

18 November 2022

TO: Waipa District Council
By email: districtplan@waipadc.govt.nz

FROM: Royal Forest and Bird Protection Society of New Zealand
PO Box 631
Wellington 6140
+64 04 385 7375
office@forestandbird.org.nz

Contact: Barbara Hammonds
Regional Conservation Manager
Email: b.hammonds@forestandbird.org.nz

RE: Further submission on Proposed Private PC20 to the Waipa District Plan

1. Forest & Bird represents a relevant aspect of the public interest, and has an interest greater than the public generally.
2. Forest and Bird could **not** gain an advantage in trade competition through this submission.
3. Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.
4. Forest & Bird is New Zealand's largest non-governmental conservation organisation with many members and supporters. In support of that purpose, Forest & Bird regularly participates in resource management processes relating to biodiversity across Aotearoa New Zealand.
5. Forest & Bird's specific concerns are set out in the table below in respect of the original submissions we support or oppose on PC 20.

Barbara Hammonds

The specific submission(s) on the Proposed Plan Change to the Waipa District Plan that this further submission relates to is/are as follows:

Submission Point	Submitter Name	Support	Oppose	Reason for Support/Opposition	Decision Sought
01.3	Jennifer McDowall	Support		The NPS-HPL directs that re-zoning, subdivision or development of the highly productive land is to be avoided. Forest & Bird supports this very directive wording (see our Submission Paras 32-36); and therefore supports this submission point.	Assessment of the plan change against the NPS-HPL and WRPS provisions relating to high class soils
11.2	Waikato Regional Council	Support		The NPS-HPL directs that re-zoning, subdivision or development of the highly productive land is to be avoided. Forest & Bird supports this very directive wording (see our Submission Paras 32-36); and therefore supports this submission point, including assessing the plan change against the WRPS provisions relating to high class soils.	Assessment of the plan change against the NPS-HPL and WRPS provisions relating to high class soils
11.3	Waikato Regional Council	Support		<p>Due to their critically endangered status, 'the Hamilton long-tailed bat population [is] important for national species management and conservation.'¹ (See our Submission Paras 2 – 6). This is the main reason we oppose the Proposed Private Plan Change; as is clear from our full Submission and Submission Points 1, 2, 4, 5, 6 and 7.</p> <p>If it goes ahead, the proposed plan change needs much stronger provisions in order to protect bats and give effect to the RPS and the RMA.</p> <p>Avoiding the removal of bat habitat must be given the highest priority. See our Submission, especially Paras 8, 9, 13 – 19, 25, 26 and Submission Point 2.</p>	<p>If the plan change goes ahead, F&B endorses WRC's requested decision in full. Also see our comment in this column for 20.1 (DOC's requested decision.)</p> <p>In addition, we ask that Bat Protection Areas (including bat corridors) are defined in the DP, researched and mapped; and that the wider landscape used by</p>

¹ Project Echo 2021 Hamilton City Wide Bat Survey, Harvey Aughton – Go Eco, nd. p3

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				We strongly agree that there should be one integrated Ecological Management Plan that incorporates elements of a Bat Management Plan, lighting plan, and planting recommendations that work in conjunction.	bats is included in this research and mapping, perhaps as a collaborative effort by the regional and local authorities in the wider area known to be used by bats.
13.1	Riverlea Environment Society	Support		<p>Due to their critically endangered status, 'the Hamilton long-tailed bat population [is] important for national species management and conservation.'² This is the main reason we oppose the Proposed Private Plan Change, as is clear from our full submission and Submission Points 1, 2, 4, 5, 6 and 7.</p> <p>If it goes ahead, the proposed plan change needs much stronger provisions in order to protect bats and give effect to the RPS and the RMA.</p>	<p>If the plan change goes ahead, F&B endorses in full WRC's requested decision in respect of bats. Also see our comment in this column for 20.1 (DOC's requested decision.)</p> <p>In addition, we ask that Bat Protection Areas (including bat corridors) are defined in the DP, researched and mapped; and that the wider landscape used by bats is included in this research and mapping, perhaps as a collaborative effort by the regional and local authorities in the</p>

² Project Echo 2021 Hamilton City Wide Bat Survey, Harvey Aughton – Go Eco, nd. p3

