

Your Comment on the Rangitoopuni application

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at substantive@fastrack.govt.nz

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Department of Conservation		
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Mobile phone		Work phone	
Email			

2. We will email you draft conditions of consent for your comment			
X	I can receive emails and my email address is correct	☐	I cannot receive emails and my postal address is correct

3. Please provide your comments on this application
Please find comments attached

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

Comments on a fast-track consenting application

Fast-track Approvals Act 2024 section 53

To: The Expert Panel

From: Director-General of Conservation

Regarding fast-track project: Rangitootuni

Fast-track Reference: FTAA –2504-1055

1 Background

- 1.1 Rangitootuni Developments Limited (“the Applicant”) lodged a substantive application which includes a resource consent approval under the Fast-track Approvals Act 2024 (“the Act”). The Rangitootuni application is to construct a 210-lot countryside living subdivision, and a retirement village with 260 villas, 36 care units and associated amenities at Old North Road and Forestry Road, Riverhead, Auckland (“the Application”).
- 1.2 The Applicant has been receptive to input from the Department of Conservation (“the Department”), including its ecology experts, and has shown an intention to integrate good practice effects management into the proposal.
- 1.3 The Application is not on, or near, public conservation land.

2 Assessment

- 2.1 This assessment has been confined to the actual and potential ecological effects of the Application. Accordingly, the Department has not commented on its consistency with the wider statutory framework.

Freshwater Values and Assessment

- 2.2 The Applicant has provided a list of native freshwater fish species that were recorded within a 5 km radius from the project site, in place of onsite surveys¹. Based on these records there are *At Risk-Declining* species (New Zealand Threat Classification) present and species assessed under the regional threat classification of *At Risk – regionally declining*, as well as one species, torrentfish, classified as *Threatened – regionally declining*.

¹ Appendix F, Ecological Impact Assessment, Table 4.

- 2.3 The information used to inform the freshwater assessment is limited to recent freshwater fish records within the project site (apart from within the Rangitoopuni Stream). Given the extensive freshwater habitat found within the site footprint (including 28.8 km of waterways and wetlands) and the potential risks of works of this magnitude, it is recommended that further baseline surveys are undertaken. The lack of baseline information also means that the mitigation proposed could be insufficient or incorrect for the values present.
- 2.4 There are gaps in information regarding the culverts to be replaced and upgraded. The Ecological Impact Assessment (“EIA”) states² that these will largely follow fish passage guidelines and create a low flow channel in reference to stream simulation design, however, the assessment does not propose to align to the same gradient as the existing culverts as they are currently perched, resulting in a steeper gradient than what is present. The Department considers that fixing the perched culverts will improve fish passage, but it does need to be ensured that the steeper alignment created as a result does not end up impeding fish passage as a result. Further assessment regarding the culvert gradients, fish ladder location and baffles need to be provided to determine the effects on fish passage.
- 2.5 It is noted in the Application that fish passage will not be provided for at two culverts (Culverts 1-1 and 6)³. The engineering plans provided⁴ show that they are elevated on both the upstream and downstream end with no permanently flowing water in the culvert (apart from high flows). It appears that the design would act as a dam and pose a significant fish passage barrier. It is understood that there is substantial fish habitat in the upstream wetlands and waterways. The current proposed culvert design would block access to these native fish habitats. The Department considers that this will have a significant adverse effect on freshwater values. While the Applicant has proposed a low-flow channel to facilitate fish passage, it remains unclear how this would function under the current design. Further consideration is needed regarding the culvert depth and its proximity to the wetland to ensure that unintended consequences—such as wetland drainage—are avoided.
- 2.6 There are also concerns around the proposed velocities provided in the Stream Works Management Plan (Figure 2, page 6). To make upstream progress a fish must swim at a speed greater than the velocity of the water it is swimming in to (Franklin et al., 2025⁵). Velocities provided by the Applicant exceed the median swimming speed of some species and life stages. Traditional rule-of-thumb design velocity has generally been set at 0.3 m s⁻¹,

² Appendix F, Ecological Impact Assessment, Section 5.3.2.4 Culverts and fish passage, page 58.

³ Section 67 and specialist comments tracker with Applicant response, Regional Earthworks and Streamworks, 20 August 2025.

