

BEFORE THE FAR NORTH DISTRICT COUNCIL

IN THE MATTER

of the Resource Management Act 1991 (“Act”)

AND

IN THE MATTER

RC 2250414-RMACOM

A: Subdivision to create four Lots in the South Kerikeri Inlet Zone as a Non-complying Activity.

B: Subdivision resulting in breach of stormwater management, setback from smaller lakes, rivers and wetlands, private accessway in all zones in the South Kerikeri Inlet Zone as a Discretionary Activity.

**BRIEF OF EVIDENCE FOR REBECCA LODGE ON BEHALF OF
NAGS HEAD COW HOTEL LTD**

Dated: 3th OCTOBER 2025

MAY IT PLEASE THE COMMISSIONER:

1. My full name is Rebecca Louise Stephanie Lodge
2. I am giving this evidence as the director of Bay Ecological Consultancy Limited on behalf of the applicant Nags Head Cow Hotel Ltd.
3. I hold a Bachelor of Science & Postgraduate Diploma in Science (Distinction) from Otago University. I have been practicing in the Northland region for the past 13 years.
4. I have read and agree to comply with the code of conduct for expert witnesses in the Environment Court 2023 Practice Note.

Application

5. I prepared a Wetland Determination Report¹ (16/1/2025) to determine the presence of *natural inland wetland* onsite, including extent and associated *values*². I continue to rely on that assessment report and ask that it be considered in support of the application.
6. The key findings were as follows:
 - *Natural inland wetlands* subject to the *National Environmental Standards for Freshwater NES – F (2020)* have been recognized according to definitions of the *NPS- FM (2020)* and *PNRP*, by dominant hydrophytic (OBL, FACW) floral assemblages . These were indicatively mapped in Fig 3. of the Report¹

¹ BAY ECOLOGICAL CONSULTANCY LTD (16/01/25) WETLAND DETERMINATION PROPOSED SUBDIVISION LOT 2 DP 442820 (RT 552855)

² VALUES (NPS FM 2020 Amendment No.1 2022) (i) ecosystem health; (ii) indigenous biodiversity; (iii) hydrological function; (iv) Maori freshwater values; (v) amenity values

to promote avoidance of effects in the subdivision design through adherence to protective measures as per the NES –F (2020).

- The wetlands shown in Fig 3 of the Report are in alignment with those shown in the prior NRC Known Wetlands mapping layer³ with additional extension in areas AA; AB & AD.
- The wetland's extant hydrological sources are to upper eastern contour fed by springs / seepage in a pastoral setting with variable output highly responsive to meteorological conditions. Associations vary with depth and reliability of saturation/standing water in contour. The swamp & shallow water type wetland has developed under reliable saturation demonstrated by the tall stature and obligate vegetation dominance e.g. raupō; *Machaerina*; *Schoenoplectus* & *Eleocharis*. Upper extent of wetlands will likely recover a *Juncus* (FACW) cover in time in the absence of grazing.
- The proposed building platforms and the majority of associated infrastructure are potentially within 100m of natural inland wetland but do not occupy critical source areas, seepage or overland flow path that through their formation may change the water level range or hydrological function of the wetland in any measureable way as per *NES-F (2020) Reg 54c*, or result in complete or partial drainage of all or part of the wetland as per *NES-F Reg 52(ii)*. This includes diversion of diffuse natural discharge permeating or sheetflow downslope through the building sites or ROW across pasture.
- Earthworks within 100m or 10m will not result in complete or partial drainage of all or part of the wetland as per *NES-F Reg 52(i)* if they do not occupy or intersect with the wetlands.
- As a potential receiving environment for stormwater the wetlands can naturally tolerate moderate to high fluctuations in water levels without discernible shift in composition or aquatic life; extent or value, including hydrological function, with the proviso that In the absence of unmitigated point source stormwater discharge engineering will ensure final increase in impermeable area and stormwater dispersal is unlikely to have any adverse effect. Inputs should be diffuse and not cause scouring, erosion or gross sediment input to maintain aquatic habitat condition.
- In this instance there is highly unlikely to be any change in the water level range or hydrological function of the wetland as per *NES- F (202) Reg 54d* or in seasonal or annual range water levels, as per *PNRP Policy H.4.2 Minimum levels for lakes and natural wetlands*.
- Bunded crossing and culvert A traverses a wetland on proposed Lot 1 descending from east offsite Lot 1 DP 442820. It is considered other infrastructure under the NPS-FM (2020) and its upgrade is a Restricted Discretionary activity requiring consideration of matters in *NES-F (2020) Reg 56* and resource consent application to NRC.
- Riparian to the wetlands there is no representative remnant forest of the potential WF11 kauri podocarp broadleaved type, rather scattered tōwai and kānuka along the Lake and Lake Lot boundary adjacent the end of wetlands. No flora species present have threat status or are regionally rare/significant.
- The current status of the Lot is of a typical lowland pastoral character; relictual; disjunct riparian buffer <10m and risk of further loss of riparian & wetland extent and values from weeds and grazing. The wetlands in pasture are in poor exotic condition and represent uncontrolled CSA⁴ to the Lake; pest populations likely a detriment to biodiversity values and any protection voluntary.
- The wetlands have MODERATE significance in regard to Appendix 5 Northland Regional Policy Statement (2018) - indigenous character; pattern and water quality protection; linkage and buffering to further aquatic environments downstream including Kerikeri Inlet Rd Lake (PNA#05/083) which encompasses an unnamed A3 reach, all tributary to saltmarsh and mangrove CMA wetlands of the Kerikeri Inlet closely offsite.
- The house sites development areas have NEGLIGIBLE significance as pasture. There is no indigenous vegetation clearance designated.

