

MEMO

Project Number	FTAA-2603-1194
To	Fast-track Panel – Waikanae North Development
Subject	Response to Minute 8 - cat management and predation of wetland birds
Date	3 September 2026

Purpose

1. This memorandum is provided on behalf of Waikanae North Developments Limited (**WNDL** or **the Applicant**) in response to paragraphs [4] to [7] of Minute 8 of the Expert Panel (**the Panel**) dated 27 August 2026.
2. Attached to this memorandum is a memorandum from Mr Graham Ussher of RMA Ecology Limited dated 1 September 2026 (the RMA Ecology Report). In summary, the RMA Ecology Report concludes that the proposed cat management package is robust and sound.
3. Options B and C2 each secure a permanent, site-wide control on cats, through a covenant registered on the title of every residential lot and binding on successors in title. The premise of the concern recorded at paragraph [4] of Minute 8 – that the options offer only time-limited protection – is not correct for those options. Options A and C1 achieve an appropriate outcome by other means, without a site-wide restriction on the keeping of cats.
4. The Applicant is required to address the adverse effects of the development. It is not required to guarantee an improved outcome in perpetuity. The concerns that have been raised seek to secure an enduring positive effect. Each of the options proposed will ensure that no adverse effect arises from cat predation associated with the development, and that is the standard the Applicant is required to meet.

The Panel's request

5. At paragraph [4] of Minute 8 the Panel records the view of the Department of Conservation (**DOC**), expressed in its section 53 comments, that none of the options proposed by the Applicant provide for protection against predation in perpetuity, "as all options only propose a limited duration of trapping and maintenance of fencing", and that the covenanted exclusion area in Option C1 may not be large enough to protect wetland birds beyond Te Harakeke Swamp.
6. Those are two different criticisms. The first is about duration – how long protection lasts. The second is about spatial extent – how much of the site protection covers. They are answered separately below.
7. At paragraph [5] the Panel expresses the view that the Applicant's memorandum on updated conditions dated 21 August 2026 does not adequately address the matters raised by DOC, and in particular the issues regarding cat behaviour substantiated by the references in Ms Thurley's report for DOC.
8. At paragraph [6] the Panel requests a response on three matters: whether the gain in restoring wetlands will be undermined by the creation of ecological traps; whether the

length of the fence shown in Figure 28 of the Ecological Restoration Management Plan (ERMP, Appendix 26) would be sufficient to reduce predation to acceptable levels for the Te Harakeke and Peka Peka Road wetlands, given the distances cats typically travel; and how the proposed predation reduction options would address predation in the created and enhanced wetlands. Each is answered in the RMA Ecology Report.

9. In summary:

- (a) **Ecological traps.** An ecological trap arises where habitat cues attract animals into habitat in which their survival or breeding success is lower than in the alternatives available to them, and that outcome “depends on the predation risk in the restored habitat being both high and unmanaged. Neither will be the case here.” Predation risk in the restored areas is actively managed under every option before the Panel. The empirical position is to the same effect: the wetlands on the fringes of Kāpiti Coast Airport support what is, to Mr Ussher’s knowledge, “the only known fernbird population within a considerable distance”, apparently breeding, “notwithstanding several hundred adjoining houses and no cat management of any kind”. There is no reason the same would not occur here, and if it does that is a positive outcome. Mr Ussher’s answer to the question of ecological traps is “In my opinion, no.”
- (b) **Fence length.** The alignment shown in Figure 28 was not derived from a calculation about cat home ranges, and the fence has never been advanced as a predator-exclusion structure. The proposed conditions say so expressly. RMA Ecology accepts Ms Thurley’s point that cat home ranges vary widely and that some individuals will range beyond the fence or around its ends. That is why the package does not rely on the fence alone: “The fence reduces the routine, high-frequency access that accounts for most predation pressure, while the trapping addresses the smaller number of animals that range further.” Assessed together with the trapping programme and purchaser education, Mr Ussher’s opinion is that under Option A predation will be reduced to acceptable levels for both Te Harakeke Swamp and the Peka Peka Road Swamp. A cat exclusion zone of the scale contemplated in the literature Ms Thurley cites, in excess of 1 km, would require works on land the Applicant neither owns nor controls, and could not lawfully be required of it.
- (c) **Created and enhanced wetlands.** The pest animal control programme under Options A, B and C1 is not confined to Te Harakeke Swamp and the Peka Peka Road Swamp. It operates across the ecological management areas as a whole, so the created and enhanced wetlands sit within the managed area for the duration of the programme. Under Option C2 the protection comes from the prohibition on the keeping of cats across the subdivision, together with the pest control provided for in the ERMP. On the ecological merits, Mr Ussher’s advice is that “the realistic likelihood of Threatened species establishing resident populations in a created wetland in the centre of an urbanised area is low”, and that the created wetlands will in any event be “a net addition to habitat that does not presently exist”. He also notes that the only area with a resident fernbird population in Kapiti that he is aware of is in an urban area that has no cat controls. The risk of cat predation should not be overstated.

