

DEPARTMENT OF BOTANY University of Otago, PO Box 56,
Dunedin.
July 22, 2015.

**SUBMISSION ON OTAGO REGIONAL COUNCIL'S DRAFT REGIONAL POLICY
STATEMENT**

AF Mark, Department of Botany, University of Otago, PO ox 56, Dunedin. alan.mark@otago.ac.nz

Having made a verbal submission on the Councils exercise in drafting a revision of its Regional Policy Statement (RPS) at the pre-draft stage, I have been most interested to read the draft now prepared for public comment. I do so as a professional academic plant ecologist who has spent more than 50 years researching various aspects of the pure and applied ecology of the upland snow tussocklands, of the South Island, but more particularly of the Otago high country, with the main object of applying ecological aspects to the sustainable management of the upland grassland and associated mountain land ecosystems, and including the effects of land management on water yield. Numerous publications have resulted from these studies, the more relevant ones of which I will append to this submission. I have also maintained a deep and on-going interest in other environmental issues locally, regionally, nationally, as well as global so I will also make comments on some wider aspects of this draft RPS.

Sustainable management of the upland snow tussock grasslands: Policies 2.1.2; 2.1.6; 2.1.7; 2.2.1; 2.2.4; 2.2.5; 2.2.6.

Regarding sustainable management of the upland snow tussock grasslands, my research findings clearly indicate that the narrow-leaved snow tussock grasslands can sustain periodic burning (minimum of 10- to 20-yr intervals, increasing with altitude), preferably during early spring (to late September) and that such burning should be extensive and not localised, preferably covering a whole block (to ensure wide distribution of stock when grazing resumes), and the burnt area should remain ungrazed for a minimum of one whole season, preferably two seasons, while the tussocks redistribute their nutrients away from the regrowth foliage, back down to the stem and roots (see Payton et al. 1986; Mark 1994).

The higher elevation, shorter slim snow tussock (*Chionochloa macra*) grassland, which replaces the narrow-leaved snow tussock (*C. rigida*) grassland above about 1250m (best distinguishable by the fracturing basal leaf sheaths in *C. rigida* and non-fracturing sheaths in *C. macra*), are much more

palatable and thus vulnerable to pastoral management practices (and have mostly been replaced by other shorter cover on the Otago mountains). Where they do persist, they should no longer be burnt. The maintenance of these upland snow tussocklands in a healthy state is most important for several reasons: for their associated indigenous biodiversity, their ability to maximise water yield from these areas or relatively high precipitation and lower temperatures compared with the lower slopes, and also for their landscape and recreational values. I am encouraged that these issues have been generally recognised in the draft Regional Policy Statement.

Water yield from the Otago uplands: Policy 2.1.1; 2.2.3; 2.3.3.

The value of potable fresh water for a multitude of uses, both consumptive and non-consumptive, is becoming increasingly appreciated, and in water-short regions such as Central Otago, the more so. Various studies, based on both lysimeters and whole catchments on the upland snow tussock grasslands of Central and eastern Otago studies have confirmed the value of the indigenous snow tussock grasslands in a healthy state, in maximising water yield compared with any alternative type of cover, even bare soil. From our initial (1966) study, at a 1000 m site on the eastern slope on the centre of the Rock and Pillar Range (Mark & Rowley 1976), several later studies by government agencies: Forestry Research Institute (Pearce et al., 1984), Landcare Research (Fahey & Jackson 1997), Ministry of Works and Development's Water and Soil Division (Duncan & Thomas 2004), together with our continuing studies (Holdsworth & Mark 1990; Ingraham & Mark 2000; Mark & Dickinson 2008), have all confirmed the importance of snow tussock grassland in a healthy state, in maximising water yield, with most areas above 450m yielding ~63% on a measured annual precipitation of around 1300mm, but some highly fog-prone sites yielding up to 86% for the snow-free six months (Holdsworth & Mark 1990). All alternative cover types, including a blue tussock sward, *Celmisia viscosa* herbfield, recently burnt or heavily grazed snow tussock, pasture grassland, exotic coniferous forest and even bare soil, yielded significantly less.

This particular value of healthy snow tussockland on the Otago uplands in terms of maximising water yield for its many uses in the lowlands has been generally recognised as an important ecosystem service in the draft Regional Policy Statement, so it is assumed the Council will use its best endeavours to maintain these grasslands for this and other purposes, since, it is now well established that these grasslands are much easier to retain than to restore, once lost.

The integrated management of water is highly desirable, to ensure it is distributed responsibly while also ensuring sufficient remains in the natural courses to satisfy the needs of the aquatic indigenous fauna and flora: Policy 2.3.3. Objective 4.4 and particularly Policy 4.4.1, emphasising the importance of “water harvesting” and of “efficient water allocation and use” are both strongly endorsed.

I am concerned that water is apparently over-allocated in some regions at present, eg, Lindis catchment

The wilding conifer problems: 2.1.6

Wilding conifers have at last been officially recognised as a national problem, with a National Strategy to assist with their containment, particularly in the South Island high country, including Otago. Various formal and voluntary organisations are addressing this issue throughout much of Otago, and the Council's Plant Pest Strategy should assist with dealing with probably most serious wilding threat, *Pinus contorta* or Lodgepole pine, which is listed here as a threat species. However, some commercial species, most notably Douglas fir (*Pseudotsuga menziesii*) (but locally, also Corsican pine (*Pinus nigra*)) is rapidly assuming a similar status as recently it has been much more widely planted.

While the draft RPS recognises the threat of Lodgepole pine, a greater role in its containment and a strategy to deal with commercial species of conifer as wildings, particular in the extensive upland grasslands of the province.

Climate Change: Objectives 3.1; 3.3; 3.6: Policy 3.2.2; 3.3.1; 3.2.2

These are critical issues of our time, which need to be addressed responsibly and urgently, particularly the opportunities for mitigation aimed at reducing the manifold predicted impacts of climate change, since achievements through mitigation will reduce the need for adaptation which is likely to be both more demanding and costly, particularly on future generations, sea level rise in particular but also more frequent severe weather events and more prolonged droughts, particularly in already water-short areas of the province. The precautionary approach (Policies 3.2.8 & 3.3.2) is likely to be as relevant here as it is for what the draft RPS recognises for minimising the risk of natural hazards (Policy 3.2.8).

Energy Supplies: Policy 3.6.3; 3.6.4; 3.6.6.

These policies, related to minimising the emissions of greenhouse gases (GHG) are all strongly supported. Fulfilling these policies and objectives will be challenging public relations and education of the general public will be an important aspect of implementing these policies, in conjunction with other local authorities and central government.

Additional wind farms is a predictable future development and ahead of this, is a need for the Council's draft RPS to identify upland areas of Otago where wind farms would be unacceptable, particularly on the basis of high landscape values. I am aware that the Council was formally involved in supporting Meridian Energy's proposed Hayes Wind Farm on the crest of the Lammermoor Range (I submitted in support of an opposing party and so had an intimate knowledge of the case). Council will be aware that the proposal failed to get approval from the Environment Court, on the basis of its likely impact on the recognised high landscape values of the area, and the proposal was abandoned. This could be considered a valuable and indicative test case and, given the importance of landscape values recognised in the draft

RPS, I strongly recommend that Council, in its formalised RPS, identifies areas throughout Otago that it considers inappropriate for wind farm development, on the basis of this test case. I have recommended such action to the Council when submitting on its various plans in the past, but to no avail.

However, on the basis of the Meridian proposal, and in the knowledge that the Parliamentary Commissioner for the Environment has, in the past, made recommendations for regional councils to assist with such a role, I strongly recommend that the Regional Council undertakes such an exercise as part of its RPS development, as covered under Objective 4.5 of minimising the “adverse effects of using Otago’s natural environment.”.

I thank Council for the opportunity of submitting on its draft Regional Policy Statement and I wish to be heard on my case.

Sincerely,

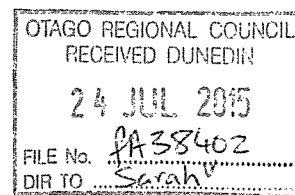
Alan F. Mark. ΦBK (Duke), Hon DSc (Otago), FRSNZ, KNZM. Emeritus Professor.

References:

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NZ TRANSPORT AGENCY
WAKA KOTAHI



RESOURCE MANAGEMENT ACT 1991

Submission on Proposed Otago Regional Policy Statement

To: Otago Regional Council
Private Bag 1954
DUNEDIN 9054

Submitter: NZ Transport Agency
PO Box 5245
Moray Place
DUNEDIN 9058

This is a submission on the following:

Proposed Otago Regional Policy Statement.

The NZ Transport Agency Could Not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that this submission relates to are:

The proposed Regional Policy Statement in its entirety.

The NZ Transport Agency's submission is:

Please see the table attached to this submission for recommended adjustments.

The reasons for this submission are:

The Transport Agency's statutory objective is to carry out its functions in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system. Some of these functions relevant in this case are:

- to promote an affordable, integrated, safe, responsive, and sustainable land transport system
- to manage the State highway system in accordance with the relevant legislation; and
- to assist, advise, and co-operate with approved organisations (such as regional councils and territorial authorities).

In submitting on this proposed Regional Policy Statement, the Transport Agency is pursuing these objectives and functions in relation to the land transport system, including the State highway system, and contributing to the objectives of the New Zealand Transport Strategy.

NZ Transport Agency wishes the consent authority to:

The proposed Regional Policy Statement be confirmed subject to adjustments as outlined in the attached table.

The NZ Transport Agency does wish to be heard in support of this submission.

Dated at Dunedin this 24th day of July 2015.



Tony MacColl
Senior Planning Advisor
Pursuant to a delegation from
the Chairman and the Board
of the NZ Transport Agency

Address for Service:

NZ Transport Agency
PO Box 5245
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NZ Transport Agency Submission

Specific Provision	Requested Decision	Reasons for Requested Decision
<p>Policy 2.1.1(o) Mitigate the adverse effects of natural hazards, including flooding and erosion</p> <p>Support</p>	Retain Policy 2.1.1(o) as proposed.	We support this policy as flood mitigation can have a positive effect on the safety and functionality of infrastructure.
<p>Policy 2.1.1(p) Maintain the ability of existing infrastructure to operate within their design parameters</p> <p>Support</p>	Retain Policy 2.1.1(p) as proposed.	We support this policy as it recognises the importance of maintaining the functionality of infrastructure.
<p>Policy 2.1.2(k) Mitigate the adverse effects of natural hazards, including flooding and erosion</p> <p>Support</p>	Retain Policy 2.1.2(k) as proposed.	We support this policy as flood mitigation can have a positive effect on the safety and functionality of infrastructure.
<p>Policy 2.1.2(l) Maintain bank stability</p> <p>Support</p>	Retain Policy 2.1.2(l) as proposed.	We support this policy as maintaining bank stability can have a positive effect on the safety and functionality of adjacent infrastructure.
<p>Objective 2.3 Natural resource systems and their interdependencies are recognised</p> <p>Amend</p>	<p>Amend Objective 2.3 to read: "<i>Natural Resources systems and their interdependencies are recognised</i>"</p> <p>Or alternatively: "<i>Natural resource systems <u>and physical resources</u>, and their interdependencies are recognised</i>"</p>	<p>Objective 2.3 as proposed relates to natural resources only. However, some of the underlying policies encompass both natural and physical resources e.g. Policy 2.3.1 and Policy 2.3.2. Amending Objective 2.3 as proposed will make it more applicable to all the underlying policies.</p>

