

IN THE MATTER

of the Resource Management Act 1991 (the
Act)

AND

IN THE MATTER

of the proposed Waikato District Plan (Stage
1) – Hearing 21B - Landscapes

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

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Introduction

1. My name is John Andrew Riddell. I have over 20 years' experience as a planner.
2. I prepared evidence in chief assessing the submissions and further submissions by the Director-General of Conservation on the landscape, natural feature and natural character provisions of the proposed Waikato District Plan (**proposed Plan**).

Natural character objective and policies

3. In section 8 of my evidence in chief I reviewed the proposed Plan's natural character objectives and policies. I noted that section 6(a) of the Act applies to the natural character of wetlands rivers and lakes and their margins even when these are located outside the coastal environment.
4. At paragraph 8.9 of that evidence, I assessed the natural character objective and policies and identified where amendments were necessary in order to give effect to the New Zealand Coastal Policy Statement (**Coastal Policy Statement**) and from the Waikato Regional Policy Statement (**Regional Policy Statement**).
5. At pages 26 to 30 of my evidence I set out my recommended amendments to the natural character objectives and policies.
6. The 21B Hearing rebuttal report recommendations include my recommended amendments to objectives 3.5.1 and policies 3.5.2, 3.5.3 and 3.5.4:

137. Paragraph 8.9 of Mr Riddell's evidence helpfully includes a table that sets out the important components of the NZCPS and WRPS to indicate how he considers Policies 3.5.2, 3.5.3 and 3.5.4 should be amended. I generally support these amendments because they provide clear alignment with these higher order documents which must be given effect to. I therefore recommend that Mr Riddell's suggested policy amendments be accepted, subject to what I consider to be minor grammatical amendments.

7. I agree with those recommended amendments to the policies, except with respect to four cases where I consider that the amendments go beyond minor grammatical amendments of my recommended wording.

Policy 3.5.2 (a)(i)

8. Policy 3.5.2 sets out characteristics and qualities that contribute to natural character. This includes recognising that there is a range of natural character from pristine to modified.
9. However my recommended addition to clause 3.5.2(a)(i)¹ is not included in the rebuttal recommendations.
10. My recommended addition to the clause is:

(ii) areas or waterbodies, including the extent to which these are in their natural states or close to their natural state;

11. In my opinion this additional wording is necessary so as to not limit the scope of the clause just to areas or waterbodies in their (pristine) natural state. The additional wording also ensures that there is proper consideration of the range of natural character of areas and water bodies. This is clearly intended, as demonstrated by the statement “recognise there is a range of natural character from pristine to modified” in the amended policy.

Policy 3.5.3(a)(viii)

12. Policy 3.5.3 sets out policy actions to protect natural character.
13. In my opinion, clause (viii) could lead to ambiguity with respect to actions to protect natural character as it just states “recognising farming operations”.² This is in contrast to all the other clauses where tangible policy actions are identified.
14. The exercise of recognising farming operations is, in fact, a qualified exercise because the directive statements about avoid/avoid significant adverse effects also apply.

¹ Renumbered to clause (ii) in the Hearing 21B rebuttal recommendations.

² In the Hearing 21B rebuttal recommendations.

15. My recommended addition of the words “while meeting (i)³ and (ii) of this policy” removes any ambiguity over this.

16. With that amendment included clause 3.5.3(a)(viii) would become:

~~recognising historic farming operations that continue today,~~
while meeting (i) and (ii) of this policy;

Policy 3.5.4(a)(iv)⁴

17. Policy 3.5.4 is about protecting the natural character of wetlands and lakes and rivers and their margins.

18. One method identified in the policy for providing this protection of natural character is:

(a)(iv) minimising, to the extent practicable, indigenous vegetation clearance and modification (including earthworks, disturbance and structures);

19. The 21B Hearing report recommends dropping the reference to structures in this clause. It also recommends directly limiting disturbance that adversely affects (modifies) natural character to disturbance due to earthworks.

20. I consider that the references to modification and to structures should be retained because these can be, along with vegetation clearance and earthworks, significant factors in reducing natural character.

21. The wording set out in paragraph 18, above, should in my opinion, be retained.

Policy 3.5.4(a)(vi)

22. In my evidence in chief, I do not recommend any change to clause 3.5.4(a)(vi).

23. However, in the 21B Hearing rebuttal report shows the word 'building' being inserted in this clause, apparently as part of accepting my recommended amendments to the policy:

(a)(iv) requiring appropriate building setbacks of activities from wetlands, lakes and rivers.

³ In my evidence in chief I use the reference (ia). Here I use the 21B Hearing rebuttal report numbering.

⁴ Using the clause numbering from the 21B Hearing rebuttal report.

24. In my opinion there is no resource management justification to limiting setbacks of activities to the setback of buildings associated with activities. Activities can have adverse effects on natural character that justify those activities being subject to setbacks from water bodies. Two examples are car parking areas and monocultural forestry planting.
25. I therefore do not agree with this insertion of 'building' in this clause.



Andrew Riddell

15 October 2020