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

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

To: Waipā District Council.

Name of submitter: Director-General of Conservation (the Director-General or the Department).

1. This is a submission on a change proposed to the following plan:

Operative Waipā District Plan 2017 – Proposed Private Plan Change 31 Te Awamutu T4 Growth Cell

2. I could not gain an advantage in trade competition through this submission.
3. The Director-General represents relevant aspects of public interest and has interest in the proposal that is greater than the interest the general public. The Director-General has all the powers reasonably necessary to enable the Department of Conservation to perform its functions¹. The Conservation Act 1987 (the CA) sets out the Department's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage². Section 2 of the CA defines 'conservation' to mean 'the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations'.
4. 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.

¹ Refer section 53 Conservation Act 1987.

² Conservation Act 1987, section 6.

5. I **seek** the following decision from the Council:
- a. That the amendments, additions and deletions to Proposed Private Plan Change 31 sought in Attachments 1 are made; and
 - b. Further or alternative relief to like effect to that sought in 5. a. above.
6. The decisions sought in this submission are required to ensure that the proposed change to the Operative Waipa District Plan 2017:
- a. Gives effect to the National Policy Statement for Indigenous Biodiversity 2023 (As amended 2025), National Policy Statement for Freshwater Management 2020 (As Amended 2025), and the Waikato Regional Policy Statement 2016;
 - b. Recognises and provides for the matters of national importance listed in section 6 of the Act and has particular regard to the other matters in section 7 of the Act;
 - c. Promotes the sustainable management of natural and physical resources; and
 - d. The changes sought are necessary, appropriate and sound resource management practice.
7. We would welcome the opportunity to engage with the applicant, Council, and other submitters prior to any hearing.
8. 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.



Trevor Ellis
RM Regulatory Delivery Manager
Department of Conservation
Acting pursuant to delegated authority on behalf of the Director-General of Conservation

Date: 13 July 2026

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: Ronan Whitelock, Resource Management Planner

[REDACTED] and cc to [REDACTED]

[REDACTED]

Department of Conservation Kirikiriroa / Hamilton

[REDACTED]

[REDACTED]

Proposed Private Plan Change 31: Te Awamutu T4 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 the Proposed Plan Change is shown in *Italics*. The wording of relief sought shows new text as underlined and original text to be deleted as ~~striketrough~~.

Unless specified in each-submission point, my reasons for supporting are that the provisions are consistent with the purposes of the DOC-10802787

ATTACHMENT 1:

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Proposed Plan Change 31 T4 Residential Growth Cell Te Awamutu – FINAL – 26 November 2025			
Ecological Impact Assessment – Long Tailed Bats	Oppose	The planning report is supported by an Ecological Impact Assessment (EcIA) prepared by Morphem Environmental. Section 2.1.4 of the EcIA provides a review of the Waikato long-tailed bat distribution map, confirming that there are no records of native bat activity within the site. The nearest records of long-tailed bats (LTB) are approximately 2 km to the north-east, within similar rural habitat. LTB face an immediate and extremely high risk of extinction (i.e. they are classified as Nationally Critical under the New Zealand Threat Classification System (NZTCS). Furthermore, given the exposed nature of the site’s trees and the lack of connectivity to larger areas of dense vegetation, the likelihood of bats being routinely present on the site is considered low. The EcIA confirms that two dedicated bat surveys were undertaken within the ‘T2’ growth cell of the Waipā District Plan, located approximately 1.8 km north-west of the site. These surveys indicated the presence of bats for foraging purposes only, with no evidence of roosting behaviour. Despite the records within the T2 growth cell, the applicant has not undertaken any acoustic surveys. Instead, the applicant's approach has been to acknowledge that the site could potentially provide foraging opportunities for LTB within the wider landscape. The EIA recommends that prior to any tree removal works within the T4 Growth Cell, a site-specific survey for the presence of LTB in accordance with accepted methods for determining the presence of bats must be provided to Council. Moreover, if the presence of long tail bats is confirmed through the site-specific survey, a Bat Management Plan (BMP) must be prepared and implemented. The EIA recommends the BMP include details of how habitat connectivity will be maintained as far as practicable as well as pre-vegetation clearance vegetation surveys for the presence of roosting trees and bats. There are some concerns with this approach. If bats are present, protection measures could be incorporated into PC31 provisions as part of the decision (such as management of locations of various elements to minimise effects). It is considered prudent for a precautionary approach³ to be taken with a site-specific survey to be carried out prior to any decision on the plan change is made. Following the results of the site survey, the EIA should then inform an effects management response in accordance with the NPS-IB, and WRPS provisions and provisions should be proposed within PC31 provisions.	- Undertake a ‘site specific survey’ to properly understand the presence of bats within the site. - Use this to inform an effects management response and to establish provisions within the plan as necessary to give effect to the NPS-IB and Waikato RPS. - The Department requests Waipa District Council engage a Suitably Qualified Bat Ecologist to peer review the EcIA. Any alternative or consequential relief.
Ecological Impact Assessment – Freshwater Values & Effects Management	Oppose	eDNA surveys at three locations across the subject site were used to inform the EcIA. This indicated four freshwater fish species within the site, black mudfish, longfin eel, shortfin eel, and the introduced gambusia. Two macroinvertebrates samples were also undertaken, and these found an invertebrate community indicative of ‘fair’ water and habitat quality. The DG’s freshwater expert notes the New Zealand Freshwater Fish Database (NZFFD) records in the wider catchment (Pūniu River and tributaries upstream of the site) have recorded eleven native freshwater species, including three Threatened – Nationally Vulnerable and six At Risk species, as well as kōura/freshwater crayfish. This means that the fish community in the streams and wetlands across the site could be more diverse than the four species recorded in the eDNA samples. Hence, the DG considers more survey necessary.	- Undertake more in-depth survey monitoring to better understand the mudfish population present within the site and to understand the presence of any other freshwater fish that may be present. - Use the information gathered to inform decisions on wetlands and potential wetland removal and to establish an effects management framework for provisions within PPC31. Any alternative or consequential relief.

