

**BEFORE THE HEARINGS COMMISSIONERS FOR THE WAIKATO DISTRICT COUNCIL**

**UNDER**

the Resource Management Act 1991

**AND**

**IN THE MATTER**

of hearing submissions and further submissions on the Proposed  
Waikato District Plan

Hearing 25 – Residential Zone Extents

**PARTIES REPRESENTED**

**CSL TRUST AND TOP END PROPERTIES LTD**

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**STATEMENT OF REBUTTAL EVIDENCE OF  
JENNIFER CAROLYN SHANKS FOR CSL TRUST AND TOP END PROPERTIES LTD  
May 2020**

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## **1 INTRODUCTION**

My full name is Jennifer Carolyn Shanks, I am a Consultant Ecologist and Director of JS Ecology Ltd, based in Bombay and Associate Botanist with Bioresearches Group Ltd. I have the qualifications and experience set out in my evidence in chief.

### **Code of conduct**

I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## **2 SCOPE OF REBUTTAL EVIDENCE**

This rebuttal evidence discusses ecological aspects of the CSL Trust and Top End Properties site that are relevant to matters raised in the Section 42A report prepared by David Mead for Waikato District Council (April 2021) in relation Hearing 25: Zone Extents Pokeno. Matters addressed are:

- i. I support the recommendation of the S42A report in part as to the rezoning of the eastern side of the site to Residential Zone, and
- ii. I would also support rezoning the western part of the site from Rural to Countryside Living on ecological grounds which is not a recommendation of the S42A Report.

## **3 REASONS FOR SUPPORTING THE REZONING OF THE EASTERN PART OF THE CSL AND TOP END PROPERTIES SITE**

- 3.1 Detailed discussion of the ecological effects of the proposed development of the site for residential and countryside living purposes and the expected ecological outcomes is contained in my evidence in chief.  
Summarized below are my reasons for supporting rezoning of the eastern side of the site to Residential Zone (Appendix 1).
- 3.2 Riverine wetlands, riparian habitats and aquatic habitats present at the site are currently threatened by livestock grazing and trampling, weeds and pests. These habitats will be retained, protected and enhanced as part of the proposed residential development.
- 3.3 High aquatic habitat values will be restored to upper tributaries of the Tanetiwhiora Stream on the eastern side of the site once they are protected from livestock and receive additional riparian planting.
- 3.3 Natural wetlands will be delineated in accordance with the NES-FW protocols and identified wetlands will be protected and restored as part of the ecological restoration strategy for the site. There are several small wetlands at the site (Appendix 2).
- 3.4 There are areas of volcanic boulder field associated with streams and remnant forest patches on the eastern side of the site (Appendix 2). This is a naturally rare habitat type and the proposed development would see these areas protected as part of the reserve

network for the development.

- 3.5 Parts of the identified Significant Natural Areas associated with the main Tanetiwhiora Stream that occur within the proposed Residential Zone will be protected as part of the reserve network. It is not clear whether the partial re-zoning of the site will capture the totality of these areas however (Appendix 2).
- 3.6 The development of the site will not negatively impact the Whangamarino Wetland RAMSAR site nor any other downstream habitats such as the Mangatawhiri Swamp or the Waikato River. Sufficient environmental controls exist within the Waikato District Plan, the Waikato Regional Plan and other statutory documents to ensure there are no adverse environmental effects on local ecosystems.

#### **4 REASONS FOR SUPPORTING THE REZONING OF THE WESTERN PART OF THE CSL AND TOP END PROPERTIES SITE TO COUNTRYSIDE LIVING**

- 4.1 The S42A Report does not recommend rezoning the north-western side of the site (45ha) from Rural Zone to Countryside Living Zone. Reasons given relate to landscape and visual effects due to the steepness and elevation of the land adjacent to Ridge Road and the perceived difficulty in achieving developable areas without visible earthworks and landform changes.
- 4.2 I would support rezoning this land to Countryside Living from an ecological standpoint.
- 4.3 The steeper north-western side of the site near Ridge Road contains some areas of inland cliff vegetation on volcanic tuff (Appendix 2). This is a naturally rare habitat type that supports a distinctive plant assemblage, examples of which are found at the site. Protection of these cliffs and their vegetation could be required as part of any development and this would represent a key biodiversity benefit. Currently they are subject to livestock grazing and trampling resulting in some cliffs losing all of their native vegetation.
- 4.4 The upper, steeper parts of the property have been severely degraded by livestock impacts and the numerous stream tributaries are largely devoid of native vegetation with trampled and pugged channels. Protection and riparian restoration of these could occur as part of any development, resulting in restored water quality and aquatic habitat values.
- 4.5 A key ecological feature of the site are the identified Significant Natural Areas comprising patches and stands of native vegetation surrounding the Tanetiwhiora Stream as it flows through the middle of the site. These forest patches include mature kahikatea forest, stands of kahikatea and totara that are grazed, and broadleaved podocarp forest. The draft concept plan for the full site would capture all of these areas as part of the reserve network. Full protection could be afforded these significant areas of forest as part of any development. Additional riparian and infill planting if required as part of the Countryside Living development would see the upper Tanetiwhiora Stream and its headwaters fully restored across both the CSL and Top End Properties block and the Munro Block.
- 4.6 The draft concept plan (Appendix 3) for the site recognises its topographical constraints, identifying steep and undevelopable areas which generally follow the stream gullies
- 4.7 The opportunity to revegetate the steeper areas with native vegetation would provide

