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Executive Summary

1. The Director-General of Conservation lodged a submission on the proposed subdivision application on 4 May 2026. The submission noted that the application did not contain adequate information to determine the extent or significance of ecological values present within the site and therefore considered it was not possible to assess how any values present could be affected, and whether additional management measures were required. The submission sought that if Council was minded to grant the application, an ecological assessment be undertaken and appropriate measures be required to avoid, minimise, remedy, offset or compensate for any adverse effects, in accordance with relevant planning provisions.
2. Under s104 of the Resource Management Act 1991 (RMA), when considering an application, the Council is required to have regard to any actual or potential adverse effects on the environment, any measures to offset or compensate for adverse effects, and any relevant planning provisions. This is subject to Part 2 of the RMA which includes a requirement to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna: s6(c). It is not possible to recognise or provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna without understanding whether they are present on site, and it is therefore not possible to assess whether the proposal is consistent with Part 2.
3. The overall activity status of the proposal is Non-Complying. Under s104D, Council may grant consent for a non-complying activity only if it is satisfied that either the adverse effects of the proposal on the environment will be minor, or that the proposal will not be contrary to the objectives and policies of the District Plan. As above, without an ecological assessment it is not possible to determine the level of adverse effects of the proposal on any ecological values present, including the level of residual adverse effects remaining after mitigation or offsetting measures have been applied. It is therefore not possible to determine whether adverse effects on ecological values will be minor.
4. It is my recommendation that an ecological assessment be undertaken within the development area to determine whether Threatened and At-Risk species are present and could be adversely affected by the proposal, and if they are present to determine whether any additional management measures are

required to ensure that adverse effects on indigenous biodiversity are adequately managed in accordance with relevant planning provisions.

5. If an assessment is not undertaken, it is my recommendation that the application be declined under s104(6) on the basis that there is not adequate information to determine the application.

Introduction

6. My full name is Leah Fyson McEnhill.
7. I have been asked by the Director-General of Conservation (DG) to provide expert planning evidence on the proposal by Ao Marama Limited ('the Applicant') for a residential subdivision at Earnscliffe, Alexandra.

Qualifications and experience

8. I am currently employed by the Department of Conservation (DOC) as a Resource Management Planner in the Resource Management Team based in the Ōtautahi Christchurch office. I have worked for DOC in this role since December 2024.
9. In this role I provide planning advice on written approval requests, pre-application consultation requests, limited and publicly notified resource consent applications, proposed district and regional plans and plan changes, and applications prepared under the Fast-track Approvals Act 2024.
10. Prior to joining DOC, I worked as a Resource Consent Planner at Environment Canterbury for over three years. This role involved providing pre-application advice and assessing and making recommendations on resource consent applications.
11. I hold a Master of Planning (First Class Honours) and a Bachelor of Environment and Society from Lincoln University.
12. I am an Intermediate Member of the New Zealand Planning Institute.

Code of Conduct

13. Although this is a Council hearing, I confirm that I have read the code of conduct for expert witnesses as contained in section 9 of the Environment Court's Practice Note 2023 (the Code). I have complied with the Code when preparing my written statement of evidence.
14. For the avoidance of doubt, in providing this evidence as an expert witness in accordance with the Code, I acknowledge that I have an overriding duty to impartially assist the Panel on matters within my area of expertise. The views expressed are my own expert views, and I do not speak on the DG's behalf.
15. The planning framework, data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The

reasons for the opinions expressed are also set out in the evidence to follow. This includes, where relevant:

- a. why other alternative interpretations of the planning framework and/or data are not supported;
 - b. any qualification if my evidence may be incomplete or inaccurate without such qualification;
 - c. any knowledge gaps and the potential implication of the knowledge gap;
 - d. if my opinion is not firm or concluded because of insufficient research or date or for any other reason;
 - e. an assessment of the level of confidence and the likelihood of any outcomes specified in my conclusion.
16. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

17. I have been asked to provide expert planning evidence in relation to the DG's submission¹ on the potential effects of the proposal by Ao Marama Limited for a residential subdivision at Earnsclough, Alexandra.
18. My evidence is divided into the following sections:
- a. Application;
 - b. Activity Status;
 - c. The DG's submission;
 - d. Statutory Planning Assessment;
 - e. Assessment of Effects;
 - f. Conditions of consent.
19. To assist the Panel, in my evidence I distinguish between:
- a. The 'property' as Lot 1 DP590633 (209.6 ha).

