17 May 2023

To: Hamilton City Council

Attn: Plan Change 15 Submission

BY EMAIL: planchange@hcc.govt.nz

**SUBMISSION ON TUUMATA PRIVAT PLAN CHANGE 15**

SUBMITTER DETAILS

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Forest & Bird wishes to be heard in support of its submission and would consider being heard jointly with others making a similar submission.

Forest & Bird could not gain an advantage in trade competition through this submission.

**Introduction**

The Royal Forest and Bird Protection Society of New Zealand Inc. ("Forest & Bird") has been Aotearoa New Zealand's independent voice for nature since 1923 with many members and supporters nationwide. Forest & Bird's constitutional purpose is:

*To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.*

Forest & Bird is actively involved in regional and district planning processes relating to freshwater, coastal and marine environments, and biodiversity across Aotearoa New Zealand.

Forest & Bird's Hamilton Branch is actively involved in regeneration projects and monitoring local and regional environmental issues.

Forest & Bird is particularly concerned about potential for adverse effects on the habitat and natural behaviours of pekapeka / long-tailed bats as a result of PC15.

**Submission**

1. The long-tailed bat (*Chalinolobus tuberculatus*) is endemic to Aotearoa New Zealand and has a Conservation Status of "Threatened - Nationally Critical". Their population decline is due to various threats including habitat destruction from human development and forestry clearance, introduction of new predators (eg. cats), competition for roost sites from introduced mammals, birds and wasps, general human interference and disturbance of roost sites.

2. Hamilton city is one of the only cities in Aotearoa New Zealand to still support a resident population of long-tailed bats. The Waikato Regional Council acknowledges this. Urban and infrastructural developments around the Waikato, in particular Hamilton City have been making efforts to avoid and mitigate impacts on the species. Examples of these invested efforts include the discontinued Airport runway extension project and the Peacocke Waikato river bridge. Due to their significant yet vulnerable habitats and being a unique species as Aotearoa's only land mammal, bats are an important part of the Hamilton area's identity.

3. Historically, the general public have been mostly unaware of bats and their presence. While public awareness is slowly growing, the consistent growth of urban and rural development continues to compromise their roosting habitats, feeding areas and flight corridors.

4. Forest & Bird is pleased to see that ecolocation testing was carried out to determine the presence of bats thoughout the site. The habitat of, including vegetation which provides habitat for, indigenous species or associations of indigenous species that are threatened or at risk meets the Waikato Regional Policy Statement (RPS) criteria for ecological signficance. [1]

5. On the basis that long tailed bats are a threatened species and the site provides habitat to long tailed bats, the site meets the criteria for significance set out in the RPS. The policy direction in the Regional Policy Statement and Hamilton City Plan is to avoid adverse effects on bats and their habitat.[2]

6. The Hamilton City Plan also sets out for new significant natural areas to be identified and to be added to the schedule in the Plan. [3] For example, by way of a plan change. However, Plan Change 15 as proposed does not include provision to add the area within the site meeting the significance criteria to the Plan schedule.
7. Forest & Bird considers that, given the threat status and ongoing loss of habitat, any area of habitat where long tailed bats are present should be considered of extreme importance.

8. It is striking then that the Assessment of Ecological Effects for bats is so inadequate. For example, its recommendations focus on nesting, without addressing effects on the use of the site by bats for foraging and commuting. It does not appear that bat surveys were done

[1] Waikato Regional Policy Statement: Criteria 3, Appendix 5 Criteria for determining significance of indigenous biodiversity
[2] Waikato Regional Policy Statement: ECO-P2, Hamilton City Plan, for example, Policies 20.2.1d and 20.2.1n.
[3] Waikato Regional Policy Statement: ECO-P2, Hamilton City Plan, Chapter 20 purpose, Policies 20.2.1a and 20.2.1b and explanation.

during the breeding season of December/January[4] when a better understanding of the significance of the site in terms of nesting may have been apparent.

