

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of Plan Change 5 to the Hamilton City Council District Plan

**JOINT WITNESS STATEMENT (JWS) IN RELATION TO:**

**Planning & Bats**

**24 August 2022**

Expert Conferencing Held on: 24 August 2022

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Tania Bryant

**1       Attendance:**

1.1      The list of participants is included in the schedule at the end of this Statement.

**2       Basis of Attendance and Environment Court Practice Note 2014**

2.1      All participants agree to the following:

- (a) The Environment Court Practice Note 2014 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2014;
- (c) They will make themselves available to appear before the Hearing Panel;
- (d) This statement is to be filed with the Hearing Panel and posted on the Council's website.

**3       Matters considered at Conferencing – Agenda and Outcomes**

**3.1      Spatial Extent of Significant Natural Areas (SNAs) and Significant Bat Habitat Area (SBHAs) and the Natural Open Space Zoning**

Andrew Collins clarified that the Adare Company submission is modified to now generally accepting these areas as notified in PC5, subject to some minor modifications to the

mapping to reflect ground-truthing that has been carried out. Further, the submission seeking a reduction of the minimum width of the SBHA is amended to accepting a minimum width of 50m as notified (Chapter 3A, page 16 and subdivision Rule 24.1(a)).

Jesse Gooding advised that the DOC submission provides scope to review the areas mapped for bat protection. Jesse advised that the DoC experts would undertake some further comparison mapping in order to clarify the exact additional areas that the DoC experts are seeking to have recognised in PC5 for bat protection. For the purposes of this exercise the HCC experts will liaise with the DoC experts and seek to provide additional information and explanation.

Andrew Collins and Renee Fraser-Smith considered it helpful to clarify that the proposed stormwater wetlands are currently areas of pasture and the notation on Figure 2-1 and Figure 2-3 is indicative. In their opinion it would not be appropriate to be zoned Natural Open Space (NOSZ), noting that following detailed design the reserves will be vested in Council in due course.

Renee Fraser-Smith, James Hook, Andrew Collins and Bevan Houlbrooke have some site-specific areas which they would like to review with the Councils experts to check the accuracy of mapping and related NOSZ boundaries. Gerry Kessels advised that in some SBHAs there is some flexibility to modify the boundaries provided that the functionality and minimum width is maintained. The experts will liaise on these matters.

### **3.2 Lighting and Bats**

John McKensey advised that further amendments to the PC5 provisions relating to lighting will be proposed reflecting in part the Amberfield provisions. These amendments have not been made available to other experts yet and will be included in the s42A report.

Kerry Borkin outlined some new information from a PhD research project relating to lighting and long-tailed bats in the Waikato area. This information is unpublished at this stage.

The experts (particularly lighting, ecology and planning) request time to consider these amendments before further discussions or expert conferencing occurs. Similarly, the experts would appreciate receiving any further information from the PhD research to be included in the further discussions/expert conferencing.

### **3.3 Wider Landscape Approach to Bat Habitat Management**

Andrew Collins, Chad Croft, Gerry Kessels, Andrew Blayney, Sarah Flynn, Hannah Mueller, Stuart Parsons, Jesse Gooding, Matt Baber, Craig Sharman and Renee Fraser-Smith consider that there is an opportunity in PC5 to recognise a wider landscape approach to managing bat habitat and the role that PC5 has to play within that.

Andrew provided some draft provisions to recognise a wider landscape approach. These are attached to this JWS as Attachment 1 (without prejudice) for subsequent review by the other experts, in conjunction with draft amendments in Attachment A to the agenda.

**3.4 Acquisition of land for SBHA**

Bevan Houlbrooke, Renee Fraser-Smith and Andrew Collins requested clarification about compensation to land owners for land identified as SBHA.

Craig Sharman and Jamie Sirl clarified that any Council land acquisition process will be based on 'fair market value', and at this stage any vesting of land will follow RMA processes, the exact RMA process is yet to be determined, and most likely will be done at the time of subdivision consent.

In the current 10 Year Plan, Council has included funding to acquire land in Peacocke including for gully habitat areas.

Renee Fraser-Smith, Andrew Collins and Bevan Houlbrooke agree with the approach outlined by Craig and Jamie.

In addition Andrew Collins, Andrew Blayney and Sarah Flynn consider that there could be more proactive opportunities to use the funding available to designate and enhance SBHAs in advance of subdivision.

**3.5 HCCs updated proposed plan provisions in Attachment A to the agenda**

Renee Fraser-Smith sought clarification in relation to proposed vegetation clearance (Rule 25.2.5.2) about the height at which the tree diameter is to be measured.

