BEFORE WAIKATO DISTRICT COUNCIL
HEARINGS PANEL

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

IN THE MATTER OF Proposed Waikato District Plan

Benjamin James Wilson

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

SUBMITTER ID: 433

Hearing Rural

Dated: 8 September 2020

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1. QUALIFICATIONS AND EXPERIENCE

1.1 My full name is Benjamin James Wilson.

1.2 I am employed as Chief Executive for the Auckland/Waikato Fish and Game Council at the Hamilton Office. I have held this role since 2013, prior to which I was the Fisheries Manager for the Council (since 1988). I have a BSc (Hons) and a MSc in Marine Science from Otago University.

1.3 I am very familiar with the Waikato District's rivers and wetlands with my work with Fish and Game and recreational activities.

2. SUMMARY STATEMENT

2.1 Auckland/Waikato owns and actively manages some 1600 hectares of wetland in the Waikato District. These wetlands typically require intensive active management to maintain hydrology and weed control.

2.2 We request that a new permitted activity rule be introduced in the Waikato District Plan for earthworks that are specific to restoration work in wetlands within areas identified at Significant Natural Areas and Landscape and Natural Character Areas. Such a rule would bring the plan in line with the *Resource Management (National Environmental Standards for Freshwater) Regulations 2020*.

2.3 We support the Hearing 18 s42A Officers' Report in excluding maimai from the building setback rules.

2.4 Nearly all game bird hunting in the Waikato District takes place in rural areas that will be zoned as Significant Natural Areas and/or Outstanding Natural Features. Therefore, we request that building maimai be a permitted activity in these areas.

3. BACKGROUND

3.1 The Auckland/Waikato Fish and Game Council region is one of 12 Fish and Game Council regions across New Zealand (excluding the Taupo catchment). Fish and Game Councils were created in 1990 by the Conservation Law Reform Act 1987. The former Acclimatisation Societies were replaced by 12 regional Fish and Game Councils and one national New Zealand Fish and Game Council. Each Fish and Game Council has specific functions, responsibilities, and powers to manage sports fish and game birds, as specified in sections 26Q, 26R, and 26S of the Conservation Act 1987.

The main purpose of the Fish and Game Councils, as set out in 26Q (1) of the Act, is to: "*Manage, maintain and enhance the sports fish and game resource in the recreational interests of anglers and hunters*." Fish and Game Councils are solely funded through income that is generated through licences purchased by game bird hunters and freshwater anglers.

Wetlands: Earthworks in Significant Natural Areas and the Outstanding Natural Feature zone

3.2 A principal focus of AWFG is on game bird habitats – the retention and enhancement of wetlands, and the development of suitable marginal farmland for creating wetlands.

3.3 AWFG owns some 1600 hectares of wetland in the Waikato District including land in the Whangamarino Wetland (739 hectares), Mangatawhiri Wetland (216 hectares), and Waikato Delta (510 hectares). The Auckland/Waikato Council, and its predecessor the Auckland Acclimatisation Society, has a policy that the most effective way of protecting wetland habitat is by direct purchase. In practice this has meant buying marginal farmland and carrying out extensive restoration to revert the land back to wetland. The purchase of wetlands has been funded by licence income, while restoration work for creating wildlife habitat for waterfowl has been funded from both licence income and community grants.

3.4 This work was undertaken in the 1950s onwards with AWFG spending upwards of $30,000 annually on wetland maintenance. The result is that these wetlands are now habitats of national significance not only for game bird hunting but also because of their values for indigenous flora and fauna.

3.5 AWFG promotes the active management of wetlands rather than locking them up behind a fence and leaving them to their own devices. Wetlands and ponds change over time due to infilling from decaying vegetation, natural infilling from windblown soils, bank erosion and from natural detritus. This is a natural evolutionary process that has occurred for millenniums. However increased agricultural and forestry runoff in the form of silt and sediment, increased nutrients and the introduction of pest plants have resulted in the infilling of small lakes, ponds, rivers and wetlands and the resultant loss of biodiversity. This result causes the loss of habitat for species that require open water areas for feeding and breeding.

3.6 The Fish and Game wetlands are zoned as Significant Natural Areas, and many are also zoned as Outstanding Natural Features, under the Proposed Plan (Table 1).

