

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of a submission by **AMBURY PROPERTIES LIMITED** on the **PROPOSED WAIKATO DISTRICT PLAN** pursuant to Clause 6 of Schedule 1 of the Act seeking the rezoning of land at Ohinewai

**JOINT WITNESS STATEMENT OF EXPERTS IN  
RELATION TO ECOLOGY**

**1. INTRODUCTION**

1.1 On 15 June 2020, an expert conferencing session in relation to ecology was undertaken by Chad Croft (for Ambury Properties Limited), Thomas Wilding (for Waikato Regional Council) and David Klee (Auckland/ Waikato Fish & Game). This Joint Witness Statement is a record of the outcome of this session.

1.2 The session was not facilitated.

1.3 Also in attendance as observers were:

(a) Emily Buckingham, planning consultant to the Waikato District Council;

(b) Stuart Penfold, planning consultant for Ambury Properties Limited;

(c) Gavin Donald, planning consultant for Waikato Tainui;

(d) James Whetu, and

(e) Miffy Foley, policy planner for Waikato Regional Council.

1.4 Notes were taken by Stuart Penfold.

## **Agenda - issues considered at conferencing**

- 1.5 The issues identified as forming the agenda for the conferencing were:
- (a) Are the values of the Lake Rotokawau Reserve significant?
  - (b) If the ecological values of the Lake Rotokawau Reserve are significant, does that justify rules or covenants requiring:
    - (i) the prohibition of landowners within the Ohinewai Structure Plan area owning cats? and
    - (ii) requiring dogs to always be on a leash within the Ohinewai Structure Plan area?
  - (c) Can a Fish Management Plan adequately address the potential effects of development within the Ohinewai Structure Plan area on black mudfish?
  - (d) Will the rezoning provide for an improvement in water quality leaving the site and discharging to Lake Rotokawau and Lake Waikare?
  - (e) Have the waterways on the site been classified correctly as Artificial drains?
- 1.6 The following sections of this joint witness statement addresses each of these issues or questions, noting where agreement has been reached and, in the event of disagreement, the nature of the disagreement and the reasons for that disagreement.
- 1.7 There were a number of issues that were presented in the initial agenda that were able to be refined during the course of the conferencing. This approach was agreed by all the experts.
- 1.8 Thomas Wilding did not have a position on terrestrial pest and predator control as it was outside his area of expertise.
2. **ISSUE ONE – ARE THE VALUES OF LAKE ROTOKAWAU RESERVE SIGNIFICANT**
- Are the values of the Lake Rotokawau Reserve significant?*
- 2.1 On this issue, the experts reached agreement that the Reserve area has significant values including threatened avifauna/ critically endangered species.

3. **ISSUE TWO – ECOLOGICAL VALUES OF LAKE ROTOKAWAU RESERVE & DOMESTIC ANIMAL CONTROL**

*Are the ecological values of the Lake Rotokawau Reserve significant enough to justify rules or covenants requiring:*

*(i) the prohibition of landowners within the Ohinewai Structure Plan area owning cats? and*

*(ii) requiring dogs to always be on a leash within the Ohinewai Structure Plan area?*

- 3.1 On this issue, the experts reached agreement on some matters and were unable to reach an agreement on others as described below.
- 3.2 Agreement was reached on the values on the Lake Rotokawau Reserve as having significant values (as per Issue One above).
- 3.3 Agreement was reached that while there is habitat restoration proposed as part of the rezoning, there are predation threats as a result of urban growth adjacent to the Reserve.

***Dog Control***

- 3.4 Agreement was reached that there would be benefits to dog control within the Ohinewai Structure Plan (OSP) area, however it was acknowledged this would be more relevant in the proposed open space and recreational areas where habitat restoration is extensive (so not across the OSP as a whole).
- 3.5 Agreement could not be reached during conferencing on the details of the nature or framework of the dog controls. This was due to the following:
- (a) There are a number of options available and it was decided a discussion outside of the conferencing would be appropriate.
- (b) Instruction is needed from Ambury Properties Limited on any options discussion.
- 3.6 There was agreement by Chad Croft and David Klee to reconvene to discuss potential options.
- 3.7 It was acknowledged that Tangata Whenua enjoy existing use of the Lake Rotokawau and Lake Waikare area and recognised the independent and collaborative efforts to restore, enhance and protect the local ecosystem. The expansion/extension of the Lake Rotokawau wetlands within the

development should provide similar access and continuance of use to provide for tikanga Māori and mātauranga to be exercised, this would ensure consistency within the catchment.

### **Cats**

- 3.8 It was agreed that cats pose a predatory risk to some of the species that inhabit the Lake Rotokawau Reserve.
- 3.9 It was agreed that some form of control of domestic cats is warranted.
- 3.10 It was agreed that a well designed and implemented predator and pest control operation could be beneficial to the wetlands that form part of the development and Rotokawau reserve. There was an acknowledgment that the risk of domestic cats being affected by predator control could sit with adjacent landowners.
- 3.11 Agreement was not reached during conferencing on the details of the nature or framework of the controls relating to the potential for cat predation. This was due to the following:
- (a) There are a number of options available and it was decided a discussion outside of the conferencing would be appropriate.
  - (b) Instruction is needed from Ambury Properties Limited on any options discussion.
- 3.12 There was agreement by Chad Croft and David Klee to reconvene to discuss potential options.

## **4. ISSUE THREE – BLACK MUDFISH**

*Can a Fish Management Plan fully mitigate the potential adverse effects of development within the Ohinewai Structure Plan area on black mudfish?*

- 4.1 On this issue, the experts reached agreement on the following.
- (a) A fish management plan cannot provide certainty of mitigating the effects of development, given the lack of successful translocations in the past.
  - (b) Black mudfish populations are located close to the site.
  - (c) The absence of black mudfish from the site cannot be proven absolutely.

(d) But black mudfish have not been detected as present on the site.

5. **ISSUE FOUR – WATER QUALITY AND THE RECEIVING ENVIRONMENT**

*Will the rezoning provide for an improvement in water quality leaving the site and discharging to Lake Rotokawau and Lake Waikare?*

5.1 It was agreed that there is the potential for the water quality to be improved in terms of reducing nutrient run off.

5.2 It was agreed that there is an increased likelihood of contaminant loading in stormwater runoff and spills from the urbanisation of the site.

5.3 It was agreed that there is currently insufficient information available to us on the potential for wastewater to affect the lakes.

5.4 It was acknowledged that other experts can address stormwater management and wastewater management matters.

6. **ISSUE FIVE – WATERWAY CLASSIFICATION**

*Have the waterways on the site been classified correctly as Artificial drains?*

6.1 On this issue, the experts were unable to reach an agreement.

6.2 The reasons for the disagreement were:

(a) There was uncertainty in the Waikato Regional plan definition interpretations of artificial versus modified regarding the watercourses on site; and

(b) The values of the watercourses can be accounted for in future resource consent processes regardless of their classification.

7. **PARTIES TO JOINT WITNESS STATEMENT**

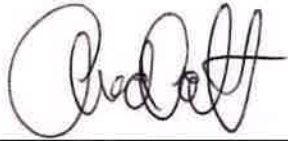
7.1 The signatories to this Joint Witness Statement confirm that:

(a) They agree with the outcome of the expert conference as recorded in this statement;

(b) They have read Appendix 3 of the Environment Court's Practice Note 2014 and agree to comply with it; and

(c) The matters addressed in this statement are within their area of expertise.

**SIGNATURES:**



Chad Croft

Date: 16/6/2020



Thomas Wilding

Date: 15/6/2020



David Klee

Date: 17/6/2020