

My name is John Badham and I live in Kirikiriroa-Hamilton. I hold a Bachelor of Science degree in Resources and Environmental Planning from the University of Waikato, and work with a number of gully restoration volunteer groups in Hamilton. I am also Vice-Chair of the Advisory Committee for the Regional Environment (ACRE) for the Waikato Regional Council.

I support, in principle, the proposed PC9 DP changes for SNA's.

I wish to speak to two items of my submission *in red (attached spreadsheet)*, namely:

- Item 2, proposed changes to Policy 20.2.1(d)(iv-vi) and Policy 20.2.1(e)(i-iii) concerning the validity of the proposed management hierarchy options of biodiversity offsetting and biodiversity compensation, and
- Item 6, relating to Policy 20.2.4(b), protection of natural streams, springs and seepages in Hamilton gullies.

Submission Item 2 With regard to item 2, my submission referred to the RMA 1991, Part 2, cl 5(2)(c), not to the draft National Policy Statement for Indigenous Biodiversity (NPS-IB) stated in the HCC s42A Planning Report (p48). In the hierarchy of NZ planning documents, the primary legislation takes precedence over a draft NPS.

The Environment court has also determined “avoid, remedy or mitigate” in RMA cl 5(2)(c) is also a hierarchy. First avoid; if not possible, then remedy; finally mitigate. Mitigate is a nebulous term, not defined in the RMA; and offsetting and compensation are not mentioned at all.

There is also insufficient scientific research to conclude offsetting and/or compensation will work in all circumstances, for example in relation to the long-tailed bat. As a member of the Riverlea Environment Society, I was involved with the Amberfield (Peacocks) consent hearing, and then the Environment Court case. Whilst there was divergence between the bat experts for the parties on some detail, all experts were agreed there is insufficient scientific knowledge on the ecology of the long-tailed bat to be certain of the efficacy any of the options in RMA cl 5(2)(c). The Court agreed. Therefore, a precautionary approach is required, as mentioned in my original submission. Further detail on bats is given in submission item 3.

I request the hearing panel reconsider my submission item 2.

In respect of the NPS-IB, I also note an apparent inconsistency in the HCC s42A Planning Report, namely the apparent inconsistency between the statements on pages 25 and 48, concerning the validity of the draft NPS-IB for PC9. I have *attached (p2)* the text of the relevant paragraphs for the Panel's consideration.

Submission Item 6 Regarding my item 6, the HCC Planning Report p50 states that my submission is not 'on' PC9. There have been several instances where inappropriate building construction, such as residential retaining walls, decks and drainage, has occurred within Hamilton gullies to the detriment of natural water sources and freshwater fauna functioning. Given that these gullies are both part of existing SNA's, and the proposed enlarged SNA's, this is very much relevant to the proposed PC9 SNA changes. Again, I request the Hearing Panel to reconsider my submission on this point.

Thank you again for the opportunity to speak to this, and I am happy to answer any questions you may have.

John Badham
25 May 2023

Plan Change 9 SNA's Submissions Hearing , HCC, 25 May 2023

326, John Badham submission 2 September 2022

Subm. item	HCC DP reference	Submission Topic	HCC s42a report comment	Submitter comment
1	Chap 20.1a to 20.1(f)(iii), Purpose; also Policy 20.2.1(c)	Support broad intent of PC9 SNA's	p43 - Noted	Noted
2	Pols 20.2.1(d) (iv-vi) and 20.2.1(e) (i-iii)	Oppose biodiversity offsetting & compensation options due to unadequate scientific data wrt bats	p48 - incorrect reference to draft NPS-IB in s42A report NOTE also inconsistency between wording on p25 and on p48 of s42A report, wrt draft NPS-IB (<i>see attached</i>) (See also Appdx 1.2.1(h)(iii))	Submitter reference was to RMA 1991, Pt 2, Cl 5(2)(c), as p25, <u>not</u> to draft NPS-IB, as report p48
3	Rules 20.5.6(c)(iii)1 and 20.5.7(c)(ii)1	Inadequate protection for long-tailed bat	p16, p50, pp60-61, p96 - Noted See Appdx A	Noted
4	Pols 20.2.1 and 20.2.1(c)(i)	Provide incentives and penalties for private SNA's restoration	multiple refs in s42A report	Noted
5	Pol 20.2.2(a)	Good prior communications required for SNA's restoration	p49	Noted
6	Pol 20.2.4(b)	Add prevention of modification of streams, springs, etc. in gullies	p50 - submission not 'on' PC9	Relevant due to inappropriate modifications of SNA gullies by urban development
				Over....

7	Rule 20.3 (l-w)(v)	Strengthen definitions of (existing) structures reqd for restoring SNA's	p80	
8	Rule 20.3(a)(i)	Remove 'age' as a qualifying criterion for trees removal	p52 - Noted	Noted
9	Rules 20.5.6(a)(ii) and 20.5.6(b)	50m ² /year limit for clearing vegetation too restrictive for lg scale restoration Also change 12 mths to 24 mths	p53	Noted
10	Rules 20.5.6(c)(ii)1 and 20.5.6(c)	Add mana whenua to suitably qualified persons definition Also add DOC tree felling protocol re bats	p53 p53	Not agreed Not agreed
11	Rule 20.5.7A(a)	Walking access (tracks, not paths) required for restoration of SNA's	p57 - Noted	Noted

Inconsistent references for draft National Policy Statement for Indigenous Biodiversity (NPS-IB) in HCC s42A report

p25
extract *"It is not considered that re-drafting the PC9 provisions to respond to the exposure draft of the NPS-IB is appropriate given it has not been enacted as a national policy statement and substantial uncertainty remains about the contents. The SNA component of PC9 is a response to Part 2 RMA..."*

p48
extract *"The wording of Policy 20.2.1(d) currently aligns with the draft National Policy Statement on Indigenous Biodiversity (NPS-IB), which includes policy and implementation measures around the options of offsetting and compensation. It is considered that it should remain as is..."*