

**BEFORE WAITOMO DISTRICT COUNCIL
HEARINGS PANEL**

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

IN THE MATTER OF Proposed Waitomo District Plan

Dr Adam Daniel

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

SUBMITTER ID: 18

Hearing Tranche 1, Subdivision

Dated: 18 June 2024

STATEMENT OF EVIDENCE OF DR ADAM DANIEL

Introduction

1 My name is Dr Adam Daniel.

2 I am employed as the Fisheries Manager for the Auckland/Waikato Fish and Game Council a position I have held since 2012.

3 I have a BSc degree in Biology from Washington State University (USA) and a PhD in freshwater ecology from the University of Waikato.

4 I have been a freshwater ecologist since 1999 working to improve both fish habitat and migration outcomes in the United States and New Zealand. My PhD was based on fish movements and habitat on the lower Waikato River. After completing my PhD I worked as a biologist investigating both water quality and fish passage issues on the Columbia River for the U.S. Army Corps of Engineers. In 2011 I returned to New Zealand to become the principal investigator for the pest fish section of the University of Waikato's Lake Biodiversity Restoration Outcome Based Investment serving under Professor David Hamilton. During my employment with Fish & Game I have been responsible for representing the Auckland/Waikato Fish and Game Council in the statutory planning process. This involves assessing notified resource consents applications, regional policy statements, regional and district plans for their effect on game and trout populations and recreational hunting and angling values.

5 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

6 My evidence is given on behalf of the Auckland Waikato Fish and Game Council and covers the following topics;

- a. Benefit Lots
- b. Significant fisheries and public benefit criteria
- c. Example of providing enduring public access
- d. Proposed addition to SUB-R7 (Benefit lots in the general rural zone)
- e. Significance grading for sports fish streams

Benefit Lots

7 Benefit lots are a highly effective and low-cost tool to incentivize landowners to provide enduring environmental or access benefits in exchange for benefit lots. Auckland/Waikato Fish and Game propose expanding the criteria for Benefit lot (SUB P26 and SUB-R7) to include providing public access to two highly valued fisheries with limited public access.

8 In its submission on the Proposed Waitomo District Plan, the Auckland/Waikato Fish and Game Council proposed adding additional criteria to SUB-P26 that would allow for benefit lots where new public access to significant fisheries is provided. I have proposed a further amendment to include further and more specific criteria for benefit lots created to provide access to landlocked high value rivers. The proposed addition to SUB-R7 is listed in appendix A and would be limited to

two regionally or national significant fisheries (upper Waipa and upper Awakino) within the Waitomo District. Although the access would be highly valued the scope of this proposal is small including only about 6 titles on the upper Waipa and approximately 12 on the upper Awakino River.

9 The additional provision would allow for benefit lots where there is no existing access or where the existing access is impractical. Enduring access would be created via an easement registered against the title. The ownership of the land would remain with the landowner with no additional liability to the Waitomo District Council. The council would have the discretion to approve the Benefit Lot based on their criteria and the Fish & Game Council would assist by evaluating if the location provides a substantial benefit to the public.

10 Increasing access to rivers provides opportunities for trout anglers and tuna fishers. The mental health benefits of outdoor recreational activities including fishing are well established and would support objective SD-01 of the Proposed Plan by enhancing well-being. Additional public access to rivers would also support objective SD-013 of the Proposed Plan by providing additional recreational activities. Increasing access to prime fishing locations can also benefit the local economy by boosting tourism.

Significant fisheries and public benefit criteria

11 Significant sports fish fisheries are defined in the Sports Fish and Game Management Plan for Auckland/Waikato Fish and Game Region 2021 – 2031 and the criteria have been provided in Appendix B. Only two significant fisheries are in the Waitomo District including a small portion of the upper Waipa (10 km; Figure 1) and the upper Awakino River (20 km; Figure 2). The “significant” portion of Awakino River in terms of trout fishing is limited to the area upstream of State Highway 3 due to poor water quality in the lower river.



Figure 1. Small portion of the Waipa River in the Waitomo District (10.6 km). This area is a highly valued fishery with limited public access.

