

**BEFORE THE NORTHLAND REGIONAL COUNCIL**

*Under* the Resource Management Act 1991 (“the Act”)

*And*

*In the matter of:* Resource consent applications by the Motutangi-Waiharara Waters Users Group for new groundwater takes from the Aupouri aquifer subzones: Houhora, Motutangi and Waiharara

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**Statement of Evidence of Jacob Williams for the Director-General of Conservation**

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(Planning)

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## **STATEMENT OF EVIDENCE OF JACOB WILLIAMS**

### **QUALIFICATIONS AND EXPERIENCE**

1. My full name is Jacob Matthew Williams.
2. I hold a Bachelor of Science and a Postgraduate Diploma in Science, both in Geography and am a member of the Institute of Professional Engineers New Zealand Rivers Group.
3. I am currently employed by the Department of Conservation as a Resource Management Act Planner. I have previously been employed by Horizons Regional Council as a Hydrologist, the Otago Regional Council as a Natural Hazard Analyst – River Morphology and the Waikato Regional Council as a Regional Hazards Advisor.
4. In my current role I am responsible for providing information, advice and analysis on resource management issues for plan and consent hearings and appeals.
5. I have co-authored one peer-reviewed scientific publication in an international journal and numerous council reports.

### **CODE OF CONDUCT**

6. I have read and agree to comply with the Code of Conduct for Expert Witnesses produced by the Environment Court and have prepared my evidence in accordance with those rules. My qualifications as an expert are set out above.
7. I confirm that the issues addressed in this brief of evidence are within my area of expertise.
8. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **SCOPE OF EVIDENCE**

9. My evidence will deal with the following:
  - Recognition of the Kaimaumu Wetland
  - Potential threat to the wetland
  - Relevant RMA matters

## **RECOGNITION OF THE KAIMAUMAU WETLAND**

10. In my view the consent application does not adequately consider the importance of the Kaimaumu Wetland. The Kaimaumu Wetland is both significant habitat and contains significant indigenous vegetation in terms of s6(c) of the Resource Management Act 1991 and holds significant values as a freshwater body under the National Policy Statement for Freshwater Management.
11. The Kaimaumu/Motutangi wetland complex covers an area of approximately 1850 ha of which 955 is designated as Scientific Reserve and the remaining in Conservation Area.
12. Scientific Reserves are created under the Reserves Act 1977 and in accordance with section 21(1) of that Act must be preserved and protected in perpetuity for scientific study, research, and education and the benefit of the country. Stewardship Areas<sup>1</sup>, administered under the Conservation Act 1987 should be managed to ensure that their natural and historic resources are protected.
13. The Kaimaumu Wetland complex is recognised in the Northland Conservation Management Strategy as a priority ecosystem that the Department considers nationally important for natural heritage management.
14. I refer to the evidence of Shona Myers, James Blyth, and Timothy Baker regarding the values of the wetland, the potential for the proposed abstraction to have a negative impact on the wetland, and the inadequacies of the modelling undertaken by the applicant.

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<sup>1</sup> Stewardship Areas are a subset of Conservation Areas.

### **POTENTIAL THREAT TO THE KAIMAUMAU WETLAND**

15. In my view there is significant uncertainty regarding the potential adverse effects on the Kaimaumau Wetland associated with the proposed abstraction.
16. I do not believe that there is sufficient information in the application documents or the Officer's S42A report to conclusively demonstrate that the activity will not have an adverse effect on the Kaimaumau Wetland.
17. I am not satisfied by the suggested conditions contained in the s42A report. For these to work and be effective, there needs to be adequate baseline information. The evidence of Timothy Baker and James Blyth has highlighted modelling and hydrological uncertainties. I am not convinced potential effects will be adequately dealt with by the proposed conditions.

### **RELEVANT RMA MATTERS**

18. I highlight the relevant parts of applicable planning documents below.
19. Policy 4.4.1 (4) (b) of the Northland Regional Policy Statement states that where the effects are or may be irreversible, then they are likely to be more than minor. The evidence of Shona Myers states that there could be an irreversible loss of ecosystem types and habitats as a result of a reduction in water levels in the wetland. As such the effects should be considered to be more than minor.
20. Policy 4.4.1 (3) of the Northland Regional Policy Statement requires you to ensure that there is no more than minor adverse effects on the values of the Kaimaumau Wetland. The proposed application does not give effect to the Northland Regional Policy Statement policy 4.4.1 as the application does not conclusively show that there will be no more than minor effects on the Kaimaumau Wetland.

21. The application has been prepared on the basis that the effects on the Kaimaumu wetland are no more than minor. The evidence of Shona Myers demonstrates otherwise.
22. The Proposed Regional Plan for Northland policy D.2.8 requires a precautionary approach to be undertaken when managing effects on significant indigenous biodiversity where there is scientific uncertainty about the adverse effects of activities such as the proposed abstraction.
23. Based on the evidence provided by Timothy Baker, James Blyth, and Shona Myers it is my view that there is considerable uncertainty regarding the potential effects on the Kaimaumu Wetland from the proposed abstraction, contrary to policy D.2.8, and therefore the consent should not be granted.
24. Part of the Kaimaumu Wetland falls within areas mapped in the Northland Regional Policy Statement as Coastal Environment. Within the coastal environment, provisions of the New Zealand Coastal Policy Statement apply.
25. Policy 11 of the NZCPS requires the avoidance of adverse effects on the wetland. As discussed earlier, the evidence of Shona Myers demonstrates that the effects of the proposed abstraction are likely to be more than minor. My assessment is that the application is inconsistent with Policy 11 of the NZCPS. This has not been considered in the Officer's S42A report.
26. Policy 3 of the NZCPS requires the adoption of a precautionary approach to be taken towards activities in the coastal environment whose effects are unknown, uncertain, or little understood, including resources potentially vulnerable to the effects of climate change. For example, based on the evidence of Shona Myers, James Blyth, and Timothy Baker, I consider that adaptive management as suggested in the S42A report will not adequately address adverse effects on the wetland, and will not enable adverse effects to be identified effectively. The proposal, and the Officer's S42A report, does not explicitly state that baseline monitoring is required prior to

water extraction. The adaptive management regime proposed will not sufficiently reduce risk and uncertainty to be consistent with a precautionary approach. Recognising this, my assessment is that the application is inconsistent with Policy 3 of the NZCPS.

### **RECOMMENDATIONS**

27. For all of the forgoing reasons, I would recommend that the Hearing Panel declines the application unless the applicant can provide adequate evidence to demonstrate that the proposed abstraction will not have an adverse effect on the Kaimaumu Wetland.

**Jacob Williams**

19 March 2018