

IN THE MATTER

of the Resource Management Act 1991 (**the Act**)

AND

IN THE MATTER

of the proposed Waikato District Plan (Stage 1) – Hearing 21A – Significant Natural Areas

SUPPLEMENTARY EVIDENCE BY

JOHN ANDREW RIDDELL FOR THE DIRECTOR-GENERAL OF CONSERVATION

16 November 2020

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Introduction

1. My name is John Andrew Riddell.
2. My qualifications and experience are set out in the beginning of my Hearing 21A planning evidence for the Director-General of Conservation.
3. I have prepared this supplementary evidence for two reasons.

Expansion of Recommendations in Evidence in Chief

4. The first is that, following further consideration, I have expanded on some of my recommendations with regard to amendments and additions to provisions have been made after the lodging of my evidence in chief.
5. For example, in my evidence in chief I identified, at paragraph 198(iv) the need to include policy guidance relevant to long-tailed bats and their habitat. I now provide such policy guidance in my collated amendments to the Plan provisions.¹
6. Other amendments and additions that I have included in the collation of plan provisions include
 - (i) New policy 3.1.2BB on kauri dieback.² I consider such a policy to be helpful to would-be applicants and to decision makers considering applications to undertaken earthworks and/or vegetation clearance within any kauri root zone.
 - (ii) The deletion of the guidance note on kauri dieback.³ This is because it is superseded by proposed new policy 3.1.2BB. Dr Beauchamp discusses the problems with referring to this guidance at paragraphs 9.7 to 9.14.
 - (iii) A further clause (ab) in policy 3.2.2 to recognise that threatened and at risk indigenous taxa can use exotic vegetation as habitat, as well as indigenous vegetation. Long-tailed bats provide an example of this.⁴
 - (iv) The addition of performance standards in rule 22.2.3.1 P5 for permitted activity earthworks for specified activities within

¹New policy 3.1.2BA, page 4 of Collated Amendments.

²Page 4 to 6 of Collated Amendments.

³Page 6 of Collated Amendments.

⁴Page 7 of Collated Amendments.

Significant Natural Areas.⁵ In my opinion, such performance standards are necessary in a permitted activity rule on earthworks to ensure adverse effects on the attributes and values of Significant Natural Areas are not reduced.

- (v) The addition of a further earthworks rule RD1A which reproduces (with necessary amendments to follow the terminology used in the proposed Plan) the kauri dieback management plan rule from the Environment Court decision with respect to kauri dieback in the Thames-Coromandel District Plan.^{6 7}
- (vi) The addition of a further clause in Rule 22.2.7 P7 restricting clearance to maintain productive pasture within any Bat Protection Area to vegetation less than 15 cm trunk diameter at breast height. This is to protect actual and potential long-tailed bat roost trees.⁸
- (vii) The insertion of a restricted discretionary plantation forestry rule where vegetation clearance is within a kauri root zone or a Bat Protection Area.⁹
- (viii) The insertion of a definition for 'Bat Protection Area'.¹⁰ This is to make it easier to set out rules intended for long-tailed bat (habitat) protection.

Supplementary Evidence on the 21A Hearing Rebuttal Report

- 7. I have read the 21A Hearing Rebuttal Report. There are several recommendations in that report that I am providing supplementary evidence on.
- 8. Objective 3.2.1 The Director-General's submission on this objective was to retain it as notified.

⁵Page 13 of Collated Amendments.

⁶Pages 14 to 17 of Collated Amendments.

⁷I note the comments in the Hearing 21A Report and the Hearing 21A Rebuttal Report about difficulty of enforcement of such a rule, and about directing any kauri dieback disease prevention towards natural kauri stands. On the first point, at paragraph 128 of my evidence in chief I note that there has been aerial surveillance of the Waikato District that identified the location of kauri trees across the District. It would be possible to identify the landowners where these kauri are located and advise them of any kauri dieback rule. On the second point, I am not aware of any evidence that kauri dieback disease is confined to natural stands of kauri. My understanding is that all kauri are at risk, whether part of a natural stand or planted for ornamental or other purposes.

⁸Page 20 of Collated Amendments.

⁹Page 25 of Collated Amendments.

¹⁰Page 25 of Collated Amendments. Where the Collated Amendment provisions referred to 'a long-tailed bat Significant Natural Area' the reference has been changed to 'Bat Protection Area'.

9. A recommendation in the 21A Hearing Rebuttal Report is to amend the objective so that significant indigenous biodiversity is protected or enhanced, not protected and enhanced as originally set out in the objective.
10. I disagree with that recommended change because it conflicts with section 6(c) of the Act which requires recognition and provision for the protection of Significant Natural Areas.
11. Changing from “protected and enhanced” to “protected or enhanced” has the effect of making the protection of significant indigenous biodiversity one option, rather than the prime focus, as it is in section 6(c) of the Act.¹¹
12. Policy 3.2.3(a)(ii) and (iii) This policy sets out the management hierarchy. A recommendation in the 21A Hearing Rebuttal Report is to combine sub-clauses (ii) on remediation and (iii) on mitigation.
13. These are distinctly different actions intended to reduce the magnitude of adverse effects. I consider it assists readers of the proposed Plan to understand that there is a distinction between remediation and mitigation if these separate sub-clauses are retained, and not combined.¹²
14. Rule 22.2.3.1 P5 The 21A Hearing Rebuttal Report recommends expanding this permitted activity rule from providing for earthworks for the maintenance of existing tracks, fences and drains in Significant Natural Areas to also include conservation activities and water reticulation.
15. I note that if this recommendation is accepted with respect to conservation activities, then unless part (b) of rule 22.2.3.1 P1 is deleted, there could be two, potentially conflicting provisions for conservation activity earthworks as a permitted activity.
16. This is because the including of conservation activities in rule P1 was recommended in the Topic 18 Hearing Report.
17. ‘Water reticulation’ being part of rule P5 is a new recommendation. I accept that the maintenance of existing water reticulation within a Significant Natural Area

¹¹Page 2 of Collated Amendments.

¹²See page 7 of Collated Amendments.

could be provided for as a permitted activity (subject to standards such as I have set out in my collations of the provisions, on page 10).

18. However I consider that providing for existing and future water reticulation earthworks as a permitted activity in this rule is inconsistent with the approach taken in the same rule of only providing for earthworks associated with maintaining existing tracks, fences or drains.
19. In my opinion, if 'water reticulation' is to be added to this permitted activity earthworks rule, it should only be for earthworks associated with the maintenance of existing water reticulation.¹³
20. This is, after all, a rule applying within Significant Natural Areas, and a cautious approach needs to be taken in order to protect the significant indigenous biodiversity values present.



Andrew Riddell

16 November 2020

¹³Page 13 of Collated Amendments.