

From: [Annabel Averill](#)
To: [Policy Shared](#)
Cc: [REDACTED]
Subject: External Sender: Private Plan Change 37 - Rider Park Structure Plan - Submission of the Director-General of Conservation
Date: Monday, 20 April 2026 4:42:28 pm
Attachments: [image001.png](#)
[Waipa District Council Private Plan Change 37 - Submission of the Director-General of Conservation.pdf](#)

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Kia ora,

Thank you for the opportunity to submit on PC37 (Private): Rider Park Structure Plan.
Please see the attached submission of the Director-General of Conservation.

Please kindly acknowledge receipt of the submission by an email response.

Ngā mihi,

Annabel Averill – BEP Int.NZPI

Resource Management Planner | Kaiwhakamahere Penapena Rawa
Department of Conservation | Te Papa Atawhai



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Department of
Conservation
Te Papa Atawhai

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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 37 Rider Park Structure Plan

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 particular provisions of Proposed Private Plan Change 37 that I support, as identified in Attachment 1, are retained;
 - b. That the amendments, additions and deletions to Proposed Private Plan Change 37 sought in Attachments 1 are made; and
 - c. Further or alternative relief to like effect to that sought in 5. a. and 5. b. 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, 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. 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: 20 April 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: Annabel Averill, Resource Management Planner

[REDACTED]

[REDACTED]

Department of Conservation Kirikiriroa / Hamilton

Private Bag 3072

Hamilton 3240

Proposed Private Plan Change 37: Rider Park Structure Plan
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
Rider Park Private Plan Change: Request for Plan Change and Assessment of Environmental Effects November 2025 (Planning report)			
Ecological impact assessment for the proposed plan change	Support in part	The Planning report is supported by an ecological impact assessment (EclA). Further clarification and assessment with respect to the EclA and how the recommendations made will be implemented through the proposed plan change is sought. The Rider Park Private Plan Change Application at section 10 – ‘<i>Part 2 of the RMA</i>’ records – ‘<i>the habitats of indigenous fauna, in particular long-tailed bats will be protected under section 6(c)</i> [of the RMA].’ However, the EclA does not include an assessment of the vegetation and habitat on the Site to determine its ecological significance in accordance with Appendix 5 of the Waikato Regional Policy Statement (WRPS) or Appendix 1 of National Policy Statement for Indigenous Biodiversity (NPSIB) to determine which parts of the Site and what proportion of it, meet section 6(C) of the Act. This will be required to determine what and how much habitat on the site will be protected and whether residual effect management (compensation) is appropriate when addressing the loss of section 6(c) habitat. Section 3.8.3 states that “<i>Through a combination of planting trees, installing artificial roost boxes, and treating weedy trees, the magnitude of effect from removing 120 potential roost trees is assessed as Negligible and the level of effect on long-tailed bats is assessed as Low.</i>” • 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). • The Department does not agree with the assessment of the loss of potential roost trees as a low level of effect. Long-tailed bats have very specific thermal requirements for raising young, and suitable roosts for raising young are rare even in large, mature forests³. Suitable roosts will be much rarer in this rural and urban landscape. It is erroneous to assess the magnitude of effect as low because there are other trees in the surrounding area. Loss of an active roost, particularly a maternity roost, would result in a significant adverse effect on this critically endangered species. • Artificial roost boxes are a poor replacement for the loss of natural roosts. This is because we do not know how to replicate the conditions of natural roosts. We do not know what the requirements of winter roosts are. If artificial roosts provide sub-optimal thermal qualities this may result in lower survival of bats⁴. • While artificial roosts have been occupied by bats in Hamilton, few have been used as communal roosts⁵, and survival of pups being raised in these roosts is unknown. There is also no guarantee that poisoned trees will develop cavities suitable for roosting. There will be a long time lag of many decades before newly planted trees become suitable for roosting. Section 9.2.1 of the EclA lists a key threat to bats as predation by introduced mammals but the report does not assess the effects of increased predation risk that could occur as a result of an increase in domestic pets likely to result from an increase in residential density.	• Undertake additional ecological impact assessment to address the gaps identified in this submission point. • Assess the Site in accordance with Appendix 5 of the WRPS and/or Appendix 1 of NPSIB to determine its ecological significance. • Use this information to revise proposed provisions as necessary to give effect to the NPSIB and Waikato RPS, including by: ○ Avoiding adverse effects on areas/habitat meeting section 6(C) of the Act. • The Department is interested and seeks engagement with Waipā District Council to refine the implementation deficiencies identified in this submission prior to a hearing. • The Department requests Waipā District Council engage a Suitably Qualified Bat Ecologist to peer review the EclA.

