

under: the Fast-track Approvals Act 2024

in the matter of: applications for resource consents and archaeological authorities and notices of requirement by the New Zealand Transport Agency Waka Kotahi to develop a rapid transit link and associated infrastructure and connections between Brigham Creek and Auckland City centre, alongside State Highway 16, known as 'North West Rapid Transit'

applicant: **New Zealand Transport Agency**
Requiring Authority and Applicant

Statement of Evidence of Karyn Sinclair for New Zealand Transport Agency Waka Kotahi

Dated: 9 July 2026

Reference: Paula Brosnahan (paula.brosnahan@chapmantripp.com)
Nicola de Wit (nicola.dewit@chapmantripp.com)

chapmantripp.com
T +64 9 357 9000
F +64 4 472 7111

PO Box 2206
Auckland 1140
New Zealand

Auckland
Wellington
Christchurch



STATEMENT OF EVIDENCE OF KARYN SINCLAIR FOR NEW ZEALAND TRANSPORT AGENCY WAKA KOTAHI

- 1 My full name is Karyn Joy Sinclair. I am a co-author of Part 4 of the Application – Resource Management Act 1991 Approvals (*Part 4*). I am also the author of the statement of evidence dated 3 June 2026 addressing Minute 7 of the Panel (RFI#3)¹ and alternatives assessment and planning-related aspects of the comments from Stride Holdings Ltd, Selkprop Investments and Te Ākitai Waiohū.
- 2 My qualifications and experience are set out in Part 4, noting one amendment below. I reaffirm the Code of Conduct statement set out in Part 4.
- 3 My evidence has been prepared to support the New Zealand Transport Agency Waka Kotahi's (NZTA) response to comments on NZTA's notices of requirement (NORs) and applications for resource consents and archaeological authorities (together, *Application*) for the North West Rapid Transit Project (*Project* or *Application*).

SCOPE OF EVIDENCE

- 4 I am aware of the facilitated discussions between Auckland Council (*Council*) and NZTA on 23, 24, and 30 June.
- 5 My evidence addresses the approach to assessment and mitigation of the Project's effects on non-native terrestrial vegetation with reference to the provisions of the Auckland Unitary Plan (AUP). In particular, my evidence responds to:
 - 5.1 Technical Specialist Memo – Terrestrial Ecology dated 13 May 2026 authored by Mr Rue Statham (*Terrestrial Ecology Memo*) at Appendix 16 of the Council comments;
 - 5.2 Paragraph 91 of the Memorandum of Planning Matters for Auckland Council (*Planning Memo*).

APPROACH TO NON-NATIVE TERRESTRIAL VEGETATION

- 6 To appropriately mitigate the Project's effects on native vegetation, NZTA has proposed:
 - 6.1 Designation Condition 26A: Requiring replacement planting for the removal of native vegetation within Arch Hill Scenic Reserve; and
 - 6.2 Consent Condition 14: Requiring replacement planting for the removal of native vegetation within Significant Ecological Areas (SEAs), coastal margins and riparian margins.

¹ Minute 7 dated 19 May 2026.

- 7 The Terrestrial Ecology Memo says:²

The applicant submits that only native [indigenous vegetation] should be accounted for and its loss 'mitigated'. This is a significant departure away from the considerations of the Unitary Plan. Neither Chapter E15 or E26 refers to and provides for discretion only to indigenous vegetation / native habitats. The position taken by the applicant appears to assume that exotic habitat provides little or no value to biodiversity / indigenous species, ecosystem services or habitat / food source provision.

- 8 I disagree with Mr Statham's position that NZTA's approach is "*a significant departure away from ... the Unitary Plan*". I also consider the approach NZTA has adopted is appropriately proportionate to the effects of this Project and its Fast-track Approvals Act context.

SEAs, COASTAL AREAS AND RIPARIAN AREAS

Approach is consistent with AUP

- 9 Vegetation removal associated with infrastructure within SEAs, coastal areas and riparian areas is a restricted discretionary activity (RDA) (E26.3.3.1(A77)).
- 10 The relevant objectives and policies relating to E26.3.3.1 (A77) are Chapter E15 of the AUP which addresses vegetation management and biodiversity across Auckland.
- 11 In my opinion, the E15 objectives and policies seek to manage effects on indigenous biodiversity and indigenous vegetation cover. For example, objective E15.2(1) seeks to protect "...*areas of contiguous indigenous vegetation cover*" and policy E15.3(3) seeks to encourage offsetting only of "*any significant residual adverse effects on **indigenous** vegetation and biodiversity values that cannot be avoided, remedied or mitigated...*" (emphasis added).

