

# Delmore Fast-Track

25/06/2025 – Auckland Council Response

## **Annexure 23:**

### **Terrestrial Ecology**

#### **Rue Statham**

## Technical Memo– Specialist Unit

To:	Dylan Pope – Lead Planner
From:	Rue Statham – Senior Ecologist, Ecology Advice Team Environmental Services Department
Date:	19 June 2025

### 1.0 APPLICATION DESCRIPTION

#### Application and property details

Applicant's Name:	Vineway Limited ( <b>Applicant</b> )
Application number:	BUN60444768
Activity type:	Subdivision and development - Terrestrial Ecology / Biodiversity
Site address:	88, 130, 132 Upper Orewa Road and 53A, 53B and 55 Russell Road, Orewa

### 2.0 QUALIFICATIONS AND EXPERIENCE

- 2.1 My name is Rupert Edward George Statham (Rue Statham)
- 2.2 I am a Senior Ecologist for Auckland Council. I have held this role for seven years.
- 2.3 I am a warranted Auckland Council (**Council**) enforcement officer pursuant to sections 17(3), 22, 38, 322, 328, 332, 333 and 343C of the Resource Management Act 1991 (**RMA**).
- Qualifications and experience
- 2.4 I have worked at Council for over 19 years. I started work as an Ecological Advisor in January 2006, when it was the Rodney District Council, and through the Auckland Council transition to Ecologist in 2010. I was promoted to Senior Ecologist in April 2018.
- 2.5 My role is primarily focused on ecological peer-reviews, surveys and providing independent expert opinion on land-based resource consent applications. I provide expert advice to strategy and policy in the formulation and implementation of the Auckland Unitary Plan (Operative in Part) (**AUP(OP)**). I also provide constructive input into the Auckland Council submissions to National Policy on freshwater and terrestrial biodiversity. I have provided advice on the formulation and implementation of Regional and District plan provisions. Most recently I have provided expert advice in the preparation of the RMA s35 Monitoring Reports for Chapters B7, E3 and E15 of the AUP(OP), on

terrestrial and indigenous biodiversity.

- 2.6 I was on the steering group for Waka Kotahi, the NZ Transport Agency, 2022 publication, Road edge-effects on ecosystems<sup>1</sup>.
- 2.7 I hold a Bachelor of Science in Earth and Environmental Sciences (Hons), which I received in the United Kingdom (UK). I also received the British Technical Enterprise Council qualification in Arboriculture.
- 2.8 Prior to attending university I was employed in the agricultural sector notably livestock husbandry and arable crop production. Members of my immediate family continue to farm in the UK.
- 2.9 Prior to moving to New Zealand, I worked in the UK for 10 years. I was employed by government agencies such as English Nature (now Natural England), National Trust, the British Trust for Conservation Volunteers, the Highways Agency (now National Highways) and the Environment Agency. I was employed by Cornwall County Council as an Arborist. I have also been privately contracted to organisations and individual land holders working in countryside and conservation management.
- 2.10 My work experience in the UK extends to the protection, rehabilitation, and enhancement of natural areas, including Sites of Special Scientific Interest, National Nature Reserves, Local Nature Reserves and Areas of Outstanding Natural Beauty.
- 2.11 I now have 25–30 years of experience in countryside, environmental and conservation management.
- 2.12 Since coming to New Zealand, I have completed and passed the following courses:
  - RMA training course run by University of Auckland (2008);
  - Auckland Council Stream Ecological Valuation (SEV) training (2011); and
  - “Making Good Decisions Programme – certification for RMA decision makers”. This is a course run by Ministry for the Environment (certified 2018 and recertified 2021).
- 2.13 I have previously provided expert evidence at the Environment Court, notably:
  - *Bradford v Auckland Council* (notably ENV-2008-AKL-104). I gave evidence in support of the planting and protection of indigenous vegetation in lieu of rural subdivision, utilising Standard 7.14.4 of the Rodney District Plan; and
  - *Norsho Bulc Ltd v Auckland Council* (ENV-2016-AKL-000168). I gave evidence related to the impacts and offset mitigation measures for the reclamation of wetland and freshwater values.
  - Several compliance, investigation and enforcement actions undertaken by Auckland Council pursuant of the RMA.

