

**BEFORE THE HEARINGS PANEL APPOINTED BY THE CENTRAL OTAGO
DISTRICT COUNCIL**

UNDER

the Resource Management Act 1991

IN THE MATTER

of RC230179 an application for a 33-lot
subdivision at Rocky Point on Tarras-
Cromwell Road (SH8)

BY

TKO PROPERTIES LIMITED

Applicant

JOINT WITNESS STATEMENT (ECOLOGY)

Dated: 26 March 2025

Joint witness statement of ecology experts

Background

- [1] This joint witness statement relates to a resource consent application by TKO Properties Limited (**Applicant**) for a 33-lot subdivision at Rocky Point on Tarras-Cromwell Road (SH8) (**Application**).
- [2] Pursuant to Minute 8 issued by the Commissioners on 27 February 2025, the experts attended expert conferencing on 21 March 2025 and make this statement accordingly. The conferencing was undertaken with regard to the questions set out in the memorandum of Counsel for the Applicant dated 25 February 2025.
- [3] The attendees to the conferencing are:
 - (a) AW – Andrew Wells for the Applicant;
 - (b) MH – Mike Harding for CODC (peer review);
 - (c) RE – Richard Ewans for DoC; and
 - (d) Ben Russell (scribe).
- [4] While this is not an Environment Court hearing, the experts confirm that they have read the code of conduct for expert witnesses as contained in clause 9 of the Environment Court's Practice Note 2023 ('the Code'). The experts have complied with the Code when preparing this written statement of evidence.

Initial position

- [5] AW – The Applicants confirm that the subdivision layout is the same as in the Application.
- [6] All experts agree that the Application Area (**Site**) is an ecologically significant site.

Information requirements

- (a) *Do the experts agree that the further survey and information presented by Wildlands (alongside existing survey and evidence presented by all parties in the course of the hearing) now provides adequate information to determine the application for consent in terms of ecological effects?*
- [7] All experts agree that invertebrate assessments are not based on field survey data.
- [8] MH and RE – The Site is located within an area of very high indigenous biodiversity values and therefore it is necessary to assess values and effects through field surveys of the Site.
- [9] AW – Relying on Vikki Smith’s conclusions from her assessment, Mr Wells considers a desktop assessment provides sufficient information on invertebrates for the Site to allow a decision to be made by the Commissioners. A field survey could provide better information but does not agree a field survey is necessary for a decision to be made.
- [10] MH and RE – Believe that there are insufficient invertebrate data to determine the effects of the activity on fauna habitat.
- [11] The experts agree the amount of vegetation data for the Site provides adequate information about the presence of at-risk, threatened, and not threatened plant species across the Site for assessment of the ecological effects of the activity on vegetation and flora.

Revised or additional effects management measures to address the new information

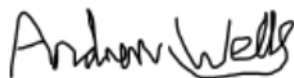
- (b) *Which components of any revised or additional effects management measures do the experts consider to be offsets versus compensation?*
- [12] The experts agree this question cannot be answered until they address the NPS-IB Principles of offsetting and compensation.

- (c) *For any offsetting / compensation components, which of the NPS-IB Appendix 3 and 4 Principles do the experts consider are achieved / not achieved by the revised package?*
- [13] MH and RE – The revised package is inconsistent with NPS-IB Principle 1 for both offsetting and compensation because not all practicable steps have been taken to avoid the adverse effects of the activity on threatened and at-risk flora.
- [14] AW – Understands from the Applicant that avoiding effects on indigenous herbs is impractical and could only be achieved if the activity itself is avoided. This is because these plants are widespread across the parts of the Site where development is feasible. On this basis, the avoidance requirement of the effects management hierarchy is met. Saline ecosystems and rocky outcrops have been avoided.
- [15] MH and RE – The revised package is inconsistent with NPS-IB Principle 2a for both offsetting and compensation because cushion field vegetation is irreplaceable and most of the threatened and at-risk species are irreplaceable and vulnerable, as set out in evidence presented at the hearing.
- [16] AW – Considers that the package is consistent with NPS-IB Principle 2a for both offsetting and compensation as outlined on pages 9 and 10 of report 7080E. He notes that threat ranking alone is not sufficient to assess irreplaceability and vulnerability. The key is what the effects of the proposal are on the values of species and whether these can be adequately dealt with through the hierarchy.
- [17] MH and RE – The revised package is inconsistent with NPS-IB Principle 2b for both offsetting and compensation because the effects on invertebrate fauna are uncertain and potentially significantly adverse.
- [18] AW – He defers to Vikki Smith's assessment on this point.
- [19] MH and RE - The revised package is inconsistent with NPS-IB Principle 3 for offsetting because the package does not provide a net gain for indigenous biodiversity values.

