AgBoard
CLUTHA AGRICULTURAL DEVELOPMENT BOARD

126

Otago Regional Council

Private Bag 1954

Dunedin 9054

23rd July 2015

Dear Sir/Madam **: Re Submission on Regional Policy Statement for Otago**

Background

The Clutha Agricultural Development Board or now known locally as the AgBoard has been in existence for over 20 years. Over many years the Board have made many submissions to the ORC on various plans and reports. We have around 140 active current members consisting mainly of farmers and other associated rural agencies. Our farmer members have a strong vested interest in maintaining their own farm business and managing their environment prudently.

This submission will focus mainly on the soil resource, water quantity and biodiversity aspects.

The values of Otago's natural and physical resources are recognised, maintained and enhanced Objective 2.1 page 26 onwards

Regarding water policy 2.1.1, 2.1.2, 2.1.3. In general we support these policies. However the use of the word degraded in 2.1.1 (f) and 2.1.2 (c) needs clarification. What is the basis for assuming a water body has degraded?. Does degraded mean if the quality is greater than what the Plan Change 6a –Water Plan requires in Schedule 15 (table 1 and 2) and schedule 16. Or in other words the receiving waters exceed the levels set out in table 2.

Recommend that a qualifier is used to outline what degradation means and or define it better in the RPS Glossary.

Regarding Policy 2.1.5 Managing for soil values.

There appears to be a lack of understanding what soil values mean and what this may involve to ensure sustainable soils and farm systems continue in Otago. There is no mention of erosion of the soil anywhere in this section whether it be man induced or by natural means. There is considerable soil erosion occurring all the time on farmland and non farm land which can be initiated by gravity, wind, man induced and the like along with the water influence. The water influence on erosion is covered under policy 2.1.1 (o).

Recommend a similar policy be inserted as noted on policy 2.1.1 (o) in relation to the Land Use Capability class land subject to erosion (being mainly arable land) LUC class1-4 eg..

"Mitigate the adverse effects of natural hazards, including erosion (or more specific soil erosion)".

Under 2.1.5 part (b) and (c) it describes to maintain soil biodiversity and biological activity. These statements are considered insufficient in their intent as many soils in Otago at present may be below the threshold for biodiversity and biological activity due to for example poor drainage, site location, slope, parent material, their age to name some aspects. So just to maintain will not result in a long term sustainable soil system.

Recommended change for 2.1.5 is..

(b) Maintain and enhance soil biodiversity; and

(c) Maintain and enhance biological activity in soils; and

Section (j) states maintain highly valued soil resources. What does this mean to maintain. It is suggested the policy should be amended to take on board the importance of not only maintaining the resources but if it is "High Class" definition soil then it must be retained wherever possible and practical for primary production.

Recommended change for 2.1.5 (j) is..

"To maintain and retain highly valued soil resources"

Refer to Appendix one summary (page 4) which highlights facts on the present dilemma we have in Otago and New Zealand over the loss of High Class soils from urban expansion. It also summarises some of the terminology used to describe the classification systems and importance of soil for food production. Further discussion will be noted under highly valued soil resources p33.

Regarding Policy 2.1.6 Biodiversity values

We support these eight policies on page 30.

Further to section (h) re pest species we consider that more effort and initiative must go into promoting more integrated pest management (IPM). This includes cultural, biological, chemical and physical methods to be implemented as practical which in the long term will result in cost effective biodiversity management.

Recommend additional clause add in for 2.1.6 eg new section (i)

"Avoid and manage pest species by using Integrated Pest Control Methods".

Otago's significant and highly-valued natural resources are identified, and protected or enhanced Objective 2.2

Policy 2.2.14 Identifying highly valued soil resources page 38

In association with the four criteria listed to identify areas of highly valued soil resources it is recommended that the terminology used in the Glossary (on page 148) be further refined to be consistent with the terminology used elsewhere in NZ especially on District Plans. It may be desirable to discuss this matter with Landcare Research soil scientists at the Canterbury Science centre. For example the term "Highly valued soils" is not consistent with "High Class soils" in particular in relation to Environment Court hearings.

Recommended that the following amendment be included in the definition of Highly versatile soils (page 148):

"Land classified as Land Use Capability 1 or 2 **and 3e** in the New Zealand Land Resource Inventory". Refer to this explanation on **Appendix one** of this submission on using LUC 3e.

Policy 2.2.15 regarding section (d) in relation to location and proximity of urban development.

Recommendation. That this sentence (d) be deleted.
Explanation: This statement is very open and allows easy scope for expansion onto the best High Class soils even if they are the most versatile soils in Otago with minimal limitations.

Urban growth is well designed and integrates effectively with adjoining urban and rural environments Objective 3.8 page 67

Policy 3.8.3 (b) 2 in relation to versatile soils page 69

Wherever possible urban subdivision must not be allowed to develop onto versatile and/or High Class soils. This statement should be closely linked in with the suggested change above to policy 2.2.15 section (d). (ie delete this statement or refine it in 3.8.3 (b) 2).

The AgBoard hopes the Council will consider and take on board the matters raised in this submission.

We do not wish to be present to discuss our submission.

Yours sincerely

Dave Inder

Chairman

Contact for Dave Inder is: 03 418 2129 or 021 1765342)

Appendix one

A brief Overview of High Class soils and soil quality in Otago

This brief overview is to provide a better understanding of some of the criteria and parameters when identifying and classifying soils for high value primary production. The terminology used is also discussed with some background data on urban expansion onto High Class soil areas in NZ & Otago.