#### Code of conduct

- 2.14 I have read the Code of Conduct for Expert Witnesses in Schedule 4 of the High Court Rules. I agree to comply with this Code of Conduct. The evidence in my statement is within my

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<sup>1</sup> Simcock, R., Innes, J., Samarasinghe, O., Lambie, S., Peterson, P., Glen, A., & Faville, N. (2022). Road edge-effects on ecosystems: A review of international and New Zealand literature, an assessment method for New Zealand roads, and recommended actions (Waka Kotahi NZ Transport Agency research report 692)

area of expertise, except where I state that I am relying on the evidence of other persons. I have not omitted to consider material facts known to me that might also detract from the opinions I express.

### 3.0 PROPOSAL

- 3.1 The applicant is seeking consent to undertake a comprehensive residential development at Upper Orewa and Russell Roads, Orewa. The development is known as “Delmore”. The applicant’s assessment of environmental effects (**AEE**) states at 2.0: “*The development will involve the construction of approximately 1,250 dwellings, one unserviced residential superlot, open space areas, areas of protected vegetation, roads including the NoR 6 road, supporting infrastructure and other associated works. Works will be undertaken in two primary stages.*”
- 3.2 Earthworks and vegetation removal is required for matters related to geotechnical stabilisation of existing soils, for stockpiling of topsoil stripped from the earthworks area for later reuse, wastewater infrastructure, stormwater infrastructure, for the formation of road corridors and initial building platforms, for the installation of palisade walls, retaining walls and reinforced slopes, for the construction and installation of civil infrastructure including in-stream culverts, for the construction and installation of temporary erosion and sediment controls, and to generally prepare the land for eventual subdivision development.
- Site description
- 3.3 Section 6 of the applicant’s AEE contains a description of the site and its surrounding environment. I have accepted and adopted these descriptions in my assessment below. There is the likelihood for actual and potential loss and/or impacts to terrestrial biodiversity associated with the proposed development.
- 3.4 The application documents includes an Ecological Impact Assessment (**Ecia**) which has identified areas of indigenous and exotic vegetation, streams and thirty-four natural inland wetlands on the subject site. Earthworks and vegetation alteration and/or loss within and within 10m buffers of some of these terrestrial and freshwater features is proposed.

### 4.0 EXECUTIVE SUMMARY

- 4.1 The applicant has not provided comprehensive fauna and flora surveys for a development of this scale and complexity. The ecological assessment relies primarily on desktop analysis and opportunistic observations rather than detailed, site-specific surveys essential for understanding biodiversity impacts across 1,250 proposed dwellings.
- 4.2 No thorough assessment has been undertaken for protected and threatened species likely to be present, despite the site’s complex mosaic of natural habitats including existing covenant areas and significant ecological areas. This represents a fundamental gap in understanding actual biodiversity values at risk.
- 4.3 The applicant has not properly identified areas meeting Significant Ecological Area (SEA) criteria under Auckland Unitary Plan Policy B7.2 and National Policy Statement for Indigenous Biodiversity, despite most terrestrial and freshwater habitats likely qualifying due to connectivity, wetland presence, and threatened species habitat.
- 4.4 No proper biodiversity offsetting analysis has been undertaken in accordance with

Auckland Unitary Plan Appendix 8 or national good practice guidance. The applicant incorrectly conflates standard enhancement expectations with genuine ecological offsetting.

