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## Form 5: Submission on notified proposal for policy statement or plan, change or variation

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*Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991*

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**To:** Waipā District Council

**Name of submitter:** Director-General of Conservation (the **Director-General**)

1. This is a submission on Proposed Plan Change 14 – Rezoning part of C10 Growth Cell to the proposed to the Waipā District Plan.
2. I could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that my submission relates, and the detailed decisions sought to are set out in **Attachment 1** to this submission.
4. I **seek** the following decisions from the Council:
  - a. That the particular provisions of the Proposed Plan Change (PC14) that I support, as identified in Attachment 1, are retained;
  - b. That the amendments, additions and deletions to PC14 sought in Attachments 1 are made; and
  - c. Further or alternative relief to like effect to that sought in 4. a. and 4. b. above.
5. The decisions sought in this submission are required to ensure that PC14:
  - a. Promotes the sustainable management of natural and physical resources as required by Part 2 of the Resource Management Act 1991 (RMA);
  - b. Recognises and provides for the matters of national importance listed in section 6 of the RMA and has particular regard to the other matters in section 7 of the RMA;
  - c. Gives effect to the applicable national policy statements (RMA s75(3)(a)) including National Policy Statement for Freshwater Management (NPS-FM), and the National Policy Statement for Indigenous Biodiversity (NPS-IB), and the other applicable National Policy Statements.

- d. Gives effect to the Waikato Regional Policy Statement (WRPS) (RMA s75(3)(c));
- e. The changes sought are necessary, appropriate and sound resource management practice.

6. I wish to be heard in support of my submission, and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Jane Wheeler  
Manager Operations  
Waikato Operations District  
Department of Conservation  
Acting pursuant to delegated authority on behalf of the Director-General of Conservation  
Date: 19/07/2024

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

**Address for service:**

Attn: Jesse Gooding, Senior RM Planner

[Redacted]

[Redacted]

Department of Conservation

[Redacted]

[Redacted]

## ATTACHMENT 1:

**Proposed Plan Change 14 – Rezoning part of C10 Growth Cell  
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION**