Land Use Capability summary for Otago

LUC 1	3.09	(000 ha)	1.6 % of national total
LUC 2	47.27	(000ha)	3.9 % of national total
LUC 3	342.90	(000ha)	14.1% of national total
LUC 4	431.02	(000ha)	15.6% of national total

LUC Class 1-4 are classified as suitable for arable use

LUC Class 1 and 2 are also called highly versatile soils.

A general definition of High Class land (modified from McIntosh 1995 and updated by T Webb Landcare research) is..

'Land that is capable of being used intensively to produce a wide variety of crops, including arable crops'

A specific definition of high class land is:

Land that meets all the topographic, climatic and soil attributes within the definition of high class land in table 1 (after T H Webb and others paper).

High class land should have high versatility. **Versatility** is defined as the ability of land to support production and management of a range of crops on sustained yield basis, according to specified requirements (Webb and Wilson 1994). High versatility ensures that a wide range of plants may be grown for commercial purposes within an agro-climatic area. Versatile soils are rare in NZ (accounting for only about 5.5% of NZ).

Furthermore, it is also important to note that most but not all, LUC classes 1 and 2 qualify as high class land. LUC 3 and 4 provide a very small proportion in NZ.

Chapman states that "Versatile soils are classified as LUC 1, 2 or 3e on the NZ Land Inventory Worksheets (as amended in the 1986 second edition), provided that land classified as class 3e is further described as containing well drained and moderately well drained soil, in accordance with the Soil Description Handbook (by Milne et al).

The Dunedin City Council District Plan describes High Class soils as:
"Soils that are capable of being used intensively to produce a wide variety of plants including horticultural crops. This requires good soil and other resource features, including land and climatic factors, soil physical factors, soil water factors and soil chemical factors that in combination are capable of producing a wide range of crops.

Judge Treadwell has also provide some interesting definition/clarification on High Class soils.

Present Inventory and losses of High Class land in NZ and Otago
While urbanisation has long been a cause of concern for the loss of high quality food production land, lifestyle blocks have more recently received attention as potentially locking productive land out of future production (R. Andrew and JR Dymond).

Total High class land in Otago including all the criteria used to classify it was 87.8 (000ha) of which 0.4% of the High Class land is now occupied by urban development. Putting it another way this means that 21% of new urbanisation in Otago is now on High Class land.

With respect to Lifestyle blocks in Otago it is estimated that 10% of High Class land is occupied by lifestyle blocks. Loss of high class land to lifestyle block development has far outstripped loss to urbanisation in recent years. In NZ this equates to one-tenth of NZ most productive land has already been converted to lifestyle sections, and this has increased rapidly in the last ten years.

References cited
Andrew, R; Dymond, J. R 2012: Expansion of lifestyle blocks and urban area onto high-class land: an update for planning and policy. Landcare Research Palmerston North. 13 Dec 2012.

Chapman, R.K 2010. Soil Assessment for the Kingseat Village Structure Plan site-May 2010. Evidence submitted to Franklin District Council.

Dan Bloomer 2011, Versatile Soils-Productive Land. Report to Hawkes Bay Regional Council.

McIntosh, P. D. 1995 : Defining high class soils. New Zealand soil News 43; 106-107

Milne, J.D.G; Clayden, B; Singelton, P.L; Wilson, A. D. 1995: Soil Description Handbook (revised edition) Manaaki Whenua Press, Lincoln, New Zealand.

Rutledge, D. T; et al 2010: Thought for Food: Impacts of urbanisation trends on soil resource availability in New Zealand. Proceedings NZ Grassland Association Conference 72.

Treadwell. Environment Court. W142/96 Canterbury Regional Council vs Selwyn District Council.

Webb, T. W; Jessen, M. R; McLeod, M; Wilde, R. H: Identification of High Class Land.

Webb, T.H; Wilson, A. D. 1995. A Manual of land characteristics for land evaluation of rural land. Landcare Research Science Series 10. 32p.

Note. The above papers can be provided from the AgBoard if required.

127

SUBMISSION ON THE PROPOSED OTAGO REGIONAL POLICY STATEMENT

SUBMITTERDETAILS:

FULL NAME:	Environmental Defence Society Incorporated
ADDRESS FOR SERVICE:	PO Box 91736, Victoria Street West, Auckland 1042
CONTACT:	Madeleine Cochrane Wright
TELEPHONE:	09 480 2565
EMAIL:	madeleine@eds.org.nz

SUBMISSION

A. This is a submission on the proposed Otago Regional Policy Statement (**PRPS**).

B. The Environmental Defence Society (**EDS**) could not gain an advantage in trade competition through this submission.

C. EDS wishes to be heard in support of this submission.

D. If others present a similar case EDS will consider presenting a joint case at hearing.

E. EDS's submission is as follows:

(a) EDS is a not-for-profit, non-government national environmental organisation. EDS was established in 1971 with the objective of bringing together the disciplines of law, science and planning in order to promote better environmental outcomes in resource management. EDS has been active in assessing the effectiveness of the RMA and planning documents in addressing key environmental issues include landscape protection, coastal management and water quality.

