

**Before Independent Hearing Commissioners
In Ngāruawāhia**

Under the Resource Management Act 1991 (the Act)

In the matter of of a submission by Ambury Properties Limited in respect of the proposed Waikato District Plan pursuant to Clause 6 of Schedule 1 of the Act seeking the rezoning of land at Ohinewai

and Ambury Properties Limited (Ambury)
(Submitter)

and Waikato Regional Council
(Further Submitter)

**Summary of evidence of Thomas Kennedy Wilding for the Waikato
Regional Council – Ecology**

8 September 2020

1 Introduction

1.1 My full name is Thomas Kennedy Wilding. I am the Team Leader of Freshwater Science at Waikato Regional Council. I have the qualifications and experience as set out in my evidence in chief. I also confirm that in preparing this summary statement I have complied with the Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014).

2 Summary of evidence

- 2.1 Black mudfish have not been found within the proposed rezoning site from surveys to date.
- 2.2 However, the possibility of occurrence remains, with black mudfish recorded close to the proposed rezoning area. The national distribution of black mudfish is limited, with the proposed rezoning site located among a large cluster of records that includes Whangamarino wetland (Figure 1). The second map shows the mudfish records located adjacent to the Ohinewai property where development is proposed (Figure 2). Mudfish have been found in habitats like those found on the property.
- 2.3 If black mudfish are present, then the waterways would qualify as significant habitat of indigenous fauna in accordance with the criteria in 11A of the Waikato Regional Policy Statement. This is because black mudfish are classified 'at risk-declining' in the Department of Conservation's (DOC) freshwater fish threat classification list¹.
- 2.4 Few attempted translocations of mudfish have succeeded in establishing self-sustaining populations in new habitats.
- 2.5 Given translocation of mudfish populations is unlikely to succeed, the two options are to avoid loss of habitat effects through habitat protection for this at-risk species, or to accept the risk of failure of translocation if mudfish are encountered at the site during development.
- 2.6 If the development proceeds, the Fish Management Plan proposed in the draft provisions should include provisions for long-term monitoring so that habitat offsets can be triggered if translocation fails.

¹ Dunn, N.R., Allibone, R.M., Closs, G.P., Crow, S.K., David, B.O., Goodman, J.M., Griffiths, M., Jack, D.C., Ling, N., Waters, J.M. and Rolfe, J.R. (2018). Conservation status of New Zealand Freshwater Fishes, 2017. New Zealand Threat Classification Series 24. Department of Conservation, Wellington

2.7 Changes to the wording of the provisions for earthworks would be required if the fish management plan is intended to apply to habitat for black mudfish, which includes artificial drains and wetland areas.

