

**BEFORE THE THAMES COROMANDEL PROPOSED DISTRICT PLAN
HEARINGS PANEL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions and further submissions
by the Director-General of
Conservation to Variation 1 of the
Proposed Thames-Coromandel District
Plan

STATEMENT OF EVIDENCE OF CHRISTOPHER GILBERT STAITE FOR THE
DIRECTOR-GENERAL OF CONSERVATION

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A Introduction

1 My name is Christopher Gilbert Staite. I have been employed as a Resource Management Act Planner for the Department of Conservation since 2002, for the West Coast, Bay of Plenty and East Coast/Bay of Plenty Conservancies, and more recently in the Hamilton Shared Services Office. I hold the qualifications of Bachelor of Science in Geology (Hons.) gained in 1995, and Master of Regional and Resource Planning (Dist.) gained in 2002, both from the University of Otago. Prior to this, I was a Contract Geologist working in Western Australia from 1996 to 1998.

2 I have read and agree to comply with the Code of Conduct for Expert Witnesses produced by the Environment Court. My qualifications as an expert are set out above. Other than any matters identified within my evidence as being from other experts, I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3 My evidence addresses matters raised in the Director-General of Conservation's submission and further submission on Variation 1 of the Proposed Thames-Coromandel District Plan (the Plan).

4 I agree with the recommendations in the Section 42A Report, except for matters specifically mentioned below.

B Legislative Framework

5 Section 6 of the Resource Management Act 1991 (the Act) sets out matters of national importance and requires all persons exercising powers and functions under the Act to recognise and provide for these.

6 Section 6(a) addresses natural character:

6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.

7 The New Zealand Coastal Policy Statement's (NZCPS) purpose is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

8 Policy 13 of the NZCPS addresses the preservation of natural character. Policy 13(1) outlines the management direction for achieving this:

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development:

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment:...

9 The Plan must give effect to the NZCPS (Section 75(3)(b)).

10 The Plan must give effect to the operative regional policy statement (Section 75(3)(c) and also have regard to any proposed regional policy statement (Section 74(2)(a)(i)). The Operative Waikato Regional Policy Statement contains Section 3.5.4 Natural Character and Coastal Processes; the Objective requires the preservation of the natural character of the coastal environment, and Policy One addresses the protection of significant areas, including in (a) natural character of the coastal environment. The Proposed Waikato Regional

Policy Statement continues this approach, and addresses the preservation of natural character through Objectives 3.6(a) (Coastal Environment), 3.11(ab) (Built Environment and 3.21 (Natural Character). Policy 12.3 Preserve natural character addresses these, and is qualified by the explanation that states in the coastal environment, the direction in Policy 13 of the NZCPS must be followed.

C The Plan

Objectives

- 11 The Director-General's submission supported Objective 1 and requested a further Objective to ensure that the Plan implements the requirements of Section 6(a) of the Act and Policy 13(1)(b) NZCPS by applying to 'all other areas of the coastal environment' rather than just identified Outstanding and High Natural Character Areas.
- 12 I support the amended Objective 1 recommended by the Section 42A Report, as the removal of the reference to areas of outstanding and high natural character accomplishes this effectively.

Policies

- 13 The Director-General's submission supported Policies 1a and 1b but sought an additional policy to implement Policy 13(1)(b) NZCPS by providing policy direction in relation to natural character in all areas of the coastal environment, not just areas of high or outstanding natural character.
- 14 The minor amendments to Policy 1a recommended in the Section 42A Report are supported as appropriate. However, as a whole, the Policies do not address the preservation of natural character outside areas of outstanding or high natural character, and therefore in my opinion does not implement Policy 13(1)(b) NZCPS.

- 15 I consider that in order for the Plan to give effect to the NZCPS in relation to the preservation of natural character, a new policy reflecting Policy 13(1)(b) NZCPS is required as set out below:

Policy 1d

In all other areas of the coastal environment significant adverse effects on the values and characteristics of the natural character area are avoided, and other adverse effects are avoided, remedied or mitigated.

