

BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL

Under the Resource Management Act 1991

In the matter Private Plan Change 85 (Mangawahi East) to the Kaipara District Plan

EVIDENCE OF JASON GRAHAM SMITH ON BEHALF OF KAIPARA DISTRICT COUNCIL

Ecology

1 December 2025

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1. INTRODUCTION

- 1.1** My full name is Jason Graham Smith. I am a Principal Scientist at Morpium Environmental Limited, an environmental consultancy. I have been with Morpium since 2019.
- 1.2** I hold the qualification(s) of Bachelor of Science in Geography and Environmental Science as well as a Bachelor of Science (Hons.) in Geography and have 12 years professional experience, with 10 years of experience in providing technical assessments and peer reviews in relation to ecology matters.
- 1.3** I am a full member of both the New Zealand Freshwater Science Society and the Environment Institute of Australia and New Zealand Inc. My professional experience includes 10 years of providing peer reviews of ecology assessments for resource consent applications and plan changes. I have appeared as an expert witness before consent authorities, on multiple occasions.
- 1.4** I have been engaged by Kaipara District Council (**Council**) to provide evidence to this Hearing Panel regarding the ecological effects associated with proposed Private Plan Change 85 (**PC 85**).
- 1.5** While I acknowledge that this is not an Environment Court hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and 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 material facts known to me that might alter or detract from my evidence.
- 1.6** I am authorised to make this statement on behalf of the Council. I understand that this statement will be attached to the report under section 42A of the Resource Management Act 1991 (**RMA**) that is being prepared by Jonathan Cleese.

2. SCOPE OF EVIDENCE

2.1 In this evidence I will:

- (a) Provide a peer-review of the notified application material as it relates to ecological effects;
- (b) Comment on how the measures proposed to address any identified effects have been incorporated into the plan change; and
- (c) Respond to the points raised in submissions and further submissions (as they relate to ecology matters).

2.2 In preparing this evidence I have reviewed the following documents:

- (a) “Plan Change (Private) - Mangawhai East Development Area” dated July 2025 (**PC 85**);
- (b) “Ecological Assessment Proposed Private Plan Change – Mangawhai East Southern Area – Lot 2 DP 2993, Lot 1 DP 392239 & Lot 2 DP 392239 Mangawhai, report prepared by Rural Designs, dated November 2024 (**Southern EclA**);
- (c) “Mangawhai East Private Plan Change Ecological Impact Assessment – Northern Area”, report prepared by Viridis Environmental Consultants, revision Final 2, dated 25 June 2025 (**Northern EclA**);
- (d) “Development Area Provisions” (July 2025 version);
- (e) “Planning Maps” (Notified versions, dated 13 September 2025);
- (f) “Ecological Features Map” (Notified version);

- (g) The summary of submissions prepared by KDC; and
- (h) The individual submissions and further submissions received for PC 85, described in the summary of submission prepared by KDC as having submission points relating to ecology.

2.3 I have also undertaken a site visit on 29/10/2025. At KDCs instruction, this was limited to publicly accessible viewpoints only.

3. SUMMARY

3.1 PC 85 seeks to re-zone approximately 94 ha of rural land to a mixture of residential and commercial zones. A Development Area is also proposed that contains plan change/area-specific planning provisions.

3.2 From my review of the application material, as it relates to ecological matters, in my opinion:

- (a) The application material is inconsistent with how ecological effects have been considered.
- (b) Not all relevant ecological effects have been considered.
- (c) The recommendations to address identified effects have not been adequately captured in the plan change overall. Therefore the requirement and mechanism to address the effects are not provided for.

3.3 The plan change is supported by two separate Ecological Impact Assessments (EclA) that cover different spatial extents, referred to herein as the 'Northern' and 'Southern' areas.

3.4 The Northern EclA, prepared by Viridis, largely applies to the land north of Black Swamp Road, and Lots 1 and 2 DP 177202 to the south of Black Swamp Road (as shown in Figure 2 of the Northern EclA).

