

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of Proposed Private Plan Change 2 to  
the Hamilton City Operative District  
Plan: Te Awa Lakes Private Plan  
Change

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**STATEMENT OF EVIDENCE OF PETER GRAHAM RUSSELL FOR THE APPLICANT  
(BIOSECURITY)  
29 OCTOBER 2019**

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## 1. EXECUTIVE SUMMARY

1.1 The alligator weed management practices and mitigations described in various documents prepared for the PPC2 process have been designed specifically to comply with national biosecurity legislation and the Waikato Regional Pest Management Plan.

1.2 By following these procedures and processes, there is a very high likelihood of compliance with the Restricted Place Notice during development, and any risk of breach is very low. The following are the key measures that will be implemented through the development phase to negate pathways of spread off-site:

- A dedicated site manager will be selected with overall responsibilities for alligator weed controls at the site;
- No alligator weed infested soil or vegetation is proposed to be taken off site;
- Machinery hygiene controls are already being implemented and will be further enhanced (e.g. steam cleaning for high risk excavators) to ensure that no infested machinery leaves the site; and
- No stormwater will leave the site through new connections to the Waikato River and dewatering of all internal ponds before construction begins will assist with eradication.

1.3 The goal to eradicate alligator weed at the site is intended to eliminate or minimise the legacy problem when transferring from one owner to 1,000 owners. In my opinion, this outcome will only be achieved through a shared approach to funding and control and collaboration, both during and after development.

1.4 I endorse the approach taken in the plan change provisions to alligator weed management, namely that the plan rules in the Plan Change include 'information requirements' that apply to all resource consent applications made regarding the Te Awa Lakes Structure Plan which address alligator weed management.

## **2. QUALIFICATIONS AND EXPERIENCE**

- 2.1 My full name is Peter Graham Russell.
- 2.2 I am director and principal consultant of specialist biosecurity consultancy, Better Biosecurity Solutions Limited, based in Cambridge, Waikato. I have been in this role for four and a half years and undertake a wide variety of biosecurity pest plant and pest animal related strategic planning, including operational and awareness projects, for central and local government agencies as well as private companies and pest control contractors throughout the country.
- 2.3 My qualifications include a Master of Science (1988) and Bachelor of Science (1986) both conferred through the University of Canterbury. Of relevance to this submission, I am a current member of the New Zealand Biosecurity Institute (NZBI) and have been since 1995 and am a recent past president of the NZBI Central Branch (covering Waikato, Bay of Plenty and Taranaki regions).
- 2.4 Prior to establishing my consultancy, I was the Biosecurity Operations Manager with the Waikato Regional Council (WRC) between 2003 and 2015. In that role, I led the operational responses for all of the Council's pest incursions, including alligator weed and other high-threat pest plants in the region. This work was carried out under the auspices of the Operative Waikato Regional Pest Management Plan (RPMP) at the time, developed under the Biosecurity Act 1993.
- 2.5 It was my role to ensure that Biosecurity Act provisions, (such as section 130 Restricted Place declarations and adherence with RPMP rules) were carried out in accordance with the law and best practice management standards. Other relevant work overseen or implemented by me included contract management for the control of pests, research into biological control by Manaaki Whenua Landcare Research and national coordination of councils throughout the country to reassess the use of agrichemicals over water (per Environmental Protection Agency requirements) for pest plants such as alligator weed, spartina and yellow flag iris.
- 2.6 As consultant at Better Biosecurity Solutions Limited I have been involved in the following projects specifically involving alligator weed planning and management responses:

- Department of Conservation, Waikato Regional Council and MFE, 2019 (current) – development of alligator weed farm management plans with six landowners around Lake Whangape;
- New Zealand Transport Agency, 2019 – preparation of a Weed Hygiene Plan for the building of new bridge over Te Onetea Stream, Rangiriri;
- Bloxam Burnett Olliver, 2019 – preparation of advice for resource consent application in relation to the Peacocke Project proposed East West Arterial;
- Lakeside Developments Ltd 2017 - preparation of a Weed Hygiene Plan for the building of a new subdivision next to Lake Waikare, Te Kauwhata; and
- Waikato Regional Council, 2017 – review of the process for declaring restricted places (RPs) under the Biosecurity Act 1993 and review of 29 current RPs for the council in the region (involving alligator weed and Noogoora burr).

2.7 I am therefore familiar with both the role of regional councils in managing pest threats and the obligations placed on land occupiers to mitigate against pest spread and to otherwise comply with the law. I have an excellent understanding of the different mitigations required to fit the different management situations encountered and the importance of having effective and innovative tools (for the future) for ongoing management.

2.8 I have been engaged by the Applicant since October 2018 and have become involved in and am very familiar with the proposed development from the perspective of how alligator weed threats would be managed. My first task (November 2018) was to provide expert comments on a Weed Hygiene Plan (WHP) developed by the Applicant in relation to preliminary geotechnical investigations required at the site. The WHP was a requirement of the WRC as it involved the bringing on to a restricted place site, machinery (causing disturbance of soil) and removal of soil for testing, all of which required permission of WRC. Following this work I was tasked (July to August 2019) with assisting the Applicant to respond to alligator weed issues at the proposed development site, as one of a suite of technical reports prepared to inform and support the preparation of the structure plan and request for the Te Awa Lakes Plan Change process.

