

Memorandum

Subject: Rocky Point Subdivision – Effects Management Hierarchy
To: Project Team
From: Simon Beale, Senior Ecologist, Beale Consultants Limited
Reviewed: Andrew Wells, Senior Ecologist, Wildland Consultants Limited
Date: 29 February 2024

1 INTRODUCTION

- 1.1 This memo sets out the effects management hierarchy that will be implemented by TKO Properties Limited for the proposed Rocky Point development. The memo is supplementary to the Ecological Impact Assessment dated June 2023 (the **EIA**) and elaborates in response to the submissions received following public notification of the resource consent application.
- 1.2 The land is not within a significant natural area (**SNA**) as mapped in the CODC District Plan, and is therefore not captured by Clauses 3.10 – 3.15 of the National Policy Statement – Indigenous Biodiversity (**NPS-IB**). Clause 3.16 of the NPS-IB is therefore applicable to the land. Clause 3.16(1) requires that, for any new subdivision, use or development outside an SNA, any significant adverse effects of the proposal on indigenous biodiversity must be managed by applying the effects management hierarchy. Clause 3.16(2) requires that all other adverse effects of any activities that may adversely affect indigenous biodiversity that is outside an SNA must be managed to give effect to the objective and policies of the NPS-IB.
- 1.3 The effects management hierarchy is defined in the NPS-IB as:
- An approach to managing the adverse effects of an activity on indigenous biodiversity requires that:
- (a) adverse effects are avoided where practicable; then
 - (b) where adverse effects cannot be avoided, they are minimised where practicable; then
 - (c) where adverse effects cannot be minimised, they are remedied where practicable; then
 - (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then
 - (e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then
 - (f) if biodiversity compensation is not appropriate, the activity itself is avoided.
- 1.4 Each of the effects management steps that will be pursued with respect to the Rocky Point subdivision development are described below.
- 1.5 Note that the below is a synopsis of the approach to the effects management hierarchy and further details will be set out in evidence for the hearing. The management of effects is inherent in how the development is designed and implemented. The measures taken during the

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construction phase will be enforced through a Site Management Plan which will capture as necessary all of the various effects management hierarchy measures as set out below.

2 AVOIDANCE MEASURES

- 2.1 Avoiding (where practicable¹) kanuka trees that host the Threatened – Nationally Critical pygmy mistletoe.
- 2.2 Avoiding (where practicable) areas of more mature kanuka scrub and shrubland and associated vegetation communities that are in a more advanced stage of natural succession and generally have higher ecological values.
- 2.3 Avoiding (where practicable) habitat that supports populations of the nationally threatened spring annuals, *Myosurus minimus* subsp. *novae-zelandiae* and *Myosotis brevis* (spring annual species) Habitats favoured by these plants generally exist around the margins of kanuka scrub and shrubland with southerly aspects where there is minimal cover of exotic grasses and forbs.
- 2.4 Avoiding (where practicable) mature specimens of At Risk-Declining *Olearia lineata* and matagouri and mingimingi and Corokia owing to their scarcity at a local level, their habitat value for indigenous invertebrate fauna and their distinctiveness.
- 2.5 Avoiding (where practicable) rock habitat that supports lizards and implementing setbacks or no disturbance zones around rock outcrops.
- 2.6 Avoiding on-site quarrying of rock for road metal.
- 2.7 Importing rock from a weed free source.

3 MINIMISATION MEASURES

- 3.1 The development design includes constraining the curtilage areas and the protection of all areas outside the roading, building and curtilage areas. This is to be actively managed through consent notice conditions, and contributes to minimisation of adverse effects on biodiversity values.
- 3.2 Implementing site controls that require all works associated with construction of dwellings and supporting infrastructure including machinery movements and storage, laydown and parking areas to take place within clearly defined construction zones.
- 3.3 Clearly defining accessways for construction machinery and vehicles.
- 3.4 Minimising (as far as practicable) the development footprints for dwellings, curtilages, roads, water tanks, laydown areas, car parks and wastewater disposal.
- 3.5 Installing underground services within road footprints.
- 3.6 Trimming of indigenous woody vegetation where possible during construction works as opposed to complete removal of trees and shrubs.

¹ Note that items (a), (b) and (c) of the effects management hierarchy reference “where practicable”, as acknowledged in this memo. The evaluation methodology for how this has been applied in the design of the development will be described further in evidence.

