

**BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY HAMILTON CITY COUNCIL**

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

AND

IN THE MATTER of hearing submissions on Plan Change 5 to the Hamilton
City District Plan

BETWEEN **THE ADARE COMPANY LIMITED**
Submitter #53

AND **HAMILTON CITY COUNCIL**
Local authority

**EVIDENCE OF DR SARAH FLYNN FOR THE ADARE COMPANY LIMITED
REPLYING TO SUPPLEMENTARY EVIDENCE**

ECOLOGY

28 OCTOBER 2022

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INTRODUCTION

1. My name is Dr Sarah Flynn.
2. I prepared a statement of evidence dated 16 September 2022 (**EIC**) and a rebuttal statement of evidence dated 21 September 2022 (**EIR**) on behalf of the Adare Company Limited (**Adare**) in relation to ecological matters that arise under Proposed Plan Change 5 (**PC5**).
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. This statement of supplementary evidence responds to the matters raised in the supplementary evidence of Mr Jamie Sirl on behalf of Hamilton City Council (**HCC**), which sets out a "blueprint" for how HCC may plan for and fund ecological compensation.¹

Measures to provide integrated, landscape-wide management

5. I note that there is consensus among HCC's ecologists as to the need for landscape-wide management and coordination of Significant Bat Habitat Area (**SBHA**) enhancement to ensure establishment of functional habitat corridors as early as possible. Mr Sirl also acknowledges² the need for an integrated, landscape-wide strategic approach to manage ecological effects arising from the urbanisation of Peacocke. However, I do not regard HCC's proposed subdivision and land use controls within PC5, which require landowners to assess and manage ecological effects on a consent-by-consent basis, as integrated, coordinated or strategic.
6. I acknowledge that HCC will need to develop a separate Local Government Act policy to address funding issues.³ However, I consider that the establishment of a robust framework for managing the cumulative effects of urbanisation enabled by the Peacocke Structure Plan Area (**PSPA**) should be addressed through the provisions of PC5.

¹ Supplementary Statement of Evidence of Jamie Sirl, 11 October 2022.

² Supplementary Statement of Evidence of Jamie Sirl [13].

³ Supplementary Statement of Evidence of Jamie Sirl [5], [7] and [12].

7. Mr Sirl notes⁴ that HCC will be motivated to lead the implementation and management of ecological compensation measures associated with the development of the PSPA. However, I consider that reliance on a general 'landscape-wide bat habitat enhancement' policy outside of PC5 could undermine the regulatory impetus to implement SBHA enhancement initiatives in a timeframe that keeps pace with development. In these circumstances, I anticipate development of the PSPA would have adverse ecological effects if HCC's elected members decide not to prioritise funding land acquisition and capital expenditure for the establishment of SBHAs, as appears to be Mr Sirl's implication⁵.
8. I consider that the policies and methods in PC5 need to explicitly connect the measures that address ecological effects to the development. The ability to progress urban development within the PSPA needs to be integrated with progress on implementation of anticipated ecological enhancement measures in the PSPA. While the section 42A response and Mr Sirl's evidence appear to accept the need to implement landscape-wide measures to address ecological effects, what is missing is a commitment to deliver those measures in a timely manner.
9. Specifically, PC5 must clearly prioritise effective implementation of SBHA enhancement measures within the PSPA over and above other ecological effects management initiatives, as the SBHAs are the primary means of managing ecological effects of urbanisation within the PSPA.

Bat Management Plan provisions

10. The S42A report⁶ interprets Mr Collins' recommendation⁷, which removes individual landowners' requirements to prepare and implement management plans for enhancement of SBHAs, pest and predator control, and ongoing bat monitoring, as "*...items that the submitter appeared to consider as being Council functions to be delivered rather than elements to be provided by consent applicants*". In my view, this statement does not accurately characterise Mr Collins' proposal.

⁴ Supplementary Statement of Evidence of Jamie Sirl [11].

⁵ Supplementary Statement of Evidence of Jamie Sirl [15].

⁶ S42A report [57].

⁷ Supplementary Statement of Evidence of Andrew Collins [17]

11. Mr Collins' approach upholds the responsibility of landowners to meet their RMA obligations. It enables them to address diffuse, landscape-scale ecological effects through funding the SBHA enhancement work⁸ (including costs of developing and implementing management plans). Landowners would also directly address site-specific ecological effects (i.e. by requiring ecological assessment of trees with potential bat roost features, consideration of whether such trees can be functionally retained and (if they are to be removed) outlining mitigation, offsetting or compensation measures).⁹ Council would administer the SBHA project planning and implementation.
12. The S42A report¹⁰ goes on to say that Mr Collins' recommended approach "*would weaken the overall response [...] by removal of the action-oriented elements of the BMP provisions*". In my opinion, the approach that Mr Collins sets out strengthens the overall response, as: (a) it recognises that identified landscape-scale ecological effects cannot be reliably quantified or addressed through site-by-site assessment and management; and (b) provides a mechanism to address those ecological effects in a centralised way.
13. I agree with Mr Collins¹¹ that a "part-centralised, part decentralised" approach is likely to be inefficient and unnecessarily bureaucratic. Furthermore, an individualised site-by-site approach would likely result in sub-optimal and unscientific assessment and monitoring of effects. For example, uncoordinated bat surveys undertaken on individual properties would not produce a balanced sampling design or provide a coherent model of bat activity in the landscape. Survey data would be collected and analysed in a piecemeal fashion, limiting its value in determining landscape-wide behavioural patterns. Uncoordinated sample timing and methods between studies would limit statistical robustness if a meta-analysis was undertaken.

⁸ Supplementary Statement of Evidence of Andrew Collins [16]

⁹ Evidence in Chief of Andrew Collins, 16 September 2022, Attachment 1, amendment 51.

¹⁰ S42A Report [59]

¹¹ Supplementary Statement of Evidence of Andrew Collins [20]

Conclusion

14. I agree with Mr Sirl¹² that establishment of a policy to address the ecological compensation issues arising from the urbanisation of the PSPA, and which identifies the intended outcomes, is appropriate. I consider that the proposed method that has been recommended by Mr Collins, and been supported by the section 42A reporting officers, goes some way to addressing my concerns. However, I consider an amendment to that method to add a commitment to develop the strategy within a short, defined, timeframe is important to enable mitigation progress to be linked to and match development progress.
15. I consider that there is a strong technical rationale for constraining consent-by-consent bat management provisions to cases where specific habitat features are identified on properties. With respect to more general effects of urbanisation, such as change to foraging patterns or flight paths, surveys undertaken at the scale of individual properties may be uninformative and potentially misleading, while uncoordinated management responses are likely to be ineffective.

Dated this 28th day of October 2022



Dr Sarah Flynn

¹² Supplementary Statement of Evidence of Jamie Sirl [12]