

**BEFORE THE HEARING PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an application to Hamilton City Council for Private  
Plan Change 7 to the Hamilton City District Plan by  
Green Seed Consultants Limited

---

**SUMMARY STATEMENT OF  
JOHN PAUL TURNER (ECOLOGY)**

**Dated 27 OCTOBER 2021**

---

## INTRODUCTION

1. My full name is John Paul Turner. I am a Technical Principal – Ecology with WSP where I have been employed since 1999.
2. I have the following qualifications and relevant experience:
  - (a) BSc (Hons) Applied Science, specialising in environmental sciences, from The Polytechnic, Wolverhampton;
  - (b) 32 years' experience as a professional ecologist, having worked as an ecological consultant for 10 years in the United Kingdom, before taking up my position with WSP in New Zealand;
  - (c) extensive experience and expertise in valuing vegetation, habitats and species as part of many ecological impact assessments of a wide range of projects including major infrastructure within the Waikato and nationally, as well as technical peer reviews for Regional and District Council's;
  - (d) direction and interpretation of data from numerous long-tailed bat surveys and monitoring projects within the Waikato since 2011, including long-term monitoring of bat activity and behaviour along the Huntly, Hamilton and Cambridge Sections of the Waikato Expressway;
  - (e) a high level of familiarity with the ecology and values of ecosystems within the Waikato District having lived in Hamilton for 22 years, with most of my work focussed within the Waikato Region; and
  - (f) full membership of the Chartered Institute of Ecology and Environmental Management, the United Kingdom's main professional institute for ecologists, which I have held since 1995 and full membership of New Zealand Ecological Society.

3. I provided a report assessing ecological matters arising under the proposed Rotokauri North Private Plan Change (**PC7**) dated 3<sup>rd</sup> September 2021 which was included in Appendix D to the s 42A report.

#### **CODE OF CONDUCT**

4. I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

#### **SCOPE OF EVIDENCE**

5. I provide a summary of the findings of my report Appendix D to the Section 42A report and updated evidence based on review of the Statement of Evidence of Mr Dean Miller, Statements of Evidence and Reply Statements of Evidence of Ms Fraser-Smith and Mr Tollemache, and the Joint Witness Statement (JWS) relating to Planning dated 6<sup>th</sup> October 2021, as these relate to ecology.

#### **SUMMARY OF REPORT**

##### **Terrestrial Ecology**

6. With respect to terrestrial ecology only limited assessment of potential effects was provided in the Rotokauri North Private Plan Change Request (NRPPCR). That stated, the proposed development site is for the most part a highly modified environment with low terrestrial ecological values. The RNPPCR identified Perkin's Bush (Kereru Reserve) as a Significant Natural Area (SNA) under the Hamilton City District Plan (HCDP) and

stated that it would be protected and enhanced as part of the development.

7. No information on birds and lizards within the site was provided in the NRPPCR. However, I considered it very unlikely that effects on birds or lizards would be major issues for the development of the site to the extent that issues cannot be avoided, remedied or mitigated relatively easily. That stated, I considered surveys of the site for lizards prior to development appropriate.
8. Surveys for long-tailed bats were undertaken by Tonkin and Taylor (T+T) in 2019 and 2020<sup>1</sup>. The surveys did not record any bat activity during the two surveys. However, the report did not rule out the potential that bats periodically use the site for commuting, foraging or roosting. Based on the results of the survey I concluded that the site is likely to be of low to negligible value for bats, at least at the present time. However, given the fact that bats have been recorded recently approximately 3km from the site indicating a possible expansion in their area of activity, the possibility that bats may on occasion use the site now, or could use the site in the future, remains<sup>2</sup>.

### **Aquatic Ecology**

9. With respect to aquatic ecology the information that has been provided is sufficient in terms of scope and detail to be able to reasonably conclude that development of the site can occur, while promoting sustainable management of the environment. The proposed 'Green Spine' provides an opportunity for stream enhancement and an increase of ecological values along the stream corridors.

