

Proposed South Taranaki District Plan

Submission by Lyndon DeVantier, 27 June 2016

I thank the Council for the opportunity to speak to some aspects of my submission on the Proposed South Taranaki District Plan. I have no vested interests or opportunity for financial gain from points raised in the following submission.

I will focus in this presentation on the:

Coastal Protection Area

In the Section 42A Officer's Report Coastal Environment (point 58, page 10), it is noted:

"... as identified in the Operative District Plan, which covers 10,401 hectares In the Proposed District Plan, the Coastal Protection Area occupies 5,042 hectares ..."

The rationale (Point 7.2, p16) provided in the S32 Report for halving the Coastal Protection Area states:

"It is unknown how exactly the Coastal Protection Area in the Operative District Plan was defined, but it generally follows clearly defined dunes throughout the length of the coastal margin (approximately 500 metres inland). In the southern part of the district the Coastal Protection Area is relatively expansive, extending some 5 km inland. Some of the land within the Coastal Protection Area has been highly modified due to land farming and use as farmland in general. ... To retain the Coastal Protection Area as is would not be an efficient or effective approach, as some areas within this area are highly modified, and the rules applied to the Coastal Protection Area could unduly restrict landowners' ability to develop their land, particularly where an activity would have negligible effects on the natural character of the coast (e.g. a hay barn erected in an already highly modified, rural setting)."

I agree that activities with negligible effect should not be restricted, and these can be easily addressed in the Rules governing the zone. Instead, I wish to address the S32 Report statement that: *'Some of the land within the Coastal Protection Area has been highly modified due to land farming'*.

Three such euphemistically-named 'land farms' (in reality toxic waste disposal sites) have been granted resource consents **inside** the Coastal Protection Area (CPA, as defined in 2004) in the period since 2009 (S32 Evaluation Report Coastal Environment, Figure 1 Resource Consents in Coastal Protection Area (2009-2014)). Seismic survey and four subdivisions have also been consented in the CPA since 2009.

One such example is provided in the S42A Officer's Report Coastal Environment (Point 4.7 page 7):

"On Andrew Symes property, I acknowledge that the outer edge of the coastal environment

identified has been more extensively modified by consented land farming and no longer reflects significant coastal process, influences and qualities apparent in adjoining dune areas. Given such modification, I consider such areas should be removed from the Coastal Protection Area and I have remapped such areas accordingly (See Map 1)."

This rationale is repeated in Table 38 Planning Maps, Point 210.

It seems that the Resource Consent for this land farm was issued in the period around 2012.

So, the integrity of parts of the Coastal Protection Area to achieve its named purpose (ie. Coastal protection) have been 'extensively modified' in the recent past by consents for land uses which have resulted in the areas becoming inconsistent with the zone, as stated in the S32 Evaluation Report:

"Some of the land within the Coastal Protection Area has been highly modified due to land farming To retain the Coastal Protection Area as is would not be an efficient or effective approach."

Three landfarms inside the Coastal Protection Area were consented in the period post-2009 (Figure 1, S32 report), at least five years subsequent to its designation in 2004, and by doing so, directly caused the areas to become 'highly modified' and in the Council Officer's opinion, no longer worth retaining in the Coastal Protection Area.

So the rationale for reducing the Coastal Protection Area is based, at least in part, on recent STDC planning decisions that, through allowing toxic waste disposal sites (a.k.a. 'land farms') in the area, have modified it to such an extent that it no longer can be retained for Coastal Protection.

This justification, in my view, is obviously based on a fundamentally flawed planning approach that allowed inappropriate activities subsequent to designation of the CPA in 2004.

I also note that the Section 42A Officer's Report (Point 201, page 56) considers it inappropriate to consider the 'Coastal Protection Area' as a default means of coastal protection. My comment on this is then why call it a 'Coastal Protection Area' in the first place. Perhaps a better name would be: 'Narrow Coastal Strip with industrial and other agriculture, toxic waste disposal and episodic subdivision'.

I recognize that some of these activities, notably the agriculture, have been occurring for many decades. Others, however, including the three land farms and four subdivisions, have been consented subsequent to designation of the CPA. Surely this begs the question: Why would STDC consent to such practices when, in the case of land farming at least, they have caused such extensive modification of the area that these should now be excluded from the zone?

