

**RESOURCE MANAGEMENT ACT 1991.**  
**HAMILTON CITY COUNCIL.**  
**HEARING OF A NOTIFIED RESOURCE CONSENT.**

**HEARING BEFORE:**       **COMMISSIONER BILL WASLEY**  
                                  **COMMISSIONER RICHARD KNOTT**  
                                  **COMMISSIONER LORETTA LOVELL**

**APPLICANT:**               **WESTON LEA LIMITED.   PEACOCKE LOCATION.**

**SUBMISSION BY:**       **WARREN STACE.**

**1.     INTRODUCTION.**

- 1.1    My name is Warren Alfred Stace and I am a retired person living at 89A Cook Street Hamilton.
- 1.2    I am a retired member of the New Zealand Planning Institute and the New Zealand Institute of Surveyors.
- 1.3    I retired from the Waikato Regional Council then known as Environment Waikato in 2002 where I was employed as a Senior Planner.
- 1.4    Between 1985 and 1989 I was employed by the Thames Valley United Council as Regional Planner.
- 1.5    Previous to 1985 I had been employed in positions at the Bay of Islands County Council, the Thames Coromandel District Council and original worked in private surveying practice.

**2.     THE LOCATION.**

- 2.1    I am aware of the Weston Lie Limited property which runs from Peacockes Road to and adjoins the Waikato River.
- 2.2    The land is largely in pasture with paddocks separated by hedgerows and tree rows.

There are several buildings with tree surrounds on the property.

Farm tracks provide access and link work activities about the property.

### 3. MY SUBMISSION.

- 3.1 I oppose those parts of the application for land use and subdivision consent that make insufficient provision for the habitat, foraging, roosting and freedom of the existing long-tailed bat population that currently inhabits the proposed development site.
- 3.2 I do not oppose the residential development as such but seek enhanced provision to reduce the adverse impact that intense development will have on a scarce natural resource.

### 4. HISTORICAL BACKGROUND.

- 4.1 My concern for "Ecological and Open Space Links" arose when I was preparing a submission to Proposed Variation No. 14 – Peacock Structure Plan in October 2007 for Tui 2000.

Tui 2000 a voluntary group considered the three design principles identified in the Structure Plan of critical importance. They were:

- *Protect and enhance significant natural features.*
- *Create a continuous network of open space.*
- *Create ecological and open space links between gully and river*

In giving consideration to those principles we asked that the ecological link be extended eastward from the Arm 3 location of the Mangakotukutuku Gully to the Waikato River via the Eastern Gully.

An **Attachment** is the plan from the submission that suggested the ecological link from Arm 3.

It was also suggested that an alternative link could involve Arm 2, the Localized Knoll and connecting to the eastern gully.

The suggestions were not accepted completely although the Arm 3 option was accepted in part and another Mangakotukutuku gully portion was added

These ecological links also involving open space are to facilitate the passage of living creatures such as birds and bats to and from feeding locations to the Waikato River.

- 4.2 The bats in this location are long tailed bats and are categorized as Threatened: Nationally Critical in the Department of Conservation's "Conservation status of New Zealand bats, 2017".

## 5. APPLICANT'S ASSESSMENT OF ENVIRONMENTAL IMPACTS

### 5.1 I have read the Applicant's Terrestrial Ecological Assessment and the Assessment of Environmental Effects

I have noted the extensive surveys undertaken both in previous bat monitoring studies and the current site studies establish that:

- The rural urban fringe to the south of the city is core habitat for the Hamilton long tailed bat population.
- That the given the Threatened: Nationally Critical status of long tailed bats the ecological value of the subject site for long tailed bats is assessed as **Very High**.

### 5.2 I am aware that the threats to bats include:

- Felling of roost trees.
- Habitat loss and degradation through land development.
- Predation of adults and young by cats, mustelids, possums and rats.
- May be susceptible to toxins/poisons.

## 6. THE PROPOSAL.

### 6.1 The proposal is to develop approximately 105 hectares of land adjoining the western bank of the Waikato River in Peacocke Hamilton for residential development and associated subdivision.

The subdivision and development will provide for 862 dwellings with earthworks, new roading, cycleways, walkways, additional plantings and water, sewer and stormwater services installed.

