

**ROTORUA DISTRICT PLAN - PROPOSED PLAN CHANGE 3: SIGNIFICANT NATURAL AREAS  
SUBMISSION TO THE HEARINGS PANEL 18 February 2020**

**SUBMITTER: C&W TOZER.**

**SITE NUMBER 703 TOREPATUTAHU CATCHMENT – SHORT ROAD GULLY**

**INTRODUCTION**

My name is Clive Tozer. My wife Wendy and I own a 20.75 ha forest/bush property accessed from Goudies Road and Short Road east of Reporoa/Broadlands.

I am here as a directly affected landowner. My professional background is BAgSc (Soil and Water Management). Worked for Waikato Valley Authority (Taupo) in 1970's as a Soil Conservator managing installation of erosion control works programmes including the Torepatutahi Catchment Control Scheme; Soil Conservator in Marlborough; Environmental Manager for Forestry Corporation (Rotorua); Manager Operational Services for Bay of Plenty Regional Council; Environmental Project Manager for Opus Consultants (lately WSP). Recently retired.

**BACKGROUND**

We have owned our 'Gully' property since 1994. Our objective has been to establish a balanced and sustainable land use. There is a strong focus on actively protecting the indigenous vegetation and associated fauna (which we thoroughly appreciate and respect). We have established a high pruned forest woodlot - mostly radiata pine (4.5 - 5ha) planted in 1996. Our intent is to plant additional small areas of higher value timber trees and/or high UMF manuka seedlings on suitable localised sites. We enjoy on-site recreational opportunities – including camping, walking and limited hunting with family and friends. We plan to locate an 'off the grid' cabin adjacent to existing transportable huts near the eastern boundary.

The block is subject to a formal Land Improvement Agreement with Waikato Regional Council for soil conservation (erosion control) purposes with conditions protecting soil, water and vegetation.

**PROPOSED SIGNIFICANT NATURAL AREA (SNA)**

On 2 October 2018 we received an unexpected Rotorua Lakes Council notice (letter and map). This outlined Wildland Consultants had carried out assessments of a number of properties including ours to identify significant natural areas. The map showed the majority of our property (more than 60%) as a potential new SNA that Council were considering scheduling in the District Plan. Our reply to this notice and our submission of 29 August 2019 opposed the proposed SNA on our property due to serious concerns about the potential impact on our current and proposed land use. We also expressed our view that SNA scheduling would result in duplication of regulatory and consenting matters; increased costs; loss of existing property rights and loss of property capital value - all *literally disincentivising our efforts to sustain the indigenous biota on our property.*

Ironically as landowners endeavouring to protect biodiversity for the benefit of not just ourselves but for the wider community, District and Region, we foresee that an SNA would likely result in us (and other similarly impacted landowners) wearing the greatest costs and limitations to the ongoing use of our land.

Nevertheless, we appreciate the effort that the Senior Policy Advisor and Team have gone to, to understand some of the implications of an SNA over our property. Several necessary changes have been made to the boundaries of the proposed SNA to exclude our existing access track corridor to the woodlot; reduce undue edge constraints on woodlot harvesting; exclude proposed 4x4 tracks for pest control purposes; and make allowance for (remove from SNA) the future cabin site and its surroundings. These changes were outlined in the July 2019 Section 32 Report and in the Proposed Plan Change 3 notification report for submitters.

## **SIGNIFICANCE OF THE INDIGENOUS VEGETATION**

From 2016 Wildland Consultants carried out an assessment of indigenous vegetation within the Torepatutahi catchment headwater gullies (SNA 703) – which also encompasses our Gully property, to determine the significance of indigenous biodiversity therein.

Wildland's Contract Report No 3417f p159-160 states there are no threatened or at-risk indigenous species recorded on site and vegetation on our property is described simply as 'secondary forest and scrub' ('Wilding pines scattered throughout kanuka forest').

