

My name is Colette Hanrahan, and I live at 126B Woodcock Road, Tamahere. We own land with an area of approximately 14 acres. Around one third of this land is taken up by a steep gully, roughly 20 metres deep, extending around our dwelling and garages, equaling to about 600 metres in length. The Mangaharakeke Stream runs through the bottom of our gully, defining the border of our land on that northern side. My family and I have lived here since June 2003, just over 17 years.

To begin with, on 21 September 2015, we were contacted by letter from Jenni Vernon, Strategic Planning and Resource Management Team Leader at WDC, advising us that they had identified a Regionally Significant Natural Area (“SNA”) on our property through aerial photographs and ecological information. On the back of this letter was an aerial photograph of the identified Significant Natural Area, which also included most of our back garden, our swimming pool, some front garden, and about two acres of paddock. In the letter, an SNA was described as an area “home to indigenous vegetation, wetlands and habitats essential to maintaining threatened flora and fauna”.

On 29 September 2015, I replied back to WDC, by letter, noting our consternation at this letter. I note that I wrote in reply, as the landowner meetings that were being held by WDC were only being held in Raglan, Ngaruawahia and Tuakau – 45 minutes, 30 minutes and one hour drive away respectively, for us. This was too far to drive, considering WDC was only giving 15 minute meetings. I advised of the WDC’s inclusion of our pool, garden and paddocks in their potential SNA. I also advised that our gully was mostly taken up with blackberry, jasmine, gorse and privet, with only minimal native bush, which had been planted by ourselves, at our own expense. It was not therefore, according to the WDC’s definition advised to us, an SNA.

However, on 29 March 2016, Jenni Vernon again wrote to us, and described the Tamahere Gully System being partially identified as an SNA as an “important ecological corridor”.

On 16 July 2018, we received a letter from WDC, regarding some changes to our property under the proposed Waikato District Plan (Stage 1). One of these changes was the addition of an SNA imposed on our property. The WDC, in its attachment to the letter, advised that boundaries of all SNAs had been mapped, specific rules relating to vegetation clearance and earthworks had been included, and that subdivision incentives had been added to encourage the protection of SNAs.

On 20 September 2018, I submitted to the Waikato District Council (“WDC”), our opposition to the noting of part of our property as an SNA, and attached photos as proof, of the majority of pest species in our gully. This submission was allocated as 77.3 by the WDC.

On 17 April 2019, WDC contacted me, thanking me for my submission, and advising details of further submissions to be made, if I so wished. I could also support or oppose any submissions that other submitters had made. Details of all this was available on WDC’s website from 29 April 2019.

On 29 May, I made the following further submissions regarding SNAs:

1. I supported Mark Emms' submission (75.1) for the SNA notation to be deleted from his property at 126A Woodcock Road. Being my next door neighbor, I knew that his gully is mainly covered in pest species such as privet, blackberry, gorse, etc. For the same reasons, I also supported Diane Emms (282.1), Jon Harris (327.1) and Roderick McRae (331.1). Likewise, I supported my own submission (77.3) for the SNA notation to be deleted from our property at 126B Woodcock Road.
2. I also supported Waikato Regional Council's submission (81.242) to amend WDC's proposed amendment to the definition of 'Conservation Activity' (Section C – Rules – Chapter 13: Definitions – C – Conservation Activity). WDC want to include walkways, cycle tracks and accessory buildings, and the establishment of them, under the definition of Conservation Activity, including the clearance of indigenous vegetation, with no restrictions on the same. This is ridiculous, and should never happen. As I stated on my further submission in support of the Waikato Regional Council, the potential threat on indigenous biodiversity would be huge when one takes into account any litter (which brings rats, which kill birds), contamination, noise, etc.

It seems that Waikato District Council is confused about the importance of indigenous vegetation as well. I quote from the Waikato District Plan 2013 "Gullies make an important contribution to ecological corridors, facilitating movement of wildlife between larger areas of conservation value. It is important to retain any indigenous vegetation that already exists in gullies for this reason. Gully restoration is desirable to enhance ecological, amenity and water soil conservation values". With statements like this, how can Waikato District Council then want to include 3 metre wide walkways, cycle tracks and accessory buildings, and the establishment of them, as a Conservation Activity? These are exact opposites of each other. How can this be achieved without destroying the riparian environment? I quote from, ironically, the Department of Conservation's July 1995 'Managing Riparian Zones, Volume 1: Concepts – A Contribution to protecting New Zealand's rivers and streams':

"...Animal and plant communities in small, forested streams have evolved in New Zealand under conditions of heavy shade. The low light levels in forested streams encourage the development of thin algal films on stones. Shade also encourages the growth of bryophytes (mosses and liverworts) on stable substrates which can provide important habitats for many aquatic invertebrates in small streams (eg. Suren 1993). Sunlight exposure following land clearance is believed to have resulted in the widespread loss of shade-adapted native aquatic plants and mosses (see Howard-Williams et al. 1987)".

This is one of many paragraphs I could quote from this Volume. I urge you, please, Waikato District Council cannot be trusted to be able to clear indigenous vegetation as it sees fit, and hide behind the term 'conservation activity'. We only need to think back to the propane gas explosion at the former Tamahere Icepak Coolstores site in 2008, which killed firefighter Derek Lovell, and seriously injured seven other firefighters, to understand the issues WDC has with accountability (WDC were guilty of not enforcing safety measures imposed on Icepak which allowed them to continue business on that site (eg; water storage capacity, Rules compliance and storage).

