

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

REBUTTAL EVIDENCE OF ASHLEY SYCAMORE
ON BEHALF OF
THE DIRECTOR-GENERAL OF CONSERVATION / TUMUAKI AHUREI
SUBMITTER NUMBER #425
PLANNING – SIGNIFICANT NATURAL AREAS
11 MAY 2023

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INTRODUCTION

1. My name is Ashiley Sycamore. I have the qualifications and experience set out in paragraphs 2 – 5 of my planning evidence dated 28 April 2023.

SCOPE

2. In this statement of rebuttal evidence, I cover the following topics in relation to the evidence of Ben Inger for The Adare Company Limited¹:
 - EUROBATS reference
 - Guidance for offsetting and compensation

EUROBATS REFERENCE

3. The evidence of Ben Inger for The Adare Company Limited considers that the reference to EUROBATS following the lighting and glare objectives and policies is inappropriate and unnecessary.
4. From a planning perspective, I disagree that the reference to EUROBATS would make the lighting and glare provisions less clear. Although the lighting and glare rules do not specifically reference the EUROBATS guidelines, they were used to inform the wording of proposed Rule 25.6.4.X² (recommendations version of PC9). For this reason, I consider that the reference to EUROBATS complements the lighting and glare provisions.
5. The proposed wording within the recommendations version of PC9 states that “*For guidance on addressing adverse effects of light spill on long-tailed bats refer to EUROBATS Publication Series No. 8: Guidelines for consideration of bats in lighting projects (2018)*”. The text clearly states that the EUROBATS reference is for guidance only and due to this, I consider that the EUROBATS reference will not detract from the lighting and glare provisions or confuse District Plan users.

¹ [Inger, B. 2023. EVIDENCE IN CHIEF OF BEN MAXWELL INGER FOR THE ADARE COMPANY LIMITED, PLANNING \(SESSION 1\). 28 April 2023. In the matter of hearing submissions on Plan Change 9 to the Hamilton City District Plan.](#)

² Point 24 – Mckensey JK. 2023. STATEMENT OF EVIDENCE OF JOHN KINROSS MCKENSEY (Lighting – Significant Natural Areas) 14 April 2023, IN THE MATTER of Proposed Plan Change 9 to the Operative Hamilton City District Plan.

6. 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, for example, during a resource consent process for an activity that involves lighting within or in proximity to a Significant Natural Area.
7. The evidence of Dr Kerry Borkin³, Dr Hannah Mueller⁴, and John Mckensey⁵ all reference and rely on the EUROBATS guidelines. The evidence of Dr Kerry Borkin states that *“In my opinion, adhering to the international guidance given by EUROBATS 8 for managing effects of lighting on bats will be the best way to reduce its effects”*.
8. Overall, I support the inclusion of the EUROBATS reference, and I conclude that the text within the explanation section of the lighting and glare objectives and policies should be retained.

GUIDANCE FOR OFFSETTING AND COMPENSATION

9. The evidence of Ben Inger for The Adare Company Limited considers that the information requirement under 1.2.2.X is unnecessary and should be deleted. The evidence states that *“the reference to the “most recent best practice guidelines” is unclear, particularly as the examples in the note suggest that it is not just the most recent best practice guideline (i.e. the 2018 guideline) that would require consideration (i.e. the 2014 guideline would also need to be considered)”*.
10. I disagree that the reference to the *“most recent best practice guidelines”* is unclear. I consider that the wording of the information requirement does not require either the 2014 guideline or 2018 guideline to be used when completing an assessment in regard to offsetting and compensation. The two guidelines are included in the information requirement as an example and allows Council the flexibility to determine which guidelines should be used for assessment purposes. A note is included within the information requirement

³ [Borkin, K. 2023. Evidence of Dr Kerry Maree Borkin \(bat ecology in relation to SNAs\) on behalf of the Director-General of Conservation. 28 April 2023. In the matter of Proposed Plan Change 9 to the Operative Hamilton City District Plan.](#)

⁴ Mueller, H. 2023. STATEMENT OF EVIDENCE OF DR HANNAH MUELLER (Ecology - Significant Natural Areas) 14 April 2023, IN THE MATTER of Proposed Plan Change 9 to the Operative Hamilton City District Plan.

⁵ Mckensey JK. 2023. STATEMENT OF EVIDENCE OF JOHN KINROSS MCKENSEY (Lighting – Significant Natural Areas) 14 April 2023, IN THE MATTER of Proposed Plan Change 9 to the Operative Hamilton City District Plan.

referencing the 2014 and 2018 guidelines as “*current guidance documents*”, rather than “*most recent best practice guidelines*”.

11. I note that leaving the text “*most recent best practice guidelines*” will avoid unnecessary plan changes in the future if the National Policy Statement for Indigenous Biodiversity (NPS-IB) is gazetted and contains a new framework for offsetting and compensation, or if new best practice guidelines become available.
12. From a planning perspective, I consider that the proposed information requirement under 1.2.2.X will assist District Plan users who are assessing or preparing a resource consent application for an activity proposing biodiversity offsetting or biodiversity compensation measures.
13. The information requirement will also assist Council planners when determining whether a resource consent application is complete under s88 of the Resource Management Act⁶. In my opinion, it would be inappropriate for Council to accept a resource consent application for processing that proposes biodiversity offset or biodiversity compensation measures if the application does not include an assessment of the application against the effects hierarchy and the most recent guidelines on offsetting/compensation. Retaining the proposed information requirement under 1.2.2.X will enable Council to return an incomplete application under s88, thereby ensuring that the above situation does not occur.
14. I conclude that removing information requirement 1.2.2.X in its entirety is an excessive response to a minor wording concern.
15. To reiterate my planning evidence dated 28 April 2023, I recommend that the proposed information requirement 1.2.2.X be retained as notified in the recommendations version of PC9.



Ashley Sycamore

11 May 2023

⁶ [Resource Management Act 1991 No 69 \(as at 13 April 2023\), Public Act 88 Making an application – New Zealand Legislation](#)