10. The RMA Ecology Report also sets the request in the context of what is asked of comparable projects. Pest control in perpetuity is not the norm – far from it: in more than 30 years of practice, across hundreds of projects throughout New Zealand, Mr Ussher is aware of only one project in which this has been required — the Mount Messenger Bypass, where the

values affected were “large in extent and of extremely high ecological value”. Accordingly, that project “should be seen as a special case study rather than a benchmark or norm”. NZTA is understood to presently be seeking release from that obligation.

11. Nor has any comparable development that Mr Ussher is aware of been required to manage the effect of future residents’ pets on benefits the developer itself created. Mr Ussher refers to Milldale, Drury Quarry and Plimmerton Farm as recent or current examples, the last involving some 3.5 hectares of wetland restoration and progressed under the COVID-19 fast-track pathway with the Department as a key submitter. In none of those projects was an applicant required to manage “a possible future impact on the benefits it has itself created, beyond the duration of the consented management period”. Applied generally, the approach that DOC advances “penalises applicants in proportion to the ecological gain they deliver, and creates a perverse incentive to restore less rather than more”.
12. Nor is the end of the consented programme, in reality, the end of pest control. Mr Ussher’s experience is that communities established around ecological restoration take that work on, and he expects a resident-led group to take over the trap lines here once the development is reasonably built out. Greater Wellington Regional Council already has access to undertake pest control, and the District Council and iwi will retain their own interests.
13. His overall assessment is that the response must be proportionate to the values actually present. The site “is not the pre-eminent wetland bird site in the Wellington region – or anywhere near it”, and it does not support a strong population of any of the threatened wetland bird species at issue. Against that, the project advances “one of, if not the most comprehensive, approaches to cat management I have been involved with in an urban development context”.

The four options

14. Conditions 86 to 115 of the proposed Kāpiti Coast District Council land use consent conditions, as updated on 21 August 2026, set out four options:
 - (a) **Option A** – a pet control fence along the development’s interface with Te Harakeke Swamp and the Peka Peka Road Swamp, built to a specified standard and inspected and maintained for 35 years, together with a 10 year pest animal control programme provided for in the ERMP across all ecological management areas and purchaser education;
 - (b) **Option B** – a cat containment covenant registered on the title of every residential lot in the subdivision, requiring that no domestic cat be kept on any lot unless contained within a cat run or within the dwelling at all times, such that the cat cannot roam beyond the boundaries of the lot, together with a 35 year pest animal control programme and purchaser education. This option takes its content from the Kāpiti Coast District Plan, which by Rule GRUZ-R7 requires cat containment within 500m of an Ecological Site. If selected, the Applicant would apply it across the whole site rather than only within that band;
 - (c) **Option C1** – a cat exclusion covenant registered on the title of each of the seven lots accessed from Paetawa Road, prohibiting the keeping of any cat, together with a 10 year pest animal control programme provided for in the ERMP and purchaser education; and

