

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT 1991
BETWEEN WESTON LEA LIMITED Applicant
AND HAMILTON CITY COUNCIL Consent Authority
14/05/2019

Statement of evidence of Roderick Francis David Aldridge
33A Barrie Crescent
Silverdale
Hamilton 3216
rod.aldrige1@gmail.com
07 856 1977

I am giving this evidence as a concerned citizen of Hamilton city.

I am concerned that the decision of the Hamilton City Council Consent Authority ensure that as far as possible protects the environmental values in the Amberfield development for future generations. The most significant is the habitat of the long-tailed bat and its supporting ecosystem of flora and fauna on both banks of the Waikato river.

The North Island population of long-tailed bats (*Chalinolobus tuberculatus*) is a threatened species classified as threatened, nationally critical (O'Donnell et al. 2017), which is the highest-possible risk of extinction in New Zealand. The species is endemic to New Zealand i.e. found nowhere else in the world.

Under section 6(1)(c) of the RMA, the protection of areas of significant habitats of indigenous fauna is a matter of national importance that must be recognized and must be provided for in this consent application process. It is not one of a number of equally weighted factors to be considered in a general balancing exercise.

On the eastern bank this habitat is mostly protected in the series of Significant Natural Areas (SNA)s running southwards from Hammond park. The forest on the western bank is an integral part of the bats' habitat so this needs similar protection.

This can best be achieved by a suitable Riverside reserve system on the western bank. It could also meet the requirement for mitigation measures to more than compensate for the loss of biodiversity caused by the development.

Such a reserve could also meet the requirement of Operative District Plan policies 20.2.1c that:

- Significant Natural Areas shall be protected from adverse effects ... ; 20.2.1d
- Adverse effects of development on the City's Significant Natural Areas shall be avoided.; 20.2.1e
- The reduction, fragmentation and isolation of indigenous ecosystems and habitats shall be avoided.

The Commission is fortunate that many highly qualified expert witnesses have given evidence as to what is required to achieve suitable long term protection.

For the applicant: Bat ecologists Geogia Cummings, and Stuart Parsons, Ecologist Sarah Flynn and Freshwater ecologist Kieran Miller

For the Hamilton City Council: Terrestrial ecologist Gerardus Kessels

For the Department of Conservation: Moira Pryde, John Riddell, Kerry Borkin, and Laurence Barea

For the Riverlea Environment Society Inc: Rebecca Stirnemann, Professor Bruce Clarkson and Andrea Graves.

Professor Bruce Clarkson is a nationally and world-renowned expert on plant ecology and restoration of ecosystems, including those in urban environments.

From the evidence submitted I find the following facts significant for maintaining a sustainable habitat for long-tailed bats and the natural ecosystems needed to support them long term:

Bat experts generally agree:

- That long-tailed bats are critically endangered and need protection.
- Long-tailed bats are highly mobile and move between roost sites and foraging grounds which are often kilometres apart.
- That the bat population centred on Hammond Park makes significant use of the area on the opposite side of the Waikato river including Amberfield, for many purposes, particularly for foraging.
- The need to protect their whole habitat – including their foraging grounds.
- The importance of movement corridors including shelterbelts.
- They are adapted to forage along edges and above vegetation canopies. They use linear landscape features as movement corridors, notably the Waikato River and its tributaries in Hamilton.
- The importance of the incised gully systems that surround the tributaries of the Waikato River, to facilitate the dispersal of bats through a modified landscape to access distant habitat.
- The importance of the oldest, largest trees as maternity roosts, in both natural and modified environments, particularly in the breeding season.
- The need to be shielded from light at night.

The main value of Amberfield for the bat population is that it provides links to important tributaries and gully systems on both sides of the Waikato river – south of Hammond Park and the Significant Natural Areas on the east and south of the “Northern bend” reserve, tributaries and gully systems and Mangakotukutuku Gully on the west

Where the applicant and those concerned to protect the environment and ecosystems and some experts differ is on the measures needed to keep the ecosystems viable and whether the applicants proposed mitigation measures will do this. Most significantly:

- The position quality and extent of the Amberfield’s “Northern bend” reserve areas and other measures required to ensure long term viability of the bats.
- The height, sighting and nature of the barriers between the habitat used by bats and the suburban development.
- The need to ensure each significant habitat area is protected before that area is developed.
- The need to have more data on the use bats make of various habitats in the area.
- The need to have a management plan based in adequate data approved and monitored on an ongoing basis by an independent expert panel before the development is granted.
- The necessity to integrate significant habitat into a coherent system, particularly the tributaries with their gullies, the north-south or “minor” gully and Mangakotukutuku gully.

I support protection before development.

Individual measures need to work together to ensure a sustainable long term result. If links are broken or mitigation measures are not effectively established before changes happen - or are not maintained - then the whole system is degraded and may fail altogether. For this reason I support the ecological

approach of Professor Clarkson, Dr Stirnemann and The Riverlea Environment Society Inc where they disagree with other experts.