³ National Policy Statement for Indigenous Biodiversity 2023 (as amended December 2025), policy 3

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Structure Plan			
Long-tailed bats	New provisions recommended	The EclA recommends a site-specific survey be carried out prior to any works on the site and if bats are identified within that a bat management plan be implemented to manage the effects. As noted above, it is considered that a site-specific survey should be carried out prior to any decision being made on this application. The DG supports, in principle, the proposed management measures outlined in the EclA, including restoration and mitigation planning to manage the effects of light spill and pre-vegetation clearance surveys. However, the DG considers that additional measures are required to ensure all potential adverse effects on long-tailed bats (LTB) are appropriately managed. These include: • The effects of lighting from residential dwellings and streetlights. • An increase in predator numbers within the site. If bats are identified within the site, an effects management framework that implements the effects management hierarchy should be established. This should be clearly signalled through a transparent planning framework within PC31 provisions, as required under section 77E of the RMA.	If bats are identified within the site, it is requested that a comprehensive set of objectives, policies, rules and assessment criteria/information requirements relating to ecological values within the plan change area, particularly relating to long-tailed bats and their habitat, and measures to protect, maintain and enhance those values. These provisions should reflect the recommendations of the EclA (including any updates required to address the matters discussed in this submission). The DG is interested and seeks engagement with Waipā District Council to assist drafting these provisions prior to a hearing and directs Waipā District Council to Objective 7.3.9 and Policies 7.3.9.1 and 7.3.9.2 adopted through Plan Change 14. No development within the structure plan should commence until such time as the BMP has been certified. The BMP should include, but not be limited to, the following matters: • Identification of all confirmed or potential bat roost trees within the structure plan area based on presence of roosting features and any other relevant information which is available; • Tree removal methodology and timing for all confirmed or potential bat roost trees which are proposed to be removed, with regard to the Department of Conservation “Protocols for minimising the risk of felling occupied bat roosts”, produced by the NZ DOC Bat Recovery Group 2024, or any other update to that document; • Details of proposed effects management including any offsetting or compensation to ensure that the development of the T4 Growth Cell structure plan achieved a no net loss outcome for long-tailed bat habitat values. This would include: ○ The legal mechanisms proposed to ensure the ongoing protection of the compensation area ○ Planting and maintenance specifications; ○ An implementation programme for the habitat enhancement; ○ A methodology and maintenance programme for artificial roost boxes and the creation of new roosting habitat; ○ A methodology and programme for predator control and monitoring; ○ How the financial contribution to predator control in the wider landscape will be undertaken. • Procedures for the certification, review, and amendment (if necessary) of the BMP, including an opportunity for DOC to comment; • The requirement for the BMP to be prepared by a suitably qualified and experienced person. Any alternative or consequential relief.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Freshwater fish management	New provisions recommended	The PPC indicates that c. 0.35 ha of wetlands will be lost as part of the implementation of the subdivision, and that this will be balanced by the provision of an additional 2.12 ha of wetland elsewhere within the T4 Growth Cell. However, created wetland cannot be assumed to have the same value and ecological function as natural wetland. Black mudfish (At Risk- declining under the NZTCS) are present within one of the wetlands on site. From page 20 of the Structure Plan (Appendix G), it appears that this is where the wetland is proposed to be lost (a portion through the middle of the wetland to provide for a road around the edge of the site). Black mudfish populations have been significantly impacted by wetland loss, and remaining populations are fragmented throughout patchy habitat. Removal of a portion of this wetland would result in loss of mudfish habitat and further fragmentation of the population. There is little or no sound evidence of successful translocation of mudfish to new habitats, so mitigation of mudfish habitat loss by moving mudfish to new habitat would have uncertain outcomes. It should be noted that Gambusia were detected at two of the eDNA sampling sites. Gambusia are a pest fish that is known to attack mudfish and compete with them for food. While connectivity between habitats is generally positive for freshwater species, opportunities to limit spread of gambusia would be beneficial, especially to mudfish habitat. The proposed plan change also indicates that c. 75m of stream would require culverting to enable road development. It is important that any culverts are designed in accordance with the NZ Fish Passage Guidelines to ensure appropriate fish passage is provided.	It is noted that no provisions have been included for the management of black mudfish. It is recommended that a black mudfish management plan be established within the policy framework, matters of discretion, and information requirements of PPC31. This black mudfish management plan should include: • A clear objective for how the effects on black mudfish are going to be managed; • Monitoring of mudfish populations; • Implementation of restoration measures; • Measures to limit the spread of gambusia and/or other pest fish across the wetlands; • Procedures for the certification, review, and amendment (if necessary) of the management plan, including an opportunity for DOC to comment; and • The requirement for the management plan to be prepared by a suitably qualified and experienced person. With relation to culverts, it is recommended that measures are included in the PPC31 provisions to ensure that culverts are designed in line with the New Zealand Fish Passage Guidelines. No development in the PPC31 structure plan shall commence until such time as the black mudfish management plan is certified. Any alternative or consequential relief.