⁴ Appendix X, Stream Works Management Plan Appendix 6, Engineering Drawings for Culvert 1-1 and 6.

⁵ Franklin, P., Baker, C., Gee, E., Bowie, S., Melchior, M., Egan, E., Aghazadegan, L., & Vodjansky, E. (2025). *New Zealand fish passage guidelines: Recommended practices for the design and remediation of instream structures to provide for fish passage* (Version 4.5, July 2025).

however, appropriateness of this is dependent on species, life stage and length of culvert, and in some cases may be lower (Franklin et al., 2025). The Department recommends that the Applicant provide an assessment of expected velocity for each culvert against species expected at site, fish swim speed, culvert length etc, with reference to the New Zealand Fish Passage Guidelines. If appropriate velocities to allow for successful fish passage cannot be met through installation of culverts, it is recommended that modifications are made to the design of the culverts to achieve appropriate velocities, or bridges are installed as an alternative.

- 2.7 It is noted within the EIA⁶ that for Culvert 6, flexi-baffles are proposed or a similar velocity control. However, it is important to note that flexi-baffles are usually installed as a remediation option in existing culverts as opposed to new builds, where they should not be required under normal circumstances given that the culvert should be designed and installed properly. The Stream Works Management Plan⁷ does not include any flexi-baffles in the engineering drawings provided.
- 2.8 The EIA and Assessment of Environmental Effects (“AEE”) do not provide any justification for why bridges were not considered as an alternative to culverts. Given the number of culverts proposed for installation at this site, and the potential cumulative impacts on fish passage and natural stream processes, the use of bridges could offer a significantly better ecological outcome.
- 2.9 Without further information on the above, there needs to be a precautionary approach applied to the project. Given the information provided to date, there is uncertainty regarding the exact nature and extent of adverse effects with regards to freshwater values and how these effects will be managed as part of the proposed development.

Complex freshwater fisheries approval

- 2.10 Based on the further information provided by the Applicant as part of the s 67 process, it is considered that a complex freshwater fisheries approval would likely be required.
- 2.11 A complex freshwater fisheries activity is defined under the Act to be:

complex freshwater fisheries activity means an activity that includes construction of any of the following:

- (a) a culvert or ford that permanently blocks fish passage:
- (b) a permanent dam or diversion structure:

⁶ Appendix F, Ecological Impact Assessment, Section 5.3.2.4 Culverts and fish passage, page 58.

⁷ Appendix X, Stream Works Management Plan dated 30 April 2025.

(c) works—

- i. *that require disturbance to a water body, including diversions, in-stream operations, and removal of gravel, that persists for more than 3 months; or*
- ii. *that are within 500 m of the coast and occur during the whitebaiting season; or*
- iii. *that are in an area known to be used for trout, salmon, or native fish spawning and occur during the spawning season; or*
- iv. *that require repeated disturbance to a water body and are temporary works for which there is a period of 6 months or less between each period of work*

2.12 The Department's assessment is that Culvert 1-1 and 6 are likely to act as a dam and will result in a culvert that blocks fish passage.

Terrestrial Ecology – Long-tailed bats

2.13 Surveys have detected long-tailed bats in the project site and the EIA confirms that they are expected to be present in the area as a highly mobile species with a known population at Riverhead Forest⁸. Figure 1 below shows where long-tailed bats have been detected (including more recent March 2025 surveys provided post lodgement). Long-tailed bats have a conservation status of 'Nationally Critical' which is the highest threat category before extinction. The project site is considered to have 'very high' ecological value given their presence⁹. The remaining section of mature exotic forest (in the south-western part of the site) is likely to contain suitable roosting trees for bats and will result in permanent loss of very high value long-tailed bat habitat.

⁸ Appendix S, Ecological Management Plan, Section 5.2.5.1.

⁹ Appendix S, Ecological Management Plan, Section 5.2.3, page 30.