- 4.5 The Applicant's assessment does not address the comprehensive effects of introducing 1,250 dwellings adjacent to sensitive habitats, including domestic pet predation, lighting, noise, and incremental residential encroachment into protected areas. These cumulative impacts pose substantial long-term threats to indigenous biodiversity.
- 4.6 The proposed wastewater irrigation system within existing covenant areas, combined with unrestricted pedestrian access through protected habitats, will compromise covenant obligations and create functionally defunct ecological areas.
- 4.7 The proposed NOR6 road realignment will create severe edge effects extending 50-60m into high-value forest remnants, rendering much of the covenant area ecologically compromised and directly contravening protection obligations.
- 4.8 Multiple natural inland wetlands face reclamation and vegetation removal within critical 10m buffers, with inadequate consideration of alternative crossing designs that could avoid or minimise these impacts.
- 4.9 My recommendation from an ecological perspective is that consent should be declined due to material information gaps and inadequate assessment of ecological effects. The development proposal does not demonstrate how significant adverse effects on indigenous biodiversity will be appropriately avoided, remediated, mitigated, or offset.
- 4.10 In my opinion, the ecological enhancement proposed by the Applicant cannot be characterised as of regional benefit.
- 4.11 I provide comment on appropriate conditions of consent should the Panel decide to grant.

## **5.0 REASON FOR CONSENT – BIODIVERSITY** *(delete activity types which are not applicable)*

- 5.1 The application trigger consent the following AUP(OP) provisions:
  - New reclamation of a natural inland wetland is a non-complying activity pursuant to E3.4.1 (A49).
  - The proposal involves the removal of vegetation within 20m of rural streams. This is a restricted discretionary activity pursuant to E15.4.1 (A16).
  - The proposal involves the removal of vegetation within 20m of a natural wetland and in the bed of a stream, or lake. This is a restricted discretionary activity pursuant to E15.4.1(A18).
- 5.2 The applicant is proposing stream diversion; however, this will be assessed by Ms Antoinette Bootsma.
- 5.3 Additional consents may also be required, or are likely to be required, for:
  - The removal of vegetation within 20m of rural lakes. This is a restricted discretionary activity pursuant to E15.4.1 (A15)

- Any vegetation alteration or removal within a Significant Ecological Area not otherwise provided for as a discretionary activity under E15.4.2 (A43).
- 5.4 Consent for a restricted discretionary activity is required under Regulation 45C of the National Environmental Standards for Freshwater (NES: F), as the proposal includes drainage of natural inland wetlands for the purpose of constructing urban development, vegetation loss within their 10m buffers.

## 6.0 TECHNICAL ASSESSMENT OF EFFECTS ON TERRESTRIAL BIODIVERSITY

- 6.1 The potential environmental effects of the proposed development are those primarily associated with alteration and removal of habitat at the site and the subsequent urbanisation of the property, with the associated effects on indigenous biodiversity (fauna and flora)
- 6.2 I have read the application and the applicable technical reports as they relate to effects on indigenous biodiversity.
- 6.3 I have raised several matters directly with the applicant, both in pre-lodgement and post-lodgement memorandums. My feedback related to where I considered the application did not adequately address terrestrial biodiversity effects (including AEE / EcIA). Additionally, my feedback gave direction to where I assessed the applicant did not provide sufficient reporting / survey relating to indigenous biodiversity and actual / potential adverse effects resulting from the development and urbanisation of the property.
- 6.4 The applicant has responded to some of those matters; however I consider many of the responses are lacking in adequate information or contain contradictory or erroneous rebuttal.
- 6.5 The Vineway Ltd provide some responses, but not all, to my feedback which are included in the following documents:
- Delmore Fast Track Application – Response to Auckland Council Terrestrial Ecology Queries, dated 17 June 2025. I refer to the ‘Items’ in this response from the applicant in section 5.0 of this technical memorandum and the two documents should be read in conjunction.
  - Notice of Requirement 6 Southern Realignment Assessment and drawings by McKenzie and Co., dated 26/05/2025.
  - 250610 - DELMORE RC - Terra Studio Response Memorandum and drawings, undated but received 16/06/2025
  - Delmore Fast Track Application – Accessibility / Connectivity Analysis, by Mr Cam Wallace, dated 11 June 2025.