- (d) **Option C2** – a cat exclusion covenant registered on the title of every residential lot in the subdivision, prohibiting the keeping of any cat, together with the pest animal control provided for in the ERMP.
15. Under conditions 100(c) in respect of Option B, 107(b) in respect of Option C1, and 113 in respect of Option C2, the cat restrictions and obligations imposed by each of those covenants are expressly ongoing and bind the owner of the lot and their successors in title. They are not tied to the duration of the pest control programme, they do not expire, and they are not dependent on the continued involvement of the consent holder. If other parties, or the Panel, consider that the matter is more appropriately secured by a consent notice, then the Applicant is open to such a change and can update conditions, following conferencing, to secure such an outcome.

Protection in perpetuity is already provided for some aspects

16. DOC's criticism, as recorded at paragraph [4], is that the options "only propose a limited duration of trapping and maintenance of fencing". That is an accurate description of the trapping and the fencing. The duration of those is considered to be appropriate in terms of the establishment of planting and ecological restoration, and patterns of ownership and behaviour established as the subdivision is built out. But it is not an accurate description of the options as a whole, because it overlooks the covenants entirely. The package is robust and generous.
17. The limited duration of the trapping is deliberate, and the RMA Ecology Report explains why it is sufficient. The buffer planting and the pet control fence give the site additional habitat, and a physical barrier to predation, that it does not have today. Ten years allows the buffer planting to establish, and once established the improved buffer and habitat will, with the fence, be sufficient to ensure that there is no adverse effect on wildlife outcomes. Where cats are permitted but tightly controlled, as under Option B, the longer 35 year programme is proposed so that the containment regime is well established and the buffer plantings fully mature before trapping ends.
18. Each of Options B, C1 and C2 contains two distinct layers. The first is an active management layer – trapping - which is time limited. Its time limitation is deliberate in that its purpose is to carry the restoration areas through to the point at which they are established, monitored and certified as complete. The second is, dependent on the option selected, a permanent restriction on the keeping of cats, secured on the record of title of each lot to which it applies and binding on every successive owner. It is the second layer, not the first, that answers the concern about protection beyond the life of the active programme.
19. The extent of that permanent restriction differs between the options. Under Options B and C2 the covenant is registered on the title of every residential lot in the subdivision. Under Option C1 it is registered on seven lots only, being those accessed from Paetawa Road. Option C1 is therefore perpetual in duration but limited in area, and the Applicant accepts that DOC's second criticism — that the covenanted area is concentrated on Te Harakeke Swamp and does not address the Peka Peka Road Swamp or the other wetlands - is directed at that option. However it would not be proportionate or reasonable to extend management of effects from a small peripheral development across the whole of the site. The criticism does not apply to Options B or C2, each of which covers the whole subdivision.
20. Option A is different in kind. The pet control fence is proposed along the development's interface with both the Peka Peka Road Swamp and Te Harakeke Swamp, although not

around their entire perimeter (they both extend well beyond the site), and the option does not preclude or otherwise restrict cat ownership. It operates by physical deterrence at the key wetland interface, together with the pest animal control programme and purchaser education, and its measures can reasonably be and are accordingly limited in duration. Its adequacy is a matter of ecological assessment and is addressed in the RMA Ecology Report.

21. Option B is a permanent, site-wide control on free-roaming domestic cats. Every residential lot would be subject to a covenant under which any cat kept on the lot must be confined to a cat run or to the interior of the dwelling at all times. Domestic cats originating from within the development therefore cannot lawfully roam into the wetlands — not for 10 years, not for 35 years, but for as long as the covenant remains on the titles. It also applies across the whole subdivision the containment standard the District Plan itself adopts for land within 500m of an Ecological Site, and so addresses the risk DOC identifies, in perpetuity.
22. That is also material to the question the Panel poses at [6](a). The ecological trap concern depends on birds being attracted to improved habitat and then exposed to domestic cats. Under Option B that exposure is controlled permanently and across the whole subdivision; under Option C2 the source of the risk is removed from the development altogether. The RMA Ecology Report assesses this risk for the other options.