³ O’Donnell CFJ, Sedgely J 2006. Causes and consequences of tree-cavity roosting in a temperate bat, *Chalinolobus tuberculatus*, from New Zealand. In: Functional and Evolutionary Biology of Bats (Ed by Zubald A, McCracken GF & Kunz TH) pp 308-328. New York, Oxford University Press.

⁴ Sedgely JA, O’Donnell CFJ 2004. Roost use by long-tailed bats in South Canterbury: examining predictions of roost-site selection in a highly fragmented landscape. *New Zealand Journal of Ecology* 24(1):1-18

⁵ Robinson, H., Ling, N., Tempero, G.W. (2024). Occupation of artificial roosts by long-tailed bats (*Chalinolobus tuberculatus*) in Hamilton City, New Zealand. *New Zealand Journal of Zoology*. Vol. 51, No. 2, pp. 186–199.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Structure Plan			
New Rule 15.4.2.91A Rider Park Structure Plan Area – Subdivision Parameters Any Development and/or Subdivision (as relevant) in the Rider Park Structure Plan Area shall ensure that: (a) All roads and reserves shall be constructed and/or vested to the Waipā District Council as part of the relevant staging area they are located in, other than where provided for in (b) below; (b) The central gully is vested in Waipā District Council as part of the final stage of development, however the restoration planting must commence as part of the first stage, and progressed as part of each subsequent stage (in accordance with the relevant landscaping plan required by (c) below), and completed as part of the final stage of development; (c) A Landscape Concept Plan for each development / subdivision stage is provided that, stipulates what the development stages are and clearly identifies what the concept plan is seeking to address (i.e. overall design approach, details of planting for reserve areas, details of street tree planting, design and landscape treatment of cycleways and pedestrian networks within road reserve and reserve areas). Activities which fail to comply with this rule will require resource consent for a discretionary activity.	Support in part	As development of housing and roading around Cambridge increases and bat habitat decreases, the importance of the green belt (and contiguous reserve areas) will increase for bats. This needs further consideration. Light which may spill into these areas does not only come from external fixtures, but also from car headlights and from windows. A substantial width of planting would help to minimise light spill into the green belt and reserves, and this should be reflected in the Structure Plan.	The requirement for the Landscape Concept Plan to require a 15-metre planting buffer between areas zoned MDRS and the green belt and reserves to reduce the impact of lighting on long-tailed bat habitat is incorporated into the structure plan. New Rule 15.4.2.91A Rider Park Structure Plan Area – Subdivision Parameters Any Development and/or Subdivision (as relevant) in the Rider Park Structure Plan Area shall ensure that: (a) All roads and reserves shall be constructed and/or vested to the Waipā District Council as part of the relevant staging area they are located in, other than where provided for in (b) below; (b) The central gully is vested in Waipā District Council as part of the final stage of development, however the restoration planting must commence as part of the first stage, and progressed as part of each subsequent stage (in accordance with the relevant landscaping plan required by (c) below), and completed as part of the final stage of development; (c) A Landscape Concept Plan for each development / subdivision stage is provided that, stipulates what the development stages are and clearly identifies what the concept plan is seeking to address (i.e. overall design approach, details of planting for reserve areas, details of street tree planting, design and landscape treatment of cycleways and pedestrian networks within road reserve and reserve areas), <u>and provides for a 15 metre planted buffer between areas zoned MDRS and green belt and reserve areas.</u> Activities which fail to comply with this rule will require resource consent for a discretionary activity.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Ecological Assessment and Structure Plan	New provisions recommended	The EclA recommends management measures and compensation should be detailed in a Bat Management Plan for the plan change. Such a management plan is not referenced anywhere else in the application documents and is not provided for by any proposed objectives, policies or rules. The proposed approach to require and implement a bat management plan (albeit not required by the proposed rule framework) defers protection of bat habitat to the consent application stage, with no certainty as to how development will avoid, remedy and mitigate adverse ecological effects and achieve no net loss as is required by ECO-P1 of the WRPS and the RMA. The proposed plan change as drafted, recommends a set of measures to offset/compensate for the loss of bat commuting and foraging habitat. The Department supports the planting in the gully, river embankment and escarpment but it is unclear how many hectares this covers, which may be more important than the number of trees when considering the enhancement of foraging and commuting habitat. If financial contributions are necessary to fund any biodiversity offsetting or compensation, this should be clearly signalled through a transparent planning framework, in PC37 provisions, as required under section 77E of the RMA. Utilising the vesting of reserves with Waipā District Council as the timeframe for which pest control and monitoring will be conducted means that the specific timeframe for which this compensation measure is undertaken is not clearly specified. The Department recommends that a specific timeframe (e.g. X years) should be specified to ensure that the pest control and monitoring results in the benefits intended to appropriately compensate for the adverse effects identified. Section 3.8.4 of the EclA lists a number of measures that can be utilised to manage the effects on bat habitat from increased levels of lighting. These measures have not been incorporated into the Structure Plan planning framework and should be implemented to ensure the management of the effects identified in the EclA.	The Department requests 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 Department is interested and seeks engagement with Waipā District Council to draft 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 biodiversity compensation to ensure that development of the Rider Park Structure Plan achieves a no net loss outcome for long-tailed bat habitat values. This shall include: ○ The legal mechanisms proposed to ensure the ongoing protection of the compensation area being the gully, river embankment and escarpment within the site; ○ 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.
Section 2A.4.2 Performance Standards and Rules			