Approach is proportionate to effects

- 12 The Project's effects on native terrestrial vegetation were assessed in the Terrestrial Vegetation Ecology Assessment and the Project's effects on native terrestrial fauna were assessed in the Assessment of Ecological Effects. Those effects are assessed as moderate, and with mitigation low with respect to loss of vegetation and fauna values respectively.
- 13 I also refer to the evidence of NZTA's expert terrestrial vegetation ecologist, Andrew Blayney, who considers Council's suggested "Tree Removal" condition is not required to manage terrestrial vegetation ecology effects.³

² Section 5, Mitigation vs Offsetting, paragraph 2.

³ Paragraph 35.

Conclusion

- 14 Accordingly, I consider NZTA's approach to assessment and mitigation of terrestrial ecology effects to be consistent with the E15 objectives and policies and proportionate to the Project's effects.

ARCH HILL SCENIC RESERVE

Approach is consistent with AUP

- 15 In relation to regional rules, vegetation removal at Arch Hill Scenic Reserve is a permitted activity (E15.4.1(22A)). There are no applicable permitted activity standards in E15.6 to meet.
- 16 Accordingly, I consider vegetation removal at Arch Hill Scenic Reserve must be considered to be consistent with the E15 objectives and policies by virtue of its permitted activity status. In my view, mitigation for a permitted activity is not anticipated under the Resource Management Act.
- 17 Arch Hill Scenic Reserve is zoned Open Space – Informal Recreation in the AUP. There are no overlays over the Reserve where it coincides with the Proposed Designation, and tree removal at Arch Hill Scenic Reserve will be authorised by the Proposed Designation.
- 18 If district consents were required:
- 18.1 Removal of tree under 4 metres in height and 400 mm in girth is a permitted activity (E16.4.1 (A9)).
- 18.2 Removal of tree greater than 4 metres in height and 400 mm in girth is an RDA (E16.4.1(A10)).
- 19 In light of Mr Statham's concerns, I have reviewed the objectives and policies of E16 and 26 and make the following comments:
- 19.1 The objectives and policies in E16 are relatively high level and seek to protect a range of values, including ecological value. Policy E16.3 encourages the use of indigenous trees and plantings within open space. They are not, in my opinion, a useful guide to what vegetation impacts need to be assessed or mitigated.
- 19.2 E26.2.1(9) is the only objective in E26 that addresses adverse effects and is generic in its phraseology "[t]he adverse effects of infrastructure are avoided, remedied or mitigated".
- 19.3 E26.32.2 policies (14) and (15) address road network activities and roads. Neither of these policies makes any implicit or explicit reference to protecting or mitigating effects on ecology.

- 20 The vegetation removal would be considered as an RDA had NZTA chosen a land use consent pathway over a NoR to designate the land. The RDA matters for discretion provide a useful guide to decision makers, when considering the statutory context of activities subject to designation. Those matters are as follows:

E26.4.7.1.(1)(c) Tree alteration or removal of greater than 4m in height and trees 400mm in girth:

- (i) *the effect on the values of the tree or trees; and*
- (ii) *any loss or reduction of amenity values provided by the tree or trees;*
- (iii) *any mitigation proposed; and*
- (iv) *the functional and operational requirements and benefits derived from infrastructure.*

- 21 In my opinion Mr Statham has imported an inappropriate emphasis on ecological values that is not supported by the provisions of E26. The overall intent is to enable infrastructure, and there is no provision that supports protection of exotic vegetation nor is there a requirement for mitigation for ecological purposes.
- 22 In my opinion, the proposed conditions that specifically address the loss of vegetation in Arch Hill respond appropriately to the relevant provisions of the AUP, and the effects identified.

Approach is proportionate to effects

- 23 In my opinion, the condition as offered by NZTA provides for mitigation that will be proportionate to the effect of the vegetation loss in Arch Hill for the following reasons:
- 23.1 Mr Blayney's second statement of evidence that notes that the vegetation in Arch Hill Scenic Reserve is native and the only non native vegetation is exotic grass and pest plants.⁴
- 23.2 Vegetation removal for infrastructure purposes in open space zoned is permitted where the trees are less than 4 metres in height and/or less than 400 mm in girth (A91). NZTA's proposed conditions do not make that distinction, and require the replacement of all native vegetation which is removed.
- 23.3 The RDA criteria as set out above do not require consideration of the ecological function of the vegetation.

⁴ Paragraph 37.

CONCLUSION

24 For the reasons set out above:

24.1 I consider NZTA's approach to assessment and mitigation of terrestrial vegetation ecology effects to be consistent with the AUP; and

24.2 I consider the word "native" should be retained in Proposed Designation Condition 26A and Proposed Consent Condition 14.

Karyn Sinclair
9 July 2026