Table 1: Fish and Game Wetlands in the Waikato District

Wetland	*Area (hectares)*	*Significant Natural Area*	*Outstanding Natural Feature*
Waikato River Islands	322	yes	yes
Aka Aka	116	yes	yes
Piggott	54	yes	no
Mangatawhiri	247	yes	no
Whangamarino	739	yes	yes
Lake Waikare "Island"	74	yes	yes

3.7 In our submission on the Proposed Plan, we sought changes that will allow for wetland creation, restoration, and enhancement activities to be undertaken as permitted activities (without consent). We also consider that there needs to be clear demarcation between the roles of the Waikato District Council and the Waikato Regional Council in regard to consents for wetland restoration.

3.8 The Fish and Game wetlands, especially the Mangatawhiri and Whangamarino wetlands, are in heavily modified catchments. Once these wetlands would have been located 'at the bottom of the valley', but now they are perched above the surrounding farmland and adjacent rivers, and therefore require extensive and ongoing maintenance work.

3.9 The historical hydrology of these wetlands has been compromised by many factors including:

- Sand extraction from the Waikato River lowering the riverbed not only of the Waikato but also that of inflowing tributaries.
- The historical widening and straightening of nearly all creeks, streams, rivers in the lower Waikato, including the Mangatawhiri and Whangamarino rivers.
- Creation of the Mangatawhiri and Mangatangi water storage dams and the consequential diversion of water to Auckland City.
- Stopbanks and pumps of adjacent drainage schemes, which dam, divert and abstract water from wetlands.
- The degradation of peat soils leading to lowering of pastoral land levels.
- The use of the wetlands for floodwater storage.

- Silt deposition from adjacent rivers has been at a much higher rate than would have occurred naturally.

3.10 The core principle of any wetland restoration work is that the hydrology must be restored first. For our wetlands this has usually involved the construction of extensive system of stopbanks, weirs, canals, and ponds. Because the wetlands are typically perched above adjacent drained farmland, components of drainage schemes, the wetlands are created and maintained only due to these stopbanks. If the stopbanks were not in place, these perched wetlands would be drylands.

3.11 The water tables in the AWFG Whangamarino and Mangatawhiri wetlands are controlled through constructed weirs, which can have positive benefits to a wetland by providing habitat that has seasonal water fluctuation levels, just as occurs in the natural environment. A weir structure also allows for the slow drawdown of water that may be required in the case of repairs and maintenance on the stopbank or dam wall, which may have been eroded due to flood damage and/or through the roots of encroaching vegetation which weakens the wall.

3.12 Active management is also essential to try and minimise the ongoing issues with invasive weeds especially grey willow, Glyceria maxima, royal fern, pampas, yellow flag iris, and alligator weed.

3.13 Consent fees can be one of the largest costs in wetland restoration projects. In 2013, an AWFG project to remove sediment and invasive plants (yellow iris) from small side channels of the lower Waikato River within the Piggott Wetland cost $6,498 in WDC consent fees, $2,700 in WRC consent fees, while the actual physical works cost $19,140. Such fees are a significant burden on wetland restoration projects in the Waikato District and provide no encouragement to landowners to be proactive in creating or restoring wetlands. Landowners and non-profit organisations like Fish & Game would rather spend funds creating or enhancing the habitat.

3.14 As examples of the issues and challenges involved with restoring a wetland the following details are given on the hydrology of the Dean and Cocks Wetlands.

3.15 The Dean Wetland is in the lower Mangatawhiri catchment some 2 km southeast of Pokeno township and is zoned as a Significant Natural Area. Water levels in this wetland are maintained by stopbanks along the Mangatawhiri River and along the boundary with the adjacent farmland to the east. The stopbanks are required because the ground level of the adjacent farmland to the east

is significantly lower than water levels in the wetland (Figure 1). Average water levels in the adjacent Mangatawhiri River are also significantly lower than wetland water levels. The wetland is hydrated by small springs and rainfall with water flowing thru a series of canals and ponds before discharging over a weir into the Mangatawhiri River. During large flood events, when the adjacent farmland is considered to have excess flood water, a large Archimedes Screw also operates to pump large quantities of water directly into the wetland (Figure 1). The Mangatawhiri River can overflow into the wetland during large flood events, and thus the wetland forms part of the Lower Waikato Flood Scheme.

Figure 1: Eastern boundary of the Dean Wetland showing liDAR contours. The wetland is 1-2 meters perched above the adjacent farmland.