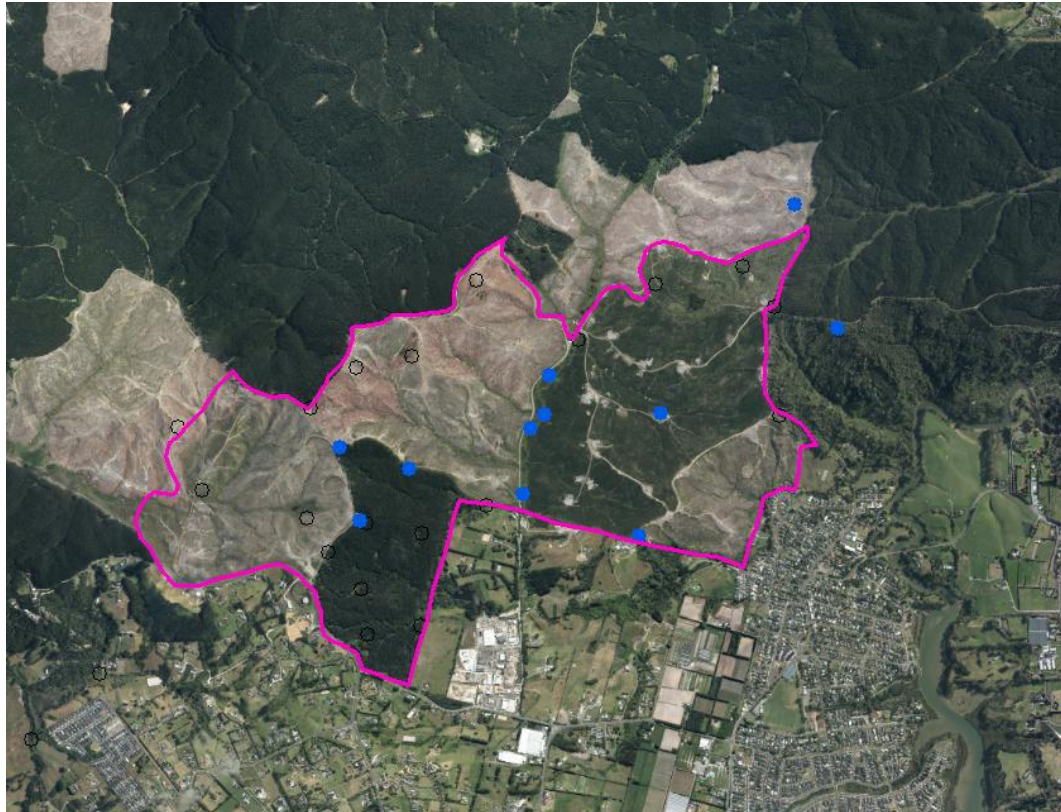


Figure 1: Development project area (pink line). Blue dots = bats detected, black empty circles = bat survey no bats recorded.

2.14 The existing environment¹⁰ has been described in the Application and the project site is currently used for commercial forestry with a harvest cycle of approximately 26 years. The EIA identifies that harvest of 59 hectares of mature pine forestry (26 years old) is scheduled in October 2025 and following this felling (and subject to approval), the sites are proposed to be developed. The EIA considers that the “actual baseline” for the development will be harvested pines and deforested land¹¹. It is however acknowledged in the EIA that the proposed land use change would result in the permanent removal of pine forest.

2.15 The existing environment includes existing use rights, existing activities carried out under existing consents and the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities. The existing environment does not include the environment as it might be modified by implementing future resource consent applications.

2.16 Although the Applicant has stated that they will not be carrying out the harvesting, information should be provided to confirm that the National Environmental Standards (NES) for

¹⁰ Section 4.3.1 of the Assessment of Effects, page 24-25.

¹¹ EIA, Section 1.3, page 9.

Commercial Forestry will be met as a permitted activity under Regulations 64- 69, in particular, with Schedule 4 (Earthworks Management Plan) and Schedule 6 (Harvest Plan) requirements. Among other matters, Schedule 4 and 6 require consideration of any threatened species of indigenous fauna present within the harvesting activity areas and procedures to mitigate adverse effects on those species from the harvesting activity. Therefore, for the harvesting activity (and the future state of the site being cleared) to be considered for the purposes of the assessment of effects, these details need to be provided, particularly in terms of any mitigation proposed as part of a harvesting plan.

2.17 The AEE and EIA set out the potential effects on terrestrial fauna noting the following effects on long-tailed bats:

- habitat loss and displacement, for long-tailed bats this includes alteration to commuting routes, loss of foraging and roosting habitat;
- permanent loss of very high value existing roost trees that may be present;
- mortality and displacement during vegetation removal (subject to disturbance effects associated with the proposed development which may result in temporary avoidance or abandonment of the site by bats); and
- indirect/operational effects including lighting, predation, noise and vibration.