Wildland's declared the indigenous vegetation within these Torepatutahi gullies including our 'Short Road Gully' as 'Locally Significant' and our site as a potential new SNA (SNA 703 Code 3).

We are surprised that Wildland Consultants ecologists came to this 'significance' conclusion seemingly based on a desk top analysis only. We have asked if Wildland's entered, traversed and assessed our Gully as part of this SNA exercise but have not had that confirmed or been advised otherwise. We requested a meeting on site with Wildland's ecologist(s) to discuss matters of significance and offered our availability in November and December 2018 but no meeting was forthcoming.

Given the ecologist's decision(s) have very significant implications for our land use and personal circumstances, we are concerned their decisions were based on very limited or dated field data. Why haven't we (and other landowners) been provided with a map at say 1:5000 scale with accompanying field sheets that shows and details the areas of significant indigenous species, their structure, composition and condition; areas of exotic plantings and location and evidence of areas under threat from invasive pest plants and pest animals?

We note Wildland Consultants justify the "Locally Significant" significance level via reference to Waikato Regional Criteria (Table 1 Significance Criteria for Determining Significance of Indigenous Biodiversity in the Waikato Region) and citing Criteria 9 which states – *"It is an area of indigenous vegetation or habitat that is a healthy and representative example of its type because: its structure, composition and ecological processes are largely intact and if protected from adverse effects of plant and animal pests-----can maintain its ecological sustainability over time"*.

## **ADVERSE ENVIRONMENTAL EFFECTS OF PESTS**

Wildland Consultants record in their very brief risk assessment that both 'wilding pines' and 'other pest plants' present a low risk to site. I am not an ecologist but based on personal observations and field experience over many years I disagree. We contend the risk to our site from wilding pines and blackberry is high. Blackberry in particular is a serious and increasingly invasive pest. Wilding pine is less aggressive but still an insidious invader. This risk is clearly observable upon field inspection. Comparing very low pest plant incursion observed 15 years ago with today's pest situation and factoring in the many increasing hours of hard labour expended attempting to halt blackberry in recent years, further demonstrates the high risk and negative environmental effects of these pest plants.

Unfortunately, there are several feeder ephemeral gullies immediately outside our property boundary which are unmanaged and heavily infested with 3-4 m high blackberry extending right up to our boundary fence providing fruit/seed to birds, discharging plant fragments during storm runoff events and spreading cane runners directly into our property. Sadly, the Waikato Regional Pest Management Plan does not register blackberry a pest; does not even deem it a 'boundary control' pest! This is difficult to fathom considering the devastating effect this pest plant is having on the District's and Region's indigenous biodiversity. There is therefore no obligation on our neighbours to control blackberry.

Despite our concerted and on-going efforts to control, Blackberry infestation has extended well beyond the margins of our property boundary and is now a serious issue beneath the kanuka canopy within the precious forest understory (refer to photos) and wherever there are light gaps in the indigenous cover.

Given we are witnessing repeated and accelerated invasion of blackberry from neighbouring seed sources, there is a question mark as to whether our area of indigenous vegetation can be “protected from adverse effects of plant pests” and if it “can maintain its ecological sustainability over time”. We worry that ecological sustainability is currently going backwards. For the above reasons we are uncertain if Wildland Consultants determination of “Locally Significant” indigenous biodiversity is appropriate or defensible at the present time.

Despite our best practical efforts, we need significant technical and financial help to physically protect the indigenous biodiversity in our property from the year upon year blackberry plague. Unfortunately we can't manage the invasion on our own.

Possums are also relentless and have been throughout our 25 year tenure. They use our gully as a refuge and feed on both adjacent dairy pasture and palatable native species in the bush. We have used poison and trapping control methods but reinfestation from other neighbouring gullies is rapid.