## 7.0 DISCUSSION

### Site specific surveys

- 7.1 The main cause of concern is the lack of site-specific surveys for fauna and flora. The ecologist has responded, in part, as **Items 5, 9 & 10**. The applicant's ecologist has primarily relied on desktop analysis, with 'representative' or opportunistic site observations, and/or surveys carried out by other parties (e.g. Auckland Transport) for associated consenting matters (Notice of Requirement application No.6 (**NOR6**)). The latter being non-specific to the property (notably wetland surveys) and/or provided limited fauna surveys (notably only for long-tailed bat (*Chalinolobus tuberculatus*)).
- 7.2 I am not aware of any development application, of this scale and magnitude, that has not provided a more thorough assessment on actual or potential adverse effects, including site specific and detailed surveys for fauna and flora. The site has a complex mosaic of natural habitats, including existing covenanted areas and significant ecological areas, for which the urbanisation of the site has the potential to increase the likelihood of adverse effects on indigenous biodiversity.
- 7.3 The response from the applicant and their ecologist does not address the issues of the effects of urbanisation, including introduction of domestic pests, lighting, and noise to sensitive habitats. The applicant's ecologist is maintaining their opinion that the actual or potential adverse effects are primarily related to the construction activities, and these can be addressed with consent conditions.
- 7.4 I disagree with the statement that, "*detailed species-specific surveys are typically reserved for instances where there is a high likelihood of presence and where works may impact high-value or sensitive habitat, such as large forest remnants or SEA-Ts*". This maybe the advice to the applicant from their ecologist, but there are notable instances in Auckland where development works on small sites, not containing SEA\_T or high-value / sensitive habitat, has resulted in the identification and relocation of hundreds of protected lizards. Had these animals been identified prior to the development their relocation could have been avoided entirely and suitable habitat set aside.
- 7.5 I maintain my opinion that the reporting and survey is inadequate and the effects on indigenous biodiversity are unknown at this time. Without adequate survey and appropriate urban design, that responds to those values, there is the high likelihood that this development may have significant adverse effects on fauna and flora, including Regionally and Nationally threatened and protected species.

### Offsets (item 8 & 24)

- 7.6 I disagree with the response by the applicant's ecologist in addressing offsetting. AUP(OP) appendix 8 Biodiversity Offsetting principals have not been met, nor has a qualitative or quantitative assessment been undertaken, in accordance with the Guidance on Good Practice Biodiversity Offsetting in New Zealand 2014.
- 7.7 The applicant's ecologist conflates terrestrial and freshwater enhancement outcomes expected by AUP(OP) and National Policy as 'offsetting'. Enhancement and improvements to indigenous biodiversity is expected, through such interventions as riparian planting or



revegetation, where subdivision and development take place. In my experience of greenfield developments in Auckland improvements to terrestrial and freshwater habitats are provided as a standard policy response, and any offsetting is additional to those expected enhancements.

- 7.8 In my opinion, the Applicant has not demonstrated any proper offset of the adverse ecological effects of their development.

#### Revegetation planting

- 7.9 The applicant's ecologist writes that the "... *enhancement and restoration measures will make a significant contribution to addressing the critical environmental challenge of national biodiversity loss and degradation*". I disagree. The applicant's ecologist provides no justification for this statement through qualitative or quantitative analysis. The statement is subjective. Whilst the terrestrial revegetation may be considered additional to the biodiversity enhancement and restoration expected by AUP(OP) and National Objectives and Policy (for existing SEAs and freshwater habitats), the 16.7ha of terrestrial revegetation is not significant in itself.
- 7.10 The establishment of 16.7ha of terrestrial habitat would yield three rural residential sites pursuant of provision AUP(OP) E39.6.4.5 revegetation planting for delivering the same outcomes (buffering, linking and connecting SEAs and freshwater improvements).
- 7.11 The 16.7ha of terrestrial planting amounts to ~3% of the total area of the adjacent 530ha SEA it will buffer and connect to. Within 6km of the site there is more than 2800ha of mapped terrestrial SEA.
- 7.12 Whilst I am able to agree that the planting of freshwater and terrestrial habitats is beneficial for the site, the total of ~32ha of terrestrial and freshwater enhancement is not locally, regionally or nationally significant.

