

EVIDENCE 02

TOPIC PC85A-D, 86A-B, 87,

WHANGAREI PLAN CHANGES HEARING

SUB# 102, 114
Rural Plan Changes

DATE 03/07/2017

Introduction

Thank you for making the time to hear from me today. I am representing Forest and Bird, in particular the Northern Branch of our Society. As you may be aware, Forest and Bird is a non-profit organisation representing community conservation interests at both local and national levels.

I am assuming you have read our submission and further submission, and therefore plan to highlight and explain our concerns with the Plan Changes.

Main points

Regional Policy Statement

- I refer to Objectives 3.4 [to Safeguard Northland's ecological integrity of Indigenous ecosystems and biodiversity] and 3.14 [Identify and protect from inappropriate subdivision, use and development the Natural character, outstanding natural features, outstanding natural landscapes and historic heritage]
- We support the plan change in identifying Outstanding Natural Features & Landscapes and Outstanding Natural Character areas, and recognise the s42A recommendation to retain the proposed mapped areas with some changes to improve mapped accuracy.
- **However we consider that the proposed plan fails to adequately provide direction on inappropriate activities, particularly in regard to the Coastal area.**
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New Zealand Coastal Policy Statement (NZCPS)

- Forest and Bird seeks that the proposed plan gives effect to the NZCPS, particularly:
 - Policy 11 – Indigenous biological diversity
 - Policy 13 - Preservation of natural character
 - Policy 15 - Natural features and natural landscapes
- To give effect to the NZCPS and in particular these policies, Forest and Bird considers that a high level of protection through rules is required.
- It is unclear how Council proposes to ensure Policy 11 is given effect as these proposed plan changes do not include specific provisions for indigenous biodiversity.

Proposed District Plan Changes

- The rolling plan review process makes it unclear how Council intends to provide for indigenous biodiversity and natural character of wetlands, lakes and rivers and their margins, outside the Coastal Area.
- The provisions for activities within the rural environment do not address avoidance of adverse effects or adequate mitigation and remediation to ensure the protection of significant indigenous biodiversity.

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- The proposed thresholds for permitted vegetation clearance in the different zones are too generous and will fail to abate the ongoing loss of habitat for indigenous biodiversity.
 - The overall approach to activity status is far too permissive. We would have expected a higher level of activity status to achieve protection and which clearly shows Council does not anticipate activities which would compromise the values of those special environments.
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Regionally significant infrastructure – Forest and Bird is concerned that the proposed plan may provide a general priority for these activities over the protection requirements of s6 of the RMA and the NZCPS. We recognise the importance of infrastructure, and agree with provisions for the operation and maintenance of existing regionally significant infrastructure as consistent with the RPS. Forest and Bird submits that new infrastructure where it would conflict with achieving s6 (a)(b)(c) of the RMA should not be anticipated by the Plan. We accept that the National Grid and renewable energy must be provided for under their respective NPSs and council will need to consider such proposals on a case by case basis.

Subdivision - Forest and Bird notes the changes to the RMA which limit community participation in subdivisions consents by precluding Council from notifying applications unless they relate to a non-complying activity. Forest and Bird's particular concern relates to potential effects of subdivision on significant indigenous vegetation and habitats of significant biodiversity where community input is often critical in identifying and ensuring consent processes and conditions provide for appropriate protection and management. Because these areas and habitats are generally not expected to be identified at such a detailed level (this was not necessary under previous notification requirements) in the plan, we are concerned that there is a gap between current practice and the new RMA requirements which will result in adverse effects on indigenous biodiversity. For this reason we seek that council establish a non-complying activity for any proposed subdivision within 100m of identified s6 RMA areas and consider how this could be extended to capture other potential areas or sites which are not yet identified, in order to provide for public notification where effects are likely to be more than minor.