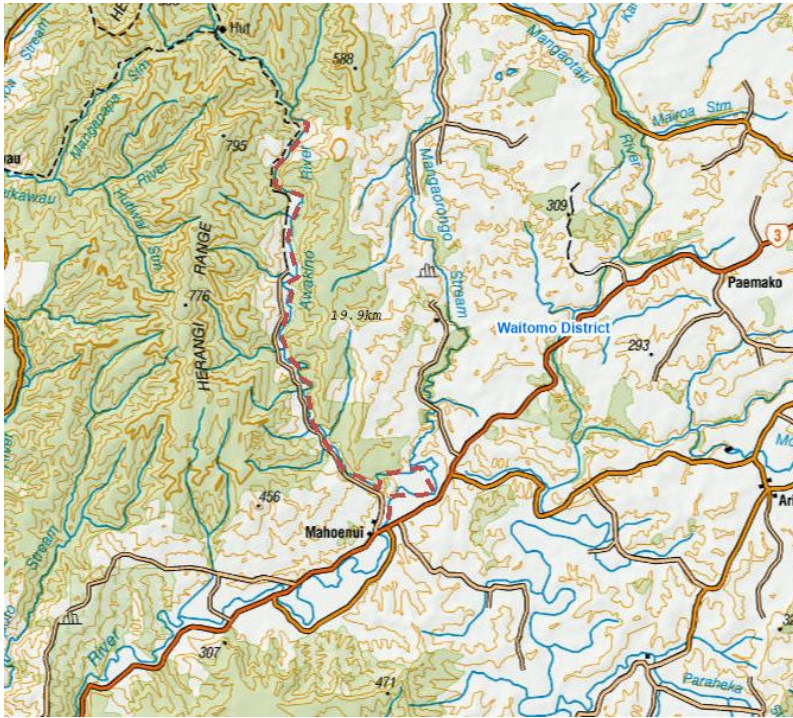


Figure 2. Red dashed line indicates the portion of the upper Awakino Stream considered to be “nationally significant”.

Example of providing enduring public access

11. Auckland/Waikato Fish and Game are in the process of providing enduring public access on a property adjoining the Whakapapa River where a paper road ran parallel to the river but did not provide public access to the highly valued fishery. Auckland/Waikato Fish and Game have proposed adding two enduring walking easements and esplanade strips to ensure public access to the Whakapapa River (Figure 1). The required legal and survey work to ensure enduring access are costly and would require significant incentives to landowners.

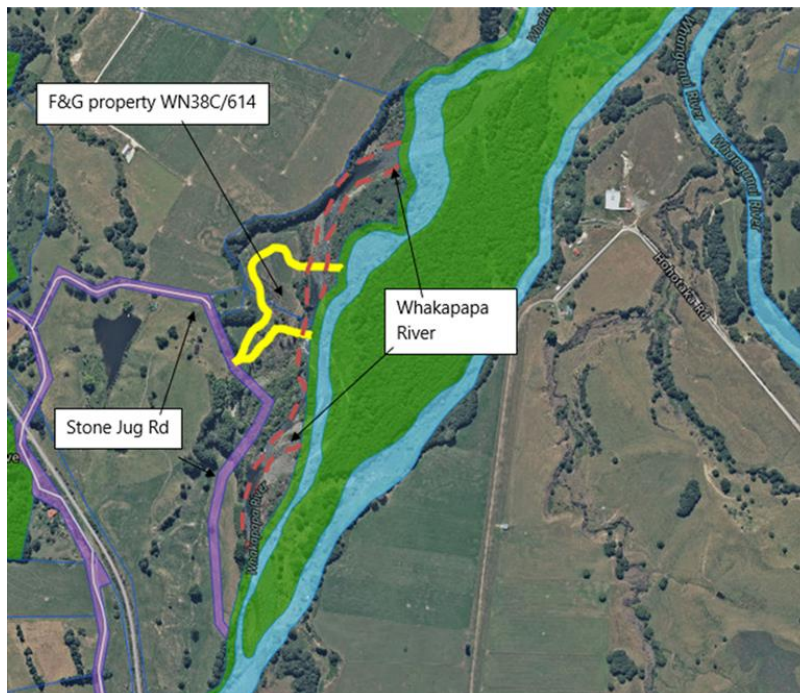


Figure 3. Proposed walking access easements (yellow), location of proposed esplanade strip (red dash) and existing public land (purple, green and blue).

Appendix A Proposed addition to SUB-R7 (Benefit lots in the general rural zone)

Provision of access to landlocked high value rivers.