- 3.5** I consider that the Northern EclA has identified a range of relevant potential effects that could arise from the proposal; however in my opinion, not all potential ecological effects have been considered.
- 3.6** The Northern EclA provides methods that would adequately address the potential ecological effects that have been recognised; however, in my opinion, the recommendations made in the EclA are not reflected in the plan change provisions and therefore the requirement and mechanism for implementation is not provided for.
- 3.7** The Southern EclA, prepared by Rural Designs, applies to the remaining plan change area south of Black Swamp Road (as shown in Figure 2 of the Southern EclA).
- 3.8** I consider that the Southern EclA has not adequately assessed the proposal. The Southern EclA has not considered the effects of the plan change, rather it considers the potential effects of a hypothetical future development.
- 3.9** In my view, neither the Northern EclA or the Southern EclA have adequately considered the proposal's potential effects on native avifauna, specifically the implication for the nearby New Zealand Fairy Tern (*Sternula nereis*, Tara iti) breeding colony, or the proposed boardwalk increasing disturbance to cryptic species¹ such as Australasian Bittern (*Botaurus poiciloptilus*, Matuku-hūrepo) that utilise the wetlands.
- 3.10** At this stage I am not in a position to support the plan change from an ecological perspective due to what I consider under-investigated potential effects and the lack of certainty on the mechanisms to ensure that the effects management proposed is realised.

4. ECOLOGICAL VALUES ASSESSMENT

- 4.1** This part of my evidence assesses the ecological values of the PC 85 site.

¹ In this sense cryptic means the species is difficult to observe due to a combination of the plumage (camouflage) and behavior (preferring to remain in cover and avoid humans).

Ecological Values Assessment – Northern Area

- 4.2** The Northern EclA has utilised the EIANZ framework². I consider the EIANZ framework to be the industry best practice guideline document for the preparation of ecological impact assessments.
- 4.3** The Northern EclA has detailed the level of effort expended in desktop reviews and field investigations in section 3 and the relevant subsections of section 5. I consider the level of effort expended to be commensurate with the ecological values identified and the scale of the plan change.
- 4.4** The Northern EclA has applied the EIANZ framework to derive the current ecological values for each ecological attribute. The assessment of current ecological values, and the results, are transparently communicated throughout sections 5, 6 and 7. The assessment is further summarised in Table 14. Based on the information I have reviewed, I concur with the assessment presented.

Significant Natural Areas - North

- 4.5** The Northern EclA includes an assessment of how the salt marsh in the northwestern corner of the plan change area (referenced as Wetland D) meets the criteria as a SNA, utilising the criteria set out in the National Policy Statement for Indigenous Biodiversity (**NPS:IB**) criteria.
- 4.6** The Northern EclA has not considered the criteria set out in Appendix 25G of the Operative Kaipara District Plan (**OKDP**) for the Assessment of Ecological Significance. However, sufficient information is provided that confirms the SNAs identified under the NPS:IB would also qualify under the OKDP criteria.
- 4.7** SNAs have been appropriately considered, and are appropriately identified on the Planning Maps provided; however, are not shown on the Structure Plan.

² Environment Institute of Australia and New Zealand. 2018. *Ecological Impact Assessment (EclA) EIANZ guidelines for the use in New Zealand: terrestrial and freshwater ecosystems*. 2nd edition.

- 4.8** As stated in point d on page 2 of PC 85, the intention of the Structure Plan is to visually depict key features and outcomes required.
- 4.9** In my view the protection and enhancement of SNA-qualifying wetlands are key ecological features that require protection and enhancement as a key outcome sought by the plan change, supported by the proposed Development Area Provisions including objectives DEV X-04 and DEV X-05. The SNAs should therefore be identified on the structure plan as a key feature of the plan change area.
- 4.10** In the planning map provided, the Wetland D SNA area is to be zoned for Rural Lifestyle Zone. I note that the OKDP does not have an open space zone and therefore such a zone is not available for this plan change (without the introduction of an entirely new zone to the OKDP suite of zones). The Proposed Kaipara District Plan (**PKDP**), does however have an 'Open Space and Recreation Zones', including a 'Natural Open Space Zone' which may be a more appropriate zone for the SNAs in the future, as part of the PKDP process in the event that this plan change (and submissions by the applicant on the PKDP) is approved.

