

Appendix 6

Ecological Review (Wildlands)

Our Ref: R7102

25 January 2024

Paul Waanders District Planner
Kaipara te Oranganui | Kaipara District Council
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Dear Paul

PRIVATE PLAN CHANGE 83 – THE RISE LTD – ECOLOGICAL REVIEW

INTRODUCTION

Kaipara District Council (**KDC**) has received an application for a Private Plan Change PPC83 (**PPC**) from The Rise Limited in relation to a proposed rezoning of land at Cove Road, Mangawhai. The PPC seeks to rezone 56.9 hectares of land within the site boundaries from 'Rural' to 'Residential' to enable the development of a residential subdivision and the creation of The Cove Road North Precinct. KDC has requested Wildland Consultants Ltd (**Wildlands**) to provide supplementary ecological advice with respect to ecological aspects of the application on behalf of the District Council.

This report in letter form provides the following:

- A high-level desktop peer review of the Ecological Report prepared by Wild Ecology for the applicant and appended to the PPC application (Appendix 6 of the application).
- Review and professional opinion on ecological issues raised by submitters, including the Bream Tail Residents Association (Submission 8), K. Sullivan and S. Powley (Submission 37), and S. Bray (submission 62).

To assist with the review, a Wildlands Senior Ecologist visited the site on 17 January 2024.

REVIEW OF ECOLOGICAL REPORT PREPARED BY WILD ECOLOGY.

The ecological report prepared by Wild Ecology covers relevant ecological aspects of the proposed PPC and associated Cove Road North Precinct, which are succinctly summarised in the Executive Summary. The report provides comprehensive detail of the background and the methodology used in the ecological assessment. Results of the desktop investigations and the site survey have been used to describe the ecological features of the site such as the terrestrial and aquatic habitats and faunal communities that are present or are likely to utilise the site, and assign values to the ecological features described.

Wild Ecology has utilised the Environment Institute of Australia and New Zealand (**EIANZ**) Ecological Impact Assessment Guidelines (EclAG) (Roper-Lindsay *et al.* 2018) to assign ecological value to the vegetation, habitat and species recorded within the surveys and also to assess the magnitude and overall level of effect of the PPC. These guidelines are widely used throughout New Zealand, and their use here is considered to provide an appropriate framework for the assessment of ecological effects. Ecological values at the site are assessed as 'Low-Moderate'. A site visit undertaken by the Wildlands Senior Ecologist on 17 January 2024 confirmed that the descriptions and assessments of ecological values provided in the Wild Ecology report are accurate.

The report acknowledges that the assessment of effects is more a of 'general assessment' given that the overall development layout following the PPC is yet to be completed, and will be confirmed at the time of subdivision and development. Potential adverse ecological effects of the proposed PPC are assessed as 'low', provided that mitigative measures, and opportunities for habitat enhancement, restoration and protection are implemented. Opportunities for ecological enhancement include the establishment of planted riparian and wetland corridors and buffers to connect those features to the existing bush remnant in the north of the site. The report recommends other measures such as ongoing pest plant and pest animal control, retention of all indigenous vegetation within the site, and protection in perpetuity of the enhanced ecological features through covenants or consent notices.

In Table 7 of the report, it mentions the possibility of stream reclamation. If permanent or intermittent stream habitats are to be reclaimed, Stream Ecological Valuations (SEVs) should be undertaken to determine the quantum of offsetting required. It would be appropriate to refer to offsetting as a means by which to address potential stream loss in Table 7.

Planning provisions including local, regional, and national policy statements relevant to the PPC are identified and implications for any future site development works are discussed. These include the following:

- National Policy Statement for Freshwater Management (NPS-FM 2020).
- National Environmental Standards for Freshwater (NES-F) Regulations 2020.
- The Operative Kaipara District Plan (KDP) 2013.
- Proposed Regional Plan for Northland (PRPN) March 2022 - Appeals Version.
- Mangawhai Spatial Plan (Draft) 2020.

The report maintains that the Cove Road North Precinct Provisions (Barker and Associates 2022) provide sufficient consideration, guidance and controls to protect freshwater features as required under the NPS-FM and NES-F. Objectives and policies in the Kaipara District Plan (Operative) relevant to potential ecological or environmental effects associated with the proposed PPC and establishment of the North Precinct subdivision are comprehensively addressed in an analysis presented in a summary table. Provisions of Appendix 25B Integrated Development Guidelines and Appendix 25G Assessment of Ecological Significance of the KDP (2013) are also specifically considered.

In considering the provisions of the Proposed Regional Plan for Northland (Appeals version 2022), the report says that the rules most applicable to any development of the site relate to works within watercourses or 'natural wetland' areas. Any future site development works proposed at the time of consent applications for subdivision or land use within the Cove Road North Precinct that do not meet permitted standards in the PRPN will require additional resource consents and further ecological assessments specific to each title. The report states that the PPC recognises and provides for the strategic direction of the Mangawhai Spatial Plan in respect to ecological matters.