¹ Submission on behalf of the Director-General of Conservation regarding RC250259, dated 4 May 2026.

- b. The 'development area' as the proposed Ao Marama subdivision lots, roads, tracks and other areas directly affected by subdivision enabled activities.
- c. The 'proposed covenant' as the area proposed to be placed under a QEII covenant (182 ha).

Material Considered

- 20. In preparing my evidence I have read and considered the following documents:
 - a. The Assessment of Environmental Effects ('AEE') prepared by Ao Marama Limited, dated 24 November 2025. Hereafter referred to as the 'AEE'.
 - b. The Section 42A Report for Application RC250259 ('s42A Report') prepared by Timothy Anderson of Central Otago District Council ('Council').
 - c. The Statement of Evidence of Phillip Murray (Director of Ao Marama Limited).
 - d. The Statement of Evidence of Richard Ewans (DOC Principal Technical Advisor - Ecology).
 - e. Other documents and publications referenced within this evidence.
- 21. I have not undertaken a site visit as DOC was not made aware of the hearing timing until 26 August 2026 and I was not available in the short time between then and when evidence was due.

Application Summary

- 22. Ao Marama Limited are seeking resource consent to subdivide the site into eight allotments, creating seven additional records of title and seven building platforms. It is also proposed to undertake a boundary adjustment with an adjacent property, and to upgrade access to Lots 5 - 8 from Hawley Road.
- 23. To compensate for potential adverse effects, 182ha of land within the site is proposed to be placed under a QEII covenant to be registered on the title. The proposed covenant is intended to prevent further building development or subdivision and to facilitate ongoing wilding pine control and restoration of indigenous vegetation.

Activity Status

24. The s42A Report identifies the various rules triggered in the Central Otago District Plan (CODP). I agree with this rules assessment and the conclusion that the proposal is to be bundled, and the overall activity status is Non-Complying.

The DG's Submission

25. The DG's submission noted the following:
- a. The Application has not adequately identified Threatened or At-Risk species that may be present on site as no formal ecological assessment has been undertaken for the site. Areas of concern include building platforms, any curtilage, associated infrastructure, driveway/track widening or construction and proposed native planting areas.
 - b. There is potential for Threatened and At-Risk species to be present on site, including lizards and indigenous plant species.
 - c. An assessment of ecological values, specifically indigenous vegetation and fauna values, is required to understand potential effects of the proposal and to ensure they are managed in accordance with relevant planning provisions.
 - d. The proposal to place 182 ha of the site into a QEII covenant to protect the majority of the site from further building development or subdivision and to facilitate the ongoing control of wilding pines and restoration of indigenous vegetation is acknowledged and supported.
 - e. It is an offence under the Wildlife Act 1953 to disturb, handle, capture, relocate, injure, or kill protected species without lawful authority. If any protected species are present on site and will be affected by the proposal, the Applicant will also need to obtain authority under the Wildlife Act 1953 before any works commence.
26. The DG's submission sought that if the Council was minded to grant consent, an ecological assessment should be undertaken to accurately identify species present on site and any adverse effects on should be adequately managed in accordance with relevant planning provisions.

27. The matters raised in the submission are addressed in more detail within my planning evidence.

Statutory Planning Assessment

28. Section 104(1) of the Resource Management Act (RMA) sets out the matters to which a consent authority must, subject to Part 2 of the Act, have regard to when considering an application for resource consent.
29. Under s104B, after considering an application for a non-complying activity Council may grant or refuse the application, and if it grants the application, may impose conditions.
30. Under s104D, Council may grant consent for a non-complying activity only if it is satisfied that either the adverse effects of the proposal on the environment will be minor, or that the proposal will not be contrary to the objectives and policies of the District Plan.
31. Under s104(6) the Council may also decline a consent application on the grounds that it has inadequate information to determine the application.

Part 2 of the RMA

32. The s42A Report concludes that the proposal would satisfy Part 2 and that granting consent would promote the sustainable management of the District's natural and physical resources.
33. I note that Part 2 includes a requirement under s6(c) to recognise and provide for the protection of significant indigenous vegetation and significant habitat of indigenous fauna. The Applicant has not undertaken an ecological assessment of the development area and so it is not possible to determine whether significant indigenous vegetation or significant habitat of indigenous fauna are present within the development area and could be affected by the proposal. The protection of any significant indigenous vegetation and significant habitat of indigenous fauna present on site therefore cannot be recognised and provided for.

