

**BEFORE WAIKATO DISTRICT COUNCIL
HEARINGS PANEL**

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

IN THE MATTER OF Proposed Waikato District Plan

Benjamin James Wilson

**SUMMARY OF SUBMISSION ON BEHALF OF THE AUCKLAND/WAIKATO FISH AND
GAME COUNCIL ("FISH & GAME")**

SUBMITTER ID: 433

Hearing 12

Dated: 7 April 2020

1. INTRODUCTION

- 2.1 Auckland/Waikato Fish and Game (Fish and Game) is an entity established under the Conservation Act 1987 with functions to manage, maintain and enhance the sports fish and game resource in the recreational interests of anglers and hunters.
- 2.2 The habitat available for gamebird hunting in the Waikato District is nationally significant. The Waikato District is probably the most popular and heavily hunted district in New Zealand for gamebirds.
- 2.3 Building and using maimai (a gamebird shooting structure), is a fundamental part of gamebird hunting in New Zealand. A wide range of structures are used as maimai, many of which meet the definition of a building under the Building Act 2004.
- 2.4 In its submission, Fish and Game sought to exempt maimai from the building setback rules to waterbodies (Rule 23.3.7.5) [433.28]. The Hearing 12 s42A Officers' Report has recommended that the submission point be rejected [para 488].

3 SUBMISSION SUMMARY

- 3.1 The Hearing 12 s42A Officers' reasoning for rejecting an exception for maimai from the setback to waterbodies was given in para 488:

The purpose of the Country Living Zone is to accommodate large-lot residential lifestyles. Considering that the purpose of a maimai is for the shooting of game, it is doubtful that there would be situations in this zone that could accommodate the ability to safely fire a gun.

There is also the potential scenario that a maimai is re-purposed and creates disputes between neighbours.

In my opinion, any building in this zone, unless consented, needs to meet the specified setbacks, as this will ensure that the character of the area is maintained.

- 3.2 There are several Country Living Zones that adjoin the Waikato River including areas where the zone overlaps with the riparian margin. These areas already have long established maimai that have not caused any safety issues to date. Examples include the true-right bank of the Waikato River upstream of Hamilton to the Narrows Bridge (Figure 1), and the true-left bank between Ngaruawahia and Taupiri.



Figure 1.

- 3.3 The Waikato River, including the reaches adjoining Country Living Zones, is a popular location for drift-shooting, which involves hunters drifting downstream in a vessel hunting waterfowl along the river margins. There are increasing safety issues with this method of hunting on some stretches of the Waikato due to recently constructed and proposed walkways, and thus we are encouraging hunters to voluntarily move to fixed stands (maimai). In the medium term, it is probable that we will ban drift-shooting in these higher risk stretches of the Waikato.
- 3.4 Hunting from a maimai provides greater certainty by directing fire into pre-considered known safe firing zones, such as out over the Waikato 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. Maimai are the safe option.

- 3.5 The reason hunters build their maimais very close to waterbodies, be they rivers, ponds or wetlands, is that the effective range of shotguns, (i.e. the range at which they can humanely shoot gamebirds), is at best only within 30-40 metres. Therefore, any rules which forces the maimai to be located 23m back from the waterbody they are hunting on, (or any similarly stretched distance), is clearly impractical and untenable
- 3.6 The Wildlife Regulations provide that maimai must be at least 90 metres apart, which is considered to be an adequate distance to prevent accidental injury from shotgun pellets. Due to the limited range of shotguns and the small size of shotgun pellets, accidental shootings involving non-hunters is very rare and we are not aware of any such incident in the Waikato.
- 3.7 We consider that maimai maintain the character of the Country Living Zone, and that there is little risk that they would be repurposed. The Maimai Construction Guidelines developed by Fish and Game require hunters to build and maintain maimai to a specific standard. For example, maimai must 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. Both these guidelines and the Waikato Regional Plan require that the floor area must not exceed 10 square meters (Rule 4.2.7.1). Further to this, a maimai's use is only ever temporary – typically limited to a few days a year during the gamebird hunting season.
- 3.8 We support the Hearing 2 s42A Officers' Report in excluding maimai from the building setback rules and the recommended amendments in the marked-up version of the report, as detailed below. For the reasons set out above, and for maintaining consistency throughout the plan, we consider the same approach should be adopted in HS12 Country Living Zone and that maimai should be excluded from the building setback rule.

