

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Proposed Change 1 to the
Regional Policy Statement for
the Wellington Region – Hearing
Stream 6 (Indigenous
Ecosystems)

STATEMENT OF PLANNING EVIDENCE OF LILY ANA CAMPBELL

30 JANUARY 2024

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INTRODUCTION

1. My name is Ms Lily Ana Campbell.
2. I have a Bachelor of Applied Science (major in Environmental Management and minor in Geographical Information Systems) with First Class Honours from the University of Otago. I am an associate member of the New Zealand Planning Institute.
3. I have been practicing as a planner since 2018, and I am currently employed as a Senior Planner at Kāhu Environmental Limited.
4. I have experience in regional and district plan reviews (including s42A preparation, s32 evaluation, and drafting provisions) and assisting in preparing submissions on policy statements, plans and resource consent applications. I have experience supporting mana whenua in the preparation of Iwi Environmental Management Plans and Fresh Water Plans, and assisting with requests for consultation with respect to consents, plan reviews and changes.
5. I have acted as the s42A reporting officer for submissions on the Proposed Waikato District Plan, Hearing 25: Zone Extents, Huntly. I have also been a s42A reporting officer for submissions on Variation 1: Marine Farming and Variation 1A: Finfish Farming to the Proposed Marlborough Environment Plan.
6. I recently presented expert planning evidence on behalf of the Wellington Fish & Game Council ('Fish and Game') in relation to Plan Change 1 ('PC1') to the Greater Wellington Regional Policy Statement ('RPS') Hearing Stream 5: Te Mana o te Wai / Freshwater.

CODE OF CONDUCT

7. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note dated 1 January 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

MATERIAL RELIED ON

8. In preparing my evidence I have read the following:
 - (a) The Regional Policy Statement for the Wellington Region (RPS).

- (b) The material comprising Proposed Plan Change 1 to the RPS (PC1).
- (c) The PC1 s32 Report where it relates to matters addressed in Hearing Stream 6.
- (d) The s42A report titled 'Proposed Change 1 to the Regional Policy Statement for the Wellington Region: Section 42A Hearing Report, Hearing Stream 6' dated 11 December 2023 (including appendices).
- (e) The s42A report titled 'Proposed Change 1 to the Regional Policy Statement for the Wellington Region: Section 42A Hearing Report, Hearing Stream 5' dated 20 October 2023 (including appendices).
- (f) The technical expert evidence of Ami Coughlan (Wellington Fish and Game Council), author of MSc thesis titled '*Risk assessment and mitigations of the potential impacts of trout predation on New Zealand's indigenous fish species.*'

SCOPE OF EVIDENCE

- 9. Fish and Game have engaged me to provide expert planning evidence on a number of discrete matters that were raised in its submission on PC1 to the Greater Wellington RPS regarding the provisions being addressed in Hearing Stream 6.
- 10. I have not considered all of the provisions addressed in Hearing Stream 6, nor have I addressed all the matters raised in the original submission of Fish and Game.

BACKGROUND

- 11. Fish and Game shared its support for the implementation of the NPS-FM and the fundamental concept of Te Mana o te Wai, in PC1. Despite this, it did express a number of concerns with PC1, which included:
 - Inadequate protection for the habitat of trout and salmon;
 - The expression of Te Mana o te Wai did not articulate community and stakeholder values; and
 - Protection of indigenous biodiversity at the expense of other values.
- 12. Many of the Fish and Game requests were dealt with under Hearing Stream 5: Te Mana o te Wai, while in some cases the relief sought was in relation to provisions under Hearing Stream 6: Indigenous Ecosystems topic.

