

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 26 to the Operative Waipā
District Plan

SUPPLEMENTARY STATEMENT OF EVIDENCE OF ANNA MARIE MCELREA

Dated 2 May 2023

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1. INTRODUCTION

1.1 This supplementary statement of evidence addresses:

- (a) The rationale for the width of the River / Gully Proximity Overlay,
- (b) Suggestion of a potential increase in both the width of and the landscaping requirement for the River / Gully Proximity Overlay to give better effect to Te Ture Whaimana,
- (c) The rationale for the width of the 20m SNA setback, and
- (d) The need for a greater landscaping requirement on properties adjoining SNAs if the River / Gully Proximity Overlay isn't supported.

2. RIVER / GULLY PROXIMITY QUALIFYING MATTER OVERLAY

What are we trying to achieve?

2.1 In summary, the River / Gully Overlay seeks to accommodate the following qualifying matters:

- (a) Protection and enhancement of biodiversity corridors along Waipā's waterways to provide flight paths between forest fragments as well as habitat and foraging areas for significant migratory indigenous fauna such as pekapeka tou roa, kaka, karearea (section 77I(a)) through retention/planting of indigenous vegetation that supports indigenous vegetation within esplanade reserves and strips and through reducing risk of effects of intensification on native flora and fauna by restricting building coverage.
- (b) Protection and enhancement of significant indigenous vegetation (section 77I(a)) through providing a buffer to indigenous vegetation on Council's reserves along the waterways.
- (c) Protection and enhancement of natural character of our waterways (section 77I(a)) through reducing number and scale of buildings that can be viewed from the river and key public esplanade reserve viewshafts.

- (d) To give effect to Te Ture Whaimana (section 77I(c)) by improving the water quality entering the waterways through requiring increased landscaping to slow and filter secondary flowpaths.
- (e) Protection and enhancement of public access to and along waterways (section 77I(d)) through reducing risk of reserves becoming 'wetter' from secondary flowpaths.
- (f) Reducing the risk of effects from slips and erosion (section 77(h)) on water ways and parks and reserves along waterways through reducing building coverage to reduce the quantum and speed of secondary flowpaths.

How are we proposing to do this?

2.2 PC26 seeks to achieve these qualifying matters by retaining the following District Plan rules:

- (a) Section 15 – objectives, policies and rules related to taking esplanade reserves and esplanade strips that are 20m in width.
- (b) Section 24 – objectives, policies and rules related to indigenous biodiversity, including:
 - i. Policy 24.3.1.1 related to restricting the removal of vegetation to support connectivity to link core habitats along biodiversity corridors.
 - ii. Objective 24.3.2 and associated policies related to maintaining and enhancing indigenous biodiversity, ecological process and connectivity within the biodiversity corridors shown on map 49, which has the following widths for biodiversity corridors within Cambridge and Te Awamutu:

- Waikato River	750m
- Mangapiko and Karāpiro Streams	500m
- Mangaohoi Stream	250m
 - iii. Rule 24.4.1.1(n) that makes the removal of indigenous vegetation within biodiversity corridors shown on Planning

Map 49¹ a controlled activity for less than 1ha and restricted discretionary for greater than 1ha.

- (c) Policies 25.3.4.3 and 25.3.4.4 related to ensuring the amenity and values of the river and lake environs are recognised and maintained, or enhanced, through ensuring the locations of buildings, infrastructure and driveways don't dominate these landscapes.
- (d) Rule 26.4.1.5(a) which makes building within 23m of the specified waterways, including all of the waterways within Cambridge and Te Awamutu, is non-complying.

