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Enquiries to: Hannah Craven



25 August 2021

LU/0145/20 - Festival One Hearing Panel  
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Attn: Sharyn King: [sharyn.king@waipadc.govt.nz](mailto:sharyn.king@waipadc.govt.nz)

Dear Sir/Madam

**Waikato Regional Council submission to LU/0145/20 - Festival One**

I request that this letter is tabled at the hearing on 13 September 2021, confirming support for the proposal and recommended conditions as presented in the Section 42A planning report and the amendments to the bat monitoring condition as worded in the attached email communication.

Waikato Regional Council (WRC) made a submission to resource consent application LU/0145/20 to establish and operate Festival One as an annual temporary event at 209 Whitehall Road, Cambridge. The submission raised concerns relating to protection of indigenous biodiversity, specifically potential impacts on birds and long-tail bats present in indigenous vegetation fragments on or adjacent to the site.

WRC worked closely with the applicant and their planner from Mitchell Daysh on the development of proposed conditions to address these concerns. We agree in principle that ecological effects can be appropriately addressed through the implementation of monitoring and management plans.

Following the release of further information on 30 July 2021, WRC expressed general support for the proposed conditions but considered further discussion was needed to specify methods required to effectively implement the bat monitoring condition. On 25 August 2021, Mitchell Datsh contacted WRC with a proposed amendment to this condition, to which WRC responded with a suggested further amendment. This email communication and proposed amendments to the condition are attached to this letter.

After reviewing the Section 42A planning report and receiving further communication from the applicant regarding the bat monitoring condition, I am satisfied that WRC's submission points have been addressed.

Yours sincerely

A handwritten signature in black ink that reads "L. Balsom".

Lisette Balsom  
**Acting Manager, Strategic Policy Implementation**

## Attachment 1: Email communication between Mitchell Daysh and WRC on amendments to the bat monitoring condition

**From:** Mark Chrisp <[mark.chrisp@mitchelldaysh.co.nz](mailto:mark.chrisp@mitchelldaysh.co.nz)>

**Sent:** Wednesday, 25 August 2021 3:36 pm

**To:** Hannah Craven <[Hannah.Craven@waikatoregion.govt.nz](mailto:Hannah.Craven@waikatoregion.govt.nz)>; Aidan Kirkby-McLeod <[Aidan.Kirkby-McLeod@waipadc.govt.nz](mailto:Aidan.Kirkby-McLeod@waipadc.govt.nz)>

**Cc:** Paul Dutton <[Paul.Dutton@waikatoregion.govt.nz](mailto:Paul.Dutton@waikatoregion.govt.nz)>; Yanbin Deng <[Yanbin.Deng@waikatoregion.govt.nz](mailto:Yanbin.Deng@waikatoregion.govt.nz)>; [Graham@Festival.One](mailto:Graham@Festival.One)

**Subject:** RE: External Sender: RE: LU/0145/20 - Festival One - further information and resumption of processing

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Hi Hannah

Thanks for that. Festival One accepts the proposed changes to the condition highlighted in yellow below. I will reflect this outcome in my evidence and proffer the amended consent condition accordingly.

Regards

 **Mark Chrisp**

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**From:** Hannah Craven <[Hannah.Craven@waikatoregion.govt.nz](mailto:Hannah.Craven@waikatoregion.govt.nz)>

**Sent:** Wednesday, 25 August 2021 1:58 pm

**To:** Mark Chrisp <[mark.chrisp@mitchelldaysh.co.nz](mailto:mark.chrisp@mitchelldaysh.co.nz)>; Aidan Kirkby-McLeod <[Aidan.Kirkby-McLeod@waipadc.govt.nz](mailto:Aidan.Kirkby-McLeod@waipadc.govt.nz)>

**Cc:** Paul Dutton <[Paul.Dutton@waikatoregion.govt.nz](mailto:Paul.Dutton@waikatoregion.govt.nz)>; Yanbin Deng <[Yanbin.Deng@waikatoregion.govt.nz](mailto:Yanbin.Deng@waikatoregion.govt.nz)>; [Graham@Festival.One](mailto:Graham@Festival.One)

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Kia ora Mark,

Thank you for your email, and the work put in to amend the proposed conditions to remedy the remaining issue of concern.