The FTAA is directed at managing adverse effects, not at securing positive outcomes

23. The Applicant's obligation, and the Panel's task, is to address the adverse effects arising from the proposal. The Applicant is not required to deliver a positive outcome on this matter, and is not open to criticism for declining to secure one, although it assesses that one is likely. A condition that goes beyond what is necessary to address the effects of the activity cannot lawfully be imposed under section 83 of the Fast-track Approvals Act 2024.
24. The Applicant has not relied on improved bird outcomes as part of its offsetting or compensation package. Any improvement in bird values arising from the wetland restoration is a benefit of the project. It is not something the Applicant raises to balance an adverse effect, and it is not a benefit the Applicant is obliged to guarantee. The potential erosion, at some future point, of a benefit that would not otherwise have existed is not an adverse effect of the proposal. The Applicant readily acknowledges that if pest animal control were extended indefinitely there would likely be further ecological gains; it does not follow that those gains are necessary in order to address the proposal's adverse effects.
25. The Applicant's ecological advice has been consistent throughout: whichever option is selected, the outcome for wildlife at the site will be no worse than the position that exists today, and in practice will be materially better. The RMA Ecology Report confirms that position and identifies the correct point of comparison, which is not a pristine wetland system — "Most of the site is grazed pasture with a series of modified and variously degraded wetlands, in a region in which less than 3% of former wetland extent remains".

The site is not uniform

26. A further difficulty in the exchange to date is that the site has been treated as though it presents a single question. It does not. The Panel's questions are best answered by separating the Ecological Site wetlands from the central wetland, and existing values from future improved values.
27. **The Ecological Site wetlands.** Te Harakeke Swamp and the Peka Peka Road Swamp carry existing high bird values. They presently have no effective pest animal control and no barrier

to domestic or feral cats, and every one of the Applicant's options improves on that position; the relevant comparison is with the existing environment, not with an idealised outcome. DOC's concern extends further, to birds that do not presently use the site but may do so as habitat improves. That is, in substance, the question the Panel poses at [6](a) — whether the Applicant should be responsible for the vulnerability of birds attracted by the improvement the project itself delivers. As set out above, Options B, C1 and C2 variously control that exposure permanently in any event.

28. **The central wetland.** The central wetland presently carries no rare bird values and low native bird values, so the measures necessary to ensure that existing values are not lost are correspondingly limited. Its restoration is expected to improve substantially in quality, including for birds, supported by the pest control provided under the selected option, by the permanent covenant under Options B and C2, and by the buffer planting, setbacks and restoration works that will render these areas self-sustaining once established, monitored and certified as complete. That improvement is a benefit of the project, and the Applicant should not carry an enduring overhead as a result of it.
29. It follows that the answer to the Panel's question at [6](c), concerning created and enhanced wetlands, is not the same for every part of the site. The RMA Ecology Report addresses each area on its own facts.

Why the Applicant has proposed a range of options

30. The options are not gradations of one control; they regulate different things. Options A and B regulate the ecological risk directly — by physical deterrence at the wetland margin under Option A, and by containment of any cat kept on a lot under Option B. Options C1 and C2 regulate ownership. A prohibition on ownership is not, for that reason, the more effective response to the risk in issue: it does nothing about the neighbouring and feral cats that the trapping programme is designed to catch, whereas the traps operate on every cat that approaches the wetland margin, whoever owns it and wherever it comes from. The fence provides a further deterrence from within the site.
31. A prohibition on the keeping of cats across the whole subdivision also carries consequences for the development that have nothing to do with ecology. Cats are New Zealand's most popular pet. There are an estimated 1.26 million domestic cats in New Zealand and around 40% of households own one or more; ownership peaks among those aged 45 to 64, and 66% of households with children keep a companion animal (2024 New Zealand Pet Data Report).
32. A site-wide prohibition could put the development out of reach of that substantial part of the market, at a site to be developed in significant part to increase the supply of well-priced housing. It may narrow the pool of purchasers to households that neither own a cat nor wish to, which bears directly on the rate of take-up and, in turn, on the feasibility of delivering the listed project. Those are consequences the Applicant is entitled to weigh and the Panel must consider.
33. None of that is a reason to rule Option C2 out, and the Applicant has not ruled it out. It is a reason not to have it imposed, when the effects in issue can be managed appropriately without it. Option C2 was introduced in the 21 August conditions set in direct response to DOC's comments. It is a complete, site-wide prohibition on cat ownership, and it is genuinely available.

