

**Before Independent Hearings Commissioners
At Wellington**

Under the Resource Management Act 1991

In the matter of Applications for resource consents, and a Notice of Requirement for a Designation, by Wellington Water Limited ('WWL') on behalf of Upper Hutt City Council, for the construction, operation and maintenance of the structural flood mitigation works identified as the Pinehaven Stream Improvements Project

Joint Witness Statement - Terrestrial Ecology

Dated 14 July 2020

Experts participating:

1 Adam Forbes (WWL)

2 Keely Paler (UHCC)

1 Introduction

1.1 All experts confirm that they have read and are familiar with Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014) and agree to comply with it.

1.2 The primary purpose of expert conferencing is to assist the Commissioners and to reduce hearing time.

1.3 The issues discussed by the witnesses were:

- a Existing terrestrial ecology values of the project area;
- b The effects of the project construction on terrestrial ecology;
- c The effects of the project on terrestrial ecology post-construction;
- d Whether any alternative construction methods would have reduced effects on terrestrial ecology; and
- e Recommended mitigation (including proposed conditions).

1.4 The following drawings, data and published standards/ papers relied upon in coming to their opinion are attached to this statement:

- a The application documents and corresponding s92 responses.*
- b EIANZ (2018) EcIA guidelines.*

2 Statement of key facts and assumptions

2.1 The key facts and assumptions agreed upon by the experts are:

- a Regarding the c. 0.25 ha area of native dominated vegetation:*
 - i KP – Ecological value: Moderate (i.e., representativeness low to moderate; rarity and distinctiveness high; diversity and pattern low; ecological context moderate).

- ii AF – Ecological value: Low (representativeness low; rarity and distinctiveness moderate; diversity and pattern low; ecological context low).
- iii Experts agree that the magnitude of effect would be moderate.
- iv KP – Level of effect would be moderate.
- v AF – Level of effect would be low.

3 Methodology/ standards

3.1 The methodology or standards used by the experts in arriving at their opinions are:

- a *Both experts have used the EIANZ (May 2018) EcIA guidelines in their assessments.*

3.2 The reasons for differences in methodology and standards are:

- a *Nil.*

4 Issues which the witnesses agree upon

4.1 The witnesses agree the following:

- a *The exotic dominated riparian vegetation (c. 0.35 ha) is of a value that does not require positive ecological effects to address its loss.*
- b *The proposed replacement ratios for loss of individual native trees (kōwhai, black beech, and kahikatea) are adequate.*
- c *The proposed consent conditions are adequate to appropriately manage adverse effects to fauna values (i.e., lizards, bats and birds).*
- d *Replacement plantings can be accommodated on site (as per the current planting plan), thus avoiding the need for offsite compensation.*
- e *The condition amendments recommended in the June 2020 Wildland review (Paler & Goldwater 2020) should be upheld, with the exception of AF's disagreement regarding tall native tree setbacks from residential dwellings and the need for replacement planting for the 0.25 ha of native riparian vegetation loss.*

- f Native vegetation to be retained should be demarcated prior to works so that those features remain unaffected (e.g., from unintended vegetation clearance or other harm) by the project.*

5 Issues which the witnesses do not agree upon

5.1 The witnesses do not agree the following:

- a Whether or not positive effects are required for the 0.25 ha of native riparian vegetation loss. KP considers that even a low level of effect, is an effect that should be taken into consideration.*
 - i AF – based on a low level of effect, an approach consistent with EIANZ (2018)¹ means that positive effects for 0.25 ha of native riparian vegetation loss is not necessary.
 - ii KP – based on a moderate level of effect, positive effects for 0.25 ha of native riparian vegetation loss are necessary.
- b KP – replacement planting should be carried out at a minimum ratio of 2:1 (i.e., loss of 1 unit would require the replacement of 2 units). Based on an affected area of 0.25 ha of native vegetation, this would result in a native replacement planting area of 0.5 ha in total.
- c KP – comfortable with the proposed planting plan and species compositions with the exception of where tall trees (i.e., those required by the replacement ratios and being taller than 15 m at maturity) would be planted within 10 m of any residential buildings. AF queried whether this concern took into account the position of trees relative to the path of the sun (i.e., trees to the south of dwellings would present no shading effect). KP believes that aspect is of little relevance due to the medium density of housing in the area.

5.2 The reasons for the disagreement are:

- a The reason for disagreement over whether replacement planting is necessary for the 0.25 ha of native riparian vegetation loss is due to differing views on the levels of adverse effects (i.e., KP = moderate; AF = low).*

¹ See third bullet point on page 84 of EIANZ (2018).

- b AF considers the concern over planting tall trees in proximity to residential buildings could be addressed through a condition requiring the protection of plantings on an ongoing basis.*

Date: 14 July 2020

Signed



Keely Paler



Dr Adam Forbes