If STDC continue with the planning approach as applied to date, then one can expect that the Coastal Protection Area will be subject to further area reductions in future, because of

additional resource consents for activities that will subsequently cause the affected areas to become 'highly' or 'extensively modified'.

This is an important point, as the District has been identified as a place for the dumping of petroleum wastes from other parts of NZ, and hence, if this industry is allowed to expand elsewhere, as is present government policy, significantly more land will be required in South Taranaki for waste disposal in future. It is my understanding that some such wastes, from the East Coast, have already been dumped here.

This scenario is actually noted in the Section 42A Officer's Report Coastal Environment (Point 4.10, page 9):

*"The land surrounding Lake Kaikura, including the area between the lake and the coastal edge has been extensively modified including uniform grazed paddocks and several areas of hardstanding supporting oil and gas exploration. Given such modification, there is no longer a contiguous system of cliff top dunes apparent. **Further consented land farming which is expected to occur in this area will likely further reduce coastal processes, influences or qualities at this location.**"*

Yet the Officer also stated that: *"... I agree that Lake Kaikura forms part of the coastal context within which coastal processes and influences will continue to operate"*.

I also note that this lake is identified as an 'Area of High Natural Value' in the 'Memo: Natural Character Values' by Brown New Zealand Limited prepared in support of the Meridian Energy submission, and appears to remain as included in the Proposed Plan Coastal Protection Area on Map Coastal Review 1 of the S42A Report Coastal Environment.

I concur with the statement in the S42A Officer's Report Coastal Environment (Issue 2.16.2, page 65) that:

*"... Specific to the South Taranaki District, examples of inappropriate subdivision, use and development include the increasing level of subdivision along the coast, and site-specific developments that can affect archaeological and heritage sites, indigenous vegetation or amenity. **Activities such as building, subdivisions, quarrying or mining, forestry harvesting, land farming, land clearance, grazing, and road and infrastructure development, can have varying levels of effects depending upon the scale, visual dominance, design, and location of the activity.**"*

In the Proposed Plan, land farming is to be permitted in the Rural Zone except in the Coastal Protection Area. It appears that land farming, and other petroleum activities, will be listed as 'discretionary' and 'non-complying' activities respectively in the Coastal Protection Area. Given the present, retrospective, excision of land farm sites from the CPA (as defined in the 2004 Operative Plan) in the proposed plan, surely these activities should be 'prohibited', as recommended in my original submission, to best enable future plans to avoid having to repeat this clumsy post hoc excision process of land from Coastal Protection.

Considerations of the effects of climate change

In my original submission (point (h) page 3), I questioned the rationale behind, and disagreed with, halving the Coastal Protection Area. I argued that this area should, to the contrary, be maintained or expanded. My rationale for that request is based on my understanding of the predicted effects on coastal processes from climate change.

As a brief aside, in case any doubt remains, climate change, or more appropriately, climate disruption, presently is being driven, in large part, by combustion of fossil fuels and processes associated with industrial agriculture, including deforestation and emissions. Make no mistake, climate disruption is the overarching issue facing our civilization in coming decades to centuries, and planners should be taking careful cognisance of this issue, adopting a precautionary approach to coastal development, as much as can be achieved under present legislation.

So in respect of the future of this district and NZ more generally, planners should be asking: 'Why do we continue to facilitate the continued development of fossil fuels and industrial agriculture when we know these industries are driving climate disruption, the looming costs of which will far outweigh any perceived short-term economic benefits?'

In terms of energy, NZ is well suited to expanding renewables and the electrification of transport. Indeed, more than 40 renewable energy projects are either consented or planned nationally. Yet as a nation we continue to spend billions of dollars annually to import petroleum products, mainly to drive transport. In terms of agriculture, we are equally well suited to the rapid transformation to an organic production model not reliant on fossil fuel based fertilizers, PKE, neonicotinoids and other pesticides, and other expensive, imported inputs.

Indeed, had these two strategies been adopted a decade ago, the District and our nation would now be in a far stronger position economically, environmentally and in terms of health and well-being. Instead, South Taranaki has some of the most deprived communities in New Zealand, as demonstrated by the University of Otago Deprivation Index, located precisely where fossil fuel activities occur¹.

