

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER the Resource Management Act 1991

AND of the proposed Gore District Plan

Hearing Stream 10: Response to Minute 41 and Further Information
From Juzah Zammit-Ross, Technical Advisor Terrestrial Ecology
on behalf of the Director-General of Conservation *Tumuaki Ahurei*
Submitter No. 190 Further Submitter No.31
Dated: 28 March 2025

Department of Conservation Te Papa Atawhai
Private Bag 4715 Christchurch Mail Centre
Christchurch 8140
Solicitor rōia: Ceri Warnock
Phone waea: 0273436890
Email Īmera: cwarnock@doc.govt.nz

Introduction

1. In Paragraph 2.4 of Minute 41, the Hearings Panel, invited submitters attending Hearing Stream 10 to provide feedback on:
 - i. the statement provided regarding the significance criteria assessment for the Hokonui Hills by ecologist Andrew Wells (in consultation with ecologist Glen Davis) dated 14 March 2025 ('Wildlands Response'); and
 - ii. the draft update of the Biodiversity and Indigenous Vegetation chapter and supplementary evidence provided by Matt Heale dated 21 March 2025.
2. I have reviewed the above statements and proposed amendments to the Biodiversity and Indigenous Vegetation chapter with the supporting evidence from the S42A Officer.
3. My Hearing Stream 10 evidence sets out my qualifications and experience as an expert in terrestrial ecology. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

Determining significant adverse effect of indigenous vegetation clearance of indigenous vegetation in Areas A, B, C and D in the Hokonui Hills

4. Areas A and C refer to areas of indigenous vegetation assessed on Stoney Creek, Areas B and D refer to areas assessed on Wantwood. Andrew Wells and Glenn Davis have determined that both areas A and C on Stoney Creek Station have high values (SIVAs) and meet the significance criteria in the Southland Regional Policy Statement (SRPS). Area D on Wantwood Station also has high values and meets the significance criteria in the SRPS whereas Area B comprises of indigenous vegetation of medium values (IVA). It is not clear how the *relative* value of the SIVAs (Areas A, C, and D) has been assessed in order to inform the different permitted vegetation clearance rules in those areas.
5. On Page 3 of the Feedback document, they mention they have a "formulation" to determine permitted vegetation clearance limits in each area to ensure "no significant adverse effects on these values". It is not clear what the formulation is that they have used to determine the level of effects of an activity on indigenous vegetation. The formular used by the ecologists needs to be robust and clearly explained to the Council.

Lizards and lizard habitat

6. The Report states that permitted indigenous vegetation clearance may result in the incidental loss of lizards, which they have determined to be a minor effect. There has been no recent lizard survey of Wantwood Station and a one-day survey of one specific location on Stoney Creek Station, which as explained at Hearing 10 is inadequate to base more general assumptions on.
7. As explained in my evidence, the Department of Conservation has records from 2001 for Southland green skink (*Oligosoma chloronoton*) (Threatened – Nationally Critical); Cryptic skink (*Oligosoma inconspicuum*) (At Risk – Declining) and Korero gecko (*Woodworthia* 'Otago/Southland Large') (At Risk – Declining) on both Wantwood Station and Stoney Creek Station.
8. Given there has not been a thorough lizard survey of either Wantwood or Stoney Creek Stations recently, we do not know what lizard species are present or their distribution on either property. Therefore, it is impossible to determine that the effects of indigenous vegetation clearance on lizards will be minor. Further, if Area B on Wantwood was habitat for At Risk or Threatened lizards, it would also meet the significance criteria in the Southland RPS.
9. In addition, killing lizards or disturbing them to an extent that risks significant harm without a Wildlife Act Authority is a criminal offence under the Wildlife Act 1953. If disturbance involves vegetation clearance and earthworks, especially in the colder months of the year when lizards are less active and less likely to be able to escape quickly, then there is a higher likelihood of injury or death. A lizard survey is required to determine the species present and the effects of the proposed activity on lizards at the time of the proposed activity. This information is foundational for any Wildlife Act Authority application.

Threatened, At Risk or significant indigenous plant species

10. I note from the vascular plant species list attached to the Wildlands Response (at Appendix 2) that Desert broom (*Carmichaelia petriei*) (At Risk- Declining) and Small leaved kowhai (*Sophora microphylla*) (locally rare) have both been recorded on

Wantwood Station. Desert broom can grow alone, scattered amongst tussockland or grown amongst other indigenous shrubland species. It is unclear from the Wildlands document where exactly this species is growing on Wantwood Station. Kowhai could be widespread or isolated to certain areas, but they have not been mapped so their exact locations are unknown. These areas of Desert broom and Kowhai should be mapped, allowing for a buffer around each population that will provide space for young plants to potentially establish, therefore buffering the adult plants.

Rocky outcrops and associated indigenous vegetation

11. For Wantwood Station, Broadleaved species / coprosma shrubland associated with rocky outcrops meets the representativeness, rarity, and ecological context criteria of the Southland Regional Policy Statement. In addition, rocky outcrops with associated indigenous shrubland provide important habitat for indigenous lizards, providing refuge, basking habitat, and food resources. The exact locations of these areas on Wantwood Station are not clear from the map provided. These areas should be mapped, allowing for a buffer around rocky outcrops to allow indigenous vegetation to continue to grow.

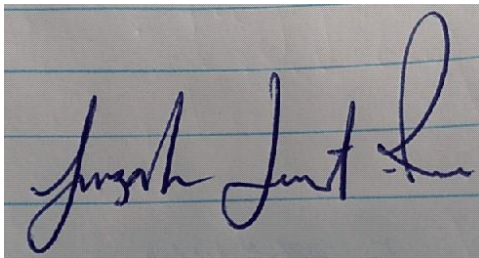
127ha Land Management Agreement area

12. As explained to the Panel during Hearing 10, there is a land management agreement between the current owner of Stoney Creek Station and the Department of Conservation for an area of 127ha of forest next to Croydon Bush. This area has indigenous forest and tree land which have At Risk and Threatened plant species such as *Olearia hectorii* (Threatened – Nationally Endangered). The area is fenced from both stock and rabbits and is not currently being grazed.
13. I note that the ecological advice to Council in the Wildlands Response is that there should be “*no permitted vegetation clearance in areas where Threatened flora or fauna is present – specifically within the 127 ha land management agreement area and within rocky habitat at Stoney Creek Station – clearance in these areas could result in significant adverse effects*” and “*this exclusion should include the two areas of “(broadleaf species / Coprosma shrubland and rocky outcrops” at Wantwood Station*” and that “*no level of permitted vegetation clearance is appropriate in [the 127 ha] area*” (Wildlands Response, p 3). I would agree with that advice.

14. I also note that in respect of the identification of Olearia species, it would be very difficult for a non-botanist to differentiate between non-threatened and At Risk or Threatened species. This increases the risk that At Risk or Threatened Olearia species may be inadvertently cleared during permitted indigenous vegetation clearance activities.

Juzah Zammit-Ross

28th March 2025

A photograph of a handwritten signature in dark ink on a piece of lined paper. The signature is cursive and appears to read 'Juzah Zammit-Ross'. The paper has horizontal blue lines.