

Proposed South Taranaki District Plan

Statement presented by Climate Justice Taranaki Incorporated

Hearings session 7 June 2016

Scope of Statement

1. This statement by Climate Justice Taranaki Incorporated (CJT) mainly concern indigenous biodiversity, waterbodies and the related policies and natural environment rules.
2. The Officers' reports on Indigenous Biodiversity and Waterbodies have referred to several of our submission points to the S42A reports on Energy and Hazardous Substances. We will speak to these particular points during the later hearing sessions concerning Energy and Hazardous Substances.
3. We will clarify a number of points raised in the above Officers' reports which appear to be incorrect. These concern primarily our position on specific submission points made by other submitters.

Indigenous Biodiversity

4. New Zealand has already lost 70% of its indigenous vegetation. The proposed district plan¹ (Section 2.17) acknowledges that *"There are an estimated 108 threatened species in the Taranaki region which are considered to be nationally threatened or at risk of extinction. Within South Taranaki, less than 1.6% of indigenous forest remains. There are acutely or chronically threatened land environments in the District and only 16% of the District's land area is under formal protection... The majority of remaining significant indigenous vegetation and significant habitats of indigenous fauna in South Taranaki are **small, fragmented** and faced with a number of pressures... Because knowledge and understanding of biodiversity limits is rudimentary, a **precautionary** approach is appropriate to manage adverse effects on [such] areas..."*
5. We therefore support the Department of Conservation's (DOC) proposed amendment to Policies 2.17.5 and 2.17.7, giving a greater level of protection to significant indigenous vegetation and habitats, especially threatened or at risk species, and ALL wetlands (DOC submission 020)².
6. Both the Officers³ and Supplementary⁴ reports on Indigenous Biodiversity stated that DOC's proposed amendment to 2.17.7 was opposed by CJT. These need to be corrected because we are fully supportive of DOC's submission point 20.13 (See CJT further submission F55.47)⁵.
7. We are also supportive of DOC's submission point 20.15 which add a new policy under 2.17, to avoid adverse effects of activities on specific indigenous taxa, ecosystems and habitats; and submission point 20.17 which add two new policies for circumstances where adverse effects on significant indigenous vegetation and habits cannot be adequately mitigated.
8. Both the Officers' and Supplementary reports stated that DOC's submission points 20.15 and 20.17 were opposed by CJT (p.22, 23). These also need to be corrected because we are fully supportive of DOC's points (see CJT submission F55.47).
9. We reiterate our concern over **the clearance of indigenous vegetation** of area over 100m² in the Coastal Protection Area and any clearance of indigenous vegetation in any Significant Natural Area or Regionally Significant Wetland listed in Schedules 2 and 6 (Rules 17.1.4a, d and f). As pointed out above, very little indigenous forest remains and the remaining significant indigenous vegetation and

habitats are mostly small and fragmented. All too often they are undervalued in decision making. Yet indigenous vegetation plays a vital role in combating **coastal erosion** which is expected to become more severe, with more frequent extreme weather associated with climate change, threatening new campgrounds, structures and buildings. According to Part 2 (7) of the Resource Management Act (RMA)⁶, “*all persons exercising functions and powers under it... shall have particular regard to... (i) the **effects of climate change.***” A **precautionary** approach would mean leaving such vegetation intact, and revegetating denuded areas with indigenous species.

10. The Officers’ report stated that “*Applying a prohibited status ... imposes a significant constraint on a landowner’s ability to use and develop land... [and] an activity can be undertaken without significant adverse effects or adverse effects can be mitigated*” (S42A report on Indigenous Biodiversity pt.138). We disagree because SNAs are considered **matters of national importance** deserving protection, rather than use and development (RMA 6), and we believe that by definition, they cannot be cleared without significant adverse effects. While the Officer may be right in saying that “*a non-complying activity status does not mean that vegetation clearance would not occur or that the majority of applications would be declined*” (S42A report on Indigenous Biodiversity pt.139), there are **particular restrictions for non-complying activities** (RMA 104D) which could offer protection to the environment. As such, we ask that the Hearings Panel reconsider our request that rules 17.1.4(a), (d) and (f) be amended for such activities to be Non-complying at the very least, rather than Discretionary.