The report concludes that the appropriate protection and enhancement of ecological features of the Cove Road North Precinct site have been provided for under The Cove Road North Precinct Provisions (CRNP) prepared by Barker and Associates (2022). The provisions provide detail on how, following the establishment of the PPC, adverse ecological effects associated with land subdivision/development can be sufficiently avoided, remedied or mitigated. The CRNP provisions have focused on setting policies and objectives that would result in the enhancement and permanent protection of ecological features.

At various points throughout the report, it is emphasised that any subsequent subdivision or land development proposals following the rezoning of the site will be subject to further ecological assessments to ensure that all natural features are recognised, and potential ecological effects will be assessed **at the time of land use or subdivision consent**. Ecological Assessments and Ecological Management Plans identifying potential ecological effects and opportunities for enhancement and mitigation will need to be prepared in relation to the design for each individual site development proposal. Protection and enhancement of ecological features afforded by the CRNP are supported by current KDP, Northland Regional Council (NRC), and NES-F controls and regulations.

The ecological report ends with the following concluding statement:

“It is considered that there are no significant constraints to the proposed rezoning of the site, and the potential adverse ecological effects can be sufficiently avoided, remedied or mitigated through a combination of low impact integrated design principles, current KDP, NRC, NESFW controls in addition to the proposed The Cove Road North Precinct provisions. Should any subsequent land development within the Cove Road North Precinct be in accordance with the applicable performance standards, it would provide an opportunity to protect and enhance the ecological features contained within the PPC boundaries.”

The report prepared by Wild Ecology comprehensively addresses aspects of the PPC relevant to ecological matters, and I am in agreement with the conclusions reached in the Report.

I note the following minor corrections that should be made in Table 3 of the report:

- Shortfin eel is native to New Zealand, not endemic.
- Longfin eel is endemic to New Zealand, not native.
- Common and redfin bullies are endemic to New Zealand.
- ‘*Paranephrops* spp.’ should be changed to ‘*Paranephrops planifrons*’, which is ‘Not Threatened’.

RESPONSE TO ECOLOGICAL MATTERS RAISED IN SUBMISSIONS

Ecological matters raised in submissions are discussed below, and recommendations to address each of the issues raised by submitters are in bold type.

Submission No. 8. Bream Tail Residents Association

A joint submission from the Bream Tail Residents Association (**BTRA**) and Northern Farms Limited seeks that PPC83 be declined. The submitter points out that under their resource consent conditions, they manage a delicate balance between residential, farming and conservation obligations within their properties. The submitter’s property is also recognised as being part of the Piroa/Brynderwyn High Value Biodiversity Area, and they maintain that as a result of the pest control undertaken by the BTRA and surrounding local conservation groups, the submitter’s property now supports a population of kiwi.

Whilst the submitter does not support PPC83 in any form, should the Council approve PPC83, the submitter seeks that several additional minimum standards and controls must be incorporated into the PPC83 provisions. Standards and controls sought that are relevant to ecological matters are as follows:

- A two-metre-wide planted buffer within PPC83 land along the common boundary with the submitter's land.
- No cats or mustelids are allowed on any lots within PPC83.
- Predator fencing shall be erected to ensure that no cats or mustelids can enter the submitter's land.

Planting a two-metre-wide buffer within the PPC83 land along the common boundary with the Bream Tail properties is considered to be relevant mainly in terms of landscape amenity values, but would also provide some degree of ecological benefit (e.g. potential habitat for birds moving through the landscape bordering the properties). Protection of ecological features is already provided for in specific recommendations within the Ecological Report (Wild Ecology 2022) including:

- Weed and pest animal control to be provided within the forest remnant in the north end of the precinct.
- Indigenous planting within a 10 metre wide buffer at the margins of the forest remnant.
- Revegetation planting within riparian and wetland areas, and establishment of buffer areas to create green corridors connecting those features to the northern forest remnant.
- Any roading and pedestrian/cycle paths go around vegetated areas rather than through them.
- Retention of all native vegetation within the site as far as practicable.

These recommendations are provided for by Rule 13.13X Ecological Enhancement Rules in the proposed Cove Road Precinct Provisions. that stipulate:

“Any subdivision within the Cove Road North Precinct where the site contains an ecological feature including indigenous terrestrial or aquatic habitats shall legally protect any indigenous habitats on site in perpetuity and manage the ecological feature on an ongoing basis in accordance with an approved Ecological Enhancement and Management Plan”

Thus, it is my opinion that the planting of a two metre wide buffer planting along the entire boundary with the Bream Tail properties is not required in order to mitigate or offset ecological effects.