Specific Provision	Requested Decision	Reasons for Requested Decision
<p>Policy 2.3.1 Applying an integrated management approach among resources</p> <p>Support</p>	<p>Retain Policy 2.3.1 as proposed.</p>	<p>We support integrated planning which ensures land use and transport decisions are made and implemented together. We support Policy 2.3.1 as it recognises the management of one resource can impact on another resource.</p>
<p>Policy 2.3.2 Applying an integrated management approach within a resource</p> <p>Support</p>	<p>Retain Policy 2.3.2 as proposed</p>	<p>We support Policy 2.3.2 as it encourages the effects of activities on all of the natural or physical resource to be considered.</p>
<p>Objective 3.4 Good quality infrastructure and services meet community needs</p> <p>Amend</p>	<p>Amend the explanation of Objective 3.4 to read: <i>....Some infrastructure is provided by local authorities (such as water supply, waste water and stormwater), some is provided by Requiring Authorities while others are managed by private companies.</i></p>	<p>The explanation of this Objective highlights that some infrastructure is provided by local authorities while others are managed by private companies. However, there are other infrastructure providers that do not fall into either of those two categories. The Objective explanation should be amended to include Requiring Authorities to capture other infrastructure providers such as the NZ Transport Agency.</p>
<p>Policy 3.4.1(a) Recognising functional needs of infrastructure of regional or national importance;</p> <p>Support and Amend</p>	<p>We support Policy 3.4.1(a) but suggest it be amended to read: <i>Recognising functional needs of infrastructure of regional or national importance;</i></p>	<p>We support Policy 3.4.1(a) which recognises the functional needs of infrastructure but suggest this policy should be amended to delete reference to infrastructure of regional or national importance. We suggest this policy should relate to all infrastructure. Furthermore the proposed RPS does not give guidance by way of definition or other means as to what types of infrastructure are nationally or regionally important.</p>
<p>Policy 3.4.1(c)(i) Managing urban growth: within areas that have sufficient infrastructure capacity;</p> <p>Support</p>	<p>Retain Policy 3.1.1(c)(i) as proposed.</p>	<p>We support this policy as it promotes the sustainable use of resources and may result in less demand for additional infrastructure.</p>

Specific Provision	Requested Decision	Reasons for Requested Decision
<p>Policy 3.4.2(b) Reduce adverse effects of those activities, including cumulative adverse effects on natural and physical resources;</p> <p>Oppose</p>	<p>That Policy 3.4.2(b) be deleted.</p> <p>Alternatively, amend the policy to read:</p> <p><i>"Reduce adverse effects of those activities where practicable, including cumulative adverse effects on natural and physical resources;"</i></p>	<p>Sometimes the effects of infrastructure cannot be avoided. We are concerned that this policy will result in infrastructure providers being subject to reverse sensitivity.</p>
<p>Policy 3.4.2(e) Protect infrastructure corridors for infrastructure needs, now and for the future</p> <p>Support</p>	<p>Retain Policy 3.4.2(e) as proposed.</p>	<p>The Transport Agency operate under a large planning window (up to 30 years) given the overall capital investment involved in maintaining and upgrading the State highway network. This policy acknowledges the unique requirements of infrastructure providers.</p>
<p>Objective 3.5 Infrastructure of national and regional significance is managed in a sustainable way</p> <p>Support and Amend</p>	<p>Amend Objective 3.5 to read:</p> <p><i>Infrastructure of national and regional significance is managed in a sustainable way.</i></p>	<p>The proposed RPS does not give guidance by way of definition or other means as to what types of infrastructure are nationally or regionally important. Further, by omission, this objective suggests that locally important infrastructure does not require sustainable management. We suggest that reference to specific types of infrastructure should be removed.</p>
<p>Policy 3.5.1 Recognising national and regional significance of infrastructure</p> <p>Support and Amend</p>	<p>Amend Policy 3.5.1 to read:</p> <p><i>"Recognising the national and regional significance of infrastructure"</i></p>	<p>The proposed RPS does not give guidance by way of definition or other means as to what types of infrastructure are nationally or regionally important. We suggest that reference to specific types of infrastructure should be removed.</p>

Specific Provision	Requested Decision	Reasons for Requested Decision
<p>Policy 3.5.1(d) Roads classified as being of national or regional importance</p> <p>Support and Amend</p>	<p>Amend Policy 3.5.1(d) to read: <i>"Roads classified as being of national or regional importance;"</i></p>	<p>We support that roads are classified as being important infrastructure but we are uncertain as to what roads the RPS considers to be nationally and regionally important.</p>
<p>Policy 3.5.2 Managing adverse effects of infrastructure that has national or regional significance</p> <p>Amend</p>	<p>Amend the body of this policy to read as follows: <i>"Minimise Manage adverse effects from infrastructure that has national or regional significance by: "</i></p>	<p>We suggest the word '<i>minimise</i>' should be replaced with the word '<i>manage</i>' to accurately reflect the intent of this policy and to be consistent with the purpose of the RMA. We also suggest the words "national" and "regional" should be deleted due to uncertainty around their meaning.</p>
<p>Policy 3.5.3 Protecting infrastructure of national or regional significance</p> <p>Support and Amend</p>	<p>Retain the Policy and the subcomponents (a) to (e) but amend reference to nationally or regionally significant infrastructure.</p>	<p>We support this policy as it highlights the importance of the functional requirements of infrastructure. The words "national" and "regional" should be deleted due to uncertainty around their meaning.</p>
<p>Objective 3.6 Energy supplies to Otago's communities are secure and sustainable</p> <p>Amend</p>	<p>Amend the second paragraph of the explanation to read: <i>".....through more efficient or alternative transport fuels and by encouraging integrated land development".</i></p>	<p>The adoption of integrated land use and transport planning can reduce the demand to travel and thereby reduce the demand for fossil fuels. We suggest this should be recognised in the explanation of this Objective.</p>
<p>Policy 3.6.6 Reducing long term demand for fossil fuels</p> <p>Support</p>	<p>Retain Policy 3.6.6 as proposed.</p>	<p>We support this policy as it recognises the importance of integrated planning and the impact that it can have on reducing the demand for fossil fuels.</p>

Specific Provision	Requested Decision	Reasons for Requested Decision
<p>Objective 3.7 Urban areas are well designed, sustainable and reflect local character</p> <p>Support</p>	<p>Retain Objective 3.7 and its associated explanation as proposed.</p>	<p>Transport networks play a key role in contributing to the quality and character of urban environments. Good quality urban design achieves integration between the transport networks and the land uses they serve. For this reason we support Objective 3.7.</p>
<p>Policy 3.7.1 Using the principles of good urban design</p> <p>Support</p>	<p>Retain Policy 3.7.1 as proposed.</p>	<p>We support this Policy, particularly, <i>d) Ensure good access and connectivity within and between communities</i> as this recognises the importance of well connected transport networks. We also particularly support <i>f) Create areas where people can live, work and play, including by i) Enabling a diverse range of housing, commercial, industrial and service activities</i> as the creation of these types of areas can reduce peoples demand to travel.</p>
<p>Policy 3.7.4 Designing for good access in public spaces</p> <p>Support</p>	<p>Retain Policy 3.7.4 as proposed.</p>	<p>We support this policy as it provides for transport choices.</p>
<p>Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments</p> <p>Support</p>	<p>Retain Objective 3.8 as proposed.</p>	<p>The Transport Agency operate under a large planning window (up to 30 years) given the overall capital investment involved in maintaining and upgrading the State highway network. The NZ Transport Agency's task of planning infrastructure for the future is enhanced by development occurring as anticipated by District Plans.</p>
<p>Policy 3.8.1 Managing for urban growth</p> <p>Support</p>	<p>Retain Policy 3.8.1 as proposed.</p>	<p>We support urban growth developing in a planned and strategic way as it provides good environmental outcomes and it helps avoid costs associated with unplanned infrastructure improvements and extension.</p>

Specific Provision	Requested Decision	Reasons for Requested Decision
<p>Policy 3.8.2 Controlling growth where there are identified urban growth boundaries or future urban development areas</p> <p>Support</p>	<p>Retain Policy 3.8.2 as proposed.</p>	<p>We support the controlled release of land for urban development in a controlled manner as it promotes the efficient use of infrastructure.</p>
<p>Policy 3.8.3(c) Avoid unplanned demand for provision of infrastructure, including domestic water supply and waste disposal</p> <p>Support and Amend</p>	<p>Amend Policy 3.8.3(c) to read as follows: <i>"Avoid unplanned demand for provision or upgrading of infrastructure, including domestic water supply and waste disposal"</i></p>	<p>We do not think it is necessary to highlight specific types of infrastructure in this instance as this policy should apply to all infrastructure. We also suggest that the policy should accommodate the upgrading of old infrastructure as not all development of rural land will require new infrastructure.</p>
<p>Policy 4.3.1 Managing for rural activities</p> <p>Support</p>	<p>Retain Policy 4.3.1 as proposed.</p>	<p>We support this policy as it discourages the subdivision of rural land for rural residential purposes. Unplanned rural residential development often provides outcomes inconsistent with integrated planning.</p>
<p>Policy 4.3.4 Managing the distribution of commercial activities in larger urban areas</p> <p>Support</p>	<p>Retain Policy 4.3.4 as proposed.</p>	<p>We support this policy as it discourages the unplanned extension of commercial activities which may adversely affect the efficient use of infrastructure.</p>
<p>Method 3.1.4(a) Manage land uses and vegetation removal within the beds of lakes and rivers and the coastal environment</p> <p>Support</p>	<p>Retain Method 3.1.4(a) as proposed.</p>	<p>The accumulation of vegetation within the beds of lakes and rivers and the coastal environment can alter watercourses which can adversely affect infrastructure e.g bridges. We support this method as it supports the sustainable management of these resources.</p>

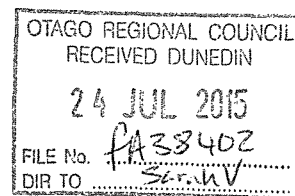
Specific Provision	Requested Decision	Reasons for Requested Decision
<p>Method 4.1.12(a) Establishing urban growth boundaries where required to manage pressure for urban development.</p> <p>Support</p>	<p>Retain Method 4.1.12(a) as proposed.</p>	<p>We support this method as it enables the establishment of growth boundaries which promotes the efficient use of resources including infrastructure.</p>
<p>Method 4.2.4 City or district councils will implement Policies 4.3.1, 4.3.2, 3.8.1 and 3.8.2 by preparing structure plans for large scale land use changes</p> <p>Support</p>	<p>Retain Method 4.2.4 as proposed</p>	<p>We support this method as it promotes the use of structure plans which can integrate land use and transport networks.</p>
<p>Method 7.3 Regional Plan Land Transport will set objectives, policies and methods to implement policy 3.4.1-2, 3.5.1, 3.7.1 and 3.7.4 with a particular focus on:</p> <p>Support and Amend</p>	<p>Retain Method 7.3 with the following amendments:</p> <p><i>“Regional Plan Land Transport <u>Plan</u> will set objectives.....”</i></p> <p>Also add a fifth focus statement</p> <p><i>“7.3.5 <u>Ensuring transport networks are resilient, efficient and sustainably managed</u>”.</i></p>	<p>We support this method as it aligns the Regional Land Transport Plan (RLTP) to the RPS. The first proposed amendment is to correct an apparent typographical error in the name of the RLTP.</p> <p>The proposed additional statement would encourage the sustainable management of transport networks.</p>
<p>Method 11.2.1(b)(iii) Contribute to a safe network of active transport infrastructure</p> <p>Support</p>	<p>Retain Method 11.2.1(b)(iii) as proposed.</p>	<p>We support a safe network of active transport infrastructure.</p>