2.3 In response to the additional intensification enabled by the MDRS, PC26 proposes the following additional provisions:

- (a) 2A.1.18B to outline the significance of biodiversity corridors in MDRZ introduction.
- (b) 2A.3.11 River / Gully Proximity Overlay objectives and policies.
- (c) 2A.4.2 Performance Standards to clarify how the River / Gully Proximity Overlay should be measured, that is, 120m setback from mean annual fullest flow.
- (d) Rule 2A.4.2.8 to require retention of District Plan 40% building coverage rather than MDRS 50%.
- (e) Rule 2A.4.2.24A to required 30% native landscaping rather than MDRS 20% of any plant species.
- (f) 21.1.2A.8 Assessment Criteria Setbacks.

How will the River / Gully Proximity Overlay support significant indigenous vegetation and significant habitats of indigenous fauna?

2.4 New Zealand is recognised as one of 25 biodiversity hotspots in the world due to having exceptional concentrations of endemic species undergoing exceptional loss of habitat (Myers 2000).

¹ <https://www.waipadc.govt.nz/repository/libraries/id:26zgz4o7s1cxbyk7hfo7/hierarchy/our-council/waipadistrictplan/documents/wdp-volume-3/49%20-%20Biodiversity>

- 2.5 Biodiversity generally declines with greater degrees of fragmentation because small, isolated patches of indigenous ecosystems can support only small populations of species. These populations lack resilience and are at high risk from disturbance such as further habitat loss, fire or climate change. This can be remedied by enhancing connectivity between patches of indigenous cover to facilitate species dispersal through the wider landscape and the enhancement of metapopulations. Ecological restoration and reconstruction in the heterogeneous land use matrix around fragments and corridors can also benefit indigenous biodiversity (Kupfer et al., 2006).
- 2.6 Interconnectedness and interdependence are vital. Species populations are dynamic networks (metapopulations), in which surpluses in one area (sources) can be essential for sustaining populations in adjoining areas under greater stress (sinks). And this is not just a species level issue: metacommunities and metaecosystems also need these connections to be maintained (Loreau et al. 2003). Effects that weaken or sever these connections and relationships may destroy the viability and functioning of populations and ecosystems (Walker et al 2021).
- 2.7 Biodiversity and ecological management is most effective when areas of existing value are prioritised for protection and maintenance (Walker et al 2021).
- 2.8 Revegetation would be most valuable in areas connected to areas of existing ecological and biodiversity value to supplement these high-value areas as habitat for indigenous fauna and increase the resilience of high-value sites to further degradation e.g. providing native seed sources for nearby SNAs to promote the natural regeneration of native vegetation. Additionally it builds on the District Plan vision to have connected, thriving ecosystems along our waterways.
- 2.9 10% indigenous ecosystem cover is recommended as a minimum to avoid a steep decline in biodiversity value and ecological resilience (Clarkson et

al 2007). This is the target proposed in the exposure draft of the National Policy Statement – Indigenous Biodiversity for all urban environments.

- 2.10 In lowland habitats, such as Cambridge and Te Awamutu (both within the urban areas and peri-urban areas), considerably less than 10% indigenous cover remains (Land cover Database 5, Landcare Research 2019). Waikato Regional Council advised this was approximately 1% for Cambridge and negligible for Te Awamutu and Kihikihi. Significant indigenous revegetation is therefore needed for these areas to meet the recommended 10% cover minimum.
- 2.11 Council won't be able to achieve a 10% indigenous vegetation cover for these urban environments on public land alone and importantly it won't be able to provide the vegetation cover needed to create effective biodiversity corridors between larger indigenous fragments and revegetation initiatives on public land. Planting on private land will play a role and the best place to do this is adjoining Council's public land with indigenous vegetation and along identified biodiversity corridors. While these areas will generally be gardens rather than wild ecosystems, they will provide an important buffer.
- 2.11 The potential benefits of the overlay in terms of biodiversity are:
- a) Reduced risk of large mature trees being removed or compromised,
 - b) Increased indigenous vegetation cover,
 - c) Increased habitat for indigenous fauna e.g. birds,
 - d) Increased indigenous seed source for nearby reserves,
 - e) Reduced seed source of exotic plants for nearby reserves, and
 - f) Increased buffering of long-tailed bat habitat around SNAs and esplanade reserves that are used as flyways.