PROTECTION OF NON-INDIGENOUS ECOSYSTEMS

13. Fish and Game sought amendments to the provisions of Chapter 3.6 to include provision for valued species, habitats, and ecosystems, alongside those that are indigenous to New Zealand.
14. At paragraph 124 of the s42A report, Ms Guest stated that the term 'valued species' is generic in nature and may capture numerous species that it should not apply to. She considered that it is not appropriate to afford the same level of protection to 'valued species' as to indigenous species.
15. She disagreed with Fish and Game that the PC1 focus on indigenous biodiversity could be at the expense of non-indigenous ecosystems and habitats, and stated that the provisions addressing the regional issue of indigenous ecosystems do not:

'negate the general responsibility of local authorities to maintain or enhance the whole environment (section 7(f) RMA)'.¹

16. Ms Guest also pointed out that in response to the Fish and Game submission, amendments were recommended to several freshwater provisions to provide for the protection of trout and salmon. She considered that:

'this is the most appropriate place to address the concerns of Fish and Game with regard to trout and salmon and giving effect to the NPS-FM'.²

17. She went on to state that Chapter 3.6 is focused on the regionally significant issues for indigenous ecosystems, in line with the requirements set out in section 6(c), 7(a), 7(aa), 30(1)(ga), and 31(1)(b)(iii) of the RMA.
18. I agree that the loss, and continued degradation, of indigenous ecosystems is a serious issue for the region, and that protection is important. Fish and Game support this sentiment wholeheartedly. However, I consider it important to note that regional councils have a duty to maintain and enhance ecosystems in water bodies regardless of whether they are indigenous or not, as outlined in the RMA (s30(1)(c)).
19. I understand the Indigenous Ecosystems chapter is intended to address issues, and provide a policy framework to manage, those important ecosystems indigenous to Aotearoa. Therefore, I acknowledge that this chapter may not be the most obvious place in the RPS to provide for the ecosystems and habitat of other valued, non-indigenous species, such as trout and salmon.

¹ Hearing Stream 6: Indigenous Ecosystems s42A Report, para 127

² Hearing Stream 6: Indigenous Ecosystems s42A Report, para 127

20. I agree with Ms Guest that the term 'valued species' is too inclusive and could result in species being afforded protection when it is not warranted, and may even be detrimental. But I do not agree that relying on Section 7(f) of the RMA is sufficient to protect non-indigenous ecosystems.
21. It is my understanding from the evidence of Ms Coughlan presented as part of Hearing Stream 5: Te Mana o te Wai, that:
- (a) abundant and diverse habitat is essential to protect and maintain trout and indigenous freshwater fish species populations, and
 - (b) when rivers and streams are healthy, they can support both indigenous species and trout.³
22. I consider that there is currently a policy gap in the RPS, where provision should be made for the protection of those ecosystems and habitats that are not indigenous to Aotearoa, but are valued by the community and stakeholders. The manner in which this is incorporated into the RPS, I am not certain. But I consider it important to draw the Panel's attention to this issue.

GIVING EFFECT TO POLICY 10

23. Amendments were recommended by Ms Pascal in her s42A Report for Hearing Stream 5: Te Mana o te Wai, in response to the Fish and Game submission. The changes were in relation to Objective 12 – which requires that Te Mana o te Wai be given effect to through the management of land and water, Policies 18 and 40 - which seek to maintain and improve the health and wellbeing of freshwater ecosystems, and Policy 44 - which manages water takes.
24. As amended in Ms Pascal's reply evidence, Objective 12 directs:

*'As the first priority, returns water bodies and freshwater ecosystems to, and thereafter maintains them, in a state of tūhauora/good health'*⁴

*'Maintains the health and wellbeing of waterbodies and freshwater ecosystems from further degradation and improves the health and wellbeing of degraded waterbodies and freshwater ecosystem health'*⁵

*'Recognises and provides for the individual natural characteristics and processes of waterbodies and their associated ecosystems'*⁶

³ Paragraphs 2.6, 3.2, and 6.1

⁴ Objective 12 (ab)

⁵ Objective 12 (b)

⁶ Objective 12 (d)

*'Supports the wellbeing and safety of the community, by providing for the ability to carry out recreational activities, in and around freshwater environments'*⁷

*'Supports and protects an abundance and diversity of freshwater habitats for indigenous freshwater species and, where appropriate, the habitat of trout and salmon'*⁸

25. Fish and Game strongly support these amendments.
26. Below I outline, in my opinion, where amendments are needed to better provide for non-indigenous ecosystems and habitat.

