

BEFORE

the Independent Hearing Panel appointed by the
Hamilton City Council

UNDER

the Resource Management Act 1991 (the Act)

And

IN THE MATTER OF

Proposed Plan Change 9 – Historic Heritage and
Natural Environment

BY

Hamilton City Council

SUMMARY STATEMENT OF ASHLEY SYCAMORE

PLANNING – SIGNIFICANT NATURAL AREAS

19 MAY 2023

Counsel for the Director-General of Conservation

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INTRODUCTION

1. My name is Ashiley Sycamore.
2. I prepared a statement of evidence dated 28 April 2023¹ and rebuttal evidence dated 11 May 2023². I am a signatory to the Planning Joint Witness Statement dated 20 March 2023³. I was unable to attend the Ecology and Planning expert conferencing session on 14 March 2023 because I unexpectedly had a funeral to attend that day.
3. Point 6 onwards summarises my planning evidence, which at this time and aside from the notification/non-notification rules section below, has not changed from my statement of evidence and rebuttal evidence.

NOTIFICATION/NON-NOTIFICATION RULES

4. I have reviewed my evidence and have identified that my opinion has changed on the topic of notification/non-notification rules since my evidence was prepared.
5. Figure 1.1.9a within the Hamilton City Operative District Plan is a process to determine notification of resource consent applications. It is noted that most activity examples within Figure 1.1.9a are Restricted Discretionary (RD) activities, though there is one example of a Discretionary activity (a Show Home in the Residential Intensification Zone). I consider that my original recommendation to amend Figure 1.1.9a to include reference to an infringement of Rule 20.5.6 and/or 20.5.7 would be inappropriate given this would default to a Non-Complying activity and the usual notification assessment under s95 of the RMA should instead apply.
6. I consider that it would still be appropriate to update Figure 1.1.9a to allow limited notification to the Department of Conservation where an activity causes minor or more than minor adverse effects on threatened or at-risk species for a RD activity. I consider an appropriate standard for this scenario is Activity 20.3I (Construction of new public walkways and cycleways through a SNA, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks) which is a RD activity within a cSNA.
7. I note that this recommendation links to a submission point by the Director-General who held concerns with the permissive nature of the activity status for the construction of new public walkways and cycleways through a SNA. It is noted that the recommendations version of PC9 amended Activity 20.3I from a RD activity to a Discretionary activity within a fSNA. Activity 20.3I within a cSNA remained a RD activity.
8. To achieve the above, I recommend that Activity 20.3I (Construction of new public walkways and cycleways through a Significant Natural Area) within a cSNA be altered from a RD activity to a RD* activity, with the addition of the asterisk (*) triggering an assessment under Figure 1.1.9a. Following this, I

¹ [Department-of-Conservation-Ashiley-Sycamore-Statement-of-Evidence-Significant-Natural-Areas.pdf](#)

² [Department-of-Conservation-Rebuttal-Evidence-Planning-Significant-Natural-Areas-Ashiley-Sycamore-11052023.pdf](#)

³ [Session-4-JWS-HCC-PC9.pdf](#)

recommend that Figure 1.1.9a be amended to include the below wording, or wording to like effect:

Is the Activity identified in Rule 20.6ii? [To be added to the fourth chart on the left].

If yes, then does the activity cause minor or more than minor adverse effects on bats or any other Threatened or At-Risk indigenous fauna?

If yes then, the Department of Conservation / Te Papa Atawhai will be considered an affected party on a limited basis.

CONTEXT

9. Hamilton City's boundaries contain long-tailed bats (*Nationally Critical – Threatened*⁴) and their habitat. This population faces increased fragmentation of its habitat from planned and proposed development.
10. As detailed within my planning evidence, I have proposed changes to the District Plan provisions in regard to the topics summarised below. It is my opinion that these recommendations assist in achieving the intent of PC9.

