

**BEFORE HEARING COMMISSIONERS
APPOINTED BY THE HAMILTON CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1991 (**RMA**)
AND

IN THE MATTER of Plan Change 5 – Peacocke to the Operative Hamilton City
District Plan

Local Authority

STATEMENT OF ANDREA GRAVES
29 September 2022

STATEMENT SUMMARY

1. My name is Andrea Graves. I live in the Riverlea area of Hamilton, close to Hammond Park.
2. As part of the Riverlea Environment Society, I was involved in the Environment Court hearings for the Amberfield resource consent.
3. In this statement I will discuss:
 - a) My background with Hammond Park
 - b) My experience with the Amberfield Environment Court process
 - c) Serious concerns about vehicle headlights
 - d) The importance of Hammond Park to Hamilton bats
 - e) The importance of Peacocke to Hamilton bats

MY POINTS

1. I have lived in Riverlea since 2005. I have been involved with the Riverlea Environment Society (RESI) since 2008 and chaired it for five years. I am currently a RESI committee member. I write this statement on my own behalf rather than RESI's.
2. Hammond bush, a bat 'hotspot', is in Riverlea.
3. I have a BSc and MSc in zoology from the University of Waikato and a DPhil in zoology from the University of Oxford. I work as a science writer and editor. I am not presenting as an expert but as a concerned local resident. I have had no legal or planning advice during the present process.

HEARINGS AND COURT HISTORY

4. I represented RESI in the council resource consent hearings for the Amberfield development and was a key part of the RESI team when we participated in the Environment Court hearings as a party to proceedings.
5. RESI took part in the hearings – and I am making this presentation now – because we feel strongly that bats are intrinsically important and are worth saving from extinction.
6. The Environment Court process was an aggressive, unpleasant, time-consuming and extremely expensive process, which was highly unequal in terms of the resources various parties were able to call upon. RESI was funded largely by donations and some Ministry for the Environment funding; Hamilton City Council and the Department of Conservation were funded by the public (ratepayers and taxpayers respectively).

7. I request that commissioners bear in mind the unequal burden of this process when they make their decisions. I fear that the Amberfield experience could be repeated multiple times. My grounds for this fear were responses by the Adare Company to several of my submission points traversing ground that had been explored at length in the Environment Court and required in its Decision (for example, requirements for high-value bat habitat to be shielded from light by a certain height of vegetation; that the vegetation should be maintained over time; maximum light levels that are allowed to enter protected bat areas). They opposed blanket requirements and stated that these things should be determined during the resource consenting process. I am concerned that this approach would mean that commissioners, courts and parties will have to repeatedly explore the same issues at great expense.

VEHICLE HEADLIGHTS

8. One of the biggest sticking points at the Environment Court hearings was the need to screen bat priority areas from vehicle headlights, which Weston Lea and Hamilton City Council experts argued strongly against. However, the Court was convinced this was a serious need, and a screening requirement therefore forms one of the conditions of the Amberfield resource consent. I am concerned that this seems to have now been disregarded based on a study authored by Dr Parsons¹ that draws the conclusion that bats persist in the presence of headlights. This study was never presented to the Court.
9. I note two points from that study that I believe cast doubt on the conclusion of the Parsons study: (1) the photos in appendices 2 and 3 reveal that the bat monitors were placed only at roadside locations where there is established vegetation, and (2) the monitors in question (known as ABMs, automatic bat monitors) detect bat passes up to 50 metres away.
10. Thus, the study shows that in areas up to 50 metres away from roads that are screened by established vegetation, there is bat activity. It provides no evidence that bats persist either at the roadside or 50 metres away in the presence of unscreened headlights. I am concerned that commissioners will be misled and there will therefore be no provision made to screen high priority bat areas from vehicle headlights.
11. I suggest the Parsons study sites are used as models for creating roadside screening, acknowledging that the screening may only become effective up to 50 metres away from the

