

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 Operative Hamilton
City District Plan

STATEMENT OF MARK AND SARA PARIS
23 May 2023

Introduction

- 1 Our names are Mark and Sara Paris, and we make this statement on behalf of the trustees of the Paris Family Trust, the registered owner of 27 Keswick Crescent, Hamilton (**Property**).
- 2 We made a submission on Plan Change 9 relating to the extent of the boundary of the proposed cSNA C35 – Mangaiti Gully – upstream (**proposed SNA**) over our Property.
- 3 We seek that the proposed SNA boundary is adjusted and reduced to between 0-5m from our Property boundary at the bottom of the section.
- 4 We oppose any rules relating to proposed SNAs that affect our Property.

Our garden

- 5 The bank at the rear of the Property covered by the proposed SNA overlay was originally filled by a land developer in the mid-late 1990s when the subdivision was completed. The original gully has been extensively modified and the original vegetation was removed to allow for the fill. The fill has significantly modified the original gully system, and it removed or buried the vegetation that existed at the time. This must have been approved by Hamilton City Council (**HCC**) when the Huntington subdivision was developed.
- 6 All the plants on the Property were planted when we moved in over 25 years ago. This involved removing all of the gorse on the gully bank and replacing it with plants to our liking. We planted our garden for our own enjoyment, peace, privacy and solitude.
- 7 There are native plants within the proposed SNA, but this only includes Pittosporum which we purchased and planted as seedlings years ago for our own passion and enjoyment of our Property. We are of the understanding that Pittosporums are a popular plant and are not significant to the gully, our Property, or Hamilton in general.

Hamilton City Council s 42A report recommendation

- 8 HCC's 42A report adopts the recommendation from the 4Sight Consulting Technical Ecology Report that the proposed SNA over our Property should be adjusted to exclude the retaining wall, gardens, and fruit trees.
- 9 We do not consider that this relief is suitable and seek that the SNA boundary be removed in its entirety, or as a bare minimum 5 metres within our Property boundary at the bottom of our section. We outline our reasons for this below:

Private Property rights

- 10 We think that it is unreasonable that private landowners are impacted by SNA listings which cover large parts of their backyards and gardens. This takes away the ability for private landowners to do what they please with their backyards and gardens to which they purchased and pay rates on.
- 11 We do not want the public or HCC's contractors to confuse our Property as public property and enter without our consent.
- 12 We do not think it is reasonable that we will be required to obtain a resource consent to do further works in our own backyard because of this proposed SNA listing.

Waikato Regional Policy Statement Criteria

- 13 HCC has determined that the proposed SNA meets criteria 1,3,4,6,7,8,9, and 11 of the Waikato Regional Policy Statement (**WRPS**) criteria for Indigenous Biodiversity.
- 14 We dispute that that SNA over our Property meets this criteria and we set out our reasons for this below:

Criterion 1

- 15 HCC's Master Dataset states that Criterion 1 is met because the proposed SNA is part of the HCC Mangaiti Park Reserve.¹

¹ Hamilton City Council SNA Master Dataset Full Significance Justification.

- 16 Our Property is not part of the Mangaiti Park Reserve and therefore this criterion should not apply.

Criterion 3

- 17 We are not aware of any uncommon plant or insect species, nationally critical mammal species or fish species that are present in the proposed SNA on our Property.
- 18 Our Property does not have any vegetation or habitat that is currently habitat for indigenous species that are threatened or at risk, endemic to the Waikato Region or at the limit of their natural range.
- 19 We have never seen any bats on our Property. The larger plants on our Property have insubstantial trunks and root systems. Many have fallen over during the years we have lived at the Property. We consider that these plants are unlikely to be suitable habitats for bats. All plants on our Property have been planted by us.
- 20 There are no fish species that could use our Property as their habitat.
- 21 For this reason, criterion 3 does not apply to our Property.