(b) Overall EDS seeks that the Otago Regional Council (**Council**) withdraws the PRPS in order for it to be redrafted and then re-notified in a form that meets the requirements of the RMA. Alternatively, EDS seeks that the PRPS is substantially revised in order to respond to the points raised in this submission. EDS considers that unless it is substantially revised the PRPS:

(i) Will not promote the sustainable management of resources;

(ii) Will be inconsistent with the resource management principles in Part 2 RMA;

(iii) Will fail to give effect to the New Zealand Coastal Policy Statement 2010 **(NZCPS)** and the National Policy Statement for Freshwater Management 2014 **(NPSFM)**;

(iv) Will represent a failure of the Council to fulfil its functions under section 30 RMA;

(v) Will fail to achieve the designated purpose of the PRPS to achieve the purpose of the RMA, and to achieve the integrated management of the natural and physical resources of the Otago regional in accordance with section 59 RMA;

(vi) Will variously be inappropriate, unnecessary and contrary to sound resource management practice;

(vii) Will not warrant confirmation under section 32 RMA; and

(viii) Will allow the generation of significant adverse effects on the environment that warrant being addressed through PRPS provisions.

F. The high-level, underlying concerns and the specific provisions of the PRPS that this submission addresses are set out in **Annexure 1**. Without detracting from the generality of the above, EDS incorporates that annexure into this submission and relies on the points made in it.

G. Examples of provisions of second generation RPSs which have recently gone through the appeals process, and from the proposed Auckland Unitary Plan[1] are set out in **Annexure 2**.

H. EDS seeks the following relief from Council:

(a) That the PRPS be withdrawn; or

(b) That the PRPS be amended so as to promote the sustainable management of natural and physical resources in the region, to comply with the RMA and to give effect to the relevant national policy statements;

(c) The relief in **Annexure 1** or alternative relief/wordings which respond to the issues raised, such as in the examples provided in **Annexure 2**; and

(d) Such other relief as is considered necessary to address the concerns set out in this submission.

CONTENTS – ANNEXURE 1

CONTENTS – ANNEXURE 2

Madeleine Cochrane Wright – 24 July 2015

[1] The PAUP provisions provided as examples include the track changes proposed by EDS.
[2] The Waikato RPS has proceeded through the mediation and court process. The majority of consent orders have been sealed by the Environment Court. At the timing of filing a consolidated version of provisions was not available.
[3] The Northland RPS has proceeded through the mediation and court process. Apart from an isolated issue remaining relating to GMOs the provisions provided have been agreed to by all relevant parties.

Annexure 1

GENERAL SUBMISSIONS

Structure of the PRPS

1. The PRPS is the primary instrument under the RMA to achieve the integrated management of natural and physical resources[4]. It must identify significant resource management issues faced by the region and objectives, policies and methods (with explanations) to respond to those issues.[5] It must give effect to the NZCPS and the NPSFM.[6] It is required to address the matters of national importance set out in section 6 RMA. In its final form the PRPS will be "the heart of resource management"[7] in the Otago region. As such, it is critical that it is well structured and easy to follow. EDS has serious concerns regarding the structure of the PRPS as follows:

Issues

2. The PRPS fails to identify significant resource management issues for the Otago region. Instead it is structured around four "key outcomes"[8]. The identification of the region's significant resource and environmental issues is critical. The identified issues drive the subsequent objectives, policies and methods which are developed specifically to address those issues.[9] The failure to identify clear issues faced by key resources/environmental areas has left the PRPS opaque and disjointed. Key resources are addressed at random. Different elements of identification and management of a singular resource fall under different "key outcomes". As a result it is extremely difficult to pinpoint all the relevant provisions to a specific resource, and to identify how that resource is to be controlled and managed.

Objectives

3. Objectives state the environmental outcomes that are to be achieved in order to resolve the regional issues identified. They should clearly express what is to be achieved, where, when and by whom. They must address key decisions up front and decisively. They should indicate clear, realistic and measureable environmental bottom lines for the state of key regional resources.

4. EDS considers that the PRPS's objectives do not meet this standard. The PRPS fails to identify specific objectives for each specific resource. As a whole the objectives are extremely broad, and conflate numerous resources and environmental issues in a single objective. This is likely due to the fact that the objectives are not formulated in response to clearly identified issues.

Policies

5. Policies describe how a particular objective is, or group of objectives are, to be obtained.[10] They should describe what "course of action" is to be taken, where, by when, and by whom, to achieve the environmental outcomes specified in the objective.[11] They should be clear and specific and can be highly directive.

---

[4] *St Colomba's Environmental House Group v Hawkes Bay Regional Council* [1994] NZRMA [500].
[5] Section 62(1) RMA.
[6] Section 62(3) RMA.
[7] *North Shore City Council v Auckland Regional Council* [1994] NZRMA 521 and *Thomas v Bay of Plenty Regional Council* unreported, Environment Court, Christchurch, A011/08, 1 February 2008, Smith J at [70].
[8] 1) Kai Tahu values, rights and interests are recognised and kaitiakitaka is expressed. 2) Otago has high quality natural resources and ecosystems 3) Communities in Otago are resilient, safe and healthy. 4) People are able to use and enjoy Otago's natural and built environment.
[9] See section 62 RMA.
[10] *Re North Shore City Council* [1995] NZRMA 74.
[11] *Auckland Regional Council v North Shore City Council* [1995] 5 NZLR 18; [1995] NZRMA 242 (CA),

6. EDS considers that many of the PRPS's policies do not meet this standard. Many of the policies would be better classified as objectives, stating what is to be achieved rather than how it is to be achieved. Others do little more than paraphrase the requirements of higher order documents rather than interpret them into the regional or local context.[12]

Relief

7. EDS seeks that:

   (a) The PRPS is restructured into chapters each focusing on a key resource topic; freshwater, coastal environment, natural features and landscapes, biodiversity, air quality etc.

