

Comments on a Substantive Application under section 53 of the Fast-track Approvals Act 2024: Stream Ecology

Fast-track project name	Waikanae North Development
Fast-track application number	FTAA-2603-1194
GW file number	FTA106

Technical area	Stream Ecology
Date	21 July 2026
Author	Dr Gareth Taylor Principal Ecologist, Director Collaborations
Statement of expertise	I am an ecologist with over 15 years of experience starting in tertiary teaching then local government and the majority in private consulting. I am self-employed as a Director and Ecologist for Collaborations, a small consultancy that works across a range of environmental, land and water science fields. I have a particular experience in freshwater ecology and management having worked on projects throughout New Zealand undertaking ecological assessments, design and site based management. I have a PhD in Environmental Science, PgDipSci in Environmental Science and a Bachelor of Science in biological science and psychology all from University of Canterbury. I hold a current Certified Environmental Practitioner certification and Making Good Decisions accreditation.
Code of conduct	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This technical memorandum has been prepared in accordance with that Code. Unless I state otherwise, the opinions I express are within my area of expertise, and I have not omitted to consider material facts that might alter or detract from the opinions that I express.
Documents considered	Building Block Planning Ltd. 2026. Substantive Application: Fast-track Approvals Act – Waikanae North Developments Limited Application for Resource Consent and Wildlife

	Approval (169–171 Peka Peka Road, Waikanae). Prepared for Waikanae North Developments Limited, 30 March 2026 “the application” • Appendix 23: RMA Ecology Ltd. 30 March 2026. Waikanae North Development: Fast Track Application: Assessment of ecological effects. Report prepared for Waikanae North Developments Ltd. 159 pages + appendices. “the Ecological Assessment” • Appendix 26: RMA Ecology Ltd. 30 March 2026. Waikanae North Development Fast Track Application: Ecological Restoration Management Plan. Report prepared for Waikanae North Developments Ltd. 91 pp. + Appendices. “the ERMP” • Appendix 33: Proposed draft conditions of consent. “proposed conditions” • J Blyth (21/07/2026). Waikanae North Development – Hydrology Comments on Section 53 Substantive Application. FTAA-2603-1194 • M Dixon (21/07/2026). Waikanae North Development, – Wetland Comments on Section 53 Substantive Application. FTAA-2603-1194
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Comments

Summary

1. The application has been reviewed for key matters relating to Stream Ecology and has identified two substantive issues:

Ngarara Stream:

2. An SEV has been completed to provide for the current value of the Stream; however, a post development SEV has not been calculated to determine expected outcomes. The documentation identifies a net gain will be provided for in terms of stream area and quality of habitat which I agree with; however, a SEV for the post development stream would provide a clear target for restoration targets to be monitored against. I anticipate this aspect can be resolved but will require supplementary information from the applicant.

Other watercourses:

3. As noted in prior feedback to the applicants, GWRC considers these to be ‘rivers’ as per the RMA definition and applied through the NRP process related to the Highly Modified Rivers or Streams mapping¹; however the applicant is considering these as drains. This has then resulted in the ecologist assessing these in this manner and no specific mitigation package (other than relocation of fauna) being applied for their loss.
4. If GWRC’s determination is preferred by the Panel this requires an SEV assessment to be undertaken across the watercourses, consideration of impacts in an SEV and for those that can’t be avoided, minimised, or remedied then an Offset calculation would be required. This would be with an Environmental Compensation Ratio (ECR) and often results in more stream than that being lost being needed to offset. This would therefore require the applicant to identify the offset package. Some aspects of the application may reduce the required additional stream (e.g. SEV quantification of the relocated sections of watercourse may provide some improved values), but due to the extent that will be lost may require some additional watercourse enhancement.
5. As discussed with the applicants, an option may be to consider the wetland and watercourse complex as a whole to focus on values on site. The applicant had agreed to provide supplementary information to this nature and it would be expected some further discussion may be required to resolve if this is able to be accepted or if further offset compensation is required to inform decision making.

