

Before Kaipara District Council

In the Matter of the Resource Management Act 1991 (**RMA**)

And

In the Matter of an application for Private Plan Change 82
(**PC82**) by **MOONLIGHT HEIGHTS LIMITED** to
rezone 39.2 ha of land at Awakino Road,
Dargaville from Rural Zone to Residential Zone

**Evidence of Jack Warden on behalf of Moonlight Heights Limited in Support of
Right of Reply
(ECOLOGY)
Dated 15 September 2023**

Jeremy Brabant

Barrister

Foundry Chambers

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Introduction

1. My full name is Jack Oliver Warden. I have qualifications and experience as set out in my Evidence in Chief (“EiC”) dated 20 July 2023. As per my EiC, I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and I agree to comply with it
2. The Applicant has prepared revised precinct provisions (**Reply Provisions**) following the hearing on 9 and 10 August. The Reply Provisions include amendments with respect to ecology matters. I have provided input into those ecology related amendments, taking account of:
 - a. Those matters addressed during the hearing;
 - b. Further consideration of the environment and discussion with Ms McGrath.
3. This statement also takes account of the post hearing memorandum dated 11 September 2023 from the reporting planner. That memorandum refers to ecological matters, but specifically records that it is prepared without expert ecological input and therefore does not take issue with the changes proposed by the Applicant.
4. I have considered the terminology used within the updated precinct plan and Reply Provisions used to describe the sites ecological features. The terminology has been updated to reflect the current definitions and associated consent triggers under the Kaipara District Plan and Northland Regional Plan.
5. In my opinion, due to the isolated nature of the identified wetland features across the site it is not necessary to provide connection between them. In my view the proposed provisions adequately provide for their protection. Whether the provisions and associated ecological benefits provide for individual protection of these features or overall connectivity, will be best decided at the time of a resource consent application.

6. I support introduction of Sub-area A onto the Precinct Plan, which identifies areas of steeper slope and captures existing wetlands, rivers, indigenous vegetation and archaeological features. New proposed provisions require allotments to have an area of 450m² exclusive of Sub-Area A¹ which protects these areas.
7. I also support changes to descriptions in the legend of the Precinct Plan and associated amendments which mean that all existing indigenous vegetation identified in the Ecological Assessment is now captured by the Precinct Plan.
8. Considering the provisions seeking the identified natural features be protected in accordance with an Ecological Enhancement and Management Plan (amended Rule 13.13A.6), in my opinion privately owned sites subject to appropriate conditions of consent will achieve the desired ecological benefits.

Conclusion

9. Overall, after considering the revised precinct plan and Reply Provisions, I remain satisfied the provisions are appropriate and will ensure future development on the site will be designed in a manner that recognises the existing ecological and environmental values and constraints of the Site and immediate surrounds and strengthens the ecological values of these features.

Jack Warden

Dated 15 September 2023

¹ Recommended rule 13.13A.2.2