BEFORE THE COMMISSIONERS ON BEHALF OF ROTORUA LAKES COUNCIL

IN THE MATTER OF	The Resource Management Act 1991
AND	
IN THE MATTER OF	Proposed Plan Change 3 Significant Natural Areas to the Rotorua District Plan

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EVIDENCE OF PAUL BARRY CASHMORE ON BEHALF OF THE DIRECTOR-GENERAL OF CONSERVATION

Submitter Number: 07

Dated 5 February 2020

Department of Conservation
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1. Qualifications and Experience

1.1 My full name is Paul Barry Cashmore. The Department of Conservation employs me as Technical Advisor with responsibilities for flora in Rotorua. I hold a Bachelor of Science and a Master of Science degree in Botany and Environmental Science from the University of Auckland. I have worked as a botanist for the Department of Conservation in Rotorua for the last 24 years. I have visited, surveyed much of the vegetation and significant sites in the Rotorua District and wider BOP as part of this role.

2. Code of Conduct

2.1 I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2014. While this is not an Environment Court hearing, I have prepared this evidence in accordance with, and I agree to comply with, the Code for this hearing.

2.2 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.

2.3 Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3. Scope of Evidence

3.1 I have been asked to provide evidence in relation to the ecological values of key proposed Significant Natural Areas (SNAs) in the Rotorua District or Plan Change 3. I will focus on identifying those SNAs (or parts thereof) that council planners have recommended are excluded in the final proposed plan and assess these against the relevant RPS criteria. I will

then make recommendations based on my expert ecological and local knowledge relating to the Director General's submission on these points.

4.0 SNAs Supported for Inclusion

4.1 The Director General's submission supported the inclusion of a total of 32 additional Significant Natural Areas that have been identified in the proposed plan change. I have examined the relevant Wildlands Consultants reports and support their assessment of the SNAs identified based on the relevant BOP or Waikato Regional Policy Statement (RPS) criteria. The Department agrees that these sites are significant on this basis as they meet one or more of the criteria. As these sites are not in contention from other submitters I have not considered them further in my evidence.

4.2 I have also assessed a further 4 SNAs in the Reporting Planners Section 42A report following further amendments to boundaries following other submitters comments as follows:

4.3 SNA 708 Tokerau The Director General recommended the proposed amendment to SNA 708 Tokerau based on my assessment that it meets criteria 1, 2, 3, 5 6 and 9 as part of the wider SNA which it is ecologically connected to.

4.4 SNA 585 Lake Ohakuri NW faces. The Director Generals submission supported the proposed amendment in Planners Sec 42 report to include those parts that I recommended meet criteria 6, 7 9, 11 while removing those parts of the SNA that are not significant.

4.5 SNA 590 Waihunuhunu Arm Riparian. Director Generals submission supported the proposed amendment in Planners Sec 42A report to include those parts that I assessed as meeting criteria 6, 7 9, 11 while removing those small parts of the SNA boundary that are not significant as they are in pine plantation.

4.6 SNA 592 Orakeikorako Extension. Director Generals submission supported the proposed amendment in Planners Sec 42 report to include those parts that meet criteria 4, 7 9, 10, 11 while removing those small parts of the SNA boundary that are not significant as they are in pine plantation.

5.0 SNAs Requested to be Amended or Included

5.1 The Director General's submission also requested amendments or inclusion of a total of 15 additional SNAs that have been identified on the notified GIS layer on RLC website to reflect that they meet the significance criteria in RPS. The Director General's submission points were rejected or only partially accepted for these sites. In evidence below I will demonstrate the ecological significance of each of these sites in relation to the relevant BOP or Waikato RPS criteria. I have examined the relevant Wildlands Consultants reports and their assessment of the SNAs identified and recommendations on the in the Planners Section 42A Report dated 17 February 2020.

5.2 SNA 111 Puarenga Park -Geothermal vegetation. This was correctly mapped in Landcare Research report for BOPRC in 2007 (Fitzgerald & Smale 2007) but not in this proposed plan change. Meets significance criteria 1, 3, 4, 6, 8, 10, 12. This submission point was rejected.

5.3 SNA 139 Ngapuna wetlands. Planners Sec 42A report states that Wildlands have reviewed site boundaries and support the Director General's submission point requesting that the SNA is extended to south and east. This submission point was rejected. Meets criteria 1, 6, 9 confirmed by Sec 42A planners report. Note there is a mistake in the Sec 42A planners report page 41 point 5.102. Should state SNA 139 not SNA 15.

5.4 SNA 141 Pohaturoa wetlands. Meets significance criteria 1 and 6. Confirmed by S42A planners report. This submission point was rejected.

5.5 SNA 142 Poplar Ave wetlands (part). Additional areas outside of covenant accepted. Meets significance criteria 1, 2, 6, 9. Confirmed by planners S42A report. This submission point was rejected.

5.6 SNA 143 Reservoir Rd wetlands. Meets significance criteria 1 ,6, 12. Confirmed by planners S42A report. This submission point was rejected.

