

From: [Paul Freeland](#)
To: [RPS](#)
Subject: PORPS Further Submission
Date: Friday, 12 November 2021 4:52:42 p.m.
Attachments: [0.png](#)
[DCC Further Submission RPS 12 November 2021.pdf](#)

Hi,

Please find attached the Dunedin City Council's further submission on the Proposed Otago Regional Policy Statement 2021.

Please acknowledge receipt.

Kind regards

[Paul Freeland](#)

PRINCIPAL POLICY ADVISOR
CITY DEVELOPMENT

P 03 477 4000 | **DD** 03 474 3325 | **M** 021 806 578 | **E** Paul.Freeland@dcc.govt.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz



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Form 6

Further submission in support of, or in opposition to, submission on notified proposed Otago Regional Policy Statement 2021

(Submissions must be received by Otago Regional Council by 5pm on Friday 12 November 2021, and by original submitters within 5 working days of service on ORC)

To: Otago Regional Council

1. Name of person making further submission


Dunedin City Council (DCC)

2. This is a further submission in support of/or opposition to submissions on the **Proposed Otago Regional Policy Statement 2021**.
3. DCC has an interest in the proposal that is greater than the interest the general public has, being a local authority.
4. DCC wishes to be heard in support of its further submission.
5. If others make a similar submission, DCC **will** consider presenting a joint case with them at a hearing.

6. Further Submitter Details

a. Signature of person making further submission

(or person authorised to sign on behalf of submitter. A signature is NOT required if you make your submission by electronic means).



b. Signatory name, position, and organisation *(if signatory is acting on behalf of a submitter organisation or group referred to at Point 1 above)*

Name	Mayor Aaron Hawkins
Position	Mayor
Organisation	Dunedin City Council

c. Date

12 November 2021

Address for service of person making further submission *(This is where all correspondence will be directed)*

d. Contact person *(name and designation, if applicable)*

Anna Johnson

e. Email: *(this is our preferred means of contact)*

Anna.Johnson@dcc.govt.nz (please also cc: to Sarah.Hickey@dcc.govt.nz)

f. Telephone:

(03) 477 4000

g. Postal address *(or alternative method of service under [section 352](#) of the Act):*

50 The Octagon, Dunedin
PO Box 5045, Dunedin 9054

7. My further submission is:

I support/oppose the submission of:

DCC supports and opposes submissions as provided in the table below and seeks any consequential or alternate relief to give effect to its original submission.

The particular submissions, and parts of that DCC support or oppose are:

Name of original submitter and submission reference	Original submission point number	Support OR Oppose	The reasons for my support/opposition are:	I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed): [Please state].
Waka Kotahi NZ Transport Agency 00305	00305.035 EIT-TRAN-O7	Oppose	Waka Kotahi submit that objective EIT-TRAN-O7 be amended to include “that the operational and functional needs of nationally and regionally significant infrastructure are protected from the establishment of new activities that may result in reverse sensitivity effects.” Sometimes reverse sensitivity risk cannot be avoided and the need for new activities may outweigh the potential negative effects on infrastructure. Rather than protecting nationally and regionally significant infrastructure from reserve sensitivity, these effects should be avoided or mitigated.	I seek that this part of the Waka Kotahi submission be disallowed
Port of Otago Ltd. 00301	00301.037 New definition -New infrastructure	Support	Appropriate for this definition to be added to improve clarity.	I seek that the definitions sought in this submission be allowed.
Director-General of Conservation 00137	00137.061 CE – New provision	Oppose	Responsibilities for state of the environment reporting sit with regional councils. Territorial authorities should not be made responsible for this monitoring or reporting as suggested by the submission.	I seek that the submission be disallowed, or if allowed, amendment be made to refer to regional councils not local authorities.
Royal Forest and Bird Protection Society of New	00230.050 CE – O5	Oppose	Oppose suggested additional clause (3). As outlined in the original DCC submission on the notified RPS, there needs to be clarification on situations where it may be acceptable for the health and wellbeing of fresh water	I seek that this part of the submission be disallowed.

Zealand Incorporated 00230			or coastal water not to be maintained. Improving or maintaining water quality might not be possible in all situations where there are other significant community wellbeing considerations such as protecting public health and safety and providing for growth. For example, there may be instances when necessary development for housing makes it difficult to maintain the health and well-being of fresh water and coastal water. The need to provide for development should be balanced with the need to maintain water quality.	
Te Rūnanga o Ngāi Tahu 00234	00234.017 CE – O5	Oppose	<p>The DCC agrees in principle that adverse effects should be avoided wherever appropriate.</p> <p>However, the DCC submits it is useful to make a distinction between significant effects and other effects. There may be situations where total avoidance of adverse effects is not possible and where impacts on cultural values will need to be balanced with other community wellbeing considerations such as protecting public health and safety and providing for growth to achieve an appropriate outcome.</p>	<p>I seek that parts (5) and (6) of the submission be disallowed or, if allowed, amended. Alternative wording could be: (5) <u>avoid significant adverse effects on are avoided and minimise other adverse effects, using appropriate measures.</u> (6) any other adverse environmental effects are avoided, remedied, or mitigated <u>using appropriate measures.</u></p>
Te Rūnanga o Ngāi Tahu 00234	00234.019 CE – P3	Oppose	<p>DCC agrees in principle that adverse effects should be avoided wherever appropriate.</p> <p>However, the DCC submits it is useful to make a distinction between significant effects and other effects. There may be situations where total avoidance of adverse effects is not possible and where impacts on cultural values will need to be balanced with other</p>	<p>I seek that parts (10) and (11) of the submission be disallowed or, if allowed, amended. Alternative wording could be: (10)...avoidance of <u>significant</u> adverse effects on these areas <u>and</u></p>

