

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

I MUA I TE KOOTI TAIAO O AOTEAROA

ENV-2023-AKL-000047

IN THE MATTER The Resource Management Act 1991 (the **Act**)

AND

IN THE MATTER of an appeal under clause 14(1) of the First
Schedule of the Act

BETWEEN **PEACOCKE SOUTH LIMITED**

Appellant

AND **HAMILTON CITY COUNCIL**

Respondent

NOTICE OF WAIKATO REGIONAL COUNCIL'S WISH TO BE PARTY TO PROCEEDINGS

DATED 5 MAY 2023

**To: The Registrar
Environment Court
Auckland**

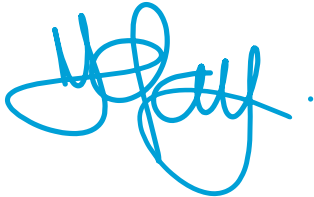
1. The Waikato Regional Council (**WRC**) gives notice that it wishes to be a party to the appeal by Peacocke South Limited (PSL) (**the Appellant**) (ENV-AKL-2023-000047) against a decision of the Hamilton City Council on submissions on its Proposed Plan Change 5: Peacocke Structure Plan (**PC 5**) to the Hamilton City District Plan.
2. WRC made a submission about the subject matter of the proceedings (submission 36). The WRC submission sought amendments to PC 5 provisions on the built environment, transport, and primarily, ecology in order to give effect to the Waikato Regional Policy Statement (WRPS). The submission commented on the policy framework for bats and wider ecological matters.
3. WRC was satisfied with the decisions made on PC 5 and did not lodge an appeal.
4. WRC is not a trade competitor for the purposes of 308C or 308CA of the Resource Management Act 1991.
5. WRC is interested in all of the proceedings relating to this appeal.
6. The general reasons for WRC's interest in the proceedings are:
 - (a) WRC considers the use of Natural Open Space zoning (NOSZ) in combination with the Significant Bat Habitat Area (SBHA) overlay provides certainty and lasting protection for bat habitat in Peacocke. The approach aligns with the direction in the WRPS, particularly ECO-P1, ECO-P2, ECO-M1, ECO-M2 and ECO-M13.
 - (b) WRC understands the land zoned and NOSZ and identified as SBHA was determined as a result of ecological surveying and ground truthing. The Appellant has not provided ecological evidence to support their relief sought.
 - (c) WRC has strong concerns relating to the relief sought by the appeal to delete the NOSZ and SBHA shown in Attachment A to the appeal notice. Removing this area of NOSZ and SBHA would sever the

connectivity between other parts of NOSZ and SBHA which conflicts with WRPS policy ECO-P1 and methods ECO-M1 and ECO-M2.

- (d) Removing this area of NOSZ and SBHA would also remove potential for connectivity of bat habitat across the territorial boundary of Hamilton City which hampers the ability to achieve WRPS policy ECO-P3.
- (e) It is unclear how the policy framework set out in PC 5 will apply to the SBHA if it is labelled 'indicative'.

- 7. WRC opposes the relief sought in the appeal on the basis that it does not give effect to the WRPS nor achieve the sustainable management purpose of the Act.
- 8. WRC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Hamilton this 5th day of May 2023



Tracey May
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