5.7 SNA 148 Te Ngae lake edge wetlands. Meets significance criteria 1 ,5, 6, 9. Confirmed by planners S42A report. This submission point was rejected.

5.8 SNA 151 Tawa Road. Indigenous forest. Meets significance criteria 1 ,9, 11, 13. This site is not mentioned in S42A planners report but is included in Plan Change 3 evaluation report (July 2019). This submission point was rejected.

5.9 SNA 154 Te Miri Rd. Indigenous forest. Meets significance criteria 1 ,6. Confirmed by planners S42A report. All individual areas identified as significant should be scheduled. This submission point was partly rejected.

5.10 SNA 177 Pohaturoa. Significant geothermal vegetation. This was correctly mapped in Landcare Research report for BOPRC in 2007 (Fitzgerald, N.B., Smale, M.C. 2007) but not in this proposed plan change. Meets significance criteria 1, 3, 4, 6, 8, 10, 12. This submission point was rejected.

5.11 SNA 660 Mid Mangorewa Gorge. Indigenous forest. Just to clarify Director General's submission. This opposes removal of sites at 158 Dudley Rd and 328 Dudley Rd on basis they meet several significance criteria, but the Director General's submission did not oppose proposed boundary changes at 299 Dudley Rd as these areas were not significant includes paths and exotic trees. I note that these changes at 299 Dudley Rd are not identified on the notified RLC GIS layer. RE other two sites at 158 and 328 Dudley Rd the Planners Sec 42A report indicated that 158 Dudley Rd was included in notified layer but not 328 Dudley Rd. However, neither of these sites are listed in the notified layer. This submission point was rejected.

5.12 SNA 679 Te Waerenga Rd 2. Indigenous forest meets significance criteria 1. Confirmed by planners S42A report. All individual areas identified as significant should be scheduled. This submission point was partly rejected.

5.13 SNA 597 Wharekaunga Stream Margin. Wetland which meets significance criteria 6 and 9. Confirmed by planners S42A report. This submission point was rejected.

5.14 SNA 598 Tokiamingi Stream Margin. Wetland which meets significance criteria 6 and 9. Confirmed by planners S42A report. This submission point was rejected.

5.15 SNA 664 Onaia Stream. (1019 Kaharoa Rd). Indigenous forest area meets criteria 2, 3, 9, 11. Confirmed by planners S42A report. This submission point was rejected. However the Director General supported the proposed changes at 650 Kapukapu Rd on basis that the areas excluded did not meet significance criteria.

5.16 SNA 716 Maungakakaramea Geothermal area. This SNA areas identified sit outside Rainbow Mountain Scenic Reserve boundaries. These geothermal areas meet criteria 1,3, 5, 7, 9. The Planners Sec 42A report states that they should not be scheduled. The Director General submitted that all areas that meet significance criteria was rejected.

5.17 Therefore, based on the points 5.2 to 5.16 above there are a total of 15 SNA sites which I have demonstrated meet at least one of the relevant BOP or Waikato RPS ecological significance criteria. This is supported by the Wildland Consultants recommendations to council. These sites should therefore be included or amended as per submission points in the final schedule.

5.18 Sites not listed as SNAS because of Alternative Legal Protections

5.19 A further 6 SNAs currently listed on the notified GIS layer on RLC website are proposed to be excluded or partly excluded from Plan Change 3 due to

alternative legal protection mechanisms as defined in Section 5.45 of Planners Sec 42A report. These are SNA 559 (part), 566, 570 in Waikato Region and SNA 1 and 142 and 664 in the Bay of Plenty region respectively. In evidence below I will demonstrate the ecological significance of each of these sites in relation to the relevant BOP or Waikato RPS criteria.

5.20 SNA 570 -Longview Rd Geothermal area. Meets significance criteria 3, 5

5.21 SNA 566 -Red Hills Geothermal area. Meets significance criteria 3, 5, 7,

5.22 SNA 559 Orakei-Korako (part) – Geothermal area. Meets significance criteria 3,5,7,9.

5.23 SNA 1 Mamaku (part) -Indigenous forest. Meets significance criteria 1, 2, 3, 5, 7, 8, 9, 11, 12, 13

5.24 SNA 664 Onaia Stream (1019 Kaharoa Rd) . Meets significance criteria 1, 3, 9, 11

5.25 SNA 142 Poplar Ave wetlands (part) -Meets significance criteria 1, 2, 6, 9.

6.0 Sites not listed as SNAS because of other Side Agreements

6.1 Four sites are proposed in the Planners Sec 42 A report to be excluded or partly excluded from scheduling as SNAs due to proposed side agreements such as MOUs with individual landowners. I have assessed the ecological significance of the following sites against the RPS criteria where this is a proposed course of action.

