

**BEFORE WAIKATO DISTRICT COUNCIL
HEARINGS PANEL**

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

IN THE MATTER OF Proposed Waikato District Plan

Benjamin James Wilson

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

SUBMITTER ID: 433

Hearing 5

Dated: 21 November 2019

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1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My full name is Benjamin James Wilson.
- 1.2 I am employed as Chief Executive for the Auckland/Waikato Fish and Game Council at the Hamilton Office. I have held this role since 2013, prior to which I was the Fisheries Manager for the Council (since 1988). I have a BSc (Hons) and a MSc in Marine Science from Otago University.
- 1.3 I am very familiar with the Waikato District's rivers and wetlands with my work with Fish and Game and recreational activities.
- 1.4 The purpose of this evidence is to justify the inclusion of a definition for the term 'maimai', which was recommended to be rejected in the s42A Officers' Report for HS5 (Hearing Stream 5).

2. INTRODUCTION

- 2.1 Auckland/Waikato Fish and Game (Fish and Game) is an entity established under the Conservation Act 1987 with functions to:

26Q(1)...manage, maintain and enhance the sports fish and game resource in the recreational interests of anglers and hunters...

(b) to maintain and improve the sports fish and game resource-

(i) by maintaining and improving access; and ...

(iv) by ensuring there are sufficient resources to enforce fishing and hunting season conditions; ...

(c) to promote and educate - ...

(ii) by promoting recreation based on sports fish and game; ...

(e) in relation to planning,-

(i) to represent the interests and aspirations of anglers and hunters in the statutory planning process; and ... (iii) to prepare sports fish and game management plans in accordance with this Act; and...(vii) to advocate the interests of the Council, including its interests in habitats...

- 2.2 Fish and Game owns some 1600 hectares of wetland in the South Waikato District including land in the Whangamarino Wetland (739 hectares), Mangatawhiri Wetland (216 hectares), and Waikato Delta (510 hectares). The South Waikato is probably the most popular and heavily hunted district in New Zealand for gamebirds.
- 2.3 In its submission on the proposed Waikato District Plan, Fish and Game sought definitions for the terms; 'lake', 'river', 'water' and 'water body', and these requests have been recommended to be accepted in the Officer's Report for HS5.
- 2.4 Fish and Game also sought to include a definition for the term "Maimai" [433.19]:

Include a definition of Maimai that is consistent with the Building Act, as follows:

Maimai - game bird shooting shelter structures.

- 2.5 The s42A Officers' Report for HS5 has recommended that the submission be rejected because the term "maimai" does not appear in the Proposed Plan (paras [1042]; [1043]).

3. SUMMARY

- 3.1 The submission 433.19 should be accepted.
- 3.2 The position in the Officers' Report is that "maimai" should not be defined because the term does not appear in the Proposed Plan [1042]. However, the Officers' recommendation does not consider the Proposed Plan as amended by the following developments:
- a) other submissions relating to maimais made by Fish and Game; and
 - b) the recommendations already contained in s42A Officers' Reports for HS2 and HS6.
- 3.3 The 'analysis', 'recommendations', and 'consequential amendments' of the HS5 s42A Officers' Report (paras [1042]; [1043]; [1043]) are not consistent with other submissions and recommendations:
- a) The submissions of Fish and Game covered in HS2 (being: [433.73]; [433.74]) and the recommendations of the Officers in the associated s42A Report (8.1.5, para [261]). If the

submissions in HS2 are applied as per the Officers' recommendations, the term "maimai" will appear in the Proposed Plan.

- b) The submissions of Fish and Game covered in HS6 (being: [433.24]) and the recommendations of the Officers in the associated s42A Report (4.3.23, para [544]). If the submissions in HS6 are applied as per the Officers' recommendations, the term "maimai" will appear in the Proposed Plan.

- 3.4 The Fish and Game submission [433.19] to include a definition for the term maimai has been supported by 3 parties: [FS1083.7]; [FS1223.77]; [FS1293.32]. The submission is not opposed.
- 3.5 There are more submissions to be dealt with in future Hearing Streams that would also require the term "maimai" to be included in the District Plan (listed below).
- 3.6 It entirely appropriate to define the term, to effect the submissions already considered and recommended to be approved.