Ecological Values Assessment – Southern Area

- 4.11** The Southern EcIA also purports to have utilised the EIANZ framework.
- 4.12** However, the Southern EcIA has not detailed the level of effort expended in desktop reviews or the field investigations. Other than the date of the site visit, it cannot be determined what methods have been used, what databases were searched for all of the fauna observations (and for most attributes, to what distance from the subject site), or the level of effort expended in site investigations.
- 4.13** In my view, the Southern EcIA has incorrectly applied the EIANZ framework due to the lack of transparency in the reported results through the presentation of the results in a highly aggregated manner.
- 4.14** The Southern EcIA has identified areas of 'Wet Pasture', shown on Figure 3. No commentary on how these areas have been investigated has been provided. A

description of 'Wet Pasture' raises concerns that these areas could be wetlands/natural inland wetlands. I cannot comment further on this classification, as no details on the vegetation, or soils has been provided for review, and the area is not publicly accessible. Further information should be provided by the applicant's ecologist, by way of a wetland delineation assessment following the wetland delineation protocols³.

4.15 There is a divergence between how the potential presence of the native long-tailed bat has been considered between the EclAs. Both EclAs have considered the habitat value of the site for native long-tailed bats as Low. I concur that the habitat quality across the plan change area for native bats is Low. However, I prefer the precautionary approach of the Northern EclA that recognises that there are records of native bats within 10 kilometres of the plan change area; and given the foraging range of native bats, the plan change area does represent potential habitat. This becomes significant when considering lighting effects (which are discussed further below).

4.16 Based on the information contained within the Southern EclA, I believe that the current ecological values assessment presented in Table 3 is reasonably accurate. Noting concerns raised above with 'Wet Pasture', how the presence of native bats have been considered, and notwithstanding that it does not address the potential for ecological effects generated by development within the plan change site to extend beyond the plan change boundaries.

Significant Natural Areas - South

4.17 The Southern EclA has included an assessment of how the Saltmarsh-Mangrove Forest & Scrub, and Northern Saltmarsh Fringe Wetland meet the SNA criteria under the NPS:IB.

4.18 The Southern EclA has not considered the criteria set out in Appendix 25G of the OKDP, and whilst identified on the Planning Maps, are not shown on the Structure Plan.

³ Ministry for the Environment. 2022. Wetland delineation protocols. Wellington: Ministry for the Environment.

- 4.19** In my view the protection and enhancement of SNA-qualifying wetlands are key ecological features that require protection and enhancement as a key outcome sought by the plan change, supported by the proposed Development Area Provisions including objectives DEV X-04 and DEV X-05. The SNAs should therefore be identified on the structure plan as a key feature of the plan change area.

5. POTENTIAL ECOLOGICAL EFFECTS OF THE PLAN CHANGE

- 5.1** This part of my evidence assesses the potential ecological effects of PC 85.

Potential Ecological Effects – Northern Area

- 5.2** The Northern EclA has identified the potential ecological effects that could result from the proposal in section 9. I consider that the Northern EclA has identified most potential effects, the exception being those noted further below. The effects identified include ‘Pest Mammals’ (section 9.22), the loss of the Wetland Yard (section 9.3.2) and under section 9.4 ‘Impact on Coastal Ecology’ an increase in light pollution is recognised.
- 5.3** The Northern EclA does not transparently assess the Magnitude of the Effects, which would be required to derive an overall level of effect in accordance with the EIANZ framework.
- 5.4** Whilst the Northern EclA identifies the potential for the disturbance to native avifauna as a potential effect, in my view, it has not adequately assessed specific risk of disturbance that could arise from the proposed ‘*Coastal fringe enhancement and public walkway*’.
- 5.5** The coastal fringe enhancement and public walkway’s alignment is indicated in the Structure Plan as crossing both the wetlands that have been identified as Significant Natural Areas (**SNAs**).