1. Provision is made for legal and physical access in perpetuity to the registered owner(s) of an allotment, which is legally described as nationally or regionally significant as per the active Sports Fish and Game Management Plan for Auckland/Waikato Fish and Game Region in addition to having the approval of Auckland/Waikato Fish & Game. and
2. To be eligible for this provision enduring access must be provided or improved where not currently practical on the upper Awakino (upriver of State Highway 3) or the portion of the Waipa River within the Waitomo District. and
3. That section of the river does not currently have legal access and is deemed as a significant benefit to the public by Auckland/Waikato Fish and Game Council then:
 - a. A maximum of one benefit lot can be obtained per holding where up to 1km of river can be accessed; and
 - b. A maximum of two benefit lots per holding can be obtained where access is provided to over 2 km of river in length;
 - c. The minimum net site area of the allotment(s) to be created in the general rural zone must be 2,500 m², exclusive of the area being protected, and the balance of the land being subdivided shall be no less than 2 hectares; and
4. For the purposes of this rule, 'physical access' means 'accessible year-round by a 4WD vehicle' or walking access where that access is less than 0.5 km. Other than at any vehicle access point to a road, the access track is not necessarily required to be formed; and
5. A condition that no further subdivision in respect of the rule that the entitlement was acquired under (or restricted rights of subdivision as the case may be) shall apply to the balance of the land.
6. The owner will be required to enter into a bond, or other legal instrument with Waitomo District Council which will be registered on the record of title(s) to that effect and will run with the land in perpetuity; and
7. If there is no legal or practical means of legally moving up or downriver (existing public access), within the original title, the addition of an enduring esplanade strip on one or both banks (if included in the title) must be registered on the record of title.
8. All of the performance standards in SUB - Table 2 are complied with.
9. Activity status where compliance is not achieved: NC

Appendix B Significance grading for sports fish streams as per the “SPORTS FISH AND GAME MANAGEMENT PLAN FOR AUCKLAND/WAIKATO FISH AND GAME REGION 2021 – 2031”

Significance grading

The following criteria have been considered in determining the significance of fish and game habitats, fisheries and hunting areas within Auckland/Waikato.

The significance of a fishery or game resource is not the same as the quality or value of that resource. For example, a locally significant fishery can be high, medium or low quality or value depending on its condition, character or specific fishery characteristics or attributes.

A habitat, fishery or hunting population/area needs to meet one or more of the criteria to be graded as nationally regionally or locally significant.

Nationally significant

- Habitat, fishery or hunting area is recognised as outstanding in a Water Conservation Order, or of high significance in a decision from a public process or in a published technical report or statutory plan.
- Backcountry fishery in an area designated as an outstanding natural landscape in a district plan or within public conservation land and recognised as outstanding in national terms.
- Fishery sustaining 5,000 or more angler visits/year
- Hunting area sustaining more than 500 hunter visits per year
- Habitat, fishery or hunting area with more than one exceptional attribute as determined by formal angler or hunter surveys.
- Wetland habitat of 400 hectares in area or more.
- High level of use by international anglers
- High level of use by resident anglers from outside Auckland/Waikato
- Fishery or hunting area has significant attributes identified by survey or community consultation.
- Habitat that provides spawning, breeding, rearing areas for a nationally significant fishery or game habitat.
- Habitat that provides a migratory pathway or corridor for a nationally significant fishery or game habitat.

Regionally significant

- Habitat, fishery or hunting area is recognised as regionally important in a decision from a public process or in a published technical report or statutory plan.
- Backcountry fishery in an area designated as an outstanding natural landscape in a district plan or within public conservation land
- Fishery sustaining between 2000-5000 angler visits per year
- Hunting area sustaining between 150 to 500 hunter visits per year
- Habitat, fishery or hunting area with at least one exceptional attribute as determined by formal angler or hunter surveys
- Wetland habitat over 40 to 400 hectares in area
- Noticeable level of use by international anglers
- Noticeable level of use by resident anglers from outside Auckland/Waikato
- Degraded habitat with potential for restoration to meet one or more of the above criteria
- Fishery or hunting area has significant attributes identified by survey or community consultation.
- Habitats that provide spawning, breeding, rearing areas for a regionally significant fishery or game habitat
- Habitat that provides a migratory pathway or corridor for a regionally significant fishery or game habitat.

Locally significant

- Habitat, fishery or hunting area is recognised in surveys including NIWA National Anglers’ Survey, in a decision from a public process or in a published technical report or statutory plan
- Fishery sustaining up to 2000 angler visits/year
- Hunting area sustaining up to 150 hunter visits per year

- Habitat fishery or hunting area that is close to a centre of population (within 45 minutes' drive)
- Degraded habitat with potential for restoration to meet one or more of the above criteria ☐ Fishery or hunting area has significant attributes identified by survey or community consultation.
- Habitats that provide spawning, breeding, rearing areas for a locally significant fishery or game habitat
- Habitat that provides a migratory pathway or corridor for a locally significant fishery or game habitat.

Review of significance

Habitat significance may be reviewed or amended in the light of new information and any changes that results will be incorporated into the Plan by way of section 17M (3) of the Conservation Act 1987.