We would also be closer to living up to the 100% Pure, Clean Green image that we sell overseas, and which has driven tourism to become our biggest foreign income earner. This is a very shaky foundation, in our shaky isles, on which to build a resilient economy.

In respect of Coastal Protection, sea level is rising, and the peer-reviewed science is clear that it will continue to do so for millennia (eg. Hansen et al. 2016ⁱⁱ). Rate of rise will itself increase rapidly as Greenland and other terrestrial ice masses make additional contributions in coming decades, and with increasing destabilization of huge Antarctic glaciers and ice-sheets more generally. The last significant high sea stand, some 125,000 years ago during the Eemian epoch, was ca 6m higher than today, when global temperatures were only slightly warmer than present. A one metre rise in sea level over the next three decades is possible, as occurred in the Eemian. The increased erosion generated by these unavoidable processes will mean that the Coastal Protection Area will increasingly be reduced on its

seawards extent, and the proposed 100m inland limit will shrink increasingly rapidly in the years ahead.

Additionally, and of more relevance in the short-term (decadal time scale), extreme weather events are also increasing in both intensity and frequency, and will continue to do so, concurrent with the overarching driver of climate disruption. South Taranaki's cliff and sandy beach foreshores are at particular risk.

One clear and present example of this risk is provided by the coastal subdivisions. At Tai Road, houses on the seaward side of the road will be increasingly threatened as the coastal cliff continues to erode. At Angler's Avenue and other relatively low-lying coastal developments, a two metre rise in sea level with associated additional storm surges, will increasingly threaten coastal properties in the decades ahead.

With the benefit of hindsight, it is clear that these developments should qualify as 'inappropriate' under RMA Section 6 matters of national importance relevant to the proposed Coastal Environment provisions, specifically:

- (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.

It is strongly recommended that no such subdivisions adjacent to eroding coastal cliffs or beaches are consented in future. Such an approach would be consistent with the purpose of the relevant sections of the RMA.

In respect of the much reduced inland extent of the Coastal Protection Area, I submit that prudent planning would make allowance for continuing encroachment and erosion, as was apparently the case in the 2004 Operative Plan, with its far more conservative inland boundary, which according to the S32 Report: *"generally follows clearly defined dunes throughout the length of the coastal margin (approximately 500 metres inland)"*.

In summary, on the one hand, we are entering a period of increasing erosion and severe weather events of our exposed coasts, and on the other, STDC appears intent on reducing the area of the Coastal Protection Area by half, in part because of their own recent planning decisions within the CPA (eg. consenting of the euphemistically titled 'Land Farming') that have modified parts of the area to such a degree that they are no longer considered as appropriate for Coastal Protection.

In light of all of the above, I stand by my original submission that the Coastal Protection Area should be maintained or expanded. I also maintain that any new petroleum activities should be prohibited in the area, and planning should be initiated, if not already in train, for the staged retreat from the coast, particularly in terms of key infrastructure, that will be necessary in coming decades.

Natural Environment Rules

In my original submission, I also highlighted issues with the **Natural Environment Rules**

z) Provision 17.1.5 classifies petroleum exploration and production within the Coastal Protection Area as Non-complying. As noted above, I submit that petroleum exploration, production and waste disposal/treatment activities be Prohibited within the Coastal Protection Area, any area of Outstanding Natural Features and Landscapes, and any regionally significant wetlands and significant natural areas (See also point 2s).

aa) Clearance of indigenous vegetation over 100m² in the Coastal Protection Area and any clearance of indigenous vegetation in any Significant Natural Area or Regionally Significant Wetland listed in Schedules 2 and 6 (provisions 17.1.4a, d and f) should be Prohibited or Non-complying. Indigenous vegetation plays an important role in slowing down coastal erosion which will become more severe with rising sea level and more frequent extreme weather associated with climate disruption.

bb) Earthworks in the Coastal Protection Area not exceeding 2.5m should specify if for land farming and mix-bury-cover operations for petroleum wastes (provision 17.1.4a). These activities should be classified Prohibited rather than Discretionary, as they introduce toxic materials to an erosion-prone area.

cc) As noted above, I oppose the proposed halving of the Coastal Protection Area in an erosion prone region where erosion is already occurring at >1m per year in places. I question the rationale behind it, and seek a revision and possibly expansion (rather than reduction) of the existing Coastal Protection Area.