significant biodiversity benefits and could be incorporated in any landscape plan to mitigate visual effects.

- 4.8 The protection of uncommon and rare habitats and forest types as part of a sensitively designed Countryside Living Zone would provide significant ecological benefits.
- 4.9 Natural wetlands would be delineated in accordance with the NES-FW protocols and identified wetlands would be protected and restored as part of the ecological restoration strategy for the site.
- 4.10 Rezoning the complete site to Residential Zone and Countryside Living Zone would allow the development of a site-wide Ecological Management Plan which would ensure all rare and uncommon habitats, SNAs, wetlands and aquatic habitats are fully protected and enhanced across the site. The final outcome when combined with the Munro Block development would be the full protection and restoration of key habitats within the catchment of the upper Tanetiwhiora Stream which are currently poorly protected and significantly degraded.
- 4.11 The development of the site will not negatively impact the Whangamarino Wetland RAMSAR site nor any other downstream habitats such as the Mangatawhiri Swamp or the Waikato River. Sufficient environmental controls exist within the Waikato District Plan, the Waikato Regional Plan and other statutory documents to ensure there are no adverse environmental effects on local ecosystems.

## **5 SUMMARY**

- 5.1 I support the rezoning of the eastern portion of the site as recommended in the S42A Report if the proposed ecological benefits set out in the draft Concept Plan are incorporated in any development of the site.
- 5.2 I also support the rezoning of the northwestern part of the site to Countryside Living Zone which although it was not recommended in the S42A Report, could deliver significant ecological and biodiversity benefits to the site as a whole if best practice environmental principles and planning were employed.