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					wider area known to be used by bats.
14.1	Titanium Park Ltd Rukuhia Properties Ltd		Oppose	<p>The requested decision asks for the words 'or compensated' to be inserted into Policy 10.3.2.2A, Rule 10.4.2.14A(a).</p> <p>Biodiversity compensation appears to not have any clear definition, especially when being applied to a highly mobile species like the long-tailed bat, which is also faithful to a home territory and specific trees.</p> <p>In relation to protecting biodiversity from the impacts of development, Commissioner Direction 7 for Hamilton City Council PC5 (Peacocke Structure Plan Area), 7 October 2022, states: '... 4 The Panel also takes note of Ms Hooper's comments on the matter of compensation, the concerns raised in evidence regarding the effects management hierarchy, and the fact that those matters are yet-to-be-determined.'³ See our Submission Para 13 and 14, and Submission Point 4.</p> <p>We note however, that DOC (in 20.3) states 'as the management plan approach proposed in PC20 may require the management of significant residual effects inclusion of biodiversity offsetting and compensation guidance is considered necessary.'</p>	<p>To NOT include compensation in these sections, but instead to amend Policy 10.3.2.2A to prioritise avoidance of bat habitat removal and reword Rule 10.4.2.14A(a) to prioritise avoidance of bat habitat removal and protect all functional bat habitat areas, not just roost trees.</p> <p>If biodiversity offsetting and biodiversity compensation must be included, F&B supports the decision requested by DOC in 20.3</p>

³ <https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-5/>

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16.1	Go Eco	Support		<p>Due to their critically endangered status, 'the Hamilton long-tailed bat population [is] important for national species management and conservation.'⁴ This is the main reason we oppose the Proposed Private Plan Change, as is clear from our full submission and Submission Points 1, 2, 4, 5, 6 and 7.</p> <p>If it goes ahead, the proposed plan change needs much stronger provisions in order to protect bats and give effect to the RPS and the RMA.</p>	<p>If the plan change goes ahead, F&B endorses in full WRC's requested decision in respect of bats. Also see our comment in this column for 20.1 (DOC's requested decision.)</p> <p>In addition, we ask that Bat Protection Areas (including bat corridors) are defined in the DP, researched and mapped; and that the wider landscape used by bats is included in this research and mapping, perhaps as a collaborative effort by the regional and local authorities in the wider area known to be used by bats.</p>
16.3	Go Eco	Support		The NPS-HPL directs that re-zoning, subdivision or development of highly productive land is to be avoided. Forest & Bird supports this very directive wording (see our Submission Paras 32-36); and therefore supports this submission point.	Assessment of the plan change against the NPS-HPL and WRPS provisions relating to high class soils
19.1	Katherine Hay -	Support		Due to their critically endangered status, 'the Hamilton long-	If the plan change goes

⁴ Project Echo 2021 Hamilton City Wide Bat Survey, Harvey Aughton – Go Eco, nd. p3

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	Forest & Bird (Waikato Branch)			<p>tailed bat population [is] important for national species management and conservation.’⁵ This is the main reason we oppose the Proposed Private Plan Change; as is clear from our full submission and Submission Points 1, 2, 4, 5, 6 and 7.</p> <p>We fully endorse Katherine Hay’s submission point on bats.</p> <p>If it goes ahead, the proposed plan change needs much stronger provisions in order to protect bats and give effect to the RPS and the RMA.</p>	<p>ahead, F&B endorses WRC’s requested decision in full. Also see our comment in this column for 20.1 (DOC’s requested decision.)</p> <p>In addition, we ask that Bat Protection Areas (including bat corridors)⁶ are defined in the DP, researched and mapped; and that the wider landscape used by bats is included in this research and mapping, perhaps as a collaborative effort by the regional and local authorities in the wider area known to be used by bats.</p>
19.2	Katherine Hay - Forest & Bird (Waikato Branch)	Support		The NPS-HPL directs that re-zoning, subdivision or development of highly productive land is to be avoided. Forest & Bird supports this very directive wording (see our Submission Paras 32-36); and therefore supports this submission point, including assessing the plan change against the WRPS provisions relating to high class	Assessment of the plan change against the NPS-HPL and WRPS provisions relating to high class soils