³ <https://localmaps.nrc.govt.nz/localmapviewer/?map=55bdd943767a493587323fc025b1335c>

⁴ **CSA Critical source area:** Means a landscape feature such as a gully, swale or depression that accumulates surface run-off from adjacent land; and delivers, or has the potential to deliver, one or more contaminants to one or more rivers, Lakes, wetlands, or surface drains, or their beds (regardless of whether there is any water in them at the time).

- The proposed covenant revegetation areas AA AB & AC encompass eroding overland flow paths, as CSAs to the wetlands and subsequently the Lake, providing a visual and regulatory cue to avoid future loss of *extent* as per the NPS- FM (2020) definitions.
- Revegetation will provide joint functional purpose of aquatic function protection (attenuation; internal habitat; shade; sediment control; bank stabilization) and amenity with the rural landscape providing a full length 10m minimum ⁵ advisable riparian buffer.
- A single dabchick (*Threatened – Nationally Increasing*) was observed at the southern end of the Lake near the bottom of Covenant AA⁶. Other wetland birds with threat status may be present as suggested by observed habitat; extensive local experience and desktop review. As a flagship species, protection of dabchick through the proposed management confers and enhances functional habitat and protection to all other birds utilizing the wetlands and adjacent lake as habitat.

7. The purpose of this evidence is to respond to the key issues raised by submitters and within the s42A report in relation to my area of expertise.

8. SUBMISSIONS

I have read the submissions made on the application. So far as they raise issues within my expertise, I make the following comments:

(a) Ngati Rehia Submission 22nd July 2025 –

recommendation would be to have a setback from the wetland (around the entirety of it) of at least 100m if not more and fenced. So, there are no dogs, cats etc that will enter that area, which will also help pest management.

NES-FM (2020) policy intent is that (6) *there is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted*. Subsequently, the protective regulations of the NES-F (2020) associated with a 100m set back only apply where there is the possibility of hydrological regime, as the core driver of these, being adversely impacted by activities which would result in loss of *extent* (drainage / drying up). Flow on effects to habitat and /or biodiversity *values* of a natural wetland are encompassed in protection of the continued water levels that promote the existence of a wetland. In regards to this matter I reiterate the findings of my report, summarised above in Point 6.

I am in agreement that cats should be excluded from ownership on the proposed Lots. The owner does not wish to have cats introduced to the property and intends to trap for wild cats common in the area, along with mustelids as part of a Pest & Weed Management Plan as condition of consent. I am not in agreement with the total exclusion of dogs, but certainly from the fenced covenants and lake margin for protection of wildlife. A ban on dogs is the usual standard for sites with DoC (2020) *High Density* kiwi mapping. The site has no kiwi zone designation however Waitangi Forest beyond Inlet Rd to the south and further east along Inlet Rd through <1km through farmland there is mapped *Kiwi Present* zoning. DoC does not advocate for dog exclusion in their *Kiwi Present* mapped areas, rather for consent conditions to minimise risk. We recommended these should include:

- One dog maximum per Lot which must
 - ✓ be registered & microchipped
 - ✓ have current kiwi aversion training certification at all times
 - ✓ be kept inside or kennelled from dusk to dawn
 - ✓ be on a lead or under effective control at all times
 - ✓ be excluded at all times from the covenants

⁵ NIWA (2000) Review of Information on riparian buffer widths necessary to support sustainable vegetation and meet aquatic functions TP350 Auckland Regional Council

⁶ Proposed Subdivision Scheme Lot 2 DP 442820 July 2025 Williams & King

I recommend it is reasonable to include that no visitor or contractor shall introduce dogs as this can negate the benefits of compliance otherwise by the property owner.

