

**BEFORE FAR NORTH DISTRICT COUNCIL
HEARINGS PANEL**

UNDER the Resource Management Act 1991 (**RMA**)

IN THE MATTER of the Proposed Far North District Plan

IN THE MATTER of a submission by the
NORTHLAND FISH & GAME COUNCIL

Statement of evidence of **Mischa Davis**

ON BEHALF OF NORTHLAND FISH AND GAME COUNCIL

SUBMITTER ID: S436

Hearing 4 – Natural Environment Values & Coastal Environment

Dated: 22 July 2024

STATEMENT OF EVIDENCE OF MISCHA DAVIS

Introduction

- 1 My full name is Mischa Jacobine Davis
- 2 I am employed as Resource Management Officer for the Northland Fish and Game Council ("NFGC").
- 3 I have been in this role since October 2016 during which time I have been responsible for preparing and lodging submissions on resource consent applications, local government planning documents, draft legislation or other central government policy matters, then presenting those submissions and other evidence at hearings. I have further been involved in responding to queries on resource management issues, investigating non-compliance with resource consents, policies and plans, and assisting with regional planning and policy development.
- 4 I hold the qualifications of Bachelor of Laws, and Bachelor of Arts with a major in environmental management, both from the University of Auckland.

Summary Statement

- 5 I have been asked by NFGC to provide a statement of resource management evidence in relation to Hearing 4 – Natural environmental values & coastal environment, of the Proposed Far North District Plan ("Proposed Plan").
- 6 The principal focus of NFGC is on game bird habitats and the retention and enhancement of wetlands or the development of suitable land for creating wetlands and ponds.
- 7 In its submission the NFGC sought changes that will allow for wetland maintenance and restoration activities, namely indigenous vegetation clearance for biosecurity purposes, to be undertaken as a permitted activity (without consent).
- 8 NFGC also sought changes to the rules to enable the maintenance of maimai without a resource consent, this also includes amending the Proposed Plan to include a definition of maimai.

Background

- 9 The NFGC region is one of 12 Fish and Game Council regions across New Zealand (excluding the Taupo catchment). Fish and Game Councils were created in 1990 by the Conservation Law Reform Act 1987. The former Acclimatisation Societies were replaced by 12 regional Fish and Game Councils and one national New Zealand Fish and Game Council. Each Fish and Game Council has specific functions, responsibilities, and powers to manage sports fish and game birds, as specified in sections 26Q, 26R, and 26S of the Conservation Act 1987. The main purpose of the Fish and Game Councils, as set out in 26Q (1) of the Act, is to: "*Manage,*

maintain and enhance the sports fish and game resource in the recreational interests of anglers and hunters.” Fish and Game Councils are solely funded through income that is generated through licences purchased by game bird hunters and freshwater anglers.

Wetland restoration and maintenance

- 10 Wetlands and ponds change over time due to infilling from decaying vegetation, natural infilling from windblown soils, bank erosion and from natural detritus. This is a natural evolutionary process that has occurred for millennia. However, increased agricultural and forestry runoff in the form of silt and sediment, increased nutrients and the introduction of pest plants have resulted in the infilling of small lakes, ponds, rivers and wetlands and the resultant loss of biodiversity. This result causes the loss of habitat for species that require open water areas for feeding and breeding.
- 11 The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (“NES-F”) sets bottom line requirements for the routine activities that the Fish and Game Council carries out in wetlands. This includes providing for vegetation clearance and earthworks within wetlands for their restoration, as a permitted activity. As such NFGC sought changes to the Proposed Plan to allow for earthworks and indigenous vegetation clearance within wetlands that are within natural character areas, as permitted activities, provided they are for wetland restoration and maintenance works in line with the NES-F.
- 12 In response to this relief the s42 Report has made the point that the Natural Character rules only apply to wetland, lake and river margins and as such the rules do not apply to activities within wetlands themselves.¹ Whilst I agree with this statement, I consider that the Proposed Plan should be amended to provide better clarification on this point. A statement that the rules apply only within the specific area of 10 and 30 meters of a wetland would be most helpful as the note currently provided under NATC-S2 is not sufficient to enable clarity for laypersons on where the rules apply.
- 13 With regards to NFGC’s submission point to include indigenous vegetation clearance associated with wetland maintenance and restoration as a permitted activity under rule IB-R1, the s42A Report states:
- I do not consider that it is necessary to add clearance associated with wetland maintenance to IB-R5 as requested by Fish and Game as I expect that this clearance will be well below the general thresholds that apply under IB-R4. Further, I note that Regulation 38 in the NES-F enables vegetation clearance associated with wetland maintenance so there appears to be no barrier to this activity.²*
- 14 Firstly, the rule IB-R4 only applies to indigenous vegetation clearance and any associated land disturbance **outside** an SNA. Due to the rarity and significance as habitat natural inland wetlands will almost always be identified as SNA’s. Rule IB-R3 applies to indigenous vegetation clearance and any associated land disturbance inside an SNA but limits clearance to 100m². The NES-F however enables indigenous vegetation clearance and land disturbance within a

¹ Page 74 Natural Character s42A Report

² Page 75 Indigenous Biodiversity s42A Report

wetland without limit under regulation 38, provided the activity is for wetland restoration or maintenance works and is demonstrably necessary for biosecurity purposes.