3.16 The Cocks Wetland is part of the Whangamarino Wetland complex and is zoned as a Significant Natural Area and an Outstanding Natural Feature in the Proposed Plan. An extensive restoration project was carried out in 2000 to allow for active water management in the wetland. Prior to this restoration, the wetland was being inundated by sediment rich water from the Whangamarino River resulting in accelerated silt deposition and the continued invasion of grey willow, an invasive species. A 3.1 km stopbank was constructed along the river to reduce the inundation of water from the Whangamarino River other than in large floods. A series of canals (3.6 km) were

constructed to take relatively clean water from the Raeo Stream and from drains on adjacent farmland to restore hydrology throughout the wetland.

3.17 The WRC consents held for the Cocks Wetland include:

- A requirement to maintain 3.1 km of stopbanks along the Whangamarino River including erosion control works that become necessary to preserve the integrity and stability of the cut batters and/or to prevent slips as a result of the exercise of this consent.
- A requirement that the drains through the southern compartment of the Cocks Wetland shall have unimpeded water flow from the culvert at the boundary of the neighboring property (Tranz Rail) across the wetland to the Whangamarino River in the vicinity of the Raeo Stream. In addition, the consent holder (AWFG) shall ensure that the central drain shall have unimpeded water flow.

3.18 The maintenance of stopbanks is a permitted activity regulated by the Waikato Regional Plan:

- 3.6.4.6 Permitted Activity Rule – Existing Lawfully Established Stopbanks

3.19 The creation and maintenance of wetlands is also a permitted activity regulated by the Regional Plan:

- 3.6.4.4 Permitted Activity Rule – Small Dams and Damming Water
- 3.6.4.5 Permitted Activity Rule – Existing Lawfully Established Damming of Perennial Water Bodies

3.20 However the General Earthworks rules (22.2.3.1) as currently drafted in the Proposed Plan seek to impose restrictions on earthworks which could severely restrict wetland creation or restoration and enhancement works that we would otherwise be permitted to undertake under the Waikato Regional Plan. Of concern is rule 22.2.3.1 P2 (vi) due to the broad nature of the wording. If AWFG were to undertake earthworks that would alter water flow in any way shape or form, such as installing a small bund or dam, this would trigger the requirement for discretionary consent. This issue is covered further in the Primary evidence of Mr Klee.

3.21 The earthworks rules in Significant Natural Areas (22.2.3.3) are also restrictive for most of the maintenance and enhancement activities AWFG undertakes in wetlands. As currently drafted, unless earthworks are for the maintenance of fences, tracks, and drains, and further meets limited volume, height and location restrictions, then a discretionary consent is required. This is a concern

for us, as noted earlier all of AWFG's wetlands have been zoned as Significant Natural Areas under the Proposed Plan.

3.22 Likewise, the earthworks rules within Landscape and Natural Character Areas (22.2.3.4) are also restrictive for most of the maintenance and enhancement activities AWFG carried out in our wetlands.

3.23 The *Resource Management (National Environmental Standards for Freshwater) Regulations 2020* sets bottom line requirements for the routine activities that Fish and Game carries out in wetlands. This includes providing for earthworks within wetlands for the restoration of natural wetlands as a permitted activity providing the works do not occur over more than 500m^{2}or 10% of the area of the natural wetland, whichever is smaller.

3.24 AWFG are therefore seeking changes to the earthwork's rules in the Proposed Plan that will allow for wetland creation, restoration, and enhancement activities to be undertaken as permitted activities (without consent) in the Rural Zone, and when undertaken in a Significant Natural Area or Landscape and Natural Character Area then a maximum area limit of 500m^2 is set and provided it is done in line with a Wetland Restoration Plan submitted to Waikato Regional Council. As highlighted in the examples detailed above, a limit of any less than 500m^2 is impractical for the earthworks works required to restore or maintain the hydrology of wetlands.

Maimai: Setback distance in the Rural Zone

3.25 The Waikato District is the most popular and heavily hunted district in New Zealand for gamebirds. Building and using maimai (a gamebird shooting structure), is a fundamental part of gamebird hunting in New Zealand. In our submission, AWFG sought to exempt maimai from the building setback rules to waterbodies (Rule 23.3.7.5)

3.26 The reason hunters build their maimais very close to waterbodies, be they rivers, ponds or wetlands, is that the effective range of shotguns, (i.e. the range at which they can humanely shoot gamebirds), is at best only within 30-40 metres. Therefore, any rules which forces the maimai to be located 23m from the waterbody they are hunting on, (or any similarly stretched distance), is clearly impractical and untenable.