LIGHTING ANG GLARE

11. While I support the new lighting standard Rule 25.6.4.X for sites adjacent to or within SNAs (excluding Peacocke Precinct), I request two amendments to this standard being a maximum colour temperature of 2700K maximum colour (in place of 3000K) and a motion sensor timer of 1 minute (in place of 5 minutes).
12. I consider the following amendments to Rule 25.6.4.X are necessary to minimise the effects of lighting on indigenous biodiversity including the long-tailed bat as detailed further within the evidence of Dr Kerry Borkin.
13. If the wording changes above are not supported, other provisions that minimise the effects of lighting on indigenous biodiversity could be included in PC9 such as increased building setbacks for lighting standard 25.6.4.X and planting buffers.

NOISE

14. As detailed further within Dr Kerry Borkin's evidence⁵, noise is one adverse effect on indigenous biodiversity as a result of development in proximity to SNAs. In lieu of a setback provision being included in PC9 to minimise adverse effects resulting from development on indigenous biodiversity such as the long-tailed bat, I recommend that additional provisions for noise be added to Chapter 25.8 (Noise and Vibration) of the District Plan.
15. In my evidence, I have recommended that a new noise policy be included in Chapter 25.8 to ensure that noise does not adversely effect fauna in a Significant Natural Area.

⁴ Conservation status of bats in Aotearoa New Zealand, 2022 By: Colin O'Donnell, Kerry Borkin, Jenny Christie, Ian Davidson-Watts, Gillian Dennis, Moira Pryde, Pascale Michel. *New Zealand Threat Classification Series* 41. Department of Conservation, Wellington. 18 p. (PDF, 783k)

⁵ [Department-of-Conservation-K-Borkin-Evidence-PC9-April-2023-DOC-7322063-4-002.pdf](#)

BIODIVERSITY OFFSETTING AND COMPENSATION

16. The Director-General's submission requested that PC9 provides clearer guidance on the use of offsetting and compensation. An additional information requirement under 1.2.2.X was recommended in the s42A report in response to this submission point.
17. The wording of 1.2.2.X ensures that any assessment in line with this information requirement would be required against the best practice guidelines on offsetting and compensation, which is important if in the future there are new or updated best practice documents.
18. I recommend that the proposed information requirement 1.2.2.X be retained as notified in the recommendations version of PC9, which includes the reference to "most recent best practice guidelines".

NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY (NPS-IB)

19. If the NPS-IB is gazetted before decisions are made on PC9, I agree with the s42A report that any required adjustments to PC9 should be considered and made. It is anticipated that NPS-IB will be gazetted in 2023.

SNA CRITERIA

20. The purpose of SNAs under 20.1c of the recommendations version of PC9 references an outdated section of the Waikato Regional Policy Statement (WRPS). I recommend that the wording of 20.1c be updated to reference the SNA criteria under APP5 of the WRPS.

SNA MAPPING

21. The Director-General's submission sought additional provisions in PC9 to protect unmapped areas within Hamilton City that meet SNA criteria for 'significance' under APP5 of the WRPS, as required by section 6(c) of the RMA. Within my planning evidence, I recommended two new policies be included in Chapter 20 of PC9 to identify and recognise areas of significant indigenous vegetation and significant habitats of indigenous fauna.

POLICIES

22. I agree with the amendments to Policy 20.2.1f, Policy 20.2.1g, and Policy 20.2.1k (note: the numbering of Policy 20.2.1k is proposed to change to Policy 20.2.3a) and I recommend that these three policies be retained as notified in the recommendations version of PC9.

EUROBATS REFERENCE

23. The evidence of Dr Kerry Borkin, Dr Hannah Mueller, and John Mckensey all reference and rely on the EUROBATS guidelines. The EUROBATS reference will be helpful for District Plan users who need to consider or address the adverse effects of light spill on long-tailed bats. I support the inclusion of the EUROBATS reference, and I recommend that the text within the explanation section of the lighting and glare objectives and policies be retained.



Ashley Sycamore – 19 May 2023

Figure 1.1.9a Process to determine notification of resource consent applications