#### Wastewater (Item 14)

- 7.13 The response from the applicant's ecologist seems contradictory to Appendix 30 Apex Water wastewater report. On Page 48 of the Apex report is states that "*A summary of the scenarios modelled is detailed below providing the percentage split of treated water discharged to each of the modelled locations over a 10-year period onto a **5-hectare** irrigation field located in a separate location.*" [emphasis added].
- 7.14 The applicant's ecologist has responded that only a 1-hectare area for the irrigation field is required. This is a significant disparity between the two specialists. Mr Dylan Walton will be providing specific review, for Auckland Council, of the applicant's reporting.
- 7.15 The Vineway Ltd and their ecologist have not answered the specific question as to why there is a functional need to place the irrigation field in the covenant area, when there appears adequate opportunity elsewhere to avoid the location and the system will be pressurised. The response from the applicant's ecologist is not ecologically appropriate when they state, "*The covenant (6079871.2) does not explicitly prohibit the establishment of an irrigation field within the protected area*". There appears plenty of available area outside of Stages 1 & 2, especially if the field is limited to 1-hectare. Alternatively, there could be a delay to the start of some/part of the development (e.g. south of the location of the proposed pump station at 55 Russell Road) until such time that wastewater connection to a fully reticulated system is available.

- 7.16 Notwithstanding, the ecologist is mistaken when they suggest that none of the covenant area will be damaged or removed in the process of installing and/or decommissioning the system. They provide a very contradictory response in stating that “*No vegetation clearance is proposed for installation or maintenance beyond what would typically occur as part of manual weed and pest control*”, although that, “*some light clearance of low-growing understorey vegetation is anticipated*”. The latter not having been adequately evaluated and no mitigation is proposed.
- 7.17 The removal of indigenous habitat for the purpose of wastewater systems is not “*comparable to that which would occur under the required standard pest plant management practices.*” Pest plants are unwanted organisms in a covenant area (and Auckland generally) with their removal intended to improve degraded habitats and restore indigenous biodiversity. These actions cannot be compared to that of the installation and disestablishment of a wastewater field.
- 7.18 In part **Items 21, 22, and 23** will be assessed by Ms Antoinette Bootsma, however I also note that I maintain my opinion that the applicant has not demonstrated “*an appropriate assessment of ecological effects has been undertaken*”, and that “*the conditions proposed are intended to secure the implementation of the offset*”, do indeed, “*defer or replace the assessment of effects*”, leaving much of the protection and management of Indigenous biodiversity open to subjective discretion.

## 8.0 OUTSTANDING MATTERS NOT ADRESSED BY VINEWAY LTD ECOLOGIST

### NOR6 and proposed realignment.

- 8.1 The realigned road has not been assessed by the Vineway ecologist, and the applicant provides no supporting ecological discussion. As noted in the McKenzie & Co. memorandum, the relocation of the road appears primarily to facilitate urban design and the development master plan, whereby it is, “*guided by a development master plan for Vineway Ltd.’s Delmore Development (Stages 1 and 2)*”. This is not a demonstration for the functional need for the road’s alignment but the desirability of a particular development form.
- 8.2 The realignment of the road will result in a greater ecological impact than the submitted memorandum suggests. The realignment is through some of the highest value and most species rich / diverse forest. Forest edge effects are well known as an adverse effect from development and infrastructure and do extend 50-60m into forest remnants (from the perimeter). The realignment of NOR6 will result in the covenant area becoming functionally / ecologically defunct throughout most of the protected area and is in direct contravention of the covenant obligations. Although I note that the effects and mitigation / offsetting will be passed on to the adjacent property owner.