- 16 I note this Policy would not be linked to or triggered by the rules in this section or the Identified Natural Character Areas. This Policy would be considered in the assessment of discretionary or non-complying activities required in other chapters of the Plan, to ensure that regard is had to adverse effects on natural character in the coastal environment during considerations of consent applications under section 104 of the Act.
- 17 The amendments recommended in the Section 42A Report to the proposed new provisions to be inserted into Section 24 Rural Area and Section 7 Coastal Environment are supported. In particular, the removal of the word ‘highly’, which may restrict the promotion of restoration or rehabilitation of natural character to only highly modified or degraded areas, is supported.

Rules

- 18 The submission of the Director-General supported the notified rule framework, and the further submission opposed several requests for exceptions to these rules.
- 19 I consider that the rule amendments recommended in the Section 42A Report are appropriate, especially the amendments to High Natural Character Area Rules 2, 3, 3A, 4 and 5; and Outstanding Natural Character Area Rules 12, 13, 13A, 14 and 18. These provide for small scale works that allow the maintenance of existing roads, tracks and infrastructure, or provide for rehabilitation or restoration works.

- 20 I do not consider other activities should have more enabling activity statuses, unless they are expected to have no more than minor adverse effects on natural character. Should allowance be made for these activities, if more than minor adverse effects are expected, given the scale or type of activity, then non-complying should be the only activity status considered.
- 21 Dimensional Stone Company Ltd (submission point 99.2) sought surface mining operations to have controlled or restricted discretionary activity status within Natural Character Areas. This was opposed in the Director-General's further submission. I agree with the Section 42 A Report that this change is not required.
- 22 In conclusion, I consider that a new Policy is required to preserve natural character in areas outside of identified high and outstanding natural character areas in the coastal environment, in a manner consistent with Policy 13(1)(b) NZCPS as set out above at paragraph 14. Other than this, I consider the amendments recommended by the Section 42A Report are appropriate.

End.

Appendix 1 – Regional Policy Statement Provisions Referred to:

A Operative Regional Policy Statement

3.5.4 Natural Character and Coastal Processes

Objective: Preservation of the natural character of the coastal environment¹, including the physical and ecological processes which ensure its dynamic stability.

Policy One: Protection of Significant Areas

Through a consultative process, identify and protect significant areas, features, processes, and the range and diversity of species and their habitats in the coastal environment, including:

- a. natural character of the coastal environment
- b. outstanding landforms and landscapes
- c. significant indigenous vegetation and significant habitats of indigenous fauna
- d. areas of importance to tangata whenua.

B Proposed Regional Policy Statement

Objectives

3.6 Coastal environment

The coastal environment is managed in an integrated way that:

- a) preserves natural character and protects natural features and landscape values of the coastal environment;
- b) avoids conflicts between uses and values;
- c) recognises the interconnections between marine-based and land-based activities; and

- d) recognises the dynamic, complex and interdependent nature of natural biological and physical processes in the coastal environment.

3.11 Built environment

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

- a) promoting positive indigenous biodiversity outcomes;
- ab) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- b) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;
- ba) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;
- c) recognising and protecting the value and long-term benefits of regionally significant infrastructure;
- d) protecting access to identified significant mineral resources;
- e) minimising land use conflicts, including minimising potential for reverse sensitivity;
- f) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;
- g) providing for the development, operation, maintenance and upgrading of new and existing renewable electricity transmission and generation activities including small and community scale generation;
- h) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and
- i) providing for a range of commercial development to support the social and economic wellbeing of the region.

3.21 Natural character

The natural character of the coastal environment, wetlands, and lakes and rivers and their margins are protected from the adverse effects of inappropriate subdivision, use and development.

Policy

Policy 12.3 Preserve natural character

Ensure that activities within the coastal environment, wetlands, and lakes and rivers and their margins are appropriate in relation to the level of natural character and:

- a) where natural character is pristine or outstanding, activities should avoid adverse effects on natural character;
- b) where natural elements/influences are dominant, activities should avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character;
- c) where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate adverse effects should still be considered.;
- d) promote the enhancement, restoration, and rehabilitation of the natural character of the coastal environment, wetlands and lakes and rivers and their margins; and
- e) regard is given to the functional necessity of activities being located in or near the coastal environment, wetlands, lakes, or rivers and their margins where no reasonably practicable alternative locations exist.