National Policy Statement for Indigenous Biodiversity 2023 (NPSIB)

34. Under s104(1)(b)(iii) Council is required, subject to Part 2, to have regard to the relevant provisions of the NPSIB when considering an application for resource consent.
35. The s42A Report concludes that the proposal is consistent with the NPSIB, though does not identify the specific provisions or relevance to the proposal.

36. I consider it appropriate to identify the provisions in the NPSIB that are of relevance to this proposal. These are identified below:
37. **Objective:** *to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date.*
38. **Policy 3:** *A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.*
39. **Clause 3.7** – which requires that Local authorities adopt a precautionary approach towards proposed activities where effects on indigenous biodiversity are uncertain, unknown, or little understood but those effects could cause significant or irreversible damage to indigenous biodiversity.
40. **Policy 8:** *The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.*
41. **Clause 3.16** – which requires that outside SNAs any significant adverse effects from new subdivision, use or development on indigenous biodiversity are managed by applying the effects management hierarchy, and that other adverse effects are managed to give effect to the objectives and policies of the NPSIB.
42. **Appendix 4: Principles for biodiversity compensation** – which includes information on where compensation is and is not appropriate.
43. In concluding that the proposal is consistent with the provisions in the NPS-IB, the s42A Report states “... *indigenous vegetation and fauna are to be managed in a protective and precautionary manner, in accordance with best practice and the recommendations of the ecology reports. This includes exclusion of areas of sensitivity and conditions associated with discovery.*” The report goes on to note no SNAs are identified within the site.
44. I note that no ecology report has been provided in relation to the proposed development area and it is therefore not possible to confirm whether areas of sensitivity are present and have been excluded.
45. Without an ecological assessment it also is not possible to assess whether effects could cause significant or irreversible damage to indigenous biodiversity, or whether adverse effects need to be managed by applying the effects management hierarchy.
46. To ensure consistency with the policy direction of the NPSIB, specifically in relation to the adoption of a precautionary approach, and the application of the

effects management hierarchy for managing significant adverse effects, I consider that an ecological assessment is required.

Otago Regional Policy Statement 2019

47. I agree with the s42A Report that the Otago Regional Policy Statement 2019 is no longer operative and therefore does not require consideration.

Otago Regional Policy Statement 2021

48. I agree with the s42A Report that the Otago Regional Policy Statement 2021 (ORPS) is of relevance to the proposal, having become fully operative on 9 July 2026.
49. The s42A Report identifies a number of relevant provisions in the ORPS relating to land and soil, development in rural areas, and pests. In addition to these, I consider the following objectives and policies to also be of relevance to the proposal:
- a. **Objective ECO-O1 Indigenous biodiversity** – which directs that Otago’s indigenous biodiversity is healthy and thriving and that at a minimum any overall decline in condition, quantity and diversity is halted.
 - b. **Objective ECO-O2 Restoring and enhancing** – which directs that restoration and enhancement activities result in an overall increase in the extent and occupancy of Otago’s indigenous biodiversity.
 - c. **Objective ECO-O4 Social, economic and cultural wellbeing** – which directs that while achieving ECO-O1, ECO-O2, and ECO-O3, the social, cultural and economic well-being of people and communities now and in the future is provided for.
 - d. **Policy ECO-P3 Identifying significant natural areas and taoka** – which seeks that areas of significant indigenous vegetation or significant habitat of indigenous fauna that qualify as significant natural areas under the ORPS criteria, and indigenous species and ecosystems that are taoka, are identified and mapped.
 - e. **Method ECO-M2 Identification of significant natural areas** – which directs that until significant natural areas are identified and mapped, Local authorities must require ecological assessments be provided with applications for resource consent that identify

whether affected areas are significant natural areas in accordance with the criteria in the ORPS.

- f. ***Policy ECO-P4 Protecting significant natural areas and toaka*** – which seeks the protection of significant natural areas and indigenous species and ecosystems that are toaka by first avoiding specified adverse effects and then applying the effects management hierarchy to other indigenous biodiversity areas and values.
- g. ***Policy ECO-P7 Maintaining indigenous biodiversity*** – which directs that outside areas specified in ECO-P4, Otago's indigenous biodiversity is managed by applying the effects management hierarchy to manage significant adverse effects and requiring the maintenance of indigenous biodiversity for all other adverse effects.