   (b) Each chapter be structured to logically progress from issues to objectives to policies to methods, and to include explanations for the provisions. This will make it easy for users to access relevant provisions and understand how provisions have been generated. New objectives, policies and methods are required in order for each resource to be adequately addressed. Specific examples are addressed below in relation to key areas of concern; however this issue arises across the entire plan.

   (c) Where necessary, catchment specific sub-chapters are included. These should include subtitles which match with the key resource topic titles to ensure clarity and consistency.

   (d) The inclusion of summary tables in each chapter. Summary tables display the issues for the topic, the objectives relating to each issue, the policies relating to the objective, and the methods for implementing each policy. They clearly identify how all the provisions under a topic fit together.

Required approach to plan-making: Environmental Defence Society v The New Zealand King Salmon Company Limited

8. The recent Supreme Court decision ***Environmental Defence Society v The New Zealand King Salmon Company Limited***[13] (***EDS v King Salmon***) requires a new approach to be taken to plan-making. The focus is on the operative decision-making provisions; in the case of regional policy statements sections 61 and 62 of the RMA. Section 62(3) of the RMA requires regional policy statements to give effect to the NZCPS and any relevant national policy statement. Where the NZCPS or a national policy statement is relevant the regional policy statement must give effect to it and there is no need to refer back to Part 2 RMA absent invalidity, incomplete coverage or uncertainty of meaning.[14]

9. The Supreme Court also clarified a range of other matters including: the meaning of the word "avoid" (as used in Section 5(2)(c) RMA and provisions of the NZCPS) is "not allow" or "prevent the occurrence of"[15] and the meaning of the word "inappropriate" depends on its context and in sections 6(a) and (b) should be interpreted against the backdrop of what is sought to be protected or preserved.[16] Polices which make use of the word "avoid" (such as policies 13 and 15 NZCPS) are firmly worded directives and constitute environmental bottom lines to which lower order planning documents must give effect.

10. The High Court has recently confirmed that the Supreme Court's findings in *EDS v King Salmon* are applicable to the NPS Freshwater.[17]

---

[12] *Wairoa River Canal Partnership v Auckland Regional Council* [2010] NZEnvc 309; (2010) 16 ELRNZ 152 at [3]-[4], [9]-[13], [34]-[36].
[13] *EDS v King Salmon* [2014] NZSC 41.
[14] *EDS v King Salmon*, at [90]
[15] *EDS v King Salmon*, at [96]
[16] *EDS v King Salmon*, at [100], [101] and [105]
[17] *Hawkes Bay and Eastern Fish and Game Councils v Hawkes Bay Regional Council* [2014] NZHC 3191 at [169] to [172].

SPECIFIC SUBMISSIONS

Overview

11. This submission focuses on the provisions relating to:

    (a) Freshwater;

    (b) Natural features and landscapes;

    (c) Natural character;

    (d) Coastal values; and

    (e) Biodiversity.

12. Given the confusing layout of the PRPS these submissions have identified the relevant provisions throughout the PRPS and grouped them under each topic heading.

Freshwater

General Response

13. Some of New Zealand's most outstanding freshwater bodies are located in the Otago region, for example Lake Wanaka, Lake Hayes, Lake Wakatipu, the Taieri, Clutha, Kawarau, Shotover and Waitaki Rivers, and the Bendigo and Waihola wetlands. Each is subject to a combination of specific environmental pressures. It is critical that the PRPS contains a robust policy framework to ensure that the region's freshwater bodies are adequately protected.

14. In relation to freshwater the PRPS must:

    (a) Recognise and provide for the relevant matters in section 6 RMA.

    (b) Give effect to the NPSFM.

    (c) Satisfy Council's functions in relation to freshwater set out in Section 30 RMA.

    (d) Identify issues, objectives, policies and methods in order to ensure (a), (b) and (c) are achieved.

15. As notified the PRPS does not fulfill these requirements for the following reasons:

    (a) The failure to identify regionally significant issues relating to freshwater.

    (b) The failure to identify objectives relating to freshwater, including provision for the environmental bottom lines in the NPSFM.

    (c) The failure to provide for the development of a freshwater management framework addressing water quality and water quantity as required under section CA NPSFM and which requires:

        i. Identify freshwater management units for all freshwater bodies within its region.

        ii. Identify the environmental, social, cultural and economic values of freshwater management units, including the compulsory values in the NPSFM, utilizing a process involving tangata whenua, stakeholders, and communities.

        iii. Develop freshwater objectives of each freshwater management unit in accordance with national guidance and reflecting the identified values.

        iv. Identify the relevant attributes applicable to achieving each freshwater objective.

        v. Set limits or targets and timeframes for their achievement.

        vi. Establish efficient allocation mechanisms to avoid over-allocation meet targets within time frames and phase out-over allocation

(d) The failure to provide policies and methods addressing the management of effects (including cumulative effects) of subdivision use and development to reduce impacts on water quality by for example:

i. Requiring adherence with limits/targets.

ii. Utilising stock exclusion mechanisms.

iii. Riparian planting.

iv. Controlling land use and intensification.

v. Controlling earthworks and land disturbance.

vi. Controlling sediment, point-source and non-point source discharges.

vii. Requiring the adoption of good management practices to minimize discharges.

viii. Managing storm water and wastewater.