- 5.6** The wetlands are reported as habitat for threatened avifauna. The creation of the walkways, and the ongoing use, could potentially disturb fauna utilising this area and reduce the habitat quality. This risk and any associated potential effects have not been assessed.

Potential Ecological Effects – Southern Area

- 5.7** The Southern EclA has identified the potential ecological effects in section 4.1, with further detail being provided in Table 4.
- 5.8** I do not consider the Southern EclA to have identified the relevant potential ecological effects that could result from this proposal.
- 5.9** This proposal involves the change in zoning and the introduction of the “Development Area Provisions”. I therefore consider that the potential ecological effects arising from the plan change should have included consideration of the changes in the planning framework, urbanisation of the area and an associated increase in the associated anthropogenic impacts such as nighttime lighting and the introduction of domestic mammals such as cats and dogs.
- 5.10** The Southern EclA focus is on construction-phase activities that result in earthworks and vegetation clearance and the associated impacts that these activities might have on native flora and fauna.

Potential Ecological Effects – Outside of PC 85

Potential Future Harbour Access

- 5.11** The Structure Plan also shows a ‘*Potential Future Harbour Access*’. The implications of this notation are not clear, however the term is assumed to indicate the provision of a vehicle-capable boat ramp.

- 5.12** The potential future harbour access is located outside of the plan change area, is not specifically provided for in the proposed provisions, and has not been subject to an assessment of any ecological effects arising from its provision.
- 5.13** An increase in the use of the harbour for recreation has not been assessed in either the Northern or the Southern EclA.
- 5.14** The concern here would be that increased use disturbs or displaces avifauna, particularly fairy tern, that forage in the estuary and harbour. There is concern about the localised effect around any potential boat ramp, as well as, the increase in activity across the wider harbour.

The Insley Street Shared Use Path

- 5.15** PC 85 proposes to connect the plan change area to Mangawhai Village by way of a shared path along the eastern side of Insley Street.
- 5.16** I understand from Mr Van der Westhuizen's evidence that the existing Insley Street road reserve across the causeway provides only limited width, insufficient to deliver the shared path fully within the road reserve.
- 5.17** I therefore infer then that the provision of a future shared path would need to extend partially into the estuary, potentially requiring either reclamation in the estuary, or a built solution (such as the construction of a raised board walk).
- 5.18** The ecological effects of providing the shared use path have not been assessed as part of the plan change application.
- 5.19** From an ecological perspective this would raise concerns regarding potential for earthworks and vegetation clearance within and near the estuary, as well as, the disturbance and displacement of any fauna that currently utilise this area both during construction and in the longer-term operational phase.

6. EFFECTS MANAGEMENT – NORTHERN EcIA

- 6.1** The Northern EcIA does make concluding statements on the level of effect for each ecological attribute throughout section 9. For coastal ecology, this includes recommendations regarding lighting.
- 6.2** The Northern EcIA identifies measures to address potential effects in section 10 as:
- (a) Buffer planting and weed and pest control around the wetlands and coastal environment.
 - (b) Restrictions on the keeping of mammals (particularly cats) through covenants and a requirement for dogs on any walkways to be on-leash.
- 6.3** If implemented, these recommendations would be appropriate to manage the ecological effects that the Northern EcIA did identify.

7. EFFECTS MANAGEMENT – SOUTHERN EcIA

- 7.1** As discussed above, I do not consider the Southern EcIA to have identified the relevant potential ecological effects that could result from this proposal. The Southern EcIA focus is on construction-phase activities and the effects management proposed within the Southern EcIA is limited to managing such construction-related effects.
- 7.2** From an ecological perspective it would be appropriate to extend the recommendations from the Northern EcIA to the southern area, to address those recognised effects.

