

BEFORE THE OTAGO REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Otago Regional Policy Statement 2021 –
Chapter 14 NFL – Natural features and landscapes

**STATEMENT OF EVIDENCE OF SARAH HELENE PICARD ON BEHALF OF
QUEENSTOWN LAKES DISTRICT COUNCIL (138)**

23 NOVEMBER 2022

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1. INTRODUCTION

- 1.1 My name is Sarah Helen Picard. I am a Senior Policy Planner employed by the Queenstown Lakes District Council (**QLDC**) and have prepared planning evidence on the Natural Features and Landscape (**NFL**) chapter of the Otago Regional Council's Proposed Regional Policy Statement (**RPS**).
- 1.2 I hold the qualifications of Bachelor of Arts (Sociology) from Victoria University, Wellington and a Masters in Planning from the University of Otago, Dunedin. I am a full member of the New Zealand Planning Institute. I have 11 years' experience in Planning and have worked as a senior policy planner since 2018, senior consents planner (2016-2018) and consents planner (2014-2016) at QLDC and a planning officer at Central Otago District Council (2011-2014).
- 1.3 In my current role, I have been involved in plan making and schedule 1 processes, including the current landscape schedules plan change that identifies landscape values within the QLDC Proposed District Plan (**PDP**).
- 1.4 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying upon the evidence of another person.

2. PURPOSE AND STRUCTURE OF EVIDENCE

- 2.1 The purpose of my evidence is to support QLDC's submission on the NFL provisions of the RPS. In preparing this evidence I have read the following:
- a. Section 42A Hearing Report Proposed Otago Regional Policy Statement 2021, Chapter 14: NFL – Natural features and landscapes, Andrew Maclennan, 27 April 2022 (**s 42A report**).
 - b. Brief of supplementary evidence of Andrew Cameron Maclannan, NFL- Natural Features and Landscapes, 11 October 2022 (**the NFL Supplementary Evidence**).

2.2 I support the changes recommended to the NFL chapter as set out in the evidence and supplementary evidence of Andrew Maclennan, with the exception of the changes recommended to NFL-O1 as set out below.

3. NFL-O1

3.1 QLDC's submission sought that NFL-O1 – outstanding and highly valued natural features and landscapes be retained as notified.

3.2 Mr Maclennan's supplementary evidence on NFL recommend that a clause (3) be added to NFL-O1. As drafted, this sets out that use and development of the landscapes result in the restoration of outstanding and highly valued natural features and landscape, as set out below:

NFL-O1 – Outstanding and highly valued natural features and landscapes

The areas and values of Otago's outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago's natural and physical resources results in:

- (1) the protection of outstanding natural features and landscapes, and
- (2) the maintenance or enhancement of highly valued natural features and landscapes.
- (3) the restoration of outstanding and highly valued natural features and landscapes.

3.3 I am of the opinion that the recommended amendment to add clause (3) is not appropriate for the following reasons.

3.4 I support the ability for restoration to be part of the approach to landscape. However, I do not consider that clause (3) is necessary to provide clearer progression between NFL-O1 and the other provisions of the NFL chapter such as NFL-P4.

3.5 I consider that enhancement can include restoration, as set out in clause (2). This view was also expressed by Mr Maclennan in his s 42A report¹ in relation to NFL-P4, where he stated that:

¹ Paragraph 161 NFL s42 report

I consider that there are a range of restoration methods that can be undertaken to improve the quality of ONLs, ONFs and HVNFLs, and should be promoted. I also note, that promoting the restoration of such areas would achieve the enhancement aspect of objective NFL-O1.

- 3.6 QLDC supported NFL-P4 as notified and no amendments have been recommended to the policy in the evidence of A MacLennan². The policy reads:

NFL-P4 – Restoration

Promote restoration of the areas and values of outstanding and highly valued natural features and landscapes where those areas or values have been reduced or lost.

- 3.7 I disagree with the view of Mr MacLennan that the drafted NFL-O1 clause (3) acknowledges the benefits of restoration and does not change the intent of the provisions as a whole³. 'Results in the restoration' is much stronger wording than is set out in the existing policy NFL-P4. NFL-M2(2) and NFL-M3(2) use the words 'provide for and encourage' in relation to restoration activities.
- 3.8 I consider that 'results in' restoration within the chapeau of NFL-O1 (3) requires restoration in a way that is beyond 'promotion' as set out in NFL-P4, or 'provide for and encourage', as set out in NFL-M2(2) and NFL-M3(2).
- 3.9 Clause (3) is drafted in such a way that it applies to all outstanding and highly valued natural features and landscapes. The notified NFL-P4 includes that the restoration is to be promoted for areas where the "areas or values have been reduced or lost". Again, the wording recommended in NFL-O1 is stronger than what is set out in the existing policy.
- 3.10 I consider that clause (3) as drafted does not provide a clear nexus between the objective and existing provisions given the differences in intended application as expressed through the recommended NFL-O1 clause (3) and the notified NPF-P4.
- 3.11 I therefore I recommend that NFL-O1 clause (3) as drafted be deleted, as set out below. ~~blue highlight strikethrough underlining~~,

² Paragraph 163 NFL s42 report

³ Paragraph 10 – NFL Supplementary evidence

NFL-01 – Outstanding and highly valued natural features and landscapes

The areas and values of Otago's outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago's natural and physical resources results in:

- (1) the protection of outstanding natural features and landscapes,
and
- (2) the maintenance or enhancement of highly valued natural features and landscapes.
- ~~(3) the restoration of outstanding and highly valued natural features and landscapes.~~

Sarah Helene Picard

23 November 2022