Natural Hazards

In respect of my earlier submission re risks of deep-well injection near fault lines, I wish to add, for the record, that there are several deep well injection sites in the District, including two – Rimu A and Manutahi-D located south of Hawera – that are located close to Active Fault 211 identified in the 2013 GNS reportⁱⁱⁱ. I also note two issues in respect of the second GNS Report (2012)^{iv} that found no effect on seismic activity from petroleum activities in Taranaki. Firstly, the report relied on the seismic detection network for monitoring Mt. Taranaki, not on dedicated sensors for the industry's activities.

As noted in the report:

“The effectiveness of the GeoNet system at detecting and then determining a point of origin for any seismic event is affected by how small, how far from any detector, how shallow the event is, and the extent of interfering ‘noise’ at the time. ... In relation to hydrocarbon exploration and development, the siting of the GeoNet seismographs is well suited for the McKee and Kaimiro fields around and north-east of Inglewood, but less so for fields around Stratford (Cheal, Waihapa, Kapuni) and south to Hawera-Manutahi (Rimu, Kauri/Manutahi).”

Secondly, the van der Elst et al. (2013) *Science* report that I referenced previously made the specific point that risks were greatest when there had been no significant prior activity for decades.

“Sensitivity to remote triggering is most clearly seen in sites with a long delay between the start of injection and the onset of seismicity and in regions that went on to host moderate

magnitude earthquakes within 6 to 20 months. Triggering in induced seismic zones could therefore be an indicator that fluid injection has brought the fault system to a critical state.”

Hence, evidence of no detectable effect to date as found in the 2012 GNS report is not necessarily good news. Again I urge that Council take a precautionary approach, with significant liaison with Taranaki Regional Council, responsible for discharges, to assess, monitor and regulate the potential risk.

As was noted by CJT in their submission of 21st June 2016 in respect of onshore wells (paragr. 43):

<https://climatejusticetaranaki.files.wordpress.com/2013/03/cjt-south-taranaki-district-plan-hearing-statement-21june2016-final.pdf>

The Parliamentary Commissioner for the Environment (2014)^v pointed out clearly that *“companies are not required to have any particular amount of public liability insurance for onshore wells, to cover the cost of any clean up needed if the well fails. Nor have councils required oil and gas companies to pay bonds as conditions in consents. ... Under law, once a well has been abandoned and ‘signed off’ by the High Hazards Unit and the councils, any leaks from the well become the responsibility of the owner or occupier of the land.”*

ⁱ University of Otago Department of Public Health, 2014. Socioeconomic Deprivation Indexes. <http://www.otago.ac.nz/wellington/departments/publichealth/research/hirp/otago020194.html>

Where are NZ's most deprived areas? (+interactive) NZ Herald, 13 May 2014. http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11254032

ⁱⁱ Hansen, J. et al. (2016) Ice melt, sea level rise and superstorms: evidence from paleoclimate data, climate modeling, and modern observations that 2 C global warming could be dangerous. Atmos. Chem. Phys., 16, 3761–3812, 2016. www.atmos-chem-phys.net/16/3761/2016/ doi:10.5194/acp-16-3761-2016

ⁱⁱⁱ Litchfield, N. J.; Van Dissen, R.; Sutherland, R.; Barnes, P. M.; Cox, S. C.; Norris, R.; Beavan, R.J.; Langridge, R.1; Villamor, P.; Berryman, K.; Stirling, M.; Nicol, A.; Nodder, S.; Lamarche, G.; Barrell, D. J. A.; Pettinga, J. R.; Little, T.; Pondard, N.; Mountjoy, J.; Clark, K. 2013. A model of active faulting in New Zealand: fault zone parameter descriptions, GNS Science Report 2012/19. 120 p.

^{iv} Sherburn, S, Quinn, R. 2012. An assessment of the effects of Hydraulic Fracturing on Seismicity in the Taranaki GNS Science Consultancy Report 2012/50. 28p.

^v Parliamentary Commissioner for the Environment, 2014. Drilling for oil and gas in New Zealand: Environmental oversight and regulation. <http://www.pce.parliament.nz/publications/drilling-for-oil-and-gas-in-new-zealand-environmental-oversight-and-regulation>