2.9 Following completion of this report I have been involved in one round of caucusing with various parties (September 2019) with an interest in alligator weed matters, which resulted in the preparation of a Joint Statement of Witnesses (Biosecurity).

2.10 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and to the extent that I am giving expert evidence, have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

### **3. SCOPE OF EVIDENCE**

3.1 I have been asked to provide evidence in relation to alligator weed management at the proposed development site. This information relates directly to proposed alligator weed management plan rules in the plan change. The rules would take the form of a set of Information Requirements and related assessment criteria that apply to all land use resource consent applications in the Te Awa Lakes Structure Plan area.

3.2 My evidence will cover the following matters:

- a) Relevant facts and context;
- b) Summary of technical report;
- c) Expert caucusing;
- d) Comments on the Section 42A Report;
- e) Comments on submissions;
- f) Proposed amendments to the plan change; and
- g) Conclusions.

### **4. RELEVANT FACTS AND CONTEXT**

4.1 In this statement of evidence I do not repeat the description of the plan change and refer to the summary of the application in the evidence of John Olliver for the Applicant.

4.2 The issues regarding alligator weed management in relation to PPC2 are standalone matters. To the best of my knowledge there are no other key aspects of the application that are critically important to my findings and conclusions.

## 5. SUMMARY OF TECHNICAL REPORT

5.1 Alligator weed is one of the country's worst weeds and is very difficult to control. It is mainly aquatic (forming extensive floating mats on water bodies). However, it also spreads easily onto land where it is harder to identify. Alligator weed at the Te Awa Lakes site takes on both forms. The site is among the most challenging in the Waikato region to manage due to prior mining and machinery movements. Alligator weed spreads by tiny fragments that break off which easily take root and grow. Alligator weed is found across much of the site and probably survives throughout the soil profile (up to 5-10 m deep).

5.2 Because of the high risk of spreading alligator weed off-site, the former quarry was declared a restricted place in 2004 under the Biosecurity Act (section 130) by the WRC. This declaration and subsequent Restricted Place Notice (RPN) was reissued in 2018 in relation to the proposed site development. The RPN contains eight conditions mostly in relation to any 'risk goods' proposed to leave the site (such as soil, vegetation, machinery) requiring prior permission from WRC (and treatment as is appropriate). WRC currently undertakes all control (spraying up to three times per annum) and monitoring operations.

5.3 The Hamilton City Council (HCC) as submitter requested supplementary information in relation to alligator weed management at the site, distilled into three requirements:

- Demonstrate how the Restricted Place Notice will not be breached (during development of the site).
- Demonstrate how alligator weed is to be managed and controlled (during full development).
- Outline ongoing implications of management in a residential environment and how the costs will be met.

The following three sections address each of the above three points.

### *The RPN*

5.4 The November 2018 WHP was a requirement of the reissued RPN specifically in relation to preliminary drilling and soil sampling at the site. It also provided the Applicant with the opportunity to test the restricted place declaration in relation to full-scale development. There are five key mitigations outlined in the WHP which are essential considerations for the full development of the site. Adhering to these requirements will also ensure the RPN will not be breached:

- A dedicated site manager will be selected with responsibilities for all alligator weed controls at the site. This appointment is critical to the success of the venture in terms of managing the weed threat. The onus will be on the successful contractor to demonstrate the culture required and instil that in all visitors/contractors to the site.
- No infested spoil is proposed to be taken off the site because of the proposed earthworks balance. If that changes there are effective ways of ensuring that trucked transport and disposal to an appropriate landfill or approved deep burial site poses no or very low risk of spread, with sealed/leak proof closed sided vehicles used and other controls put in place.
- Other than controlled pine tree removal no vegetation material is proposed to leave the site.
- Machinery hygiene controls are currently in place (through an existing machinery washdown facility) and will be further enhanced with steam cleaning capability for high risk machinery such as excavators. All machinery is proposed to stay on site for the duration of development.
- No stormwater is proposed to leave the site through new connections and dewatering of all internal ponds prior to construction should assist with alligator weed control (and the overall eradication goal).

### *Management and control during full development*

5.5 In relation to full-scale construction and development of the site, many of the site controls or mitigations noted in the WHP (with reference to section 5.4 above) will be scaled up

accordingly. The major earthworks and remediation proposed creates an opportunity to eradicate alligator weed that would not arise if development did not take place. It is noted that many of the challenges proposed to be faced will require solutions on a scale not attempted before in the region. The issues and outcomes discussed in the report largely sit outside the plan change process and will need to be actioned by the Applicant in conjunction with WRC. However, the plan change establishes a need for subsequent resource consents to be obtained before development takes place and it would be appropriate for consent conditions to include reference to compliance with any WHP and to the objectives of alligator weed management, based on the factual situation that applies at that time.

