

**BEFORE WAITOMO DISTRICT COUNCIL  
HEARINGS PANEL**

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

**IN THE MATTER OF** Proposed Waitomo District Plan

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**Mischa Davis**

**STATEMENT IN SUPPORT OF THE AUCKLAND/WAIKATO FISH AND GAME  
COUNCIL ("FISH & GAME")**

**SUBMITTER ID: 18**

**Hearing Tranche 2 - Miscellaneous Topic**

Dated: 20 November 2024

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## STATEMENT IN SUPPORT OF SUBMISSION

### Background

- 1 Fish and Game made a submission on the Proposed Waitomo District Plan seeking changes to Chapter 26: Ecosystems and Indigenous Biodiversity, to include new provisions targeted at freshwater management on council administered land.
- 2 In response to this request the Section 42A Report Miscellaneous Topic prepared by Alex Bell, has sought further clarification in order to better understand what regulatory mechanisms could be employed and what best practice might be.

### Regulatory mechanisms

- 3 In drafting district plans all territorial authorities are required by the RMA to give effect to any national policy statement. As highlighted in our submission, the NPS-FW 2020 has recently significantly changed the policy goalposts for freshwater management in New Zealand. The Fundamental Concept of the NPS-FW 2020, Te Mana o Te Wai, prioritises first the health and wellbeing of water bodies and freshwater ecosystems.
- 4 In drafting district plans all territorial authorities are also required to give effect to regional policy statements. The WRPS method 12.2.2 provides that local authorities should identify opportunities to enhance, restore or rehabilitate the natural character of lakes and rivers and their margins where they have been compromised.
- 5 As the Council is an agency which owns and controls more land than any other entity, it is important that obligations and responsibilities related to freshwater management are actioned in its own land management. To achieve this Fish and Game seek that the Waitomo District Council lead by example by including new provisions in the Waitomo District Plan that are specifically targeted at freshwater management on all land that is either controlled, owned and/or leased by the Council.
- 6 Fish and Game recommend that council administered land be mapped and recorded as an overlay such as developed by Auckland Council (example provided below) and recorded within Chapter 26 Ecosystem and Indigenous Biodiversity. This is within the Council's mandate as the RMA itself does not require any particular number of zones to be established under a district plan and discretion also exists as to adding various overlays to deal with land use.
- 7 Fish and Game recommend that the Waitomo District Council set a list of criteria for activities on council administered land. As noted in Fish and Game's submission the criteria could include methods, including rules to achieve the following:
  - Ensuring public access to waterbodies is provided;
  - A new rule requiring a 20m setback between activities which may contaminant waterways (i.e. grazing) and the bed of the waterway;
  - Rules controlling drainage, fertiliser and pesticide use;
  - A new method and rules to phase out existing polluting activities, and phase in new activities and modify existing activities so that they are less impactful or intrusive on freshwater.<sup>1</sup>

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<sup>1</sup> This is to ensure that land is compatible with the policies of the NPS-FM and Te Mana o te Wai.

- A new rule for riparian land which is not currently under lease, or for which the lease expires, that it is retired from uses which may pollute freshwater (such as grazing). Include a provision to ensure a plan is made for the land's restoration.<sup>2</sup>
- 8 Provided below are various examples of where policies and rules have been adopted for public land that provide for freshwater management that the Waitomo District Council could adopt in the Proposed Waitomo District Plan.

### **Summary**

- 9 Fish and Game strongly encourage the Council to include a new part of Chapter 26: Ecosystems and Biodiversity which sets methods and rules for the management of Council land, specifically for freshwater. We consider that the Council should lead by example in freshwater management applying best practice environmental measures in those areas owned and administered by Council.

Thank you for your consideration in this matter.

Mischa Davis  
Resource Management Officer  
On behalf of the Auckland/Waikato Fish and Game Council  
25 November 2024

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<sup>2</sup> This is consistent with WRPS 8.3.10(e) which requires District Councils to manage freshwater effects through District Plans by considering providing for the creation of riparian habitat and appropriately vegetated riparian margins.

## Examples

### - Auckland Council – Regional Parks Management Plan

Includes a chapter on Pastoral Management which includes the following policies:

110. Sustainably manage pastoral settings to:

- a. support the improved health of the receiving terrestrial, freshwater and marine environments by:
  - i. working with mana whenua to incorporate their values in protecting and managing water
  - ii. contributing to a continued reduction in sedimentation and nutrient levels in receiving environments
  - iii. not taking water from streams in times of low flow and moving away from using streams as a water source
  - iv. seeking more secure alternative water sources
- b. support and improve soil health and pasture health
- c. demonstrate best practice in animal welfare and husbandry
- d. display excellence in land management and be a respected community leader, particularly in catchments with active marine remediation programmes.