Discussion between the experts raised a number of opinions on the amendments proposed in Attachment A. There was insufficient time in this expert conferencing session to canvas those opinions. All of the experts are interested in participating in further discussions or expert conferencing after the release of the s42A report.

**4 PARTICIPANTS TO JOINT WITNESS STATEMENT**

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They agree to the introduction of the attached information – Refer to para 3.3 above; and
- (c) They have read Appendix 3 of the Environment Court's Practice Note 2014 and agree to comply with it; and
- (d) The matters addressed in this statement are within their area of expertise; and
- (e) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position to the Facilitator and this is recorded in the schedule below.

**Confirmed online 24 August 2022**

<b>EXPERT'S NAME</b>	<b>PARTY</b>	<b>EXPERT'S CONFIRMATION REFER PARA 4.1</b>
Andrew Blayney (E)	The Adare Company	Yes
Andrew Collins (P)	The Adare Company	Yes
Bevan Houlbrooke (P)	Broadwater Village  Ron Lockwood	Note from the facilitator: Bevan left the session at 4pm and I was unable to confirm his position.
Chad Croft (E)	Broadwater Village	Yes
Craig Sharman (P)	Hamilton City Council, s42A joint author	Yes
Gerry Kessels (E)	Hamilton City Council	Yes
Hannah Craven (P)	Waikato Regional Council	Left at 12.00pm
Hannah Mueller (E)	Hamilton City Council	Yes
Ilse Cockery (E)	Director-General of Conservation	Yes, except for para 3.4 for which she was not present.
Jamie Sirl (P)	Hamilton City Council	Yes
Jesse Gooding (P)	Director-General of Conservation	Yes
John McKensey (Lighting)	Hamilton City Council	Yes, for item 3.2
Kerry Borkin (E)	Director-General of Conservation	Yes
Matt Baber (E)	Hamilton City Council	Yes
Moira Pryde (E)	Director-General of Conservation	Yes
Rebecca Stirnemann (E)	Go Eco	Note from the facilitator: Rebecca attended whilst based in the UK, she left the session without notice so I was unable to confirm her position.
Renee Fraser-Smith (P)	Northview Capital	Yes

	Jones Land LTD Peacocke South	
Sarah Flynn (E)	The Adare Company	Yes
Stuart Parsons (E)	The Adare Company	Yes
Susan Mander (Lighting)	Director-General of Conservation	Yes for item 3.2
James Hook (P)	M&M Shaw	Note from the facilitator: James left the session at 1.45pm and I was unable to confirm his position.
Murray Wallace	Shortbread Ltd	Note from the facilitator: Murray attended briefly at 10am and I was unable to confirm his interests or position.

## **Attachment 1**

### **Chapter 3A - Adare submission 53-7**

#### 1. Add **new objective** DEV01-PSP: O16A:

*"Maintain and enhance a network of open space that supports the ecological values of the Peacocke Structure Plan area and contributes to the mitigation of the adverse effects of existing urbanisation and future development on the habitat of the long-tailed bat across all of Hamilton City."*

#### **Planning opinion**

Instead of above, better to amend existing objective O14.

*Create, and protect and enhance ecological and open space corridors identified in the Peacocke Structure Plan and recognise that this contributes to the mitigation of the adverse effects of existing urbanisation and future development on the habitat of the long-tailed bat across all of Hamilton City.*

Or may not need the latter part of this amendment if the new Policy 38B is added below.

#### 2. Add **new policy** DEV01-PSP P38A:

*"Support the mitigation of the adverse effects of development within the Peacocke Structure Plan area on ecological values."*

#### **Planning opinion**

New policy not necessary

#### 3. Add **new policy** DEV01-PSP P38B:

*"Recognise that the establishment of Significant Bat Habitat Areas on public land within the Peacocke Structure Plan area contributes to the mitigation of the adverse effects of existing urbanisation on the long-tailed bat across all of Hamilton City."*

#### **Planning opinion**

Add the word "significant" to match the terminology used in PC5.

If this new policy is added, probably do not need amendments to the objective above.

#### 4. Add **new policy** DEV01-PSP P38C:

*"Establish a Bat Management Committee pursuant to the City's Indigenous Biodiversity Strategy."*

**Planning opinion**

I consider the following amendments would be more appropriate.

*"When a City-wide Bat Management Committee is established to implement initiatives in pursuant to the City's Nature in the City Indigenous Biodiversity Strategy that are relevant to protection and enhancement of bat habitat, that Committee will be used for proactive and review functions within the Peacocke Structure Plan Area."*