Specific Provision	Requested Decision	Reasons for Requested Decision
<p>AER 3.4 Adverse effects on Otago's outstanding and highly-valued natural and physical resource values from nationally and regionally significant infrastructure are avoided or mitigated.</p> <p>Oppose</p>	<p>Delete Anticipated Environmental Result AER 3.4.</p>	<p>Some infrastructure has locational requirements. It is therefore not always possible to locate infrastructure outside of areas with outstanding and highly-valued resource values.</p>
<p>AER 3.6 Indicator New urban developments and infrastructure are energy efficient and create or integrate natural features.</p> <p>Amend</p>	<p>Amend the 2nd indicator to read as follows: <i>"New uUrban developments and infrastructure are <u>integrated and energy efficient and create or integrate natural features.</u>"</i></p>	<p>We suggest this indicator is relevant to both new developments and the redevelopment of existing sites. We suggest the proposed amendment simplifies but retains the intent of the indicator.</p>
<p>AER 3.7 Indicator Traffic safety in Otago improves</p> <p>How this indicator is measured NZ Transport Agency statistics and models</p> <p>Support</p>	<p>Retain AER 3.7 as proposed.</p>	<p>We support improving traffic safety in Otago as an indicator of adapting to evolving standards and changing environments. We support the use of the NZ Transport Agency's statistics and data as a reliable way to measure the performance of the indicator.</p>
<p>Schedule 6 Urban form and design - 1(d) Creates transport networks that are safer</p> <p>Amend</p>	<p>Amend 1(d) of Schedule 6 to read as follows: <i>"d) Creates <u>safe</u> transport networks that are safer".</i></p>	<p>We suggest the proposed amendment clarifies the outcomes sought and removes doubt.</p>

Specific Provision	Requested Decision	Reasons for Requested Decision
<p>Schedule 6 Urban form and design - 2(j) Promotes energy efficiency in transport and urban form, including site layout and building design Support</p>	<p>Retain 2(j) of Schedule 6 as proposed.</p>	<p>We support Schedule 6. 2(j) as this design parameter promotes the integration of planning and land transport.</p>
<p>Schedule 6 Urban form and design - 3 Supports a healthy community, and offers many choices and opportunities Support and Amend</p>	<p>Retain 3(a)-(k) but amend (e) to read as follows: <i>"Provides for public transport, roading, cycling and walking networks that are integrated with each other and the land uses they serve"</i></p>	<p>These design parameters promote integrated planning, alternative transport modes and the sustainable management of infrastructure. We suggest 3(e) should be amended to reflect all modes of transport.</p>
<p>Glossary - Emergency Services Amend</p>	<p>Provide the definition of "Emergency Services", as set out in section 4 of the Civil Defence Emergency Management Act 2002, within the RPS.</p>	<p>We suggest including the specific definition in the RPS will enhance the usability of the document.</p>
<p>Glossary - Infrastructure (g) Support</p>	<p>Retain the definition of "Infrastructure" as proposed.</p>	<p>We support the proposed definition of Infrastructure as it encompasses infrastructure for all modes of transport.</p>
<p>Glossary - Lifeline Utilities Amend</p>	<p>Provide the definition of "Lifeline Utilities", as set out in section 4 of the Civil Defence Emergency Management Act 2002, within the RPS.</p>	<p>We suggest including the specific definition in the RPS will enhance the usability of the document.</p>
<p>Glossary - Reverse sensitivity Support</p>	<p>Retain the definition of "Reverse sensitivity" as proposed.</p>	<p>We support the proposed definition as it accurately reflects our understanding of reverse sensitivity.</p>

**SUBMISSION ON THE PROPOSED REGIONAL POLICY STATEMENT FOR
OTAGO 2015**

To: Otago Regional Council
Private Bag 1954
DUNEDIN 9054



From: Ministry of Education
Southern Region
Private Bag 2522
CHRISTCHURCH

(Please note the different address for service)

The Ministry of Education ('the Ministry') hereby makes a submission on the Otago Regional Council's Proposed Regional Policy Statement 2015 ('the Proposed Policy Statement').

The Ministry is partially supportive and partially opposes the Proposed Policy Statement and would like to comment on a number of matters.

The Role of the Ministry

The Ministry of Education (the Ministry) is the Government's lead advisor on the New Zealand education system, shaping direction for education agencies and providers and contributing to the Government's goals for education. The Ministry has responsibility for all education property owned by the Crown. This involves managing the existing property portfolio, upgrading and improving the portfolio, purchasing and constructing new property to meet increased demand, identifying and disposing of surplus State school sector property and managing teacher and caretaker housing. The Ministry is therefore a considerable stakeholder in terms of education facilities and assets in the Otago Region, and has a strong interest in the provision for educational facilities and their continued operation within the Otago Region generally.

The Minister of Education is a Requiring Authority as defined in Section 166 of the Resource Management Act (RMA). Designation of existing and proposed school sites is a technique used nationally by the Minister. It is the most effective way of ensuring the Minister's interest in a site are protected. Certainty is important since the Minister traditionally makes a long term commitment to any particular site selected for such uses.

In facilitating the operation of any state school, the Ministry has the function of working alongside school boards of trustees, who have the responsibility to provide a safe physical and emotional environment for students and staff.

Specifically, the Ministry is interested in the provisions of the Proposed Regional Policy Statement as it set the resource management framework for the region.

Comment on Proposed Policy Statement Provisions

The Ministry wishes to submit on a number of specific matters in the proposed Policy Statement. Where changes are sought additions are shown with **underlining** and deletions with **strikethrough**.

Objective 2.1 and supporting Policies

Objective 2.1 is worded as follows:

Objective 2.1 – The values of Otago’s natural and physical resources are recognised, maintained and enhanced.

Whilst the Ministry submits this is a worthwhile objective, the Ministry is concerned that the supporting policies have a narrow focus on natural resources (water, air, soil, ecosystems and indigenous biodiversity, geomorphology and landscape, natural character). The assets of the Ministry as part of the built environment are also a physical resource with a very important value in terms of the function they perform for the community. The Ministry submits that additional supporting policies for Objective 2.1 need to be included to ensure appropriate policies are in place to recognise the importance of the built environment as a physical resource.

Policy 3.2.11

Policy 3.2.11 enables the installation of hard mitigation measures against natural hazards:

Policy 3.2.11

Locating hard mitigation measures

Enable the location of hard mitigation measures or similar engineering interventions on public land only when:

- a) There is significant public or environmental benefit in doing so; or*
- b) The work relates to the functioning ability of a lifeline utility, or facility for essential or emergency services.*

The Ministry is supportive of Policy 3.2.11 as the Ministry’s assets and property are included in the definition of essential services. The Ministry supports a policy that enables the construction of hard mitigation measures (if necessary) to protect educational facilities.

Objective 3.4

The Ministry supports Objective 3.4 to the extent it seeks to ensure the infrastructure and services the community need are provided. The Ministry submits that in terms of how the policy statement has been structured what is meant by the term ‘services’ is unclear and the objective should be reworded to reflect the use of the term essential services elsewhere in the policy statement:

Objective 3.4 Good quality infrastructure and essential services meet community needs.

Further to this point the Ministry observes that the policies supporting Objective 3.4.1 have a strong focus on infrastructure despite the inclusion of 'services' in the objective. The Ministry submits the focus of supporting policies should be widened to reflect the intent of Objective 3.4.1.

Policy 3.4.1

As discussed above the Ministry submits the focus of Policy 3.4.1 should be widened in order to meet Objective 3.4.1 and in particular recognising the need to provide for essential services:

Policy 3.4.1

*Integrating infrastructure **and essential services** with land use*

*Achieve the strategic integration of infrastructure **essential services** with land use, by:*

*a) Recognising functional needs of infrastructure of regional or national importance **and essential services**; and*

*b) Designing infrastructure **and essential services** to take into account:*

i. Actual and reasonably foreseeable land use change; and

ii. The current population and projected demographic changes; and

iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services; and

iv. Natural and physical resource constraints; and

v. Effects on the values of natural and physical resources; and

*vi. Co-dependence with other infrastructural **and essential services**; and*

*vii. The effects of climate change on the long term viability of that infrastructure **or essential services**; and*

c) Managing urban growth:

i. Within areas that have sufficient infrastructure capacity; or

ii. Where infrastructure services can be upgraded or extended efficiently and effectively; and

(iii) In a manner that allows for the provision for essential services; and

d) Co-ordinating the design and development of infrastructure with the staging of land use change, including with:

i. Structural design and release of land for new urban development; or

ii. Structural redesign and redevelopment within existing urban areas.

Policy 3.4.3

Policy 3.4.3 directs how essential services should be designed.

The Ministry is supportive of this policy to the extent it promotes the resilience of essential services to natural hazard events however the Ministry submits the use of the term 'to the fullest extent possible' is an extremely open ended statement. The Ministry has its own set of requirements to be met when designing a new building (for example) and submits the Ministry may have a different view on what 'fullest extent possible' is compared with a territorial authority. The Ministry submits the words 'fullest extent possible' are replaced:

Policy 3.4.3

Designing lifeline utilities and facilities for essential or emergency services

Design lifeline utilities, and facilities for essential or emergency services, to:

- a) Maintain their ability to function ~~to the fullest extent possible~~ as far as reasonably practicable, during and after natural hazard events; and
- b) Take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.

Policies 3.7.1(d) and 3.7.4

The Ministry is supportive of policies 3.7.1 (d) and 3.7.4. The Ministry is conscious of ensuring there is good access and connectivity within and between communities to facilitate the movement of students to and from educational facilities, and that public spaces are designed to meet the mobility needs of the community for the same reason.

Policy 3.8.1

Policy 3.8.1 sets a policy direction from the management of urban growth. This Ministry is supportive of the intent of this policy but suggests the focus of the policy needs to be widened. Specifically Policy (b) recognises the need to provide infrastructure in an efficient manner. The Ministry submits that essential services (including educational facilities) are equally as important given the role they play in supporting the needs of the community and are a matter that should be considered when looking to manage urban growth, particularly when new urban areas are created. A recent example of this in the Otago Region is the new school established at Shotover Country, in the Queenstown Lakes District – an essential service that was necessitated by the creation of new urban land. As such the Ministry seeks the following change to Policy 3.8.1:

Policy 3.8.1

Managing for urban growth

Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:

- a) *Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and*
- b) *Co-ordinating urban growth and extension of urban areas with relevant infrastructure development programmes, to:

 - i. *Provide infrastructure **and essential services** in an efficient and effective way; and*
 - ii. *Avoid additional costs that arise from unplanned infrastructure expansion; and**
- c) *Identifying future growth areas that:

 - i. *Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and*
 - ii. *Maintain or enhance significant biodiversity, landscape or natural character values; and*
 - iii. *Maintain important cultural or heritage values; and*
 - iv. *Avoid land with significant risk from natural hazards; and**
- d) *Considering the need for urban growth boundaries to control urban expansion; and*
- e) *Ensuring efficient use of land; and*
- f) *Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is:

 - i. *Below standards for human health; or*
 - ii. *Vulnerable to degradation given the local climatic and geographical context; and**

- g) Giving effect to the principles of good urban design, as detailed in Schedule 6; and*
- h) Giving effect to the principles of crime prevention through environmental design.*

Policy 3.8.2

Policy 3.8.2 seeks to control growth through the use of urban growth boundaries. The Ministry's submission on this provision is three-fold.

