

Robyn Harrison

From: Julian Watts [jwatts@doc.govt.nz]
Sent: Monday, 8 December 2008 16:46
To: Robyn Harrison
Subject: Folow-up on questions asked at the Biodiversity Hearing

Hi Robyn

At the Biodiversity hearing I was asked to clarify my position on two matters; one (from Ms Allin, as Chair) relating to the wording of the Policies in Chapter 12, the Regional Plan Section of the One Plan, and the other (from Mr van Voorthuysen) in relation to permitted activity status for management work on land administered by the Department of Conservation.

I would be grateful if you could convey the following information to Ms Allin, Mr van Voorthuysen and the members of the Panel.

Policy 12-3

Regarding the wording of the Policies in Chapter 12 in relation to with Policy 12-2, I was asked to consider whether the new recommended policies for dealing with biodiversity matters should be amended in the light of the proposed amendments to Policy 12-2. Particular reference was made to sub-clause (a) of Policy 12-2.

In my opinion the recommended policies dealing with land use activities in general (Policies 12-1 Policy 12-2) and activities in Rare and Threatened Habitats and At-Risk Habitats (Policy 12-3) should be structured consistently with one another and any uncertainties regarding the relationship between them is removed. I also note that the Minister's submission [submission point 372/6] sought that the wording of the objectives and policies in the Regional Plan sections of the One Plan be reviewed and amended as appropriate to make it clear that they were to "give effect to" the relevant RPS sections of the plan, and not simply to have regard to or take account of them.

I therefore consider that it would be appropriate to make explicit reference to the RPS in Policies 12-4 and 12-6 (as recommended) by inserting a new sub-clause to these policies as follows (or words to like effect):

“(a) When making decisions on resource consent applications, and setting conditions, for vegetation clearance and disturbance the Regional Council shall give effect to the Regional Policy Statement, particularly Objectives 7-1 and Policies 7-1, Policy 7-1A, 7-4 and 7-5”.

In addition, for the avoidance of doubt, I would suggest that it be made clear in the wording of the plan that Policy 12-2 does not apply to activities in Rare and Threatened Habitats and At-Risk Habitats (ie the matters to which Policies 12-3, 12-4 and 12-6 apply). This is particularly important given the non-complying activity status of some of those activities.

Management of land held by the Crown for conservation purposes

I was also asked by Mr van Voorthuysen at the hearing to clarify the types of activities or circumstances for which the Department was seeking permitted activity status under Rule 12-1 and/or Rules 12-12-7, 12-8., and 12-9 as per paragraph 122 of my evidence and paragraphs 33 to 35 of the statement at the hearing. I am conscious that I was only able to give a partial answer to the question at the hearing so would like to take the opportunity to further elaborate on the answer which I gave.

09/12/2008

Having now read Ms Marr's recommended amendments to Rule 12-1 most of the relevant activities would I think fall under the permitted activities described in sub-clauses (v) (e.g. track and foot bridge maintenance) and (vi) may also be relevant in some circumstances (e.g. clearing routes used for stoat trap lines). The activities which may not be covered would include for example where a track needs to be diverted due to slips or fallen trees or other dangers, and/or where bridges threatened by bank erosion need to be relocated to more stable ground up or downstream. The need for new huts or camping facilities has also been identified in the draft Whanganui National Park Plan and may also be proposed elsewhere on conservation land through the upcoming review of the Conservation Management Strategy for the Conservancy. Whilst these are likely to be located in existing clearings and avoid significant vegetation disturbance there may be a need to cut back a small amount of vegetation to accommodate these facilities or ancillary structures such as toilets or helicopter landing pads use for recreational or emergency purposes (as well as conservation management purposes).

These activities are likely to small scale, have less than minor adverse effects and contribute to the wellbeing of the community. The necessity to apply for a consent for them (particularly as a non-complying activity) would in my view be unreasonably onerous and would duplicate existing statutory processes which as I understand it Section 4 of the Act was intended to avoid.

In addition the cost of complying with the act and the plan provisions in relation to the scale of activity may also be potentially unreasonable, given the remote location of many of the sites in question and the cost of site inspections. Tracks may also need to be closed whilst consents are sought for diversions or bridge works, which may cause considerable inconvenience for visitors and the community.

I do not consider that allowing this minor amendment would adversely affect any other interested parties.

I hope that the above information will assist the Panel in its deliberations.

Julian Watts

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Department of Conservation

Whanganui Conservancy Office.

Attention:

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