

**BEFORE WAIKATO DISTRICT COUNCIL
HEARINGS PANEL**

UNDER the Resource Management Act 1991 (**RMA**)

IN THE MATTER OF Proposed Waikato District Plan

Mischa Jacobine Davis

**EVIDENCE SUMMARY ON BEHALF OF THE AUCKLAND/WAIKATO FISH AND GAME
COUNCIL ("FISH & GAME")**

SUBMITTER ID: 433

Hearing 18 Rural

Dated: 24 September 2020

SUMMARY OF EVIDENCE OF MISCHA DAVIS

Earthworks - SNA and Landscape and Natural Character Areas

- 1 Whilst I acknowledge that the rule packages controlling earthworks in SNAs and Landscape and Natural Character Areas are to be considered through separate hearings, and as such our relief regarding those rules was not addressed in the Hearing 18 s42A Report, we were granted relief from Commissioner Phil Mitchell to present our evidence regarding these submission points in the Rural hearing. I will therefore address them now.
- 2 In its submission Fish and Game sought changes to the earthworks rules that apply in SNA's and Landscape and Natural Character Areas. This is because most of the wetlands owned by Fish and Game in the Waikato District have been zoned as SNA's and a number of them as Outstanding Natural Features.
- 3 As drafted the earthworks rules that apply in these areas are restrictive for most of the maintenance and enhancement activities Fish and Game undertake in wetlands. According to the rules Fish and Game could only dig out 50m³ of accrued sediment for the maintenance of fences, tracks and drains. All other wetland maintenance and enhancement activities would require a resource consent.
- 4 In my evidence I proposed a new permitted activity rule for earthworks that are specific to enhancement/restoration work in wetlands within SNA's and Landscape and Natural Character Areas with the conditions that those works may only be undertaken over a maximum area of 500 m² and inline with a Wetland Restoration Plan submitted to the Waikato Regional Council.¹
- 5 Mr. Wilson's evidence highlights the importance of the various earthwork's activities undertaken by Fish and Game in wetlands zoned as SNA's, and how an area restriction any less than 500 m² would be impractical to achieve the beneficial restoration and enhancement outcomes of those activities.²
- 6 Providing for this rule would bring the Proposed Plan in line with the recent National Environmental Standards for Freshwater ("NES-FW"). The s42A Report Rebuttal Evidence has made mention of the NES-FW seeking that an advice note be added to Clause 22.2.3 to alert plan users to the NES provisions.
- 7 I agree with the s42A Report Rebuttal Evidence that the earthworks rules in the Proposed Plan apply to a broad range of circumstances rather than just wetlands and is therefore not replaced by the NES-FW. However, the proposed rules still restrict the earthworks activities that would otherwise be permitted in wetlands under the NES-FW standards, which is why we are seeking a new permitted activity rule. Merely mentioning the NES-FW as an advice note does not provide for this.

Specific relief

22.2.3.3 Earthworks – Significant Natural Areas – P3

¹ Davis EIC at [36].

² Wilson EIC at [3.24].

(a) Earthworks for the enhancement, restoration or rehabilitation of the natural character of wetlands within an identified Significant Natural Area must meet all of the following conditions:

- (i) The earthworks must not exceed an area of 500m³ ; and
- (ii) The activity is undertaken in accordance with an approved Wetland Restoration Plan.

22.2.3.4 Earthworks – within Landscape and Natural Character Areas – P3

(a) Earthworks for the enhancement, restoration or rehabilitation of the natural character of wetlands within an identified Significant Natural Area must meet all of the following conditions:

- (i) The earthworks must not exceed an area of 500m³ ; and
- (ii) The activity is undertaken in accordance with an approved Wetland Restoration Plan.

Maimai – permitted within identified features/landscapes

- 8 Fish and Game sought to have the construction of maimai within identified features/landscapes permitted by exempting maimai from rule 22.3.3 D1. The Hearing 21b s42A Report rejected this request, stating the potential for visual adverse effects of maimai, which would diminish the attributes of identified landscapes.
- 9 Mr Wilson’s evidence states how several large hunting areas have been identified as Outstanding Natural Features (“ONF”) and how they are some of the most intensively hunted areas in New Zealand for waterfowl, attracting high densities of gamebird hunters and as such many maimai have been established. These areas include the Whangamarino Wetland, which contains 738 ha of Fish and Game owned and managed wetlands and is classified as nationally significant for game bird hunting under the Auckland Waikato Sportsfish and Game Management Plan. Another large hunting area identified as an ONF is Lake Whangape, which is classified as regionally significant for gamebird hunting under the Auckland Waikato Sportsfish and Game Management Plan.
- 10 The Auckland Waikato Sportsfish and Game Management Plan is as a statutory management plan, that the Waikato District Plan is required to have regard to it in the course of its preparation.³
- 11 The Waikato Regional Plan permits the building of maimai on any river or lake bed, providing it meets specified conditions. The Waikato Coastal Plan permits the building of maimai providing it meets specified conditions. The Auckland Unitary Plan permits the building of maimai in the General Coastal Marine Zone, as well as in lakes, rivers, streams and wetlands including those zoned as Outstanding Natural Features.
- 12 Considering the importance of gamebird hunting to the areas identified as ONF’s, that building and using maimai is a fundamental part of gamebird hunting, and that a wide range of structures are used as maimai, many of which meet the definition of a building under the Building Act and are therefore captured by rule 22.3.3, I consider that it is only logical and necessary that maimai should be exempt from rule 22.3.3 thereby permitted maimai in ONF’s areas. This would also provide consistency with other planning documents including the Waikato Regional Plan and Auckland Unitary Plan.

³ ss 66(2)(c)(i) Resource Management Act 1991.

Specific relief

22.3.3 Buildings and structures in Landscape and Natural Character Areas – D1

(a) Building or structure that is not a maimai located within any:

(i) Outstanding Natural Feature;

(ii) Outstanding Natural Landscape;

(iii) Outstanding Natural Character Area;

(iv) High Natural Character Area