#### **WHERE TO FROM HERE**

We contend that simply scheduling (‘locking up’) our indigenous vegetation will not achieve “The protection of areas of significant indigenous vegetation and significant habitat of indigenous fauna” (RMA Section 6(c)). If the SNA approach is to have any hope of success, there must be active on-site management. To facilitate this, there needs to be realistic Council financial assistance especially for pest control. Rates remission, biodiversity protection related consent fee waivers and incentives are also necessary. Without such assistance, landowners will become discouraged and give up the battle. Without significant incentives to ensure active management and wellbeing of these indigenous areas, we are likely to find in years to come they will be little more than neglected weed patches.

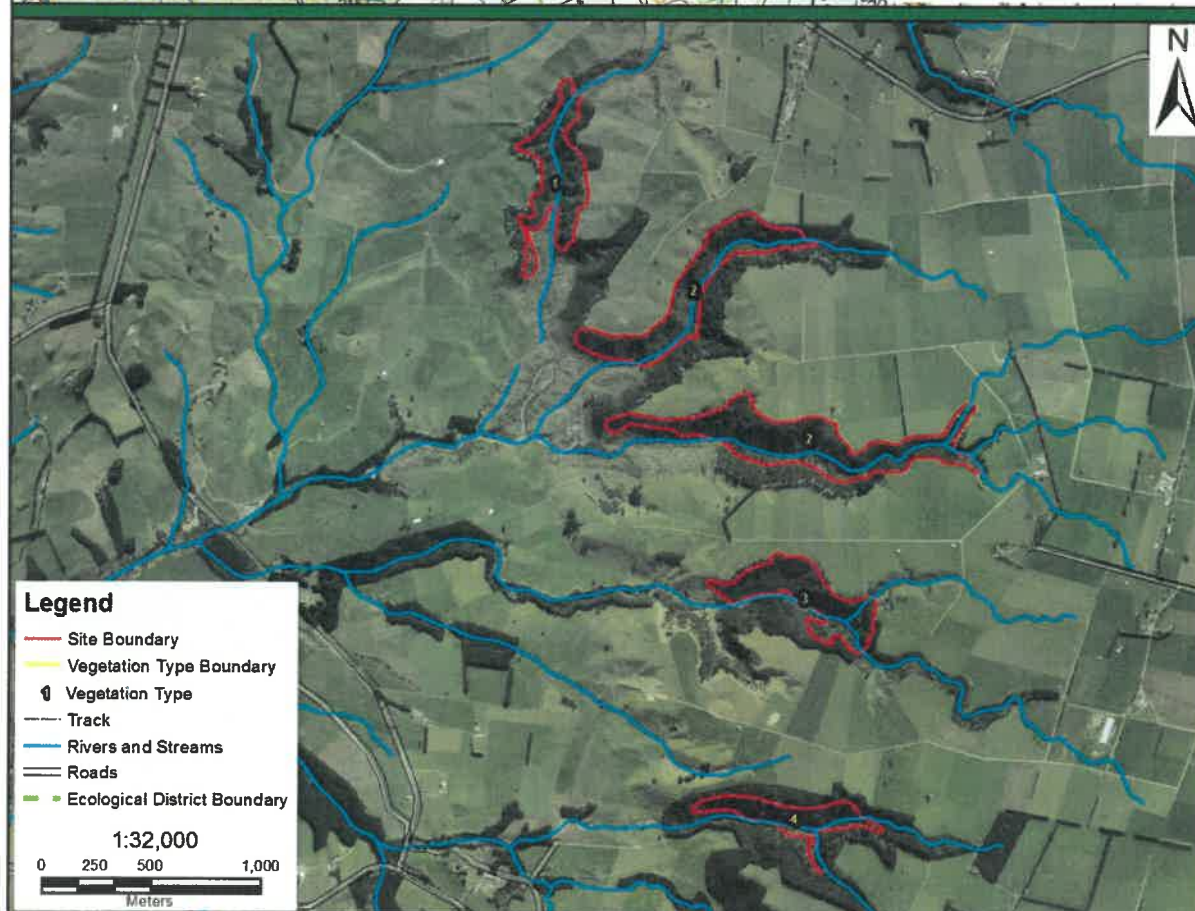
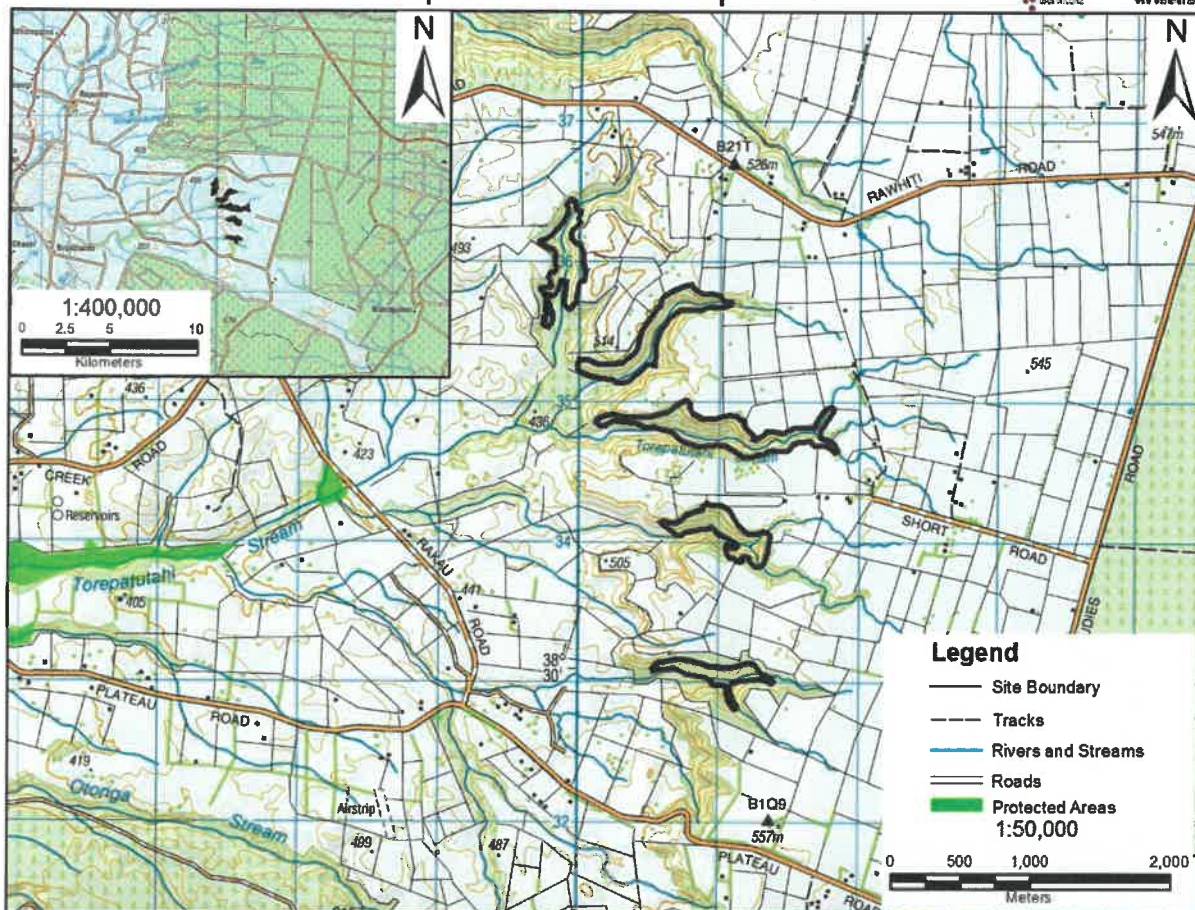
In our submission and cross submissions, we sought Council's commitment to making assistance and incentives available to landowners with SNA's. Unfortunately, the s42A report reiterated that such matters were outside the scope of this Hearing and were therefore unable to be considered. We think that the cart is before the horse in this Proposed Plan Change 3. Setting up a fair and sensible incentive and assistance regime before embarking on PC 3 would in our opinion have been *appropriate and in the best interests of biodiversity protection*.