Aversion training reduces the risk to other ground dwelling birds with similar vulnerabilities e.g. Threatened wetland birds and is an effective tool in conjunction with the other requirements which prioritise responsible dog ownership.

Dogs have been allowed in recent subdivision of Egret Way.

A 100m setback from Lot 4 DP 167657 and wetland covenants AA – AC would exclude the proposed building sites on Lots 1 – 3, so is not feasible in relation to this subdivision, and not necessary.

(b) Angela Houry Submission 21 July 2025 –

Point 9 the lake has an abundance of wildlife with many threatened species arriving during the year.

The desktop review and fieldwork identified potential species with tiers of threat status including *Threatened* and *At Risk*. Protection of confirmed dabchick (*Threatened- Nationally Increasing*) as a flagship species dependant on pest control, provision of open water & wetland vegetation confers umbrella safeguards to other fauna with covalent mechanisms of wetland/ water quality protection; revegetation; covenanting; pest control and dog exclusion.

(c) Taylor Submission 22 July 2025 – PART B.8

2(a) *the very close proximity of the site to the lake and associated wetlands which are “significant” in the Kerikeri Ecological district and noted under PNA 05 /083 and is classified as a natural inland wetland which restricts some relevant activities often up to 100m of such a feature - see further as to preservation of natural habitat.*

Description of the lake and associated proposal site *natural inland wetlands* including values described in *PNA #P05/083* were included and considered in the Report. The reference to the 100m setback is addressed in response to the Ngati Rehia submission above. It is not an absolute setback.

8(a) *....wildlife using the lake to wander and forage. They don’t just sit on the lake or in the mainly raupo edge. Although our northern most building our house is approx 150 m from the lake edge we regularly have Kingfisher / Pukeko / Spur winged Plover/ heron, and various duck at the rear and alongside of the house .*

The species mentioned are highly versatile in their habitat and occupy a full range of natural and modified environments in close proximity to residential occupation or roading as noted “at the rear or alongside the house”. None have threat status. Proposed Covenants and pest control will extend functional aquatic habitat area. Also **(b)** below.

(b) *We have observed similar species all over the applicant land and all other lake surrounds*

Also **(d)** *The whole of the applicant site, in so far as it is part of the “lake basin” is a grazing/foraging, and for some species, a nesting area, associated with the lake.*

Open water; wetland of varied association including wetland grass & herbaceous dominant types; soft mud edges and revegetated buffers provide optimal territorial economics e.g. nesting; roosting, foraging; loafing habitat for all species over pasture. The long modified pasture does not represent critical habitat for any bird/ insect or fish that relies on the aquatic habitats.

(c) *The eastern boundary of the applicant site is between approx 120-150 metres of the lake edge. The western edges of the BDZs from the lake are approx- Lot 3 - 65 metres, Lot 2 - 65 metres and Lot 1 -*

50 metres. Lot 1's BDZ is also immediately adjacent to the wetland covenant proposed at AA and it looks like less than a 10 m minimum setback.

These distances are not considered inappropriate setbacks from the Lake for resident fauna. Residences will be additionally screened with amenity planting.

(e) We cannot see that any building to the east, south east or north east of the lake within the applicant site will not substantially adversely affect the current important ecosystem that supports or is supported by the lake. We note that on the one morning of field observations by the ecologist, there was seen a threatened Dabchick, near intended Lot 1.

Disagree. Pre-emptive consideration of the site values provoked by the ecological reporting integrates proposed mechanisms of covenanting; pest and weed control, pet controls and buffering planting with adherence to the NES-F, recognising the interdependency of the site and wetland with the Lake, surrounding terrestrial areas and hydrological linkage across the landscape to Kerikeri Inlet and Bay of Islands. Also Wetland Report *Key Findings* pg 5: *Pest control, water quality maintenance and retention of tall stature wetland habitat are critical for their survival and all promoted by the proposal regardless of occupancy.*