Agreement with the applicant

1. Ngarara Stream has been assessed with the SEV methodology (i.e. accepted practice within Wellington region) utilised to establish its current value and compensation requirements; however, the value presented may be lower due to not completing biodiversity scores which may result in a reduced value being described.
2. I agree with RMA Ecology’s opinion that whilst not detected in their eDNA sampling it is reasonable to expect brown mudfish are present in the system due to other records in recent years in the same system (as stated in Section 3.3.1 Freshwater Fauna,).
3. The Freshwater Fauna Management Plan takes a suitably precautionary and conservative approach in treating all water as habitat for fish and encompasses a range of methods for all potential fish species identified (with minor points of clarification and improvement – see Freshwater Fish Management Plan section).

¹ <https://gwrc.maps.arcgis.com/apps/webappviewer/index.html?id=87a85d0ad2a3493f6ecb789eac79773>

Matters in contention and suggested response

Stream Ecological Valuations (SEVs)

4. The applicant has provided SEV calculations for the Ngarara Stream, as well as for two of the larger “drains”. This work has the following limitations:
- a) It has not been applied to all Highly Modified Rivers or Streams affected by the proposal.
 - b) Information on sampling location, exact dates, and preceding weather conditions is not clear for the freshwater ecological sampling, including the field work undertaken for the SEVs. This makes it difficult to verify how these data were collected or whether sampling was undertaken at an appropriate time. We seek the applicant confirm the sampling dates.
 - c) While an SEV data sheet has been provided (Appendix D), there is limited contextual information explaining how the scores were derived. This limits confidence in the scoring but accept the author has sufficient qualifications and experience to provide the scoring accurately. Additional contextual information (such as field summaries and photographs), along with the SEV data workbook would enable a robust review.
 - d) Biodiversity data have not been included in the SEV calculations which may result in a skewed result (either positive or negative). This is important in finalising target outcomes for restored watercourses.
 - e) No macroinvertebrate sampling has been completed and therefore a full SEV data set is not possible.
 - f) Fish records appear collected separately to the SEV (i.e. fish were surveyed nearly 2 years prior to the report for one round of results) and it is not known if this sampling was undertaken in the same reach as the SEVs as exact location of SEV reaches is not provided.
 - g) Without the macroinvertebrate collection the SEVs are not complete. This limits the ability to confirm the existing stream values in accordance with the SEV methodology; though may be relatively minor in nature.
 - h) There has been no SEV impact calculation or if required, Environmental Compensation Ratio provided, to validate that the remedy and/or offsetting proposed sufficiently provides for the effects anticipated.

Ngarara Stream Assessment

5. Following our comments on the pre-lodgement review, the applicant has accepted that Ngarara Stream is a river or stream and a SEV has now been provided, which is accepted practice. Though

it does not include the Biodiversity Values, which would lower the SEV score (due to adding nulls in those parameters).

6. The SEV provides an assessment of the current value of the stream, but does not assess the post impact value with this method. The AEE however, states there would be a loss of 5 m extent but a gain in stream area and value (2,965m² to 3,895m²); though this is to be confirmed during design stages.
7. The Ecological Report does not include enough contextual information to assess whether the SEV scoring is agreeable, so I have accepted based on the authors experience these are valid. Confirming the accuracy of the data would require either a site visit or further context from the applicant, such as photographs or descriptions.
8. The enhanced stream length to compensate for realignment for Ngarara Stream has not been calculated for its SEV Impact (SEV-I) to demonstrate it provides a suitable level remedy and target for the restoration plan. The Ecological Assessment does consider it is improved in area and habitat quality; though results in a 5m loss of stream length. Should the SEV-I show any loss in value, offsetting using Environmental Compensation Ratio method would be required.
9. Receiving this completed calculation allows confirmation if the level of proposed enhancement will offset the effects on Ngarara Stream in accordance with the SEV Guidelines and allows a SEV target condition to be set that should be added to the Ecological Restoration Plans and as a matter of condition.

