

## Summary Statement of Evidence – Simon Beale

- [1] TKO Properties Limited (TKO) is proposing to develop a 30 lot subdivision at Rocky Point. Building platforms and curtilage areas will be created in 22 of the lots which will be served by underground services, driveways and an access road. The development will affect an area of 8.27 ha which represents approximately 13% of the property land area (64.3 ha). The development area encompasses land disturbed during construction/establishment of the building platforms, curtilage areas, driveways, access roads, underground services (generally within the driveways and roads), septic tanks (within the curtilage areas), temporary laydown/storage areas, sewage disposal areas and irrigation infrastructure.
- [2] TKO propose to formally protect the balance of the property (87%) as a Landscape and Vegetation Protection Area (LVP). The LVP will be the subject of a condition prohibiting vegetation clearance and imposing an obligation on owners to undertake pest control. The LVP will be managed by an owner representative group, as required by conditions of consent. Refer proposed condition 11 provided in Mr Brown's evidence.
- [3] The development will result in the permanent clearance of early successional plant communities, being approximately 1.74 ha. of kānuka shrubland - scrub and 3.95 ha. of cushionfield. These areas represent, in percentage terms, 5.1% and 28.3% respectively of the land area these plant communities occupy at Rocky Point.
- [4] The ecological value of the affected indigenous plant communities and habitats is scored as very high using the Environment Institute of Australia and New Zealand (EIANZ) Ecological Impact Assessment guidelines. This score reflects the presence of nationally threatened and at risk flora and fauna associated with the affected cushionfields and kānuka shrubland-scrub communities.
- [5] The affected indigenous plant communities and habitats are assessed as ecologically significant in terms of the National Policy Statement for Indigenous Biodiversity (NPS-IB). These areas are not included in the SNA schedule in the Central Otago District Plan.
- [6] The magnitude and level of ecological effect of the development, is scored as high to very high in accordance with the EIANZ guidelines. This score reflects the extent of loss of cushionfield-kānuka shrubland-scrub vegetation communities in particular and effects of fragmentation of the development on this vegetation mosaic.

- [7] A range of avoidance, remediation and mitigation measures are proposed by TKO in accordance with the NPS-IB effects management hierarchy to reduce the magnitude and level of ecological effect. These are avoidance of saline/sodic ecosystems, avoidance of important populations of spring annuals, avoidance of mature specimens of At Risk plant species, avoidance of high quality lizard habitats, creation of lizard habitat (rock stacks), salvage of lizards, controlling rabbits, goats, ferrets and hedgehogs and controlling invasive weeds.
- [8] TKO propose to address residual adverse effects of the development through a biodiversity offset. This will involve plantings of species representing climax or pre-settlement plant communities local to the Dunstan Ecological District as informed from surveys of nearby benchmark or relic plant communities, from potential ecosystem mapping undertaken by the ORC and from a study of successional processes occurring at Rocky Point. The offset plantings will collectively encompass an area of approximately 6.4 ha, including sites in the adjacent Bendigo Hills Estate as shown on Appendix 1 of Dr Wells evidence. The offset planting sites are additional to the LVP.
- [9] The offset plantings will be subject to performance metrics (plant growth and survival rates) as informed by programmed monitoring and reporting to ensure healthy self-sustaining plant communities established at the offset sites. This will require offset actions such as provision of quality eco-sourced plant stock, plant replacement stock, browse protectors, rabbit and goat control, invasive weed control and initially irrigation.
- [10] The offset actions including the plantings are formalised through an Ecological Monitoring and Management Plan. This includes annual reporting to Council on the monitoring results informing degree of alignment to the performance metrics and any remedial measures required.
- [11] I provide responses to key points raised by Mr Ewans in his submission prepared on behalf of the Director-General of Conservation:
- (1) In his evidence Mr Ewans refers to “irreversible loss of significant biodiversity and current substantial underestimate of indigenous biodiversity...”. I acknowledge the underestimation of abundance of Threatened and At Risk plant species in the development area but I remain of the opinion that the proposed offset actions will increase indigenous biodiversity at a local and regional level as detailed in the evidence of Dr Wells. I also consider the EclA to accurately reflect the biodiversity values at Rocky Point which are scored as very high in accordance with the EIANZ

Guidelines. This score takes account of the presence of Threatened and At Risk fauna and flora.

