

**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

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**SUMMARY OF EVIDENCE OF EVIDENCE IN CHIEF**

**JOHN ANDREW RIDDELL FOR THE DIRECTOR-GENERAL OF CONSERVATION**

**16 November 2020**

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**Counsel for Director-General of Conservation**

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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 evidence in chief for the Director-General of Conservation.
3. In reaching my conclusions and recommendations I rely on the evidence of Dr Beauchamp, Ms Thurley, and Dr Corkery.

*Summary of evidence in chief*

4. My evidence supports the introduction of kauri dieback and long-tailed bat provisions which the 21A Hearing Report had recommended rejecting. These are the main matters I discuss in this summary.
5. My evidence also identifies amendments and additions to: the identification of Significant Natural Areas, biodiversity offsets and environmental compensation, and to indigenous biodiversity objectives, policies and rules. These are more in the way of 'fine-tuning' the recommendations in the 21A Hearing Report.
6. To make it easier to understand the full extent of my recommended amendments and additions to the proposed Plan provisions, I have prepared a colour-coded<sup>1</sup> collation of my recommended amendments and additions indigenous biodiversity objectives and rules, the Rural Zone earthworks and vegetation clearance rules, and of some definitions.
7. I have one error to correct in my evidence. At paragraph 198(ii) the reference to 20 centimetre breast height diameter for trees should be changed to 15 centimetres.<sup>2</sup>
8. Some further amendments and additions to provisions have been made after the lodging of my evidence in chief, following further consideration by me of the matters. These include new bat protection and kauri dieback policies, setting out a restricted discretionary activity kauri dieback rule in full, and adding references to a Bat Protection Area.
9. The first, somewhat lengthy, section of my evidence sets out the policy requirements with respect to indigenous biodiversity in district plans.
10. In summary, the higher order indigenous biodiversity policy guidance that must be recognised and provided for or given effect, as the case may be, is:

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<sup>1</sup>The colour coding is set out on the first page of the attachment.

<sup>2</sup>I am relying on the evidence in chief by Ms Thurley, paragraphs 9.3 and 12.3.

- the protection of significant natural areas;
  - avoiding adverse effects on the indigenous biodiversity listed in policy 11(a) of the Coastal Policy Statement;
  - avoiding significant adverse effects on indigenous biodiversity listed in policy 11(b) of the Coastal Policy Statement; and
  - outside the coastal environment, following a general preference for avoiding adverse effects on indigenous biodiversity, and for maintaining and enhancing that biodiversity.<sup>3</sup>
11. I also expand on previous advice on the relevance of the National Environmental Standards for Freshwater – see paragraphs 79 to 91 of my evidence.

*Kauri dieback provisions*

12. Kauri dieback disease is a significant existential threat to kauri. Avoiding the risk of the spread of kauri dieback disease requires many complementary actions by different agencies and people. One of those actions is including policies and rules relating to kauri dieback and earthworks and vegetation clearance in district plans.
13. Notwithstanding the lack of recorded cases of the disease within the Waikato District, there is still a real risk from kauri dieback disease within the District. This is due to the lengthy period before first onset of symptoms, the incomplete surveys of the district and continual risk of contaminated soil being transported into the district.
14. Dr Beauchamp provides further detail on the nature of the kauri dieback pathogen, its vectors for transport and spread, and how to reduce the risk of spread.
15. I set out, in my evidence, policies and rules on kauri dieback disease with earthworks and vegetation clearance. These are consistent with the Environment Court's decision on similar provisions for the proposed Thames-Coromandel District Plan.

*Protection for long-tailed bats*

16. Long-tailed bats are classified as Threatened – Nationally Critical.
17. Long-tailed bats have been recorded in Waikato District, shown in Appendix 1 of Ms Thurley's evidence. Much of Waikato District has not been surveyed for the presence of long-tailed bats.

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<sup>3</sup>Paragraph 78 in my Evidence in Chief.

18. The known habitats of long-tailed bats – the areas where they roost, reproduce, forage, commute and socialise – are Significant Natural Areas. Significant Natural Areas that I refer to as Bat Protection Areas, being a 7.3 km buffer around each long-tailed bat observation, are shown in Appendix 3 of Ms Thurley's evidence.
19. District plans have a role in the recognition and protection of long-tailed bat habitat.
20. In my evidence I take a two-fold approach to this. Within the identified Bat Protection Areas there is a rule designed to protect roost trees and other linear vegetation important to long-tailed bats. This applies in addition to the other Significant Natural Area rules.
21. Outside the Bat Protection Areas, I suggest adding a long-tailed bat matter of control or discretion to all land use and subdivision rules. This ensures that District Council can address long-tailed bat habitat protection measures where necessary.
22. To guide decision-making with respect to the protection of long-tailed bat habitat, I have drafted a policy setting out measures and considerations to protect that habitat.

*Other matters in evidence*

23. In addition to kauri dieback and long-tailed bat provisions, I identify amendments to policies, rules and definitions that I consider are necessary to achieve the higher order indigenous policy guidance.
24. The more significant of these amendments include:
  - revision of policy 3.2.2 to better reflect the approach to unmapped Significant Natural Areas recommended in the 21A Hearing Report;
  - adding further performance standards and/or matters of control or discretion on activities within Significant Natural Areas, proximity to a kauri root zone, and long-tailed bats to land use and subdivision rules;
  - using the most recent definitions of 'biodiversity offset' and 'environmental compensation';
  - amending policy 3.2.6 on vegetation clearance within Significant Natural Areas to better implement the higher order indigenous biodiversity policy guidance; and
  - adding permitted activity clearance limits to the vegetation clearance rules.