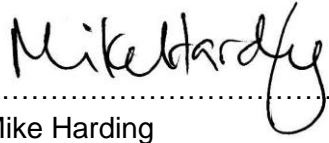
- [20] AW – Considers the proposed offset for shrubland communities provides a net gain.
- [21] MH and RE – The revised package is inconsistent with NPS-IB Principle 3 for compensation because the positive effects do not outweigh the adverse effects, particularly in relation to threatened and at-risk plant species.
- [22] AW – Considers that the overall effect, after all compensation measures are considered, is positive overall.
- [23] MH and RE – The revised package is inconsistent with NPS-IB Principle 5 for both offsetting and compensation because it is not clear that it avoids displacing harm to other indigenous biodiversity.
- [24] AW – He remains confident that the revised offsite offset / compensation areas are exotic vegetation. The areas of mosaic cushion field in the original package were removed from the revised package as per the revised maps. The proposed clearance of kanuka regeneration to maintain cushion fields displaces regenerating kanuka.
- [25] MH – The revised package is inconsistent with NPS-IB Principle 6 for both offsetting and compensation because there is uncertainty about whether the offset or compensation can be managed to secure outcomes in perpetuity, principally because of the dynamic and fire-prone nature of the area.
- [26] RE – The revised package is inconsistent with NPS-IB Principle 6 for both offsetting and compensation because the cushion field management component for the new compensation proposal is neither long-term nor in perpetuity.
- [27] AW – While he agrees that there is always a degree of uncertainty in woody dryland plantings, he is satisfied that the ongoing management regime proposed reduces this uncertainty sufficiently for him to have confidence. The achievement of this 'in perpetuity' is uncertain.

- [28] MH and RE – Base the above assessments on the requirement of the NPS-IB to provide protection for present-day indigenous biodiversity, not an uncertain predicted future state of indigenous biodiversity.
- [29] AW – Bases the above assessments on the ecological processes operating at the Site, specifically the current regeneration of kanuka and the dynamic environment, and the requirement of the NPS-IB to ensure no overall loss of indigenous biodiversity.
- (d) *Would the revised offsetting / compensation proposals achieve an overall net gain in biodiversity values? Could any changes be made to the proposal to create an overall net gain or to otherwise better align with NPS-IB Appendix 3 and 4 principles?*
- [30] MH and RE – The revised offsetting / compensation proposals do not achieve an overall net gain in indigenous biodiversity values (refer [19 and 21] above).
- [31] AW – The revised offsetting / compensation proposals do achieve an overall net gain in indigenous biodiversity values (refer [20 and 22] above). For individual biodiversity components, there are gains for lizards, avifauna, invertebrates, and woody flora, and losses for herbs, but with an overall positive outcome.
- [32] All experts do not consider it is their role through expert conferencing to propose changes to the Application.

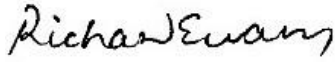
Dated: 26 March 2025



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Andrew Wells
Expert for the Applicant

A handwritten signature in black ink that reads "Mike Hardy". The signature is written in a cursive style with a large, looped "M" and a trailing flourish.

Mike Harding
Expert for CODC

A handwritten signature in black ink that reads "Richard Ewans". The signature is written in a cursive style with a large, looped "R" and a trailing flourish.

Richard Ewans
Expert for DoC