

## Whole Plan

- s42A Strategic Direction, Clause 294 (p86) says.

'The Plan currently has a strong focus on supporting mineral extraction'

This concerns me. There is not enough emphasis on protecting natural values, there is scant protection of them against **cumulative degradation**, which is inconsistent with the WC-RPS.. Once again, because local councils refuse to properly protect natural values through their plans, it will require further restrictive legislation from central government to protect what the RMA intended. The proposed TTPP ignores the fact that the natural world and its intactness underpins our existence.

RMA S3 considers both cumulative and future effects on natural values but this plan is predominantly silent on both. That outlook does not recognise:

6(a) natural character,

s7(d) the intrinsic value of ecosystems, or

(f) maintenance and enhancement of the quality of the environment,

(g) the finite characteristics of natural and physical resources

- I am concerned that the TTPP process is being rushed through before new legislation supersedes the RMA. There is a need to look to the future and ensure this plan is fit for purpose for the next 10 years, not lagging behind contemporary legislation. Nevertheless I feel there is underreference to the RMA through the plan. The public needs to understand the underpinnings of the plan.
- I am concerned about potential TTPP takeovers by power companies like Westpower, and mining companies. I fear they are trying to capture the plan for their own exploitation.

## s42A Analysis of the Introduction

74 - **cross-references** (p27) Digital cross-referencing in general, where you click on a number and it takes you to the cross-reference, is what is needed, in both e-plan and pdf version.

**Air quality** 112 (p38) - disagree. territorial authorities do have the primary responsibility for land use which includes the location of activities that may discharge contaminants to air. They also issue building consents for domestic fireplaces.

The regional council delegated authority to the territorial councils over domestic fires therefore this should be addressed in this plan.

There are no rules in this Plan controlling discharges from inside domestic fires or outside domestic fires, for reasons explained under Policy 8.4.3 and Rule 9. The Ministry of Health has issued a directive that where there are no rules in a regional plan, or where no resource consent has been granted, or Section 20 of the RMA does not apply, outside domestic fires should be controlled by territorial authorities under the Health Act 1956.

Co-ordination between the Regional Council, district councils and public health agencies is important to achieve integrated management of discharges of contaminants to air from inside domestic fires and outside domestic fires.

s34 Delegation of functions, etc, by local authorities

(1) A local authority may delegate to any committee of the local authority established in accordance with the [Local Government Act 2002](#) any of its functions, powers, or duties under this Act.

LGA s5 committee includes, in relation to a local authority,—

(a) a committee comprising all the members of that local authority;

**enforcement and compliance** 177 (p47) - disagree with the author's outlook. The RMA outlines what is required, the plan should provide detail. I'm not asking for repeat of information but I am asking for the standards that the public can expect in relation to enf and comp.

It needs to make clear the penalties which can be meted out for breaches of the Plan, and also make clearer what those breaches are. The Plan also needs to include what is to happen when councils do not enforce their own rules and regulations.

I took the regional council to the environment court over this issue, I lost the case but Judge Newhook noted that there was a lack of compliance and enforcement by the council.

**General duty to comply** 227 (p61) The author accepts that a general duty to comply has merit, however RMA section 17 needs to be referred to.

**Non-complying** 251 (p66) disagree. i consider that the author's interpretation of s9, that all land activities are deemed permitted unless caught in a rule, is

overly liberal. She then refers to section 6.6, but 6.6 of what? I do want to read what she refers to.

For non-compliance the Buller district Plan says

7.9.1.2. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a non-complying activity and will require a resource consent.

**Sensitive activity** Includes but not limited to 372 (p101) Disagree. A plan cannot cover every single human activity

### **Issues in my submission not considered by s42 report**

#### **Genetic engineering** (Far North DC)

I have concerns with genetic modification at a district level because of the potential for escape and contamination of the natural world, leading to adverse positive feedback.

Natural character - needs definition

Offsetting, compensation not defined

Penalties - not addressed

'Coastal Environment' should be in 'Natural Environment Values' (rip margins are)

I have proposed a number of extra definitions which were found in the Buller district plan.

These have not been addressed by s42

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I consider the 'Strategic Direction' chapter sits uncomfortably within the plan. It appears to have a random choice of issues placed within it, I can't see anything strategic about it.

The overview is fine but the specific topics need to be distributed through other sections of the plan. It would have been much better to have a written summary about the strategic direction in which the West Coast needs to head. This extant reductionist format takes up space and is piecemeal.

## Overview

4 - object to changing foster (nurture) to enable (support, sanction). Foster is more neutral, or objective, than enable. surprised that DOC would promote such a change. DOC is usually careful to choose between foster and enable.

e.g Westland NP management plan says

1. The Treaty partnership with mana whenua is strengthened and maintained in a manner consistent with the Settlement and legislation to:

a) **enable** mana whenua rakatirataka and the exercise of kaitiakitaka by mana whenua;

b) **enable** mana whenua connection with the land, waters, mahika kai and taoka of Westland Tai Poutini National Park;

....**enable** visitors to identify with the places and their stories

One of the Park's purposes is to **enable** the public to receive inspiration, enjoyment, recreation and other benefits from the mountains, forests, sounds, seacoasts, lakes, rivers and other natural features.

