

Draft New Plymouth District e-Plan

Feedback from Climate Justice Taranaki, 16 March 2018

Climate Justice Taranaki provided feedback on the Draft NP District Plan back in December 2016:

<https://climatejusticetaranaki.files.wordpress.com/2013/03/cjt-feedback-on-draft-np-district-plan-dec2016-final.pdf>

Climate Change and Resilience

We noted in the Draft e-Plan that 'climate change' is now mentioned twice, in the Natural Hazard section (NH-O1 and NH-P6), which is a positive development.

We'd encourage Council to incorporate 'climate change' concerns and resilience in other sections, notably the strategic objectives under Network Utilities and Infrastructure (e.g. NU-O2 & O3, NU-P2 & P3), Growth and Land Supply (e.g. SO-10, SP-5), Business and Industry (e.g. SO-17) and Rural Production and Rural Industry (e.g. SP-15).

Network Utilities and Infrastructure

One aspect of building climate change resilience is to support local communities and businesses so that they become more self-sufficient in terms of water and energy provisions as well as sewage and waste management. The creation and support for community-based systems would reduce demand on costly network utilities, could increase efficiency, and provide a level of assurance and resilience for local communities, in times of climate disruptions and other disasters. Such initiatives already exist and have accumulated knowledge that would be invaluable for our District. e.g. <http://www.brct.org.nz/>

In terms of water supply, Kapiti Coast District Council's Plan Change 75 requires new dwellings in residential zones to have non-potable water sources available for outdoor uses and toilet flushing.

<https://www.kapiticoast.govt.nz/contentassets/224584fb884e4d7e9fba8cf055044fb7/21-april/1013-08-kcdc-or-operative-stage-pc75-water-demand-management-sp-11-191.pdf> This helps to reduce the demand on Council's water supply and increases resilience. We ask that Council consider a similar Plan change which would enable stronger water demand management.

Many of the issues we raised in our December 2016 feedback remain relevant in the Draft e-Plan. We ask that Council revisit our earlier feedback thoroughly when further developing the Draft Plan into a Proposed Plan.

Rural Zones: Rural Production and Rural Industry

We remain concerned about the importance and priorities given to industries, especially extractive industries like oil and gas, as well as industrial agriculture like 'battery farms', within the Rural Production Zone. In our view, such industries are incompatible to rural living. Oil and gas extraction and production is a dead-end industry which must be phased out, considering its adverse impacts on local communities and environment, longterm impacts on climate change, and the lost economic opportunities for sustainable alternatives.

While such industries continue to exist and be developed, we support Council's proposed requirement of 'sufficient separation' between 'sensitive activities' and large-scale rural activities / industry (RPZ-P5 and P6). We ask that Council refer to Taranaki Energy Watch's (TEW) expert advice when determining the required separation distances and incorporating them into District Plan Rules. We urge that Council withdraw from opposing TEW's appeal on the South Taranaki District Council's decision over the recent proposed plan, but objectively consider TEW's position and expert evidence, for the safety and wellbeing of local communities.

Major Facility Zone: Oil and Gas Production and Storage

We are perplexed by the lumping of the Port, Airport and the Hospital with major hazardous petrochemical facilities under the same Zone. Unlike the airport, port (partly) and hospital which provide public services and contribute to social well-being to varying extent, Methanex, McKee Mangahewa Production Station and the other petrochemical facilities are highly hazardous facilities owned and occupied solely by private corporations.

There appears to be no requirement of 'sufficient separation' between 'sensitive activities' and Major Facility Zone. The 20m setback of oil and gas production and storage facility (within a Major Facility Zone) from "a rural or residential zone boundary, a road boundary or the Coastal Marine Area" in the effects standard (MFZ(OGPS)-S3 is inadequate.

Hazardous Substances

It is not entirely clear which facilities are considered 'significant hazardous facilities', although its definition seems to imply that most of the sites listed under Major Facility Zones would qualify, as well as some of the oil and gas drilling and producing well sites.

