BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER	the Resource Management Act 1991 (RMA)
IN THE MATTER	of the Far North Proposed District Plan - Hearing 15D: Rezoning Kerikeri-Waipapa

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STATEMENT OF REBUTTAL EVIDENCE OF TREFFERY BARNETT ON BEHALF OF KIWI FRESH ORANGE COMPANY LIMITED

ECOLOGY

24 September 2025

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WYNN WILLIAMS

INTRODUCTION

1 My full name is Treffery Jean Barnett.

2 I have been engaged by Kiwi Fresh Orange Company Limited (**KFO**) to provide independent expert advice on the Proposed Far North District Plan (**FNPDP**).

3 This rebuttal evidence relates to the Council's section 42A report, specifically the statement of evidence by Ms Phoebe Andrews, dated 10 September 2025.

QUALIFICATIONS AND EXPERIENCE

4 I confirm I have the qualifications and experience set out at paragraph 6 of my statement of evidence dated 16 June 2025 (**June evidence)**.

CODE OF CONDUCT

5 I repeat the confirmation provided in my June evidence that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. I confirm that the issues addressed in this rebuttal evidence are within my area of expertise, and I have not omitted to consider material facts that might alter or detract from the opinions that I express.

RESPONSE TO MS ANDREWS

6 Ms Andrews statement of evidence in support of Section 42A report for hearing 15D, concludes:[1]

(a) that a further assessment of potential effects should be undertaken to fully understand the effects associated with the proposed rezoning;

(b) and this is required to reduce the level of uncertainty with regard to appropriate effects management.

7 I acknowledged in my evidence in chief that the ecological assessments were high level, however the site is a well-maintained active farm dominated by pasture, and the assessments were sufficient to identify small areas of remnant habitats that have higher ecological values for vegetation or fauna, and/or are potentially sensitive to a change in land use, with the required level of confidence for a land rezoning proposal.

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[1] Statement of Evidence of Pheobe Andrews at [7.1] and [7.2].

8 The fauna were addressed via species records and desktop surveys. The vegetation on site was described and potential habitats of native fauna were identified, noting these are largely restricted to the small remnant areas of impacted native vegetation adjacent to the river and the steep south western gully.

9 As detailed in my evidence in chief, potential effects on native fauna can be managed through site surveys for future resource consents and a site-specific Ecological Management Plan (required as part of a condition of consent). This management approach is more appropriate given that habitat locations can change over time, and this level of effect is best managed at resource consent stage.

Lizards

10 With regard to lizards, additional details and the results of the desktop survey on herpetofauna are provided in Appendix 1 of this evidence.

11 If lizards are present, they would be restricted to these remnant habitats, and my evidence in chief addressed this with the recommendation that if native lizards are present, they can be managed through the implementation of a Lizard Management Plan, as is standard practice for most sites proposed for development where native lizards have been recorded.

12 Although there is no reason to expect any significant populations of lizards, additional controls could be provided under the zoning over the non-protected vegetation, if such controls are warranted in addition to controls proposed to be applied in the PDP.

Bats

13 With regard to bats, there are no bat records within 11 km of the site, and the plan change itself is not going to affect potential bat presence. As detailed in my evidence in chief, a bat survey could occur in relation to future resource consent applications.

14 I agree with Ms Andrews that if bats were recorded on site, then controls can be provided such as setbacks, light controls, dark nonreflective roofs. The need for these sorts of management responses to manage effects on bats can be dealt with at resource consent stage, if surveying identifies them.

Floodway

15 The floodway is part of the current environment and follows an existing flood flow path. Consequently, the range and volume of water that currently flows through the site along this floodway during a storm event will be similar to that currently occurring. As stated in my evidence in chief there are significant opportunities for ecological enhancements, primarily riparian planting with the numerous benefits provided to the freshwater ecosystems, but also providing an ecological corridor through the site and linking new and existing habitats. There are a wide range of engineering solutions that can be used to mitigate potential adverse effects of stormwater velocity and volume, including grade-control structures (rock riffles, riffle–pool sequences); designated secondary path for extreme events; two-stage channel with low-flow channel for habitat and high-flow floodplain benches for larger events; wetland areas; energy dissipation with stilling basins, baffles and rock aprons.

16 I have reviewed the rebuttal evidence provided by Laddie Kuta and concur that any ecological enhancement measures must support, or at the very least not compromise, the effective functioning of the floodway. In my professional experience, there is often a strong alignment between flood protection objectives and opportunities for ecological enhancement. Well-designed ecological interventions can complement flood management.

17 Regarding potential wetlands within the current flood path, there were no significant wetlands or even indications of indigenous wetlands within the active farm (i.e. outside of the large south-eastern gully system), but as stated in my evidence there is the possibility of patches of natural inland wetland within the flow path. These potential wetlands, even if very low value wetted pasture wetlands or induced from stock access to flow paths, bunds or culverts, have significant protections already in place under the National Policy Statement for Freshwater Management (NPS-FM), National Environmental Standards for Freshwater (NES-F), and the Proposed Regional Plan for Northland. Any works within these areas require careful assessment against relevant provisions of these documents.

Remnant habitats

18 Considering the significant protections provided by the Wildlife Act for native fauna; National Policy Statement for Indigenous Biodiversity (NPS-IB) for native vegetation and wildlife; and NPS-FM and NES-F for streams and wetlands, I have confidence that the ecological effects of the proposed zoning change on the small remnant habitats, located outside of the extensive actively managed pastural and cropping areas, can be managed appropriately.