- (2) In regard to the development area being a Significant Natural Area (SNA) I understand that a SNA has to be scheduled in the District Plan for it to qualify as a SNA. I rely on the evidence of Ms Shepherd in this regard.
- (3) Mr Ewans states that the surveys undertaken by the project team have underrepresented and missed important species. I acknowledge that while the surveys undertaken by Mr Simpson and myself were systematic in my opinion, they did not capture the full suite of populations of spring annuals present in the development area. My statement in the EclA (Section 9.2.4) and in my evidence at paragraph 58, page 24 concerning the presence of spring annuals in the development area are therefore inaccurate. The results of both surveys however strengthen my underlying assumption that the spring annuals are abundant in areas of suitable habitat at Rocky Point and in the adjacent Bendigo Hills Estate. It is possible that the unseasonably wet weather during spring this year compared to last year has favoured larger populations of spring annuals.
- (4) I concur with Mr Ewan that the revised status of kānuka, matagouri, *Olearia odorata* and pygmy mistletoe does not alter the overall evaluation of the ecological values of the development area and the ecological effects of the development.
- (5) In regard to the EclA Guidelines I reaffirm what I stated in my evidence:

*“ The EIANZ Guidelines are used widely by ecologists and recognised as a legitimate tool by many local authorities and ecology peer reviewers commissioned by Councils.*

*The use of the Guidelines to assess ecological values and ecological effects in regard to this application have been thorough and in my opinion accurately reflect the ecology of the development area and its ecological context at a local and ecological district level.”*

- (6) Mr Ewans considers the mitigation package cannot be relied upon because the ecological values in the EclA are significantly underreported. I consider the ecological values are accurately reported, although I acknowledge the survey deficiencies raised by Mr Ewan. I have assessed the ecological values as very high. The effects

management hierarchy is robust in my opinion as it clearly sets out a range of avoidance, minimisation and remediation measures based on inputs from all of the ecologists engaged in the project. Application of the hierarchy shows that the effects of loss of indigenous vegetation and habitats of indigenous fauna in the development including threatened and at risk species represents a significant residual adverse effect which triggers the requirement for a biodiversity offset. The biodiversity offset provides for a net gain in overall indigenous biodiversity, consistent with the NPS-IB which does not require effects to be dealt with at the level of individual plant species.

- (7) Mr Ewans states the proposal does not avoid the most ecologically important areas which support multiple occurrences and populations of Threatened and At Risk plant species. While this statement is true to an extent the avoidance measures set out in the effects management hierarchy include the avoidance of a saline ecosystem which contains cushionfield plant communities and habitat for At Risk plant species and possibly Threatened plant species. Part of the minimisation measures additionally include minimising where practicable the extent of the development footprints through the design controls proposed by Mr Baxter in his evidence. It is important to note that important populations of the Threatened and At Risk plants species also exist in the LVP outside of the development area based on our survey results.
- (8) In consideration of Mr Ewans' assertion at paragraph 29. "the proposed mitigations...do not result in the maintenance of indigenous biodiversity or a net biodiversity gain," In my opinion the proposed mitigation package, including the biodiversity offsets is comprehensive and will result in positive benefits to the overall biodiversity values at Rocky Point and at Bendigo Hills Estate. This includes enhancement of avifauna, lizard and invertebrate habitat, weed and pest control and formal protection of 87% of the Rocky Point property. While the conservation of spring annuals is important, they represent a small component of the ecological values at Rocky Point. I am confident that the proposed mitigation measures will maintain indigenous biodiversity and result in a net gain in biodiversity values over a 30 year timeframe.
- (9) Mr Ewans comments that other areas at Rocky Point would be more suitable for development given lesser ecological values. Based on my extensive knowledge of the property I consider the ecological values outside of the development area are very

high based on the existence of large areas of kanuka shrubland and cushionfield containing suitable habitats for spring annuals.

[12] I provide a response to a submission received from Ms Wardle with respect to her recommendation for an offset area on Bendigo Hills Estate to be protected in perpetuity. This would encompass a large area of indigenous cushionfield-kanuka shrubland with spring annual habitats and saline areas and cover a wide altitudinal sequence from SH8 to the Bendigo Scenic Reserve.

(1) In reply it appears that Ms Wardle may not be aware that most of Rocky Point will be formally protected. The area to be protected (LVP) incorporates this same suite of ecological values, covers a wide altitudinal sequence and will maintain ecological integrity.

15 November 2024

Simon Beale