(e) The failure to provide policies and methods addressing the management of effects (including cumulative effects) of subdivision, use and development to reduce impacts on water quantity by *inter alia*:

i. Not allowing new takes in catchments which are over-allocated.

ii. Including mechanisms to manage allocation in catchments near over-allocation.

iii. Utilsing common review dates to allow for the assessment of adverse cumulative effects on flows and levels.

iv. Providing for the phase out of over-allocation of surface and groundwater by methods which include shared reductions across the catchment by consent review, when consent expires.

v. Identifying how water use will be restricted during water shortages.

(f) The failure to recognize and provide for the preservation of the natural character of wetlands, and lakes and rivers and their margins, and their protection from inappropriate subdivision, use and development. Section 6(a) RMA does not distinguish between the natural character of the coastal environment and the natural character of wetlands etc. The same management approach should be applied to areas of high and outstanding natural character in these environments: avoidance of adverse effects on outstanding areas and avoidance of significant adverse effects, and avoidance, remediation and mitigation of other adverse effects in other areas.

(g) The focus on the protection of outstanding wetlands. The protection afforded to wetlands under Objectives A2 and B4 is not limited to "outstanding" wetlands. The "significant values" of all wetlands are protected.

16. EDS seeks that the PRPS is restructured to include a chapter focused on freshwater and incorporating the necessary provisions to respond to these submissions. Examples of freshwater provisions are **attached** in **Annexure 2-A**.

Response to specific provisions

Provision	Submission	Support/Oppose	Relief Sought
Objective 2.1 The values of Otago's natural and physical resources are recognised, maintained and enhanced	Objective 2.1 fails to clearly identify what is to be achieved, where, when and by whom. It is extremely general and high level. It fails to identify a specific goal for each specific environmental element. It	Oppose in part.	That specific measureable objectives are developed specifically addressing freshwater. Covering *inter alia:* a. The safeguarding of the life-supporting

	is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the Otago region.		capacities, ecosystem process and indigenous species and their associated ecosystems of freshwater. b. Avoiding further over-allocation and phasing out existing over-allocation. c. Improving and maximizing the efficient allocation and efficient use of water. d. Protecting significant values of wetlands and of outstanding freshwater bodies. For example, see provisions attached in **Annexure 2-A**.
Policy 2.1.1 Managing freshwater values	Policy 2.1.1 is more of an objective than a policy. It grounds the overarching objective stated in Objective 2.1 in the context of freshwater and sets out intended environmental outcomes. It does not provide a "course of action" for how specific outcomes are to be achieved. It covers a large number of freshwater goals. These should be specified individually, with specific policies and methods detailing how they are to be achieved. The policy refers to management of freshwater in order to achieve a list of outcomes. It does not provide any direction as to what should be managed. It should refer to managing allocation, use, damming or diversion, the discharge of contaminants and the subdivision, use and	Support in part.	Amend Policy 2.1.1 as follows: a. Re-classify as a series of objectives identifying the key freshwater outcomes sought. Appropriate policies will needed to complement each objective. b. Amend the chapeau to identify the activities which need to be managed in order to achieve the outcomes sought in clauses (a) – (p). c. Amend clause (c) to clarify that protection of the significant values of <u>all</u> wetlands is required. d. Amend clause (g) to clarify the relationship between coastal and freshwater values, for example, through identifying transition areas where fresh and coastal waters intersect. e. Amend clause (l) to

	development of land. Clauses (a) and (b) are supported. They are consistent with Objectives A1(a) and B1 NPSFM. Clause (c) is supported in part. The protection of outstanding water bodies is consistent with Objectives A2 and B4 NPSFM. However, the protection of wetlands in the NPSFM[18] is focused on the significant values of all wetlands not just those that are outstanding. Clause (f) is supported. It is consistent with the requirement in Objective A2 NPSFM to maintain or improve the overall quality of fresh water within the region. Clause (g) is supported in principle. It is appropriate to locate this matter in the context of freshwater as it is predominately land use and freshwater which impact coastal water quality through runoff and sediment. However this relationship between coastal and freshwater values could be clearer. Clause (h) is supported. Clause (i) is supported. It is consistent with Section 14(3)(b)(i) RMA which provides for the take and use of water for domestic needs, the NES Sources of Drinking Water and Objective A1(a) NPSFM. Clause (l) is supported in part. It should refer to		refer to maintenance of water quality and other freshwater attributes such as flow, required for recreation purposes. f. Amend clause (k) to refer to preventing pest species as far as possible. g. Amend clause (p) to provide for the maintenance of existing infrastructure within freshwater limits.

[18] Objectives A2(b) and B4 NPSFM.

	maintenance of water quality and other freshwater attributes such as flow, required for recreation purposes. Clause (k) is supported is supported in part. Unfortunately, the spreading of pest species cannot be completely avoided. This should refer to preventing pest species as far as possible. Clause (p) is supported in part. Although it is important for existing infrastructure to continue to function it must operate within freshwater limits.[19] This should be specified.		
Policy 2.1.2 Managing the values of beds of rivers and lakes, wetlands, and their margins	Policy 2.1.2 is more of an objective than a policy. It does not provide a "course of action". As with Policy 2.1.1 clause (a)-(l) identify a series of goals specific to freshwater bodies, many of which repeat the outcomes identified in that policy. Clause (a) is supported in part. Clarification is required as to what "natural functioning" encompasses. Clauses (b), (c), (g), (h), and (j) are subject to the same concerns as their counterparts identified and addressed above. Clause (d) is supported in part. Enhancement of ecosystem health of all biodiversity should be required. Objective A2 NPSFM requires that		Amend Policy 2.1.2 as follows: h. Re-classify as a series of objectives where appropriate identifying the key freshwater outcomes sought. Appropriate policies will need to complement each objective. a. Amend clauses (a)-(l) to respond to the concerns outlined.

