

BEFORE THE HEARING PANEL

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

AND

IN THE MATTER of proposed plan change 9 to the Hamilton District Plan

**MEMORANDUM OF COUNSEL ON BEHALF OF THE DIRECTOR-GENERAL
OF CONSERVATION IN RESPONSE TO THE HEARING PANEL'S DIRECTION
#9 REGARDING THE NATIONAL POLICY STATEMENT FOR INDIGENOUS
BIODIVERSITY**

Dated: 19 July 2023

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MAY IT PLEASE THE HEARING PANEL:

1. This memorandum is filed on behalf of the Director-General of Conservation (**DG**) in accordance with paragraph 4(a) of the Hearing Panel's Direction #9 dated 11 July 2023. It responds to the request to provide an indication as to how to address the National Policy Statement for Indigenous Biodiversity (**NPSIB**) which was gazetted on 7 July 2023 and will come into force on 4 August 2023.

2. The DG notes that the section 32 report stated that the NPSIB:¹

is highly relevant to the review of SNAs and associated provisions in the district plan and is expected to come into effect in late 2022 during the PC9 submission and hearing process. Therefore, it is considered effective and efficient to align the review of SNA provisions with the policy direction and requirements anticipated under the proposed NPSIB.

3. The section 32 report further stated that:²

While the proposed NPSIB has yet to be finalised and is subject to potential future change before it is gazetted in late 2022, these requirements have been considered in reviewing the District Plan SNA provisions...

4. There are differences between the draft version of the NPSIB that was considered in the section 32 report and the final version of the NPSIB that has now been gazetted.

5. The DG therefore respectfully requests the following directions:

- a) That Council as the proponent of PC9 provide an updated section 32 analysis by Thursday 31 August 2023 which assesses the final version of the NPSIB against the SNA provisions; and
- b) That submitters have until Thursday 14 September 2023 to file evidence on the updated NPSIB and SNA provisions; and

¹ Section 32 Evaluation Report at page 26.

² Ibid at page 27.

- c) That hearing time be set aside during the November hearing sessions for legal submissions and evidence to be heard on the NPSIB and SNA provisions.

Dated 19 July 2023



M Hooper
Counsel for the Director-General of Conservation