We are concerned that while HS-P3 "Require new sensitive activities to be appropriately located and separated to minimise conflict and/or reverse sensitivity effects on existing significant hazardous facilities", HS-P2 only "Require that new or expanded significant hazardous facilities demonstrate the activity is located appropriately having regard to the effects of the activity, the risks to the health and safety of the community" without mentioning the need for separation or setback distance.

There appears to be no rule that specifies the requirement of 'sufficient separation' distance between significant hazardous facilities and sensitive activities. HS-R1 states that significant hazardous facilities are Permitted "on land zoned as a major facility at Port Taranaki, where the significant hazardous facility is not located within **200m** of a community activity or living activity..." It is not clear how these terms differ from 'sensitive activity' or why there is no separation distance requirement for other significant hazardous facilities (not at Port) under the other HS rules.

Energy

We strongly support the inclusion of 'adequate separation' between oil & gas activities and sensitive activities in E-P2 and E-P3. However, we urge that Council include the effects on **public health and safety** for having regard to, in addition to effects from traffic, light overspill and noise.

During the South Taranaki District Plan review process, Taranaki District Health Board (TDHB) pointed out that "The STDC has **obligations under the Health Act 1956 to protect the public health within its district.... the environmental health sections of the Act (Part 2 – Powers and Duties of local authorities) and drinking water (Part 2A...) ... it is important that this Act is acknowledged in the Proposed South Taranaki District Plan... Many activities covered by the Proposed ... District Plan have the potential to be offensive or injurious to health. At times these environmental activities can be an offence under the Health Act 1956 without necessarily being an offence under other legislation such as the Resource Management Act 1991 or the Hazardous Substances and New Organisms Act 1996. In these situations, it is the duty of the STDC...**" (See attached file – 093 – Taranaki District Health Board, 12 Oct 2015)

On 22 July 2016, the TDHB warned, "Because of the potential of adverse health effects and the lack of knowledge in the New Zealand setting we strongly recommend that a **"precautionary approach" is applied to planning decisions** related to oil and gas exploration." (See attach file – TDHB, 22July16)

We question the intention or necessity of E-P5 as it reads like a 'get out of jail' card, especially considering the wordings like "minimise adverse effects to the greatest extent practicable", "best practicable options"

and “*economic and social benefit...*” which is open to debate and, in our view, should never be traded against “*risks to people, property and the environment...*”

In terms of rules, we emphasize again that seismic surveys using explosives should be either Discretionary or Non-compliant depending on location, and never be Permitted without resource consents (E-R2). Please refer to Taranaki Energy Watch’s expert evidence and information concerning the risks and impacts of seismic surveys on people’s properties, especially ‘misfires’ or explosives that fail to detonate and are left in the ground. <http://www.taranakienergywatchnz.org/seismic/> We argue strongly that strict regulation, reporting and monitoring of seismic surveys using explosives are necessary.

Any undetonated explosives must be recorded systematically and made available to the public as well as in the properties’ Land Information Memorandum (LIM) reports, along with records of other historic and current oil and gas activities or abandoned wells on site (See our section on Contaminated Land below).

Likewise, we disagree with the Permitted activity status (E-R4) for petroleum production activities within Special Purpose – Major Facility Zone, because resource consents and transparent reporting and monitoring of such activities are important wherever they take place.

Contaminated Land

We remain gravely concerned over the issue of contaminated land (as expressed in our Dec 2016 submission). Oil and gas, petrochemical, industrial agriculture and pest control (mass storage and application of pesticides and poisons) activities are pervasiveness across the district/province. Their potential health and environmental impacts and Council’s responsibility for public health has been raised by TDHB. Hence the contaminated land section of the Draft Plan needs to be very carefully and comprehensively developed. Council would need to work closely with the Regional Council to ensure that nothing falls through the cracks in the system.