Jennifer Shanks  
MSc Hons MEIANZ

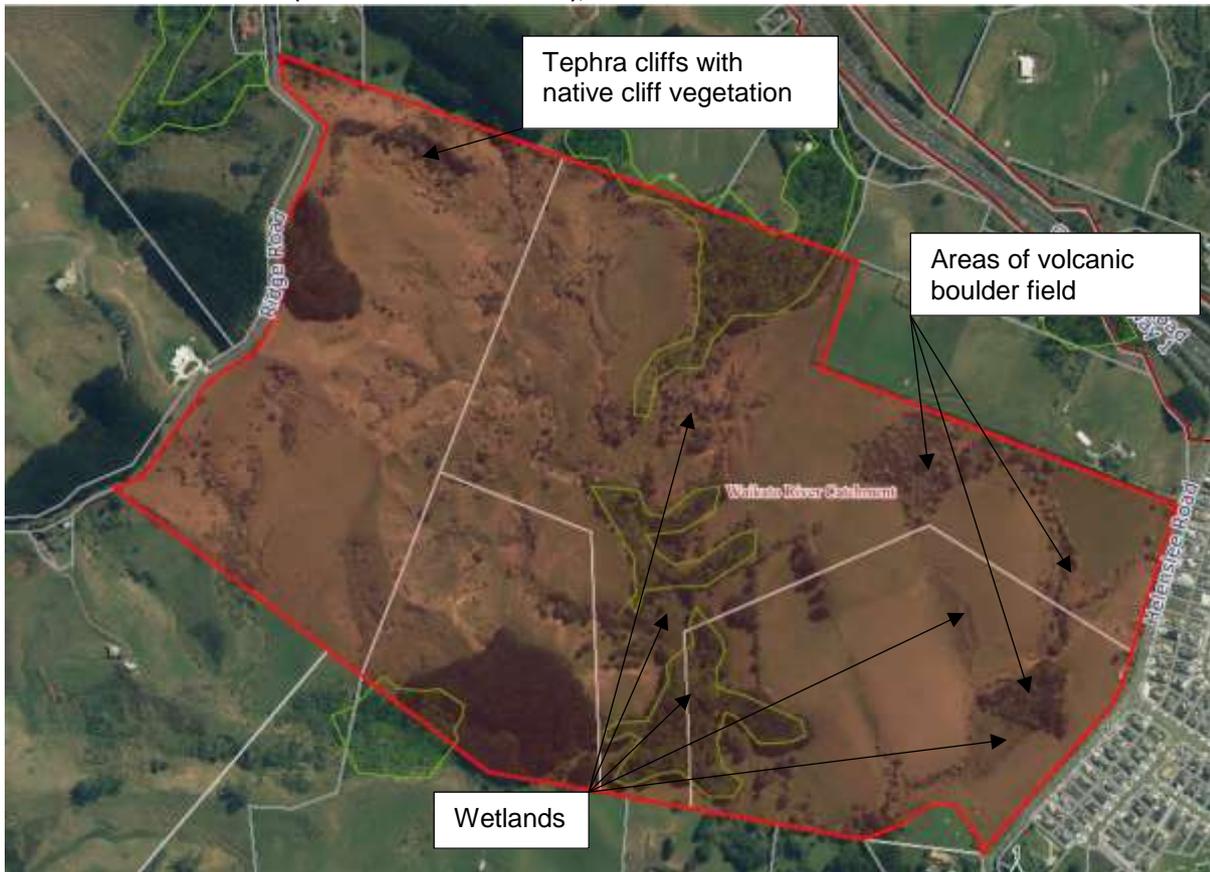
Director  
JS Ecology Ltd

3<sup>rd</sup> May 2021

APPENDIX 1 CSL AND TOP END PROPERTIES LOCATION OF PROPOSED RESIDENTIAL ZONE  
RECOMMENDED IN THE S42A REPORT



APPENDIX 2 CSL AND TOP END PROPERTIES LOCATION OF IDENTIFIED SIGNIFICANT NATURAL AREAS (OUTLINED IN GREEN), TEPHRA CLIFFS AND VOLCANIC BOULDER FIELD



APPENDIX 3 DRAFT CONCEPT PLAN FOR CSL AND TOP END PROPERTIES LTD



**KEY**

Lot Boundaries	—
Abutments	—
Measurements (metres)	25.67
Existing Buildings	—
Watercourses	—
GIS Contours	20
Proposed Road	—
On-road Shared Path (Cycling/walking)	—
Off-road Walkway (Biking Trail)	—
Residential Zone	Yellow
Countryside Living Zone (CSL)	Light Green
Steeper Sections of CSL Not Suitable For House Design	Dark Green
Reserve Area	Green
Possible Higher Density Nodes	Red Circle
Live Zone Boundary	Dashed Red Line

**NOTES:**

- 1) Areas and measurements have been surveyed using GPS.
- 2) Coordinates are in terms of Mount Eden 2000, Origin: Pokano Fundamental (B302) Northing: 759421.67 mE Easting: 422796.05 mE Source LINZ Database Height are in terms of Auckland Vertical Datum 1948, Origin: Pokano Fundamental (B302) RL: 225656 m (AVD 1948) Source LINZ Database
- 3) Boundaries have been imported from Landline XML.
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<p>Property House 2A Wesley Street, Pukekohe PO Box 475, Pukekohe 2340</p> <p>Ph: 09 237 1111 Fax: 09 238 0033 pukekohe@birch.com www.birchsurveyors.co.nz</p>	<p>LOCAL AUTHORITY: HAWKATO DISTRICT COUNCIL</p> <p>PLANNING MAP: ...</p> <p>ZONING: ...</p> <p>ACTIVITY: ...</p> <p>COMPILED BY: ...</p> <p>TOTAL AREA: 63,760 ha</p> <p>REGISTERED OWNERS: ...</p>	<p>PROJECT NAME: CSL TRUST HELENSLEE ROAD POKENO</p>	<p>Surveyor: RL Date: 08/12/2017</p> <p>Designer: CH Date: 03/01/2018</p> <p>Drawn: CH Date: 03/01/2018</p> <p>Approval: ...</p>	<p>Project No: 4315</p> <p>Scale: H2: 1:5000 @ A3</p> <p>REV BY DATE COMMENT</p> <p>1 CH 03/01/2018 INITIAL DESIGN</p> <p>2 CH 03/01/2018 INITIAL DESIGN</p>	<p>TITLE: CONCEPT PLAN FOR THE RESIDENTIAL DEVELOPMENT OF THE UPPER HELENSLEE CATCHMENT, POKENO</p> <p>Drawing Name: P1 - CAD/CP 4315 B.dwg / SUBJECT TO FINAL SURVEY Rev: 0</p>
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