

In the matter of the Resource Management Act 1991

and

In the matter of Plan Change 5 to the Hamilton Operative District Plan

and

In the matter of a submission by Ron Lockwood

1. This is a written statement provided to the Hearing Commissioners in the matter of submissions from Ron Lockwood on Plan Change 5 to the Hamilton Operative District Plan. Mr Lockwood will not be attending the hearing in person.

Compensation for Significant Bat Habitat Areas

2. Mr Lockwood is one of several submissions that sought clarity on process and compensation for vesting Significant Bat Areas to Hamilton City Council. While the s32 analysis report highlighted the “significant cost” to individual landowners, there was no suggestion of compensation being offered in the plan change documents.
3. The s42A report (paragraph 7.80) helpfully confirms that funding will be set aside by Hamilton City Council to acquire land from affected landowners. The reserve acquisition process will occur at the time of subdivision with landowners getting “fair market value based on the value of the land if it was within the Medium Density Zone”.
4. While confirmation in the s42A report that compensation will be paid is reassuring for Mr Lockwood, this should be recorded in the District Plan to give certainty to current and future landowners and to ensure this intention is not lost in the fullness of time. The following amendment to the purpose statement of the Natural Open Space Zone is therefore requested:

NOSZ – PREC1- P: ISSUES

...

The Natural Open Space Zone in the Peacocke Structure Plan includes areas that have been identified to protect the significant habitat of long-tailed bats. These include buffers to known habitats and the creation of connections to these known habitats that will ensure bats are able to continue to access these areas for roosting and foraging without having to navigate urbanized areas. Council's intention is that this land will be vested at the time of subdivision and that it is classified pursuant to the Reserves Act 1977 as Local Purpose (Ecological) Reserve for Significant Bat Habitat Areas or as Local Purpose (Esplanade) Reserve where the sections of 229 to 237 of the Resource Management Act 1991 apply. Landowners will be compensated for fair market value based on the value of the land if it was within the Medium Density Zone.

Width for Significant Bat Habitat Areas

5. Mr Lockwood's submission requests the width of Significant Bat Habitat Areas be reduced to a minimum of 35m which is consistent with the Weston Lea Ltd & Director General of Conservation v Hamilton City Council decision [ENV-2019-AKL308].

Roads proposed in or adjacent to Significant Bat Habitat Areas

6. The s42a report clarifies that transportation corridors can potentially pass-through Significant Bat Habitat Areas – in other words SBHA's are not barriers to connections being made. While Policy 20 in Chapter 23A provides a policy framework for considering proposed transport corridors in or adjacent to Significant Bat Habitat Areas, there is no corresponding rule enabling this within Chapter 15A (Natural Open Space Zone). It is requested that transport corridors and private access be added as an activity under 'NOSZ – PREC1-P: Rules – Activity Status'. It is noted that Walkways and cycleways are already identified (R14).

for Ron Lockwood



Bevan Houlbrooke

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