We urge that Council review the Hazardous Activities and Industries List (HAIL) provided by the Ministry for the Environment and apply scrutiny and the precautionary principle when identifying, assessing and managing potential contaminated sites. It is critical that any such site-specific information is consistently recorded and made public, following MfE guidelines and included in LIM.

<http://www.mfe.govt.nz/land/hazardous-activities-and-industries-list-hail> and
<http://www.newplymouthnz.com/Residents/Your-Property/LIMs>

In addition to identification and remediation of contaminated sites, greater planning and regulatory efforts are needed to prevent contamination and its impacts in the first place.

It is worth noting that the social and health issues among Paritutu residents remain contentious decades after Ivon Watkins-Dow (now Dow AgroSciences Ltd) stopped manufacturing the herbicide 2,4,5-trichlorophenoxyacetic acid – an ingredient of the deadly Agent Orange.

<http://www.wasteminz.org.nz/wp-content/uploads/DIOXIN-SOIL-CONTAMINATION-IN-RESIDENTIAL-AREAS.pdf>

Contamination of soil and groundwater continues to occur at many sites across the New Plymouth District and elsewhere in Taranaki. Notably, landfarms where drilling wastes have been spread have already caused groundwater contamination which the Regional Council described as ‘legacy’, even though it occurred under their jurisdiction. <https://trc.govt.nz/assets/Documents/Environment/Monitoring-OGwaste/MR2016-BTWWellingtonLandfarm.pdf> Groundwater at the Ballance Agri-Nutrients Plant in Kapuni which produces urea for industrial dairying has also been contaminated for years.

<https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/MR2013-BallanceAgriNutrientsKapuni.pdf>

As with many other organisations and individuals, we are seriously concerned about the continued widespread use of glyphosate on farms and public land. A recent study concluded that: *“(1) GBHs are the most heavily applied herbicide in the world and usage continues to rise; (2) Worldwide, GBHs often contaminate drinking water sources, precipitation, and air, especially in agricultural regions; (3) The half-life of glyphosate in water and soil is longer than previously recognized; (4) Glyphosate and its metabolites are widely present in the global soybean supply; (5) Human exposures to GBHs are rising; (6) Glyphosate is now authoritatively classified as a probable human carcinogen; (7) Regulatory estimates of tolerable daily intakes for glyphosate in the United States and European Union are based on outdated science.”* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4756530/> We ask that Council take the lead and precautionary principle, and ban the use of glyphosate, at least in public land, to avoid widespread contamination and human health impacts.

Genetically Engineered / Modified Organisms

The Draft Plan does not have any mention of genetically modified organisms (GMOs). We ask that Council address this matter and protect the District from the irreversible, adverse effects of GMOs. Notably Auckland, Far North and Whangarei District Councils have all prohibited the outdoor release of GMOs and made field trials a discretionary activity with performance standards regarding liability and the posting of bonds, as pointed out by Soil and Health Association. <http://organicnz.org.nz/submissions/submission-draft-district-plan-new-plymouth-district-council/> We fully support their submission and ask that Council consider their recommendations.

Proposed South Taranaki District Plan

SUBMISSION FORM

Form 5, Clause 6 of First Schedule, Resource Management Act 1991

Please note: all sections of the following form need to be completed



SUBMITTER DETAILS

Full name of submitter: *Matthew Parkinson*

Organisation Name [if applicable]: *TARANAKI DISTRICT HEALTH BOARD*

Postal Address for Service: *PRIVATE BAG 2016, NEW*

PLYMOUTH 4520 Telephone: *(06) 753 7798*

Email: *Matthew.Parkinson@tdhb.org.nz*

Contact Person [name and designation, if applicable]: *Matthew*

Parkinson, Service Manager - Public Health

SCOPE OF SUBMISSION

This is a submission on the Proposed South Taranaki District Plan.