### 6.2 It would be expected that as land clearing, subdivision works and housing construction proceeds catastrophic impact would be inflicted on the long tailed bat population, feeding locations and habitats.

## 7. THE APPROVAL PROCESS

### 7.1 The applicant has adopted a two stage application process to achieve the Council's consent as:

- Land Use, and
- Subdivision.

This process is designed to achieve a speedy approval process and is acceptable where the land use considerations are straight forward and non-contentious.

But in this case it is becoming apparent that there is concern about the ecosystem that will result for the long tailed bats. This concern indicated by the current public submission and is amplified beyond that which was identified and provided for in the 2007 Peacocke Variation No 14.

Variation No 14 provided the process, 12 years ago to, to give further consideration to issues that have arisen subsequently and currently the well-being of long tailed bats needs further consideration.

The outcome of further consideration may require modification of the subdivision design and provision of bat's flight paths, roosting trees, and feeding areas.

## **8 BIODIVERSITY OFFSET.**

- 8.1 The suggestion has been made that off- site biodiversity offsets may be used to alleviate the significant effect that this development will have on the bat population.

My submission strongly opposes this type of action as the effects that the bats will endure should be avoided, remedied and mitigated on site as required by the Resource Management Act 1991.

Whilst a recent amendment to the Act provides for the use of offsets or compensation for ensuring positive effects on the environment the use of an off- site offset in this development circumstance can hardly offer *no-net-loss* to the current or future resident population.

- 8.2 Adequate provision to sustain the current bats ecosystem should be provided for on the subject site and not distributed or dispersed to other authorities and people.

## **9. MY SUGGESTIONS.**

- 9.1 To give some considered to the continued existence of the long tailed bat population in the Western Lea Limited development I suggest.
- 9.2 Consent to the Subdivision Application is delayed until the Land Use Application is reconsidered in terms of the bats current habitat and ecosystem and consented.

- 9.3 Staging of developments be considered to facilitate reduction of effects on bats over developments in both the greater Peacocke area and the Western Lea Limited land.
- 9.4 Roading be realigned to facilitate bat flight paths.
- 9.5 Additional open spaces are provided and trees and hedge rows be preserved and protected to provide for existing bat habitat.
- 9.6 Groups of future sections might need to be removed from the Subdivision plans to provide free flight paths.
- 9.7 The density of residential development may need reducing to facilitate flight path in places.
- 9.8 It is timely to consider the development of a Peacocke "Bat Management Plan" to ensure the long term conservation of this threatened species.
- 9.9 I am aware of the draft National Policy Statement for Indigenous Biodiversity which will, when approved, give direction to the protection and preservation of Indigenous Biodiversity on all New Zealand land public and private.
- 9.10 I am also aware of the City Council's recent proposal to endorse a Local Indigenous Biodiversity Pilot and to prepare a Local Indigenous Biodiversity Strategy for Council's consideration by September 2019.
- 9.11 Surely with such high level direction being proposed, sympathetic people will expect that Hamilton's natural heritage, including long tailed bats and their habitats and foraging areas, are provided for and protected.

## **10. COUNCIL'S DECISION.**

- 10.1 I would respectfully ask the Commissioners and Council to give the Land Use consent being sought serious consideration as to the real effect that this development will have on the ecosystem that contains the long - tailed bats and ensure that the changing environment is amenable to these vulnerable indigenous natural creatures.