It is vital that before development takes place in a particular site:

- Development should be staged so that the buffer zones and corridors are fully established and protected and zones restored to the appropriate stage in line with the recommendations of Professor Clarkson and Dr Stirnemann and the submission of Allan Pearson & Andrea Graves for Riverlea Environment Society Inc (RESI)

These are summarised on page 6 of the RESI submission:

- □ A wide, dense forest reserve on the west bank of the Waikato River shielding Hammond Park from light and disturbance;
- □ Delay of development of the Amberfield site until such time as the reforestation of the west bank has developed sufficiently to provide an effective shield (see Professor Clarkson's evidence);
 - Protection of bat commuting corridors to the south and the east along their entire lengths;
 - Preserving all roost trees on the proposed Amberfield site;
- □ Protection of roost sites from predators on the proposed Amberfield site and in the wider Peacocke development area;
 - Specialised street lighting and restrictions on multi-storeyed housing close to the river to reduce lighting levels across the river and at Hammond Park to 0.1 lux. Car and house lights may also be a problem and planting plans should address this.

That the true extent of the bats' use of the area be established (evidence provided by parties other than the Applicant indicates that this is more intense and extensive than provided by the applicant).

- 5. The need for reliable baseline data The DOC experts, Dr Kessels (s 42A report 67), and Dr Stirnemann (12) all agree that an insufficient level and range of bat monitoring has been carried out by the Applicant to establish how fully the site is being used. This is a major lapse by the Applicant; given section 6(c) RMA, the strong 'avoid' policy direction in the District Plan, and the critically threatened status of the bats, it is imperative that sufficient information is provided to decisionmakers.

The evidence from Ms Pryde (6.2–6.4) and Dr Borkin (44) adds information about bats' use of Amberfield that was provided by parties other than the Applicant. This makes it clear that the Amberfield area is far more heavily utilised by the long-tailed bat than the Applicant's surveys revealed

- A long term management plan using this data be provided by the applicant. Independent ecologists who are nominated by the Hamilton City Council and DOC will be required to supervise and interpret the monitoring of bat populations during the development process. They must also be involved in any required adaptive management measures.
- Every condition and Bat Management Plan or Adaptive Management Plan should be planned and documented in advance of consent, giving no room for the Applicant to minimise resources towards achieving the ecological goals of the Peacocke Structure Plan. (Professor Clarkson's evidence, shows that consent holders' compliance with conditions is poor in New Zealand and worldwide).

In view of the above it is clear that the long term protection of the ecological values of the proposed development cannot be assured by granting the application. There is not enough data to base effective long term conditions or to ensure they will be followed through successfully.

Therefore the decision should be postponed until these conditions can be met.

I note that Commissioner Hearing Panel Direction (5) 13/05/2019 directs that

“.....further caucusing be undertaken on Tuesday 14 May by the bat ecology experts, to review/ re-confirm those matters of agreement and those that remain outstanding, in accordance with the hearing timetable. It is noted that expert caucusing on this date was and remains scheduled as part of the hearing timetable.”

I infer from this that the Commissioners are anticipating my views on this.

I suggest extending the caucusing so the applicant, Hamilton City Council, experts and submitters can design a better development that ensures a sustainable long term result for everyone.

This can be done by using ecological principles and the expertise of the experts who have contributed their expertise to the Commission to design an ideal environmental and biodiverse reserve system for the greater Peacocke, and Hammond park area which would become an asset to the whole of Hamilton - as was done with the quarry/dump which is now the Hamilton Gardens.

A fundamental characteristics of ecosystems is that a single integrated system is much more valuable than fragmented reserves of the same area. So designing a single integrated reserve for the whole area is much more effective and efficient than designing a series of reserves for each development in the Peacocke area which will inevitably be fragmented. This is what is supposed to happen with the 10 year Plan. Clarkson 4.8

For example: fully protecting and restoring all the gully systems in the Peacockes area would greatly increase their ecological and biodiversity value.

Similarly maximising the value of the various potential habitats and features and integrating them into a single functioning system will maximise their effectiveness using the minimum resources for the whole Amberfield, Peacocke and Southwest Hamilton area.

Having designed this more effective and efficient system it can then be adjusted to meet practical necessities. If a development has to contribute more than is legally required to integrate with the system then the value could be recognised and accounted for during the consent process.

Developments could be staged to meet requirements with minimal resources and disruption.

There are many other ways that those involved could cooperate to optimise the whole system for the benefit of all concerned.

I realise that Commissioners don't have the authority to compel this wider caucusing, but could you not at least give them the opportunity to find a better, more comprehensive solution? Considering such an option could help the parties to see a better solution for the current application even if they don't adopt it or the wider solution.

If the hearing is not delayed to allow caucusing for agreement then it should be declined so that the applicant can submit an application which can meet necessary conditions.

I would support the applicant working with the Hamilton City Council and submitters to design a better development.

Roderick Aldridge