19 The applicant has recognised the more valuable habitats for fauna, i.e. the riparian vegetation of the Kerikeri River and the wetlands and indigenous vegetation in the large south-western gully and has excluded these areas from the proposed development areas, thereby addressing the first step in the effects management hierarchy (i.e. avoidance).

20 Ms Burnette O'Connor's planning evidence addresses the fact that esplanade reserves will be required to be vested adjacent to the Kerikeri River when urban development occurs. Esplanade reserves are required alongside any river or stream with an average width of 3-metres or more.

CONCLUSION

21 The majority of this site has a long history as an actively managed farm. It is currently well managed with paddocks in pasture and cropping as per the current zoning. Indigenous vegetation is limited to the riparian area of the Kerikeri River, and on some of the slopes and base of the gully system in the south-east of the site, which includes some areas of wetland adjacent to or within the flow paths of the gully. Both of these areas have been recognised by the applicant and are excluded from the proposed development areas.

22 Based on my high-level ecological constraint's analysis, additional analysis of fauna records, and careful review of the statement of evidence of Ms Andrews, I maintain and are confident in my position that there is nothing from an ecological perspective that suggests the site is not suitable for an urban zone. The majority of the site is currently farmed/cropped; there are existing legislative protections of the riparian area of the Kerikeri/Waipekakoura River upon subdivision (with the Esplanade Reserve requirements); natural inland wetlands have protection under the National Environmental Standards for Freshwater (NES-F); most native fauna are protected under the Wildlife Act; and effects on native fauna (birds, bats, native fish, lizards etc), should they be shown to be

present at a future stage, can be managed through an Ecological Management Plan (or equivalent).

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Treffery Barnett
24 September 2025

Appendix 1

Herpetofauna desktop review of Kiwi Fresh Kerikeri

Table 1 shows the terrestrial herpetofauna typically within the Northland mainland region, corresponding NZ conservation statuses and reported occurrence within 5 km of the Site (shown in Figure 1). Of these, there are eight native species that can be possibly found on site based on suitable habitat, and presence within the landscape.

Forested areas, leaflitter, debris, rank-grass and other reguia within the site could provide habitat for native skinks such as ornate skink *(Oligosoma ornatum* – 'At Risk- declining') and copper skink *(Oligosoma aeneum* – 'At Risk – declining'). The closest (native) skink record is located c. 12 km from the Site (copper skink), (Figure 1) which may be due to a lack of survey / detection rather than insufficient habitat across the landscape. As there is suitable habitat on site, its considered possible skinks are present on site as indicated within Table 1.

Review of aerial imagery of the Site shows the vegetation on site as contiguous, with an interconnected canopy, which can provide passage for native arboreal gecko species to move between. As the closest gecko record is located c. 1.8km from the Site (Northland green gecko -*Naultinus grayii*) and located within riparian habitat that is contiguous with the Kerikeri river riparian corridor, its considered possible that geckos are present on site. Arboreal geckos (i.e., *Naultinus sp*,) are likely localised within forest that has sufficient canopy cover, whilst semi-arboreal saxicolous species (i.e., raukawa gecko - *Woodworthia maculata*) may be found under rocks, or within trunks of trees, and foliage of shrubs/trees on site.

The grazed / pastural grassland provides little habitat diversity and concealment, and therefore is highly unlikely to support skinks or geckos. Though it is possible that native skinks (most likely copper skink) could utilise portions of rank grass within the cleared pasture, especially where additional habitat complexity exists (e.g., adjacent to vegetation, where rubbish piles may exist, under logs).

Table 1: Terrestrial herpetofauna typically within the Northland mainland region, corresponding NZ conservation statuses and reported occurrence within 5 km of the Site. Species highlighted in blue are those with potential to be found on Site. * Hitchmough et al., 2021; Burns et al., 2018

	Scientific Name	Common name	NZ threat status*	Reported within 5 km of the Site	Potential to occur within site
Native	*Oligosoma aenuem*	Copper skink	At Risk – Declining		Possible
	Oligosoma suteri	Egg-laying skink	At Risk - Relict		Unlikely
	Naultinus elegans	Elegant gecko	At Risk – Declining		Possible
	Mokopirirakau granulatus	Forest gecko	At Risk – Declining		Possible
	Leiopelma hochstetteri	Hochstetter's frog	At Risk – Declining		Unlikely
	Oligosoma moco	Moko skink	At Risk – Relict		Possible
	Naultinus grayii	Northland green gecko	At Risk – Declining	Yes	Possible
	Oligosoma ornatum	Ornate skink	At Risk – Declining		Possible

	Dactylocnemis pacificus	Pacific gecko	At Risk – Relict		Possible
	Woodworthia maculata	Raukawa gecko	Not Threatened		Possible
	Oligosoma smithi	Shore skink	At Risk – Naturally Uncommon		Unlikely
Introduced	*Lampropholis delicata*	Plague skink	Introduced & Naturalised		Possible
	Litoria ewingii	Whistling tree frog	Introduced & Naturalised		Possible
	Ranoidea aurea	Green and golden bell frog	Introduced & Naturalised	Yes	Possible
	Ranoidea raniformis	Southern bell frog	Introduced & Naturalised		Possible

Figure 1: Herpetological records within the landscape and within 5km of the Site