Policies, 7 **Foster** recreation opportunities with small businesses and Makaawhio

Foster's meaning leans more towards tolerating and allowing (by providing the ability but not promoting), whereas enable is more about actively encouraging to ensure outcomes.

4 ....protecting the natural, cultural and heritage values including those that have been elevated to matters of national importance by the Resource Management Act 1991 and those matters of national and regional significance by National and Regional Policy Statements;

Reason - without my amendment this clause could allow unfettered exploitation of any natural value not deemed significant within the district/ region. The cumulative degradation of such values not deemed significant would certainly amount to significant; the glaring example the erosion of so many isolated wetlands on the West Coast amounting to significant degradation over time. There is nothing exhaustive about the addition I seek. As clause 4 reads it is not consistent with the WCRC-RPS, Ch 7, Ob 4 I stand by the wording of my original submission on this point.

## **Ag**

NZ ag and aviation says that agrichemicals are not an issue for district councils.

However s31(1)(b)(e) says the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:

s31(1)(a) says that DCs must address protection of land and associated natural and physical resources

(1)(b) - the control of any actual or potential effects of the use, development, or protection of land,

Rules around agriculture need to be adopted as in my appendix 1 - Waikato DC

## **CC strat obs**

If my proposed new objective is not fit for 'Connections and Resilience' then it should be included in CC

New objective        To recognise that intact ecosystems provide resilience via ecosystem services and climate stability.

This is perhaps the most important issue that a chapter on climate change could include. Surely it is also the unbalancing of nature that is creating climate instability.

O3                    To support technologies and activities that enable greenhouse gas emissions reductions and the transition to a low carbon emissions economy, while ensuring their adverse effects are well-managed constrained

Well-managed needs a qualifier which constrained provides

I also support Suzanne Hill's submissions concerning CC O3

## **Connections and Resilience**

There is nothing about the resilience to change, especially climate change, that natural ecosystems provide - which is the basis of life and is being ignored here. the s42 report says my recommendations are more suited to the CC section. I disagree. Resilience must include the protection the natural environment provides.

That said....

CR- O1            'including critical infrastructure' is superfluous. Infrastructure of course includes critical

CR O3            this new, extra phrase is superfluous as it means the same thing, just adds words to this lengthy tome.

## Minerals

Min O1 To ~~ensure provision~~ provide for the use and development of the West Coast/Te Tai o Poutini's mineral resources while:

a. also avoiding duplication of regulation across agencies and

b. ~~avoiding, remedying or mitigating adverse~~ applying adverse effects hierarchy effects on ~~to~~ the natural environment and local population

Min O2 ~~where the adverse effects on the environment can be~~  
~~appropriately managed~~

Reason superfluous addition, obviously min is better suited to such areas

Min O6 (a) ~~Avoid, remedy or mitigate the adverse effects of~~ apply the adverse effects hierarchy

There are 2 references to adverse effects in the clause

Delete 'significant' ~~significant~~ We could end up with all natural value destroyed. It is all relative, where what is common in this region may be significant in extensively cleared places.

Min O6(b) This is all wrong, there needs to be one phrase used for the adverse effects hierarchy and then the plan needs to stick to that; there needs to be consistency. The hierarchy includes offsetting and compensation. 'biodiversity' and 'environmental' should not be deleted from offsetting and compensation. It cannot be allowed to offset by some other method than biodiversity; and compensation, if needed, should be environmental. Case law has identified that offsets must be "of the same kind" as the proposed damage or undertaken on a "like-for-like" basis (*J F Investments Ltd v Queenstown Lakes District Council* EnvC Christchurch C48-2006, 27 April 2006, and *Oceana Gold (New Zealand Limited) v Otago Regional Council* [2019] NZEnvC 41, [2020] NZHC 436. ). The proposed deletions need to be reinstated so that there is clarity around that situation.

Also, I recommend that any offsetting triggers a public notification (s95A (8)(b) ).

Reason if there is a need for offsetting in an application then it must mean that adverse effects would be significant.

NENV says little about protecting natural values except for those that are outstanding.

The proposed NENV is more about how to exploit the natural environment than protect it. It is really saying that enough natural value is protected by the Conservation Estate to not have to ensure protection of it on private land. The conservation Estate needs to be considered a land apart rather than as a balance of mainly indigenous cover, against resource extraction in the private domain.

NENV O1 It is not just outstanding features that create the WC character, it is the cumulative effect of all the little pockets that are too numerous to list. Such areas are repeatedly dismissed through this plan.

Remove outstanding and significant - those additions change the intent of the objective - all natural areas need protecting

NENV O3

(d) The need to support the ethic of stewardship and to consider the positive effects of the conservation estate and significant natural areas in protecting natural environment values

However I consider O3 to be commercially-slanted and should not be an objective.

NENV O4 (a) ~~Unique and important~~ Significant and / or outstanding

I object to this amendment. the addition is a classification whereas that which is deleted is more elastic, not so encased by static borders.

POU P4 There needs to be constraints on where Maori purpose activities can be sited.

I'm not sure what activities may be proposed but they could clash with other important activities or constrain freedom to use land in general, and therefore, without the information as to what, when, how with POU activities I would want some constraint as to where they happen.

UFD O1 no 's' in promotes, same for use and recognise

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