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Waikato Regional Council

Dear Emma

## **Ecological Review of McPherson Resource Limited Resource Consent Application**

### **1.0 Introduction and Scope**

A resource consent application has been submitted to Waikato Regional Council (WRC) for the expansion and operation of McPherson Quarry, McPherson Road, Mangatawhiri (APP137612). Part of the proposal includes vegetation clearance and earthworks, including areas within a Significant Natural Feature (SNF).

An ecological peer review has been undertaken of the following information submitted in support of the resource application:

- Kinetic Environmental (2018) McPherson Resources Limited Resource Consent Application and Assessment of Environmental Effects.
- WSP OPUS (2018) McPherson Quarry Vegetation Assessment.

The scope of this peer review is to identify whether the reporting provided is acceptable to demonstrate adverse effects of the proposal to indigenous vegetation, fauna and ecosystems have been reduced, remedied or mitigated to satisfactory level.

In addition, the site is within the Waikato River Catchment and the proposal requires assessment under the Vision and Strategy for the Waikato River.

It should be noted that at the time of completing this peer review a site visit had not been completed as this is scheduled for the 26<sup>th</sup> November 2018. The comments presented within this letter may change on completion of the site walkover.

### **2.0 Relevant Policy and Plans**

This ecological peer review has taken into consideration objectives and policies presented within the Waikato Regional Policy Statement (WRPS) and rules within the Waikato Regional Plan (WRP). These are summarised below. This summary does not represent a full list of all policies and plan rules against which the application will be assessed. It is focused on those that are most relevant to the ecological review.

The report submitted by Kinetic Environmental (2018) indicates that under the WRP - rule 5.1.4.15, vegetation clearance is a discretionary activity. The advisory notes indicate that information required to enable the assessment of any application under this rule are set out in Section 8.1.4.1 of the WRP.

In relation to ecology, Section 8.1.4.1 states that the assessment should consider;

- What effects the activity (vegetation clearance) will have on the environment including:
  - The extent to which the activity will adversely affect areas of significant indigenous vegetation and significant habitats of indigenous fauna<sup>1</sup>.

There are also objectives and policies within the WRPS that are relevant to this peer review<sup>2</sup>;

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<sup>1</sup> WRP presents criteria in section 11A and Table 11-1 for determining the significance of indigenous biodiversity. To be identified as significant an area needs to meet one or more of the criteria within Table 11-1.

<sup>2</sup> The objectives and policies presented here are not presented in full and the reader should refer back to the WRPS to obtain the full objectives, policies and supporting information. The list of objectives and policies presented is not comprehensive in relation to the application. The peer review has selected those which are most relevant to the assessment.

3.4 Health and wellbeing of the Waikato River – the health and wellbeing of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.

Policy 8.5 Waikato River catchment - Recognise Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River – as the primary direction-setting document for the Waikato River and develop an integrated, holistic and co-ordinated approach to implementation.

3.19 Ecological integrity and indigenous biodiversity - The full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support exist in a healthy and functional state.

Policy 11.1 Maintain and enhance indigenous biodiversity - Promote positive indigenous biodiversity outcomes to maintain the full range of ecosystem types and maintain or enhance their spatial extent as necessary to achieve healthy ecological functioning of ecosystems.

Policy 11.2 Protect significant indigenous vegetation and significant habitats of indigenous fauna - Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring the characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced.

Waikato Regional Council, at a regional scale, and Waikato District Council, at a district scale, have identified areas of significant indigenous vegetation and significant habitats of indigenous fauna as Significant Natural Areas (SNAs) / Significant Natural Features (SNF).

### **3.0 Summary of Information Provided**

The Vegetation Assessment completed by WSP OPUS (2018) includes;

- an assessment of the value of the vegetation on site,
- it indicates the magnitude of the proposed impacts; and
- presents the level of effects without mitigation.

The assessment indicates that the development would have a **moderate** effect on a Significant Natural Feature (SNF) of **moderate value** during stages 1 and 2 of the quarry expansion and a **low** effect on a SNF of **high value** during stage 3 of the quarry expansion.

The assessment indicates that the mitigation hierarchy should be followed to avoid, remedy, mitigate, compensate or offset. The assessment indicates that if avoidance is not possible then there are potential areas of offset available.

The Vegetation Assessment does not include an assessment of effects post mitigation. This is completed within the Assessment of Environmental Effects (AEE) by Kinetic Environmental (2018).

The AEE presents a summary of the Vegetation Assessment. This document again indicates that the mitigation hierarchy should be followed and develops the suggested compensation/offset recommendations presented within the Vegetation Assessment. The text indicates likely areas that restoration planting would be provided, but does not definitively indicate areas, species and timeframes for delivery.

### **4.0 Peer Review**

#### **4.1 Indigenous vegetation**

The documentation submitted (Kinetic Environmental, 2018; WSP OPUS, 2018) does not follow the mitigation hierarchy when considering provision of suitable mitigation. The first step is to consider whether avoidance of impacts on the SNF vegetation is possible. The AEE does not indicate that there has been consideration of alternative approaches that would retain the vegetation within the SNF.