We would continue to have a strong objection to the scheduling of our indigenous vegetation unless realistic Council assistance is provided to substantially enable protection and maintenance of SNA ecological sustainability over time.

We respectfully contend that a better approach would be for Rotorua Lakes Council in conjunction with Waikato Regional Council, to jointly partner with landowners to formulate Property Environmental Plans (or Property Biodiversity Management Plans) tailored to focus on indigenous vegetation, riparian, wetland, and habitat protection and restoration and management over the long term. These formal partnership agreements are well recognised as engendering real landowner interest, commitment and action. A number of Regional Councils provide this option which includes specialist advice and meaningful financial assistance. They have proved to be a most appropriate way to achieve environmental objectives on privately owned land.

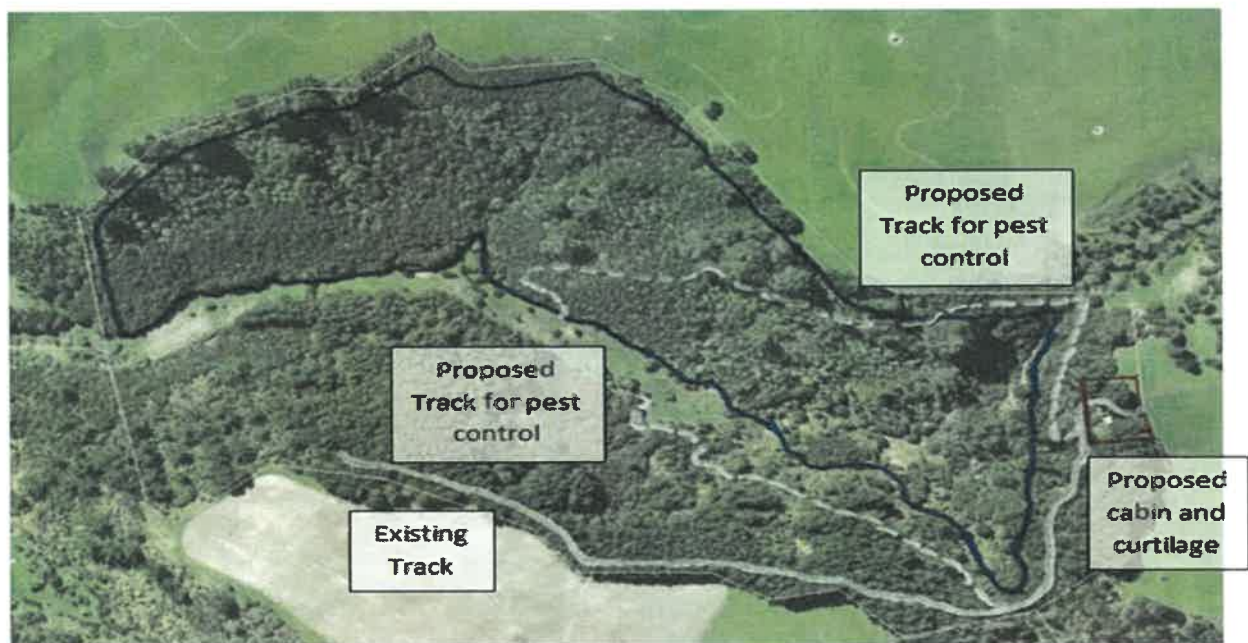
We would be very open to considering such a partnership in relation to our Short Road Gully property.

