

# NGATI RUANUI GROUP MANAGEMENT LTD

151 Glover Road  
P O Box 594, HAWERA  
Phone: 06 278 0148 Fax: 06 278 1358  
Email: [gml@ruanui.co.nz](mailto:gml@ruanui.co.nz)



30 September 2010

Mike Avery  
Planning and Regulatory Manager  
Stratford District Council  
P O Box 320  
STRATFORD 3452



Tena koe Mike

**Re: Indigenous Forest Biodiversity Review Stratford District Plan**

Please find attached our submission on the above District Plan Change.

Ngaati Ruanui wished to be heard in support of its submission. Please feel free to contact me if you require any other information or clarification about our submission.

I look forward to hearing from you.

Ngā mihi,

**Graham Young**  
Environmental Advisor

Encls: Submission

# NGATI RUANUI GROUP MANAGEMENT LTD



## **Submission Stratford District Plan - Indigenous Forest and Biodiversity Plan Change Variation 1**

Ngaati Ruanui welcomes the opportunity to make a submission on the Indigenous Forest and Biodiversity Plan Change (variation 1).

The proposed Plan Change intends to improve the protection of indigenous vegetation and indigenous fauna. Ngaati Ruanui acknowledges the Council's willingness to deal with this important environmental issue and the need to provide ongoing protection and enhancement of indigenous environments.

Our submission is based on providing positive improvements to the proposed Plan Change to ensure a clear set of controls which will enable the development, use and protection of indigenous environments.

Ngaati Ruanui acknowledges that development and at times clearance of indigenous environments will occur. We are not opposed to this but wish to ensure that there are robust mechanisms in place to ensure a fulsome and inclusive process occurs under the Resource Management Act.

Our submission is structured into two parts. Firstly, a general comment on the proposed Plan Change, and secondly, specific comments on sections of the Plan Change.

### **General**

The intent of the proposed Plan Change is clear. We support the change to widen the scope of the District Plan to include indigenous vegetation and indigenous fauna, and in particular providing a definition of indigenous vegetation.

The objectives of the Plan Change make clear and strong statements about protection which are supported by policies. We support the anticipated environmental result.

The proposed plan change does not however continue the clear and strong direction through the proposed methods. We would question whether the rules will deliver upon the objectives and anticipated environmental result. It would appear that the Plan Change has good intent but some of the intent is then lost in a narrowing of controls through the rules proposed.

Further, our concerns about the rules centre on clarity and interpretation. We believe that the approach of inserting new rules and amending the current rules has resulted in an overly complicated and layered approach for the protection of indigenous environments. This complicated and layered approach will cause interpretation problems for those who wish to develop and protect indigenous environments. If the rules within a plan change cannot be easily interpreted by the "*man in the street*" test they have largely failed those who the Plan Change is intended for.

In respect of process, Ngaati Ruanui considers that there has been a lack of consideration and evaluation of Part Two of the Resource Management Act, despite referencing of this Section in the Section 32 evaluation. It is noted that the Section 32 evaluation concentrates heavily on justification of individual rules rather than determining if the intent of the Plan Change and the requirements of Part Two of the Act have been delivered upon.

In particular there is an absence of any discussion around cultural and matters of importance to Iwi. While it is accepted that there was no response from Iwi through the earlier discussion document, this does not abdicate the Council's responsibilities to undertake its own consultation with Iwi to ensure the requirements of the Resource Management Act are met. Further, consultation with Iwi would have enabled issues raised by Iwi to flow through into the development of objectives, policies and rules. It is now widely recognised, through best practice, that engagement with Iwi is required and the statutory minimum is not suitable to ensure a robust and complying outcome. It is trusted that engagement with Iwi can be improved in the future.

Alternatively the Council could consider establishing an Iwi Liaison Committee which would provide direct interface with Iwi on matters such as this.