34. The heart of the questions raised by Minute 8 is not whether cats should be owned at Waikanae North. It is how to appropriately and proportionally deter the predation and disturbance of vulnerable native species in and around the wetlands, including by cats from neighbouring properties and by feral cats, which no restriction on ownership within the subdivision can reach.

Selection of an option

35. The Applicant does not accept that it should be required to select that option, or any option, now. There are three reasons why:

- (a) it is not ecologically necessary. Each option is robust for the scenario to which it relates, and each will avoid an adverse effect on wildlife. Selecting the most restrictive option is not required to achieve that outcome;
- (b) the consequences of a site-wide prohibition are not confined to ecology. For the reasons given above they extend to the practical implementation and take-up of the development, in a way the effects to be managed do not justify; and
- (c) nothing turns on the timing. The obligations attaching to each option are fully specified in the conditions. The selected option must be notified to the Council in writing before construction of any residential lot commences, it cannot be changed without the Council's written approval, and it is secured on the titles of the affected lots. The certainty DOC seeks is delivered by the mechanism, not by the date of selection.

Conclusion

36. For the reasons set out above and in the attached RMA Ecology Report, the Applicant considers that:

- (a) the duration limb of the concern recorded at paragraph [4] of Minute 8 is not valid - Options B, C1 and C2 each secure a permanent control on the keeping of cats, by covenant registered on the record of title and binding on successors in title, independently of the duration of any trapping or fencing programme. If the concern is directed at trapping in perpetuity, the Applicant's position, supported by its ecological advice, is that such a condition would be an unreasonable imposition and one without comparable precedent;
- (b) the spatial limb of that concern is directed at Option C1, whose covenant applies to the seven Paetawa Road lots only. It does not apply to Options B or C2, under each of which the covenant is registered on the title of every residential lot in the subdivision. It would be neither appropriate nor necessary for the subdivision of seven lots at the periphery of the site to trigger a requirement across the whole site;
- (c) in any event, the concerns raised by DOC are directed to securing an improved outcome in perpetuity, which goes beyond what is required to address the effects of the proposal and therefore go beyond what may lawfully be imposed by condition;
- (d) on the technical questions, the RMA Ecology Report concludes that the restoration will not create an ecological trap, because predation risk in the restored areas will be neither high nor unmanaged; that the fence shown in Figure 28 was never

advanced as a predator-exclusion structure and, assessed with the trapping programme it is designed to complement, is sufficient to reduce predation to acceptable levels; and that the created and enhanced wetlands sit within the managed area under each of the options;

- (e) the questions raised at paragraph [6] require different answers for the Ecological Site wetlands and for the created and enhanced wetlands, and for existing as compared to future values;
- (f) the package proposed goes beyond what has been required of comparable developments, and control in perpetuity is well beyond the standard applied elsewhere;
- (g) the cat management package represents best practice and will ensure that the development does not give rise to an adverse effect on the wildlife values present at the site, whichever option is selected; and
- (h) no direction requiring selection of a particular option at this juncture is necessary or appropriate.

37. The Applicant remains willing to engage further on these matters, including through any expert conferencing the Panel may direct, and is happy to provide any further information the Panel requires.