2.18 The mitigation proposed includes:

- Partial revegetation of the harvested pine plantation area to indigenous vegetation (throughout the 208-lot subdivision); and
- fauna management plans including for bats: this will address effects of the project to bats and ensure that appropriate effects management measures are in place.

2.19 The Applicant's Ecological Management Plan ("EMP") considers that with the mitigation proposed, no significant residual effects on bats are anticipated¹². Further, the EIA concludes that the overall residual effects management package will provide positive effects through extensive indigenous revegetation, providing an increase in biodiversity values. DOC notes, however, that any proposed revegetation will take at least 50-100 years to mature to produce suitable trees for bats to roost in¹³.

2.20 The Department supports the protection of the riparian corridors, wetlands and streams. The Application states that the restored indigenous vegetation will result in 222 hectares of managed revegetation. The restored indigenous vegetation will be subject to extensive pest,

¹² Ecological Management Plan, Section 5.3.1, page 30.

¹³ NZ Bat Recovery Group Advice note – Planting to provide roosts for bats in the long-term

plant and animal control, protection and maintenance. It will be important that resource consent conditions ensure that this control, management, and maintenance is achieved over the long-term.

2.21 The draft Bat Management Plan has stated that it will be following Bat Roost Protocols. This is standard mitigation for bat areas so that bats are not killed. However, if the existing environment is in fact a harvested site it is likely that there will be few potential roost trees that will remain. The EIA does note¹⁴ that the removal of vegetation within 20 metres of streams and wetlands is proposed. The EIA and EMP identifies that there are a limited number of isolated trees that may potentially support roosting bats¹⁵. One large radiata pine was identified near to Wetland 1 and a large pine within the riparian corridor of Lot 1 which has the potential to support communal roosts are both proposed to be retained¹⁶. The Department supports the protection of these mature trees.

2.22 It is also noted that restoration planting will not replace high value bat roosts in the short- to medium-term. To mitigate this, it is proposed to provide Artificial Roost Boxes and carved cavity roosts in the ratio of 6 roost boxes to every confirmed roost tree. Artificial roost boxes are an unproven temporary tool to attempt to provide homes for bats in the short-term but the success of them have not been formally tested. There has been some uptake of artificial roosts in the Hamilton area, but the success of these boxes as maternity roosts and for the survival of young is unclear. Monitoring should be implemented as part of the conditions of consent.

2.23 The Applicant is recommending restoration planting throughout the 208-lot subdivision with “bat friendly” indigenous vegetation. This is supported but it is important to note that it can take a long time for the vegetation to mature to a size that will be used by bats (at least 50-100 years).

2.24 Other mitigation measures during the operational phase of the subdivision include sensitive residential luminaries with downwards facing lights and a colour temperature of 3000K has been recommended. The Department recommends this to be lowered to 2700K or lower to meet the international light standards recommended for bat habitat areas¹⁷.

¹⁴ Ecological Impact Assessment, Section 5.3.1.1, page 51.

¹⁵ Appendix S, Ecological Management Plan, page 29.

¹⁶ Appendix F, Ecological Impact Assessment, page 63.

¹⁷ <https://www.doc.govt.nz/nature/native-animals/bats-pekapeka/resources-for-bat-workers/>

- 2.25 A pest management plan has been recommended but there has been no indication of the size of the area controlled or what levels the pests are controlled to. More information would be required to determine whether this was of benefit to long-tailed bats. For pest control to be effective for bats, large scale pest control is recommended (>1000 ha) and to low levels of rats, cats and mustelids <5% tracking rates.

