

IN THE MATTER OF            The Resource Management Act  
1991 (“the Act”)

AND

IN THE MATTER OF            the proposed Regional Plan for  
Northland (“the proposed Plan”)

AND

IN THE MATTER OF            a submission on the proposed  
Plan by CEP Services Limited  
 (“the CEP submission”)

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**Further Information in Response to Hearing Panel Minute 1**

**1 March 2018**

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**Introduction**

1. On 30 January 2018 the Panel that will be hearing the submissions on the proposed Plan issued Minute 1, which included information on the hearing process that will be followed, and requested, pursuant to section 41C(2) of the Act, further information on matters, in some submissions, that had not been addressed by the proposed Plan.
2. The further information requested was precise details of the new provisions requested and an analysis of the merits of any such new provisions. The request notes that the requested further information may already be provided in the original submissions<sup>1</sup>.
3. Two matters were identified as being in the submission by CEP Services Matauwhi Limited that were not addressed in the proposed Plan:
  - climate change; and
  - natural character in freshwater
4. These two matters are discussed further below.

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<sup>1</sup> Paragraph 8 of Minute 1.

5. A general comment about this request for further information is that the purpose of a submission is essentially to provide a summary of the matters of concern and to identify the changes, if any, would satisfy that concern. The detailed case is then presented at the hearing of the submission.

### **Climate Change**

6. Climate change is introduced as a resource management matter at paragraphs 31 and 32 of the CEP submission.
7. Paragraph 4 of this submission points out there are some fundamental deficiencies in the proposed Plan. These include climate change.
8. Paragraph 5 of the CEP submission sets out generally applying reasons for the submission. Many of the resource management provisions and documents listed there are relevant to the matter of climate change.
9. Some examples are:
  - particular regard must be had to other matters listed in section 7 of the Act, including the effects of climate change<sup>2</sup>;
  - the natural hazard provisions of the New Zealand Coastal Policy Statement 2010 (“the Coastal Policy Statement” require consideration of climate change<sup>3</sup>;
  - policies 7.1.3, 7.1.6 and 7.1.7 of the Regional Policy Statement for Northland.
10. A generally worded relief, of a type not uncommon in submissions and in Notices of Appeal, is given at paragraph 33 of the CEP submission.
11. The table that is part of the CEP submission sets out provision-specific submission points, including relief.
12. Submission points 2, 3, 4, 45, 50, 57, 60, 62, 63, 64, 65, 66, 67, 77 (indirectly), 80 and 82 in that table relate to the climate change matter.
13. The addition of a further sentence to the relief at paragraph 33 of the CEP submission may be of some assistance to any person considering whether to lodge a further submission in support or opposition. This relief would then become<sup>4</sup>:

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<sup>2</sup> Section 7(i) of the Act

<sup>3</sup> See policies 24 and 27 of the Coastal Policy Statement

<sup>4</sup> The additional sentence is underlined.

The revision of the proposed Plan, including the policies and rule, to ensure that full consideration is given to the impacts of climate change in the policies and rules. This includes a policy direction of having particular regard to the effects of climate change and adding “any effects of climate change” as a matter of control or discretion or as an assessment criterion, as the case may be, in all relevant rules.

### **Natural Character in Freshwater**

14. The second matter subject to the request is primarily addressed in the submission at paragraphs 28 and 29 of the CEP submission, under the sub-heading *Natural character of rivers, lakes and wetlands*.
15. Clearly matter of national importance 6(a) of the Act is a prime reason for the submission. Under that provision the Regional Council must recognise and provide for:

the preservation of the natural character of ... wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.
16. It is the Regional Council's duty to recognise and provide for this matter of national importance in the proposed Plan.
17. Relief that would satisfy this submission matter is given at paragraph 30 of the CEP submission, and at 45, 47, 66, 67, and 70 of the table that is part of the CEP submission.

### **Conclusion**

18. It is submitted that the CEP submission already contains sufficient detail for persons to understand the concern and what is being sought in relation to the matters of climate change and natural character in freshwater; and that the level of detail is appropriate for a submission.
19. It is intrinsic to the process that the resource management reasons for the matters being raised, including climate change and natural character in freshwater, will be expanded on in evidence and/or submissions at the hearing stage of the process.