

Submission on Proposed Te Tai o Poutini Plan (TTPP)

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Submitting as an individual.

I would not gain advantage in trade competition through this submission.

I do not wish to speak to my submission though I may consider presenting a joint case with those making similar submissions.

Thank you for the opportunity to provide feedback through both public meetings and written feedback. This is a phenomenal undertaking, bringing together three districts and disparate communities across the region to produce a single plan, and the team of planners are to be congratulated on their efforts.

I would like to take this opportunity to share my personal views as to how TTPP can perform its role to enable the sustainable management of natural resources.

1. Strategic Direction

The purpose of district plans is to assist territorial authorities in carrying out their functions to achieve the sustainable management purpose of the Resource Management Act 1991 (RMA).

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The Proposed TTPP places greater emphasis on enabling development and creating a permissive approach to extractive industries rather than “managing the use, development, and protection of natural and physical resources ...” in a more balanced and integrated way, as described in the purpose of the RMA. The focus needs to be on ensuring a sustainable future for us all.

The most critical issue of our time is the **climate crisis**. It has been accepted for some years that global warming of 1.5°C above pre-industrial levels is the target that we must not pass – for the sake of our natural and human systems. We know that the increase in temperature includes increases in both land and ocean temperatures, and these increases result in increased frequency and magnitude of impacts, increased frequency and duration of heatwaves including marine heatwaves, increased frequency, intensity and/or amount of heavy precipitation events and increased risk of droughts.

Some risks of this increased temperature may be long-lasting and irreversible, such as the loss of many ecosystems and species. We have seen die-off of bull kelp off the West Coast¹ and the ecosystem that they supported.

The increase in temperature is already at 1°C, with some reports saying we are already at 1.2°C. The remaining equivalent CO₂ budget available for emissions is very small, which implies that large, immediate, and unprecedented global efforts to mitigate greenhouse gases are required.²

“Every fraction of a degree matters. Every voice can make a difference. And every second counts.”

António Guterres, United Nations Secretary-General, 28 February 2022³

It is unconscionable that the proposed TTPP barely links decision making to the climate crisis and the need to mitigate greenhouse gases throughout the plan. Instead, there is some consideration of adaptation. Mitigation must be front and centre of any new plan that guides sustainable management and must be included in the Strategic Direction.

Without that focus, we, as a community, would be failing our communities both now and in the future. We know the impact of climate change is already being felt and is a major issue for the Coast. It would be an unacceptable lost opportunity if TTPP does not move the region in the right direction. Reduction of emissions must be encouraged and supported. The time is now to embark on a progressive, enlightened and in fact common sense plan that will create a better future for our region and our people, a plan that will mean that our region will be doing its duty, its fair share, to make a difference and a safer world.

Not only does TTPP need to be prepared to enable mitigations as the impacts of the climate crisis worsen, but it needs to proactively encourage, support and enable every possible action that will minimise CO₂ and CH₄ (carbon dioxide and methane) emissions. Examples include retrofitting or building new to maximise energy efficiencies and installing renewable energy sources at building and community scale.

I believe it would be appropriate to acknowledge the Climate Change Response (Zero Carbon) Amendment Act 2019 here, which provides a framework to develop and implement clear and stable climate change policies, and then refer to that framework in the development of TTPP policies.

Sustainable development is hinted at throughout TTPP and can be defined as follows:

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs, or the practice of maintaining productivity by replacing used resources with resources of equal or greater value without degrading or endangering natural biotic systems.

Either or preferably both of these statements should be incorporated into the Strategic Direction and further chapters and policies.

¹ <https://www.stuff.co.nz/environment/climate-news/130216288/marine-heatwaves-likely-cause-of-kelp-die-off-in-popular-reserve>

² https://www.ipcc.ch/site/assets/uploads/2018/11/sr15_chapter3.pdf

³ https://www.un.org/climatechange?gclid=CjwKCAiAvaGRBhBIEiwAiY-yMLUJ_iwENMJTHVbX-XdxQTg2tVv9IS0XP4wn5cVfUM3b5zr3RuG2uBoCeq0QAvD_BwE

The following Māori proverb or whakataukī is often quoted:

Toitū te marae a Tāne-Mahuta, Toitū te marae a Tangaroa, Toitū te tangata.

If the land is well and the sea is well, the people will thrive.

It should not be for me to quote such a proverb, but it seems that the importance of this one has been forgotten and needs to be included as a driver for TTPP.