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
New Rule 2A.4.2.70 C5 Structure Plan Area – Post Construction Lighting The following lighting controls apply in the Rider Park Structure Plan Area: (a) Added illuminance from fixed artificial outdoor lighting shall not exceed 0.3 lux (horizontal and vertical) at any height at the external boundary of any Light Management Area (LMA). Lighting attached to a vehicle is not considered to be fixed. (b) Where located within a LMA, artificial outdoor lighting, must: (i) Be installed with the light emitting surface facing directly down and oriented away from the LMA. (ii) Be white LED and a maximum colour temperature of 2700K. (iii) In the case of exterior security lighting, be controlled by a motion sensor with a short duration timer (no more than 5 minutes). (c) Artificial exterior lighting within a LMA, must (i) be for the express use of providing emergency lighting for an essential public service that could require unavoidable maintenance at night – e.g. a waste water pumping station. (ii) be installed for the purpose of Health and Safety / Crime Prevention Through Environmental Design (CPTED). (iii) be installed for the purpose of road safety. (iv) be white LED with a maximum 2700k colour temperature (v) be installed with the light emitting surface facing directly down and be mounted as low as practical. (vi) Be turned off when not in use or motion activated. Activities that fail to comply with this rule will require resource consent for a Restricted Discretionary Activity. Discretion will be restricted to the following matters: • Lighting Effects; • Ecological Effects; • Health and Safety (including road safety)/Crime Prevention Through Environmental Design (CPTED).	Support in Part	The lighting standards as drafted require that lighting within the structure plan area does not exceed 0.3 lux. The Department recommends that this standard is amended to require that lighting does not exceed 0.1 lux as recommended by the Eurobats Guidelines for consideration of bats in lighting projects⁶. Lighting effects from roads and housing were addressed in detail by the Environment Court in <i>Weston Lea</i>⁷ where the Court imposed conditions requiring light to be attenuated to a maximum brightness of 0.1 lux and a colour temperature maximum of 2700 kelvin adjacent to bat protection areas (similar to within ‘Light Management Areas’ referred to in this Project). In that case, the Court commented at [63] – <i>‘Although several of the witnesses indicated an acceptable upper limit for Bats of 0.3 lux, no witness suggested this was a desirable light level throughout the BPA. Mr Kessels was clear as were most of the other witness that the appropriate level to secure high quality Bat habitat was less than 0.1 lux.’</i> The Department seeks those limits are imposed in the Light Management Areas within the structure plan area provisions. ‘Fixed artificial outdoor lighting’ and ‘artificial exterior lighting’ are the types of lighting to which these provisions apply, but neither of these terms defined in the operative district plan or proposed plan change. For clarification in the implementation of these standards, it is recommended that these terms are defined. As drafted, the lighting controls in the C5 Structure Plan Area only apply ‘post-construction’. It is recommended that this specification is removed from this rule so that these standards can also apply during the construction phase of the enabled development to manage lighting effects on long-tailed bats. The Department recommends that the activity status for activities that fail to comply with this proposed rule is amended to discretionary to provide for comprehensive decision making whereby the activity is assessed against the relevant objectives and policies, including those sought by the Department. If a restricted discretionary activity status is retained, the Department have changes to the matters of discretion.	New Rule 2A.4.2.70 C5 Structure Plan Area – ~~Post Construction~~ Lighting The following lighting controls apply in the Rider Park Structure Plan Area: (a) Added illuminance from fixed artificial outdoor lighting shall not exceed <u>0.1</u> ~~0.3~~ lux (horizontal and vertical) at any height at the external boundary of any Light Management Area (LMA). Lighting attached to a vehicle is not considered to be fixed. (b) Where located within a LMA, artificial outdoor lighting, must: (i) Be installed with the light emitting surface facing directly down and oriented away from the LMA. (ii) Be white LED and a maximum colour temperature of 2700K. (iii) In the case of exterior security lighting, be controlled by a motion sensor with a short duration timer (no more than 5 minutes). (c) Artificial exterior lighting within a LMA, must (i) be for the express use of providing emergency lighting for an essential public service that could require unavoidable maintenance at night – e.g. a waste water pumping station. (ii) be installed for the purpose of Health and Safety / Crime Prevention Through Environmental Design (CPTED). (iii) be installed for the purpose of road safety. (iv) be white LED with a maximum 2700k colour temperature (v) be installed with the light emitting surface facing directly down and be mounted as low as practical. (vi) Be turned off when not in use or motion activated. Activities that fail to comply with this rule will require resource consent for a <u>Discretionary</u> ~~Restricted Discretionary~~ Activity. If the Restricted Discretionary activity status is retained the Department seeks the following changes to matter of discretion: <i>Discretion will be restricted to the following matters:</i> • <i>Lighting Effects, including on long tailed bats.</i> • <i>Ecological Effects;</i> • <i>Health and Safety (including road safety)/Crime Prevention Through Environmental Design (CPTED).</i>