### - South Waikato District Plan

**ECO-M8** - Council administered *land* (particularly riparian margins and areas of remnant *indigenous vegetation*) will be managed to enhance *indigenous biodiversity* values through restoration planting programmes, pest control, minimising *land disturbance* and *indigenous vegetation* clearance.

### - New Plymouth District Council - General Policies for Council Administered Reserves

#### 2.3.14 Use of hazardous substances

##### Policies

1. Council will minimise the use of hazardous chemicals on reserves by exploring more environmentally friendly alternatives where practical and financially feasible.
2. Where hazardous substances are to be used on reserves, the entire operation shall be undertaken in accordance with the relevant legislation including hazardous substance and health and safety legislation, as well as any relevant industry codes of practice and as specified in any relevant contract.
3. Where hazardous substances are to be used on reserves, consideration to the times for application and the methods undertaken to ensure the risk to the reserve, reserve values, reserve users and reserve neighbours is avoided, remedied or mitigated.

4. The application of hazardous substances to reserve land will be publicly notified whenever there is potential affect on human health or safety, in accordance with regional plans for Taranaki.
5. Warning signs shall be erected on a reserve where hazardous substances are being used.

#### **2.4.2 Conservation of natural values**

Comment/Explanation One of the general purposes of reserves is to conserve indigenous flora and fauna, both rare and commonplace, in their natural communities and habitats. Objectives To maintain and enhance the ecological values within reserves. To foster awareness of local ecological values within reserves.

##### **Policies**

1. Reserves will be planned and managed to avoid, minimise or mitigate damage to ecological values as a result of public access and use.
2. Areas of significant conservation value will be mapped and noted within reserve management plans.
3. Ecological landscape characteristics within mapped areas of significant conservation value, such as wetland/lagoons, bush remnants and the habitats of fauna will be protected and maintained and where necessary, restored. Where possible, areas of vegetation will be maintained to provide continuous areas of habitat and/or linkages between habitats.
4. Planting of berry and nectar producing plants will be considered for inclusion in reserve planting in order to encourage indigenous species of fauna.
5. Important wildlife habitats in reserves will be managed to ensure that habitat values are protected from adverse impacts associated with public uses and activities as well as any development or maintenance works.
6. Plant and animal pests will be controlled with priority on those that have the potential to compromise the integrity of a reserve

#### **2.3.17 Grazing on reserves**

##### **Comment/Explanation**

There are two situations where grazing occurs on reserve land. The first is where the council formally leases reserve land for grazing as a temporary management tool to keep the grass down. The other is where grazing occurs on adjoining farmland and stock are able to informally wander into a reserve and graze. Grazing is a useful management tool on reserves that are not, for the time being, required for the purpose for which they have been classified. Grazing is an economic alternative to mowing that also provides useful land for agricultural use on a time limited basis. At the same time, grazing use must be managed to minimise impacts on reserve values. Where grazing occurs on an esplanade reserve (coastal or riparian) there is potential for impact to the natural values of the reserve. Grazing also has the potential to damage waahi tapu sites, such as pa sites. Measures may be necessary to prevent or mitigate damage.

##### **Objective**

To enable the use of grazing as a management tool on reserves as an interim measure until a reserve is developed for public use. To ensure that the natural values of esplanade reserves (coastal and riparian) are protected from grazing. To ensure that sites of cultural heritage value are not damaged by grazing.