*Implications of ongoing management in a residential environment*

5.6 The WRC's main concern with the proposal has been the potential weed legacy issue created when transferring from one occupier to 1,000 individual land owners. Current costs of control are relatively small compared to the costs of monitoring, and potentially control, under full development. The eradication goal is intended to eliminate the legacy problem, but cannot be guaranteed, and contingency planning has commenced. WRC may apply Biosecurity Act funding principles to allocations of costs for ongoing pest control. 'Who benefits from the pest control' and 'who creates or exacerbates pest spread' will be a key focus. Three options for ongoing costs of alligator weed management were identified:

- The status quo - WRC continue to fund and undertake all work;
- Total transfer of all obligations and costs to new landowners; or
- Shared approach to managing work and costs (between WRC and a proposed Te Awa Lakes Residents Society).

Much will depend on the outcome of eradication attempts, however a shared approach to future funding has been socialised among the parties as the favoured option.

## **6. EXPERT CAUCUSING**

6.1 I attended facilitated expert caucusing on Biosecurity on 17 September 2019 and refer to the Joint Witness Statement (Biosecurity) signed at the conclusion of that caucusing. A number of matters were agreed. There were no areas of disagreement as a result of caucusing.

6.2 Two comments were recorded:

- a) Aspects of Maatauranga Māori should be taken into account in consideration of the issues noted in 5.3 above.
- b) Mana whenua representatives will consult with Maatauranga Māori experts, regarding the impacts of alligator weed (and the impacts of the methods of control for alligator weed) on taonga species and follow up accordingly with the Applicant and the WRC.

6.3 Those matters are outside my area of expertise, and I defer to other experts and mana whenua in that regard.

## **7. COMMENTS ON THE SECTION 42A REPORT**

7.1 The section 42A report (at Appendix A) summarises that the Te Awa Lakes site contains alligator weed and is subject to a Restricted Place declaration and Restricted Place Notice under the Biosecurity Act 1993, which prevents any work that could cause a spread of the weed. Given the extent of earthworks that will be needed to develop the site in the manner proposed by PPC2, there is the potential for significant adverse effects if alligator weed was to spread to the Waikato River. A Weed Hygiene Plan is in place at the site and has been followed during the site investigation phase.

7.2 In response to the above issues, the author of the section 42A report notes that the Applicant proposes a rule requiring that all work on and subsequent management at the site be undertaken in accordance with an approved Alligator Weed Management Plan which is to be prepared in consultation with the Waikato Regional Council and with reference to the Weed Hygiene Plan and the Biosecurity Act. To the extent that this is a District Plan matter to control, this is an effective and efficient mechanism to address the alligator weed issue.

7.3 The section 42A report author recommends that this proposed rule be accepted. The proposed recommendation is fully consistent with the information I have provided in my evidence.

## **8. COMMENTS ON SUBMISSIONS**

8.1 Only one submission referred directly to the presence of alligator weed at the site. This was submitted by WRC (submitter 41). The essence of the submission was around PPC2 needing to include controls to stop the spread of alligator weed found at the site, as it is listed as a progressive containment pest plant in the Waikato Regional Pest Management Plan (RPMP). Also noted as significant was that the site is subject to an RPN under the Biosecurity Act 1993, meaning that no soil is to leave the site and all machinery is to be washed down prior to moving off-site. The submission alludes to the requirement to prepare a WHP under the RPMP rule 16.2.

8.2 Alligator weed management has since been addressed between the parties on several different occasions. The first was during the preparation of the WHP for undertaking exploratory investigation work at the site. This addressed meeting restricted place requirements, which have since been widened in scope to include what alligator weed management development would look like under a full earthworks programme using the same mitigation concepts (as outlined at paragraphs 5.3 to 5.6 above). Subsequent caucusing between the parties further cemented 'common ground' understandings. The only remaining matter between the parties is how alligator weed would be managed post-development and who would pay. Various options have been discussed which necessarily remain a 'work in progress' at this time, but as discussed above, these matters are to be addressed outside the plan change process. I note that there were no areas of disagreement from caucusing (which included the WRC's expert) on effects-based matters, and so I understand that the points in this submission have either been resolved or, in the case of post-development structures, are to be worked on outside the plan change process.

## **9. PROPOSED AMENDMENTS TO PLAN CHANGE**

9.1 There are no concerns raised in the Section 42A Report, therefore I consider there is no requirement to further amend the plan change.

## **10. CONCLUSION**

### **10.1 In my opinion:**

- Alligator weed can be effectively managed through the range of mitigations and actions described for the different stages of the development.
- The goal to eradicate alligator weed on the site is intended to eliminate or minimise the legacy problem when transferring from one owner to 1,000 owners. In my opinion, this outcome will only be achieved through a shared approach to funding and control and collaboration, both during and after development.
- The approach taken in the plan change provisions to alligator weed management is appropriate to address any potential effects from alligator weed.

**Peter Russell**

**29 October 2019**