8. EFFECTS MANAGEMENT – PLANNING PROVISIONS

- 8.1** This part of my evidence addresses the proposed management of ecological effects in the PC 85 provisions.

Northern Area

- 8.2** I do not believe the recommendations from the Northern EclA set out in the section above have been adequately captured in the Development Area Provisions.
- 8.3** Whilst the Development Area Provisions include a General Rule (DEV X-G R7) for lighting, the permitted activity standards do not align with the ecologist recommendations, and the matters of restricted discretion do not include ecological considerations.
- 8.4** Also, the recommendation for mammal control in the Northern EclA was for:
the keeping of mammals (particularly cats) is restricted as subdivision and development occurs.
- 8.5** In the Development Area Provisions this has been included in the policy DEV X-P4 1.e as:
Impose covenants and / or restrictive consent notices on all land within the Development Area banning the keeping of cats other than for existing landowners with existing cats [section 9.2.2 para. 3]
- 8.6** I have concerns with:
- (a) This policy only being applied to cats (as opposed to all mammals kept as pets; dogs, rats/mice and mustelids),
 - (b) How it can be applied to existing lots where no development is proposed or occurs,
 - (c) How it can be established if a cat is currently present,
 - (d) How any current resident cats can be distinguished from other future cats,
 - (e) How DEV X-P4 1.e would be monitored,
 - (f) Whose responsibility it is to implement the monitoring of DEV X-P4 1.e, and
 - (g) What are the implications if a future lot owner is found to be non-compliant with DEV X-P4 1.e.
- 8.7** The risk of non-compliance is worthy of further and specific consideration. Many domestic animals kept as pets do predate on native fauna, and this is particularly

relevant in this location given the proximity to the Fairy Tern breeding colony. As recognised in the Northern EclA:

The harbour contains a wide variety and representative succession of habitats spanning dunes, tidal flats, channels, mangroves, saltmarsh and freshwater wetlands and adjacent shrubland. It is the single most important breeding ground for the Nationally Critical fairy tern, which breeds on the sandspit, and individuals forage in the estuary or just offshore for much of the year. (page 29, para. 2).

8.8 The Northern EclA also recommends:

“pest control should be required to decrease possum, mustelid, hedgehog and rodent densities”.

8.9 Pest control has been included in the Development Area Provisions in the Special Information Requirement DEV X-REQ4 2, and Standard DEV X-SUB-S3.

8.10 However, DEV X-REQ4 is only required for a resource consent application involving 50 or more sites or dwellings and only to the coastal esplanade reserve, it does not apply to the wider site.

8.11 The timing, for when standard DEV X-SUB-S3 is to apply, is linked to the construction of 50 residential units. The author’s intent is likely that those 50 units are constructed as a single development in which case the responsibility for implementing DEV X-SUB-S3 could be undertaken collectively; however, that may not be the case. In the extreme, there could be 50 individual units. This standard could be read that the pest control falls to 1 of those 50 units, not all collectively or only in a single development of at least 50 lots. In which case it becomes unclear who is responsible for the weed and pest control.

8.12 Under standard DEV X-SUB-S3 weed and pest control is to be undertaken for a minimum period 6 months to eradicate the reserve from plant and animal pests. In my opinion, 6 months can reduce weed and pests populations, but is unlikely to achieve eradication, particularly if a seed bank is present, and eradication would require on-going efforts to ensure there is no re-incursion.

- 8.13** There is also no requirement for Council to certify the report required by DEV X-SUB-S3, the provision is treated as fait accompli that it is suitable for implementation (i.e. aligns with best practice).
- 8.14** I consider that the area covered by pest control should be extended, across the plan change area, to buffer these ecological areas from the potential impacts of all pests (animals and plants).
- 8.15** I also consider that to keep these areas free from weeds and pest animals the control should be extended. The change in land use, and the accompanying risk of pest animals will arise over a period greater than 6 months, there remains an on-going risk on weed and pest intrusion.
- 8.16** All plans that govern ecological enhancements should be provided to KDC to act in a certification capacity, to ensure the plans align with best practice.
- 8.17** Whilst the Northern EclA recommends buffer planting adjacent to the wetlands, there is no further commentary or provision that would indicate that this planting is required before any walks are constructed and made operational.