[19] There are currently no exceptions to the NPSFM specified in Appendix 3 of that document.

	freshwater is maintained or improved, while protecting the significant values of freshwater. The ecosystems and biodiversity of freshwater are critical values. Their enhancement is a key factor in achieving improvement of overall water quality. Pursuant to section 30(c)(iia) RMA the Council is charged with both maintaining and enhancing freshwater ecosystems. Clause (f) is supported in part. Enhancement as well as maintenance of habitats should be required. Clause (f) and (i) are supported in part. Further clarity is required.		
Objective 2.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced	Objective 2.2 fails to clearly identify what is to be achieved, where, when and by whom. It is extremely general and high level. It fails to identify a specific goal for each specific environmental element. It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the Otago region.	Oppose in part.	That specific measureable objectives are developed specifically addressing freshwater
Policy 2.2.12 Identifying outstanding waterbodies and wetlands	The identification of outstanding freshwater bodies is supported. In order for these to be protected (Objective A2(a) and B4 NPSFM) they must be identified. However, the protection afforded to wetlands under the NPSFM	Support in part.	Amend Policy 2.2.12 as follows: a. Provide for the identification of the "significant values" of wetlands. b. Amend the criteria to clarify and expand the

	is not focused on outstanding wetlands, but on the significant values of all wetlands. This distinction must be recognized in the PRPS. The identification criteria are extremely broad and highly subjective. They are premised on the "significance" of the listed considerations but provide no direction as to how to determine when those values have reached the significant threshold. The PRPS does not who will undertake the identification procedure.		specific "values" relevant under each sub clause to provide greater direction. Two different sets of criteria are required, one for identifying significant values, and one for identifying the outstandingness of waterbodies. As with the other identification in the PRPS it may be most appropriate to include these criteria within a schedule to the PRPS. (For example, see Policy 8.2 of the Waikato Regional Policy Statement in **Annexure 2-A**.) c. Amend to specify that the Regional Council will identify outstanding freshwater bodies, and significant values of wetlands.
Policy 2.2.13 Managing outstanding waterbodies and wetlands	Managing outstanding water bodies and wetlands is critical to ensuring they are protected and preserved. However as worded Policy 2.2.13 has a number of substantial flaws: a. The chapeau to Policy 2.2.13 specifies a goal as opposed to a course of action. It is more appropriately classified as an objective. b. The requirement in clause (a) to avoid significant adverse effects is inadequate. All adverse effects should be avoided in these areas. c. The focus on outstanding wetlands is incorrect. The 'significant values' of all wetlands are to be protected.	Support in part.	Amend the PRPS to: a. Include specific freshwater objectives, including objectives relating to freshwater bodies and wetlands. b. Require avoidance of permanent loss of significant values of wetlands and outstanding fresh water bodies. c. Require the avoidance of all adverse effects on these areas. d. Identify what activities the effects of which need to be avoided. e. Require enhancement of freshwater bodies and wetlands.

	d. The policy fails to identify the activities, the effects of which need to be avoided. e. The identification of criteria for assessing the significance of adverse effects can be useful depending on the quality of the criteria. However, as stated above all adverse effects on the significant values of wetlands and outstanding freshwater bodies should be avoided. f. The enhancement of freshwater bodies and wetlands should be required, not encouraged (s7(f), s30(1)(c)(ii) and (iv) RMA).		
Objective 2.3 Natural resource systems and their interdependencies are recognized	Objective 2.3 fails to clearly identify what is to be achieved, where, when and by whom. It is extremely general and high level. It fails to identify a specific goal for each specific environmental element. It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the Otago region.	Support in part	That specific measureable objectives are developed specifically addressing freshwater.
Policy 2.3.3 Applying an integrated management approach to freshwater catchments	Integrated management between catchments, and between land use and freshwater is supported in principle. However, Policy 2.3.3 is more of an objective than a policy and fails identify how clearly identify how an integrated	Support in part.	Amend Policy 2.3.3 as follows: a. Identify how the physical characteristics of freshwater bodies in (b) relate to and are used to achieve integrated management. b. Identify specific actions

	approach to managing freshwater catchments is to be achieved. Specifically: a. The use of consistent freshwater objectives between interconnected waterbodies supported, however the PRPS contains no provisions providing for the process of developing these objectives. b. The requirement to recognize morphology etc. is non-directive. It provides no guidance as to how these natural factors contribute to integrated management. c. The maintenance and enhancement of freshwater values etc. identified in (c) is generally supported, however these are the underlying goals integrated management should achieve. Policy 2.3.3 should identify what specific actions need to be taken to achieve integrated management. For example, controlling land use and discharges.		necessary to achieve integrated management between catchments.
Policy 4.3.2 Managing land use change in dry catchments	The management of dry catchments is strongly supported. This is an important course of action to ensure that freshwater quantity objectives and limits are achieved. However EDS holds the following concerns: a. Policy 4.3.2 requires avoidance of significant reduction in water yield. Section 30(1)(a)(iii) RMA requires water quantity be	Support in part	Amend Policy 4.3.2 as follows: a. Amend the chapeau to require avoidance of permanent reduction in water yield. b. Amend to identify other activities requiring management in dry catchments and specifying how they are to be managed. c. Include additional policies addressing providing a course of action for other, specific