Criteria 4 and 6

- 22 HCC's Master Dataset states that there is national or regional under-represented wetland vegetation that provides a habitat for indigenous species in the proposed SNA on our Property.²
- 23 We have not planted any wetland vegetation on our Property. There is no indigenous vegetation, habitat or ecosystem type on our Property that is under-represented in Hamilton, the Waikato or New Zealand. As mentioned above, Pittosporums is the only native species with the SNA on our Property and that is considered common. Criterion 4 does not apply for this reason.
- 24 There is also no wetland habitat for indigenous plant communities or indigenous fauna communities. Criterion 6 does not apply for this reason.

² Hamilton City Council SNA Master Dataset Full Significance Justification.

Criterion 7

- 25 HCC's Master Dataset states that the proposed SNA meets criterion 7 because it is relatively large and within HCC boundaries.
- 26 Removing our Property from the overall SNA that is 28.48ha will not change the SNA from being 'large'.

Criterion 8

- 27 HCC's Master Dataset states that the proposed SNA is vital to the aquatic fauna of the region.
- 28 Our Property is a housing block over from the Kirikiriroa Stream (the nearest stream to our house which runs through Mangaiti Park Reserve). There is no physical connectivity between our Property and the stream because of this manmade buffer.
- 29 There are no wetlands or swamps or anything on our Property that is vital to the aquatic fauna of the region.

Criterion 9

- 30 HCC's Master Dataset states that the proposed SNA is a "healthy gully system".³
- 31 We do not see how this criterion can apply to our Property, when it does not contribute to the rest of the gully system. The gully system is not reliant on our Property. Our garden has been planted and is entirely maintained by us.

Criterion 11

- 32 HCC's Master Dataset states that the proposed SNA provides linkages to the wider gully system and the Waikato River.⁴

³ Hamilton City Council SNA Master Dataset Full Significance Justification.

⁴ Hamilton City Council SNA Master Dataset Full Significance Justification.

- 33 Our Property is over 3km from the Waikato River. We dispute that our Property provides a link to the Waikato River, or that removing the extent of the proposed SNA will impact on the river.
- 34 As stated above, Kirikiriroa Stream which connects to the Waikato River is separated from us by a row of houses. Our backyard does not in anyway form part of the link between Kirikiriroa Stream and the Waikato River.

Process used by Hamilton City Council

- 35 Following our submission 4Sight Consulting arranged to visit our Property to do an assessment on 16 February 2023.
- 36 When our lawyers asked for a copy of the assessment report on our Property and the subsequent results following the site visit they were directed to general assessment reports issued by 4Sight Consulting. We are of the understanding that there is no individual report on our Property from that assessment.
- 37 We are concerned that HCC has not been transparent with private landowners throughout this process and has over stated the significance of the area.

Other Matters

Mangaiti Gully Restoration Plan

- 38 In July 2020 we were notified that Hamilton City Council and the Mangaiti Gully Restoration Trust initiative were partnering to develop a Mangaiti Gully Restoration Plan (**Restoration Plan**).
- 39 Three main zones were identified within the Restoration Plan. Our Property was not identified within these restoration zones, even though the boundaries of the zones traverse a number of other private properties.

Conclusion

- 40 The impact of the proposed SNA over our Property means we have to bear the cost of a resource consent should we wish to carry out any maintenance work on our Property. Our garden requires significant ongoing maintenance and is impacted by neighbouring properties and HCC land below. We are concerned that without regular maintenance,

pest species will encroach onto our Property from the neighbouring properties.

- 41 We object to the proposed SNA over our Property. It covers a very large and unreasonable proportion of our Property which as far as we are concerned is an ordinary privately owned suburban property. The proposed SNA does not meet the WRPS criteria and only has one native species that is common. We have still not received any assessment which states how this criterion applies to our Property.
- 42 We ask that the extent of the proposed SNA over our Property is adjusted and reduced further to within 0-5m from our Property boundary.

Dated 23 May 2023

Mark and Sara Paris