Watercourse classification / lack of SEV assessments

10. The loss or re-alignment of almost all of the approximately 3 kilometres network of watercourses linked to the Ngarara Stream is proposed. Watercourses range from smaller drains with limited water flow to larger drains up to 2m wide (see Table 8 of the Ecological Assessment). The application does not account for the loss of extent and value of these highly modified rivers and streams but rather are treated as artificial watercourses (i.e. drains).
11. A key point of disagreement between GWRC and the Applicant is the classification of watercourses whereby only Ngarara Stream has been accepted by the Applicant as a Highly Modified River or Stream; the other watercourses have been considered artificial based on legal advice of the Applicants Legal Counsel.

12. The approach taken in the Wellington Natural Resources Plan, supported by guidance published by GWRC² is that the watercourses are considered modified forms of the pre-existing waterbody and are therefore categorised as Highly Modified Rivers and Streams.
13. The significance of this determination is that the ecological assessment methods differ as follows:
If a drain/artificial watercourse; it would be expected that the assessment would consider fauna and values of the waterways to determine required management during closures. If these watercourses were considered a highly modified river or stream an SEV would be expected and determination of appropriate mitigation and offsetting in accordance with that method. This may find further compensation or offsetting that that proposed is required.
14. Should the panel side with GWRC that these watercourses are rivers, it may not likely that the newly constructed or re-aligned watercourses would provide sufficient value to offset this proposed loss of watercourse extent (~3 km), but a SEV should be undertaken to account for these watercourses value and effects to allow complete evaluation and subsequent increased offsetting extent required.
15. Should the panel side with the applicant that these watercourses are artificial, then I consider the methods undertaken are appropriate to a watercourse of this classification. However, I note the method used to assess the habitat within the drains is a customisation which makes it difficult to know if this is appropriate. It is unclear why a custom method was needed when methods such as the Rapid Habitat Assessment Protocol³ would have been suitable and provide a consistent method to be understood by parties.
16. Both Parties have met on the points raised in Paragraphs 10-15 and considered whether it is possible the outcomes may be achieved in any case of classification of the watercourses (i.e. the intended design may satisfy ecological values regardless of classification). The applicant had committed to provide further information to help determine if this was valid and could be accepted. This was to include SEV values for reaches as described above along with considering if a residual compensation requirement could be accounted for within the wetland offsetting.
17. At the time of preparing this advice, the information has not been provided therefore uncertainty exists relating to commitment related to replacement habitat related to the tributaries from Ngarara Stream and therefore I am unable to advise if sufficient compensation is provided for the loss of watercourses proposed as well as the modification of those to remain.

² GWRC 2021. How to determine whether a watercourse is a river, ephemeral watercourse, highly modified river or stream, or artificial watercourse. Guidance Note. Available at: <https://www.gw.govt.nz/environment/land-use/watercourses/>

³ <https://www.cawthron.org.nz/research/our-projects/rapid-habitat-assessment-protocol/>

Freshwater Management plan

I am agreeable with the Freshwater Fish Management Plan in that it provides for a precautionary approach and is consistent with practices for fish salvage. I make the follow minor suggestions for improvements:

18. Section 3.2 – suggest remove the word ‘permanently’ in the first sentence as implies temporarily impacted reaches will not be managed. For example, if a contractor puts temporary diversions or culverts in for access, then a fish salvage would be appropriate in the section affected.
19. Section 4.0 – mentions Brown mudfish will be released at a different site to eels. It would be helpful if the applicant can confirm where a mudfish release site is to be located to have certainty of survival.
20. The fish salvage sites are marked as indicative. Seek the applicant confirm these are at a suitable condition to receive the fish species expected.

Comments on conditions proposed:

21. Condition 118 as proposed is unworkable. It is not possible to maintain passage at all times when installing diversions. Prior to install, passage is blocked temporarily to allow salvage. I suggest adding some wording to allow for very short-term blockage (e.g. no more than one day at a time) by the Consent Holder.
22. Condition 119 is not consistent with the Ecological Report which indicates all culverts will be designed in accordance with the NES-F, which gives greater certainty of outcome for fish passage and effects; therefore, it would be important the condition should also reference this as a requirement.