4 HEARING 2 S42A OFFICERS' RECOMMENDED AMENDMENTS

4.1 Recommended amendments for the Rural Zone:

Submission Point(s)	Fish and Game Submission summary	S42A Report recommendation	Marked up version in the S42A Report						
433.74	<i>Add provisions to the PWDP that provide for building of maimai on wetlands or near a lake or river as a permitted activity.</i>	Accept: HS 2 S 42A Officers' Report, 8.1.4 Para [258].	<p>Para [261] The following amendment to <i>Section 22.3.7.5: Building setback – water bodies, is recommended:</i></p> <table border="1"> <tr> <td>P1</td> <td>(a) Any building must be set back a minimum of: (i) 32m from the margin of any; A. Lake; and B. Wetland; (ii) 23m from the bank of any river (other than the Waikato River and Waipa River); (iii) 28m from the banks of the Waikato River and Waipa River; and (iv) 23m from mean high water springs.</td> </tr> <tr> <td>P2</td> <td>A public amenity of up to 25m², and a pump shed or maimai within any building setback identified in Rule 22.3.7.5 P1. <i>Auckland Waikato Fish and Game Council [433.73 and 433.74]</i></td> </tr> <tr> <td>D1</td> <td>Any building that does not comply with Rule 22.3.7.5 P1.</td> </tr> </table>	P1	(a) Any building must be set back a minimum of: (i) 32m from the margin of any; A. Lake; and B. Wetland; (ii) 23m from the bank of any river (other than the Waikato River and Waipa River); (iii) 28m from the banks of the Waikato River and Waipa River; and (iv) 23m from mean high water springs.	P2	A public amenity of up to 25m ² , and a pump shed or maimai within any building setback identified in Rule 22.3.7.5 P1. <i>Auckland Waikato Fish and Game Council [433.73 and 433.74]</i>	D1	Any building that does not comply with Rule 22.3.7.5 P1.
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4.2 Recommended amendments for the Village Zone:

Submission Point(s)	Fish and Game Submission summary	S42A Report recommendation	Marked up version in the S42A Report								
433.24	<p><i>Amend Rule 24.3.6.3 Building setback - Water bodies, as follows:</i></p> <p><i>P1 (a) A building that is not a maimai must be set back a minimum of 30m from: ...</i></p> <p><i>P2 A building that is not a maimai must be setback at least 50m from a bank of the Waikato River and Waipa River</i></p> <p><i>P3 A building that is not a maimai must be set back a minimum of 10m from the bank of a perennial or intermittent stream.</i></p> <p><i>AND/OR</i> <i>Any alternative relief to address the issues and concerns raised in the submission.</i></p>	Accept in part: HS 2 S 42A Officers' Report, 8.1.4 Para [258].	<p>Para [563], as shown below.</p> <p>24.3.6.3 Building setback – water bodies</p> <table border="1"> <tr> <td>P1</td> <td>(a) Any building must be set back a minimum of: (i) 3023m from the margin of any; A. Lake; and B. Wetland; C. River bank, other than the Waikato River and Waipa River</td> </tr> <tr> <td>P2</td> <td>A building must be set back at least 28m from a bank of the Waikato River and Waipa River.</td> </tr> <tr> <td>P3</td> <td>A public amenity of up to 25m², or a pump shed (public or private) or maimai of up to 10m², within any building setback identified in Rule 24.3.6.3 P1, P2 or P3.</td> </tr> <tr> <td>D1</td> <td>A building that does not comply with Rules 24.3.6.3 P1, P2, or P3.</td> </tr> </table>	P1	(a) Any building must be set back a minimum of: (i) 30 23 m from the margin of any; A. Lake; and B. Wetland; C. River bank, other than the Waikato River and Waipa River	P2	A building must be set back at least 28m from a bank of the Waikato River and Waipa River.	P3	A public amenity of up to 25m ² , or a pump shed (public or private) or maimai of up to 10m ² , within any building setback identified in Rule 24.3.6.3 P1, P2 or P3.	D1	A building that does not comply with Rules 24.3.6.3 P1, P2, or P3.
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