Northern EclA – Matters to be Addressed as Part of a Future Resource Consent

- 8.18** The Northern EclA also outlines in section 9 effects that can be addressed at the resource consenting stage: stormwater effects and sedimentation, as well as, vegetation removal.
- 8.19** I do consider that, as it relates to ecological matters, effects relating to stormwater, earthworks and vegetation clearance can be appropriately addressed at the resource consent stage.
- 8.20** The Northern EclA recognises that the change in zoning would provide a more lenient consenting pathway for the works (particularly reclamation) of the natural

inland wetlands, under Regulation 45C of the National Environmental Standard: Freshwater (**NES:FW**).

- 8.21** I recognise this potential pathway, and consider that the NES:FW provides for any ecological effects to be appropriately considered at the time any resource consents are sought.

Effects Management – Southern EclA

- 8.22** The Southern EclA only assesses potential effects of proposed construction works (not the effects of the plan change in terms of permanent urbanisation of the area), and therefore, has also only recognised a limited range of effect management approaches.
- 8.23** The Southern EclA considers that all mitigation/effects management options can be deferred to the resource consenting stage.
- 8.24** As outlined above, I do not consider the Southern EclA has considered all of the relevant ecological effects that could arise from the plan change.
- 8.25** Whilst the effects management proposed would address effects from construction activities, they do not address the potential effects of the change in land use and planning provisions.
- 8.26** In my opinion, the effects management proposed in the Northern EclA, if updated to address the concerns raised above, would be appropriate to be carried through to the area of the plan change considered in the Southern EclA.

Wildlife Act Requirements

- 8.27** The Northern EclA has limited consideration of the Wildlife Act. The Northern EclA notes in section 5.2.2 that the Wildlife Act protects all native herpetofauna (lizards).

- 8.28** The Northern EclA concludes that the framework of the Wildlife Act 1953, in conjunction with various other statutory planning documents, provides a framework to manage the effects of future development at the resource consenting phase.
- 8.29** The Southern EclA does not mention the Wildlife Act.
- 8.30** In my opinion, the summary statement of the Northern EclA is erroneous as neither District nor Regional consent authorities have a regulatory function under the Wildlife Act. The administration of the Wildlife Act is undertaken by the Department of Conservation and therefore is not linked to resource consents.
- 8.31** However, in my opinion based on the application material I have reviewed, I find it sufficient for the purposes of this plan change, to note that the Wildlife Act will need to be considered as a separate approval process when planning for future development.

9. SUBMISSIONS

- 9.1** Plan Change 85 has been notified and both submissions and further submissions have been received that relate to ecological matters.
- 9.2** Due to the large number of submissions received, I address the ecology-related submissions thematically in Table 1 below.
- 9.3** Where a submission has requested specific relief, I have provided a more detailed assessment following Table 1.

Table 1: Thematic Analysis of Submission Received

Theme	Relevant submissions	Assessment
Effects on ecosystems and wildlife	01, 05, 14,22, 24, 25, 41, 44, 46, 58	Submissions considered under this theme have raised concerns regarding potential ecological effects that have not been considered in the

Theme	Relevant submissions	Assessment
		<p>notified EclAs.</p> <p>I have also identified these potential effects above and provided additional assessment above.</p> <p>In my view, these submissions raise no further new matters to consider.</p>
Specific effects on Fairy tern	11, 20, 35, 38, 41, 44, 58, 66, 68, 69, 73, 76, 77, 87	<p>Submissions considered under this theme raise concerns regarding potential ecological effects that have not been considered in the notified EclAs.</p> <p>I have also identified these potential effects and assessed the risk above.</p> <p>In my view, these submissions raise no further new matters to consider.</p>
Ecological effects on/in the estuary	13, 22, 58, 76, 77	<p>Submissions considered under this theme have raised concerns regarding potential effects that could arise within the Mangawhai estuary.</p> <p>Primarily the concerns raised in submissions relate to increased sedimentation within the harbour from the proposed earthworks. GD05 is the appropriate standard and best practice document for erosion and sediment control of civil earthworks in the Northland Region, and is appropriate for controlling future earthworks required for urban development within the PC 85 area.</p>