**It is submitted that the Plan Change be independently peer reviewed to determine its overall alignment with the stated objectives, anticipated environmental result and compliance with Part Two of the Resource Management Act.**

## Plan Change Sections

### Definitions

#### *Clearance*

The reference to the canopy height in the definition is unclear. There are other rules relating to clearance which are not referenced in the definition. **It is submitted that the definition is amended to read: "means the felling, removal or destruction of indigenous vegetation by any means in accordance with this plan".**

#### *Indigenous Vegetation*

The definition of indigenous vegetation is supported.

#### *Indigenous Vegetation disturbance*

This definition is not supported in respect of (b). The inclusion of legally established infrastructure which includes the upgrading of utilities undermines the proposed controls on vegetation. There is no link back to the utilities section of the plan and utilities are expansively defined in the Plan as:

#### **"Network utility"**

*Means any component of a network that is operated by a network utility operator as defined in Section 166 of the Resource Management Act.*

**It is submitted that the wording "upgrading of utilities" is removed from the definition, as the degree of upgrading is not defined and could have a significant effect upon an indigenous environment.**

### Anticipated Environmental Result and Objectives

The anticipated results and objectives are supported. We would note however that it would appear to be more logical to have the objectives and policies stated before the anticipated results. Anticipated environmental results are an outcome to the successful delivery of the objectives and policies of the plan.

It is also noted that both these sections refer to forest in their subtitles. **It is assumed that this is an error and forest should be replaced with vegetation.**

### Policies

Overall the policies are supported. However there appears to be confusion in the use of terminology. The policy section, like the objective section, is titled "*Indigenous Forest Policies*". **It is submitted that this be renamed to Indigenous Vegetation Policies.**

In policy A2.3.2 the term indigenous forest is used in respect of the ring plain. The use of the term forest is unclear. The definition of indigenous forestry has been removed from the plan. The text as written implies that the indigenous vegetation definition will not apply to the ring plain. It is assumed that this is an error. If not an error interpretation issues may arise and there will be confusion over the interchanging of terminology. **It is submitted that the reference to forestry be removed and replaced with indigenous vegetation. It is noted the term forestry is extensively used else where in the Plan Change text which adds confusion in respect terminology and meaning.**

Policy A2.3.4 seems redundant in that it refers to the enforcement provisions of the Resource Management Act. The use of enforcement provisions is not reliant on a District Plan policy statement about enforcement. Enforcement provisions of the Act are available to the Council to use for any breach of the District Plan. It is assumed the Council wish to make a point about enforcement of its rules. If this is the case a much shorter and less complex statement could achieve the same purpose. There is a danger that the Council could do the reverse and limit its ability to use all available tools to address a breach of the District Plan rules by paraphrasing enforcement provisions. **It is submitted that this policy be removed, or shortened to a simple statement about enforcement.**

### **Methods**

Generally the methods are supported.

It is not clear why the riparian margin method, A1.4.10 only relates to a schedule of wetlands and not rivers and streams. While it is understood that the District Plan does not currently cater for wetlands in a robust way, this Plan Change would seem the ideal opportunity to combine and strengthen the methods relating to all riparian protection. Perhaps the Council could provide an explanation on this. **It is submitted that a combined set of methods be developed to include all scheduled rivers, streams and wetlands. There does not appear to be similar methods including rivers and streams in the current methods A1.4.3 to A1.4.8.**

It is noted that a consideration of an enhanced set of riparian methods could lead to other changes in the in respect of rules and cross referencing within the District Plan.

Ngaati Ruanui supports the maintenance of a schedule of significant natural areas, including habitats of indigenous fauna, within the District Plan. It is assumed that the schedule is appendix 9 of the Plan. **It is submitted that appendix 9 be referenced in the method for clarity.**

Method A 2.4.7 relating to monitoring is not supported by specific rules in the Plan. This single statement therefore seems redundant. The District Plan already has a monitoring section and therefore the purpose of the method is not clear.

If the method is to be retained it should be supported with an action.

**It is submitted that the monitoring of indigenous vegetation be supported with a set of specific actions detailing how this will be achieved.**

It is noted that through this plan change no further work has been carried out to add new significant natural area sites to the schedule. Ngaati Ruanui encourages the Council to undertake further work in identifying specific sites for inclusion. The reliance on other agencies to provide information, such as regional councils, is flawed in that regional and district councils have different mandates under the Resource Management Act. The Stratford District Council cannot abdicate its responsibilities under the Act in respect of this work just because it might be hard work. The Section 32 evaluation makes a number of references to the need to identify significant areas, and highlights that indigenous environments are threatened.