3.27 Hunting from a maimai provides greater safety by increasing certainty as it involves directing fire into pre-considered known safe firing zones, such as out over a river from a landowner's boundary. Shotguns are relatively short range and so there is little risk in this. Without a maimai, people can stand wherever they feel inclined to, and shoot in whatever direction they want. Without a maimai there is a lot less control over safe firing zones.

3.28 The Wildlife Regulations provide that maimai must be at least 90 metres apart, which is considered to be an adequate distance to prevent accidental injury from shotgun pellets. Due to the limited range of shotguns and the small size of shotgun pellets, accidental shootings involving non-hunters is very rare and we are not aware of any such incident in the Waikato.

3.29 We support the Hearing 18 s42A Officers' Report in excluding maimai from the building setback rules and the recommended amendments to the plan. Ms Davis will cover this issue further in her evidence.

Maimai: Activity status in the Outstanding Natural Feature zone and in Significant Natural Areas.

3.30 Although maimai are permitted in the general Rural Zone, in practice nearly all game bird hunting takes place in rural areas that are also zoned as Outstanding Natural Feature and/or Significant Natural Areas. The notified version of the District Plan however states that "*Building or structure located within any*" Outstanding Natural Feature is a Discretionary Activity (rule 22.3.3 D1).

3.31 The Waikato District has several large Outstanding Natural Feature areas and Significant Natural Areas which attract very high densities of game bird hunters during the gamebird season who use maimai to hunt in these areas (Table 2). These are some of the most intensively hunted areas in New Zealand for waterfowl.

Table 2: Main waterfowl hunting areas in the Waikato District.

Waterbody	*Significant Natural Area*	*Outstanding Natural Feature*
Waikato River Delta	yes	Yes
Lake Waikere	no	Yes
Lake Whangape	yes	Yes
Opuatia Wetland	yes	Yes
Waikato River margins	Yes (limited)	Yes
Whangamarino Wetland	yes	Yes

3.32 In these areas there are at least two thousand and possibly up to four thousand maimai. No one has counted because many maimai are inconspicuous amongst established vegetation and thus an accurate count would be difficult and time consuming.

3.33 The Hearing 2 s42A Officers' Report for Landscapes states that:

"There remains potential for adverse effects (particularly visual) to be generated by maimai, and I am of the opinion that they should be considered in the same way as any other building or structure in these particular locations. I am also aware that some existing maimai in the district have questionable legal status, with some of these being quite elaborate in terms of their size

3.34 We consider that the legality or otherwise of existing structures in the Outstanding Natural Feature zone, which may or may not be maimai, is irrelevant when considering activity rules for constructing maimai. Indeed, we consider it desirable to have maimai as a permitted activity but with well-defined conditions.

3.35 The buildings described by the Hearing Officer as "*quite elaborate in terms of their size*" are not maimai and are best described as dwellings and dealt with appropriately as dwellings in the District Plan.

3.36 The allowable area for a maimai needs to be a maximum of 10 square metres. Waterfowl hunters generally don't hunt by themselves in their maimai. It is traditionally a family or friends group event. Tradition often means it is a family occasion made up of grandfather, son or daughter, grandchild

and on rare occasions even a great grandchild, all hunting together. Also there is typically at least one large dog. Some maimai in the Waikato wetlands have been there for a great many years, dating back to the early 1930s.

3.37 Health and safety are paramount in a maimai because game bird hunting involves a shotgun using live ammunition by licenced firearm users. Shotgun shooting requires swinging the gun and if the area inside the maimai is restricted then the problems arise that hunters cannot follow through on their target. Modern shotguns used today in waterfowl hunting are generally semi-automatic shotguns and hunters often shoot in unison which means a number of guns will be shooting out of the maimai at a group of birds.

3.38 A confined area prevents this and can potentially lead to a firearms accident where a gun is discharged inside the maimai.

3.39 The Maimai Construction Guidelines developed by Fish and Game require hunters to build and maintain maimai to a specific standard. This includes that the floor area must not exceed 10 square meters. Maimai must also be camouflaged to blend in with their surroundings, they must be maintained in a safe and tidy condition at all times, and they must not contain permanent dwelling fixtures such as stoves, sinks, toilets etc. Further to this, a maimai use is only ever temporary – typically limited to a few days a year during the gamebird hunting season.

3.40 With regards to amenity we consider that maimai, when built to the standard required by the Maimai Construction Guidelines, maintain the character of any Outstanding Natural Feature and in Significant Natural Areas where they are located.