Proposed Plan provisions for the Coastal Area

- Forest and Bird has identified specific changes that are required to the following provisions:
 - a. Coastal Area Objective number 2 - need to include "use" for consistency with RMA terminology; so that it refers to 'subdivision, USE and development'
 - b. Add provisions to Identify and protect indigenous vegetation and habitat that is of ecological significance, including nesting areas of coastal birds, as required by Policy 11 of the NZCPS.
 - c. Ensure that coastal subdivision, use and development and coastal access provisions are consistent with Policy 20 [vehicle access] of the NZCPS. [This is necessary for integrated management for activities adjacent to the CMA so that they do not

- frustrate the achievement of Policy 20 within the CMA and for activities adjacent to public land.]
- d. **Amend proposed Policy 21 to enable that the effects of rural production buildings are provided for and assessed in the same manner as any other type of development in the Coastal Area.**
 - e. **Rule CA.2.2.1 (construction of non-habitable buildings ancillary to rural production or network utility outside a High or Outstanding Natural Character Area as a permitted activity). Amend to impose limits on the on the scale and intensity of permitted building activity**
 - f. **Rule (in part) CA.2.3.1(c) to the extent that it provides for earthworks within sand dunes to create new public access ways as a permitted activity. This should require resource consent as a discretionary activity given the potential for significant adverse effects on dune stability, coastal ecology and coastal hazards.**
 - g. **Rule CA.2.3.4 to the extent that it provides for destruction or clearance of up to 500sqm of predominantly indigenous vegetation as a permitted activity. It is not clear on what ecological basis 'permitted' has been determined? Of significant concern to Forest and Bird is the potential for cumulative effects given there is no limit to the number of times clearance can occur. This is likely to be inconsistent with the NZCPS, especially as those areas could contain threatened biodiversity which must be protected. Any indigenous vegetation clearance at a permitted level should only be of low value biodiversity and at a scale which ensures adverse effects on indigenous biodiversity are no more than minor. In the coastal environment there is a high likelihood that most remaining intact and contiguous vegetation would be of significant in terms of s6 RMA.**
 - h. **Rule CA.3.1.2 to the extent that it provides for earthworks in a High Natural Character Area associated with any legally established mineral extraction activity as a permitted activity. Any additional earthworks in a High Natural Character Area should be a non-complying activity. Forest & Bird would support Council identifying areas where mineral extraction in High Natural Character Areas would be prohibited (NZCPS Policy 13.1(a)).**
 - i. **Rule CA.3.1.3 to the extent that it provides for destruction or clearance of up to 250sqm of predominantly indigenous vegetation within a High Natural Character Area as a permitted activity. This should be recast with standards which ensure adverse effects on indigenous biodiversity are no more than minor and any clearance of significant indigenous vegetation should be anticipated in the Plan which can best be achieved through a non-complying or prohibited activity status.**
 - j. **Rule CA.4.2 to the extent that it allows for up to 150sqm of earthworks and clearance of up to 150sqm of contiguous indigenous vegetation within an Outstanding Natural Character Area as a permitted activity. Again, there is no limit on how often, and this is inconsistent with ensuring protection let alone avoiding cumulative effects. This should be recast to provide a more specific hierarchy of activity status for vegetation clearance and earthworks at varying scales.**

Proposed Plan provisions for Mineral Extraction

- The provisions which seek to manage the effects of **mineral extraction** are totally inadequate and inconsistent with sound resource management practice. Of particular concern is the failure of Council to distinguish between the different types of mining activities and to include specific rules designed to manage the different effects associated with these different activities. **This framework of rules requires a total overhaul.**
- We oppose the Description and Expectations set out in MIN.1.1 as being unbalanced and excessively pro-mining. The reference in paragraph 3 on page 1 that ‘Mineral development and associated land restoration can provide an opportunity to enhance the land resource and landscape, and has done so in the past’ is totally inappropriate and **needs to be deleted.**

Add additional polices to include directions to:

- a. Avoid adverse effects of mining on the characteristics and qualities which make up the outstanding values of areas of outstanding natural features and outstanding natural landscapes**
- b. Avoid significant adverse effects of mining activities on natural character, natural features and natural landscapes**
- c. Identify areas within which mining activities may be appropriate and areas within which mining activities should not be allowed to occur**

Conclusion:

In summary, Forest & Bird seeks the relief set out in our submissions and any consequential changes to address our concerns, and provide for the sustainable management of natural and physical resources in the Whangarei District.