

16 March 2022

Hamilton City Council  
Private Bag 3010  
Hamilton 3240

By email to: [haveyoursay@hcc.govt.nz](mailto:haveyoursay@hcc.govt.nz)

#### **FURTHER SUBMISSION ON PLAN CHANGE 5 – PEACOCKE STRUCTURE PLAN**

1. This is a further submission by Ben Inger and Rachel Inger to Hamilton City Council (HCC) on Plan Change 5 (PC5) to the Hamilton City Operative District Plan.
2. As owners of the property at 29 Peacockes Lane, Peacocke, we have an interest in the proposal that is greater than the interest the general public has. This further submission responds to points raised in other submissions that relate to our land, or that may have implications for the use of our land, including its future development for residential purposes. We are particularly interested in submissions on provisions related to the Proposed Bat Corridor which is shown over part of our property in the notified PC5 maps.
3. The submissions supported and opposed are set out in the table **attached** as a schedule to this further submission. The specific reasons why we support or oppose each submission are also set out in the table.
4. We seek the following decisions from Hamilton City Council:
  - a) That the submission that we support in part in the attached table be allowed insofar as it relates to financial contributions for coordinated ecological mitigation and monitoring, subject to appropriate wording;
  - b) That the submissions that we oppose in the attached table be disallowed; and
  - c) Such other additional or consequential relief as is necessary to achieve consistency with the above and to satisfy the concerns of the Submitter.
5. We could not gain an advantage in trade competition from this further submission.
6. We wish to be heard in support of our further submission.
7. If others make a similar submission we are prepared to consider presenting a joint case with them at a hearing.

**Signature:**



**Date:** 16 March 2022

**Address for Service of Submitter:**

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## Further Submission on Plan Change 5 – Peacocke Structure Plan

Ben Inger and Rachel Inger

	NAME AND ADDRESS OF ORIGINAL SUBMITTER AND SUBMITTER NUMBER	ORIGINAL SUBMISSION POINT NUMBER	STATE WHETHER YOU SUPPORT OR OPPOSE THIS SPECIFIC PART OF THE ORIGINAL SUBMISSION	STATE THE REASONS FOR YOUR SUPPORT OR OPPOSITION	WHAT DECISION DO YOU SEEK FROM COUNCIL ON THE WHOLE OR PART OF THE ORIGINAL SUBMISSION? <i>Give precise details. Sample - I seek that the whole (or part [describe part]) of the submission be either: Allowed / Disallowed</i>
1.	36 – Waikato Regional Council  matthew.vare@waikatoregion.govt.nz	36.31	Support in Part	<ol style="list-style-type: none"> <li>1. Our original submission identifies that it is an unfair burden for the costs and responsibility for the creation and maintenance of the Proposed Bat Corridors to fall on a limited number of landowners whose land is directly affected. The principle of using financial contributions for equitable funding of coordinated ecological mitigation is supported.</li> <li>2. Financial contributions could also be used to fund coordinated monitoring of long-tailed bats.</li> <li>3. Financial contributions should not be the only funding tool.</li> </ol>	I seek that the submission be allowed, subject to appropriate wording.
2.	36 – Waikato Regional Council  matthew.vare@waikatoregion.govt.nz	36.52	Oppose	It is unclear what the reference to 'defined ecological network' in the submission means.	I seek that the whole of the submission be disallowed.
3.	36 – Waikato Regional Council  matthew.vare@waikatoregion.govt.nz	36.70	Oppose in Part	To the extent that any changes are made to ecological assessment criteria in Appendix 1.3.3, the criteria should be specific to the Peacocke Precinct rather than replicating Method 11.1.2 in the WRPS verbatim.	I seek that the whole of the submission be disallowed.
4.	38 – Director-General of Conservation  jgooding@doc.govt.nz	38.1	Oppose	1. Bat Habitat Areas is an appropriate and clearly understood term which should be retained and	I seek that the whole of the submission be disallowed.