			<p>community wellbeing considerations such as protecting public health and safety and providing for growth to achieve an appropriate outcome.</p> <p>The DCC opposes the suggested additional clause (12). As outlined in the original DCC submission on the notified RPS, there needs to be clarification on situations where it may be acceptable for the water quality not to be maintained. Improving or maintaining water quality might not be possible in all situations where there are other significant community wellbeing considerations such as protecting public health and safety and providing for growth. For example, there may be instances when necessary development for housing makes it difficult to maintain water quality. The need to provide for other considerations should be balanced with the need to maintain water quality.</p>	<p><u>minimisation of other adverse effects, using appropriate measures (11) avoiding significant adverse effects.....and minimising other adverse effects, using appropriate measures, and</u></p> <p>I seek that part (12) of the submission be disallowed.</p>
Wise Response Society Inc 00509	00509.067 CE – M3	Oppose	<p>The requested new clause (3a) is unlikely to be practical. Many substances have the potential to contaminate the environment if not used appropriately.</p> <p>The requested changes to (4) would prevent the discharge of wastewater to water and require all discharges to land.</p> <p>As outlined in the DCC's original submission on the notified RPS, the DCC supports the approach in LF-FW-P15 of the notified RPS, whereby wastewater discharges to land are preferred over discharges to water, unless adverse effects associated with a discharge to land are greater than a discharge to water.</p>	I seek that parts (4) and (3a) of the submission be disallowed.

Kāi Tahu ki Otago / Aukaha 00226	00226.169 LF – VM – O3	Oppose	<p>Suggested clause (X) appears to assume that modification can only result in a reduction of the natural form and function of a water body. As indicated in the DCC's original submission, in some instances, further modification of an already heavily modified water body (e.g. the concrete-lined sections of the Water of Leith) could provide an opportunity to restore (or partially restore) natural form and function. In addition, DCC has challenges with watercourse management within the stormwater network. In some circumstances, modification of the shape and behaviour of some water bodies might be necessary for the purposes of providing a stormwater drainage system that supports the wellbeing of communities. This could include minor modifications such as erosion protection work or the installation of culverts. DCC seeks further understanding of Kāi Tahu ki Otago's reasons for this submission.</p> <p>The DCC supports the suggestions in (Y) in principle. However, the DCC acknowledge that, in terms of wastewater discharges, circumstances will continue to need to be looked at on case-by-case basis and, in each case, a balance struck between a range of considerations. The approach of preferring wastewater discharges to land instead of water, unless adverse effects associated with a discharge to land are greater than a discharge to water, is considered appropriate (as set out in LF-FW-P15 of the notified RPS).</p>	I seek that parts (X) and (Y) of the submission be disallowed or, if allowed, amended.
Kāi Tahu ki Otago / Aukaha 00226	00226.170 LF – VM – O4	Oppose	Suggested clause (Y) appears to assume that modification can only result in a reduction of the natural form and function of a water body. As indicated in the DCC's original submission, in some instances,	I seek that part (Y) of the submission be disallowed or if allowed, amended.

			<p>further modification of an already heavily modified water body (e.g. the concrete-lined sections of the Water of Leith) could provide an opportunity to restore (or partially restore) natural form and function. In addition, DCC has challenges with watercourse management within the stormwater network. In some circumstances, modification of the shape and behaviour of some water bodies might be necessary for the purposes of providing a stormwater drainage system that supports the wellbeing of communities. This could include minor modifications such as erosion protection work or the installation of culverts. DCC seeks further understanding of Kāi Tahu ki Otago's reasons for this submission.</p>	
Kāi Tahu ki Otago / Aukaha 00226	00226.171 LF – VM – O5	Oppose	<p>The DCC supports the suggestions in (X) in principle. However, the DCC acknowledge that, in terms of wastewater discharges, circumstances will continue to need to be looked at on case-by-case basis and, in each case, a balance struck between a range of considerations. The approach of preferring wastewater discharges to land instead of water, unless adverse effects associated with a discharge to land are greater than a discharge to water, is considered appropriate (as set out in LF-FW-P15 of the notified RPS).</p>	I seek that this part of the submission be disallowed or amended.
Director-General of Conservation 00137	00137.081 LF – FW – New provision	Oppose	<p>Responsibilities for state of the environment reporting sit with regional councils. Territorial authorities should not be made responsible for this monitoring or reporting as suggested by the submission.</p>	I seek that the submission be disallowed, or if allowed, amendment be made to refer to regional councils not local authorities
Upper Clutha Angling Club 00220	00220.003 LF – FW – P15	Oppose	<p>The use of water sensitive urban design may not always be practicable or beneficial, and the policy should</p>	I seek that this submission be disallowed.