6.2 SNA 681 Mangorewa Kaharoa. Indigenous forest. The Director General submitted that all areas that meet significance criteria should be scheduled. Due to the number of different sites within this SNA our submission stated that further site visits to confirm values may be required. The Planners Sec 42A report proposes removing many of these without any further field assessment of significance and entering into an

MOU with one landowner trust. The Director Generals position remains that it requests a full assessment done across all landowner blocks within this SNA and those sites that are significant be scheduled regardless of landowner.

6.3 SNA 579 Tahunaatara Stream Gorge. Indigenous secondary forest. This site meets criteria 9 and 11. The Sec 42A planners report recommends an MOU with one landowner trust within this SNA. The Director General submitted that all areas that meet significance criteria should be scheduled.

6.4 SNA 700 Mangaharakeke Waterfall. This wetland site meets significance criteria 6 and 9. Confirmed by planners S42A report. Owners and lessees have proposed a management plan in lieu of scheduling the site. The Director General submitted that all areas that meet significance criteria should be scheduled.

6.5 SNA 701 Mangaharakeke Wetland. This wetland site meets significance criteria 3, 6 and 9. Confirmed by planners S42A report. Owners and lessees have proposed a management plan in lieu of scheduling the site. The Director General submitted that all areas that meet significance criteria should be scheduled.

6.6 My colleague Tom Christie has presented planning evidence regarding the Departments position on excluding sites meeting SNA criteria with alternative legal protections and the scheduling of other already protected sites including public conservation land.

7.0 Additional SNAs Not Identified

7.1 The Director General has in his submission outlined evidence for an additional 17 potential SNAs not identified by Wildland Consultants or in the Proposed Plan Change 3 SNA Report dated July 2019 based on my assessment that each of these potential SNAs meet one or more of the RPS

criteria for significance. Included in these additional sites are many wetlands and some geothermal areas identified as National Priority 2 and 3 and 4 environments by DOC and MFE in Statement of National Priorities for Protecting Biodiversity document (MOC and MfE 2007).

7.2 Council has responded to the Department that that these sites are out of scope. If this is the case these significant sites will remain outside of the District Plan with limited rules available to prevent vegetation clearance within these significant sites.

7.3 If this is case these should be included in the next Plan Change.

8.0 Historic Vegetation loss in the Rotorua District.

8.1 Sites discussed above that are not scheduled in this Plan Change 3 will remain outside of the District Plan. The risk of further loss of modification of these sites will vary according to location, ownership and vegetation types. There is no updated analysis of the quantity of indigenous vegetation that has been lost from the Rotorua District in recent times (Shay Dean, BOP Regional Council pers. comm.) however there is information on previous levels of loss outlined in report to council by Wildland Consultants (2009).

8.2 Between 1996 and 2009 Wildland Consultants identified loss of small areas of indigenous forest on Mamaku plateau, loss of some indigenous cover for pine plantation, damage to geothermal areas from sulphur mining, and wetland drainage.

8.3 The report identified 21 SNAs which had gained or lost indigenous vegetation during the 13-year period. Only one site had gained indigenous vegetation, the other 20 sites had lost vegetation due to clearance. Although this data is now 10 years old it does demonstrate that localised loss of indigenous across a range of ecosystems ranging from forest to

nationally rare ecosystems such as wetlands and geothermal areas are still being lost or modified from vegetation clearance.

8.4 Many of these sites, in particular wetlands and geothermal ecosystems contain a range of nationally threatened flora and fauna species, some of which are unique to these ecosystems. Further loss of these ecosystems will further put these threatened species at risk of further decline heading towards possibly local extinction if these habitats are not fully protected and managed.

8.5 The Director General supports various other submissions to this Plan Change relating to funding and incentive mechanisms for biodiversity protection on private land and encourages council to consider these further in conjunction with enhanced regulatory protection for SNAs as discussed in my evidence above.

9.0 Conclusions

9.1 In my evidence above I have outlined many potential SNA sites that are proposed to be excluded from Plan Change 3 for a variety of reasons stated above. I have demonstrated that all the sites that the Director General has submitted on meet at least one or more of the significance criteria in the relevant Waikato or BOP Regional Policy Statements.

9.2 Therefore, it is my expert opinion that these sites should be scheduled in this Plan Change 3. This will provide additional protection for these sites against further damage or loss of their ecological values which I have demonstrated is still occurring in recent times across a range of key ecosystems in the Rotorua District.

Paul Barry Cashmore

5 February 2020

References

Minister of Conservation and Minister for the Environment, 2007a: Protecting Our Places, Information about the national priorities for protecting rare and threatened native biodiversity on private land. Ministry for the Environment, Wellington.

Fitzgerald, N.B., Smale, M.C. 2007. An updated assessment of geothermal vegetation in the Bay of Plenty Region based on 2007 aerial photography. *Landcare Research Contract Report:* Prepared for Bay of Plenty Regional Council. 274pp.

Wildland Consultants 2009: Rotorua District Council natural heritage and biodiversity review 2009. Volumes 1 and 2. *Wildland Consultants Ltd Contract Report No. 2049*. Prepared for Rotorua District Council. 432 pp.