				<p>used consistently throughout the Plan Change 5 provisions.</p> <p>2. The Bat Habitat Areas should be comprised of the mapped Proposed Bat Corridors and Significant Natural Areas that have significant bat habitat.</p>	
5.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.2	Oppose	<p>1. The additional areas that the Director-General requests be mapped for protection of bat habitat are not identified in the submission so it is unclear what relief is being sought.</p> <p>2. It is appropriate that low and moderate value habitats are not afforded the same protection as high value habitats.</p> <p>3. Mapping of additional land for ecological protection would further reduce the land available for urban development, resulting in less dwellings and higher development costs which would reduce housing supply and affordability.</p>	I seek that the whole of the submission be disallowed.
6.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.5	Oppose	<p>1. It is unclear what specific relief the Director-General is seeking.</p> <p>2. The Plan Change 5 provisions suitably control the interface between residential areas and Natural Open Space Zones through building setbacks and lighting controls.</p>	I seek that the whole of the submission be disallowed.
7.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.7	Oppose	<p>1. It is unclear what specific relief the Director-General is seeking.</p> <p>2. While the involvement of a Panel for large or complex matters is likely to be appropriate in some cases, it would be more appropriate for Council to determine the need for involvement of a Panel in the review of management plans through each individual resource consent</p>	I seek that the whole of the submission be disallowed.

				<p>application on a case-by-case basis. This would occur as part of the Council's normal regulatory function and it does not need to be referred to in the district plan.</p> <p>3. Requiring any resource consent application within the Peacocke Structure Plan Area to be notified to a Bat and Habitat Enhancement Panel would add significant and unnecessary cost and delay and would be inefficient.</p>	
8.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.15	Oppose	The objective should refer to protection of identified significant habitat of indigenous fauna (i.e. the mapped Bat Habitat Areas) rather than all habitat.	I seek that the whole of the submission be disallowed.
9.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.16	Oppose	It is appropriate for Bat Habitat Areas to be protected and enhanced but it is not appropriate for adverse effects on all other areas of potential bat habitat (including low and moderate value habitat) to be avoided.	I seek that the whole of the submission be disallowed.
10.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.32	Oppose	<p>1. It is unclear what specific relief the Director-General is seeking.</p> <p>2. There are many landowners in Peacocke, including numerous small land holdings such as ours. Bat monitoring in the Peacocke Structure Plan Area would be most efficiently and effectively undertaken by HCC or another body (such as a Bat Management Committee established by HCC) at a landscape level, rather than by individual landowners. Financial contributions could be used to assist with funding a coordinated monitoring programme (see submission point 36.31).</p> <p>3. To the extent that any additional monitoring might be required for a specific proposal for</p>	I seek that the whole of the submission be disallowed.

				site specific reasons then this should be determined on a case-by-case basis through the resource consent process.	
11.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.42	Oppose	<ol style="list-style-type: none"> <li>1. It is unclear what specific relief the Director-General is seeking.</li> <li>2. Effects at the interface between residential areas and Bat Habitat Areas will be managed through building setback and lighting requirements which are contained in the notified Plan Change 5 provisions.</li> </ol>	I seek that the whole of the submission be disallowed.
12.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.46	Oppose	<ol style="list-style-type: none"> <li>1. It is unclear what specific relief the Director-General is seeking.</li> <li>2. Effects at the interface between residential areas and Bat Habitat Areas will be managed through building setback and lighting requirements which are contained in the notified Plan Change 5 provisions.</li> </ol>	I seek that the whole of the submission be disallowed.
13.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.48	Oppose	Reference to avoiding adverse effects of noise is unrelated to any rules in the notified Plan Change 5 provisions. The Director-General has not sought any rules limiting noise in its submission so the normal noise rules would be applicable in the zones that adjoin the Natural Open Space Zone.	I seek that the whole of the submission be disallowed.
14.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.74	Oppose	The design of lighting on adjoining lots which are developed for urban purposes cannot enhance the function and quality of long-tailed bat habitat. Lighting should be designed to maintain the function of the Bat Habitat Areas.	I seek that the whole of the submission be disallowed.
15.	38 – Director-General of Conservation jgooding@doc.govt.nz	38.75	Oppose	<ol style="list-style-type: none"> <li>1. The assessment criteria should focus on maintaining and enhancing significant habitat of indigenous fauna, rather than protecting, enhancing and restoring populations of at-risk</li> </ol>	I seek that the whole of the submission be disallowed.

				threatened or critically endangered flora and fauna (including the long-tailed bat). 2. There are other assessment criteria in P5 (q) and (r) that address Bat Habitat Areas.	
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