- 15 An example of where this would be necessary is to try and minimise the ongoing issues with invasive weeds in wetlands, especially grey willow, *Glyceria maxima*, royal fern, pampas, yellow flag iris, and alligator weed. Pest plants and plant encroachment can take place at a rapid rate, and unless the ponds and open water areas are actively maintained, the wetlands change their character and the species utilising those habitats vacate or die. Wetlands that become dominated by pest plants can commonly include indigenous species and in order to remove the pest species it is inevitable that the indigenous species will be impacted as well.
- 16 Regulation 6 of the NES-F provides that district rules may be more stringent than the NES-F regulations, as such unless there is a specific carve out within the Proposed Plan for those activities permitted within wetlands under the NES-F, there runs the risk they are captured by the rules within Proposed Plan that require resource consent. In this example, because wetland maintenance and restoration are not provided as a specified activity under IB-R1 for indigenous vegetation pruning, trimming and clearance and any associated land disturbance, and in many cases the indigenous vegetation clearance for biosecurity purposes (weed clearance) will be greater than 100m², then a resource consent will be required for such work.
- 17 Consent fees can be one of the largest costs in wetland restoration projects. Resource consents can create a barrier to restoration activities as they generate an extra cost burden for projects which are already financially strained. Simply put, the uncertain costs and outcomes associated with the consent process may act as a disincentive to undertake the restoration activity.

Maimai

- 18 Building and using maimai (a gamebird shooting structure), is a fundamental part of gamebird hunting in New Zealand. In its submission, NFGC sought an exemption for the maintenance of an existing maimai to be included in the rule allowing for alterations to existing buildings or structures within a wetland, lake and river margins, as a permitted activity under rule NACT-R1.
- 19 In response to NFGC's relief concerning the s42A Report provides:

Maimai are typically small structures and the extent of vegetation removal and earthworks required for their effective use is likely to be small and within that allowed by NATC-R1, PER-2. I consider it unnecessary for maimai to be listed in the rule as a specific activity.³

- 20 Maimai would meet the definition of building or structure under the Proposed Plan and constructed within wetland margins. If built outside an ONL or ONF they are permitted under NATC-R1 PER-1 but if they are within an ONL or ONF then any alterations to a maimai would not be captured by the rules and would require a resource consent.

³ Page 66 Natural Character s42A Report

21 Similarly NFGC sought to include maimai maintenance in the rules that allow indigenous vegetation pruning, trimming and clearance and any associated land disturbance specified activities within and outside an SNA as a permitted activity (rule IB-R1). Such an amendment would bring the plan in line with the NES-F which allows for the maintenance of maimai as a permitted activity.

22 In response to NFGC's relief concerning the s42A Report provides:

I do not consider that it is necessary to add clearance associated with maimai to IB-R5 as requested by Fish and Game as I expect that this clearance will be well below the general thresholds that apply under IB-R4. I therefore do not support the addition of this activity to the list of clearance permitted under IB-R1.⁴

Re – PER2: This addition is not necessary. The permitted activity condition addresses extensions and alterations to structures – not maintenance.⁵

23 The rule IB-R4 only applies to areas outside SNA's – as noted above wetlands are almost always identified as SNA's and it is likely that maimai will be either within or close proximity to the wetland. As such it is important for maimai to be included under rule IB-R1 otherwise a resource consent will be required for any indigenous vegetation pruning, trimming and clearance and any associated land disturbance for maimai maintenance which would otherwise be permitted under Regulation 43 of the NES-F. It is also important to point out that maintenance can involve alteration to a building or structure. The word alteration is also not defined under the Proposed Plan.

24 The Maimai Construction Guidelines developed by the Fish and Game Council require hunters to build and maintain maimai to a specific standard. This includes that the floor area must not exceed 10 square meters. Maimai must also be camouflaged to blend in with their surroundings, they must be maintained in a safe and tidy condition at all times, and they must not contain permanent dwelling fixtures such as stoves, sinks, toilets etc. Further to this, a maimai use is only ever temporary – typically limited to a few days a year during the gamebird hunting season.

25 If a resource consent is required to repair and maintain maimai then it will likely result in existing maimai not being maintained and go into disrepair, becoming hazardous. It is in the interest of safety that maimai are maintained and used as hunting from a maimai provides greater safety by increasing certainty as it involves directing fire into pre-considered known safe firing zones, such as out over a river from a landowner's boundary. Shotguns are relatively short range and so there is little risk in this. Without a maimai, people can stand wherever they feel inclined to, and shoot in whatever direction they want. Without a maimai there is a lot less control over safe firing zones.

⁴ Page 75 Indigenous Biodiversity s42A Report

⁵ Page 53 Indigenous Biodiversity s42A Report