##### **Policies**

1. Grazing is a temporary measure to manage reserve vegetation until such time as a reserve is developed for public use.
2. The council will take measures to prevent damage to vulnerable coastal and riparian ecosystems in reserves (e.g. dunes, riverbanks) due to formal or informal grazing of esplanade reserves. This will be implemented as follows:
  - Progressive retirement of grazing from esplanades (coastal or riparian) through fencing to manage access by stock.
  - Restoration of damaged areas where necessary e.g. through dune replanting.
  - Ensuring that areas are adequately fenced, where necessary.
3. The need for preventative or mitigative measures to protect esplanade vegetation from grazing will be assessed and implemented on a priority basis. This will be done in consultation with Taranaki Regional Council and Coast Care.
4. The council will work with tangata whenua to identify sites that should be protected from grazing. Where a site is identified or a concern is raised about grazing near a waahi tapu site or other site of cultural heritage significance, the following steps will be undertaken:
  - a. Sites of concern will be entered into the council asset/lease register and onto the grazing lease.
  - b. A council officer will visit the site with the appropriate mana whenua representative(s) to assess the issue.
  - c. Where fencing is considered necessary the council will undertake the fencing, consistent with its obligation to protect features of archaeological and historic value under the Reserves Act.
  - d. Sites no longer grazed will require ongoing maintenance to keep down grass and weeds. In rural areas, the council will leave the site unattended unless weeds threaten to spread to neighbouring pasture. In urban areas, the council will maintain the sites in a tidy and firesafe condition. The area may be grazed occasionally if that will not damage the site.
  - e. The council will meet with mana whenua at least once a year to visit the site and review the management.
  - f. The public will continue to be allowed access fenced off sites through the provision of stiles and gates. However, if mana whenua have a concern with public use of the site, trails will not be constructed and signage will inform reserve visitors that the area is of significance to tangata whenua and noting the areas that are not to be walked on.

- **Auckland Council – Publicly owned land in Auckland**  
Technical Report prepared by Craig Frederickson November 2018  
Available for download on Auckland Council website.
- **Waikato District Council - General policies – Reserve Management Plan**

#### **1.4.3 Sustainable Practices Objective**

- A. To incorporate sustainable practices into the provision, management, and development of reserves

##### **Policies**

1. Ensure that sustainable management practices are taken into account in the design, operation, maintenance and development of the reserves across the Waikato district. This may include:
  - a. Considering the life cycle of products used for reserve development and maintenance
  - b. Considering renewable and reusable materials in reserve design elements
  - c. Considering low energy efficient devices for new or replacement services
  - d. Low impact design practises for stormwater management

e. Conservation and adaptive re-use of all forms of heritage items including buildings, structures, and fixtures such as pathways, trees, streetscapes, and paving, where appropriate

- **Department of Conservation – Livestock access: 101**

Technical guidance for DOC input to collaborative processes for regional freshwater plan development – K Brasell, N Petrove, R Miller and C Rendall, 2017.

**1.3 Stock exclusion on grazing concessions on public conservation land.**

DOC currently authorises grazing to take place on public conservation lands within proximity of waterways, including marginal strips (via vegetation management agreements). Guidance regarding this activity is principally found within DOC's Conservation General Policy, as well as the General Policy for National Parks (and within the context of various Conservation Management Strategies and Conservation Management Plans). While the Conservation General Policy does not specifically call for reductions in grazing on PCL, it does note that criteria are to be considered before the granting of a grazing concession—these include existing use, adverse effects on waterways, erosion, and ensuring continued public access (Conservation General Policy, section 11.2). Conversely, many Conservation Management Strategies and national park management plans discuss proactively retiring grazing land. Nothing within current DOC policies limit internal decision makers from retiring expiring grazing concessions.

There is nothing limiting decision makers from including additional restrictions and/or contractual requirements on grazing permissions holders on a case-by-case basis.

However, compliance is the most challenged, and challenging aspect of DOC's management of grazing adjacent to waterways. Collaborative work between compliance and permissions is currently underway (including revamped reporting and notification protocols). Enforcement improvements should remain a key focus for DOC in relation to this issue. In summary, DOC's approach to stock exclusion on grazed public conservation land is through the following components:

1. Sound licensing agreements with permissions holders which includes restrictive covenants, conditions and indemnification clauses (current).
2. An on-going, robust compliance strategy to include development of forms, training, systematic enforcement and cataloguing of compliance (ongoing).
3. Re-evaluation of DOC policies as necessary to ensure that DOC's grazing positions are correct in light of Conservation Management Strategies, national park management plans and the proposed national stock exclusion rules (recommended, yet to be implemented).
4. Work to improve the capture of compliance data within the Permissions Database (recommended).
5. Coordinated communication with the public and permissions holders to redress concerns about grazing on PCL (on-going).
6. A willingness by DOC to retire or restrict current grazing activities on PCL as necessary (recommended)<sup>3</sup>

<sup>3</sup> <https://www.doc.govt.nz/contentassets/61eec4c8ec14439ea5e7e0ca1164bd3e/cowan-appendix-six-freshwater-advice.pdf>