It is also noted that the New Plymouth and South Taranaki District Councils have both established heritage funds from which they fund biodiversity projects. Other biodiversity funding is also available from The Taranaki Regional Council, Department of Conservation and Taranaki Tree Trust. A tangible commitment from the Stratford District Council would be welcomed.

**While this work does not need to occur as a result of this Plan Change, a commitment from the Stratford District Council is required to ensure an active programme of assessing new sites for the inclusion within appendix 9 is ongoing.**

## Rules

### Permitted Activities

Our concerns about allowing the upgrading of utilities have already been noted above in reference to definitions. The upgrading of utilities is not defined and therefore the potential impact upon indigenous environments is unknown where upgrading may occur. Allowing the upgrading of utilities could be supported if more definition about scope and restriction was included within the plan.

**It is submitted that the upgrading of utilities be removed from the list of permitted activities in the rural zone.**

Allowing the disturbance of vegetation which is less than 3 metres in height is not supported as a permitted activity. While it is appreciated that rules work best with a threshold and should be easy to understand. We are concerned that little recognition has been given of the need for native vegetation to regenerate where disturbance and clear-felling has occurred in the past. The permitted activity status also removes any consideration of the preservation of native species which generally do not grow above 3 metres in height. It is considered that this permitted activity status is in direct opposition to the stated scope and objectives of the Plan Change. It is also of particular note that the definition of indigenous

vegetation includes grasses and shrubs, however there is no recognition of their protection through this blanket permitted activity rule allowing the disturbance of vegetation under 3 metres in height. In this respect the Plan Change seems fundamentally flawed if the Council wishes to be serious about recognition and protection of indigenous vegetation and habitats for fauna such as Kiwi. The permitted activity rules could also encourage landowners to clear and disturb regenerating indigenous vegetation when it is nearing the height threshold of 3 metres.

**It is submitted that any disturbance of indigenous vegetation requires a resource consent. Discretionary activity status would be the most suitable.**

### **Limited discretionary and discretionary Activities**

These sections are supported by Ngaati Ruanui.

### **Non-complying Activities**

This section is largely supported. However the need to identify manuka and kanuka is not clear, even within the Section 32 evaluation explanation. It is considered that manuka and kaunka would receive protection through the rules relating to indigenous vegetation given its definition. The rules seems rather superfluous and could create confusion as there is no corresponding separation of these species else where in the Plan Change.

## **Conclusion**

Ngaati Ruanui welcomes the opportunity to comment on this District Plan Change (Variation 1). The overall approach being proposed by the Council is supported and makes a significant shift in the right direction to provide protection and rigor around the disturbance and clearance of indigenous vegetation and habitats of fauna.

It is considered that there would be considerable benefit in the Council obtaining a peer review of the Plan Change especially in respect of the stated objectives and the delivery of these through the proposed rules. We are concerned that the Section 32 evaluation does not adequately address the relevant clauses of Part 2 of the Resource Management Act and in particular the relationship with Iwi.

The Plan Change does however seem overly complex and layered. Terminology about vegetation and forestry could result in confusion for those interpreting the District Plan.

Allowing the disturbance of indigenous vegetation less than 3 metres in height as a permitted activity, other than that found on the ring plain, is not supported. This permitted activity status does not recognise the need to protect the regeneration

of indigenous vegetation, or the important indigenous environments of shrubs and grasses which grow to heights of less than 3 metres.

It is considered that there should be a strong commitment to further identifying significant natural areas within the district so that these areas can be provided with the protection they need.

Ngaati Ruanui wishes to be heard in respect of its submission. We would also welcome discussion with Council officers about our submission especially where clarification has been sought.

**Submission Prepared By:**

**Ngaati Ruanui Environmental Unit  
151 Glover Road  
PO Box 594  
Hawera**

**30 September 2010**