⁵ Project Echo 2021 Hamilton City Wide Bat Survey, Harvey Aughton – Go Eco, nd. p3

⁶ For example, see Timaru District Council’s Proposed District Plan maps with a layer showing Bat Protection Areas <https://timaru.isoplan.co.nz/eplan/property/1480661/1404215/5186692/5070926/0/93>

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				soils.	
20.1	Department of Conservation	Support		<p>Due to their critically endangered status, ‘the Hamilton long-tailed bat population [is] important for national species management and conservation.’⁷ This is the main reason we oppose the Proposed Private Plan Change; as is clear from our full submission and Submission Points 1, 2, 4, 5, 6 and 7.</p> <p>If it goes ahead, the proposed plan change needs much stronger provisions in order to protect bats and give effect to the RPS and the RMA.</p>	If the plan change goes ahead, F&B endorses both DOC’s and WRC’s requested decisions in full. Where are there substantive differences, a solution agreeable to both submitters is to be found.
20.2	Department of Conservation	Support		<p>As for our comments above in 20.1.</p> <p>Lighting provisions are of utmost importance for the protection of bats. See our Submission Para 20 and Submission Point 5.</p>	If the plan change goes ahead, F&B endorses DOC’s requested decisions on lighting in full.
20.3	Department of Conservation	Support if necessary		<p>As for our comments in 14.1, biodiversity compensation appears to not have any clear definition, and offsetting may not be effective (see our Submission Para 13 and 14 and Submission Points 2 and 4), especially when being applied to a highly mobile species like the long-tailed bat, which is also faithful to a home territory and specific trees.</p> <p>In relation to protecting biodiversity from the impacts of development, Commissioner Direction 7 for Hamilton City Council PC5 (Peacocke Structure Plan Area), 7 October 2022, states: ‘... 4 The Panel also takes note of Ms Hooper’s comments on the</p>	If biodiversity offsetting and biodiversity compensation must be included, F&B supports the decision requested by DOC in 20.3

⁷ Project Echo 2021 Hamilton City Wide Bat Survey, Harvey Aughton – Go Eco, nd. p3

Submission Point	Submitter Name	Support	Oppose	Reason for Support/Opposition	Decision Sought
				<p>matter of compensation, the concerns raised in evidence regarding the effects management hierarchy, and the fact that those matters are yet-to-be-determined.⁸ See our Submission Para 13 and 14, and Submission Point 4.</p> <p>We note however, that DOC states ‘as the management plan approach proposed in PC20 may require the management of significant residual effects inclusion of biodiversity offsetting and compensation guidance is considered necessary.’</p>	
23.10	Hamilton City Council	Support in part		<p>Due to their critically endangered status, ‘the Hamilton long-tailed bat population [is] important for national species management and conservation.’⁹ This is the main reason we oppose the Proposed Private Plan Change; as is clear from our full Submission and Submission Points 1, 2, 4, 5, 6 and 7.</p> <p>If it goes ahead, the proposed plan change needs much stronger provisions in order to protect bats and give effect to the RPS and the RMA.</p> <p>We agree with HCC on the need for a coordinated regional approach to bat protection, but do not think their submission point and decision requested goes far enough in strengthening provisions for protecting bats, which is why we have said ‘support in part’. See our Submission paras 9-12, and Submission Point 2.</p>	If the plan change goes ahead, F&B endorses both DOC’s and WRC’s requested decisions in full. Where are there substantive differences, a solution agreeable to both submitters is to be found.

⁸ <https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-5/>

⁹ Project Echo 2021 Hamilton City Wide Bat Survey, Harvey Aughton – Go Eco, nd. p3

Submission Point	Submitter Name	Support	Oppose	Reason for Support/Opposition	Decision Sought
25.1	GHA (Gerry) Kessels	Support in part		We agree with the submitter that the proposed plan provisions are not adequate to protect bats; but we also think 'avoiding' the loss of habitat is the highest priority, and this is not mentioned. See our full Submission, especially Paras 8, 9, 13 – 19, 25, 26 and Submission Point 2.	If the plan change goes ahead, F&B endorses both DOC's and WRC's requested decisions in full. Where are there substantive differences, a solution agreeable to both submitters is to be found.