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19 September 2023

Plan Change 9 – Historic Heritage and Natural Environment Hearings Panel
Hamilton City Council

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Dear David Hill (Chairperson),

Waikato Regional Council staff position on Proposed Plan Change 9 – Historic Heritage and Natural Environment to the Operative Hamilton City District Plan in relation to the National Policy Statement on Indigenous Biodiversity.

1. I request that this letter is tabled at the Session 2 Hearing for Proposed Plan Change 9 (PC9) on 6-15 November 2023 confirming Waikato Regional Council's (WRC's) position on the recommendations presented in the supplementary section 42A report and Hamilton City Council (HCC) evidence relating to the National Policy Statement on Indigenous Biodiversity 2023 (NPS-IB).
2. WRC made a submission (submission 456) and further submission on PC9. The submissions predominantly focused on matters relating to the significant natural areas (SNAs) topic and the provisions of Chapter 20 – Natural Environments. Therefore, WRC staff are only interested in the NPS-IB topic of the Session 2 Hearing.
3. WRC staff did not attend or present at the Session 1 Hearing for PC9, instead a letter to the Panel was tabled which supported the section 42A recommendations relating to the WRC submission under the SNA topic.
4. WRC staff are also generally supportive of the recommendations set out in the supplementary section 42A report of Ms Buckingham and HCC's ecological evidence of Mr Dean and consider that the proposed amendments to provisions give effect to the NPS-IB, are not contrary to WRC's submission points and align with the Waikato Regional Policy Statement (WRPS).
5. Specifically, WRC staff's position on the supplementary section 42A report recommendations is as follows:
 - a. We agree that PC9 is overall aligned with the objective of the NPS-IB in its approach to SNAs.
 - b. We agree that the 10% target for indigenous vegetation cover is consistent with the NPS-IB and note that WRC has not yet set any other target under the NPS-IB for vegetation cover in the city.
 - c. We agree that the aquatic environments identified as SNA in PC9 are still appropriate given they qualify under the WRPS criteria even though the NPS-IB only applies to terrestrial environments.
 - d. We agree that areas identified as significant bat habitat should remain identified as SNAs.

- e. We agree that HCC will still need to identify any additional SNAs within 5 years, for example, mudfish habitat.
 - f. We agree that the NPS-IB does not provide for exemptions for SNA identification and that sites which have been exempted under PC9 may need reassessment and reidentifying.
 - g. We agree that the reasons for which vegetation removal is permitted in SNAs under the PC9 provisions align with and give effect to the NPS-IB objective for there to be no overall loss in indigenous biodiversity.
 - h. We agree that Standard 20.5.7 should be amended to require all cleared areas to be replanted in order to be a permitted activity, so as to be consistent with clause 3.15 of the NPS-IB.
 - i. We agree that the definitions for biodiversity offsetting and compensation should be amended to align with those in the NPS-IB.
6. Please note that should the Section 42A author for Hamilton City Council change their position or recommendations on the above, WRC's position outlined in this letter may be subject to change.
7. WRC staff consider there remains one area of uncertainty regarding PC9's alignment with the NPS-IB, which is the methodology for SNA identification. Clause 3.8 of the NPS-IB requires territorial authorities to identify SNAs across their districts in accordance with Appendix 1 of the NPS-IB. However, Clause 3.8(5) states that areas already identified as SNAs at commencement of the NPS-IB need not be re-identified if a qualified ecologist confirms that the methodology used was consistent with the approach in Appendix 1.
8. Mr Dean concludes that overall, the SNA identification methodology used in PC9, which he states applied the criteria from the WRPS, is consistent with the NPS-IB. Mr Dean includes a comparison table of the NPS-IB and WRPS significance criteria on page 7 of his evidence.
9. WRC staff are currently undertaking a similar assessment on the consistency between the WRPS SNA criteria and the NPS-IB criteria to inform SNA identification processes across the region. This work is still underway, but at this stage, we understand there may be some (potentially significant) differences. Therefore, at this stage, WRC staff cannot confidently say that the PC9 (or WRPS) approach is or is not consistent with the NPS-IB. It is currently unknown when this work is likely to be complete and whether it will be in time to inform the Panel's decisions for PC9. We are also hoping for some national guidance to assist in understanding the methodology which underpins the NPS-IB.
10. WRC staff are happy to provide an update on this issue at or following the Session 2 Hearing for PC9 if the work has progressed to a stage where it may be useful for the Panel's decision.
11. Should you have any queries regarding the content of this letter please contact Hannah Craven – Senior Policy Advisor, Strategic and Spatial Planning on (07) 859 2831 or by email hannah.craven@waikatoregion.govt.nz.

Yours sincerely,



Lisette Balsom
Manager, Strategic Policy Implementation