Firstly, the Ministry is submits that the reference to urban growth boundaries in Policy 3.8.2 has no effect given no urban growth boundaries are detailed in Schedule 8; as such the Ministry questions justification for its inclusion.

Secondly, the Ministry submits that Policy 3.8.2 should have its focus widened as per the submission on 3.8.1. When new urban areas are created community expectations can be a new school (for example) is constructed. This may not always be viable. In the same way the policy statement seeks the efficient use of infrastructure, the Ministry seeks to ensure the educational needs of the community are not overlooked when urban expansion is considered.

Thirdly, the Ministry is supportive of urban growth boundaries or the identification of urban development areas as the provision of them assist the long term planning of the Ministry.

The Ministry seeks the following changes to Policy 3.8.2:

Policy 3.8.2

Controlling growth where there are identified urban growth boundaries or future urban development areas

Where urban growth boundaries, as detailed in Schedule 8, or future urban development areas, are needed to control urban expansion, control the release of land within those boundaries or areas, by:

- a) Staging development, using identified triggers to release new stages for development; or*
- b) ~~Releasing land in a way that ensures a logical spatial development, and efficient use of existing land, infrastructure, before new land is released; and~~*
- b) Before releasing new land for development consider whether:*
 - (i) the release ensures a logical spatial development and efficient use of existing land; and*
 - (ii) the release ensures the efficient use of infrastructure; and*
 - (iii) additional essential services will be required to service the released land;*
- and*
- c) Avoiding urban development beyond the urban growth boundary or future urban development area.*

Policy 4.5.1

The Ministry is supportive of Policy 4.5.1 as it seeks to avoid discharges next to sensitive activities. The Ministry also notes that school sites discharge to the environment as part of their operation, for example from school boilers or onsite wastewater systems. Whilst the Ministry avoids making objectionable discharges it also notes that different communities have different tolerances to certain discharges. The Ministry also notes that in some

instances considerable investment has been made in such infrastructure and this should be had regard to when making decisions on discharge permit applications. The Ministry submits that a slight amendment is made to the policy for brevity and consistency:

Policy 4.5.1

Avoiding objectionable discharges

Avoid discharges that are objectionable or offensive to takata whenua and the wider community, including:

a) Discharges of human or animal waste:

- i. Directly to water; or*
- ii. In close proximity to water; or*
- iii. In close proximity to mahika kai sites; or*

b) Discharges of hazardous or noxious substances close to sensitive activities, including:

- i. Residential activities; or*
- ii. ~~Schools and other Educational Facilities activities~~; or*
- iii. Places of public access to the natural environment; or*
- iv. In close proximity to mahika kai sites; or*

c) Odorous or conspicuous discharges.

Definitions

The Ministry generally supports the definition of essential services as it recognises schools as an essential service. The Ministry submits that schools are only part of the educational facilities that exist in the Otago Region. Other facilities include, but are not limited to tertiary education and childcare centres. As such the Ministry seeks the following changes to the definition:

Essential services: Include hospitals and health services, ~~schools-educational facilities~~, public transport and essential commercial activities for civil defence purposes.

Relief Sought:

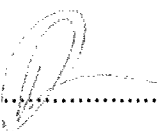
The Ministry seeks the following decision from the Otago Regional Council:

- (a) That the proposed provisions be retained, deleted or amended as set out in the above so as to provide for the sustainable management of the Otago Region's natural and physical resources and thereby achieve the purpose of the RMA.
- (b) Such further or consequential relief as may be necessary to fully give effect to the relief sought in this submission.

Specifically:

- (a) The Ministry seeks additional Policies that adequately recognise the built environment as a physical resource are included to support Objective 2.1;
- (b) The Ministry seeks the amendment of Policies 3.4.1, 3.4.3, 3.8.1, 3.8.2 and 4.5.1.
- (c) The Ministry seeks the retention of Objective 2.1, Policies 3.2.11, 3.7.1(d), and 3.7.4; and
- (d) The Ministry seeks the amendment of the definition of 'Essential Services'.

The Ministry does wish to be heard in support of its submission.

Signed.....  Date..... 24/11/18

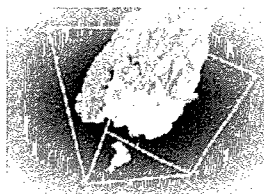
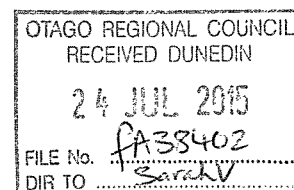
Simon Cruikshank
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The Otago Rock Lobster Industry Assoc. Inc.



PauaMac5 Incorporated

Submission to Otago Regional Council on the Proposed Regional Policy Statement for Otago

24 July 2015

Introduction

1. This submission is made jointly by:
 - **PauaMAC 5 Incorporated** on behalf of the commercial paua industry in the areas known as PAU 5A (Fiordland), PAU 5B (Stewart Island) and PAU 5D (Southland/Otago). PauaMAC 5's members include owners of paua quota and Annual Catch Entitlement, as well as fishing vessel operators, processors, fish dealers and harvesters who operate in the PAU 5 fisheries; and
 - **The Otago Rock Lobster Industry Association Incorporated** on behalf of the commercial rock lobster industry in the CRA 7 (Otago) fishery. The Otago Rock Lobster Industry Association's membership includes owners of CRA 7 quota and Annual Catch Entitlement, as well as fishers and fish processors operating in the CRA 7 lobster fishery.

2. Otago is a valuable fishery for both paua and rock lobster. The PAU 5 areas are home to nearly a third of New Zealand's commercial paua production and together produce around \$20 million in annual export returns. CRA 7 is a small but important rock lobster fishery, with an estimated export value in 2015/2016 of \$7.5 million. Both fisheries are important in maintaining the viability of Otago's coastal fishing ports.

3. The ongoing contribution of the paua and rock lobster fisheries to Otago's economy and communities is crucially dependent on:
 - a) Sustainable fish stocks (managed under the Fisheries Act 1996);
 - b) Healthy marine ecosystems and high coastal water quality to support sustainable fisheries;
 - and

- c) Secure spatial access to fisheries resources.
4. Our interest in the Proposed Regional Policy Statement for Otago (PRPS) derives from these three requirements.
 5. The relevance of the first two requirements to Resource Management Act 1991 (RMA) considerations is self-explanatory, but the third may require some elaboration. Paua and rock lobster fisheries are managed in the Quota Management System (QMS). Central to this regime is the allocation of secure harvest rights (Individual Transferable Quota or ITQ). ITQ rights provide the owner with a share of the commercial harvest rights to the fish stock in perpetuity. Because ITQ is a valuable perpetual asset, ITQ owners have strong incentives to invest in activities that maintain and enhance the value of the asset – notably, investments in ensuring long-term sustainability of the stocks and ensuring that commercial harvesters are able to maintain access to the stocks.
 6. Any activity that has an adverse effect on the sustainability of fisheries (e.g., environmental degradation through siltation or nutrient runoff) or reduces spatial access (e.g., occupation of the coastal marine area by other activities that exclude fishing) will reduce the value of ITQ. This, in turn, will reduce the incentives for sustainable management at the heart of the QMS.
 7. Secure spatial access for commercial fishing is therefore not only a crucial consideration under the Fisheries Act, it is also relevant to the RMA and, specifically, the PRPS. The RMA requires that adverse effects of activities on the environment must be avoided, remedied or mitigated, and commercial fishing is clearly an aspect of the environment, as defined in RMA section 2. The PRPS has a particular role in achieving integrated management of the natural and physical resources of the whole region, which requires the PRPS objectives, policies and methods to support and enable the effective operation of other sustainable management regimes such as the QMS.

Submitter contact details

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8. Neither PauaMAC 5 nor the Otago Rock Lobster Industry Association could gain an advantage in trade competition through this submission.
9. We wish to be heard in support of this submission.

Submissions

Policy 2.1.3 – Managing for coastal water values

Recommendation

10. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that Policy 2.1.3 be amended to read:

Recognise coastal water values, and manage coastal water, to:

...

h) protect important recreation and commercial values

...

Reasons

11. Policy 2.1.3 recognises the importance of managing coastal water for Kai Tahu values, for other cultural values and for recreation values but omits any reference to the commercial values of coastal water. The paua and rock lobster industries are entirely reliant on clean coastal waters and healthy coastal ecosystems and we consider that it is appropriate to acknowledge this dependence in Policy 2.1.3.
12. We note that our proposed amendment is consistent with policies elsewhere in the PRPS which acknowledge the commercial values of natural resources. For example:
- Policy 2.1.6 (Managing for ecosystems and indigenous biodiversity values) is to: *“recognise the values of ecosystems and indigenous biodiversity, and manage ecosystems and indigenous biodiversity to:... f) maintain habitats of indigenous species that are important for recreational, commercial, cultural or customary purposes...”*; and
 - Policy 2.2.14 (Identifying highly valued soil resources) includes the criterion: *“degree of versatility for primary production”*.
13. Furthermore, by acknowledging recreation values but not commercial values, Policy 2.1.3 may give rise to planning decisions which have the effect of allocating coastal resources, including access to fisheries, between recreational and commercial users of fisheries. Such an outcome would be contrary to RMA section 30(2), which provides that councils must not control the taking, allocation or enhancement of fisheries resources for the purpose of managing fishing or fisheries resources controlled under the Fisheries Act.

Policy 2.3.3 Applying an integrated management approach for freshwater catchments

Policy 2.3.4 Applying an integrated management approach for the coastal environment

Recommendations

14. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that Policy 2.3.3, item c) be amended to read:

Coordinating the management of land use and freshwater, to:

- i) Maintain or enhance freshwater values; and*
- ii) Maintain or enhance wetland values; and*
- iii) Maintain or enhance the values of beds of rivers and lakes, wetlands, and their margins;*
and
- iv) Maintain and enhance coastal values; and*
- v) Reduce the potential for health and nuisance effects.*

15. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that Policy 2.3.4 be amended to read:

Apply an integrated management approach to activities ~~in~~ that affect the coastal environment...

Reasons

16. PRPS Objective 2.3 recognises that natural resource systems are interconnected. The coastal environment is picked out as a particular example of the need for integrated management (PRPS page 39). PauaMAC 5 and the Otago Rock Lobster Industry Association strongly endorse the PRPS's focus on integrated management, and in particular, the need to recognise and manage the impact of terrestrial activities on coastal water quality and habitats. However, we consider that the PRPS policies are not sufficiently explicit in this respect. In particular:
- Policy 2.3.3 fails to recognise that activities in freshwater catchments can also have impacts on coastal waters and ecosystems; and
 - Policy 2.3.4 applies only to "activities in the coastal environment", even though activities landward of the coastal environment can also have an impact on resources and values within the coastal environment.
17. Our recommended amendment to Policy 2.3.3 seeks to make the relationship between activities in freshwater catchments and impacts on the coastal environment more explicit.
18. Policy 2.3.4, as currently worded is internally inconsistent, in that the chapeau applies only to activities in the coastal environment, whereas item b) refers more broadly to the coordinated management of land use, freshwater and coastal water. Our recommended amendment adopts wording that is consistent with Policy 2.3.5, which is to: "*Apply an integrated management approach to activities that affect air quality...*"

Policy 3.4.1 Integrating infrastructure with land use

Recommendation

19. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that Policy 3.4.1, item b) be amended to read:

Designing infrastructure to take into account:

- i) *Actual and reasonably foreseeable land use change;*
- ii) *Actual and reasonably foreseeable changes in the use of other resources, including in the coastal marine area;*
- iii) *...*

Reasons

20. The seafood industry requires effective infrastructure to ensure that our products can be landed, processed, and transported efficiently and with minimal environmental impact. It is also conceivable that marine-based resource use (e.g., fishing, aquaculture, wave or tidal energy, oil and gas development) may in the future require new or improved infrastructure developments in the Otago Region.
21. While we are aware that under the RMA "land" includes land that is under water, the focus of Policy 3.4.1 on "land use" is unnecessarily restrictive. We would therefore prefer to see a more explicit recognition of the need for strategic integration of infrastructure with the use of marine resources.