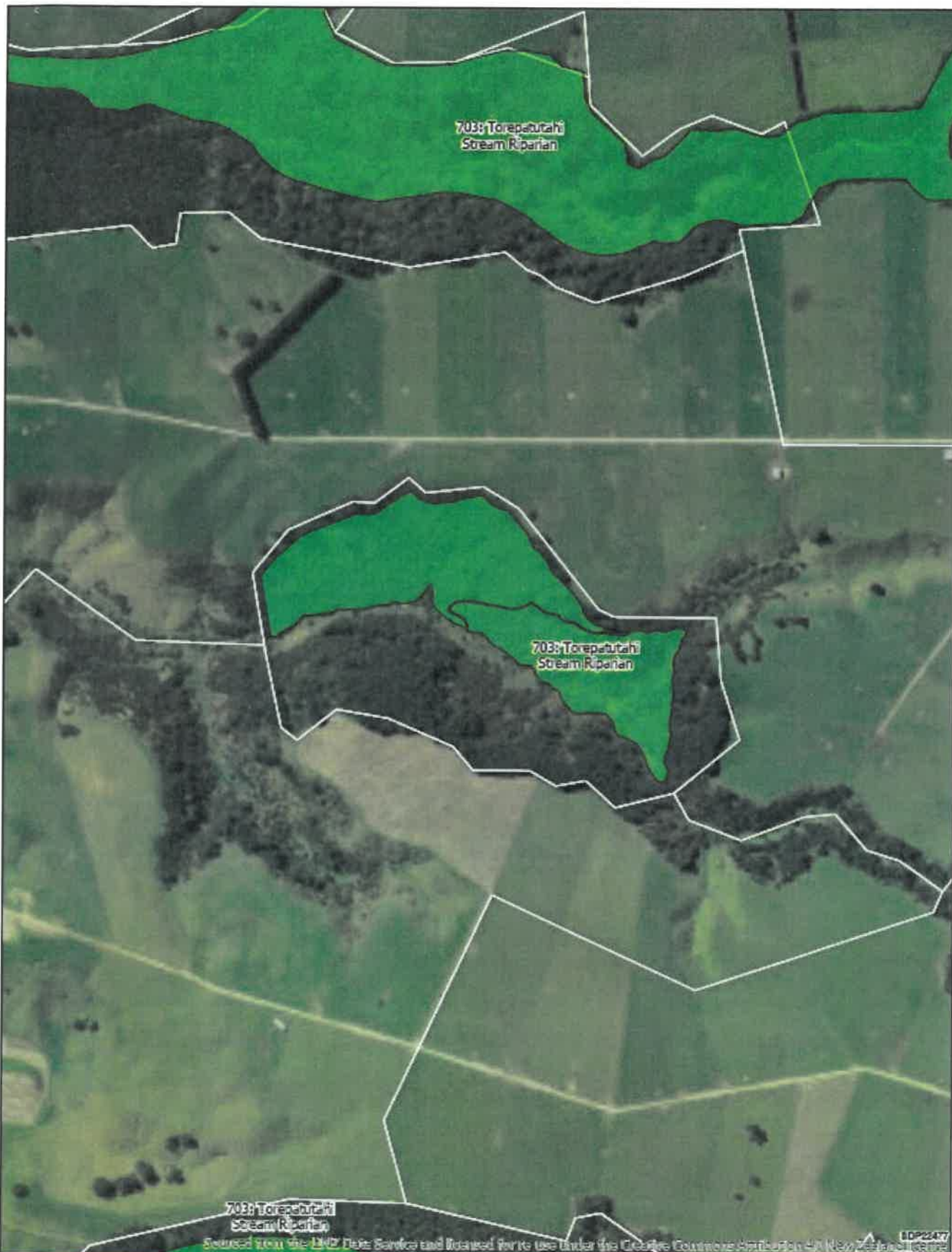









2016 Aerial





## SNA Changes for Consideration

Owner: TOZER, MR OLIVE GREGORY  
 Valuations: 07030\*441\*00  
 Location: SHORT ROAD  
 Postal: 90 WAIEWE STREET, WHAKATANE 3120  
 NZTM Projection

-  Current SNA in District Plan
-  Addition
-  Removal

0 50 100 150 200 Meters

**ROTORUA**  
 LAKES COUNCIL

Te Kaunihera o ngā roto o Rotorua

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