- 50. ***Policy ECO-P8 Restoration and enhancement*** – which seeks that the extent, occupancy, and condition of Otago's indigenous biodiversity is increased.
- 51. I consider the proposal to be inconsistent with the policy direction of the ORPS as an ecological assessment of the development area has not been undertaken and it is therefore not possible to determine whether any areas meet the ORPS criteria for significant natural areas. It also is not possible to ensure that any adverse ecological effects are managed in accordance with ECO-P4 and ECO-P7.

Central Otago District Plan (CODP)

- 52. I generally agree with the s42A Report's identification of relevant objectives and policies in the CODP. The following provisions are of particular relevance for indigenous biodiversity:
 - a. ***Objective 4.3.8 Significant Indigenous Vegetation and Habitats of Indigenous Fauna*** – which seeks to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
 - b. ***Policy 4.4.7 Significant Indigenous Vegetation, Wetlands and Wildlife*** – which seeks to protect areas of significant indigenous vegetation and significant habitat of indigenous fauna from the adverse effects of land use activities and subdivision and to promote and encourage, where practicable, the retention,

enhancement and reinstatement of indigenous ecosystems within the District.

53. With regard to Policy 4.4.7, the s42A Report states that the proposal avoids effects on waterways and indigenous vegetation, and considerable enhancement is proposed. It is therefore concluded that the proposal is not contrary to this policy.
54. I consider that there is insufficient information to assess whether the proposal avoids adverse effects on indigenous vegetation but acknowledge that the CODP does not identify any areas of significant indigenous vegetation or significant habitat of indigenous fauna and so this policy does not apply.
55. I note that in relation to rules for the Rural Resource Area, the CODP states *“In considering a resource consent application under rules in this Plan, in the absence of specific policy in this Plan the Council may have regard to other policies related to assessment matters, including the relevant policies in the Regional Policy Statement for Otago, and regional plans”*.
56. I also note that district plans are required to give effect to regional policy statements and national policy statements, and that regional policy statements are required to give effect to national policy statements.
57. The CODP has not yet been amended to give effect to the 2026 ORPS or the NPSIB.
58. The ORPS was a proposed policy statement at the time the NPSIB came into force, with the hearings on the non-freshwater parts of the proposed ORPS adjourned. Where there was scope through submissions, amendments were made through the plan making process to better align the ORPS with the NPSIB. This is reflected in the ORPS objectives and policies identified earlier in my evidence.
59. Given the above, I consider that greater weight should be applied to the relevant provisions in the ORPS and NPSIB when considering matters for this application relating to indigenous biodiversity.

Assessment of Effects

Permitted baseline

60. Under section 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect.

61. The Applicant has not undertaken an assessment of the permitted baseline.
62. Mr Anderson, the s42A Report writer, has advised that in this situation, subdivision and the identification of building platforms and residential activities are activities that require resource consent, therefore there is no relevant permitted baseline to be considered for the proposed activity. I agree with Mr Anderson's assessment.

Ecological Effects

63. The Applicant has not directly assessed effects on ecological values in its AEE but has noted in its assessment of relevant objectives and policies that there will be no significant adverse effects on indigenous vegetation and indigenous fauna resulting from the proposed subdivision.
64. The s42A Report also has not specifically assessed effects on ecological values as part of its effects assessment under s104(1)(a).
65. As noted above, the overall activity status of the proposal is non-complying. I therefore consider effects of the proposal on ecological values to be within scope of the Panel's consideration.
66. Based on the evidence of Mr Ewans², I consider that the proposal could have potential adverse effects on Threatened and At-Risk plant, and on native lizards and their habitat. This includes direct effects from vegetation clearance for building platforms, curtilage, ancillary structures, water infrastructure, new or widened roads/tracks, wastewater disposal fields, native planting areas etc.
67. However, without an ecological assessment being undertaken to identify any ecological values present within the development area, it is not possible to determine how, or to what degree, any values might be adversely affected by the proposal.
68. Mr Murray has noted in his evidence³ that based on his knowledge of the property and Mr Wardle's inspection, the threatened species identified in Mr Wardle's email (attached to the AEE) predominantly exist within the covenant areas and not within the proposed new lots. Mr Murray specifically notes that *Olearia lineata*, *Pimelea aridula*, matagouri and kanuka are all located within the covenant area with none being in the proposed lots 5-8. He has also advised that spring annuals are found on land types found predominantly at the central

² Evidence of Richard Andrew Ewans on behalf of Director-General of Conservation dated 7 September 2026

³ Evidence of Philip Hunter Murray on behalf of Ao Marama Limited dated 4 September 2026, at 19.

and northern end of the property and less so at the southern end of the property where the proposed sections are.