On behalf of Waikanae North Developments Limited



Mitch Lewandowski
Resource Management Consultant
Director
Building Block Planning Limited

Attachments

1. RMA Ecology Report

Memo

To:	Mitch Lewandowski, Building Block Planning Limited	Job No:	2144
From:	Graham Ussher, RMA Ecology Ltd	Date:	1 September 2026
cc:	Andrew Beatson, Waikanae North Developments Limited		
Subject:	FTAA-2603-1194 Waikanae North Development: response to Panel Minute 8 regarding cat management and effects on wetland birds		

Minute 8 of the Expert Panel, dated 27 August 2026, requests that the Applicant respond to three matters arising from the Department of Conservation's section 53 comments about the management of domestic cats and the potential for predation of wetland birds by cats.

The Panel's view, recorded at paragraph [5] of the Minute, is that the Applicant's memorandum on updated conditions dated 21 August 2026 does not adequately address those matters, in particular the issues regarding cat behaviour raised in Ms Thurley's report for the Department.

Each of the Panel's requests are set out below, followed by our reply. Before turning to them, I make some preliminary comments that are relevant to all four cat management options, and which address the proportionality of the risk being managed and what is being asked for by the Department.

Preliminary comments

I consider the proposed cat management package should be assessed against what is typically required of comparable developments, and against the ecological values actually present at the site. Four points are relevant. Conditions should not look to introduce requirements that are more onerous than what is justifiable in the context of this site and proposal.

In my 33 years of practice this project advances one of, if not the most comprehensive, approaches to cat management I have been involved with in an urban development context, and I consider it is appropriate to the effect being managed.

Pest control in perpetuity is not the norm. In over 30 years of practice, across hundreds of projects throughout New Zealand, I am aware of only one project where pest control has been required in perpetuity. This was the Mount Messenger Bypass. That was an exceptional case: the ecological values affected were large in extent and of extremely high ecological value. It should be seen as a special case study rather than a benchmark or norm, and I understand NZTA is currently seeking to be released from that obligation. The Department's position that in-perpetuity control should be required here is novel in this context and is not the standard applied elsewhere.

Comparable developments have not been required to manage the effects of future residents' pets on the benefits the developer creates. I have been involved in dozens of large-scale residential projects across New Zealand in which streams and wetlands have been restored. Relevant examples with extensive restoration alongside housing include Milldale in north Auckland, Auranga in Drury West, and Plimmerton Farm in Wellington. Plimmerton Farm involved around 3.5 hectares of wetland restoration which was progressed via the COVID-19 fast-track consenting pathway. The consented project requires extensive stream and SNA native forest restoration and multi-year pest control; however, none of the parties to the process required pest control to extend beyond the duration of the consents. In none of the projects that I have been involved with - spanning standard RMA processes, plan changes and fast-track approvals - has an applicant been required to manage a

possible future impact on the benefits it has itself created, beyond the duration of the consented management period.

What is sought would create a disincentive to ecological enhancement. Effects assessment and management should, in my experience, be directed at the effects of the proposal on the environment as it exists. What the Department seeks here is quite different: it asks the Applicant (and by extension the Panel) to address the potential effects of future activities on a future environment that has been enhanced by the Applicant's own works. Applied generally, that approach penalises applicants in proportion to the ecological gain they deliver, and creates a perverse incentive to restore less rather than more. That approach would result in worse outcomes for biodiversity, especially so at this site where biodiversity is hugely degraded and will benefit greatly from the proposed biodiversity management and enhancement actions proposed by the Applicant.

Community stewardship is the normal endpoint, rather than abandonment. Where a community is established around ecological restoration, it forms a core part of its identity, and in my experience residents take that on. This is repeated up and down the country: residents form environment or restoration groups that manage weeds, maintain plantings, run pest trap lines and undertake education about domestic pets. I would expect the same here once the development is reasonably built out, with a resident-led group likely to take the lead on trap lines at the end of the management period. That engagement and interest is in addition to the interests of Greater Wellington Regional Council (which already has access to undertake pest control), Kāpiti Coast District Council, and iwi, any of whom may continue or extend that work. An assumption that at the end of the mandated trapping program pest control will cease is entirely inconsistent with that experience. A further and related point is that cat owners themselves will modify their behaviour once it is known that trapping is operating and cats are being caught - the likely outcomes are a lower rate of cat ownership within the development, closer supervision of cats, or both.