Objective 4.3 Sufficient land is managed and protected for economic production

Recommendation

22. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that Objective 4.3 be amended to read:

Sufficient land and other resources is managed and protected for economic production.

Reasons

23. While we strongly support the intent of Objective 4.3, we consider its current wording to be unduly narrow. As noted above, under the RMA "land" includes land beneath water such as land in the coastal marine area (CMA). However, the explanatory note on page 82 of the PRPS focuses on "land use", which gives the impression that Objective 4.3 is aimed specifically at the use of terrestrial land rather than at the broader issue of ensuring that sufficient resources are managed and protected for economic production within the Otago Region.
24. The "non-land" resources that should be subject to the broader objective (as amended) include coastal space and coastal ecosystem services that support economic production.

Policy 4.3.1 Managing for rural activities

Recommendation

25. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that Policy 4.3.1 be amended to read:

Manage activities in rural areas, to support the region's economy and communities, by:

- a) *Enabling farming, fishing, and other rural activities that support the rural economy;*
- b) *...*

Reasons

26. Paua and rock lobster fisheries support the wellbeing of rural coastal communities throughout the Otago Region. Our vessels operate out of a number of geographically-spread coastal areas from Oamaru in the north to the Catlins in the south. Smaller fishing communities such as those at Kaka Point, Karitane, Moeraki and Taire Mouth complement the main ports and base areas of Oamaru and Carey's Bay/Port Otago. PauaMAC 5 and the Otago Rock Lobster Industry Association therefore support the intent of Policy 4.3.1 to manage activities in rural areas to support the region's economy and communities, but we consider the current focus of the policy to be unduly focused on the terrestrial rural environment.

Policy 4.3.6 Managing locational needs for mineral and gas exploration, extraction and processing

Recommendation

27. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that Policy 4.3.6, item a) be amended to read:

Giving preference to avoiding their location in:

- i. *Areas of significant indigenous vegetation and significant habitats of indigenous fauna; or*
- ii. *Outstanding natural features, landscapes and seascapes; or*
- iii. *Areas of outstanding natural character; or*
- iv. *Outstanding water bodies; or*
- v. *Areas subject to significant natural hazard risk; or*
- vi. *Areas of significance for existing activities that have a functional need to locate in that area;*

Reasons

28. PauaMAC 5 and the Otago Rock Lobster Industry Association support the proposition that mineral exploration, extraction and processing activities need to be located where minerals resources exist. However, the mining industry is not the only sector whose location is dependent on the location of a resource. Paua and rock lobster fisheries are also spatially constrained by the limited distribution of the paua and rock lobster resource. Our recommended amendment recognises that mining activities should, if possible, not be located in areas utilised by other existing activities which cannot reasonably re-locate due to the spatial distribution of natural or physical resources.
29. Recognising the requirements of existing activities to be located in particular areas encourages the efficient use and development of natural and physical resources (RMA section 7(b)).

Policy 4.5.1 Avoiding objectionable discharges

Recommendation

30. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that Policy 4.5.1 item a)iii) and item b)iv) be amended to read:

In close proximity to mahika kai sites or seafood harvesting areas:

Reasons

31. Mahika kai are not the only food harvesting areas that are sensitive to objectionable or offensive discharges. Seafood harvesting areas used by commercial and non-commercial fishers also require protection from such discharges for reasons including:
- Protection of public health;
 - Seafood quality control;
 - Managing consumer perception of seafood health and quality; and
 - Access to export markets.

Policy 4.5.8 – Offsetting for indigenous biodiversity

Recommendation

32. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that Policy 4.5.8 be amended to provide for an additional criterion, as follows:

The implementation of the offset does not result in any adverse effects on existing uses and values.

Reasons

33. PauaMAC 5 and the Otago Rock Lobster Industry Association support the concept of appropriate use of biodiversity offsets. However, Policy 4.5.8 provides no acknowledgement of the potential adverse effects that implementing a biodiversity offset may have on existing users of the CMA. A poorly designed offset can result in the costs of the adverse effects of development being transferred from the developer to existing users. For example, a coastal developer seeking to provide an offset in the form of a marine protected area or restrictions on coastal access may cause a displacement of commercial paua and rock lobster harvesting activity. Displacement of fishing effort can affect the ability of fishers to provide for their well-being and may have an adverse effect on the sustainability of fisheries resources. These matters should be considered in the design of any biodiversity offset.

Method 4 – City and District Plans

Recommendation

34. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that Method 4, item 4.1.7 be amended to provide for an additional criterion, as follows:

The coastal marine area.

Reasons

35. Page 93 of the PRPS sets out responsibilities of the regional council and city and district councils with respect to the use, storage, disposal or transportation of hazardous substances. These responsibilities are allocated to the regional council in the beds of rivers, lakes and wetlands and in the CMA, and to city or district councils elsewhere. PauaMAC 5 and the Otago Rock Lobster Industry Association consider this allocation of responsibilities to be appropriate. However, the use, storage, disposal and transportation of hazardous substances within the jurisdiction of city or district councils (i.e., on dry land) can have adverse effects in areas outside of the jurisdiction of city or district councils, including in the CMA.
36. Our recommended amendment makes it clear that city and district councils are responsible for managing the adverse effects of the use or storage of hazardous substances on dry land, including where off-site adverse effects may be experienced in the CMA.

Schedule 5: Criteria for the assessment of significance of indigenous vegetation and habitat of indigenous fauna

Recommendation

37. PauaMAC 5 and the Otago Rock Lobster Industry Association recommend that the introductory sentences of Schedule 5 be amended to provide that criterion 1, “representativeness”, does not apply to the assessment of significance in relation to the CMA.

Reasons

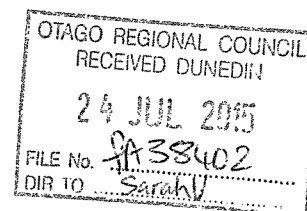
38. Schedule 5 provides that an area “will be considered significant” where it meets one or more of five criteria, the first of which is “representativeness”. “Representativeness” is defined as “*an area that is an example of an indigenous vegetation type or habitat that is representative of that which formerly covered the Ecological District*”.
39. While this criterion may be appropriate to identify significance in terrestrial environments, it is inappropriately broad in the CMA. Otago’s marine environment remains largely unmodified, making nearly every area “representative” of an indigenous vegetation type or habitat. This means that nearly every part of the CMA must be considered “significant”, and therefore subject to the requirements of Policy 2.2.2 to “protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna”. PauaMAC 5 and the Otago Rock Lobster Industry Association consider that if every area is significant, then:
- the importance of protecting the values of truly significant areas will be undermined; and
 - unnecessary costs will be placed on the sustainable utilisation of resources in the CMA.
40. We are aware that the Government’s Marine Protected Areas (MPA) Policy incorporates the concept of representativeness – for example, the objective of the MPA Policy is to *protect marine biodiversity by establishing a network of MPAs that is comprehensive and representative*

of New Zealand's marine habitats and ecosystems. However, the MPA Policy uses "representativeness" in a different manner to that prescribed in Schedule 5 of the PRPS. Schedule 5 requires that all "representative" areas are significant (there is no discretion), whereas the MPA Policy provides a process under which particular representative areas are selected for protection.

41. We also note that if part of the CMA is both representative and rare or under threat, then it is already picked up by criterion 2. Likewise, if an area is representative and diverse or otherwise distinctive, it is already picked up by criteria 3 and 4. Amending the "representativeness" criterion to remove its application to the CMA therefore does not preclude the meaningful identification of significant areas within the CMA.

**SUBMISSION ON THE PROPOSED OTAGO REGIONAL POLICY STATEMENT
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Otago Regional Council
Private Bag 1954
DUNEDIN 9054



Submitter: Darby Planning LP
C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

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Email: Chris.Ferguson@boffamiskell.co.nz

Darby Planning LP ("DPL") makes the submissions on the Proposed Otago Regional Policy Statement ("PORPS") set out in the **attached** document.

DPL confirms its submission does not relate to trade competition or the effects of trade competition.

DPL would like to be heard in support of its submission.

If other persons make a similar submission then DPL would consider presenting joint evidence at the time of the hearing.

A handwritten signature in black ink, appearing to read "Chris Ferguson".

Chris Ferguson

For and behalf of Darby Planning LP

24th day of July 2015

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Section A: Overview of DPL Activities

Section B: Reasons for Submission

Section C: Specific Submissions to the Proposed Otago Regional Policy Statement

SECTION A: OVERVIEW OF DPL Activities

1. DPL is based in Queenstown and Auckland and provide masterplanning and design services for large-scale project work throughout New Zealand, Asia and the Pacific. Locally in the Southern Lakes area in association with related entities, DPL leads the design and planning of a number of successful projects.
2. Those projects include:
 - Jacks Point Resort
 - Wyuna Station
 - Soho Ski Area and Blackmans Creek
 - Treble Cone Ski Area
 - Parkins Bay Resort
 - Man Street Car Park
 - Mount Christina
 - Glenorchy
 - Morven Ferry Farm
 - Lakes Hayes
 - Amisfield Vineyards, Winery and Restaurant
3. The diversity of these projects and related land interests include rural property development, ski area development and operations, farming, a commercial car park, commercial offices, viticulture and commercial wine production, restaurant operation, golf course development and operation.
4. DPL is continually investigating options to enable use, management and development of land and other resources while avoiding, remedying or mitigating any potential effects and minimising regulatory costs.
5. DPL has a proven track record and a strong ethic of land stewardship and management of resources sensitively through a masterplanning based approach that integrates use and management of land into the landscape in which they are located and wider environment.

SECTION B: REASONS FOR SUBMISSION

6. DPL's interest in the Otago Regional Policy Statement, primarily stems from the above land interests. These projects are located within and around the two main urban areas of Wanaka and Queenstown.
7. In many cases, development has involved reliance on the certainty provided by the relevant statutory planning document to establish and operate activities such as the Treble Cone and Soho ski areas and Jacks Point through the relevant District Plan zones. In other respects,

where zoning is not possible or effective, certainty has been created through resource consent processes.

8. In all cases, landscape and amenity values have been key resource management issues to address. These have been addressed through a combination of detailed resource studies seeking to understand the natural and physical resources, and careful landscape design. The provisions of the PORPS introduce a number of new policies which provide much more direction or oversight than currently in relation to issues affecting landscape values, urban growth, natural hazards, and management of infrastructure within urban areas.