Notwithstanding the identified covenants on the applicant’s site, Vineway Limited was informed of additional covenants adjacent to their property in pre-lodgement discussions, by Auckland Council. This is evident from the Fast Track application pre-lodgement EclA and also has a bearing on the submission to NOR6, including any prior discussion the applicant may have had with AT.

- 8.3 Vineway Limited submits the alignment of NOR6 by AT is conceptual with detailed design to be considered at the construction phase. I agree and the location of the stormwater pond as shown in the NOR6 could be redesigned and relocated further outside the

covenant area, through detailed design, to reduce or avoid the removal of habitat. For example, the AT location of the pond is not aligned to the top of known overland flow paths, as shown in McKenzie & Co Drawing 3725-1-3960. However, in my opinion, the NOR6 alignment was a clear attempt by AT and their ecologist to avoid edge effects on the forest remnant by aligning the NOR6 to the west.

#### Significant Ecological Areas

- 8.4 I have raised concerns with the lack of identification of significant ecological areas (SEAs) pursuant of AUP(OP) Policy B7.2 and National Policy Statement for Indigenous Biodiversity. This matter remains outstanding with the applicant's ecologist.
- 8.5 In my opinion, most, if not all, of the existing terrestrial and freshwater habitats (including the covenants) meet SEA Criteria / Factors. They do so, for their connectiveness to protected areas (covenants / reserves), the presence of indigenous wetland, and/or presence of regionally / nationally threatened species.
- 8.6 The overall assessment of ecological effects by Vineway Ltd, in my opinion, has been inadequate.

#### Covenant / habitat management

- 8.7 Vineway Ltd have not provided assessment or comment on the inclusion of the covenanted areas into the responsibilities of the resident's Incorporated Society. I remain of the opinion that there are significant issues with individual private ownership and the maintenance of covenants where there is residential development. Private Lot owners are then liable for any degradation, damage or losses to those habitats through adjacent activities, including dumping of greenwaste, construction materials or household items, which are common issues in Council Reserves. Easements created through covenants will not restrict public access to only those areas.
- 8.8 The applicant's ecologist agrees that walkways and lookouts are inappropriate in existing covenant areas. I agree but would extend that to all proposed protected areas as well. I am aware that pedestrian accesses are proposed through both existing and proposed covenanted areas as part of both stages, but notably for Stage 2 for accessibility / connectivity reasons. Mr Wallace (Barker & Associates) has provided comment in his memorandum, dated 11 June 2025. In effect this will create pseudo-public reserves by allowing unrestricted access to these areas of bush / revegetation. Whilst the ecologist has made some comments on the effects of creating the walkways / lookouts, the location design and construction is unknown, including the location of the suggested low-impact but very costly boardwalks. The long-term maintenance and upkeep of the tracks is not discussed and would presumably default to the owners of the land. As noted above, those same private landowners would be liable for any damage to the covenanted areas, which creates an issue for Auckland Council, whereby the regulator has tacitly accepted the unrestricted access and by extension any associated adverse effect must therefore arguably be acceptable, or enforceability with consent notice obligations is nullified.
- 8.9 The Terra-Studio cross-sections provided by the applicant are not reflective of the existing habitats to which development will abut. For example, the canopy height of existing vegetation has been significantly underrepresented. Where revegetation planting will be introduced, the cross-sections do not provide a reflective representation of habitat development through time.

- 8.10 The applicant does not address alternative crossing designs for the covenanted wetland that would ensure that drainage and reclamation of the wetland is avoided or minimised. For example there is a lack of discussion, either from engineering or ecological consultants on the use of multiple culverts across the width of the wetland to ensure proper and effective spread of hydrology, or use of bridging for this section of NoR6. The use of a single barrel culvert is not a functional matter of the crossing but more likely due to cost minimisation, and by extension has not applied the effects management hierarchy as required by National Environment standard for Freshwater Regulation 45. The covenant area contains both freshwater and terrestrial habitat that is protected by way of section 221 RMA.
- 8.11 The applicant has not assessed possible access from the adjacent Ara Hills development for connection to the proposed development east / south of the covenant area and the proposed wastewater irrigation on 55 Russell Road. The pine trees to the east of the property boundary and adjacent to the site are located along a ridgeline with gradual sloping topography, facilitating easy to form roading along an existing paper road. This alternative access would negate the removal of the covenant for a JOAL, access that provides existing pedestrian access via a farm crossing over the watercourse.