Finally, the response needs to be proportionate to the risk. This is not the pre-eminent wetland bird site in the Wellington region – or anywhere near it. One or two At-Risk species have been recorded, and it is possible that Australasian bittern use the site occasionally, as they have been recorded in adjacent and down-catchment habitat. But the site does not support a strong population of any of the threatened wetland bird species at issue. It is good habitat, and under the proposal it will become better habitat. The management response should be scaled to that reality and as proposed, it is.

In response to the specific requests set out by the Panel, I provide the following comments:

Request [6](a)

Whether the gain in restoring wetlands will be undermined by the creation of ecological traps whereby the attracted birds are vulnerable to predation by domestic cats.

Response

In my opinion, no.

An ecological trap arises where habitat cues attract animals to settle in habitat in which their survival or breeding success is lower than in the alternatives available to them. That outcome depends on the predation risk in the restored habitat being both high and unmanaged. Neither will be the case here.

Predation risk in the restored areas is actively managed under every option before the Panel, although the control mechanisms differ between them:

- **Option A** provides a pet control fence along the wetland margins, a 10-year pest animal control programme as provided for in the Ecological Restoration Management Plan and purchaser education. It does not impose a cat containment requirement.
- **Option B** imposes a cat containment covenant universally across the whole site, together with a 35-year pest animal control programme.
- **Option C1** provides a cat exclusion covenant over the Paetawa Road lots, with a 10-year pest animal control programme as provided for in the Ecological Restoration Management Plan.

- **Option C2** is a complete prohibition on the keeping of cats across the subdivision, with a 10-year pest animal control programme as provided for in the Ecological Restoration Management Plan.

Under Options A, B and C1 the pest control programme operates across the ecological management areas, with live cage trapping focused on wetland margins, SNA areas and stream corridors, traps checked every one to three days, humane euthanasia of feral and stray cats, and educational material provided to every purchaser. The differences between the options lie in the control mechanism and its duration, not in whether predation is managed at all.

In my experience the empirical position also does not support the ecological trap concern. Wetland birds persist, and in places have colonised, in habitat immediately adjacent to dense residential development in areas with no cat controls whatsoever. The wetland areas on the fringes of Kāpiti Coast Airport are a local example: they support what is, to my knowledge, the only known fernbird population within a considerable distance, and those birds appear to be breeding there, notwithstanding several hundred adjoining houses and no cat management of any kind. If restored habitat adjacent to housing were functioning as an ecological trap in the manner suggested, that population simply would not be there.

It is also important to identify the correct comparison. The relevant baseline is not a pristine wetland system that the development degrades or threatens. Most of the site is grazed pasture with a series of modified and variously degraded wetlands, in a region in which less than 3% of former wetland extent remains. The proposal delivers a substantial increase in the extent and quality of wetland habitat relative to that baseline, together with managed predator control that does not presently occur on the site at all. The gain will be real, and it is not undermined because the developer's pest management obligations will not continue forever.

Request [6](b)

Whether the proposed length of a possible fence as shown in Figure 28 of the Ecological Restoration Management Plan (Appendix 26 of the application) would be sufficient to reduce predation to acceptable levels for the Harakeke and Peka Peka wetlands given the distances that cats typically travel.

Response

The proposed pet fence alignment shown in Figure 28 was not derived from a purely ecological rationale about cat home ranges. While ecological considerations were paramount, the alignment was also determined by property ownership, and also by landscape and visual considerations. I do not advance it as a line calculated to exclude cats with the largest home ranges.

Nor is the fence presented as a predator-exclusion structure. That is expressly recorded in the proposed conditions themselves, which state that the fence "is designed to substantially reduce cat access from the residential side of the fence" and "is not intended to function as a full predator-exclusion enclosure given that the wetlands remain open on other sides".¹

I accept Ms Thurley's underlying point that cat home ranges are highly variable and that some cats will range well beyond the fence and may make their way around its ends. That is why the package does not rely on the fence alone. The pest control programme is designed to supplement the fence and to address the wider-ranging individuals that a fence will not stop. The fence reduces the routine, high-frequency access that accounts for most predation pressure, while the trapping addresses the smaller number of animals that range further. The two components need to be assessed together rather than separately.