METHOD 53

27. Method 53 aims to give effect to Objective 12 of the RPS, the purpose of which is to describe how the management of freshwater in the region will give effect to Te Mana o te Wai⁹. The method is a provision under the Freshwater Planning Process ('FPP') and therefore must give effect to the NPS-FM 2020, or be directly related to water quality or quantity.
28. In its submission, Fish and Game sought that the operative wording of Method 53 be retained. It noted that restricting the application of Method 53 to 'indigenous' ecosystems excludes the habitats of valued introduced species such as trout, salmon, and gamebirds. As amended in the s42A report, the method reads:

Method 53: Support mana whenua and community restoration initiatives for ~~the coastal environment, rivers lakes and wetlands~~ indigenous ecosystems

Provide practical support for mana whenua and community restoration initiatives for ~~the coastal environment, rivers, lakes and wetlands~~ indigenous ecosystems, with a focus on achieving the targets and priorities identified by Methods IE.3, CC.4 and CC.6.

Implementation: Wellington Regional Council and city and district councils

30. The s42A author, Ms Guest, responded to the submission stating that:

⁷ Objective 12 (gb)

⁸ Objective 12 (gc)

⁹ Part 3: Implementation, Subpart 1 Approaches to implementing the National Policy Statement, 3.2 Te Mana o te Wai (3).

'... broadening Method 53 to refer to "indigenous ecosystems" recognises that it applies to terrestrial as well as aquatic ecosystems, and in my opinion referring simply to "indigenous ecosystems" is more efficient than referring to all the domains – coastal environment, rivers, lakes, wetlands and terrestrial ecosystems.'¹⁰

31. I appreciate the intention of the s42A author, but note that it narrows the scope of the method, rather than widening it. In the operative wording, Method 53 applied to the coastal environment, rivers, lakes and wetlands, regardless of whether the flora and fauna is indigenous to Aotearoa, or not.
32. I consider that Method 53 should apply to both indigenous and non-indigenous ecosystems, in order to give effect to all relevant higher order policy direction. On this basis, I recommend that the method be amended to read as follows:

Method 53: **Support mana whenua and community restoration initiatives for the ~~coastal environment, rivers lakes and wetlands~~ indigenous the restoration of terrestrial and aquatic ecosystems**

Provide practical support for mana whenua and community restoration initiatives for ~~the coastal environment, rivers, lakes and wetlands~~ the restoration of terrestrial and aquatic indigenous ecosystems, with a focus on which includes support in achieving the targets and priorities identified by Methods IE.3, CC.4 and CC.6.

Implementation: Wellington Regional Council and city and district councils

DEFINITION OF 'RESTORATION'

34. Fish and Game sought amendment to the definition of 'restoration' to include valued ecosystems and species, explaining that this will capture 'a wider range of important physical and ecological attributes for protection and restoration.'
35. In my opinion, the definition should apply to all habitats and ecosystems, not exclusively those that are indigenous. I consider it inappropriate to exclude non-indigenous taxa from the definition, as this limits the potential for restoration of these ecosystems and habitats, and subsequent enhancement of the quality of the environment and freshwater.
36. For these reasons, I recommend amending the definition to read as follows (or to similar effect):

¹⁰ Paragraph 481 of the s42A Report for Hearing Stream 6: Indigenous Ecosystems

Restoration (~~in relation to indigenous biodiversity~~)*

The active intervention and management of modified or degraded habitats, ecosystems, landforms and landscapes in order to maintain or reinstate ~~indigenous~~ natural character, ecological and physical processes, and cultural and visual qualities, and may include enhancement activities.

CONCLUSION

37. My evidence has addressed the submission from the Wellington Fish and Game Council on a number of matters relating to Hearing Stream 6 for Plan Change 1.
38. I have recommended amendments to a small number of provisions, details of which are found within the body of my evidence.

Dated 30 January 2024



Lily Ana Campbell