## **11. CONCLUDING.**

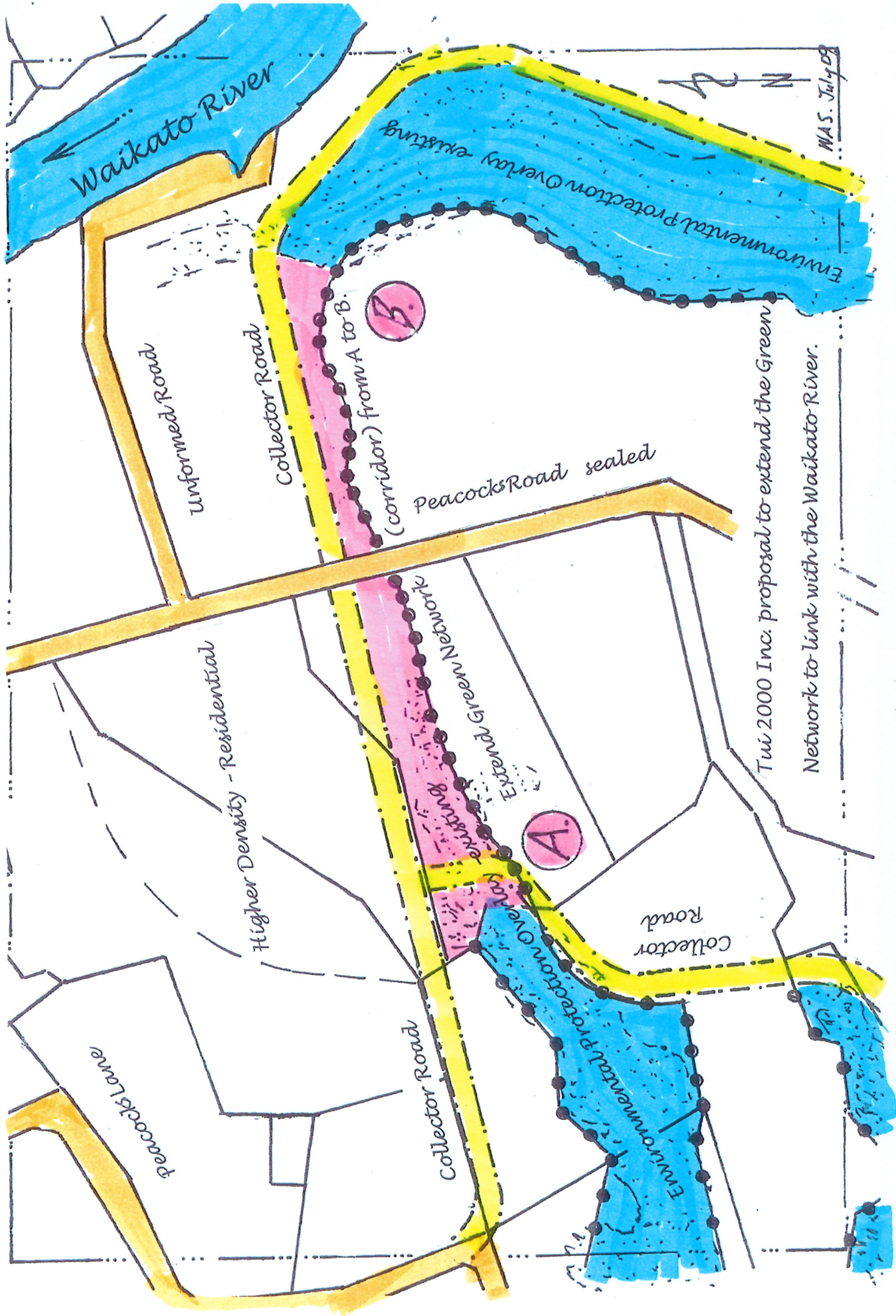
- 11.1 I would like to thank the Commissioners for their consideration of my submission and evidence presented.

**Warren Stace**

26 February 2019



**Attachment:** Ecological link from Arm 3.



Tui 2000 Inc. proposal to extend the Green Network to link with the Waikato River.



## **Responding addendum subsequent to “Additional Information Post Notification”**

**Information received via email dated 7 March 2019.**

### **1. General.**

- 1.1 These comments are made as “aiming at a moving target” in so far as there is movement in the proposed development pertaining to the softening of the allocation to habitat for the long tailed bat population that inhabits the Weston Lea Limited land – Amberfield development.
- 1.2 However the development has only marginally acknowledged the bat habitat that includes the existing foraging and tree roosting opportunities that currently extends across the pasture land and is enjoyed by the bats.
- 1.3 Some redesign of the development has occurred in the location opposite to Hammond Park but is I consider still inadequate.

### **2. Problem.**

- 2.1 The problem I see is that the development has not been designed around the habitat that provides for the bats ecology, their living and feeding range.

The subdivision plan absolutely impacts on the existing bat habitat and in effect the bat habitat is being made to conform to subdivision design.

The bats habitat is being colonised by section design and the bats are unlikely to appreciate colonialism.

