

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 9 – Heritage and Natural Environments –
to the Operative Hamilton City District Plan

STATEMENT OF REBUTTAL EVIDENCE OF EMILY BUCKINGHAM

(PLANNING – NPS-IB)

Dated 6 October 2023

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INTRODUCTION

1. My full name is Emily Chee Win Buckingham. My qualifications and experience, and the purpose and scope of my evidence, have been set out in my supplementary statement of evidence (Planning – NPS-IB) dated 1 September 2023.
2. I reconfirm that I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and I agree to comply with it.

SCOPE OF EVIDENCE

3. This rebuttal evidence responds to the following provided by submitters in relation to the impacts of National Planning Statement on Indigenous Biodiversity (**NPS-IB**) on Plan Change 9 (**PC9**):
 - a) Supplementary statement of evidence of Ms Ashiley Sycamore (Planning) on behalf of the Director-General of Conservation dated 22 September 2023; and
 - b) Letter from Ms Lisette Balsom on behalf of Waikato Regional Council (**WRC**) dated 19 September 2023.

RESPONSE TO SUBMITTER EVIDENCE

Director-General of Conservation

4. I disagree with the proposed addition of the two policies in paragraph 21 of Ms Sycamore's evidence, as per paragraph 14 of my Section 42A update statement dated 2 June 2023¹ and paragraphs 18-19 of Ms Galt's rebuttal

¹ <https://storage.googleapis.com/hccproduction-web-assets/public/Uploads/Documents/Content-Documents/Property-Rates-and-Building/PC9-Historic-Heritage-and-Natural-Environments/Strategic-Hearings/Day-09-HHA/PC9-s42A-update-statement-2-June-2023.pdf>

evidence dated 12 May 2023.² Treating an area as a Significant Natural Area (**SNA**) should occur once the area is confirmed as an SNA via the First Schedule process which includes full public participation.

5. I disagree with the proposed inclusion of the noise policy in paragraph 31 of Ms Sycamore's evidence, as per paragraph 13 of my Section 42A update statement and paragraphs 13-15 of Ms Galt's rebuttal evidence.
6. I disagree with the proposed amendments to lighting Rule 25.6.4.X in paragraph 39. Referring to paragraphs 51-52 of my supplementary evidence, it is my position that the effects in clause 3.10(2) of the NPS-IB are avoided by this rule.
7. The above three matters have been addressed by parties in previous evidence, and the gazetting of the NPS-IB has not affected the reasoning behind my position on these matters.
8. While I do not disagree with Ms Sycamore's interpretation of clause 3.16 of the NPS-IB, I disagree with paragraphs 27-28 of her evidence, as I consider that addressing clause 3.16 via the proposed additional policy is outside the scope of PC9.

Waikato Regional Council

9. Regarding paragraphs 7-10 of WRC's letter (relating to the consistency between the NPS-IB and Waikato Regional Policy Statement SNA criteria), I rely on Mr Dean's supplementary evidence dated 1 September 2023 which confirms the consistency. Until WRC completes and provides its own

² <https://storage.googleapis.com/hccproduction-web-assets/public/Uploads/Documents/Content-Documents/Property-Rates-and-Building/PC9-Historic-Heritage-and-Natural-Environments/Proponent-Evidence/Rebuttal-Evidence/Rebuttal-evidence-of-Laura-Galt-Planning-SNA.pdf>

assessment of this matter, I consider the issue cannot be taken further and may need to be addressed outside of PC9.

Emily Buckingham

6 October 2023