Theme	Relevant submissions	Assessment
		This is not to say that the mangroves will not continue to persist in the estuary or continue to expand. The estuary is the receiving waterbody for areas outside of the plan change that also contribute to sediment loads within the estuary and harbour that provide the growing medium for mangrove establishment.
Sedimentation	14, 20, 22, 24, 25, 58, 73	<p>These submissions raise concerns regarding potential sedimentation</p> <p>GD05 is the appropriate standard and best practice document for civil earthworks in the Northland Region, and is appropriate for controlling the earthworks that would be required to give effect to PC 85.</p>
Mangawhai Spatial Plan	20, 24, 35	<p>These submissions raise concerns that PC 85 does not align with the Mangawhai Spatial Plan (MPS) on an ecological basis.</p> <p>I am neutral on this submission point. Having reviewed the MPS, it is not clear what level of ecological investigations were undertaken in its development as a non-statutory document. The recommendation for the PC 85 area was for alternatives to an intensified development pattern and protections for ecological values as opposed to no development at all.</p> <p>I have assessed above where PC 85 could be stronger in terms of ecological protection measures.</p>
Access to the	20, 25, 44, 58,	These submissions raise concerns regarding the

Theme	Relevant submissions	Assessment
harbour	66	<p>ecological effects of increased access to the harbour.</p> <p>As I have assessed above, the provision of future harbour access is unclear. An indicative location is shown on the Structure Plan, noting that this is also outside of PC 85's boundaries.</p> <p>I also find that increasing access to avifauna foraging within the estuary and harbour to have been an underreported effect of the notified application material.</p>
Coastal defence	20	<p>Submitter #20, Peter Nicholas, raises a concern the development within the PC 85 area will require the construction of seas defences.</p> <p>Areas of specific concern are already mapped as having defence structures that limit ecological connectivity across the coastal/land interface.</p>
Consistency with the New Zealand Coastal Policy Statement (NZCPS)	46, 58	<p>These submissions raise concerns regarding the consistency of PC 85 with the NZCPS.</p> <p>Whether PC 85 gives effect to the NZCPS is a planning matter that I will leave to be addressed by Mr Cleese.</p> <p>However, as raised above, I have some concerns with under-reported effects and how the effects management will be realised.</p>
Positive ecological effects	33, 34, 37, 47, 50, 51, 52, 53, 54, 59, 61, 67, 82, 83, 84,	<p>These submitters consider the application material adequately provides for coastal values.</p> <p>As raised above, I have some concerns with under-reported effects and how the effects</p>

Theme	Relevant submissions	Assessment
		management will be realised.

- Submitter 22 seeks to strengthen the protections for ecology.

Assessment: I concur and have assessed this above.

- Submitter 62:
 - Amend DEV XSUB S3 1 a & d location of the footpath due, in part, to implications for banded rail.

Assessment: At this stage, without further assessment and on a precautionary basis, I support amending the location of the walkway to protect the habitat values of the identified wetlands.

- Submitter 62, 63 and 64, 70, 75:
 - Seeks to amend DEV XP4 to allow current landowners to continue to have cats in perpetuity.
 - Seeks to amend DEV XSUB S3 for minimum pest and weed control for 5 years by the developer and in perpetuity by the Council.

Assessment: From an ecological perspective, whilst I can appreciate ‘grandfather clauses’, ideally there would be no cats and dogs within the PC 85 area. However I recognise that the effects arising from existing pets are made no worse by the plan change. I support extending the pest animal and weed provisions, in terms of the species covered and the timeframes for implementation as well as clarifying who is responsible for the implementation.

