

Document: 794223

25 August 2010

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Attention: Mike Avery

Submission on the Stratford District Council's proposed variation and section 32 report – indigenous forest and biodiversity

Introduction

1. The Taranaki Regional Council (the 'Council') thanks Stratford District Council for the opportunity to comment on the *Rolling Review Part 1 – Indigenous Forest and Biodiversity Variation 1 and Section 32 Report* (the proposed Variation).
2. The Council makes this submission in recognition of its:
 - resource management responsibilities under the Resource Management Act 1991 (the Act); and
 - regional advocacy responsibilities whereby the Council represents the Taranaki region on matters of regional interest and concern.

General support

3. The Council supports the Stratford District Council's review of its district plan provisions relating to indigenous forests and biodiversity. As the District Council will be aware, increased emphasis is now being placed on local government to promote and undertake indigenous biodiversity protection work. It is therefore timely for the District Council to take stock of its indigenous biodiversity functions and Plan provisions, identify any disconnects between Council's legal requirements and response, and propose alternatives for addressing any deficiencies noted.
4. Set out below are specific comments on the proposed Variation.

Rules for riparian margins and wetlands

5. The Council supports the inclusion of rules addressing vegetation disturbance within 20 metres of all waterbodies, including any wetlands (B1.2.1.4 and B1.2.1.5). This meets one of the government's national priorities for biodiversity – namely, to protect indigenous vegetation associated with wetlands. It also recognises that wetlands are now uncommon due to human activity with only 8% of Taranaki's original wetlands now remaining.

Schedule of wetlands and significant habitats of indigenous fauna

6. The Council notes that Policy 3 of section 9.1 of the *Regional Policy Statement for Taranaki* (2010) includes a policy seeking to prioritise the protection, enhancement or restoration of ecosystems, habitats and areas with significant indigenous biodiversity values. It is suggested that, for the purposes of certainty, giving effect to this policy is best served by methods such as A1.4.10 and A2.4.4, which relate to the maintenance of a schedule (Appendix 9) identifying wetlands and significant habitats of indigenous and which is linked to the rules regime.
7. Notwithstanding support for methods A1.4.10 and A2.4.4, the Council is concerned that Appendix 9 of the proposed Variation, in its current form, has significant limitations. As noted in the proposed Variation, Appendix 9 relies totally on surveys of significant wetlands that have been prepared by regional councils. These surveys give effect to regional council statutory functions and management requirements and only identify regionally 'significant' wetlands. The list of regionally significant wetlands is certainly not exhaustive for district council purposes. The Council suggest that additional work is required before finalising the Schedule to include additional 'locally significant' wetlands. It is not appropriate to presume that wetlands not identified via existing regional surveys are necessarily going to be small and are therefore unsustainable (as stated on page 49 of the proposed Variation).
8. As noted in its previous submission, the Council will shortly be commencing a survey and mapping exercise for all wetlands in Taranaki using 2007 aerial photography. From that survey, the Council anticipates additional wetlands may be identified that should be considered for inclusion in the schedule and given added protection via district rules. The Council will be happy to discuss the provision of survey results when they become available (and any other wetland information it has).

Rules for protection of significant vegetation

9. The Council notes difficulties highlighted in the proposed Variation over the interpretation of existing rules relating to indigenous vegetation clearance. Therefore, Council supports proposals to improve the workability of these rules.
10. The Council further notes references in rule B1.2.1.1 to permitting the removal or trimming of any vegetation in accordance with a farm management plan or agroforestry plan prepared by the Regional Council. The Council seeks that this part of the rule be deleted. It is suggested that relying on regional council property plans to regulate land use activities through permitted activity status (subject to conditions) is inappropriate as these plans are not designed to be regulatory instruments and doing so would inappropriately put this Council in the role of land use regulator.
11. Comprehensive farm plans (farm management plans) are prepared on a voluntary basis and in close conjunction with the land owner for properties in erosion prone parts of the eastern hill country. Farm management plans are very much practical on-farm management tools that look at all aspects of a farming operation including land and stock management. They contain recommendations regarding farm management practices and development activities that protect soil and water resources while maximising the productive capability of the property. In so doing, they might not always address district council concerns regarding effects on indigenous vegetation or biodiversity.
12. In relation to land use control these are matters for the District Council to determine through its district plan and not for this Council to determine through voluntary farm

management plans. Land owners are aware that development activities undertaken on their properties following a farm management plan may still require land use authorisation from the District Council under their district plan. However, if farm management plans were to take on the proposed role they would be quite different in nature and scope and would, in effect, be derogating from the role that is properly that of the District Council.

13. The Council understands that including activities under farm management plans as permitted activities in the District Plan was to promote integrated management. District Council efforts to promote integrated management are commended. As an alternative to referencing regional council property plans in rule B1.2.1.1, it is suggested that a new method could be included promoting the preparation of regional council farm management plans as one of the methods to be used to promote the District Council's objectives and policies for indigenous forest protection.

Ecological assessments for vegetation

14. While the Council's preferred course of action is for the District Council to have a schedule identifying areas of significant indigenous vegetation, the Council acknowledges the costs in developing such a schedule. Accordingly, as an alternative, the Council supports the proposal requiring an ecological assessment (A2.4.2) of any area of indigenous vegetation in which a proposed activity is subject to a land use consent. As noted on page 57 of the Proposed Variation and Section 32 Report such an approach allows for a build-up of information that over time could contribute to the development of a schedule.

Conclusion

15. In conclusion, the Council supports the District Council's review of Plan provisions relating to indigenous biodiversity. In particular, the Council supports proposals to provide additional regulatory protection and standards associated with wetlands and significant habitats.
16. The Council acknowledges difficulties associated with identifying all wetlands and significant natural areas in a schedule to the Plan. However, additional work is required, particularly in relation to wetlands. The Council will be happy to provide any information it has to assist the District Council in identifying any additional wetlands and other significant natural areas. The Council also seeks deleting reference to the Council's farm management plans in Rule B1.2.1.1.
17. Should you have any queries or require clarification on matters raised in this submission, please do not hesitate to contact Policy Analyst, Chris Spurdle, at these offices. The Council does not wish to be heard in support of its submission.

Yours faithfully
B G Chamberlain
Chief Executive


per: AD McLay
Director - Resource Management