Landscape Values

9. The management of the subdivision, use and development of landscapes within the Queenstown Lakes District has been the subject of a long line of environment court decisions, commencing with the seminal landscape case *Wakatipu Environmental Society Inc et al v Queenstown Lakes District Council* (C180/99). These cases have established a body of case law relating to the identification of landscape categories using the modified pigeon bay criteria set out in C180/99.
10. Because of this, DPL support the relevant City or District Councils taking responsibility for the identification of landscapes, particular where in the case of the Queenstown Lakes, this can be implemented through the significant base of knowledge accumulated through the Queenstown cases. DPL submits that a key issue for the landscape policies within the PORPS is to ensure the values listed through Schedule 4 are therefore consistent with modified pigeon bay criteria used within C180/99 so that the policies formulated at the regional level are relevant to and can be implemented by the territorial local authority.
11. DPL also submits that the PORPS will need to approach its policies relating to the management of outstanding natural features and landscapes differently within the coastal environment from the inland environments. This is considered necessary because of the requirements of the NZCPS which mandates a policy approach to “avoid adverse effects of activities on outstanding natural features and landscapes in the coastal environment”¹. DPL submits that within the inland environments, the most appropriate direction should be to “avoid, remedy or mitigate the adverse effects of activity on outstanding natural landscape and features”.

Urban Growth

12. The provisions of the PORPS also seek to play a much greater role in the management of urban growth. These relevant new policies are concerned with managing urban growth, controlling growth within growth boundaries and the fragmentation of rural land. Associated with these policies is Schedule 8 to the PORPS providing a placeholder for the introduction of urban growth boundaries. Implementation method 4.1.12 requires City or Districts Plans to implement this policy by establishing the urban growth boundaries and then requesting ORC to include these within the RPS.
13. DPL submit that within the Queenstown Lakes District, the identification urban growth boundaries is not a matter of regional significance that needs to be controlled through the PORPS. If the District Council wishes to identify urban growth boundaries to manage the issues relating to growth at the District level, then DPL considers that should be left to the District Councils to manage through the District Plan.
14. DPL are also concerned with the process to incorporate urban boundaries into the RPS, as these have not been included within the notified review. The provisions seem to be indicating

¹ Policy 15, NZCPS (2010)

these would be introduced at the request of the territorial local authorities through a process outside of a change notified under the first schedule. DPL considers that the incorporation of urban growth boundaries into the RPS in this way is *ultra vires* the Act.

15. The content of the policies relating to controlling growth seek to “control urban expansion”, “control the release of land within those boundaries” and to release land in a way that “ensures a logical spatial development”. DPL submits that the policies relating to management of urban growth, including the co-ordination of infrastructure, appropriately deal with the issues relating to urban growth. DPL considers that the proposed controls over where and how growth is managed within growth boundaries does not achieve any relevant resource management purpose, including relating to the management of any adverse effects on the environment.
16. For these reasons, DPL submits that Schedule 8 and Policy 3.8.2 of the PORPS should be deleted.

Value of Rural Land

17. Under the umbrella of the urban growth Objective 3.8, the provisions also seek to manage fragmentation of rural land. As outlined above, DPL have significant interests within the rural areas of the Queenstown Lakes District, including Jacks Point, Parkins Bay, Wyuna, Soho Ski area, Mount Christina, Amisfield vineyard and winery, Lakes Hayes and Morven Ferry. The general approach taken to land development within these areas places a high value on the protection and maintenance of landscape values. Equally, farming and rural based activities, including rural living and other accommodation are key activities which are supported as a means of managing the land, together with the use of land for other recreation, landscape management or viticulture purposes.
18. DPL submits that the policies relating to the fragmentation of rural land are disproportionately weighted towards the protection of rural land based. This is an outdated and narrow understanding of the value of rural land that is not supported by the provisions of the RMA. The protection of land for primary production is not a matter of national significance under s.6 or an other matter to have particular regard in terms of s.7.
19. As can be demonstrated through the range of projects undertaken by DPL, rural areas are becoming increasingly diverse in their value as a resource for not only farming, but also viticulture, tourism and recreation activities. The policies need to recognise and provide for the value of tourism, employment and recreation activities on rural land that positively contribute to the regional economy. Related to this is the management of subdivision and residential activities which DPL submits can positively impact on the amenity values of rural areas through an increase in natural conservation values, a reduction in plant or other pests and result in the protection of landscape values and areas of indigenous flora and fauna. The creation of comparatively smaller lots within the rural areas is an efficient use of the land resource that can minimise effects on landscape and amenity values while also maintaining the value of rural land for other purposes.
20. On this basis, DPL seek to include changes to the provisions of the PORPS that recognise the benefits of tourism, employment and recreation activities, subdivision and the value of rural land with value beyond primary production.

SECTION D: SPECIFIC SUBMISSIONS TO THE PROPOSED OTAGO REGIONAL POLICY STATEMENT

It is unclear on how the Proposed RPS addresses section 6(a), (b), (c), and 7(c) RMA matters with regard to natural character, landscapes, and indigenous biodiversity. In particular the hierarchy or pre-eminence of the various policies is unclear.

In the decision of the Supreme Court in *King Salmon*, the Court states that apparent conflicts between policies need to be resolved, with those expressed in directive terms carrying greater weight than those expressed in less directive (or enabling) terms. Also the Supreme Court found that what adverse effects are to be avoided and what activities are appropriate, need to be assessed by reference to what is to be protected. The higher the values being protected, the more likely a development will be inappropriate.

In the context of the submissions above, the submitter makes the additional submissions below noting its overall request for consequential or additional amendments required to give effect to its submissions, including the additional relief sought below.

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
<p>Policy 2.1.1 – Managing for freshwater values.</p> <p>Policy 2.1.2 – Managing for the values of beds of rivers and lands, wetlands, and their margins.</p>	<p>Oppose</p> <p>Policies 2.1.1 and 2.1.2 provide the basis for managing the values of freshwater and the beds of lakes, rivers and wetlands in the region respectively. There is considerable duplication of the values and attributes to be managed under the two policies, and DPL submit that the policies could be readily consolidated into one policy addressing both water and the beds of waterbodies.</p> <p>Both policies require ‘protection’ of certain values and attributes, including:</p> <ul style="list-style-type: none"> - protection of migratory patterns of freshwater species (clause (d) of policy 2.1.1); 	<p>1. Delete policies 2.1.1. and 2.1.2, and add a new policy as follows:</p> <p><u><i>Recognise the values of freshwater, and the beds of rivers, lakes, wetlands, and their margins, and manage them to:</i></u></p> <ul style="list-style-type: none"> a) <u><i>Protect outstanding water bodies and wetlands; and</i></u> b) <u><i>Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; and</i></u> c) <u><i>Maintain ecosystem health and indigenous biodiversity; and</i></u> d) <u><i>Retain the range and extent of habitats provided by freshwater; and</i></u> e) <u><i>Maintain migratory patterns of freshwater species, unless detrimental to indigenous biodiversity; and</i></u> f) <u><i>Maintain or enhance natural character; and</i></u> g) <u><i>Avoid aquifer compaction, and seawater intrusion in aquifers; and</i></u>

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	<ul style="list-style-type: none"> - protection of important recreational values (clause (l) of policy 2.1.1); - protection of Kai Tahu values (clause (j) of policy 2.1.1, and clause (g) of policy 2.1.2); - protection or restoration of natural functioning of the beds of rivers (clause (a) of policy 2.1.2). <p>DPL considers the 'protection' requirement in these clauses is too high a test and would fail to recognise that migratory patterns, natural functioning, recreational, and Kai Tahu values can all be affected by existing activities. DPL considers that the wording in these clauses should be amended to require 'maintenance' of these values and attributes.</p>	<ul style="list-style-type: none"> h) <u>Maintain or enhance coastal values supported by freshwater values; and</u> i) <u>Maintain good water quality or enhance it where it has been degraded; and</u> j) <u>Retain the quality and reliability of existing drinking water supplies; and</u> k) <u>Maintain Kāi Tahu values; and</u> l) <u>Provide for other cultural values; and</u> m) <u>Maintain recreation values; and</u> n) <u>Maintain the landscape and amenity values of rivers, lakes, and wetlands; and</u> o) <u>Avoid the adverse effects of pest species, prevent their introduction and reduce their spread; and</u> p) <u>Mitigate the adverse effects of natural hazards, including flooding and erosion; and</u> q) <u>Maintain bank stability; and</u> r) <u>Maintain the ability of existing infrastructure to operate within their design parameters.</u> <p>2. Or any similar relief which achieves the same effect; and</p> <p>3. Any consequential amendments required to give effect to this relief.</p>
<p>Policy 2.1.6 – Managing for ecosystem and indigenous biodiversity values</p>	<p>Oppose</p> <p>Policy 2.1.6 provides the basis for managing ecosystem and indigenous biodiversity values. Clause (e) requires protection of natural resources and processes that support indigenous biodiversity. Clause (g) requires protection of biodiversity significant to Kai Tahu.</p> <p>DPL considers the 'protection' requirement in these clauses is too high a test and would fail to recognise that protection of natural resource and</p>	<p>1. Amend policy 2.1.6 as follows:</p> <p><i>Recognise the values of ecosystems and indigenous biodiversity, and manage ecosystems and indigenous biodiversity, to:</i></p> <ul style="list-style-type: none"> a) <i>Maintain or enhance ecosystem health and indigenous biodiversity; and</i> b) <i>Maintain or enhance areas of predominantly indigenous vegetation; and</i> c) <i>Buffer or link existing ecosystems; and</i>

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	<p>processes that support indigenous biodiversity, and biodiversity significant to Kai Tahu can be affected by existing activities.</p> <p>Furthermore protection of indigenous biodiversity is subject to section 6(c) of the RMA which requires only the protection of areas of 'significant' indigenous vegetation, and 'significant' habitats of indigenous fauna.</p> <p>DPL considers that the wording in these clauses should be amended to require 'maintenance' of these values and attributes. This would better recognise existing activities affecting ecosystem and indigenous biodiversity values.</p>	<p>d) <i>Protect important hydrological services, including the services provided by tussock grassland; and</i></p> <p>e) <i>Protect</i> <u><i>Maintain</i></u> <i>natural resources and processes that support indigenous biodiversity; and</i></p> <p>f) <i>Maintain habitats of indigenous species that are important for recreational, commercial, cultural or customary purposes; and</i></p> <p>g) <i>Protect</i> <u><i>Maintain</i></u> <i>biodiversity significant to Kāi Tahu; and</i></p> <p>h) <i>Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.</i></p> <p>2. Or any similar relief which achieves the same effect; and</p> <p>3. Any consequential amendments required to give effect to this relief.</p>
<p>Policy 2.1.7 – Recognising the values of natural features, landscapes and seascapes</p> <p>Schedule 4 – Criteria for the identification of natural features and landscapes</p>	<p>Oppose</p> <p>DPL oppose Policy 2.1.7 for the general reasons expressed in Section B above. In addition, Policy 2.1.7 sets out the attributes for determining the relative values of natural, features, seascapes, and the coastal environment. The reference in the policy to 'the coastal environment' is considered redundant given explicit recognition of 'seascapes' in the policy. Furthermore the values of the 'coastal environment' are not limited to landscape matters and include a wider range of values which are otherwise managed under the proposed policy.</p> <p>The list of attributes within the policy (and Schedule 4) are not consistent with contemporary landscape planning practice, and as established in case law, and require amendment. For example 'the presence of water' and 'vegetation' are captured under 'natural science factors' and do not need to be separately listed.</p>	<p>1. Amend policy 2.1.7 as follows:</p> <p><i>Recognise the values of natural features, landscapes, <u>and seascapes</u> and the coastal environment are derived from the following attributes, as detailed in Schedule 4:</i></p> <p>a) <i>Biophysical attributes, including:</i></p> <p>i. <i>Natural science factors, <u>including biotic and abiotic factors</u>;</i></p> <p>ii. <i>The presence of water</i> <u><i>Legibility and expressiveness</i></u>;</p> <p>iii. <i>Vegetation (indigenous and introduced)</i>;</p> <p>iv. <i>The natural darkness of the night sky</i>;</p> <p>b) <i>Sensory attributes, including:</i></p> <p>i. <i>Legibility or expressiveness</i></p> <p>ii. <i>Aesthetic values;</i></p> <p>iii. <i>Transient values, including nature's sounds;</i></p> <p>iv. <i>Wild or scenic values</i></p> <p>c) <i>Associated attributes, including</i></p> <p>i. <i>Whether the values are shared and recognised;</i></p> <p>ii. <i>Cultural and spiritual values for Kai Tahu;</i></p>