2. NH – Natural Hazards

The first line of the introduction to the Natural Hazards chapter needs to include storms themselves as we can expect increased storm intensity along with increased frequency of extremely windy days, as well as the resulting hazards, and it needs to state that the impact of these natural hazards *will* be exacerbated by climate change.

The West Coast is expected to become wetter with winter rainfall increasing by up to 29% by 2090.⁴ Stating that the impact “is likely to be exacerbated by climate change” is denying the evidence and misrepresenting and understating the risk.

Natural hazards are a feature of our future and TTPP needs to provide for planning for the future, for example moving coastal communities to higher ground in the coming few decades. The plan should not be making coastal areas more attractive for development through, for example, the notion that the seaside of Revell Street in Hokitika could be rezoned as a Medium Density Residential Zone.

3. ECO – Ecosystems and Indigenous Biodiversity

This chapter needs to emphasise the value of lowland forest ecosystems, which are underrepresented and easily lost or diminished through permitted clearance rules. The vast majority of public conservation land managed by the Department of Conservation is on steep slopes and/or in alpine areas, rarely including such precious lowland forest. Clearance of 5000m²/3 years could mean death by a thousand cuts to lowland forest remnants. Such permitted activity has no justification in the context of protecting indigenous vegetation and habitat as required by section 6 of the RMA - “areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected”. These should have been identified years ago.

The overview of this chapter encourages integrated management of indigenous biodiversity and biodiversity partners working together on a voluntary basis to maintain and enhance biodiversity. This is a noble goal but, without clear requirements, has little chance of achieving anything.

It seems that in allowing some clearance of indigenous vegetation, TTPP works to a principle that no area is more significant than any other. This is weak and inadequate and will potentially result in the loss of significant lowland ecosystems. Some means to protect more valuable/under-represented areas needs to be found and implemented.

With work almost complete on the new National Policy Statement for Indigenous Biodiversity, it must surely be appropriate to refer at least to the Draft NPSIB in TTPP and ideally acknowledge the role the new NPS will play across the region to help protect precious flora and fauna once gazetted.

⁴ <https://environment.govt.nz/facts-and-science/climate-change/impacts-of-climate-change-per-region/projections-west-coast-region/>

Previous District Plans and now TTPP expect that indigenous vegetation on public conservation land will be protected and plan policies effectively hand the role of protector to the Department of Conservation, abdicating responsibility. However, for many years this expected protection has not been the case. Mining has been approved over public conservation land that generally has Stewardship or Conservation Park status and includes precious indigenous vegetation. Wherever significant indigenous vegetation and significant habitats of indigenous fauna exist, they must be protected through TTPP whatever the status, ownership or management of the land.

ECO-O1 – I note that the assessment and creation of Significant Natural Areas in the Grey District was many years ago and should probably be revisited.

ECO-O1 and O2 – SNAs are needed to provide the protection of under represented ecological areas. SNAs have been required by the RMA since 1991 and Councils need to be identifying SNAs so that they may be protected. An expectation that assessment will be undertaken at the time of any resource consent is inadequate and risks loss of potential SNAs.

ECO-O3 – the approach to significant indigenous vegetation and significant habitats of indigenous fauna would ideally be consistent, no matter the land owner. Ideally, all Coasters would work together and share a desire to protect the natural heritage of this special region. Ideally, TTPP will support a spirit of kinship and mutual understanding and respect, it will enable injustices to be resolved and peace between all residents to be found. As Dame Anne Salmond writes, “our vision of the future might be like a marae where all of our children and grandchildren, in all their differences, can find a place to stand, a turangawaewae of the heart”⁵.

ECO-O4 – to improve protection of indigenous species, this objective should be extended to add ‘protect’, thus:

To protect and maintain the range and diversity of ecosystems and indigenous species found on the West Coast/Tai o Poutini.

ECO P9 – biodiversity offsets have a great deal of potential but need extremely careful and cautious management if they are to be used. Guidance developed by the Department of Conservation several years ago found that applying a biodiversity offsets approach was extremely problematic. Complex calculations could only be based on like for like. There are situations where residual impacts cannot be fully compensated for by a biodiversity offset because of the irreplaceability or vulnerability of the biodiversity affected and, in such cases, offsetting must not be considered. Thus the ‘how to’ when managing biodiversity offsets is extremely complex. Before referencing government guidance, TTPP needs to be clear on which guidance and that it is sufficiently robust.