3 Comments on resource consent conditions

- 3.1 The Panel is required, under the Act, to provide draft conditions and invite comments on them before they grant an approval. To assist the Panel, the Department has provided preliminary comments on the Applicant's proposed resource consent conditions to ensure that they are clear, enforceable and implement the technical recommendations in the Application.
- 3.2 To ensure that adverse effects on the environment are properly managed, especially with the lack of baseline data, there should be conditions that specify the outcomes or objectives required to be achieved through management plans, and conditions that require the plans to be developed, certified and implemented; as well as specify the matters that should be addressed in each plan. Conditions requiring management plans should:
- a. contain clear and effects-based objectives and performance standards, to ensure that environmental outcomes are understood from the outset, and that the management plans will lead to actions 'on the ground' to achieve those outcomes;
 - b. have ongoing effect, and require ongoing implementation during the life of the consent;
 - c. set intervention thresholds to allow review and intervention if objectives or performance standards are not being met;
 - d. require ongoing monitoring and reporting;
 - e. provide for adaptive management where appropriate; and
 - f. be enforceable.
- 3.3 The Department notes the ecological recommendations made in the AEE, EIA and draft management plans provided with the Application to manage effects. It is considered necessary to ensure that the technical recommendations are implemented and that these are specified in the proposed conditions of consent rather than being lost within the management plans themselves. Whilst there are some management plan conditions proposed with objectives, performance standards and ongoing monitoring and reporting, the Department suggests further changes to the proposed conditions to provide certainty that the ecological recommendations of the AEE, EIA and management plans are implemented through conditions of consent.

- 3.4 The Department supports the inclusion of the Lizard Management Plan conditions (Conditions 62-67) within the resource consents set of conditions. The following advice note should be included: *The Consent Holder must ensure that the Lizard Management Plan adopted under this condition does not conflict with the requirements of the Wildlife Act approval for native lizards.*
- 3.5 The Department supports the inclusion of the Bat Management Plan (BMP) conditions (Conditions 68-69). However, the BMP objective should be expanded to cover all elements that are proposed to be addressed to avoid, remedy and mitigate adverse effects on bats. This includes requiring vegetation clearance to comply with the Bat Roost Protocols, enhancing bat habitat values through revegetation and other controls such as lighting, specifying requirements for the construction, installation and on-going maintenance and monitoring of artificial bat roosting boxes and providing benefits to bat populations through pest management measures.
- 3.6 The BMP condition should include reference to the mitigation specified in the EIA recommending lighting to minimise adverse effects on bats such as sensitive residential luminaries with downwards facing lights. As noted above, it is recommended that a colour temperature of 2700K or lower is required for lighting within the development¹⁸. There should also be a reference to the certified BMP recommendations for lighting under Condition 77 which specifies the requirement for a lighting plan and matters to be addressed.
- 3.7 As noted above, maintenance requirements for the bat roost boxes and monitoring requirements for the BMP and pest management programme need to be specified in the conditions of consent.
- 3.8 It is considered that protection of the two mature trees within proposed Lot 1 and Wetland 1 should be identified and included in the conditions of consent.
- 3.9 Further, it is recommended that an advice note is included under the BMP conditions as follows: *Advice Note - Wildlife Act 1953: The Consent Holder is required to ensure they comply with their responsibilities under the Wildlife Act 1953 to not disturb, harm, kill etc any protected wildlife. If approvals are required under the Wildlife Act 1953, the Consent Holder should*

¹⁸ <https://www.doc.govt.nz/globalassets/documents/conservation/native-animals/bats/bat-recovery/reduce-the-impact-of-artificial-light-on-pekapeka-advice-note.pdf>

ensure that the methodologies adopted under this condition do not conflict with any requirements of that Act.

- 3.10 Pest control and management is proposed within the lizard, bat and landscape management plans (Application Appendix T). As noted above, it is not clear what is proposed as part of the pest management strategy for bats. For bats, pest management needs to focus on large, interlinked areas and manage rats, cats, mustelids and possums to low levels (<5% tracking rates). It is recommended that new consent conditions are included specifying a monitoring programme for pest management.
- 3.11 The Department supports controls on the introduction of pets, in particular domestic cats. Further details are needed to determine what these restrictions will look like and how they will be implemented/enforced through the conditions of consent, consent notices and/or covenants.
- 3.12 There are no conditions relating to the EMP (Application Appendix S). The objectives, performance standards and outcomes should be listed as a condition of consent which is to be certified by the Consent Authority. The EMP conditions (or individual fauna management plan conditions) should also include as a matter to be addressed: *procedures and protocols for managing Threatened and At-Risk species in case they are discovered onsite during construction.*
- 3.13 As noted above, the Department has concerns regarding the Application relating to the in-stream works including the proposed culvert design and fish passage. Further details should be provided by the Applicant before relying on the proposed conditions. The Department makes the following comments regarding the proposed conditions of consent relating to the stream works and native freshwater fish management.
- 3.14 It is recommended that a condition of consent requires a Native Freshwater Fish Management Plan (NFFMP) for certification by the Consent Authority. This was proposed within the EIA (Section 5.4.3.2, page 66). The purpose of the NFFMP would be to set out the requirements for native fish management at each phase of the development including pre-, during and post-construction. This should include the requirement for a freshwater baseline report requiring in-stream monitoring prior to any earthworks or stream works commencing. This is to confirm pre-construction baseline conditions as well as inform the design of instream works and the management of fish during construction such as fish relocation and exclusion periods for peak fish migratory and spawning periods for species present at site. Post construction monitoring