9. The ecological assessment recognises that bats are generally less active in cooler night temperatures with timing of acoustic surveys being conducted late in the season.[5] It is also possible that bats may roost in neighbouring properties and use the site as foraging grounds. The assessment has also failed to consider the food source to bats that the current site offers, particularly with respect to access from proposed nesting box locations, the availability of other suitable habitat should bats be displaced by the development and the potential impact of displaced bats from this area on other bat habitat. While the loss of bat habitat alone would seem to be contrary to the District Plan creating pressures on bat habitat beyond the site could also result in adverse effects.

10. Forest & Bird is concerned that the ecological assessment has downgraded the value of the site to bat habitat given the modified nature of the site and prevalence of exotic rather than native vegetation. However, it is our understanding that long tailed bats have adapted to and rely on these types of rural landscapes, with roost trees and open spaces largely free from artificial lighting, in the Waikato region.

11. Its seems that there are two issues here with respect to bats, that is roosting trees and feeding habitat and commuting corridors. In our view these issues are connected and effects cannot be addresses separately. This is because bats are unlikely to continue to roost in trees where feeding habitat and commuting corridors have been removed.

12. The applicant's ecological assessment appears to recognise this issue by suggesting that no attempt is made to retain potential roost trees as bats are unlikely to nest in the trees if the development of the site goes ahead. Despite this effect on nesting, the ecological assessment recommends replacing the trees with 160 nesting boxes. It is not clear how nesting boxes would be any more successful to providing nesting habitat for long tailed bats than the trees would be with development proceeding as proposed by PC15.

13. The recommendation to provide nesting boxes seems pointless and ineffective to adequately mitigate the effects of the proposal on long tailed bats. Forest & Bird considers that additional measures are needed to provide for the protection of the habitat for long tailed bats and that this includes changes to the design of development proposed within the site.

14. For the nesting boxes or if roost trees are retained, to be likely to used by bats, other habitat values of the site for feeding and commuting need to be provided for. For example, ensuring that an ecological corridor provides for feeding habitat adjacent to nesting boxes and a corridor connection to the rural environment at the eastern end of the site.

15. Lighting is a significant deterrent to bats and must be restricted for any ecological habitat to be successful in providing habitat for bats. Currently there is no consideration of lighting

[4] The acoustic bat survey was conducted from 9 to 28 March, see 3.3.1 and the walk over roost assessment in November, see 3.3.2 Appendix 6 A Ecological assessment.
[5] Second paragraph 3.1 Bat Activity, Appendix 6A Ecological assessment.

effects or measures to mitigate lighting effects such as setbacks and limits on luminescence in key habitat areas of the site.

16. We strongly consider that a more comprehensive assessment is needed to determine the true impact on bats of this plan change and to ensure that any development provided for is on the basis of firstly providing for the protection of habitat of long-tailed bats.

**Relief sought**

17. Forest & Bird considers that the plan change as currently proposed should not proceed. However, we do consider it may be possible to amend the proposal so that it is appropriate to proceed. Amendments are needed to address Forest & Birds concerns set out above and includes:

    a. The addition of long tailed bat habitat meeting the significance criteria of the RPS being added to the schedule in the District Plan as a significant natural area. If there is scope this should be added as part of Plan Change 15 as proposed or alternatively by variation to Plan Change 15. The plan change should not proceed until a variation is made to it.

    b. Lighting effects need to be assessed and limits set in the plan provisions to protect the habitat values for bats.

    c. The plan change needs to identify the areas where bat habitat protection is required, including provision for an ecological corridor in an area that is identified as part of the plan change shown on a drawing/plan.

18. The development design needs to provide an ecological corridor for bats to connect to other habitat areas and if possible to the wider rural environment. This seems to be something that is not considered in the Ruakura Structure Plan and it is not clear whether future Eastern Transport Corridor will include any consideration in this regard. However, what is clear, is that there are long tail bats using the site and the requirements of the RPS and District Plan are to protect and avoid adverse effects on this habitat.

Thank you for the opportunity to submit on this proposal