

BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL

Under the Resource Management Act 1991

In the matter of the hearing of submissions on Proposed Private Plan
Change 83 by The Rise Limited

**REBUTTAL EVIDENCE OF STEPHEN NICHOLAS BROWN ON BEHALF OF KAIPARA DISTRICT
COUNCIL**

(Ecology)

15 March 2024



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1. INTRODUCTION

1.1 My full name is Stephen Nicholas Brown.

1.2 My qualifications are degrees of PhD (Zoology) from University of Canterbury, MSc (Applied Science) from University of Otago, Post Graduate Diploma (Resource Studies) from Lincoln University, and BSc (Botany) from Massey University.

1.3 I am currently a Senior Ecologist with Wildland Consultants Ltd. I have held this position for three years, prior to which I was the Environmental Manager for Te Uri o Hau Settlement Trust for one and a half years. Previously I held the position of Coastal Ecologist at NIWA for 17 years, and before that I worked as a scientist and science technician at the Cawthron institute for six years. I have 27 years of professional experience in research and commercial consulting in terrestrial and marine ecology. I have managed and implemented commercial and public sector projects around New Zealand and overseas in a range of disciplines including estuarine, terrestrial, wetland and forest ecology. I have authored more than 200 peer reviewed client reports, authored three peer reviewed articles in scientific journals, and presented findings at various forums ranging from local government resource management hearings to international conferences.

1.4 I undertook a peer review of the Ecology Report prepared by Wild Ecology in support of Private Plan Change 83: The Rise. I have presented a review of the Ecology Report in a letter dated 25 January 2024, addressed to Kaipara district Council and subsequently attached to the section 42A Report.

2. CODE OF CONDUCT

2.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have

complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

3. SCOPE OF EVIDENCE

3.1 This statement of rebuttal evidence on behalf of Kaipara District Council is a response to the statement of evidence dated 22 February 2024 by Ms Vilde, on behalf of the applicant.

4. EVIDENCE OF MS VILDE

4.1 Ms Vilde has prepared a primary statement of evidence on behalf of the applicant dated 22 February 2024.

4.2 Whilst Ms Vilde’s evidence addresses a wide range of topics, my rebuttal is limited to responding to paragraph 6.4 of her evidence, which reads as follows:

“...I am not in agreement with the proposed changes to matters for discretion to provide a specific consideration whether there is a need to control the keeping of cats and dogs on site as this may set a complicated and biased precedent that is likely to be based on emotive rather than baseline evidence led approach, which would be difficult to establish given that the site and wider area is already one inhabited by domestic pets”.

4.3 In my view, leaving all controls of dogs and cats within the area of the proposed subdivision solely at the discretion of the pet owners increases the risk of harm for wildlife within nearby forested areas and reserves where threatened and regionally significant wildlife, including North Island brown kiwi (*Apteryx mantelli*).

4.4 I consider there is justification for some provision for controls on dogs and cats as an additional matter of discretion in future resource consent processes (as I understand is proposed by Mr Clease) because of the following:

- Kiwis in the Brynderwyn Hills and Bream Tail are the focus of significant restoration initiatives, including predator control efforts involving community-led conservation groups, landowners, iwi groups and government agencies including the Department of Conservation and Northland Regional Council. These efforts are aimed at restoring kiwi populations in the Brynderwyn Hills following a severe decline in numbers between the 1970s and early 1990s.
- The Rise property is well within the dispersal range of kiwis known to be present in indigenous forest in the Brynderwyn Hills and Bream Tail.
- The proximity of The Rise property to indigenous forest and scrub contiguous with forest areas where kiwi have been confirmed to be present is within the roaming range of both cats and dogs. Dogs and cats are both known predators of kiwi (cats mainly kill juvenile kiwi and dogs can kill kiwi of all age classes).

4.5 I understand that if the matter of discretion proposed by Mr Clease is retained, these matters can be given proper consideration as part of future resource consent processes. There would also be the ability to, for example, restrict the number of cats per property to one individual, and require fencing on properties with dogs, as outlined in my review. I support this, and consider that leaving all control of cats and dogs solely at the discretion of owners (as Ms Vilde suggests) is not appropriate from an ecological perspective.



Stephen Nicholas Brown

15 March 2024