

Notice of Motion – Identification of Bylaw for protection of native freshwater ecology

Submitted on 24/11/2017

Attention: Eric Perry – Relationship Manager, Local Board Services

In accordance with Standing Order 3.11.1, I hereby give notice that I intend to move the following motion at the 14th December 2017 meeting of the Upper Harbour Local Board.

Recommendations:

That the Upper Harbour Local Board:

- a) Requests advice from the relevant council staff regarding the most appropriate and effective tools and methods to protect the freshwater ecology of Te Wharau Creek, including:
 - a. The present understanding of the local and regional biodiversity significance of Te Wharau Creek;
 - b. The extent of land owner control Auckland Council has over the tributaries of Te Wharau Creek;
 - c. The legal status of land controlled by Auckland Council within the tributaries of Te Wharau Creek; including whether the land is owned as fee simple land held according to the Local Government Act or as a reserve held according to the Reserves Act 1977;
 - d. What policy or plans apply to the protection of the freshwater ecology of Te Wharau Creek, including any Reserve Management Plan associated with the catchment;
 - e. The possibility of a Bylaw, or amendment to current Bylaws, to establish a strict no-take rule with regard to native plants and animals within any of the fresh water tributaries of Te Wharau Creek (both those on public and private land); with exceptions agreed by Mana Whenua or approved by the Local Board for research or ecological stewardship purposes
 - f. The possibility of enhancing planning provisions, such as the Unitary Plan and/or TP90, so as to minimize disturbance and pollution within the catchment of Te Wharau Creek from development.
 - g. Any other mechanisms that may be effective in protecting the freshwater ecology of Te Wharau Creek.
- b) That any proposed solutions for the protection of the Freshwater ecology Te Wharau Creek provides a process for additional freshwater ecosystems of significance to achieve the same protection by way of a resolution of the relevant Local Board.

Background:

1. Te Wharau Creek is located in the Waitamata Harbour, on the southern banks of Lucas Creek between Greenhithe and Schanpper Rock. It has a freshwater tributary that rises from Kyle Road Esplanade Reserve to four smaller tributaries that originate at Upper

Harbour Drive. The name Te Wharau can be translated to mean 'the shelter,' as in a temporary dwelling.

2. Earlier this year Zachary and Alexander Robertson and their mother Nicola Robertson discovered that the tributaries of Te Wharau were home to Giant Kōkopu, as well as Tuna (both long finned and short finned species), Kōura, and freshwater mussels.
 - a. Giant Kōkopu (*Galaxias argenteus*) were the first identified member of the Galaxias (whitebait) family which takes its name from the speckled colour pattern. Little is known about the behavior of Giant Kōkopu; and observations made by the Robertson's and Auckland Council Biodiversity offices, at Te Wharau, are already adding to our understanding of the species. What is known is that the species is in major decline in the Auckland area and is officially recognised as a rare and Nationally Vulnerable species by the New Zealand Department of Conservation.
 - b. Tuna (*Anguilla australis* and *Anguilla dieffenbachia*) or freshwater eels are present in many streams in Upper Harbour. They live for 15-80 year in bodies of freshwater before migrating out to sea where they breed and die.
 - c. Kōura or freshwater crayfish are found in high to moderate quality waters. While abundant in relative terms populations can easily be decimated if harvested for food.
 - d. Freshwater mussels (*Echyridella menziesii*) are only found of sandy bottom streams of high to moderate quality. They are not common in suburban Auckland due to sedimentation of streams.
3. Presently there is a great deal of confusion within Auckland Council as to what protective status exists over freshwater ecosystems in Auckland, which are not administered by the Department of Conservation. Relevant protections seem to depend on the status of the land surrounding the creek and information on this is not readily available.

Signed:



NICHOLAS MAYNE
UPPER HARBOUR LOCAL BOARD
MEMBER