What is the rationale for the proposed 120m width?

- 2.12 The width was a pragmatic response by Council to address in a consistent manner my recommendations to apply the rules to areas between

waterways and identified roads which formed logical boundaries to achieve the range of qualifying matters that apply to this overlay. It applies a similar approach taken to the District Plan's vegetation removal rules along the waterways – whereby the rules apply to the biodiversity corridors identified on Planning Map 49 that range from 250m – 750m in width. It recognises the challenges of undertaking a detailed site by site assessment to analyse the impacts of intensification on the range of qualifying matters identified and places the requirement to do this on applicants that wish to seek a restricted discretionary consent for a development that has a building coverage greater than 40% and/or landscaping less than 30%.

- 2.13 Having listened to Kainga Ora's concerns that councils aren't doing enough to address Te Ture Whaimana, my view now is that the Commissioners should consider extending the 120m to align with the biodiversity corridor widths specified on the District Plan Map 49 as existing, and arguably accepted, corridor widths and to increase the landscaping requirement to 40% which is the current District Plan requirement for the residential zone. In my view these two changes would increase the effectiveness of the River / Gully Proximity Overlay in achieving the desired outcomes.

3. **SNA SETBACK**

What are we trying to achieve?

- 3.1 Protection and enhancement of significant indigenous vegetation and significant habitats of indigenous fauna (section 77(a)) through reducing the risk of effects of intensification on native flora and fauna by creating a significant setback.

How are we proposing to do this?

- 3.2 PC26 seeks to achieve this qualifying matter by retaining the following District Plan rules:
- (a) Section 24 Indigenous biodiversity and Appendix N5

- 3.3 In response to the additional intensification enabled by the MDRS, PC26 proposes the following additional provisions:
- (a) 2A.1.9 and 2A.1.18A to outline the importance of SNAs in MDRZ introduction.
 - (b) 2A.3.10 SNA setback objective and policy.
 - (c) Rule 2A.4.2.6(f) 20m setback from SNA and amendments to the matters of discretion to include new street trees, effects of artificial lighting on native species, efforts on the exiting health and function of a SNA's vegetation and biodiversity.
 - (d) 21.1.2A.8 Assessment Criteria Setbacks.

What is the rationale for the 20m setback?

- 3.4 In considering the appropriate width for the SNA setback, the following considerations are relevant:
- (a) Waipā's towns are almost void of indigenous vegetation. Each development is resulting in the loss of mature vegetation on private land. In my time at Council I didn't review one application that attempted to retain even one mature tree unless it was within a SNA and/or an area Council had agreed to acquire as a reserve.
 - (b) Cambridge is the only town with SNAs identified in the District Plan. These SNAs are typically along the Waikato River, Karāpiro Stream and gullies (shown as green cross hatched areas in figure below). They are long and narrow. They require a buffer to help support their restoration and role as habitat, foraging areas and transport corridors for significant indigenous fauna such as the pekapeka tou roa which is classified threatened - nationally critical. Many native species are vulnerable to edge effects, but particularly pekapeka tou roa. Setbacks will reduce the likelihood of existing vegetation being removed and of residential activities that creates noise, light, movement disrupting bat routines and habits.

