

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 9 to the Operative Hamilton
City District Plan

STATEMENT OF REBUTTAL EVIDENCE OF HAMISH ALSTON DEAN

(Ecology – Significant Natural Areas)

Dated 12 May 2023

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INTRODUCTION

1. My full name is Hamish Alston Dean
2. My qualifications and experience are as set out in paragraphs two to four of my primary statement of evidence dated 14 April 2023 (**primary evidence**).
3. I reconfirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and I agree to comply with it.

PURPOSE AND SCOPE OF EVIDENCE

4. The purpose of this rebuttal statement of evidence, which is provided on behalf of Hamilton City Council as Plan Change 9 proponent, is to briefly respond to the statements of evidence of Mr Chad Croft (Ecology) on behalf of Te Awa Lakes Unincorporated Joint Venture (**Te Awa Lakes**) and Ms Phoebe Andrews on behalf of David and Barbara Yzendoorn (**Yzendoorn**).
5. My responses deal with issues relating to the significance assessment of individual sites and potential impact of development.

TE AWA LAKES

Mr Chad Croft

6. In the paragraphs below I respond to the evidence of Mr Croft dated 28 April 2023 and to the map provided in the memorandum by Mr Croft dated 19 August 2022 and attached to his evidence.

7. I agree with Mr Croft's statement in paragraph 7(a) that Area 1 (an area of overmature pine forest with indigenous understorey) meets Criterion 3 of the Waikato Regional Policy Statement significance criteria¹.
8. I also agree that Areas 3 and 5 do not meet the criteria (paragraph 7(c)) because they have already been cleared of woody vegetation. However, I disagree that Areas 2 and 4 are not significant, as they are part of the larger SNA site. The canopy of Area 2 is contiguous with Area 1 and provides additional bat habitat which Dr Mueller has covered in paragraphs 26 and 28 of her rebuttal evidence, while Area 4 links to both Area 1 and the riparian vegetation that makes up the remaining part of SNA C76 along the Waikato River.
9. Fragmentation and the cumulative effects of vegetation clearance or disturbance jeopardise the ecological viability of corridors across Hamilton City and unnecessary fragmentation should be avoided. This has previously been discussed in the evidence of Dr Mueller, and our approach to considering the exclusion of an area from an identified SNA has been covered in my primary evidence at paragraph 42.

YZENDOORN

Ms Phoebe Andrews

10. In her evidence dated 3 May 2023, Ms Andrews provides a summary and recap of her Ecological Impact Assessment report² prepared in support of an application for resource consent to establish a duplex on the property. Ms Galt addresses the resource consent process in more detail in her rebuttal evidence.

¹ Waikato Regional Council. 2016. Regional Policy Statement – Chapter 11A. Criteria for determining significance of indigenous biodiversity and guidelines for interpretation.

² Wildland Consultants 2020. Assessment of ecological effects for a proposed development at 29 Petersburg Drive, Hamilton. Wildland Consultants Contract Report R5652.

11. Ms Andrews' evidence assesses the planted indigenous vegetation on the property at 29 Petersburg Drive as significant and the exotic grass areas as not significant. I agree that the indigenous vegetation on the site is significant and consider that there should be no change to the extent of the SNA as notified. I note that Ms Galt recommends in her rebuttal evidence that the SNA be removed from the part of the property over which there is an easement restricting planting. If that occurs, I maintain that the rest of the SNA over the property should remain as notified.
12. Although the assessment of the effects of a proposed development on the property are not the subject of this process, I agree with Ms Andrews' assessment at paragraphs 23 to 25 that, subject to a full effects assessment in that process, the ecological effects of removing 230m² of the planted vegetation type can potentially be addressed.

CONCLUSION

13. Mr Croft and I are in agreement on some of the issues raised in his statement of evidence, but I do not agree with the exclusion of Areas 2 and 4 from the SNA.
14. I generally agree with the evidence of Ms Phoebe Andrews. Subject to Ms Galt's recommendation in respect of the easement area, I recommend that the extent of the SNA on 29 Petersburg Drive be retained as notified.

Hamish Alston Dean

12 May 2023