

BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL

In the matter of the hearing of submissions on Proposed Private Plan Change 84, by Mangawhai Hills Limited

Speaking notes of Stephen Brown

My name is Stephen Nicholas Brown.

I am a Senior Ecologist with Wildland Consultants Ltd, a position I have held for four years.

My role in terms of Private Plan Change 84 has been on behalf of Kaipara District Council to undertake a peer review of ecological aspects of the application, focussing on the Ecological Impact Assessment prepared by Biosearches (2023), and to respond to ecological matters raised in submissions.

To assist in this review, I visited the site on 14 March 2024.

General points of agreement and disagreement

In reviewing these matters, **I am in general agreement that development of the site as presented in the Mangawhai Hills Development Area provisions have the potential to confer a substantial overall ecological gain for the Site and the wider Mangawhai area compared with the status quo.**

I am not in agreement with all of the methodology and assessment of potential effects presented in the Biosearches EclA report, but several of my concerns have been addressed in the evidence dated 29 April by Mark Delaney on behalf of the applicant. I limit my presentation here to key points I consider are important to highlight to the Commissioners.

Identification and extent of wetlands in relation to proposed developments

The delineation of areas of wetland habitat is an important ecological matter that has implications for any future development of the site. Considering the variation between the Biosearches report and my own site visit in terms of the observed extent of wetlands, and in agreement with paragraph 103 of Mr Delaney's evidence, **further detailed assessments of wetland habitat in accordance with current best practice methodology will be required closer to the time of future consenting stages.**

I agree with Mr Delaney's recommendation in paragraph 105 of his evidence that within the Mangawhai Hills Structure Plan, all streams and wetlands should be identified and considered only as **'indicative'**. This, together with the labelling and consideration of proposed roads and tracks in the Structure Plan as **'indicative'** should provide for flexibility to allow for both the more comprehensive delineation of wetlands, and if need be, the realignment of roads, in order to avoid or appropriately minimise ecological effects to wetland habitat (and to fauna utilising that habitat) in future consenting processes.

Having also reviewed the statement of primary evidence by Mr Klassen (Ecology) dated 6 May 2024 on behalf of Berggren Trustee Co. Limited, I note that all three ecologists who have prepared evidence for PPC84 (i.e. myself, Mr Delaney and Mr Klassen) are in agreement that a further assessment of the extent of wetlands is required prior to subdivision stage.

Indigenous vegetation clearance

In Paragraph 94 of his evidence Mr Delaney supports the PC84 provision DEV1-R8 1. c. ii. that allows for indigenous vegetation clearance in the event that *"The removal is for the formation and*

maintenance of walking tracks less than 3 metres wide, provided that manual methods are used that do not require the removal of any indigenous tree over 300mm in girth.”

I do not agree that the formation of walking tracks should be a Permitted activity. This provision could potentially leave the **high value Old Waipu Remnant forest** vulnerable to habitat fragmentation and degradation if the extent and location of the trails is not carefully designed. The indicative trails through the Old Waipu Remnant as shown in the updated version of the PPC84 Structure Plan may not reflect optimal design.

To ensure the protection and ecological integrity of the Old Waipu Remnant, I recommend that DEV1-R8 1. c. ii. is deleted from the provisions and that indigenous vegetation clearance for the purpose of forming walking and cycle trails should be a Restricted Discretionary activity. The design of walking and cycle trails through the Old Waipu Remnant should be explicitly mentioned in PPC84 provisions as a matter of discretion that requires assessment by an appropriately qualified and experienced ecologist. It is reasonable to expect that following the formation of correctly designed trails, ongoing ‘maintenance’ of those trails - as opposed to ‘formation’ of trails - would be Permitted. Consideration of this activity can be included at the resource consenting stage of any development.

The presence and protection of ‘Threatened’ and ‘At Risk’ fauna (birds and bats)

I agree with Paragraph 25 of Mr Delaney’s evidence where he states “...on reflection and following the review of the EclA by Wildlands Consultants Limited, ‘At Risk’ or ‘Threatened’ avifauna species such as fernbird and the Australasian bittern may utilise the wetland habitat within the Site given its proximity to higher value coastal wetlands.”

In paragraph 86 of Mr Delaney’s evidence, he states he is not opposed to including the requirement to assess the effects of domestic cats and dogs on ecological values as part of any subdivision consent application. In light of the agreement on this matter, I support recommendation (k) in the Section 42A report by Jonathan Cleese to include consideration of the need to control domestic cats and dogs as an ecological information requirement. I note that Mr Cleese’s recommended amendment has also been agreed to by the applicant’s planners as renumbered DEV1-REQ6(2)(e)(xiv)(b).

I agree with paragraph 27 of Mr Delaney’s evidence where he states: “... on reflection and following the review of the EclA by Wildlands, long-tailed bats may utilise the large trees within the Site on an intermittent basis.”

Given the agreed potential for long-tailed bats to utilise parts of the site, I recommend that the PPC84 provisions include a requirement that as part of any future consenting process, a bat survey and management plan should be undertaken, including reference to the Department of Conservation Bat tree roost protocols (2021).