

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato District Plan

**SUMMARY STATEMENT OF EVIDENCE OF MARK NICHOLAS
ARBUTHNOT FOR DILWORTH TRUST BOARD IN RELATION TO
HEARING 21A – SIGNIFICANT NATURAL AREAS**

17 NOVEMBER 2020

1. INTRODUCTION

- 1.1 I have prepared this summary statement to assist the Panel in relation to key outstanding issues for the Dilworth Trust Board (“**Dilworth**”) in relation to Hearing 21A – Significant Natural Areas.
- 1.2 My summary statement is prepared on behalf of Mr Blomfield who is currently on paternity leave (and prepared a primary statement of evidence for Dilworth in relation to Hearing 21A). I can confirm that I have read and adopt Mr Blomfield’s primary statement of evidence.

2. INDIGENOUS VEGETATION CLEARANCE

- 2.1 The Rural Campus is bound by the Mangatawhiri stream to its northern and eastern boundaries. The remediation and/or stabilisation of these stream banks has been historically undertaken by Dilworth as targeted “spot fixes” as and when it has been necessary. The removal of vegetation is sometimes required to facilitate these works.
- 2.2 Dilworth sought amendments to Rule 22.2.8 P1 to permit indigenous vegetation clearance outside of the SNA overlay in the Rural Zone where such works are for the purpose of remediation and stabilisation of the banks of a stream, river or other water body.
- 2.3 The outcome sought by Dilworth is consistent with Policy 11.1.4 of the Waikato Regional Policy Statement (“**WRPS**”), which recognises that district plans should include permitted activities in relation to the maintenance or protection of indigenous biodiversity where they will have minor adverse effects, including where they are necessary actions *“to avoid loss of life, injury or serious damage to property”*.
- 2.4 The Proposed Plan provisions that are supported by Ms Chibnall include a permitted activity status for the removal of vegetation that endangers human life or existing buildings or structures. I agree with Mr Blomfield that the rationale for this permitted standard equally applies to the removal of vegetation for the purpose of undertaking remediation and stabilisation works to protect property from serious damage.

2.5 I therefore agree with Mr Blomfield's recommended amendment to Rule 22.2.8 P1 of the Proposed Plan:

- (a) Indigenous vegetation clearance outside a Significant Natural Area ~~identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas)~~ must be for the following purposes:

...

- (i) **To undertake erosion control and natural hazard mitigation works to the banks of a river, stream or other water body**

2.6 I also agree with Mr Blomfield that there is a "gap" in the policy framework of the Proposed Plan and that the following additional policy (or similar) is required to ensure that the clearance of indigenous vegetation in the Rural Zone outside of Significant Natural Areas can be provided for as a permitted activity:

3.1.2AA Policy – Providing for vegetation clearance

- (a) Provide for the clearance of indigenous vegetation in the Rural Zone outside of Significant Natural Areas where:

- (i) Removing vegetation that endangers human life or existing buildings or structures.
- (ii) Maintaining existing tracks and fences.
- (iii) Maintaining existing farm drains.
- (iv) Conservation fencing to exclude stock or pests.
- (v) Gathering plants in accordance with Maaori custom and values.
- (vi) A building platform and associated access, parking and manoeuvring up to a total of 500m² clearance of indigenous vegetation and there is no practicable alternative development area on the site outside of the area of indigenous vegetation clearance.
- (vii) In the Aggregate Extraction Areas, a maximum of 2000m² in a single consecutive 12 month period per record of title.
- (viii) Undertaking stabilisation and remediation works to the banks of a river, stream or other water body.

2.7 Mr Blomfield has applied the same rationale to his recommended amendments to Rule 22.2.7 P1, which would have the effect of enabling the removal of indigenous vegetation within the SNA overlay where it is necessary for erosion control and natural hazard mitigation works to the banks of a river, stream or other water body:

- (a) Indigenous vegetation clearance in a Significant Natural Area ~~identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas)~~ for the following purposes:

...

(vii) Erosion control and natural hazard mitigation works to the banks of a river, stream or other water body.

- 2.8 The rebuttal evidence of Ms Chibnall (at paragraph 165) questions the removal of vegetation in the vicinity of any waterbody for the purposes of stabilisation and rejects the relief sought on the basis that even if the additional clause was to be included in the Proposed Plan, Dilworth would not be able to implement it due to the replacement planting requirements of the 2010 consent (a copy of which is appended to Mr Blomfield's primary statement of evidence).
- 2.9 I can confirm that the 2010 consent included the clearing of overhanging vegetation along the southern stream bank to facilitate the proposed stabilisation works and the planting of vegetation around the rock groynes to improve stability (as opposed to extending to cover the entire riparian margin of the site).
- 2.10 Notwithstanding, I am of the opinion that it is more appropriate to ensure that the Proposed Plan makes suitable provision for the removal of indigenous vegetation than to focus on historic works on Dilworth's land. I am therefore of the opinion that the amendments to Rule 22.2.8 P1 and Rule 22.2.7 P1 of the Proposed Plan:
- (a) are the most appropriate way to achieve Policy 11.1.4 of the WRPS;
 - (b) are the most appropriate way to achieve proposed Policy 3.1.2AA of the Proposed Plan;
 - (c) are an efficient and effective way of achieving the above objectives and policies; and
 - (d) will provide positive environmental and social effects to the extent that it will assist with the protection of people and property from the effects of natural hazards.