The specific provisions that my submission relates to are: [please identify the specific parts of the Proposed Plan]

Provision(s) [e.g. objective, rule] or: *Please refer to attached*

Submission

Property Address: or:

.....

Map, or:

.....

Other [specify]

.....

SUBMISSION

My submission is: [please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views].

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions above amended yes no

The reasons for my views are: *Please refer to attached*

Submission

.....

.....

..... [you can attach additional pages if necessary]

Proposed South Taranaki District Plan

SUBMISSION FORM

Form 5, Clause 6 of First Schedule, Resource Management Act 1991



I seek the following decision from the South Taranaki District Council:

- Accept the Proposed Plan
- Accept the Proposed Plan with amendments as outlined below
- Decline the Proposed Plan

If the Proposed Plan is not declined, then amend it as outlined below: *Please*

refer to attached Submission

I wish to be heard in support of my submission yes no

If others make a similar submission, I will consider presenting a joint case with them at a hearing yes no

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.

I could could not (circle one) gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission, please complete the following:

I am/am not (circle one) directly affected by an effect of the subject matter of this submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

[Handwritten Signature]

Signature of submitter

(or person authorised to sign on behalf of submitter)

(A signature is not required if you make your submission by email)

Date *12/10/2015*

Notes to person making submission:

Please note that your contact details and phone number will be publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the council.

COMMUNICATIONS CONTACT:

Emailed to: districtplanreview@stdc.govt.nz

Posted to: South Taranaki District Council, Private Bag 902, Hawera 4640

Delivered to: South Taranaki District Council, 105-111 Albion Street, Hawera

OFFICE USE ONLY

Submitter Number:

Receipt Date:

STANDARD OFFICE HOURS: MONDAY 12 OCTOBER 2015.



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**Patea + Waverley Districts
Health Centre**
Telephone 06 273 8088

Waitara Health Centre
Telephone 06 754 7150

Mokau Health Centre
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12 October 2015

South Taranaki District Council

Proposed South Taranaki District Plan - Submission

PO Box 902

Hawera 4640

Email: districtplanreview@stdc.govt.nz

Submissions close 12 October 2015

South Taranaki District Council – Proposed South Taranaki District Plan - Submission

1 Submitter Details:

Full name of Submitter: Dr Jonathan Jarman and Matthew Parkinson
Organisation Name: Public Health Unit, Taranaki District Health Board
Postal Address for Service: Private Bag 2016, New Plymouth
Telephone: 06 7537798
Email: Matthew.Parkinson@tdhb.org.nz
Contact person: Matthew Parkinson, Service Manager- Public Health Unit

2. Submission

Scope of Submission

This is a submission on the **Proposed South Taranaki District Plan**.

The specific provisions that our submission relates to are:

- a) Section 1.11 - DEFINITIONS
- b) Section 1.2.2 - RELATIONSHIP WITH OTHER PLANS AND POLICIES
- c) Section 20 - RESOURCE CONSENT INFORMATION REQUIREMENTS AND ASSESSMENT MATTERS



The Public Health Unit of the Taranaki District Health Board (DHB) welcomes the opportunity to submit on the South Taranaki District Council's (STDC) District Plan. The key functions of the Public Health Unit are to improve, promote and protect the health of the population of the Taranaki. We also have a role in addressing health inequalities, influencing health determinants and supporting the development of sustainable, healthy communities.

The work of the STDC also has a strong influence on the health of its citizens. We look forward to continuing our work with STDC in the future to benefit the health of the South Taranaki District.

In our submission, the following comments and suggestions are made for your consideration. The Taranaki DHB Public Health Unit wish to have the provisions identified below amended:

- a) Section 1.11 - DEFINITIONS
- b) Section 1.2.2 - RELATIONSHIP WITH OTHER PLANS AND POLICIES
- c) Section 20 - RESOURCE CONSENT INFORMATION REQUIREMENTS AND ASSESSMENT MATTERS

A) Section 1.11 DEFINITIONS

Certain groups of people are more vulnerable to adverse health effects from environmental hazards. These groups of people normally include young children, pregnant women, the elderly and those with chronic health conditions.