While formal 5 minute bird count (5MBC) was undertaken on the date specified in the report, 3 other site visits were made during the reporting lifecycle, with observations on all occasions as is an ecologist's modus operandi. It is standard practice that 5MBC are undertaken in one period in rapid succession across a site to provide a snapshot of observable/ audible occupancy under standardised conditions. However, this is supported by the prior desktop review to guide expectations and target survey areas, as well as extensive professional experience throughout similar habitats, wetlands and waterways across Northland. A precautionary approach is therefore taken to potential occupancy.

e.g. Wetland Report *Key Findings* pg 6- *Although there is no kiwi mapping (DoC) designation we recommend exclusion of cats and the standard consent conditions for dogs due to the high observed and **implied avian values** (dabchick – Threatened- Nationally Increasing); bittern Threatened - Nationally Critical) associated with the lake surrounds.*

(e) (sic repeats lettering) How long would Dabchick keep coming, if there were buildings or regular human activity on the BDZ of Lot 1, or even lots 2 or 3 ?

Dabchicks, like many other waterfowl, have been described as likely to become quite tame in proximity to people. They congregate in large flocks after breeding along the edge of Lake Taupo for example in close proximity to houses, hotels, amenity lighting, traffic and pedestrians. Dabchick are highly territorial towards other birds - more likely to be deterred by cohabitating pukeko, swans or other ducks as opposed to human activity at distance. This was demonstrated on the day of observation by their ritualised display toward other ducks including flapping and lunging at them. Shags are undeterred by human activity as demonstrated by their occupation of high use structures, noisy structures such as jettys and wharves. Herons and plovers will continue to utilise pasture, as will paradise and mallard ducks. Pāteke if present are unlikely to utilise pasture as critical habitat or be deterred by human activity and are generally crepuscular when human activity is lower. The proposed buffers will provide shelter for more reticent waterbirds as well as reducing the nutrient and sediment inputs as current from stock access and erosion which may impact dietary components. Insectivores will not be adversely affected e.g. fantail; grey warbler; kingfisher. Pest control will increase functionality of existing habitat for all species with resident or transitional occupancy.

(g) For Lot 3 and Lot 2 there is obviously a balance between having the BDZs further up the slope where the buildings may impinge on the views over sensitive area or further down the slope where they impinge on the wildlife foraging zone.

Disagree with the concept of a *wildlife foraging zone* as described in the pastoral extent to be critical habitat or food source.

- (i) ;(j); (k) *We note the proposal for the restriction of domestic animals and would invite the applicants to agree a complete ban on dogs. (Other than essential use only - e.g assistance dogs and then always on a lead or tethered). If we had dogs which we kept in at night and let out during the day the four fluffy ducklings which were wandering south of our house the other morning would likely be dead as would the young of pretty much any other species foraging on our land. No proposals are offered as to what will happen at the western boundary of the lots with the lake title's boundary or the east /west boundaries between the lots 1, 2 and 3. Even if there is to be a fence it will need to be guaranteed 100% dog proof to keep the dogs from doing what dogs do ie chasing/disturbing the wildfowl around the lake but that will also prevent the foraging/nesting wildlife from continued access to their foraging and nesting areas. We often hear- "My dog wouldn't kill a kiwi/bird" etc etc, until it does. "Oh, the dog must have got loose". Not much consolation for the dead bird. With respect, Lot 1 whilst on lower ground and therefore not particularly a visual issue, is a very substantial issue for the ecology of the lake. The BDZ here appears <10 m of the wetland and near where, on the one day visit referred to by the ecologist, a threatened species Dabchick was observed. Any building here, this close to the wetland/lake would inevitably disturb the wildlife, harming the ecology of the wetland/ lake.*

Refer to Ngati Rehia submission response **8(a)** on recommended dog conditions. The dabchick was observed toward the south end of the lake where there is a contour and existing vegetated buffer between the BDZ and the lake. Despite the proximity here it is, in fact, already the more buffered of the BDZs in this regard, which will benefit from further planting of the proposed covenants. Pest control protects all cohorts of wildlife from chicks to adult stages and is a proposed benefit within dog exclusion covenants. Ducks frequenting the rear of houses is a maladaptation caused by their domestic disposition and cannot be regulated for in an application.

(l) Another factor, more than clear from our time in the lake basin, is that any sound carries loudly across the water and around the basin. We usually hear the cars travelling along the gravel roads around us long before we see them even though in part they are screened and for example the road across the north of the lake is approx. 750 metres away.

This suggests wildlife on the lake as discussed is likely already subject to such disturbance and undeterred.