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	Schedule 4 replicates the matters listed within Policy 2.1.7 and does not add to interpretation. DPL seeks to remove Schedule 4 (refer below).	<p style="text-align: center;"><i>iii. Historical and heritage associations.</i></p> <ol style="list-style-type: none"> 2. Or any similar relief which achieves the same effect; and 3. Consequentially delete Schedule 4 to reflect the amendments sought to policy 2.1.7 set out in this submission.
<p>Policy 2.2.1 – Identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna</p> <p>Schedule 5 – Criteria for the assessment of the significance of indigenous vegetation and habitat of indigenous fauna</p>	<p>Oppose</p> <p>Policy 2.2.1 sets out how areas and values of significant indigenous vegetation and significant habitats of indigenous fauna will be established, with reference to assessment criteria in Schedule 5.</p> <p>The criteria in Schedule 5 are similar to other recent proposed RPS including the Canterbury RPS. However the thresholds to satisfy a criteria are lower than in some previous plans and the requirement to satisfy just one criteria to trigger significance means many sites would likely be identified as significant, subject to how District Plan's identify and list sites, and manage activities.</p> <p>Particular issues identified with the criteria include for example:</p> <ul style="list-style-type: none"> - Criteria 1 – Representative. The criteria is very broad, and more definitive criteria is required as to what triggers representativeness. - Criteria 2 – Rarity. 2a. Including at risk and uncommon species without any qualification on the importance of the area, may trigger many sites as significant without meeting any other criteria. 	<ol style="list-style-type: none"> 1. Amend the Criteria in Schedule 5 to make them more definitive, and in line with those used for the Canterbury Region. 2. Produce best practice guidance which provides clear and certain guidance to support the consistent interpretation and application of the criteria. 3. Or any similar relief which achieves the same effect; and 4. Any consequential amendments required to give effect to this relief.

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	<p>- Criteria 5 – Ecological Context. This criteria needs more guidance on how it is to be applied.</p> <p>More guidance is also required to assist in interpretation and ensure consistent application to determine what meets the significance threshold. Such guidance has been for example produced for the Canterbury Region. A footnote to Schedule 5 refers to additional information that ORC holds including the rationale for criteria and examples of areas representing the criteria in Otago. This guidance however has not been made available as part of the Proposed RPS.</p>	
<p>Policy 2.2.2 – Managing significant indigenous vegetation and significant habitats of indigenous fauna</p>	<p>Oppose</p> <p>Policy 2.2.2 provides for the protection and enhancement of the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna to achieve section 6(c) of the RMA.</p> <p>Clause (a) and (b) of the policy require avoidance of ‘adverse effects on those values which contribute to the area or habitats being significant’, and ‘significant’ adverse effects on other values’. Clause (d) and (e) then however allow adverse effects to be remediated or mitigated where they cannot be avoided. This undermines the protection intent of clause (a) and (b) and would not appropriately achieve section 6(c) of the RMA.</p> <p>Interpretation of the policy would be aided by re-ordering it such clause (c) which provides the basis for assessing the scale of effects is moved to being clause (a). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the</p>	<p>1. Amend Policy 2.2.2 as follows:</p> <p><i>Protect and enhance the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna, by:</i></p> <p>a) <u><i>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</i></u></p> <p>b) <u><i>Avoiding significant adverse effects, and remedying, and mitigating all other adverse effects on those values which contribute to the area or habitat being significant; and</i></u></p> <p>e) <i>Avoiding significant adverse effects on other values of the area or habitat; and</i></p> <p>d) <i>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</i></p> <p>e) <i>Remediating, when adverse effects cannot be avoided; and</i></p> <p>f) <i>Mitigating where adverse effects cannot be avoided or remediated; and</i></p> <p>g) <i>Encouraging enhancement of those areas and values.</i></p> <p>2. Or any similar relief which achieves the same effect; and</p>

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	appropriate management response under the remaining clauses in the policy.	3. Any consequential amendments required to give effect to this relief.
Policy 2.2.3 Identifying outstanding natural features, landscapes and seascapes	<p>Support</p> <p>DPL supports the identification of outstanding natural features and landscapes using the attributes detailed within Policy 2.1.7 for the general reasons expressed in Section B above.</p> <p>As detailed within Policy 2.1.7 above, the attributes detailed within Policy 2.1.7 are similar to Schedule 4 and DPL considers this policy as being the appropriate method to implement the objectives relating to outstanding natural landscapes and features.</p>	<p>1. Amend Policy 2.2.3, as follows:</p> <p><i>Identify areas and values of outstanding natural features, landscapes and seascapes, using the attributes as detailed <u>within Schedule 4</u>Policy 2.1.7.</i></p> <p>2. Or any similar relief which achieves the same effect; and</p> <p>3. Any consequential amendments required to give effect to this relief.</p>
Policy 2.2.4 – Managing outstanding natural features, landscapes, and seascapes.	<p>Oppose</p> <p>DPL opposes Policy 2.2.4 for the general reasons expressed within Section B above.</p> <p>Policy 2.2.4 provides the basis for the protection, enhancement, and restoration of outstanding natural features, landscapes, and seascapes, in response section 6(b) of the RMA, and give effect to policy 15 of the NZCPS where it relates to the coastal environment. Section 6(b) and policy 15 of the NZCPS however only requires protection from 'inappropriate subdivision, use, and development', and therefore policy 2.2.4 sets too high a test.</p> <p>Interpretation of the policy would be aided by re-ordering it such clause (c) which provides the basis for assessing the scale of effects is moved to being clause (a). This better recognises the assessment process</p>	<p>1. Amend Policy 2.2.4 as follows:</p> <p><i>Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</i></p> <p>a) <u><i>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</i></u></p> <p>b) <u><i>Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape within the coastal environment; and/or</i></u></p> <p>c) <u><i>Avoiding, remedying or mitigating other adverse effects on other those values which contribute to the significance of the natural feature or landscape outside of the coastal environment; and</i></u></p> <p>d) <i>Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</i></p> <p>e) <u><i>Recognising and providing for positive contributions of existing introduced species to those values; and</i></u></p>

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	<p>whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p> <p>DPL submits that clause b) and c) should be re-worded to state the relevant direction within and outside of the coastal environment, as disjunctive policies. Outside of the coastal environment, it is considered more appropriate to avoid, remedy or mitigate adverse effects.</p>	<p>f) <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i></p> <p>g) <i>Encouraging enhancement of those areas and values.</i></p> <p>2. Or any similar relief which achieves the same effect; and</p> <p>3. Any consequential amendments required to give effect to this relief.</p>
<p>Policy 2.2.6 – Managing special amenity landscapes and highly valued natural features</p>	<p>Oppose</p> <p>DPL opposes Policy 2.2.4 for the general reasons expressed within Section B above.</p> <p>Policy 2.2.5 provides the basis for the protection or enhancement of special amenity landscapes and highly values natural features, in response to section 7(c) of the RMA, and give effect to policy 15 of the NZCPS where it relates to the coastal environment. Section 7(c) however only requires ‘maintenance and enhancement of amenity values, and therefore the ‘protection’ focus of policy 2.2.6 sets too high a test.</p> <p>Interpretation of the policy would be aided by re-ordering it such clause (c) which provides the basis for assessing the scale of effects is moved to being clause (a). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p>1. Amend Policy 2.2.6 as follows:</p> <p><i>Protect <u>Maintain</u> or enhance the values of special amenity landscapes and highly valued natural features, by:</i></p> <p>a) <i><u>Assessing the significance of adverse effects in accordance with the criteria in Schedule 3; and</u></i></p> <p>b) <i><u>Within the coastal environment, avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and</u></i></p> <p>c) <i><u>Within the coastal and inland environments avoiding, remedying or mitigating other adverse effects on other those values which contribute to the special amenity of the landscape or natural feature; and</u></i></p> <p>d) <i>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</i></p> <p>e) <i>Recognising and providing for positive contributions of existing introduced species to those values; and</i></p> <p>f) <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i></p> <p>g) <i>Encouraging enhancement of those values.</i></p> <p>2. Or any similar relief which achieves the same effect; and</p>

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		3. Any consequential amendments required to give effect to this relief.
Policy 2.2.13 – Managing outstanding water bodies and wetlands	<p>Policy 2.2.13 sets out the basis for protecting the values of outstanding water bodies and wetlands to give effect to sections 6(a) and (c) of the RMA, and objective A2 and B4 of the NPS on Freshwater Management. Objectives A2 and B4 however only seek to ensure that the 'significant' values of outstanding waterbodies, and wetlands are protected. Policy 2.2.13 therefore presents too high a test and does not appropriately give effect to the NPS on Freshwater Management.</p> <p>Interpretation of the policy would be aided by re-ordering it such clause (c) which provides the basis for assessing the scale of effects is moved to being clause (a). This better recognises the assessment process whereby the scale of effects must first be determined to then identify the appropriate management response under the remaining clauses in the policy.</p>	<p>1. Amend Policy 2.2.13 as follows:</p> <p><i>Protect the <u>significant</u> values of outstanding water bodies and wetlands by:</i></p> <p>a) <u><i>Assessing the significance of adverse effects on values in accordance with the criteria in Schedule 3; and</i></u></p> <p>b) <i>Avoiding significant adverse effects, including cumulative effects, on those <u>significant</u> values which contribute to the water body or wetland being outstanding; and</i></p> <p>c) <i>Avoiding, remedying or mitigating other adverse effects on the water body or wetland's values; and</i></p> <p>d) <i>Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</i></p> <p>e) <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i></p> <p>f) <i>Encouraging enhancement of outstanding water bodies and wetlands.</i></p> <p>2. Or any similar relief which achieves the same effect; and</p> <p>3. Any consequential amendments required to give effect to this relief.</p>
Policy 3.2.6 Avoiding increased natural hazard risk	<p>Oppose</p> <p>DPL opposes Policy 3.2.6 and seeks that it be deleted. The policies relevant to natural hazards adopt a risk based approach to hazard management. Policy 3.2.6 is considered contrary to the general approach taken through the other provisions because it seeks to avoid</p>	<p>1. Delete Policy 3.2.6</p> <p>2. Or any similar relief which achieves the same effect; and</p> <p>3. Any consequential amendments required to give effect to this relief.</p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i>strike-through</i>]
	increasing natural hazard risk, regardless of its consequences or measures that can be used to mitigate that risk.	
Policy 3.4.1 – Integrating infrastructure with land use	<p>Partial Support</p> <p>Policy 3.4.1 provides for the integration of infrastructure with land used. A minor change to clause (b) is sought clarifying that the requirements are also relevant in considering the ‘location’ of infrastructure.</p> <p>Clause c) and d) are supported, provided the measures in d) are related to the design and delivery of infrastructure and do not act to stage release of land. The wording of clause d) could be improved to make this clear.</p>	<p>1. Amend Policy 3.4.1 as follows:</p> <p><i>Achieve the strategic integration of infrastructure with land use, by:</i></p> <p>a) <i>Recognising functional needs of infrastructure of regional or national importance; and</i></p> <p>b) <u><i>Locating and designing infrastructure to take into account:</i></u></p> <p>i. <i>Actual and reasonably foreseeable land use change; and</i></p> <p>ii. <i>The current population and projected demographic changes; and</i></p> <p>iii. <i>Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services; and</i></p> <p>iv. <i>Natural and physical resource constraints; and</i></p> <p>v. <i>Effects on the values of natural and physical resources; and</i></p> <p>vi. <i>Co-dependence with other infrastructural services; and</i></p> <p>vii. <i>The effects of climate change on the long term viability of that infrastructure; and</i></p> <p>c) <i>Managing urban growth:</i></p> <p>i. <i>Within areas that have sufficient infrastructure capacity; or</i></p> <p>ii. <i>Where infrastructure services can be upgraded or extended efficiently and effectively; and</i></p> <p>d) <i>Co-ordinating the design and development of infrastructure with the staging of land use change, including with:</i></p> <p>i. <i>Structural design and release of land for <u>within</u> new urban development; or</i></p> <p>ii. <i>Structural redesign and redevelopment within existing urban areas</i></p>

