule NC-R1, which allows a maximum of 20m² indigenous vegetation clearance in riparian margins. This is an appropriate condition for minimal vegetation trimming around hydrology monitoring equipment located on river banks to measure flow, as the amount of vegetation trimmed is within 20m². If the reference to Rule NC-R1 is removed from Rule ECO-R1, the actual condition should be included in ECO-R1.

New ECO-R1A

Condition 2 of new permitted Rule ECO-R1A for indigenous vegetation clearance in riparian margins in the Grey District is the same as Rule ECO-R1 Condition 2. If the reference to Rule NC-R1 is removed from Rule ECO-R1A, the actual condition of 20m² maximum removal of indigenous vegetation should be included in it.

Change to ECO-R1 and ECO-R1A

In the existing Rule ECO-R1, Condition 4iii, and new Rule ECO-R1A, Condition 3iii, “environmental monitoring facilities” are added with “temporary....electricity generation activities”. It is unclear with the wording whether the intent is that the condition applies to temporary environmental monitoring facilities. To make this clearer, Council suggests either adding a comma after the reference to a “state of emergency declaration”, or moving “environmental monitoring facilities” to the start of clause iii.

New ECO-R1B

Council supports the new permitted rule for indigenous vegetation clearance within a SNA for maintenance, operation and repair of established activities and structures, subject to two changes to Condition 2.

The reference to necessary vegetation removal that “endangers” human life or existing buildings or structures is not an appropriate term in relation to structures. Council suggests amending the sentence in relation to structures with wording such as “interferes with the functioning of”, or similar. Council’s hydrology staff need to do necessary indigenous vegetation trimming to ensure surrounding native trees and bushes do not interfere with the operation of hydrology monitoring equipment.

The requirement to have occasional minimal indigenous vegetation trimming around Council's hydrology monitoring equipment "certified by a [District] Council Approved Arboricultural Contractor is unnecessarily onerous. This will require additional time to find a fine day when both Regional Council staff and the Arboricultural Contractor are available. If the site is some distance away it will incur travel for the Contractor, and it is likely that WCRC will have to pay for their time. Council considers this is an unreasonable requirement for minimal tree/bush stem trimming which will not adversely affect the vegetation. The stems are trimmed at the tips of the trees and bushes where no birds nest.

The minimal indigenous vegetation trimming done around hydrology monitoring equipment could be considered de minimus (minimal) and the TTPP Rules not apply as per section 9 of the RMA. However, it could be interpreted that minimal trimming comes under the TTPP indigenous vegetation clearance definition, as it does not exclude minimal trimming. Nor does the Overview of the Ecosystems and Indigenous Biodiversity chapter provide any explanation or direction about whether the indigenous vegetation clearance rules do, or do not, apply to minimal trimming. Council suggests that this chapter and/or the indigenous vegetation clearance definition needs to make this clear. The Council needs certainty that this small-scale trimming will be provided for either in the TTPP or not, to support the critical role of hydrology monitoring structures for Civil Defence emergency responses.

ECO-R2:

The s42A Officer's Report recommends to accept Council's submission point S488.004 and add "environmental monitoring facilities" to Rule ECO-R2, Condition 5, clause i. Council supports the drafted change, however we have concerns about another related change to this permitted Rule.

As explained above, ECO-R2 is also amended in new clause ii to require that indigenous vegetation clearance in the coastal environment is certified by a [District] Council Approved Arboricultural Contractor. Council considers this is unnecessarily onerous, for the same reasons give above, which apply equally within the coastal environment.

Summary of Council's changes sought

ECO-R1:

Condition 1: Delete the new wording: "...on a site where no SNA assessment has been undertaken....".

Condition 2: If the reference to Rule NC-R1 is removed from Rule ECO-R1, the actual condition of a maximum of 20m² indigenous vegetation clearance in riparian margins should be included in ECO-R1.

New ECO-R1A:

Condition 2: If the reference to Rule NC-R1 is removed from Rule ECO-R1A, the actual condition of a maximum of 20m² indigenous vegetation clearance in riparian margins should be included in ECO-R1A.

Change to ECO-R1 and ECO-R1A:

ECO-R1, Condition 4iii, and ECO-R1A, Condition 3iii: Either add a comma after the reference to a "state of emergency declaration", or move "environmental monitoring facilities" to the start of clause iii.

New ECO-R1B:

Condition 2: Amend the sentence by adding wording such as "interferes with the functioning of...", or similar, for structures.

ECO-R1B, Condition 2, and ECO-R2: Condition 5i:

Add to the Overview and/or definition of the Ecosystems and Indigenous Biodiversity chapter an explanation about whether the TPPP indigenous vegetation clearance rules apply or not to de minimus (minimal) indigenous vegetation trimming.

Appendix 1: Photos of examples of WCRC's hydrology monitoring equipment located near indigenous vegetation which occasionally needs trimming



1. Cabinet, Mokihinui River @ Welcome Bay



2. Tower, Buller River @ Te Kuha



3. Cableway base, Ahaura River @ Gorge



4. Equipment shed, Hokitika River @ Gorge



5. Tower, Haast River @ Roaring Billy Creek

This ends our evidence.