It is already illegal in Northland to keep any mustelids in captivity or as a pet under Rule 7.3.6 of the Northland Regional Pest Management Plan. Given that there is likely to already be a number of cats present on properties throughout Mangawhai, the banning of cats on all lots within PPC83 is unlikely to prevent cats from entering the covenanted area to the north of the Cove Road North Precinct, nor the Bream Tail Farm property. Retrospective banning of all cats from PPC83 land may be very difficult or unfeasible as there may be cats present that belong to homeowners on existing properties that are already developed within the proposed PPC83 boundaries. For these reasons, I do not consider the banning of cats within PPC83 is justified. However, to maintain some control on the number of cats present in the area **it is recommended the number of cats per property (title) does not exceed one.**

Although highly effective, predator-proof fences are expensive and require ongoing monitoring and maintenance. Any proposal to construct a predator-proof fence therefore requires a detailed cost-benefit analysis and thorough investigation into the suitability of a particular site. Given that the Bream Tail Residents properties do not currently have predator fencing along their boundary, **it is my opinion that the construction of predator fencing along the PPC83 common boundary with Bream Tail properties would have little effect in preventing the passage of predators into the Bream Tail properties from other adjoining properties, and therefore is not warranted.**

Submission No. 37. K. Sullivan and S. Powley (In particular 37.6 Environmental Management).

An area of 'natural inland wetland' identified in the ecological report is located within the boundaries of PPC83 and within land owned by the submitters. The submitters are concerned that the wetland is vulnerable to adverse environmental effects from any further development on land above the wetland (i.e. the area of undeveloped land of The Rise). While the Cove Road Precinct Provisions contain Ecological Enhancement Rules (13.13X.3 and 13.13X.4) that provide for protection of such ecological features within any proposed subdivision site, the submitters have recommended the following amendment to the provision (in bold) to ensure that such ecological features are protected from potential adverse effects of any subdivision of adjacent sites:

*"Any subdivision application within the Cove Road North Precinct where the site either contains an ecological feature including indigenous terrestrial or aquatic habitats, **or borders an ecological feature including indigenous terrestrial or aquatic habitats**, requires a detailed Ecological Assessment prepared by a suitable qualified ecologist identifying and delineating all ecological features contained within the site boundaries and assesses the effects of the proposed site development on these features, and provide recommendations [as to how adverse ecological effects] may be avoided, remedied or mitigated; and b. An Ecological Enhancement and Management Plan designed to ensure that all ecological features are appropriately [protected and] enhanced as part of site development works".*

I support the inclusion of this amendment (or similarly worded provision giving the same effect) in the Cove Road Precinct Provisions to provide surety of protection for indigenous and aquatic habitats in the vicinity of PPC83.

Submission No. 62. S. Bray

This submission states that the covenanted area of bush in the north of the Precinct, and streams and wetlands in the vicinity, should be protected and enhanced to provide corridors for movement of Wildlife between the Brynderwyn Hills and other areas of bush and the estuary. The Cove Road North Precinct Provisions are already designed to provide for this (see Ecological Enhancement Rules 13.13X.3 and 13.13X.4 in the North Precinct Provisions).

The submission also requests that cats and dogs are banned in the Precinct area, and that predator control should be required due to the proximity of the site to the Brynderwyn foothills and Bream Tail Farm. As outlined above in the response to Submission No. 8 (Bream Tail Residents Association), I do not consider banning of cats within PPC83 to be an effective means of protecting indigenous fauna in the Brynderwyn Hills. I also consider a ban on dogs to be onerous and it would not likely result in any ecological gains. Rather, **it is recommended that provisions should be introduced to restrict the number of cats allowed within PPC83 to one per property (title), and that dogs must be securely contained within the property by appropriately fencing residential allotments within PPC83 boundaries, to ensure dogs do not leave residential properties unsupervised and stray into neighbouring high value ecological areas.** As recommended in the Ecological Report, **a pest plant and pest animal control programme should be developed and implemented within the small forest remnant that is subject to a conservation covenant in the north of the property.**

CONCLUSION

In terms of ecological matters, the methodology and assessment framework provided by the applicant and the consultant ecologists (Wild Ecology) are appropriate and their conclusions aligned with my on-site observations. Ecological features at the site are generally highly modified and ecological values are generally considered to be low to moderate. There are small watercourses, wetlands and areas of indigenous vegetation at the site that warrant enhancement and protection. The proposed rules in the Cove Road North Precinct provisions, and the recommendations set down in the Ecological Report, together with the amendments I have provided in response to submissions above, will enable

appropriate enhancement and protection of ecological features at the site. Many of the enhancement and protection measures will be actioned at the subdivision consent phase of the project. Provided those rules and recommendations are adhered to, there are no ecological reasons why the site should not be rezoned to residential.

Yours sincerely



Stephen Brown
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Wildland Consultants Ltd

Reviewed and approved for release by:



Nick Goldwater
Senior Principal Ecologist
Wildland Consultants Ltd

References

Barker and Associates 2022: The Rise Limited Private Plan Change Application.

Barker and Associates 2022: Appendix 9a Proposed Cove Road North Precinct Provisions and Track Changes to Residential Zone UPDATED.

Wild Ecology 2022: Ecological report prepared for proposed private plan change at Cove Road, Mangawhai. 'Cove Road North Precinct'. Report prepared by Wild Ecology for The Rise Ltd. 101 pp.