

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER OF the Resource Management Act 1991

AND the Proposed Kaipara District Plan, Ecosystems and
Indigenous Biodiversity chapter

**MEMORANDUM FROM COUNSEL
ON BEHALF OF THE DIRECTOR-GENERAL OF CONSERVATION**

Submitter Number: 304

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Counsel for the Director-General of Conservation

Department of Conservation *Te Papa Atawhai*

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May it please the panel

1. This memorandum is filed on behalf of the Director-General of Conservation *Tumaki Ahurei* (DG) in respect of the primary evidence of Mr Ronan Whitelock, Mr Andrew Townsend, and Dr Tony Beauchamp, all of which are dated 22 May 2026, and a drafting oversight in one of the recommendations of Mr Whitelock.
2. Counsel has identified that the footnote cross-references between each of these statements of evidence are incorrect.
3. To assist the Panel, a table is provided below setting out the corrected cross-references in the experts' evidence.

Footnote No:	Paragraph reference:	Corrected paragraph reference:
Mr. Ronan Whitelock's evidence		
24	Dr Tony Beauchamp, EIC, page 9, para [36].	Dr Tony Beauchamp, EIC, page 9, para [39] .
25	Dr Tony Beauchamp, EIC, page 9, para [37].	Dr Tony Beauchamp, EIC, page 10 , para [42] .
31	Mr Andrew Townsend, EIC, para [60].	Mr Andrew Townsend, EIC, para [59] .
34	Dr Tony Beauchamp, EIC, para [44-46].	Dr Tony Beauchamp, EIC, para [48-50] .
35	Dr Tony Beauchamp, EIC, para [47].	Dr Tony Beauchamp, EIC, para [50] .
36	Dr Tony Beauchamp, EIC, para [43]	Dr Tony Beauchamp, EIC, para [46]
39	Dr Tony Beauchamp, EIC, para [22].	Dr Tony Beauchamp, EIC, para [24] .
40	Dr Tony Beauchamp, EIC, para [25]	Dr Tony Beauchamp, EIC, para [27] .
41	Dr Tony Beauchamp, EIC, para [26].	Dr Tony Beauchamp, EIC, para [28] .

42	Dr Tony Beauchamp, EIC, para [29].	Dr Tony Beauchamp, EIC, para [31] .
46	Mr Andrew Townsend, EIC, para [80].	Mr Andrew Townsend, EIC, para [64] .
47	Mr Andrew Townsend, EIC, para [87-97].	Mr Andrew Townsend, EIC, para [65-69] .
Mr. Andrew Townsend's evidence		
38c	Dr. Tony Beauchamp, EIC, para [37].	Dr. Tony Beauchamp, EIC, para [39] .
70	Mr. Ronan Whitelock, EIC, para [117].	Mr. Ronan Whitelock, EIC, para [116-118] .
Dr. Tony Beauchamp's evidence		
34	Mr. Ronan Whitelock, EIC, para [110-116].	Mr. Ronan Whitelock, EIC, para [108-114] .
44	Mr. Ronan Whitelock, EIC, para [94-98].	Mr. Ronan Whitelock, EIC, para [92-96] .

4. Mr. Whitelock has also brought to the attention of Counsel an oversight in the drafting of his recommended amendments to Policy ECO-P2 in relation to the implementation of 3.10(2) of the NPS-IB. To assist the panel, below is the corrected wording that Mr Whitelock's amendments were seeking to address.
5. This is provided below. We trust this is of assistance.

Orange underline or strike-out indicates a change to the recommended amendments to Mr Whitelock's recommendations (**green text**) in Appendix B of his primary evidence:

ECO-P2	Indigenous Biodiversity Outside the coastal environment
	<p>Outside the coastal environment:</p> <ol style="list-style-type: none"> 1. Inside areas that meet the ecological significance criteria of Appendix 5 of the Northland Regional Policy Statement 2016 (Areas of significant indigenous vegetation and significant habitats of indigenous fauna) Avoid, remedy or mitigate adverse effects of subdivision, land use and development to ensure adverse effects are no more than minor on; (except as outlined in Clause 3.11 of the NPS-IB) that would result in:

- a. loss of ecosystem representation and extent;
 - b. disruption to sequences, mosaics, or ecosystem function;
 - c. a reduction in the function of the vegetation or habitat as a buffer or connection to other important habitats or ecosystems; or
 - d. a reduction in the population size or occupancy of threatened or at risk (declining) species that are identified within the area for any part of their life cycle
 - e. ~~Threatened and At Risk Indigenous species;~~
 - f. ~~Areas of significant indigenous vegetation and significant habitat of indigenous fauna;~~
 - e. Areas of indigenous biodiversity protected under other legislation; and
2. For adverse effects of activities not referred to in clause (1) exempt under Clause 3.10(2) of the NPS-IB or that could occur as a result of the exceptions in clause 3.11 of the NPS-IB where adverse effects cannot be avoided, implement the effects management hierarchy.
 3. Outside of areas that do not meet the ecological significance criteria of Appendix 5 of the Northland Regional Policy Statement 2016 (Areas of significant indigenous vegetation and significant habitats of indigenous fauna) Apply the effects management hierarchy to avoid, minimise, remedy, or mitigate, offset or compensate any significant adverse effects of subdivision, land use and development to ensure there are no significant adverse effects on:
 - a. Areas of predominantly indigenous vegetation; and
 - b. Indigenous species, habitats, and ecosystems that are important for recreational, commercial, traditional or cultural purposes or are particularly vulnerable to modification.
 4. For the purposes of clauses (2) and (3) the implementation of the effects management hierarchy includes:
 - a. Adverse effects are avoided where practicable; then
 - b. Where adverse effects cannot be avoided, they are minimised where practicable; then
 - c. Where adverse effects cannot be minimised, they are remedied where practicable; then
 - d. Where more than minor residual adverse effects cannot be avoided, minimised or remedied, biodiversity offsetting is provided where appropriate; then
 - e. Where biodiversity offsetting is not appropriate, biodiversity compensation is provided.

W/kenere

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DATED 5 June 2026