- Submitter 75:
 - Seeks the removal of the wetland on Ecological Features Map.

Assessment: I support showing all wetlands that have been identified.

- Submitters 73 and 74 seeks:
 - In relation to threats to native birds; lower density development mandate native planting.
 - In relation to earthworks; require comprehensive sediment control measures in accordance with NIWA Estuarine Management Manual.
 - In relation to bird protection measures; enact a ban on domestic cats or require cat containment policies.

Assessment: I support extending the planting requirements, which would be in line with the EclA recommendation. I am not familiar with the NIWA Estuarine Management Manual, GD05 is the appropriate standard for on-site erosion and sediment control during construction. The ban on domestic cats and dogs is supported.

- Submitter 81 (the Department of Conservation) has raised submission points on numerous aspects of the proposed plan provisions. The submission points and relief sought are clearly set out in Appendix 1 to the Department of Conservation's submission.

Assessment: Given the length of this submission, and matters of overlap with my primary evidence, I comment briefly on the relief sought.

I support:

- Undertaking additional ecological assessment to consider the impacts beyond the plan change area, specifically on fairy tern and bittern.
- Following further investigations, updating the planning provisions accordingly.
- Updates to the plan change:
 - Reducing density near the coast
 - Focus on reducing human use near the coast
 - Ban on the keeping of dogs
 - Including SNAs on the structure plan
- Amending the Structure Plan to address walkway layout and concern with the access to the harbour.

I am neutral on:

- The removal of the walkway along the causeway and clarification on the timing of its provision, due to a lack of assessment in the plan change material.
- Additional setbacks, as this aim will largely be achieved via esplanade reserve and riparian areas.
- Clarifying riparian yards as the potential activities are captured as reasons for consent under the NES:FW.

I am against:

- The amendments sought to DEV X-04 and DEV X-05 as they are of a lesser standard than what the applicant has proposed. The applicant's wording requires *enhancement*, whereas the submitter aims only for a no-net-loss, akin to a status quo situation, and *preferably* a net-gain.

10. FURTHER SUBMISSIONS

10.1 Further submissions have also been received on PC 85.

10.2 As relevant to ecological matters FS4, FS7, FS8, FS9 have specifically submitted on the proposed alignment of the coastal walkway, with further submission points seeking both to alter and to retain the proposed alignment.

Assessment: As I have identified above, I have concerns with the proposed walkway crossing over SNA wetlands and increasing disturbance on cryptic birds utilising these areas as habitat. On that basis I would consider it appropriate on ecological grounds to further investigate alternative layouts, or otherwise assess the potential effects on the habitat value and provide for stronger protections.

10.3 FS11 is from the applicant and opposes a number of the submission points and relief sought by the Department of Conservation.

Assessment: I have assessed the Department of Conservations submission, and the relief sought, above. FS11 provides no new information to respond to.

11. CONCLUSION

11.1 For the reasons set out above, at the time of writing, without further assessment and amendment I am unable to support the plan change.

11.2 The reasons for arriving at this position are primarily:

- (a) A lack of assessment of key ecological features (wet pasture).
- (b) A lack of assessment on matters beyond the plan change boundaries (impacts on Fairy Tern/ Tara Iti and the shared path across the estuary).
- (c) In the case of the Southern EclA, not recognising the potential effects generated by the plan change beyond construction effects.
- (d) For both the Southern EclA and Northern EclA, not considering the impacts on fauna from the potential additional disturbance from increased activity in the harbour and along the estuarine walkways.
- (e) Where effects have been recognised, the effects management proposed has not been adequately captured within the provisions of the plan change.
- (f) The plan change could better align with the higher-level planning documents, through the recognition of the SNAs in the Structure Plan and removal of the provisions that indicate disturbance to the SNA wetlands.

Jason Graham Smith

1 December 2025