#### Domestic Pets

- 8.12 I have raised concerns with urbanisation and the likely introduction of domestic pests (cats, dogs etc.). The ownership and unrestricted access to indigenous habitats (including covenanted areas) has not been assessed by the ecologist, although the applicant includes restriction of ownership in the proposed conditions, but only to those specific covenanted owners. Allowing cats to roam into the covenanted areas and predate on indigenous biodiversity will contravene the obligations, not allowing “*anything that would prejudice the health or ecological value of the area to be protected, their long-term viability and/or sustainability.*”
- 8.13 Furthermore, the applicant has not stated to whom the enforcement belongs. Presumably Vineway expects Auckland Council to be the enforcement agency, which currently has no restrictions on domestic pet ownership regionally and would therefore not restrict anyone else in the development from owning a cat. Cats can roam extensively and have been known to have home ranges of many square-km’s. I suggest this approach is both without merit, and places burden on Council officers to try enforce obligations that are effectively unenforceable. An alternative is to ban all cats from the development or require any cat to be microchipped and kept indoors or within a Catio (outdoor caged area). Enforcement / administration of this could be by a resident’s association. Wandering cats, if caught and microchipped, can be returned to the owner, unless the owner allows the cat to repeatedly go off their property in which case the cat could be re-homed.

## **9.0 FURTHER COMMENT**

- 9.1 I requested a Planting and Implementation plan for enhancement planting and revegetation areas. This has been supplied, dated 14/02/2025 by Greenwood Associated, but in my opinion is directed predominantly to landscape planting, not revegetation, irrespective of the subject matter. The author seems unaware of current Auckland Council

planting standards. Notably, the document provides for plant replacements to the discretion of the applicant, not the regulator, and the use of mulch which is inappropriate both for ecological restoration as it suppresses plant succession (See Auckland Council Code of Practice Chapter 7 – Landscape & Te Haumanu Taiao revegetation guidance). The use of mulch is not supported in 100-year ARI floodplains where flooding is a risk, in contravention of AUP(OP) provision E15.6.8. An updated version could be considered as a condition of consent.

- 9.2 I requested that the planting plan be revised as there appeared to be terrestrial planting where wetland offsets planting is proposed. I am unaware of this revision being provided but if so it could be a condition of consent.

## 10.0 CONCLUSION

- 10.1 An ecological assessment of the technical aspects of the development and the resulting urbanisation has not been adequately undertaken by the applicant and in my opinion there remain material information gaps with respect to ecological effects.
- 10.2 I do not agree with the Vineway Ltd planning or ecological assessments and consider that the actual / potential effects on indigenous biodiversity through construction and urbanisation will not be appropriately avoided, remedied, mitigated or offset.
- 10.3 Whilst I agree that freshwater systems will be for the most part protected and enhanced, the revegetation of those riparian and wetland buffers is an expectation for the change in land use, development and the subdivision, as anticipated by AUP(OP) and National Objectives and Policy. This in of itself cannot be an offset for other ecological effects of the development.
- 10.4 I am unable to support the proposal in its current form. The development will be significant and will occur over a long period of time and is of a nature and type that, in Auckland, is usually provided a much greater level of scrutiny, survey, analysis and avoidance management provisions, including incorporating appropriate urban design with setbacks from residential activities adjacent to sensitive natural environments.

## 11.0 RECOMMENDATION AND CONDITIONS

### Recommendation

- 11.1 The assessment in this memo identifies several reasons to withhold consent, and the aspects of the proposal considered by this memo should not be granted consent, subject to recommended conditions, for the following reasons:
1. Subject to the imposition of consent conditions, it is considered that the potential sediment related effects on the receiving environment will not be appropriately managed.
  2. The sensitivity of the receiving environment and indigenous biodiversity to the adverse effects of development and urbanisation will be compromised given the expected level of change the proposal will deliver.