(m) There is often quite a lot of wildlife noise at night coming from the lake/lake surrounds. A total dog ban on the development would also prevent the dogs locked up at night responding to that noise, and then to each other, setting up a round lake "barking competition " to the mutual annoyance of the residents, but much more importantly the wildlife.

Presumptive, without basis.

9. COUNCIL s42A REPORT

I have read the report prepared by the Council pursuant to s42A of the Resource Management Act 1991 (**RMA**). Again, so far as it addresses issues within my expertise I comment as follows:

- I. I concur with the summary response within *Submissions 6.11 Specific risks related to proximity to wetlands and the lake and impact on wildlife habitat*, including comment on the benefit of wetland enhancement and protection within the proposal; the baseline of protective mechanisms afforded to wildlife and habitat through existing covenant binding the joint owners of the Lake (Lot 4 DP 167657); the adherence to the NES-F (2020) regulations and requirement for application for culvert access works to NRC as protection of fish passage; hydrological function and water levels; and requirement for a consent notice introducing a ban on cats with controls on dogs.
- II. I agree with *Statutory Assessment Preservation and enhancement of vegetation and fauna 10.61-10.66*, which reiterates the content of *Submissions 6.11* as before.

III. The s42A report then asserts in following 10.67: *Given the above, effects on vegetation and fauna are considered to be less than minor and therefore acceptable.* I agree with this statement as it is aligned with my assessment.

IV. I also concur with the following paragraph in regard to the proposal's protective benefit to the receiving wetland and downstream lake environment from the current effects of erosion and sedimentation:

Statutory Assessment Soil 10.78 The proposed subdivision layout creates rural lifestyle sites within a proposed framework of revegetation and landscape integration planting. The wetland revegetation areas are naturally located in the eroding overland flow paths, and will be retired from grazing, to support enhancement of the wetland ecosystems and erosion prevention. In this way, the proposal is considered to contribute to the protection of the life supporting capacity of soils.

V. The s42A report *Recommendations 13.3; 13.4 & 13.5* are in agreement with my findings.

VI. In regard to the proposed *Draft Conditions -Survey plan approval (s223) Conditions* I recommend requirement for the wetland extent encompassed within proposed Covenant Areas AA; AB & AC to be topographically surveyed in conjunction with a suitably qualified and experienced ecologist, as per my Wetland Report pg 30, to ensure the 10m setback is accurately demarcated on the plan, fenced and covenanted. This will also inform detailed design of Crossing A for NRC approval.

VII. In regard to *Condition (M) Wetland* Additionally, *no built development is permitted within these areas and stock must be excluded from these areas.* This should read **stock and dogs**.

VIII. In regard to *Condition (J) Kiwi Protection: No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as dogs, cats or mustelids).*

I agree that mustelids & cats should be banned but recommend that dogs be permitted conditionally as per my response to Submission 8(a) within this evidence:

- One dog maximum per Lot which must
 - ✓ be registered & microchipped
 - ✓ have current kiwi aversion training certification at all times
 - ✓ be kept inside or kennelled from dusk to dawn
 - ✓ be on a lead or under effective control at all times
 - ✓ be excluded at all times from the covenants AA; AB & AC

These mechanisms are for the protection of the broader avifauna occupancy rather than kiwi alone, with higher threat status, and I suggest this Condition is titled *Fauna Protection* to emphasise this.

10. CONCLUSION

In summary, it is my evidence that:

- The conclusions of my assessment report remain current and should be used in support of this application.
- I disagree with the necessity of a 100m setback for the proposed development.
- Integrated mechanisms of covenanting; pest and weed control; buffer planting of the covenant riparian margins throughout; compliance with NES-F (2020); ban on cats; stock exclusion in covenants and controls on dogs as recommended above Point 9 (VIII) will concomitantly provoke gross positive amenity and ecological gain in comparison to the current status. They will ensure no loss of significance or values as identified and represents focused headwater management for the Kerikeri Inlet catchment.
- I concur with the findings of the Sec42A Report that the proposal advance with conditions as supplied therein, with amendments to *Conditions M & J* as given in above Point 9 (VII & VIII), and the inclusion of a Sec223 approval requirement that the wetlands within AA; AB & AC be topographically surveyed in conjunction with a suitably qualified and experienced ecologist, to facilitate accurate setbacks and detailed design for Crossing A.

Sincerely,

DATED 3rd October 2025

A handwritten signature in black ink, appearing to read 'RLodge', is centered within a light gray rectangular box.

Rebecca Lodge
Bay Ecological Consultancy Ltd