In addition, I know from my own work in my gully, how precarious it is, and easily subject to erosion the ground is. The soil is very sandy, and any clearance of pest species and planting of natives needs to be undertaken very carefully. Any clearance of indigenous vegetation, let alone clearance with no accountability, hidden under the definition of Conservation Activity, should never be allowed.

3. I supported Federated Farmers of NZ submission (680.1) for the WDC to withdraw their Proposed District Plan to allow an assessment of the drafted Plan against the National Planning Standards, in its current form. As Federated Farmers states, this would allow analysis of the submissions and robust identification and scheduling of the Significant Natural Areas, Outstanding Landscapes and Significant Amenity Landscapes. During this time, the WDC could undertake proper identification and scheduling of Significant Natural Areas, which would, in time, reduce the time consuming and expensive appeal process that will inevitably ensue. The first set of the National Planning Standards came into force on 3 May 2019, and were introduced to support implementation of other national directions, and improve on comparisons and other complying national and regional policy statements ie; introduce some overall conformity for efficiency and economic benefits. The fact that WDC have ignored the introduction of the National Planning Standards is wholly unjustifiable and lax on their part.

4. I supported Federated Farmers of NZ submission (680.249) to delete all notified overlays on the Proposed District Plan planning maps which are identified over private land. The relief sought specifically relates to the overlays listed on the Proposed Plan's Legend as:
 - Natural character;
 - Environmental protection area;
 - Significant amenity landscapes;
 - Significant natural area;
 - Outstanding natural landscapes;
 - Outstanding natural feature;
 - Walkway cycleway bridleway;
 - Maori site of significance; and
 - Maori area of significance.

We all have serious concerns as to the process WDC used to identify and map these overlays onto private land. The process has not been sufficiently robust to have any confidence in the accuracy of the data which has been mapped. As Federated Farmers state, it is essential that quality control work is undertaken, as it is particularly important to get right given the degree of regulation proposed to be applied over these respective areas. As stated in the New Zealand Journal of Ecology (2015) publication of "Advances in the identification and assessment of ecologically significant habits in two areas of contrasting biodiversity loss in New Zealand" states, "some councils have also identified and mapped SNAs remotely using desktop techniques" have many "inaccuracies which frequently result in tension and litigation and limit the confidence in SNA maps that have been derived remotely". If the Waikato District Council is citing (letter of 29 March 2016), the gully on our land as an SNA because it is an important ecological corridor, how do they know this by remote assessment? Where and what is their proof?

In addition, WDC were not proactive during the consultation process for these overlays, and we are convinced that there are some landowners who were not aware of these overlays on their land until the consultation period was over. I know from my own experience, as noted at the beginning of my further submission today, that WDC were very unhelpful with regard to notification of the notation placed over our property, to the point that all they did was create alarm and consternation amongst those landowners affected. We were not given any further information, or pointed to where we could obtain more information. In Tamahere, where there is a wealth of these overlays, we were also expected to travel at least 30 minutes each way for a 15 minute interview.

Looking at all of these points, even superficially, it is obvious that WDC has not used the best methodologies available to provide a correctly detailed map of potential SNAs in their district. Their own SNA Summary, commissioned to Kessels Ecology in December 2016, states "that a more detailed review was required for the Tamahere Gully system". The Summary also recommended that WDC assist landowners in restoring and enhancing gully habitats. However, with only a \$30,000 contestable fund for this, how on earth did WDC think they could help nearly 4,500 landowners (WDC letter dated 29 March 2016), who have this SNA overlay proposed to be over their property?

Given that the Kessels Ecology Summary states that the majority of landowners are willing, and actively do, undertake restoration of the gully on their land, why can they not just be supported or encouraged to carry on? Support through cheap, native plans, fencing equipment, rates relief and guidance would be great.

I also cannot find any evidence of subdivision incentives, which WDC claims (SNA form attached with WDC letter dated 10 May 2018).

A further issue is the definition of 'Significant'. Unfortunately the Resource Management Act 1991 does not define this term, and the result has been highly variable methods and criteria for defining SNAs nationally. Consequently, there has been a lot of conflict between land owners, resource users, conservation interests, local authorities and the wider community. The Ministry of Environment commissioned a discussion paper in 1998 (Norton & Roper-Lindsay 1999) to try to resolve this 'significant' definition issue. However, the proposed criteria set that came out of this paper was never finalized, and debate regarding the assessment of significance has continued.

In conclusion, I acknowledge that the Resource Management Act 1991 places obligations on local authorities to protect and maintain indigenous biodiversity on land in private tenure, although how this should be done is not explicitly described. However, my main argument with regard to WDC's handling of the proposed SNAs is that so far, it has been poorly managed, and confusing to the ratepayers. WDC has not adhered to the National Planning Standards protocol that I described earlier. The very definition of 'significant' is still under large debate (eg; Norton & Roper-Lindsay 1999). If we have this notation hanging over our property, will WDC be telling us what to do with our property? What recommendations or rules will they be adhering to? We do not wish our property to be under an SNA notation, when it has still not been properly defined. Surely WDC needs to get its facts right before it can go around putting SNAs on peoples' private property because they think it looks good? What is the point of it all when we are already doing a great job, on our own, of restoring our gully back into native bush?