	maintained. Avoidance of permanent reduction in water yield is more appropriate. b. Currently the management tools available are restricted to the activities identified in clauses (a) and (b). There are other activities, such as farming and horticulture, the management of which is critical in dry catchments. c. Land use management for achieving freshwater outcomes should not be limited to dry catchment. Additional specific polices are required to address other key freshwater issues such as sediment runoff.		freshwater issues (discussed in the freshwater overview above).
Objective 4.4 Otago's communities can make the most of the natural and build resources available for use	Objective 2.2 fails to clearly identify what is to be achieved, where, when and by whom. It is extremely general and high level. It fails to identify a specific goal for each specific environmental element. It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the Otago region.	Oppose in part.	That specific measureable objectives are developed specifically addressing freshwater.
Policy 4.4.1 Ensuring efficient water allocation and use	The efficient allocation and use of water is supported (Objective B4 NPSMF). However, the PRPS fails to	Support in part.	Amend Policy 4.4.1 to specify that the courses of action identified as necessary to achieve efficient allocation

	identify that the use and allocation of water must occur within allocation limits, set to give effect to environmental bottom lines (Policy B2 NPSFM).		must occur within identified allocation limits, and must give effect to environmental bottom lines.
Policy 4.4.3 Encouraging environmental enhancement	Enhancement of the natural environment is supported. However, in many of the listed activities encouragement of enhancement or improvement is insufficient. For example, in over-allocated areas the natural environment will need to be enhanced in order for water quality to be improved. In this instance activities will be required to be undertaken within specific parameters in order to achieve this outcome. Enhancement should only be encouraged in areas where maintenance of water quality etc. is acceptable (i.e. in areas where water quality and ecosystem health are good) It is not clear whether Policy 4.4.3 is referring to the encouragement additional, voluntary activities, on top of subdivision, use and development, which will help to enhance the natural environment.	Support in part.	Amend Policy 4.4.3 to: a. Clarify that enhancement is encouraged when the natural environment when the base level water quality is within the allocated limit and required when in over-allocated areas.
Objective 4.5 Adverse effects of using and enjoying Otago's natural and built environment are minimized.	Objective 4.5 fails to clearly identify what is to be achieved, where, when and by whom. It is extremely general and high level. It fails to identify a specific goal for each specific environmental element. It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural	Oppose in part.	That specific measureable objectives are developed specifically addressing freshwater.

	character. The PRPS fails to identify clear objectives for freshwater in the Otago region.		
Policy 4.5.1 Avoiding objectionable discharges	The avoidance of objectionable discharges is strongly supported in principle. However EDS has the following concerns: a. Although avoidance of discharges is an admirable goal, the reality is that from many activities discharges of animal waste are inevitable. The focus should be on controlling discharges in order to give effect to freshwater objectives and within allocation limits. b. Avoidance of discharges is only required if they are offensive to tangata whenua or the wider community. This fails to give effect to mandatory environmental bottom lines. The focus of controlling discharges should be on the life-supporting capacities of freshwater bodies, preventing degradation of water quality and avoidance of over-allocation (Objectives A1 and A2 NPSFM). c. The policy fails to address both point source and non-point source discharges. Both of which compromise water quality and which	Support in part.	Amend as follows: a. Provide for the control of animal waste discharges in order to effect to freshwater objectives and within allocation limits. b. Include specific policies or methods relating to the control of point source discharges, non-point source discharges and riparian planting.

	require different management techniques. d. The policy could potentially be better utilized as a specific method, supporting a policy focused on management of adverse effects of activities.		

Natural Features and Landscapes

General Response

17. There are several statutory and policy provisions which apply to the management of landscape values within the Otago region, and which the PRPS Plan needs to give effect to. These include:

    (a) Section 6(b) of the RMA which requires "the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development".

    (b) Section 7 of the RMA which refers to "the maintenance and enhancement of amenity values".

    (c) Policy 15 NZCPS which addresses the protection of natural features and natural landscapes (including seascapes) Policy 15 requires the avoidance of adverse effects on outstanding natural features and landscapes (**ONFL**), and avoidance of significant adverse effects, and avoidance, remediation or mitigation of other adverse effects on other natural features and landscapes.

18. The PRPS does not include maps identifying ONFLs. EDS considers that identification of ONFLs through mapping should be preferred because they enable the strategic direction in RPSs to be clearly articulated and provide a high degree of certainty. In the absence of mapping, clear and comprehensive assessment identification criteria are critical to ensure consistency. The criteria in Schedule 4 PRPS are consistent with the features identified Policy 15 NZCPS and are supported subject to the additions discussed below.

19. The level of protection given to ONFLs is not sufficient to effectively ensure their protection from individual or cumulative impacts, and does fulfil the above requirements for the following reasons:

    (a) The failure to identify regionally significant issues relating to ONFLs.

    (b) The failure to identify objectives relating to ONFLs.

    (c) The failure to provide polices and methods which clearly identify the activities which must be managed and how in order to protect the integrity of ONFLs and amenity landscapes.