Waterbodies

11. The Department of Conservation requested (20.18) that Policy 2.18.7 be amended so it reads “~~Identify and p~~Protect significant lakes, rivers and other waterbodies with high natural character and conservation, recreation, amenity, heritage and cultural values” (S42A report on Waterbodies p.12)⁷. The Officer rejected DOC’s submission point, as well as our support and those from Forest and Bird and Te Korowai o Ngaruahine Trust. We ask that the Hearings Panel reconsiders DOC’s request which will give the much needed protection to significant waterbodies.
12. The Taranaki District Health Board (TDHB) requested Council to amend Schedule 5 – Significant Waterbodies “*to specifically ensure the provision and protection of ‘Sources of Human Drinking Water’ as required by the ‘National Environmental Standards for Sources of Human Drinking Water’, AND conditions relating to potable water as required by the Health Act 1956*” (Submission 093 p.6)⁸. CJT fully support this.
13. Notably, the Health Act 1956⁹ section 69U(1) states: “*Every drinking-water supplier must take reasonable steps to— (a) contribute to the protection from contamination of each source of raw water from which that drinking-water supplier takes raw water: (b) protect from contamination all raw water used by that drinking-water supplier...*”
14. CJT also support the TDHB’s request that Section 20 Resource Consent Information Requirements and Assessment Matters incorporates “**Avoids adverse effects on water bodies (sources) where the water is used for potable human drinking water**” where applicable, so that it is recognised as one of the key assessment matters. The Officer rejected the TDHB’s submission points, stating that “*... avoiding adverse effects on potable human drinking water is more appropriately managed by the Regional Council*” (S42A report on Waterbodies pt. 132, 146). We disagree.
15. The Resource Management (NES for Sources of Human Drinking Water) Regulations 2007¹⁰ states: “*When considering a resource consent application, a consent authority must consider whether the*

activity to which the application relates may— (a) itself lead to an event occurring (for example, the spillage of chemicals) that may have a **significant adverse effect on the quality of the water at any abstraction point**; or (b) as a consequence of an event (for example, an unusually heavy rainfall) have a significant adverse effect on the quality of the water at any abstraction point. ... Regulation 12 only applies to an activity that has the potential to affect a registered drinking-water supply that provides **no fewer than 25 people** with drinking water for not less than 60 days each calendar year [i.e. not just urban supplies or irrigation as indicated in Schedule 5 of the proposed district plan]. Regulation 13 authorises a consent authority to impose requirements in relation to rules in a plan or resource consents that are **more stringent** than the requirements in the regulations. The regulations also require regional councils and **territorial authorities** to impose a notification requirement on certain resource consents in the circumstances where an event occurs that may have a significant adverse effect on a drinking-water source...”

16. Our legal advisor made this comment: “Strictly speaking the regional council does oversee water quality issues. But that does not obviate the district council from considering water quality in the undertaking of its functions. The District Council must control the actual or potential effects of use, development and protection of land. Ignoring water quality in exercising this function is **not integrated management** and would also likely result in outcomes **contrary to Part 2 and the NPSFM** – to which the District Plan must give effect.”
17. We therefore ask that the Panel reconsiders and accepts the TDHB’s submission and our support, rather than rejecting them as the Officer has done (S42A report on Waterbodies p.35).

¹ South Taranaki District Council Proposed District Plan 2015 (Vol I).

<http://www.southtaranaki.com/Council/Proposed-District-Plan-2015/Proposed-District-Plan-2015-%28Vol-I%29/>

² Department of Conservation Submission on the Proposed South Taranaki District Plan.

http://www.southtaranaki.com/uploaded_files/District-Plan/Submissions/020%20-%20Department%20of%20Conservation.pdf

³ Proposed South Taranaki District Plan Section 42A Officers’ Report – Indigenous Biodiversity.

http://www.southtaranaki.com/uploaded_files/District-Plan/Hearings/Section%2042A%20Officers%20Report%20Indigenous%20Biodiversity%20FINAL%20with%20Appendices%202016-05-12.pdf

⁴ Proposed South Taranaki District Plan Supplementary Section 42A Officers’ Report (Response to Expert Evidence) – Indigenous Biodiversity. http://www.southtaranaki.com/uploaded_files/District-Plan/Hearings/Supplementary%20Report%20Indigenous%20Biodiversity%20FINAL%202016-05-27.pdf

⁵ Climate Justice Taranaki Incorporated, Jan 2016. Further Submission on the Proposed South Taranaki District Plan.

http://www.southtaranaki.com/uploaded_files/District-Plan/Further%20Submissions/F055%20-%20Climate%20Justice%20Taranaki%20Inc.pdf

⁶ Resource Management Act 1991.

http://legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html?search=sw_096be8ed8130719d_significant+natural_25_se&p=1#DLM234370

⁷ Proposed South Taranaki District Plan Section 42A Officers’ Report – Waterbodies.

http://www.southtaranaki.com/uploaded_files/District-Plan/Hearings/Section%2042A%20Officers%20Report%20Waterbodies%20FINAL%20with%20Appendices%202016-05-12.pdf

⁸ Taranaki District Health Board Submission on the Proposed South Taranaki District Plan.

http://www.southtaranaki.com/uploaded_files/District-Plan/Submissions/093%20-%20Taranaki%20District%20Health%20Board.pdf

⁹ Health Act 1956.

http://legislation.govt.nz/act/public/1956/0065/latest/DLM1410279.html?search=sw_096be8ed8132badd_territorial+autho_25_se&p=1

¹⁰ Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007

http://legislation.govt.nz/regulation/public/2007/0396/latest/DLM1106954.html?search=sw_096be8ed8062809b_territorial_25_se&p=1