- 2.2 I consider given the movement currently made in the application amendment that additional provision needs and could be made.

The areas I consider needing further provision are:

- A more generous proposed sections setback to be based on 125 metres along the River plus a 20 metre buffer to facilitate insect availability. (From submission of Rebecca Liv Stinemann)
- More protection of the existing exotic and native trees to continue the provision of roosting places.



- Provision of flight space areas to facilitate cross passage via green corridors from the Waikato River to the Mangakotukutuku Stream and catchment.

2.3 Alternatively and preferably the layout of the development in the northern portion should be completely redrawn to accommodate the bat environ and habitat.

### 3. Detailed Solution.

3.1 Based on the three provisions in 2.2 above I suggest as follows:

- **Waikato River Setback.**

**Plan 1** is attached indicates the extent that a 145 metre setback would impact the redesigned subdivision.

Given the current Addendum redesign a further redesign perhaps dropping the need for Road 2 in total or perhaps retained in part would facilitate the bat habitat insofar as the new development allows

- **Existing trees.**

Great emphasis should be placed on the protection of existing trees and that includes exotic trees and hedge rows.

This is especially important in the northern development portion across the River from Hammond Park.

It is noted the substantial continuous hedgerow, a little further south, that extends across the farm and is depicted on the plan is only protected in part. It appears to be severed by both a road and some proposed sections.

This tree protection should lead the basis for bat and bird flight corridors, ultimately extending westward to the Mangakotukutuku Stream catchment

- **Flight Paths Flight Corridors.**

In my submission on page 2 at **4 HISTORICAL BACKGROUND** reference was made to "ecological and open space links" and the three design principles identified in the Proposed Variation 14 the Peacock Structure Plan.

One of the design principle emphasised is:

*Create ecological and open space links between gully and river.*

A plan of a link was produced at that time but was not adopted other than a small extension to a gully.

The District Plan has. Since established those words as Objective 3.4.1.2 for the Peacocke Natural System and provided further policy as 3.4.1.2a as:

*Provide green corridors between the major arms of the Mangakotukutuku Gully and Waikato River.*

It is suggested that the basis for corridors needs to be established now while land is available and free of approved development before the opportunity is lost.

Perhaps the Commissioners could make a recommendation to the Hamilton City Council to provide for such corridors and enhanced bat habitat in the District Plan. The preparation of a bat management plan for Peacock would be a first step towards such a provision.

- 3.2 A copy of District Plan Features Maps 57B and 64B indicates an eastward extension of the Mangakotukutuku Stream and a possible flight path linkage to this gully system from Hammond Park and Mangaonua Stream vicinities are depicted.

An additional corridor could link the prominent hedgerow to the Mangakotukutuku Gully.

The existing Whatakoruru Reserve on the Mangakotukutuku Stream makes for a bush and vegetation area as a terminal position for any flight corridors that could utilise existing gullies.

The copy of Features Maps 57B and 64B are attached as **Plans 2 and 3**.

- 3.3 I am not at all enamoured with the suggested provisions, both in the applicants expert evidence and in the Councils suggested conditions for biodiversity offsets

Given the long tailed bats established and long term habitation of this land their habitat should be protected on the site.

Any so called mitigation should occur on site provided by the development and not be assigned to some other department, authority, trust or unknown group to be provided somewhere else.

It could be that the bats have an existing use to their occupancy of the land?

**4. COUNCIL'S DECISION.**

- 4.1 I would respectfully ask the Commissioners and Council to give the Land Use consent being sought serious consideration as to the real effect that this development will have on the ecosystem that contains the long - tailed bats and ensure that the changing environment is amenable to these vulnerable indigenous natural creatures.
- 4.2 I would ask that adequate provision be made for the bats habitat insomuch as construction works and the development will interfere both in the short and longer terms.

Conditions of consent to the land use application should provide provisions to protect and enhance the bat habitat and the subdivision application and design should reflect those provisions and if this requires realignment of the proposed section layout, so be it.

**5. CONCLUDING.**

- 5.1 I would like to thank the Commissioners for their consideration of my submission, the responding addendum and evidence presented.



**Warren Stace**

29 March 2019

**Attachments:**

**Plan 1: Shows Set Back**

**Plans 2 and 3: D P Features Maps 57B and 64B**



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