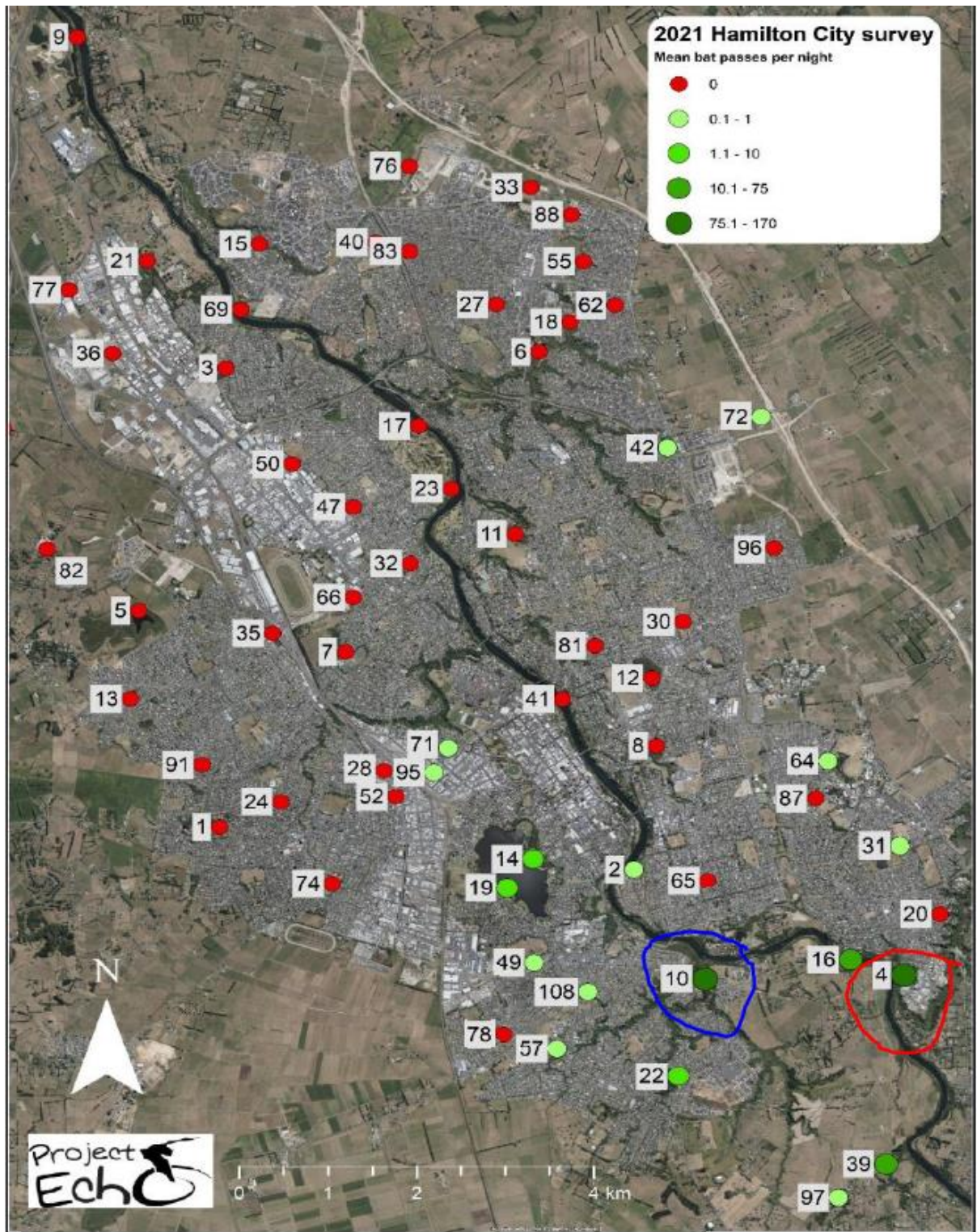
¹ Parsons, S. (2021) AMBERFIELD – PERSISTENCE OF BATS IN THE PRESENCE OF VEHICLE HEADLIGHTS. Report prepared for Weston Lea Ltd.

screen itself. This is expensive, and I predict that developers will continue to try to argue against this.

HAMMOND PARK

12. Hammond Park is a small strip of land on the eastern side of the Waikato River immediately opposite Amberfield. It is bordered by the Riverlea suburb, which was mostly built in the 1970s and 80s. The heart of the park is Hammond bush, which is said to be Hamilton's most biodiverse forest remnant. RESI has been leading the restoration of this bush, with significant assistance from Hamilton City Council, since 2009. The bush has a boardwalk running through it.
13. A theme emerged repeatedly during the last hearing that went something like this: There are houses and roads close to the bat area in Hammond bush and the bats are doing well there so it must be okay to create such arrangements at Peacocke too. In case you hear that again, I reiterate what is obvious to any walker through Hammond bush: It is situated in a very deeply incised gully. The trees are huge – one tawa, for example, is around 180 years old – and the houses are perched well above the bush on the top of a scarp. In parts it is so dark at night that I have walked into the boardwalk railing without seeing a thing. There are areas at the entrances to the park that are lighter, but this is not where bats are found.
14. Bats are distributed very unevenly across Hamilton; they are almost entirely concentrated in the southwest, mainly in Hammond Park and Sandford Park. These two hotspots are connected by commuting routes through Peacocke and the Mangakotukutuku gully. The evidence for this was traversed at length during the Environment Court hearings. The 2021 Hamilton-wide bat survey run by Project Echo confirms this – see Fig 1 overleaf.² These two parks accounted for 88.2% of the bat passes recorded during the survey. Unfortunately very few sites in the Peacocke area were included in this survey. (The 2022 results are not available yet as far as I'm aware.)

² Hamilton city bat survey 2020–2021. Fig 1 overleaf is on page 7 of the survey report, which can be viewed at: <https://waikatoregion.govt.nz/services/publications/hamilton-city-bat-survey-2021/>.



Hamilton City Bat Survey: ABM Sites 2021

Red circle = Hammond Park (i.e. location 4); Blue circle = Sandford Park (i.e. location 10).

15. Hamilton City Council's recent Nature in the City strategy, and the efforts of restoration groups in various parts of the city, may redress this imbalance in the future. It is true that occasionally a single bat pass has been recorded in more northern areas of the city.
16. It is also quite possible that the lack of connectivity between the city's restoration sites will mean that bats never re-establish northwards. This is a reminder of the fact that once houses and roads are in place, it's impossible to reconstruct connectivity unless bat-friendly (dark, sheltered and insect-abundant) areas still exist to connect their habitats.
17. There is a real risk that the urbanisation of Peacocke will drive the bats out of this area as so much of their habitat will be paved over and lit up. In future bat surveys, those green lights may fade and even turn red. Are we really doing everything possible to stop that happening? I ask the commissioners to give special attention to the evidence of the DoC experts in this regard. They are deeply experienced bat biologists with one vested interest: the survival of bats.

WHO PAYS

18. I have no legal or planning training, but I thought that if developers know they are going to harm something, such as the scarce habitat of a critically threatened species, they have to make up for that on site if at all possible, rather than pay into a fund that might, for example, pay for pest control somewhere else. A living bat population is a much surer bet than one that might eventually be prevented from being eaten in an unspecified area.
19. Finally, I'd like to emphasise that any reassurance provided by tree-felling protocols to avoid bat mortality completely misses the point. It is like making sure the children aren't at a school when you burn it down and then build houses over the school grounds, and simultaneously say you support children being well-educated. The issue here is the very survival and breeding ability of a species that is already at critical risk of extinction. Roost trees are their homes, and they are in short supply.