for fish passage and instream habitat rehabilitation/restoration matters should also be addressed within the management plan.

- 3.15 The Department supports the requirement for a Native Freshwater Fish Relocation Plan (NFFRP) listed in Conditions 140-145. These conditions should also include specifications for where relocated fish are to be released during stream works (i.e. these should be released upstream in the same waterway in which they are captured). It is recommended that as part of the NFFRP the Consent Holder is also required to *keep a record of native fish captured, transferred and released for the duration of works and provide records to the Consent Authority within 20 working days of completing the area of instream works.*
- 3.16 The Department recommends that a Fish Passage and Monitoring Maintenance Plan is required as a condition of consent. This is necessary to demonstrate how adverse effects on fish passage are avoided and to ensure fish passage does not reduce over the lifetime of the culvert structures (through routine maintenance and monitoring).
- 3.17 The Department agrees with the comments made by Auckland Council in information provided under s 67 with regards to concerns raised around how the proposed conditions of consent implement the indigenous revegetation proposal and riparian/wetland planting. As noted above, this is proposed in the EIA as part of the overall “*residual effects management package*”. The Landscape Management Plan conditions 72-74 and 76 should specify the revegetation planting proposed and include reference to the recommendations of the ecological, lizard and bat management plans for revegetation of the riparian corridors, wetlands and lizard relocation sites. A condition of consent should also set out 20 metre buffer zones planned for all riparian zones and wetland areas. Setting out performance standards and monitoring within the conditions will provide greater certainty that the effects will be managed as stated within the management plans. It is noted that the Applicant’s planner has noted in their s 67 response that the conditions of consent will be refined as the Application progresses and therefore the Department will await these revisions before commenting on this further.

4 Conclusions

- 4.1 Overall, the Department has some concerns about the adequacy of the information provided on freshwater values and the likely need for other statutory approvals which have not been sought. The Department does not consider that the conclusions on the residual impacts are accurate due to insufficient information on freshwater values.

- 4.2 Understanding the impacts on freshwater values on site would require the Applicant to undertake further surveys prior to any works being undertaken. The surveys should inform the management plans and mitigation required to manage adverse effects on the environment.
- 4.3 The Applicant has not applied for a complex freshwater fisheries approval as part of the Application. Based on the information provided in the Application and the Applicant's s 67 response, the Department considers this is required for the project. A freshwater fisheries approval associated with the proposal for culverts 1-1 and 6 will need to be applied for outside of the fast-track process. The Department has significant concerns that these two culverts will provide a barrier to fish passage. There is also a lack of information on fish passage provision at the other remaining culverts. This may also result in non-compliances with the National Environmental Standards for Freshwater (Regulation 70(2)).
- 4.4 Bat surveys have detected long-tailed bats in the project site. Long-tailed bats have a conservation status of 'Nationally Critical' which is the highest threat category before extinction. The project site is accordingly considered to have 'very high' ecological value given¹⁹. Further information is required to determine what forms the 'existing environment' in terms of the commercial forestry use and proposed harvesting within the project site. It is recommended that conditions of consent are strengthened to ensure that effects on long-tailed bats are adequately managed.
- 4.5 The Department's remaining concerns can be resolved through new conditions to ensure there are clear outcomes and objectives required to be achieved through reliance on management plans and by strengthening existing conditions.
- 4.6 The Department is prepared to provide further commentary on draft consent conditions.
- 4.7 Thank you for the opportunity to comment.



Jenni Fitzgerald
Fast-Track Applications Manager

¹⁹ Appendix S, Ecological Management Plan, Section 5.2.3, page 30.

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date: 17/09/2025

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011