TOPIC – Land Disturbance	TRMP Chapter 12

ISSUES

Land disturbance provisions in the Plan seek to manage the adverse efects that arise from land disturbing activities which include cultivation and earthworks. These effects include loss of topsoil, sedimentation effects, visual impacts on the landscape, reduced freshwater quality in streams, impacts for estuaries / marine environments and risks for public safety from land instability generated by poorly managed land disturbance activitites. The s35 evaluation found the relevant policies and objectives were not effective, were out of date and their scope did not encompass the full range of issues in our region.

The TRMP manages land disturbance activities by identifying two areas; Land Disturbance Area 1 (LD1) most of the region and Land Disturbance Area 2 (LD2) which covers the steeper erodible Separation Point Granite (SPG) geology. The LD2 rule set is more restrictive due to the highly erodible nature of the geology, while the LD1 rule set is more permissive. While the principles of the existing approach have merit, the provisions have gaps and inconsistencies that are leading to inefficient processes and poor outcomes for the environment and communities. In 2012[1] a review of the land disturbance rules was initiated to address a number of these gaps and inconsistencies, but the review project has not been completed[2], and the issues remain current.

MANDATORY STATUTORY REQUIREMENTS

Significant legislative changes have occurred since Chapter 12 was first introduced and include changes to s30(1) and s31(1)(b) adding additional functions for regional and territorial authorities respectively. There are national instruments that have direct implications for land disturbing activities and they include NZCPS (policy 22), and national policy statements: NPS-ET[3], NPS-FM (2014[4]) and the final version of 2020 NPS-FM when available. The new national environmental standards; NES-ET[5], NES-TF[6] and NES-PF[7] also have implications for the land disturbing activities. There are water conservation orders in the region that will affect the RPS and future provisions of any land disturbance objectives and policies.

The definitions provided in the NPS[8] are different from those in the current TRMP. The TEP will need to be updated to incorporate these new requirements.

RECOMMENDATIONS

1. Refine the land disturbance areas in TEP maps and associated policy to better differentiate the risks. Propose refined provisions for residential areas, the Moutere clay, Karst and Separation Point Granite geologies.
2. Expand policy sets to include provisions for: land instability effects and exacerbation of natural hazards, including coastal risks; soil health effects, including soil loss and soil damage; damage to plant and animal habitats and ecosystem values; damage to cultural and archaeological sites and landscape features; visual and amenity effects (including dust generation); onsite and offsite sedimentation effects on water and waterbodies, including riparian and aquatic habitats (including karst) and coastal receiving environments.
3. Investigate opportunities to utilise NES-PF Regulation 6(1) and (3) to provide for more stringent rules for plantation forestry activities in the Separation Point Granite geology. Specifically, enable input from communities with an interest in the Separation Point Granite area (LD2) exposed to the issues generated by the combination of cyclone Gita, plantation forestry activity, land cover and steep land forms.

[1] Environment and Planning Committee resolution on 17 May 2012
[2] Due to reprioritization of limited staff resources to good practice guidance development and freshwater projects
[3] National Policy Statement on Electricity Transmission (NPS-ET)
[4] National Policy Statement for Freshwater Management 2014 (amended 2017) (NPS-FM 2014)
[5] National Environmental Standards for Electricity Transmission Activities (NES-ET)
[6] National Environmental Standards for Telecommunication Facilities (NES-TF)
[7] National Environmental Standards for Plantation Forestry (NES-PF)
[8] National Planning Standards