### Conditions

- 11.2 I understand that the proposed conditions of consent are not finalised and may be subject to further refinement.
- 11.3 The applicant has drafted a Fauna Management Plan, but it lacks specific detail as to where appropriate management actions will take place, and for the sequencing of events. However, it does provide the basis for my review, and it could be appropriately revised as a condition of consent, as per proposed condition 25. The management plan contains mitigation techniques for long-tailed bat that are mostly untried or have not been thoroughly tested in New Zealand, however it is unclear as to how or why these would be useful or necessary. The applicant's ecologist has recommended mitigation from "*operational disturbance from light spill*". However, as operational works are unlikely after dusk or before dawn, and the larger issue from light is unrelated to construction, but effects from urbanisation, the inclusion will not result in any improvement or avoidances of effects to bats and is ineffective.
- 11.4 As noted in paragraph 7.1 & 7.2, a revised planting and implementation plan should be subject to a condition of consent.
- 11.5 Condition 31 requires that exclusion fences are erected for riparian areas, but not indigenous bush areas. The condition should be updated accordingly. Furthermore, none of the conditions refer to permanent fencing of stream, wetland or indigenous bush areas that will protect them from incremental residential creep, noting that fencing is present and required for all of the existing covenant areas.
- 11.6 Condition 33 provides for wetland and stream delineation. Whilst streams should be quite easy to identify, wetland delineation protocols have not been defined. I suggest that streams are classified as per the AUP(OP) intermittent and permanent definitions (Chapter J), and wetlands in accordance with Ministry for the Environment (MfE) wetland delineation protocols. Noting that MfE in its recent freshwater discussion document proposes that pasture exclusion be omitted due to its inefficiency and subjectivity. I agree with MfE, and that the condition specifically refers to wetland delineation in accordance with the national delineation procedures, but without pasture exclusion.
- 11.7 Condition 106 & 107 are not in accordance with Council's standard consent notice obligations, and do not provide for ongoing monitoring reporting obligations on the landowner. As is common practice and in accordance with AUP(OP) Appendix 15, all covenant owners must provide to Council a three yearly monitoring report as to the health, state and well-being of the habitat values. As noted in paragraph 9.5, the requirement to maintain a protective fence has been removed from the covenant obligations; irrespective of the removal of livestock from the property, incremental creep from residential activities has occurred to covenanted habitat. I suggest that appropriate fencing standards are applied to all areas subject to legal protection, as a minimum of a pool style fence or similar.
- 11.8 Conditions 106 & 107 have omitted weed and pet animal control obligations. This is not appropriate and is not in accordance with existing covenant obligations or



AUP(OP) objectives, policies and provisions. Furthermore it is contrary to the nation's commitment to Predator Free 2050. All existing / proposed covenant areas and common land where revegetation is taking place, should ensure that they have unwanted species (e.g. exotic trees) and invasive weeds eradicated, and pest animals controlled prior to 224(c), and maintained in that state in perpetuity.

- 11.9 Referring to paragraphs 6.14 & 6.15, Condition 109 is ineffective as it relates to cats, due to all other landowners being able to house and keep domestic cats.
- 11.10 I agree with limitations on dog ownership, however all dogs throughout the region, in urban areas, must be confined to private property, and kept on a leash in public, except for specified areas. The condition does not afford any additional protections that would otherwise be required by by-laws or within the urban areas in the Auckland Region and enforced by Auckland Council, including registration. The condition, as it relates to dogs, could be deleted.
- 11.11 On receipt of the applicant's final suggested conditions, I would be available to review them and revise accordingly to ensure consistency with other developments (e.g. Precincts), management plans, and/or standard covenant obligations.

**Memo prepared by:**

Rue Statham

**Senior Ecologist, Ecology Advice Team  
Environmental Services Department**

Date:

19 June 2025