It would appear from the documentation submitted that there could be the opportunity to retain the SNF vegetation identified for removal. The WRPS Objective 3.19 and Policy 11.2 indicates that significant indigenous vegetation should be protected and significant vegetation has been defined by the WRPS as vegetation classified to be SNA/SNF.

The Operative Waikato District Plan illustrates that the SNF extends over the existing quarry (refer to Figure 1). In this area all vegetation has been removed and the quarry may already be impacting on habitat connectivity, therefore, removing the validity of this area as being classified as SNF/Significant Natural Area (SNA). The Proposed Waikato District Plan shows that the boundary of the SNA has been remapped to exclude the existing quarry.

The reports submitted indicate that a significant percentage of the area identified for quarry extension is dominated by pasture and gorse and that these habitats are of low botanical value. Exotic vegetation can provide native fauna with suitable habitat which may be considered as 'significant' under Section 8.1.4.1 of the WRP e.g. lizards. This is not considered within the documentation provided.

There are stands of manuka and regenerating forest vegetation, located outside of the SNF, within the proposed extension areas. The loss of this habitat would need to be mitigated for as described in the AEE. The proposal to plant a vegetated corridor to the north of the quarry would provide an opportunity to re-link two sections of SNF, which are currently disconnected. However, the application would need to include detailed proposals that illustrate that this compensation planting meets compensation/offset requirements. It would need to indicate how this habitat would be managed in the long term and how it would be protected from future development.

The Vegetation Assessment and the AEE both focus on the immediate loss of vegetation (direct impacts). The Vegetation Assessment and AEE do not consider indirect effects on adjacent vegetation, excluding dust. It would appear from the information submitted that the quarry workings would extend up to the boundary of the SNF to the east, west and south. The Vegetation Assessment does not take into consideration indirect impacts on tree roots, alteration to drainage within the SNF or make reference to the potential for an increase in weed incursion and how these impacts would be mitigated.

The AEE makes reference to the overburden being placed within a pasture that includes a drain. Topographical maps show a stream flows from a waterbody within stage 3 of the proposed quarry extension and through the pasture identified for overburden storage. This stream links to the Waikato River via the Mangatawhiri River. The AEE does not include an assessment of the ecological values of this stream or present mitigation for potential impacts on this stream (or any others) or the Waikato River.



**Figure 1** SNF as illustrated within the Operative Waikato District Plan, amended within the Proposed Waikato District Plan

## 4.2 Indigenous fauna

The AEE does not make reference to potential direct and indirect impacts on fauna during vegetation clearance. It would be expected that this information would form part of the ecological assessment completed by the applicant and submitted to that WRC. This information is required for Council to understand whether habitat is 'significant' for indigenous species (Section 8.1.4.1 WRP).

It would be expected that if there could be impacts to native species that detailed surveys (completed at the correct time of year) would need to be completed. This information would need to be provided to WRC, along with details relating to proposed mitigation.

Based on a review of GIS maps and local knowledge of the area, habitats on site could support native lizards, birds and potentially long-tailed bats.

## 5.0 Comments and Request for Further Information

The information provided by the applicant is incomplete and therefore it cannot be determined if the mitigation proposed is acceptable. It would appear that there is an opportunity to avoid impacts to the SNFs, and the submitted documentation does not indicate why this opportunity does not exist.

Additional information is requested to inform the ecological assessment:

- The assumption should be that vegetation within the SNF/SNA is retained, in line with Waikato Regional Council Policy Statement, objective 3.19 policy 11.2. A review of alternative approaches to excavation is required within the AEE and supporting documentation.
- The AEE needs to consider potential indirect impacts on the SNF and present mitigation for these impacts e.g. buffer between excavation and SNF, additional plantings etc.
- Submitted documentation should present detailed offset proposals for the loss of manuka/regenerating vegetation within the site but outside of the SNF. It is considered appropriate that a permanent link is established between the two parts of the SNF/SNA. The documentation should detail how the habitat would be created, managed and protected in the long term.
- The ecological assessment should consider direct impacts on watercourses/bodies, and indirect effects on the Waikato River and present appropriate mitigation within the AEE and supporting documentation.
- Detailed species surveys should be undertaken, as appropriate. The AEE and supporting documentation should consider direct and indirect effect on native faunal species and present appropriate mitigation.
- The Ecological Impact Assessment (EclA), pre and post mitigation, should be completed by an experienced ecologist.

## 6.0 Other matters

The WSP OPUS report indicates that the SNF to the east of the quarry is being negatively impacted due to the existing quarry tracks and operations. The tracks have fragmented the habitat and encouraged the encroachment of weeds.

Are these tracks consented? Is there a requirement to remedy negative effects of the track on the SNF under the consent?

## 7.0 Conclusion

If there are any questions in relation to the ecological review, do not hesitate to contact me.

Yours faithfully



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