---

<sup>1</sup> Letter from Adam Purcell and Dean Miller Tonkin and Taylor to Green Seed Consultants Ltd dated 25th June 2020 "Long-tailed bat survey - Rotokauri North Subdivision"

<sup>2</sup> Dumbleton, H.; Montemezzani, W.; 2020. HAMILTON CITY LONG-TAILED BAT SURVEY For Project Echo Annual Monitoring Report 2020. *4Sight Consulting, November 2020*.

**Legislation and policy**

10. Given the generally low ecological values of both the terrestrial and aquatic environments within the site, and commitment to the protection and enhancement of Kereru Reserve and the 'Green Spine', I expected that development of the site could be achieved while maintaining consistency with relevant ecology requirements and directions of, or relating to, any national policy statement, the Waikato Regional Policy Statement, any regional plan, the Hamilton City Operative District Plan and relevant non-statutory policy or plan of HCC.
  
11. The need to provide fish passage has been acknowledged and provided for in the Stormwater Systems Report and this will ensure compliance with the National Environmental Standard for Freshwater (2020).

**District Plan Rules and Provisions**

12. To ensure that the ecological values are protected and enhanced several rules relating to ecology were recommended for inclusion in the District Plan in the s42A Report.
  
13. It was also noted in my report that long-tailed bats and indigenous lizard species, as well as indigenous bird species, regardless of threat status, are protected under the Wildlife Act 1953 from killing or injuring. I stated that it was advisable for any subdivision applicant be aware of their obligations under the Act when clearing land of vegetation and structures.

**UPDATED POSITION**

14. I have read the Statement of Evidence of Mr Dean Miller, Statements of Evidence and Reply Statements of Evidence of Ms Fraser-Smith and Mr Tollemache, and the JWS relating to Planning dated 6th October 2021, as these relate to ecology.

### **Statement of Evidence of Mr Dean Miller**

15. I agree with Mr Miller on all the matters discussed in his evidence. I note that both Mr Miller and I agree that while the long-tailed bat survey undertaken by T+T recorded no bats, the potential that bats periodically use the site for commuting, foraging or roosting cannot be ruled out and the bat management measures will be required before site clearance<sup>3</sup>.

### **Joint Witness Statement and Planning Evidence**

16. The joint witness statement dated 6<sup>th</sup> October 2021 details the results of expert conferencing discussions held between planners Mr Sharman, Ms Fraser-Smith and Mr Tollemache. The discussions included matters relating to the ecological rules proposed in the S42A Report. The discussions resulted in changes to the proposed rules which were detailed in Attachment 2 to the JWS. The agreed changes were subsequently detailed in Appendix 1 of Planning Annexure A to the Reply Statement of Evidence of Ms Fraser-Smith and Mr Tollemache. The following paragraphs provide my comments on the agreed changes from an ecological perspective.

#### Rule 1.2.2.23 c) – Rotokauri North Ecological Rehabilitation Management Plan (ERMP)

17. The agreed changes to this rule are minor and consistent with the intent of the rule as originally proposed. I am satisfied that implementation of the rule can achieve the intended ecological enhancement of the terrestrial and aquatic values within the 'Green Spine'.

#### Rule 1.2.2.23 d) - Protected long-tailed bats, indigenous bird and lizard species Bats

18. The agreed rule replaces two rules aimed at requiring specific measures to protect roosting bats during tree felling and protecting lizards during site clearance. The agreed rule relies on the provisions of the Wildlife Act 1953

---

<sup>3</sup> Para 2.3, EIC, Miller, 24<sup>th</sup> September 2021.

to provide protection for native long-tailed bats, birds and lizards during vegetation clearance and requires that applications for subdivision provide explanation that these matters have been considered.

19. With respect to long-tailed bats the main risk of adverse effect would be removal a tree containing roosting bats resulting in a bat(s) being killed or injured. The applicant has obtained a Certificate of Compliance (CoC) enabling clearance of all vegetation negating the need for managing the effects associated with vegetation removal<sup>4</sup>. The need for adherence to the Wildlife Act is noted<sup>5</sup> and Rule 1.2.2.23 d) addresses this matter. While my concerns that bats could start to use the site in the future, based on recent emerging patterns of activity in and around the City, the risk of significant use in the short-term (1-3years) based on the survey results is low. Consequently, the provisions of the Wildlife Act 1953 should provide adequate protection for bats assuming best practice tree felling practices are implemented trees and the trees are removed in the next 1-3 years. Over a longer period, should bats start to use the site on a regular basis, then this would be a resource management issue as loss of habitat would likely constitute a significant adverse effect.
  