DOC: <https://www.doc.govt.nz/about-us/our-policies-and-plans/guidance-on-biodiversity-offsetting/>

Business and Biodiversity Offsets Programme: https://www.forest-trends.org/wp-content/uploads/2018/10/The-BBOP-Principles_20181023.pdf

4. NC – Natural Character and Activities Adjacent to Waterbodies

NC-P2 allows removal of indigenous vegetation and earthworks in riparian areas if for renewable energy generation. There are not enough checks and balances here to protect as yet unidentified

⁵ <https://www.newsroom.co.nz/ideasroom/anne-salmond-injustice-is-like-a-whale>

significant natural areas, i.e. significant indigenous vegetation and significant habitats of indigenous fauna.

If such areas are not protected through other policies, the following clause should be added:

g) Adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna are avoided.

5. CE – Coastal Environment

The chapter Overview notes that TTPP must give effect to the New Zealand Coastal Policy Statement 2010. The NZCPS requires coastal hazards to be identified and subdivision, use and development within areas potentially affected by coastal hazards to be managed over a 100 year timeframe, including taking into account the effects of climate change.

This reinforces the necessity to include climate change and a long term view within the strategic direction.

CE-O1 “To preserve the natural character, landscapes and biodiversity of the coastal environment while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment.”

This objective hints at sustainable development but needs to be extended to consider both current and future needs of people and communities as explained in my comments on Strategic Direction above.

CE-O4 has been removed when it should have been strengthened, unless covered elsewhere.

“To recognise and provide for the effects of climate change, and its influence on sea levels and the frequency and severity of natural hazards.”

Recognition and provision for the effects of climate change is inadequate. I suggest that this needs a more proactive and comprehensive approach to mitigation and to reduction of the effects of climate change.

CE Rules that allow clearance of vegetation in the coastal environment need to be amended to prevent clearance of any vegetation that provides habitat for indigenous coastal species, as per CE-P1. This may be small or narrow areas of scrubby vegetation with some or even no indigenous vegetation. An additional Advice Note could be included:

“Any clearance of vegetation that may provide habitat for indigenous coastal species is subject to the provisions of the Ecosystems and Indigenous Biodiversity Chapter.”

Or adapt Point 1:

“Any indigenous vegetation clearance (or other vegetation clearance that may provide habitat for indigenous coastal species) associated with maintenance and repair is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter.”

The first two objectives of the NZCPS are:

- To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land,

- To preserve the natural character of the coastal environment and protect natural features and landscape values.

The first policy of the NZCPS defines the coastal environment, which includes:

- a. the coastal marine area;
- b. islands within the coastal marine area;
- c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
- d. areas at risk from coastal hazards;
- e. coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- g. items of cultural and historic heritage in the coastal marine area or on the coast;
- h. inter-related coastal marine and terrestrial systems, including the intertidal zone; and
- i. physical resources and built facilities, including infrastructure, that have modified the coastal environment.

The Coastal Environment layer has been very poorly mapped, with some coastal areas excluded, for example in the Charleston area or along Bold Head Road, or others mapped inconsistently, for example at Carters Beach, Ruatapu and Donoghues and plenty more. Stunning coastal landscapes as well as extensive areas of coastal vegetation and significant lagoons have been excluded.

This needs urgent attention to ensure the coastal environment is depicted on the maps associated with TTPP as defined in the NZCPS.

6. MIN – Mineral Extraction

Including the climate crisis within the strategic objectives is essential and should provide a new lens to review the extraction of coal. Burning coal as fuel is not sustainable. Alternatives are available now and should be supported and enabled through TTPP.

Another as yet unconsidered approach to mineral extraction is to acknowledge and support operations that work to high environmental standards, at a minimum achieving compliance with resource consents and any other consent or permit, consistently. An accreditation scheme could be introduced for gold and other mineral mining whereby those operators who have proven that they meet consent/plan conditions have an easier journey through future consent processes. Perhaps the industry itself and its representatives could explore such accreditation and even extend that to offering a premium product by where there are no adverse effects on the environment. TTPP could be more permissive to such quality operators.

It alarms me to see Mineral Extraction Zones where there are apparently no existing resource consents for mining. It is not the place of TTPP to assume resource consents will be granted. Should consent be sought, it would be more appropriate to seek re-zoning at the same time. All new mining must go through a consent process.

7. ENG – Energy

ENG-P2 could be expanded to support micro renewables and distributed energy generation that can support the community and provide some resilience of supply in times of, for example, a major earthquake or storm when main power lines are down.