			retain flexibility to take practicability and benefit into account on a case-by-case basis.	
Royal Forest and Bird Protection Society of New Zealand Incorporated 00230	00230.094 LF – FW – P15	Oppose	<p>The DCC has significant concerns around the use of directive policy language that sits at the edges of the policy language spectrum ('avoid').</p> <p>The DCC notes the high bar set by 'avoid or minimise' with no qualifier around the practicability (including but not limited to cost) of minimisation (reducing to the smallest extent possible). DCC suggests this should generally be 'avoid or minimise as far as practicable' or similar.</p> <p>As outlined in the DCC's original submission on the notified RPS, the DCC supports the approach in LF-FW-P15 of the notified RPS, whereby wastewater discharges to land are preferred over discharges to water, unless the adverse effects associated with a discharge to land are greater than a discharge to water. The DCC opposes the requested change at (1).</p>	I seek that this part of the submission be disallowed.
Fonterra Cooperative Group Limited 00213	00213.036 LF – FW – P15	Support	<p>Support inclusion of "is practicable" but consider amendment is needed to reflect the DCC's original submission to allow the network operator to decide what is practicable. This would ensure the territorial authority (and/or a future entity created by statute to operate wastewater and stormwater networks) can determine when and where connections to reticulated systems are practicable and beneficial.</p> <p>Decisions about connection to wastewater and stormwater services should be made by the territorial authority with consideration of the particular situation.</p>	I seek that this part of the submission be allowed.

			<p>District plan zone boundaries help determine territorial authority decisions about what properties should be serviced by public stormwater and wastewater systems and therefore which properties can connect. The DCC prefers (and generally requires) development to connect to reticulated networks in 'urban' areas (e.g. residential, commercial and industrial zones), however, in some situations infrastructure may be uphill of a development and pumping would be required (whereas most of Dunedin's drainage infrastructure works on gravity) or properties may not have services to the boundary. In some locations there is infrastructure that transports bulk stormwater or wastewater to another location. These 'distribution mains' can be located outside of DCC service area boundaries and are not generally available for individual connections. The Building Act and other legislation contains specifications about distances to wastewater services and when individual connection can be required. Requiring connections to reticulated systems is sometimes not practical for rural zoned land or some Township and Settlement or Large Lot Residential zones.</p> <p>The DCC notes that stormwater is often discharged to privately owned piped or un -piped watercourses that then connect into a territorial authority's stormwater network (which includes both piped infrastructure and the roading network). Stormwater may travel between the private and public network before being discharged to the coast or freshwater.</p> <p>There are cases where discharge of stormwater to more natural parts of the stormwater network (rather</p>	
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			<p>than piped network) may be preferable or appropriate. A requirement to discharge to the reticulated system would reduce the flexibility for alternative stormwater management that may be more appropriate or necessary in many locations to assist with the performance of the reticulated system and/or to reduce impacts on the environment.</p> <p>There are many areas where there is no reticulated stormwater system (depending on how this is defined) but where discharging to land as opposed to freshwater or the coast could exacerbate flooding, instability and scouring etc.</p>	
Wise Response Society Inc 00509	00509.081 LF – FW – P15	Oppose	<p>The RPS needs to provide policy direction for wet and dry weather overflows from the wastewater system. The requested change to (2(c)) removes wastewater system from the policy.</p> <p>The policy should require appropriate measures to manage wet and dry weather overflows that take other matters into consideration, such as the protection of public health and safety, and practicability.</p> <p>Requested new provision (3) is inappropriate as the suggested changes are beyond the scope of the ORC's jurisdiction as a regional council. The ORC does not manage wastewater and stormwater infrastructure and should not determine where improvements are needed to wastewater and stormwater networks.</p>	I seek that parts (2(c))and (3) of the submission be disallowed.
Wise Response Society Inc 00509	00509.082 LF – FW – M6	Oppose	Oppose suggested changes to (5d).	I seek that this part of the submission be disallowed.

			<p>The DCC has significant concerns around the use of directive policy language that sits at the edges of the policy language spectrum ('avoid').</p> <p>The DCC notes the high bar set by 'avoid or minimise' with no qualifier around the practicability (including but not limited to cost) of minimisation (reducing to the smallest extent possible).</p> <p>The DCC does not support the proposed amendments to (2)(b), noting particularly the impracticality of changing all existing stormwater systems.</p>	
Otago Fish & Game Council and the Central South Island Fish & Game Council 00231	00231.061 LF – FW – M7	Oppose	The use of water sensitive urban design may not always be practicable or beneficial, and the policy should retain flexibility to take practicability and benefit into account on a case-by-case basis.	I seek that this part of the submission be disallowed.