20. My original intent in recommending a rule provision for lizards was that no survey information on the species present was provided with the RNPPCR. While I think it unlikely that development of the site will have substantial impact on lizards at the population level there is some uncertainty around this, noting that copper skink, the species most likely to be present has recently had its threat status raised from Not Threatened to At Risk (declining)<sup>6</sup>. However, given the applicant has obtained the CoC, the clearance of vegetation is now a permitted activity negating the need for management of effects on lizards under the RMA. Again, the need for

---

<sup>4</sup> Para 10.79, EIC, Fraser-Smith & Tollemache. 24<sup>th</sup> September 2021.

<sup>5</sup> Para 10.81, EIC, Fraser-Smith & Tollemache. 24<sup>th</sup> September 2021

<sup>6</sup> Hitchmough, R.A.; Barr, B.; Knox, C.; Lettink, M.; Monks, J.M.; Patterson, G.B.; Reardon, J.T.; van Winkel, D.; Rolfe, J.; Michel, P. 2021: Conservation status of New Zealand reptiles, 2021. New Zealand Threat Classification Series 35. Department of Conservation, Wellington. 15 p.

adherence to the Wildlife Act is acknowledged and Rule 1.2.2.23 d) addresses this matter. Assuming that steps are taken to ensure the provisions of the Wildlife Act are met to avoid killing and injuring lizards, then this should provide adequate protection for any lizard populations present. This will involve liaison with the Department of Conservation and obtaining the necessary permits to translocate lizards.

Rule 1.2.2.23 e) – Kereru Reserve Management Plan (KRMP)

21. The agreed rule removes the specific requirement to provide detailed survey information on the characteristics and values of vegetation and fauna within Kereru Reserve. The original purpose for requiring this rule is that establishing a baseline of existing values and management issues requiring attention is a first step in determining management requirements for any given area and the management approach to be adopted. The information on which the scheduling of the Kereru Reserve as an SNA was based is almost 10 years old and the information was gathered from a roadside survey<sup>7</sup>. The existing information about the Reserve is therefore insufficient for developing a management plan for the Reserve. Consequently, in order to meet rule 1.2.2.23 e) ii) A) a baseline survey of existing values and management issues will need to be undertaken. However, it may not be necessary to explicitly state a requirement to gather such information in the rule.
  
22. The agreed rule also removes the requirement to detail measures to protect the SNA from uncontrolled public access e.g. through the provision of secure perimeter fencing and management of visitor movements via boardwalks. The rationale for this is that the site will be vested as a reserve with HCC and that this is an issue for a Reserves Management Plan (RMP) prepared in accordance with the Reserve Act 1977<sup>8</sup>. In my opinion managing access to the reserve and controlling movement within will be

---

<sup>7</sup> Cornes, T; Thomson, R; Clarkson, B; 2012. Key Ecological Sites of Hamilton City, Volumes I & II. CBER Contract Report 121. Centre for Biodiversity and Ecology Research.

<sup>8</sup> Para 10.84, EIC, Fraser-Smith & Tollemache, 24<sup>th</sup> September 2021.

important for the protection of its ecological values. However, I defer to the planners as to the most appropriate mechanism for achieving this. A RMP would also require baseline ecological survey to be undertaken and management requirements to be defined, therefore HCC could undertake the survey work discussed in para 21 above.

## **CONCLUSION**

23. The proposed rules relating to ecology agreed in the JWS on the 6<sup>th</sup> October 2021 should be adequate for protecting and enhancing the ecological values of the PC7 area, providing that best practice approaches to protecting bats, birds and lizards during vegetation clearance are implemented to ensure compliance with the Wildlife Act 1953. And with respect to bats, the vegetation clearance occurs within 3 years.

A handwritten signature in black ink, appearing to read 'John Paul Turner', written over a horizontal line.

**John Paul Turner**

**27<sup>th</sup> October 2021**