It is recommended that:

- (a) The definition for "Healthcare Services" includes midwives; and
- (b) The definition for "**Sensitive Activity**" is amended to further include "Childcare Facility", "Home Based Childcare Service(s)", "Residential Care Facility", and "Healthcare Services".

The proposed amendments to the definitions listed above will aid in ensuring that the health of vulnerable persons are identified, and their needs considered with regard to future decisions made under the 'District Plan'.

B) Section 1.2.2 - RELATIONSHIP WITH OTHER PLANS AND POLICIES

The management of natural and physical resources can at times impact on the health of the public. The STDC has obligations under the Health Act 1956 to protect the public health within its district. There are two parts of the Health Act 1956 which are relevant to activities described in the Proposed South Taranaki District Plan – the environmental health sections of the Act (Part 2 – Powers and Duties of local authorities) and drinking water (Part 2A – Drinking Water). We believe that it is important that this Act is acknowledged in the Proposed South Taranaki District Plan.

Health Act 1956

Environmental Health – Powers and Duties of local authorities

It is the duty of every local authority to improve, promote, and protect public health within its district under section 23 of the Health Act 1956. Local authorities are empowered and directed to carry out a number of activities including:

23(b) to cause inspection of its district to be regularly made for the purpose of ascertaining if any nuisances, or any conditions likely to be injurious to health or offensive, exist in the district

23(c) if satisfied that any nuisance, or any condition likely to be injurious to health or offensive, exists in the district, to cause all proper steps to be taken to secure the abatement of the nuisance or the removal of the condition

Nuisances are defined as environmental conditions which are offensive or likely to be injurious to health (section 29). There are penalties for permitting or causing statutory nuisances (section 30).

Many activities covered by the Proposed South Taranaki District Plan have the potential to be offensive or injurious to health. At times these environmental activities can be an offence under the Health Act 1956 without necessarily being an offence under other legislation such as the Resource Management Act 1991 or the Hazardous Substances and New Organisms Act 1996. In these situations it is the duty of the STDC to cause all proper steps are taken to secure the abatement of the nuisance or removal of the condition.

It is recommended that:

- There is a section added to provision - **1.2.2 Relationship with Other Plans and Policies** - which describes the environmental health section and the obligations of the STDC under the Health Act 1956.
- There is greater mention of public health in the various sections throughout the Proposed South Taranaki District Plan when talking about Adverse Effects of certain environmental activities

C) Section 20 – RESOURCE CONSENT INFORMATION REQUIREMENTS AND ASSESSMENT MATTERS

Drinking-Water – Specific requirements for Water Suppliers under the Health Act 1956 and the National Environmental Standard for Sources of Human Drinking Water (NES)

The Health Act 1956 was amended by the Health (Drinking Water) Amendment Act in October 2007. The aim of the amendment was to protect public health by improving the quality of drinking-water provided to communities. Water suppliers have a number of duties required by the Health Act 1956 including; being required to take reasonable steps to contribute to the protection of source of drinking-water (section 69U).

The Health Act 1956 also describes matters where offences can be created such as it is an offence to contravene or permit a contravention to the duty to protect the source of drinking-water (section 69ZZR).

There are also other responsibilities that the STDC has in regards to the protection of water sources used for human drinking-water. This includes the “National Environmental Standard for Sources of Human Drinking Water (NES) 2007”. Section 1.2.2 – Relationship with other plans

and policies – requires STDC to give effect to such documents (National Standards and Regulations) in the development of the Proposed South Taranaki District Plan.

The Proposed South Taranaki District Plan currently identifies water bodies used for ‘urban water supplies’ within Schedule 5 of the plan. However this does not appear to reflect the importance of source water used for human drinking water, or use consistent terminology for sources of human drinking water as specified under the NES.