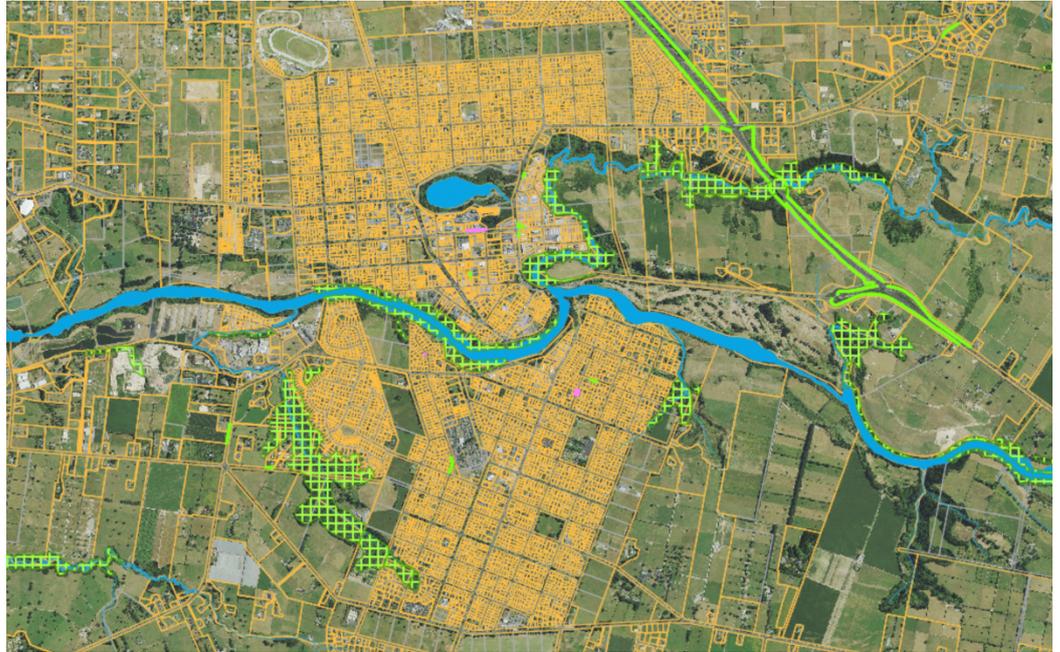


Figure 1. SNAs within Cambridge

- (c) The District Plan already has a 10m setback for the rural zone. Given the extent of development possible, and the cumulative effects of this development, I believe it should be wider for the MDRZ.
- (d) The Director-General of Conservation Penny Nelson, in her submission to HCC PC12² sought setbacks from SNA that were 50m for nationally and regionally significant and 5m for locally significant.
- (e) The SNAs in Cambridge (WP369, WP372, WP372a, WP375 and WP377) are identified to be of local significance in the District Plan Appendix N5. This was taken from Waikato Regional Council 2012 data.
- (f) Appendix 12 to Hamilton City Council's PC9³ contains a 2022 report prepared by 4Sight Consulting titled '*Significant Areas of*

² https://haveyoursay.hamilton.govt.nz/city-planning/planchange12/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q_text=department&uuld=76418218

³ <https://storage.googleapis.com/hccproduction-web-assets/public/Uploads/Documents/Content-Documents/Property-Rates-and-Building/PC9-Historic-Heritage-and-Natural-Environments/PC9-Proposed-Changes/Appendices/Appendix-12-Significant-Natural-Areas.pdf>

Hamilton City District: Terrestrial and Wetland Ecosystems' that supports my view that a review of Waipā's SNAs (that were last revised more than 10 years ago), will see the levels of significance for many SNAs reassessed to be regionally or nationally significant based on a better understanding of how long-tailed bats regularly utilise these sites.

- (g) The 4Sight Consulting Report also confirms that besides reconnecting SNAs that aren't contiguous through revegetation and restoration efforts, buffer zones around these areas would benefit these areas and protect the functional values for indigenous flora and fauna.

Alternative relief if River / Gully Proximity Overlay not supported

- 3.5 The River / Gully Proximity Overlay applies to most sites that the SNA setback applies to. The impact of this is that the building coverage and landscaping requirements also apply to these sites. This was the reason for not requiring native buffer/screen planting requirements within the 20m setback.
- 3.6 If the River / Gully Proximity Overlay is not supported, then in addition to the proposed SNA setback, my strong recommendation is that the properties directly adjoining SNAs should have a 40% native planting landscaping rule to provide a buffer and screen the effects of light intursion of any new lighting on an SNA.

Anna Marie McElrea
Dated 2 May 2023