We have some suggested further amendments to the bat monitoring condition (highlighted) as set out below:

### ***Bat Monitoring***

*10. The consent holder shall engage a suitably qualified ecologist (being a bat ecologist under the DOC certification scheme) to undertake bat monitoring before, during and after the first festival*

held pursuant to this consent to assess any potential adverse effects on bats that may be utilising the site **(including adjacent areas that may be influenced, such as the eucalyptus stand)** during the time of the festival. At a minimum, monitoring shall involve bioacoustics surveys to determine presence **absence** of bats and an indication of activity levels prior, during and within four weeks after the first festival held under this consent. Prior to the monitoring being undertaken, a Bat Monitoring Plan shall be prepared by the consent holder that describes specific methods and placement of acoustic recorders and timelines. The preparation of the Bat Monitoring Plan shall include consultation with the Waikato Regional Council regarding contents and detail of the Bat Monitoring Plan along with evidence of such consultation having occurred, all of which shall be provided to the Waipā District Council no less than 10 working days prior to the monitoring being undertaken.

11. A report detailing monitoring outcomes shall be provided to the Waipā District Council and the Waikato Regional Council within one month of the conclusion of the monitoring period, including (if bats are detected) any recommendations to avoid, remedy or mitigate any identified adverse effects on any bats that may be present in the area during future festivals.

12. All records of bats shall be supplied to the Department of Conservation national bat database.

We consider that the above wording, as well as the other proposed conditions previously agreed on, satisfies the issues raised in WRC's submission. We have read and support the recommendations made in the s42A report and will not be attending or presenting at the hearing, but rather will table a letter for the hearings panel in support of the proposed conditions.

I hope the above amendments are suitable, please let me know if you have any issues or concerns.  
Thanks again,  
Hannah

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**From:** Mark Chrisp <[mark.chrisp@mitchelldaysh.co.nz](mailto:mark.chrisp@mitchelldaysh.co.nz)>

**Sent:** Wednesday, 25 August 2021 9:57 am

**To:** Hannah Craven <[Hannah.Craven@waikatoregion.govt.nz](mailto:Hannah.Craven@waikatoregion.govt.nz)>; Aidan Kirkby-McLeod <[Aidan.Kirkby-McLeod@waipadc.govt.nz](mailto:Aidan.Kirkby-McLeod@waipadc.govt.nz)>

**Cc:** Paul Dutton <[Paul.Dutton@waikatoregion.govt.nz](mailto:Paul.Dutton@waikatoregion.govt.nz)>; Yanbin Deng <[Yanbin.Deng@waikatoregion.govt.nz](mailto:Yanbin.Deng@waikatoregion.govt.nz)>; [Graham@Festival.One](mailto:Graham@Festival.One)

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Hi Hannah

Thanks for providing feedback on the further information we provided to Waipa DC in relation to Festival One. Further to your email below, the following sets out a proposed amendment (additions underlined) to the conditions relating to bat monitoring with a view to addressing the remaining issue of concern:

### **Bat Monitoring**

10. The consent holder shall engage a suitably qualified ecologist (being a bat ecologist under the DOC certification scheme) to undertake bat monitoring before, during and after the first festival held pursuant to this consent to assess any potential adverse effects on bats that may be utilising the site during the time of the festival. At a minimum, monitoring shall involve bioacoustics surveys

*to determine presence / absence of bats and an indication of activity levels prior, during and within four weeks after the first festival held under this consent. Prior to the monitoring being undertaken, a Bat Monitoring Plan shall be prepared by the consent holder that describes specific methods and placement of acoustic recorders and timelines. The preparation of the Bat Monitoring Plan shall include consultation with the Waikato Regional Council regarding contents and detail of the Bat Monitoring Plan along with evidence of such consultation having occurred, all of which shall be provided to the Waipā District Council no less than 10 working days prior to the monitoring being undertaken.*

*11. A report detailing monitoring outcomes shall be provided to the Waipā District Council and the Waikato Regional Council within one month of the conclusion of the monitoring period, including (if bats are detected) any recommendations to avoid, remedy or mitigate any identified adverse effects on any bats that may be present in the area during future festivals.*

*12. All records of bats shall be supplied to the Department of Conservation national bat database.*

It would be *ultra vires* to have a condition that required the approval of a third party such as WRC, so I have drafted the condition in a manner that requires Festival One (or, in reality, the ecologist engaged) to consult with WRC as part of the preparation of the Bat Monitoring Plan and provide evidence of the same to Waipa DC.

Are you able to confirm that the above resolves any outstanding issue of concern to WRC? If so, are you also able to confirm that you no longer wish to be heard at a hearing?

I look forward to hearing from you.

Regards

 **Mark Chrisp**  
Director

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