⁶ Voigt CC, Azam C, Dekker J, Ferguson J, Fritze M, Gazaryan S, Hölker F, Jones G, Leader N, Lewanzik D, Limpens HJGA, Mathews F, Rydell J, Schofield H, Spoelstra K, Zagmajster M. 2018. Guidelines for consideration of bats in lighting projects. EUROBATS Publication Series No. 8. UNEP/EUROBATS Secretariat, Bonn, Germany, 62 pp
https://www.eurobats.org/sites/default/files/documents/publications/publication_series/WEB_EUROBATS_08_ENGL_NVK_19092018.pdf

⁷ Weston Lea & D v Hamilton City Council [2020] NZEnvC 189

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
New Rule 2A.4.2.71 Rule – Structure Plan Areas: Development Agreement No development within the structure plan areas listed below shall be approved until such time as a development agreement is signed between Council and the developer which specifically covers the land proposed to be developed. The development agreement shall: (i) Specify all those items of infrastructure that are required to be upgraded at full or partial cost to the developer; and (ii) Specify agreements reached as to the provision and development of land for public reserves within the structure plan and the manner that the reserve contribution will be offset against the land vested. This rule shall apply to: Rider Park Structure Plan Area Activities that fail to comply with this rule will require resource consent for a non-complying activity.	Additional provision recommended	In addition to a comprehensive framework of objectives, policies and rules for the management of effects on long-tailed bats, the Department recommends that the proposed plan should ensure there is implementation of a Bat Management Plan and the compensation and management measures proposed by the EclA in order to manage adverse effects on long-tailed bats. The relief sought recommends an amendment to an existing rule requiring that before development in the structure plan area is approved, a Bat Management Plan prepared by a suitably qualified and experienced bat ecologist is prepared and implemented in order to appropriately manage the adverse effects identified in the EclA. This approach exists in Rule 10.4.2.21 of the Operative Waipā District Plan following PC20 Airport Northern Precinct Extension to manage adverse effects on long-tailed bats. As detailed above, if financial contributions are necessary to fund any biodiversity offsetting or compensation, this should be clearly signalled through a transparent planning framework, in PC37 provisions, as required under section 77E of the RMA.	New Rule 2A.4.2.71 Rule – Structure Plan Areas: Development Agreement No development within the structure plan areas listed below shall be approved until such time as a development agreement is signed between Council and the developer which specifically covers the land proposed to be developed. The development agreement shall: (i) Specify all those items of infrastructure that are required to be upgraded at full or partial cost to the developer; and (ii) Specify agreements reached as to the provision and development of land for public reserves within the structure plan and the manner that the reserve contribution will be offset against the land vested. <u>(iii) Specify how financial contributions for biodiversity compensation will be provided for to address adverse effects on long-tailed bats.</u> This rule shall apply to: Rider Park Structure Plan Area Activities that fail to comply with this rule will require resource consent for a non-complying activity.