The Chapters that my submission relates to are set out in the table below. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from PC14 is shown in *Italics*. The wording of relief sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each-submission point, my reasons for supporting are that the provisions are consistent with the purposes of the Act.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Structure Plan	Support	<p>Long-tailed bats are New Zealand’s only native mammal. They have the highest threat classification of Threatened - Nationally Critical based on the New Zealand Threat Classification System (NZTCS). Long-tailed bats are Absolutely Protected under the Wildlife Act 1953.</p> <p>The Ecological Values and Effects Assessment and bio-acoustic bat surveys undertaken by Bluewattle Ecology identify that long-tailed bats are using the PC14 site as foraging or commuting habitat and that the site contains potential bat roost habitat.</p> <p>I support the proposed creation of the Mangaone Stream Reserve to protect the riparian margins of the Mangaone Stream and protect and enhance identified bat habitat within the PC14 site.</p> <p>I request the proposed size of the reserve and buffer around the identified High Value Bat Habitat Area is determined and through this process to ensure the functionality of the reserve area as</p>	Retain the proposed extent of the Mangaone Stream Reserve as depicted on the structure plan and described in the supporting documentation, including the buffer around the identified High Value Bat Habitat Area.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		habitat for long-tailed bats given the proposed development of the remainder of the plan change site for industrial activities.	
Structure Plan	Support in part	<p>I support the identification of the High Value Bat Habitat Area on the proposed Mangaone Precinct Structure Plan. This area is referred to in the proposed provisions (e.g. Assessment criteria 21.1.1.20), however the structure plan does not provide an explanation/definition of this area.</p> <p>To support the assessment of future resource consent applications, I request an amendment to Appendix S27 to provide a description of the High Value Bat Habitat Area and its purpose/function.</p>	Add a description of the High Value Bat Habitat Area and its purpose/function to Appendix S27 - Mangaone Precinct Structure Plan.
Chapter 7 – Industrial Zone - Resource Management Issues, Objectives and Policies	Support in part	<p>PC14 provides for a “<i>High Value Bat Habitat Area</i>” and several rules to manage effects on long-tailed bats and their habitat, as recommended in the memorandum prepared by Blue Wattle Ecology (Appendix D2).</p> <p>I consider amendment to Issue 7.2.11 or a new Resource Management Issue should be added to address effects on ecology and bat habitat values. This issue should also be addressed in Objective 7.3.4 and either by a new policy or by amendment to policy 7.3.4.11 to require protection and enhancement of long-tailed bat habitat values. It is noted activities breaching the rules intended to mitigate effects on bats will require consent for discretionary or non-complying activity. Assessment of these activities would therefore benefit from appropriate policy direction on bats and ecology.</p>	Add a resource management issue that addresses ecology and an objective and policy to provide for protection and enhancement of long-tailed bat habitat values.
Rule 7.4.2.5A	Support	I support proposed rule requiring buildings to be setback at least 5m from the boundary of the Mangone Stream Reserve in	Retain as notified.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		accordance with the recommendations of Bluewattle Ecology (Appendix D2).	
Rule 7.4.2.36	Support in part	<p>I support the requirement to enter into a Development Agreement between the Council and the Developer prior to development occurring, in particular to secure the vesting and management of the Mangaone Reserve and the High Value Bat Habitat Area located therein. The drafting of this rule should provide more certainty that the extent of the reserve to be vested in Waipā District Council will be consistent with that currently shown on proposed Structure Plan map.</p> <p>This will avoid an outcome where the extent of the reserve is lessened as a result of the Development Agreement, potentially reducing its ecology and bat habitat value.</p>	<p>Amend Rule 7.4.2.36(c) to read:</p> <p><i>(c) For the Mangaone Precinct Structure Plan Area, detail <u>how</u> the extent <u>and purpose</u> of reserve land to be vested in Council <u>will be consistent with Appendix S27 and its depiction on the Mangaone Precinct Structure Plan Map (Figure S27.B)</u>, and the manner that the reserve contribution will be offset against the reserve land to be vested.</i></p> <p><i>(d) For the other areas subject to this rule detail the <u>extent of reserve land to be vested in Council and the manner that the reserve contribution will be offset against the reserve land to be vested.</u></i></p> <p>And any further or alternative relief to like effect.</p>
Rule 7.4.2.42	Support	I support this proposed rule to mitigate adverse lighting effects on long-tailed bats within the Mangaone Precinct.	Retain as notified.
Rule 15.4.2.91A	Support in part	<p>I support the requirement to prepare a Mangaone Stream Reserve Management Plan as part of the first subdivision or land use consent within the PC14 site to mitigate adverse lighting effects on long-tailed bats, as recommended in by Bluewattle Ecology in Appendix D2 to the suite PC14 supporting documents.</p> <p>Specifying “for industrial purposes” in clause d is unnecessary. The reserve should be provided as part of the first consent application within the PC14 site.</p>	<p>Amend Rule 15.4.2.91A(d) by deleting the words “for industrial purpose”</p> <p><i>(d) The first subdivision or land use consent application of the Mangaone Precinct <del>for industrial purposes</del>, shall include:</i></p> <p>..</p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<p>The actions required in clause (g) should be in accordance with the Mangaone Reserve Management Plan.</p> <p>I request that this rule continue to apply when the reserve is vested in Waipā District Council.</p>	<p>(g) <i>The Mangaone Stream Reserve is planted and fenced, and pedestrian / cycle paths are constructed as part of the first subdivision consent, <u>in accordance with the Mangaone Reserve Management Plan.</u></i></p> <p>And any further or alternative relief to like effect.</p>
Section 21 – Assessment Criteria 21.1.7.19(iv.)	Support	I support the requirement to assess activities not otherwise permitted in the Central Focal Area the extent to which bat habitat values associated with the Mangaone Stream Reserve will be avoided.	Retain as notified.
Section 21 – Assessment Criteria 21.1.7.19(iv.)	Support	I support the requirement to assess activities not otherwise permitted in the Central Focal Area the extent to which bat habitat values associated with the Mangaone Stream Reserve will be avoided.	Retain as notified.
21.1.1.20	Support	I support the requirement to assess the extent to which light intensity and light spill from external lighting will adversely affect the ecological values of the High Value Bat Habitat Area.	Retain as notified.
21.2.7.1 – Information Requirements	Support in part	<p>I support the proposed information requirements and assessment criteria for the Mangaone Stream Reserve Management Plan as comprehensive, subject to the amendments I have requested.</p> <p>Regarding, clause (a.) – given the extent and area of the reserve has already been mapped in Appendix S27 and its area and function has been described in the supporting documentation the mapped area should be generally in accordance with the structure plan.</p>	<p>Amend 21.2.7.1a. to read:</p> <p>a. <del>Clarification</del> <u>Evidence (by way of mapping) that as to the precise area and extent of the reserve area is generally in accordance with Appendix S27 and Figure S27.B;</u></p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
21.2.7.1 – Assessment Criteria	Support in part	<p>The assessment criteria for the reserve management plan relating to the High Value Bat Habitat Area will be comprehensive subject to the following issues being addressed:</p> <p>It is understood that the Mangaone Stream, which crosses the PC14 site is currently managed by the Waikato Regional Council (WRC) as part of the region’s land drainage scheme. This may require WRC to access the proposed Mangaone Stream Reserve and High Value Bat Habitat Area and carry out maintenance activities such as vegetation removal and erosion control or other works requiring excavation. I am concerned that provision for this activity has potential to undermine the ecological function of the reserve and High Value Bat Habitat Area. The extent to which these activities minimise their effects on ecology values should be considered when assessing the Mangaone Reserve Management Plan. PC14 will need to give effect to the NPS-IB in this respect, including by ensuring such activities apply the effects management hierarchy where appropriate.</p> <p>The wording in clause 21.2.7.1ee. should be tightened so that the DOC ‘<i>Protocols for Minimising the Risk of Felling Bat Roosts</i>’ are always required to be followed.</p>	<p>Amend 21.2.7.1 – <i>Assessment Criteria</i> by:</p> <p>Adding a new matter to assess the extent to which WRC and/or Waipā District Council land drainage activities minimise adverse effects on long-tailed bat habitat values and the ecological function of the Mangaone Stream and reserve.</p> <p>Amend 21.2.7.1ee. to read:</p> <p><i>e. .. The planned works <del>should</del> <u>must</u> employ the Department of Conservation ‘Protocols for Minimising the Risk of Felling Bat Roosts’ where potential roosting trees for long-tailed bats are being removed and/or for trees with a diameter at breast height (DBH) of 15cm or greater for trees being removed as part of an application.</i></p>