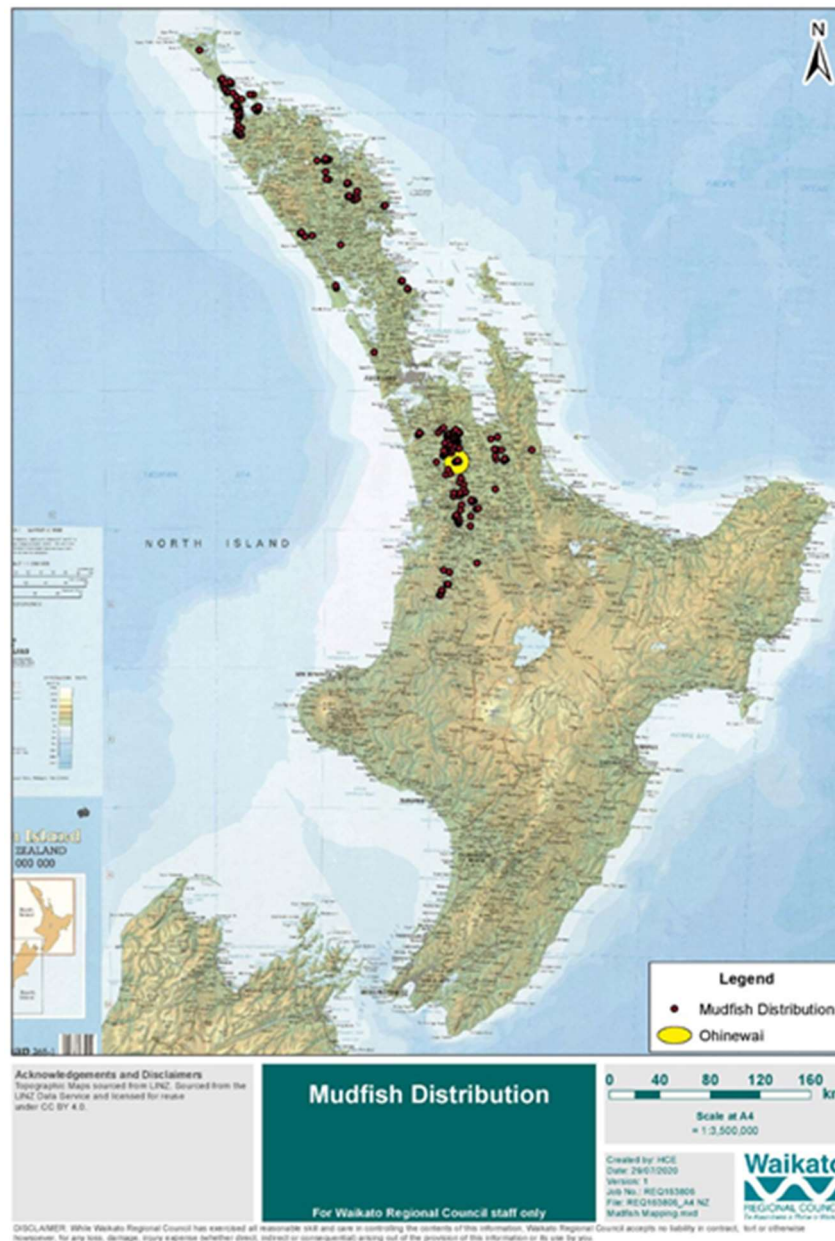


Figure 1. Ohinewai is located within the yellow circle, overlaid with the national distribution of black mudfish records, shown as dots (data sourced from the New Zealand Freshwater Fish Database, accessed July 2020). Black mudfish are not found in the South Island.

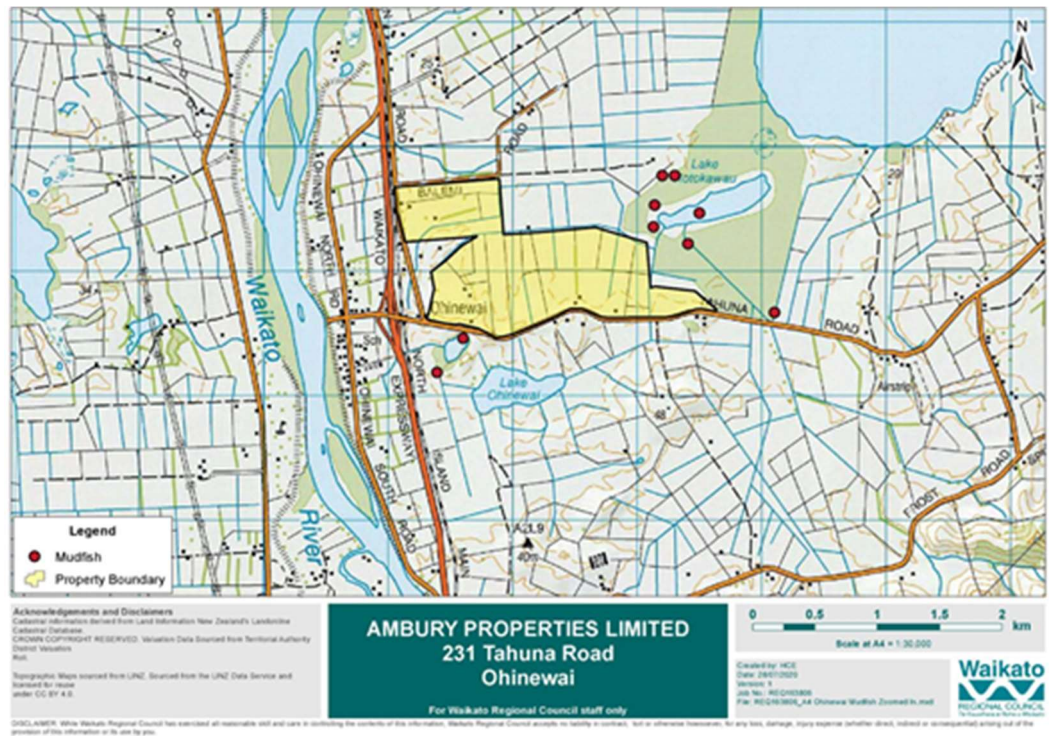


Figure 2. Location of mudfish records (red dots) near the Ohinewai property where development is proposed (yellow highlight).

3 Response to rebuttal evidence of APL

3.1 I have read the rebuttal evidence of John Olliver and Chad Croft.

3.2 John Olliver states that the Ecological Rehabilitation and Management Plan has been amended to better accommodate the risk that black mudfish may be found in the future. I have reviewed the revised provision (16.6.3 RD5 in attachment a3 of his evidence) and advise as follows:

- a The reference to watercourses as a trigger for a management plan has been removed. I support this amendment.
- b There is explicit reference to a monitoring programme to assess the success of any mitigation measures, including any translocations. Again, I support this amendment.
- c There does not appear to be any requirement to protect habitat of indigenous fauna if it is feasible to do so. As I indicate in paragraph 9.7 of my evidence, in my opinion the starting point for the management plan should be the avoidance and protection of the habitat. This component does not appear to be incorporated into the provision.

3.3 The rebuttal from Chad Croft is limited to topics I am not expert in (terrestrial pest control), so I have no further points to raise.

4 Section 42A report rebuttal evidence

4.1 Having read section “4.4 Ecological” of the Section 42a report (dated 7 September 2020), Ms Trenouth has made a reasonable interpretation of the ecological evidence, in my opinion.

Thomas Wilding

8 September 2020