- 3.7 Retention (as far as practicable) of root beds of felled trees and shrubs to minimise off-site effects caused by erosion.

4 REMEDIATION MEASURES

- 4.1 Creating schist rock habitats, under the supervision of a herpetologist, ahead of the development works through retrieving and hand placing of slab rocks across areas naturally impoverished of rock, on open and sunny sites, outside of high foot traffic areas and outside of building platforms and curtilage areas as well as across uphill and downhill road batters. The rocks should be stacked so that a variety of lizard cervices and basking platforms are created and protected from wet weather.
- 4.2 Ongoing weed and pest control by Rocky Point service company.

5 BIODIVERSITY OFFSET MEASURE

- 5.1 Offsetting involves countering unavoidable impacts on indigenous biodiversity by providing a like for like quantitative gain in biodiversity values offsite.
- 5.2 Although the level of ecological effect on kanuka scrub and shrubland is assessed in the EIA as low, offsetting of the corresponding minor residual adverse effects caused by the unavoidable loss of kanuka shrubland (total area of c. 5,400 m²) is proposed by TKO Properties. This will involve kanuka plantings across an area of c. 17,500 m² within a nearby land parcel to be covenanted east of Rocky Point as outlined in orange on the attached plan (refer Attachment 1).
- 5.3 The offset site is over 3 times larger than the area of the kanuka area lost in the designated development area.
- 5.4 The offset site plantings will achieve a net gain in indigenous biodiversity and meet the criteria set out in Appendix 3 of NPS-IB and in the NZ Government Guidance on Good Practice Biodiversity Offsetting in NZ. This will be further addressed in evidence.

6 BIODIVERSITY COMPENSATION MEASURE

- 6.1 Compensation involves contributions being made to enhance biodiversity elsewhere where biodiversity loss on site is unavoidable and where offsetting is not possible.
- 6.2 Note that the compensation measures originally proposed in the application are now different. The original compensation land for the Rocky Point application as set out in the EIA was within the Bendigo Hills land. That compensation land is now removed from the Rocky Point application and will be promoted as part of the Bendigo Hills application. This will be the subject of separate communications with the Council.
- 6.3 The new compensation regime for the Rocky Point application is described below.
- 6.4 A compensation measure is proposed to address the more than minor residual adverse effects caused by the unavoidable loss of cushionfield (total area of c. 31,600 m²) within the development area.
- 6.5 The compensation measure will involve the covenanting of land containing cushionfields (comprising two parcels of land with a collective land area of c. 235,000 m²) as shown on the attached plan (Attachment 1). This land will be subject to active management to allow for natural regeneration of cushionfield species leading to an increase in the extent of cushionfields and the diversity of the cushionfield plant communities within these areas. The area proposed for

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the cushionfield enhancement is 6 times larger than the cushionfield area lost within the designated development area.

- 6.6 It is proposed to undertake enrichment plantings in the western land parcel adjacent to the offset site encompassing an area of c. 5,000 m².
- 6.7 It is also proposed to transpose areas of cushionfield from within the development footprint to the compensation sites. It is acknowledged that this measure will have uncertain results but does provide an additional seed source for natural regeneration of cushion plants in the compensation sites. The results will be monitored over time and will contribute to the wider understanding of cushionfield habitat.
- 6.8 The active management regime for the compensation areas is described in the accompanying draft document *Adaptive Land management Regime for Rocky Point Compensation Sites*, dated 29 February 2024.
- 6.9 The development footprint area includes some loss of lizard habitat. A Lizard Management Plan (**LMP**) will be prepared that will set out specific measures to avoid, remedy and compensate for the adverse effects of the subdivision development on local Kawarau Gecko and McCann's skink populations. The LMP will accompany an application for a Wildlife Permit from DOC.
- 6.10 The covenanting of this land and active management achieves the relevant criteria set out in Appendix 4 of the NPS-IB.
- 6.11 Removal of kanuka will also be compensated for through the preservation of the residual land area outside of designated development area (building platforms, curtilage areas and access roads), to ensure that they are free from stock grazing in perpetuity. This will accelerate the regeneration of kanuka from what has existed while the land has been in a farmed land use.

ATTACHMENT 1: BIODIVERSITY OFFSET AND COMPENSATION SITES