69. While it is useful to have this general information about where plant species predominantly occur across the property, this does not confirm whether or not Threatened or At Risk plant species, including Nationally Critical spring annuals, are present within the disturbance area and likely to be affected by the proposal.
70. Mr Murray has noted that the likely area of site to be disturbed during construction works is equivalent to approximately 0.003% of the site, while the area to be placed under QEII covenant makes up approximately 87% of the site. Mr Murray has therefore advised that Ao Marama's preference is to focus on what can be done within the Covenant Area which contains the areas with the highest quality existing indigenous vegetation and habitat types which most likely contain the species highlighted by DOC.
71. I acknowledge that the Applicant is proposing to place the majority of the site under a QEII covenant to protect landscape and amenity values by prohibiting further subdivision and supporting the restoration of the indigenous vegetation on the land. Considering the evidence of Mr Ewans, this is anticipated to have a large and positive effect. However, based on the evidence of Mr Ewans, the proposed covenant does not of itself account for potential losses of indigenous biodiversity, particularly of irreplaceable Threatened plants if they were to be found in the development area.
72. This is not to definitively say that the proposed QEII covenant could not adequately address adverse effects on ecological values. However, a clear understanding of the ecological values present is required before it is possible to confirm the adequacy or appropriateness of the proposed measures to manage adverse effects. Mr Ewans has stated in his evidence that there could be instances where, due to the irreplaceable nature of some plant species, offsetting is not possible and compensation is not appropriate or consistent with the principles in the NPSIB.
73. In addition to direct effects, I note that the proposal could also have indirect effects, with the proposed subdivision of the site into eight allotments enabling a total of up to 4 ha (0.5 ha x 8) of indigenous vegetation (other than snow tussock grassland) to be cleared without triggering the need for resource consent, as opposed to the 0.5 ha permitted at present.

Conditions of Consent

74. I have not recommended any specific additions or amendments to consent conditions because there is currently not sufficient ecological information to underpin draft consent conditions. However, I note that the draft conditions included in the s42A Report include a plan identifying the proposed QEII covenant area but do not include any specific conditions requiring the establishment of the covenant, or specifying the objective of the area, or any management or monitoring requirements.
75. There are general conditions requiring that wilding pines be removed from Lots 2 – 8 and that any planting (excluding fruit trees and vegetable gardens) further than 20m from a dwelling shall comprise of locally appropriate indigenous species only. However, this does not fully reflect the Applicant's proposal to protect the outstanding natural landscape that exists within the proposed covenant area from further building development or subdivision, to facilitate the ongoing restoration of the indigenous vegetation that originally existed, to eliminate domestic stock, or to remove invasive weeds.
76. I consider that any measures proposed by the Applicant to address adverse effects should be included in consent conditions to ensure effects are managed as anticipated.

Conclusion

77. As the Applicant has not undertaken a formal ecological assessment of the proposed development area, the values present within the site are not yet known. However, based on the advice from Mr Ewans and the records of indigenous plant and lizard species at nearby sites, it is possible that Threatened and/or At-Risk indigenous plant and/or lizard species may be present within the development area. Without an ecological assessment, it is also not possible to confirm whether any areas of significant indigenous vegetation or significant habitat of indigenous fauna, as assessed using the criteria in the ORPS, could be present.
78. Given the current gaps in information, it is not possible to determine how any ecological values present may be affected by the proposal. It is also not possible to confirm whether the proposed establishment of a QEII covenant over 182ha of the site will adequately offset any adverse effects, or whether the level of residual adverse effects will be more than minor.

79. Without an understanding of the values present and level of adverse effect, it also is not possible to determine whether the proposal is consistent with all the relevant planning provisions in the NPSIB and the ORPS. However, based on the information available, I do consider the proposal to be inconsistent with Policy ECO-P3 of the ORPS which requires the identification of significant natural areas in accordance with specified criteria.
80. In conclusion, it is my recommendation that an ecological assessment be undertaken within the development area to confirm whether Threatened and At-Risk species are present and could be adversely affected by the proposal, and to determine whether any additional management measures are required to ensure that adverse effects on indigenous biodiversity are adequately managed in accordance with relevant planning provisions, including the NPSIB and the ORPS.
81. If an assessment is not undertaken, it is my recommendation that the application be declined under s104(6) on the basis that there is not adequate information to determine the application.



Leah Fyson McEnhill

10 September 2026