It is also noted that the protection of sources of human drinking water is not consistently identified as a key (important) assessment matter associated with the activities listed throughout Section 20 - RESOURCE CONSENT INFORMATION REQUIREMENTS AND ASSESSMENT MATTERS – of the Proposed South Taranaki District Plan.

It is recommended that:

- Schedule 5 - Is amended to specifically ensure the provision and protection of ‘Sources of Human Drinking Water’ as required by the ‘National Environmental Standard for Sources of Human Drinking Water’, AND conditions relating to potable water as required by the Health Act 1956.
- Section 20 Resource Consent Information Requirements and Assessment Matters - The Proposed South Taranaki District Plan includes the following matter as a specific requirement throughout this section *“Avoids adverse effects on water bodies (sources) where the water is used for potable human drinking water”* where applicable.

If you have any questions relating to this submission please feel free to contact Dr Jonathan Jarman or Matthew Parkinson at the Public Health Unit.

3. We seek the following decision from the South Taranaki District Council:
 - Accept the Proposed Plan with amendments as outlined above.
4. We wish to be heard in support of my submission - No
If others make a similar submission, we will consider presenting a joint case with them at a hearing. - No
5. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act.
 - We could not gain an advantage in trade competition through this submission

Yours sincerely



Dr Jonathan Jarman
Medical Officer of Health



Matthew Parkinson
Service Manager – Public Health



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22 July 2016

Blair Sutherland
Planning Manager
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Dear Blair

RE: South Taranaki District Plan Review - Request from Hearings Panel

Thank you for your email dated 8 July 2016 requesting information about health research for people living near to petroleum exploration and production (oil and gas) activities in Taranaki:

In light of this information, the Hearings Panel is seeking comment from the Taranaki District Health Board on whether the DHB has commissioned any research, or whether it is aware of any research regarding health effects for people living near to petroleum (oil and gas) exploration and production activities in Taranaki. In particular, whether there is any evidence that demonstrates there is a causal link between health effects and living near to petroleum (oil and gas) exploration and production activities in Taranaki.

The Taranaki District Health Board has not commissioned any research and is not aware of any research regarding health effects of people living near to petroleum (oil and gas) exploration and production activities in Taranaki.

However lack of evidence is not the same as evidence that people who live close to petroleum exploration and gas production activities never suffer adverse health effects.

Well publicised reports from other countries, most notably the US, suggest that drilling and extraction of gas using hydraulic fracturing, commonly referred to as fracking, has the potential to adversely impact human health.



Public Health England published a review of the potential public health impacts of exposures to pollutants as a result of the shale gas extraction process in 2014¹. It was concluded that:

- An assessment of the currently available evidence indicates that the potential risks to public health from exposure to the emissions associated with shale gas extraction will be low if the operations are properly run and regulated.
- The potential health impact from single wells is likely to be very small, but the cumulative impacts of many wells in various phases of development in relatively small areas are potentially greater and will need careful scrutiny, during the planning process.

Because of the potential of adverse health effects and the lack of knowledge in the New Zealand setting we strongly recommend that a “precautionary approach” is applied to planning decisions related to oil and gas exploration.

A “precautionary approach” is defined as “when an activity raises threats of harm to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically”.

Yours sincerely



Dr Jonathan Jarman
MEDICAL OFFICER OF HEALTH



Matthew Parkinson
SERVICE MANAGER,
POPULATION HEALTH

¹ Kibble A, Cabianna T, Daraktchieva Z, Gooding T et al, 2014. Review of the Potential Public Health Impacts of Exposures to Chemical and Radioactive Pollutants as a Result of Shale Gas Extraction. Centre for Radiation, Chemical and Environmental Hazards, Public Health England. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332837/PHECRCE-009_3-7-14.pdf