Three further points bear on whether a longer fence would be reasonable or effective:

- Cat exclusion zones of the scale contemplated in the literature Ms Thurley cites — in excess of 1 km² — would require works well beyond the site boundary, on land the Applicant does not own or control. That is not an option available to the Applicant, and it is not one that could lawfully be required of it.

¹ Condition 90, Note, of the Applicant's proposed conditions (Version 2, 21 August 2026).

² Mesters EM, Seddon PJ, van Heezik YM 2010. Cat-exclusion zones in rural and urban-fringe landscapes: how large would they have to be? *Wildlife Research* 37:47–56. Cited by Ms Thurley at paragraph 15 of her report.

- Raw home range figures overstate the effective permeability of a built-out residential edge. Cats are territorial, and generally do not range freely across properties occupied by other cats and by dogs. The movement of cats across an occupied residential area toward the wetland margin is lower than the maximum recorded ranges of individual animals in rural settings might suggest.
- Extending the fence to encircle the site, or beyond it, would be disproportionate to the risk, and would carry real costs in landscape, amenity and public access terms for a marginal reduction in predation pressure over and above what the complementary trapping programme already delivers.

In my opinion, for Option A, the fence, in combination with the trapping programme (for the duration proposed) and the education and owner and other stakeholder interest that accompanies it, is sufficient to ensure the potential for an increase in risk of predation will be acceptable for Te Harakeke Swamp and the Peka Peka Road Swamp.

Request [6](c)

How the proposed predation reduction options would address predation in the created and enhanced wetlands.

Our reply

The pest animal control programme under Options A, B and C1 operates across the ecological management areas as a whole, and is not confined to Te Harakeke Swamp and the Peka Peka Road Swamp. Trapping effort is focused on wetland margins, SNA areas, stream corridors and the lizard release management area within the dune reserve. On that basis the created and enhanced wetlands are within the managed area for the duration of the control programme, whether that is 10 years under Options A and C1 or 35 years under Option B. Under Option C2 the core protection is provided by the prohibition on the keeping of cats across the subdivision, enhanced by the pest control provided for in the Ecological Restoration Management Plan.

On the ecological merits, the central wetland presently has no rare bird values and low native bird values. It is being materially improved, and it is possible that rare birds will in time make use of it. Two things follow.

First, the realistic likelihood of Threatened species establishing resident populations in a created wetland in the centre of an urbanised area is low. The site will be surrounded by housing, and there are larger, more remote and higher quality habitats in the immediate vicinity that those species already use in preference. Where such species do persist within urban settings - again, the Kāpiti Coast Airport wetlands is a local example - they do so in the complete absence of cat management.

Second, and more fundamentally, the request goes to whether an Applicant should be responsible for managing effects on ecological benefits that may arise in the future as a result of its own restoration works, rather than on the values that exist now. From an ecological standpoint I note that the created wetlands will be a net addition to habitat that does not presently exist, and that the risk to any birds that take up residence in them will be lower than it would be in the absence of the proposal, in which case the habitat would not exist at all.

Concluding comment

The Department's concerns are not unreasonable, as domestic cats are significant predators of wetland birds. Ms Thurley is right that individual cats vary widely in their ranging and trapping behaviour.

What is proposed acknowledges and responds to those issues in a proportionate way, and does not proceed on the basis that domestic cats are benign.

The disagreement appears to be about duration and about where responsibility ends. The Applicant proposes an extensive, layered and enforceable package - fencing or containment or exclusion, sustained trapping, ownership requirements, and purchaser education - that goes beyond what has been required of comparable developments.

What it does not do is accept an obligation in perpetuity. In our opinion that limit is appropriate, and the package as proposed will adequately manage the potential effects of the development on wetland birds.



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