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		2. Or any similar relief which achieves the same effect; and 3. Any consequential amendments required to give effect to this relief.
Policy 3.4.2 – Managing infrastructure activities	<p>Partial Support</p> <p>Policy 3.4.2 sets out how infrastructure activities are to be managed. Clause (b) requires adverse effects on infrastructure activities to be reduced.</p> <p>Technical and operational constraints however can influence the degree to which adverse effects from infrastructure can be reduced. Clause (b) should be amended to require adverse effects of infrastructure activities should be minimised ‘as far as practicable’.</p>	1. Amend Policy 3.4.2 as follows: <i>Manage infrastructure activities, to:</i> <ol style="list-style-type: none"> a) <i>Maintain or enhance the health and safety of the community; and</i> b) <i>Reduce <u>Minimise</u> adverse effects of those activities <u>as far as practicable</u>, including cumulative adverse effects on natural and physical resources; and</i> c) <i>Support economic, social and community activities; and</i> d) <i>Improve efficiency of use of natural resources; and</i> e) <i>Protect infrastructure corridors for infrastructure needs, now and for the future; and</i> f) <i>Increase the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events; and</i> g) <i>Protect the functioning of lifeline utilities and essential or emergency services.</i> 2. Or any similar relief which achieves the same effect; and 3. Any consequential amendments required to give effect to this relief.
Policy 3.6.6 Reducing long term demand for fossil fuels	<p>Support</p> <p>DPL supports the reduction in demand for fossil fuels through policies that encourage the development of compact and well integrated urban</p>	1. Retain Policy 3.6.6

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic-strike-through</i>]
	areas, including the provisions of connections within and between urban areas.	
Objective 3.8	<p>Partial Support</p> <p>Objective 3.8 is narrowly worded to focus on urban and rural environments and in doing so could miss other aspects of the natural or physical environment such as roading corridors, recreation areas, areas of significant indigenous vegetation that do not fit well with an urban or rural descriptor. DPL submits that the wording of this objective be broadened to relate to all aspects of the environment.</p>	<ol style="list-style-type: none"> 1. Amend Objective 3.8, as follows: <ul style="list-style-type: none"> <i>Urban growth is well designed and integrates effectively with adjoining urban and rural <u>the environments</u></i> 2. Or any similar relief which achieves the same effect; and 3. Any consequential amendments required to give effect to this relief.
Policy 3.8.1 Managing for urban growth	<p>Oppose</p> <p>DPL opposes Policy 3.8.1 for the general reasons outlined within Section B above.</p> <p>DPL supports the co-ordination of urban growth with infrastructure but is unclear what is meant by unplanned infrastructure expansion, particular given the direction to avoid. DPL seek to re-word the policy to avoid communities bearing the costs of extensions to and maintenance of infrastructure expansion related to urban growth.</p> <p>Clause c) seeks to identify future growth areas based on four key criteria. DPL oppose the strong emphasis on rural productivity, based on loss of highly valued soils. It is also unclear how future growth areas are being incorporated into the plan, given that none are included within the document as notified. DPL consider the policies relating to future growth areas are appropriately addressed within the broader urban growth</p>	<ol style="list-style-type: none"> 1. Amend Policy 3.8.1, as follows: <ul style="list-style-type: none"> <i>Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:</i> <ol style="list-style-type: none"> a) <i>Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and</i> b) <u><i>Avoid communities bearing the costs of extension to and maintenance of infrastructure expansion related to urban growth. Co-ordinating urban growth and extension of urban areas with relevant infrastructure development programmes, to:</i></u> <ol style="list-style-type: none"> <i>i. Provide infrastructure in an efficient and effective way; and</i> <i>ii. Avoid additional costs that arise from unplanned infrastructure expansion; and</i> e) <i>Identifying future growth areas that:</i> <ol style="list-style-type: none"> <i>i. Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and</i>

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	<p>policies and that the identification of areas for future growth are not a regional issue and is best implemented by the District Councils through District Plans. DPL request that clause c) is deleted from Policy 3.8.1.</p>	<p><i>ii. — Maintain or enhance significant biodiversity, landscape or natural character values; and</i> <i>iii. — Maintain important cultural or heritage values; and</i> <i>iv. — Avoid land with significant risk from natural hazards; and</i></p> <p>d) <i>Considering the need for urban growth boundaries to control urban expansion; and</i> e) <i>Ensuring efficient use of land; and</i> f) <i>Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is:</i> i. <i>Below standards for human health; or</i> ii. <i>Vulnerable to degradation given the local climatic and geographical context; and</i> g) <i>Giving effect to the principles of good urban design, as detailed in Schedule 6; and</i> h) <i>Giving effect to the principles of crime prevention through environmental design.</i></p> <p>2. Or any similar relief which achieves the same effect; and 3. Any consequential amendments required to give effect to this relief.</p>
<p>Policy 3.8.2</p> <p>Controlling growth where there are identified urban growth boundaries or future urban development areas</p>	<p>Oppose</p> <p>DPL oppose Policy 3.8.2 for the reasons expressed within Section B above.</p> <p>In particular, the policy is unclear on the purpose of staging development within urban boundaries. DPL considers that policy 3.8.2 conflicts with Policy 3.8.1 (above) seeking to provide for at least 10 years of land supply for residential, commercial and industrial activities.</p> <p>DPL considers that Policy 3.8.1 appropriately deal with the significant resource management issues relating to urban growth.</p>	<p>1. Delete Policy 3.8.2 2. Or any similar relief which achieves the same effect; and 3. Any consequential amendments required to give effect to this relief.</p>

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	<p>There is also a significant problem with the implementation of Policy 3.8.2 in how it proposes to identify urban growth boundaries and the PORPS does not include urban growth boundaries within Schedule 8 as notified.</p>	
<p>Policy 3.8.3</p> <p>Managing fragmentation of rural land</p>	<p>Oppose</p> <p>DPL opposes Policy 3.8.3 for the general reasons outlined within Section B above. DPL submits that the matters listed within clauses a) to d) should be matters to have regard to when managing the subdivision, use and development of rural land.</p>	<p>4. Amend Policy 3.8.3, as follows:</p> <p><u>To enable Manage subdivision, use and development of rural land, where the adverse effects are avoided, remedied or mitigated, having regard to:</u></p> <p>a) Avoid development or <u>The fragmentation of land which undermines or forecloses the potential of rural land:</u></p> <ul style="list-style-type: none"> i. For primary production; or ii. In areas identified for future urban uses; or iii. In areas having the potential for future comprehensive residential development; and <p>b) Have particular regard to whether the proposal will result in a loss of the productive potential of highly versatile soil, unless:</p> <ul style="list-style-type: none"> i. The land adjoins an existing urban area and there is no other land suitable for urban expansion; and ii. There highly versatile soils are needed for urban expansion, any change of land use from rural activities achieves an appropriate and highly efficient form of urban development; and iii. reverse sensitivity effects on rural productive activities can be avoided; and <p>c) Avoid unplanned demand for <u>The provision of infrastructure, including domestic water supply and waste disposal; and</u></p> <p>d) Avoid creating competing demand for water or other resources;</p>

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		5. Or any similar relief which achieves the same effect; and 6. Any consequential amendments required to give effect to this relief.
Policy 4.3.1 Managing for rural activities	<p>Oppose</p> <p>DPL oppose clause d) of Policy 4.3.1 seeking to minimise the subdivision of productive rural land into smaller lots for the general reasons expressed within Section B) above.</p> <p>DPL supports the management of rural activities to provide for a wider base for the support of a diverse range of activities that sustain the regional economy and for the general reasons expressed within Section B above. DPL seeks to specifically recognise within this policy the value of tourism, employment and recreation development within rural areas as a significant contributor to the regional economy. Amendments are proposes to clause e) to enable such activities where it is compatible with rural activities.</p>	1. Amend Policy 4.3.1, as follows: <i>Manage activities in rural areas, to support the region’s economy and communities, by:</i> <ol style="list-style-type: none"> a) <i>Enabling farming and other rural activities that support the rural economy; and</i> b) <i>Minimising the loss of soils highly valued for their versatility for primary production; and</i> c) <i>Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects; and</i> d) <i>Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities; and</i> e) <i>Enabling tourism, employment, recreational and other activities. Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that and are of a nature and scale compatible with rural activities.</i> 2. Or any similar relief which achieves the same effect; and 3. Any consequential amendments required to give effect to this relief.
Policy 4.4.3 Encouraging environmental enhancement	<p>Support</p> <p>DPL supports the intent of Policy 4.4.3 which encourages activities that contribute to or enhance the natural environment.</p>	1. Retain Policy 4.4.3

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Policy 4.5.5 Controlling the introduction and spread of pest plants and animals	<p>Support</p> <p>DPL supports the intent of Policy 4.5.5 relating to the control of pest species.</p>	<ol style="list-style-type: none"> 1. Retain Policy 4.5.5
Schedule 4 Criteria for the identification of natural features and landscapes	<p>Oppose</p> <p>DPL oppose Schedule 4 for the general reasons expressed in Section B and within Policy 2.1.7 above.</p> <p>Schedule 4 replicates the matters listed within Policy 2.1.7 with some very minor changes, but saying the same thing. DPL considers it preferable to have the criteria included within the relevant Policy 2.1.7 and that Schedule 4 be deleted.</p>	<ol style="list-style-type: none"> 1. Delete Schedule 4 Criteria for the identification of natural features and landscapes. 2. Or any similar relief which achieves the same effect; and 3. Any consequential amendments required to give effect to this relief.
Schedule 5 Criteria for the assessment of the significance of indigenous vegetation and the habitat of indigenous fauna	<p>Oppose</p> <p>DPL oppose this Schedule for the reasons stated within Policy 2.2.1 above.</p>	<ol style="list-style-type: none"> 1. Amend Schedule 5 Criteria for the assessment of the significance of indigenous vegetation and the habitat of indigenous fauna, as detailed within Policy 2.2.1 above. 2. Or any similar relief which achieves the same effect; and 3. Any consequential amendments required to give effect to this relief.
Schedule 8 Urban Growth Boundaries	<p>Oppose</p> <p>DPL opposes Schedule 8 for the reasons expressed in Section B and Policy 3.8.2 above and seeks that it be deleted.</p>	<ol style="list-style-type: none"> 1. Delete Schedule 8 2. Or any similar relief which achieves the same effect; and 3. Any consequential amendments required to give effect to this relief.