4 BACKGROUND

- 4.1 The relevant submissions which have already been considered in HS2 are 433.73 and 433.74. In future hearings, Fish and Game has the following submissions which would include the use of the term "maimai": [433.22], [433.23]; [433.24]; [433.27]; [433.28]; [433.29]; [433.58]; [433.59]; [433.60].
- 4.2 The HS2 s42A Officers' reasoning for including the term "maimai" in the PWDP was as follows at paras [243] – [245]:

243. The Wildlife Act 1953 regulates the hunting or killing of any game from any maimai and the Wildlife Regulations 1955 regulate the required separation distances between maimai. Maimai guidelines have also been developed by LINZ, DOC, and Fish & Game NZ.

244. The PWDP controls activities on the surface of a lake or river. Activities in, on, under or over the bed of a lake or river (i.e. RMA s13 matters) are controlled by the

Waikato Regional Council. If a maimai is attached to land in terms of the bed of rivers, streams or wetlands it would be subject to WRP provisions.

245. A maimai would only fall under WDP jurisdiction if it was attached to land outside a waterbody. Any maimai not classed as a building in the District Plan would be captured by setback standards. It is arguable (and likely in my view) that a maimai that did meet the definition of building would be captured by the building setbacks. On those grounds, and to recognise the temporary recreational function that maimais fulfil, I believe it is appropriate for maimais to be excluded from the building setback Rule 22.3.7.5 for the Rural Zone.

- 3 The Submissions and Recommendations from HS2 are detailed below, and show the term “maimai” recommended to appear in the PWDP:

Submission Point(s)	Fish and Game Submission summary	S42A Report recommendation	Marked up version in the S42A Report						
433.73 <i>Supported by other party in FS 1083.17.</i>	<i>Amend the PWDP by including similar or the same provisions for maimai as under the Waikato Regional Plan.</i>	Accept: HS 2 S 42A Officers' Report, 8.1.4 Para [258].	Para [261], as shown below.						
433.74 <i>Supported by other party in FS1083.18.</i>	<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"> <tbody> <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 <u>or maimai</u> 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> </tbody> </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 <u>or maimai</u> 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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D1	Any building that does not comply with Rule 22.3.7.5 P1.								

- 4 The Submissions and Recommendations from HS6 (Village Zone) are detailed below, and show the term “maimai” is recommended to appear in the District Plan:

Submission Point(s)	Fish and Game Submission summary	S42A Report recommendation	Marked up version in the S42A Report								
<p>433.24</p> <p><i>Supported other party at FS12223.80.</i></p>	<p><i>Amend Rule 24.3.6.3 Building setback - Water bodies, as follows:</i></p> <p><i>P1 (a) A building <u>that is not a maimai</u> must be set back a minimum of 30m from: ...</i></p> <p><i>P2 A building <u>that is not a maimai</u> must be setback at least 50m from a bank of the Waikato River and Waipa River</i></p> <p><i>P3 A building <u>that is nota maimai</u> 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>	<p>Accept in part: HS 2 S 42A Officers’ Report, 8.1.4 Para [258].</p>	<p>Para [563], as shown below.</p> <p>24.3.6.3 Building setback – water bodies</p> <table border="1" data-bbox="1002 488 1437 1070"> <tr> <td data-bbox="1002 488 1086 734">P1</td> <td data-bbox="1086 488 1437 734">(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 data-bbox="1002 734 1086 869">P2</td> <td data-bbox="1086 734 1437 869">A building must be set back at least 28m from a bank of the Waikato River and Waipa River.</td> </tr> <tr> <td data-bbox="1002 869 1086 1003">P3</td> <td data-bbox="1086 869 1437 1003">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 data-bbox="1002 1003 1086 1070">D1</td> <td data-bbox="1086 1003 1437 1070">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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D1	A building that does not comply with Rules 24.3.6.3 P1, P2, or P3.										