

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 5 to the Operative Hamilton
City District Plan

SUPPLEMENTARY STATEMENT OF EVIDENCE OF JAMES (JAMIE) GRANT SIRL

Dated 11 October 2022

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INTRODUCTION

1. My full name is James (Jamie) Grant Sirl.
2. I have previously provided to the Panel a statement of evidence on behalf of Hamilton City Council (**HCC**) as proponent dated 2 September 2022 (**primary evidence**) and I presented oral evidence at the hearing on 27 September 2022.
3. I reaffirm my commitment to adhering to the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014.
4. The purpose of this supplementary evidence is to set out a possible blueprint for the practical steps that HCC may take in order to address the ecological compensation issues identified in the evidence presented by the HCC ecologist team.
5. As will be apparent, this 'blueprint' represents a possible approach that is available to HCC. Many of the decisions associated with the 'blueprint' would require the endorsement and resolution of elected members of HCC. Nevertheless, my evidence shows a potential pathway towards achieving implementation of the ecological compensation necessary to address residual effects.

THE STARTING POINT

6. The ecological evidence of Dr Matthew Baber confirms that after applying the effects management hierarchy set out in the Waikato Regional Policy Statement (**WRPS**), which includes the avoidance of adverse effects on Long-tailed bats and their habitat where practicable, there will be residual adverse effects which must be compensated for in order to achieve a no net loss or net gain outcome over the long term.

7. It is clear that the avoidance and mitigation of adverse ecological effects will, in part, be delivered via land use and subdivision controls set out in Plan Change 5 (**PC5**). There will however need to be separate additional steps taken by HCC, in collaboration with other agencies, to address residual effects via ecological compensation delivered on a 'landscape wide' basis. Those steps will need to include initiatives around centralised monitoring and data collection, pest and predator control, habitat restoration and land acquisition, all within and outside of the Peacocke area.
8. These steps will require integration and co-ordination, so that all of the actions taken are all aligned with the overarching ecological compensation objective. Set out below is a 'blueprint' of what is possible.

THE POLICY SETTING

9. Like any local government entity, HCC's actions are informed by its purpose, role and function set out in the Local Government Act 2002 (**LGA**). In order to give all internal and external stakeholders certainty about how HCC will conduct its affairs, HCC's elected members establish various policies across a range of issues and functions. For example, HCC currently has over 50 operative policies, ranging from those that are statutory requirements, such as the Revenue and Financing Policy, to voluntary policies such as the Permanent Public Art Policy and the Streetscape Beautification and Verge Maintenance Policy.
10. These policies help guide and direct HCC's actions and provide stakeholders with a clear basis for engagement.
11. As set out in my primary evidence, the urbanisation of Peacocke is a significant strategic initiative for the City, supported by substantial central government and Waka Kotahi funding. The successful development of this land resource is a priority issue for HCC, and with

the ecological compensation requirements being so central to its success, HCC will be motivated to lead the implementation and management of that compensation.

12. To guide the approach and ensure clarity of purpose, HCC could first establish a policy on how to address the ecological compensation issues arising from the urbanisation of Peacocke (**policy**). That policy would identify the intended outcomes, which would reflect the ecological compensation evidence presented by the HCC ecologist team in the PC5 hearing. By establishing a policy of this nature, all actions can be directed towards achieving the identified outcomes.

THE MANAGEMENT STRATEGY

13. With the policy in place, HCC staff could then establish a management plan or strategy to deliver the policy outcomes in Peacocke (**strategy**) which would set out all of the actions needed to achieve the policy objectives. There would be obvious benefits in HCC seeking inputs from other agencies such as the Department of Conservation (**DOC**), Iwi, Waikato Regional Council (**WRC**), and neighbouring territorial authorities on the management strategy. This consultation and feedback would inform the strategy.
14. The strategy would need to integrate all of the various actions which collectively deliver the ecological compensation. It would identify potential sources of funding to implement the strategy, such as development contributions and targeted rates, noting that these initiatives require separate decisions to be made by elected members. I refer to the evidence of Mr Carstens for HCC which sets these matters out in more detail.
15. The strategy would identify actions to be taken in order to pursue land acquisition and ecological enhancement opportunities where compensation could be implemented. This part of the strategy would

integrate with HCC's Long Term Plan capital expenditure programme and integrate with any land acquisition or vesting of land associated with subdivision within Peacocke. It would also integrate with other investment programmes like Nature in the City and the Southern Links project. Again, decisions regarding HCC's land acquisition and capital expenditure programme are decisions for the elected members to make in the context of Annual Plan and Long Term Plan decision making under the LGA. Once provided for in these LGA instruments, the strategy can set out how these projects can be achieved.

16. The strategy would set a framework for a pest and predator control programme, including the methodology, timing and location of any such measures. This part of the strategy would integrate with subdivision and land use consent conditions.
17. The strategy would identify how the broader 'landscape wide' compensation can integrate with pest and predator control, mitigation, offsetting and compensation sites within the Peacocke area, such as along the river and gully margins.
18. The strategy would establish a Bat Ecology Panel (**BEP**) or similar, comprising representatives from a range of agencies, and ecologists, which would play multiple roles within the strategy. It would help with the design and implementation of a centralised monitoring regime which would provide a baseline for the adaptive management of ecological effects as development within Peacocke progresses.
19. The BEP would assist in the development of a habitat and corridor enhancement plan (or similar) to guide the programme of land acquisition and habitat enhancement and corridor creation that aligns with the staging as directed by PC5.
20. The BEP would inform land use and subdivision consent processes,

including at a pre-application stage by assisting consent applicants with the formulation of proposed bat management plans and effects mitigation strategies, to accompany consent applications. While the BEP would not have any decision making or approval functions of its own, it could help inform HCC in its consenting functions, particularly the evaluation of assessment criteria addressing ecological effects.

21. The strategy would integrate the compensation outcomes delivered via resource and subdivision consents, with those achieved at a wider landscape scale, such as via HCC land acquisitions and ecological enhancement.

CONCLUSION

22. As I have indicated, the policy and management strategy presented in my evidence represents a potential blueprint. It is intentionally broad, as there will be many more inputs to be considered before a final plan is determined. I also reiterate that ultimately, how HCC responds to the requirement for ecological compensation will be a matter for elected members, based on expert and staff advice.
23. Nevertheless, I am confident that my evidence presents a practical framework that could be implemented to good effect.

James (Jamie) Sirl

11 October 2022