I would like to see TTPP planning provisions that encourage and ideally incentivise renewable electricity supply at the level of business, community and residential buildings. Ideally new build projects, for example through subdivision rules for residential buildings, would require their own renewable energy generation systems to meet a high proportion of the buildings' needs and/or require a large proportion of roofs of new residential and commercial buildings to have solar panels/solar water heaters.

Local councils, through District Plans, can play a vital role in driving emissions reductions by encouraging residents and businesses to install clean energy. There should be a low-cost, streamlined approval process for small or micro renewable installations to encourage building-scale projects. Ideally, such projects should be incentivised and perhaps councils could channel government support.

Councils can also take a lead by installing clean energy, such as solar, on council property. In addition, they could even secure lower prices with vendors of renewable energy systems through bulk purchasing and passing the savings on to individuals. There is a great deal of scope for councils and TTPP to support clean energy at micro scale.

8. ZONES – Residential Zones

Allowing the intensification of housing on the seaside of Revell Street, Hokitika, by including it within a medium density residential zone MRZ, is, frankly, bonkers.

RESZ-O2 seeks to maintain or enhance the distinctive character, amenity and heritage values of residential areas and protect these areas from the adverse effects of inappropriate development. Enabling multi-unit, semi-detached and terraced houses that would be allowed in a 'medium density residential zone' is completely at odds with the character of the area and of the street.

Multi-unit, semi-detached and terraced houses would slowly screen single story properties from sun and light and would be completely out of keeping in the street and the residential area of the town as a whole.

Plans and planning need to allow for the area to be protected, appropriately, as sea levels rise and storms and storm surges increase in frequency and intensity over the coming decades. Beyond that, there need to be discussions in the coming years to consider how the community might move to higher levels, just as it has taken many years to slowly raise awareness of the need to move from the Alpine Fault line in Franz Josef and move the community to a safer place. Intensifying housing beside the sea should not be an option and this area should be incorporated into the surrounding General Residential Area that makes up most of the town and as it is under the Westland District Plan.

Should there be any support to include this proposal in TTPP, there needs to be direct affected party consultation with every single owner of property along Revell Street before the decision to impose such a radical change with such a significant impact on all residents is finalised. Despite well-advertised public consultation on TTPP, it is clear that the vast majority of local people have not engaged with the process.

9. NOISE

Rules – I understand that the permitted noise limits have been raised from the current 45dB (Westland) to 55dB, ten times louder. I acknowledge that 55dB is not a particularly loud noise, however in any area where the usual sound may be birds, a creek or the wind, it can be extremely intrusive and stressful. Try turning off things like computer fans and fridges at home or in an office and the immediate return to peace and quiet is like letting stress go.

Further, it is likely that noise can negatively impact some wildlife species, more commonly loud noise such as from vehicles and aircraft.⁶

Permitted activities must be restricted to a noise limit of 45 dB LAeq (15 min) at all times of the day and week.

10. Additional district wide matters

(a) There is currently no consistency relating to the burning of rubbish outdoors in residential areas across the three Districts. I suggest that TTPP could include relevant conditions, as it does for other nuisance factors such as light and noise. For example, Buller DC has adopted Model General Bylaw NZS9201: Part 11: 2000 - Fires in the Open Air, which enables the council to control burning in the open air in urban areas of the District and helps prevent the spread of fires involving vegetation. Grey DC also has a bylaw to control fires in the open air. Could TTPP adopt the same Model General Bylaw or Grey DC's bylaw for a consistent approach across the region?

Where fires are used to dispose of waste, it is often plastic that produces toxic, unpleasant and very unhealthy fumes as well as particulates, polluting the air for neighbours. There is currently no rule or bylaw to prevent that in Westland and this could be remedied through TTPP.

(b) The interactive map is a major step forward in the provision of this kind of information but needs more work to ensure it is as practical and useful as intended.

There needs to be a means of establishing a zone or element of a map layer by a single click. All information for a location should be available including all layers that are ticked, as they are for example on the regional council's WestMaps. It would also be helpful to include a topographic base map.

(c) As people become more aware of natural burials⁷, it would be marvellous to see all Councils on the Coast have their cemeteries certified to allow such burials. In addition, or instead, it may be sensible for Councils to seek new sites or extensions to existing cemeteries for natural burial sites where a forest is allowed to grow above the graves, a sapling of a native tree being planted for each new grave.

Moves in this direction to allow natural burials and new natural burial sites could be supported through TTPP.



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⁶ <https://www.doc.govt.nz/documents/science-and-technical/sfc314entire.pdf>

⁷ <http://www.naturalburials.co.nz/natural-burial-facts/what-is-a-natural-burial/>