20. EDS seeks that the PRPS is restructured to include a chapter focused on ONFLs and incorporating the necessary provisions to respond to these submissions. Examples of ONFL provisions are **attached** in **Annexure 2-B.**

Response to specific provisions

Provision	Submission	Support/Oppose	Relief Sought
Objective 2.1 The values of Otago's natural and physical resources are recognised,	It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the	Oppose in part.	Develop specific objectives relating to ONFLs. See examples in **Annexure 2-B**.

maintained and enhanced	Otago region.		
Policy 2.1.7 Recognising the values of natural features, landscapes and seascapes	The intended utility of Policy 2.1.7 is not clear given that it does nothing other than repeat the identification criteria in Schedule 4.	Oppose.	Delete.
Objective 2.2 Otago's significant and highly valued resources are identified, and protected or enhanced.	It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the Otago region.	Oppose in part.	Develop specific objectives relating to ONFLs. See examples in **Annexure 2-B**.
Policy 2.2.3 Identify outstanding natural features, landscapes and seascapes	The identification of ONFLs is supported. EDS's preferred approach is for ONFLs to be mapped and incorporated into the RPS. This ensures consistency in identification. In the absence of mapping comprehensive and clear criteria are required. These are set out in Schedule 4 which is discussed below.	Support	Retain. Insert an identification methodology to support the criteria.
Policy 2.2.4 Managing outstanding natural features, landscapes and seascapes	Policy 2.2.4 is supported in principal. However EDS holds a number of concerns as follows: a. The protection of ONFLS is supported. However, the policy fails to identify what they are being protected from. This is more of an objective than a policy. b. The restoration and enhancement of ONFLs is supported where it is consistent with the identified outstanding values. This is more of an objective than a policy. c. The policy attempts to cover a number of different courses of action which should be divided into individual policies. d. The avoidance of adverse effects on ONFLS is	Support in part	Amend to: a. Restructure Policy 2.2.4 to comprise of: i. An objective seeking to protect ONFLs from inappropriate subdivision, use and development. ii. An objective seeking to promote restoration and enhancement of ONFLs. iii. Deletion of clause (c). iii. The division and reworking of clauses (a) – (f) into a suite of policies responding to the concerns outlined. See examples in **Annexure 2-B**.

	supported. However (a) identifies avoidance of adverse effects on values which contribute to the significance of the ONFLs. This is incorrect. The focus in this context is on the "outstandingness" of the area. e. The policy fails to identify the need to avoid cumulative adverse effects. f. It is not clear what is intended by the requirement avoid, remedy or mitigate other adverse effects on other values. There is no guidance as to what these "other values" are. g. There is no direction as to how avoidance of adverse effects is to be achieved i.e. what activities are to managed, how and what matters are relevant to identification and avoidance of adverse effects .		
Policy 2.2.5 Identifying special amenity landscapes and highly valued natural features	The identification of amenity landscapes is supported. In the absence of mapping comprehensive and clear criteria are required. These are set out in Schedule 4 which is discussed below.	Support.	Retain.
Policy 2.2.6 Managing special amenity landscapes and high valued natural landscapes.	The intent of the policy is supported. EDS makes the following comments: a. Structurally the policy's chapeau reads more like an objective, and the following clause as individual policies. b. Avoidance of significant adverse effects on amenity landscapes is supported (section 7 RMA, Policy 15 RMA). c. The reference to "other values" in clause (b) is unclear. As currently		Amend Policy 2.2.6 to: a. Comprise of objectives and policies. b. Require avoidance of significant adverse effects of the values contributing to the identification of amenity landscapes, and to avoid, remedy or mitigate all other effects <u>on those values</u>. c. Include addition policies identifying what activities (i.e. subdivision, use and development) need to be managed, and how in

	worded the policy appears to allow all effects other than significant effects on the values which contribute to the amenity value of the landscape. d. The inclusion of criteria to assess the significance of effects is supported in principle. However this depends on the quality of the criteria which is addressed below. e. The policy fails to identify the need to avoid cumulative adverse effects.		order to avoid significant adverse effects. See examples in **Annexure 2-B**.

Coastal Environment

General response

21. Section 6(a) of the RMA requires *"the preservation of the natural character (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development"*. Section 6(c) of the RMA requires *"the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna"*. Section 6(d) of the RMA requires *"the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers"*.

22. The NZPCS provides more direction on how these and other provisions are to be implemented within the coastal environment, including how to protect natural character, coastal landscapes and biodiversity; how to effectively manage use and development to avoid cumulative effects; how to protect and enhance public access; how to address sedimentation; and how to manage coastal hazards.

23. The PAUP must 'give effect' to the requirements of the NZCPS.

24. EDS considers that the PRPS fails to implement the RMA, the purpose and content of a RPS and the NZCPS for the following reasons:

    (a) The PRPS fails to identify significant resource management issues faced by the Otago region in the coastal environment.

    (b) The PRPS fails to identify specific objectives for the coastal environment.

    (c) The PRPS fails to consider a number of policies of the NZCPS. As the guiding strategic document in the region it is imperative that it addresses all issues in the coastal space within RMA jurisdiction. Specifically, policies are required to (among other things):

        h. Provide for a precautionary approach to proposed activities whose effects on the coastal environment are uncertain, unknown or little understood, but with potentially significant adverse effects (Policy 3 NZCPS).

ii. Expand Policy 2.3.4 to provide for a comprehensive integrated management regime which identifies where and how to provide for future development in the coastal environment (Policy 7(1)(a) NZCPS).[20]

iii. Identify areas where particular activities and forms of subdivision use and development are inappropriate or require consent (Policy 7(1)(b) NZCPS).

iv. Identify what types of activities are inappropriate and provide criteria for determining the appropriateness of activities (Policy 6 NZCPS).

vi. Include provisions relating to aquaculture, reclamation, restoration of natural character areas and public access (Policies 8, 10, 14 and 18 NZCPS).

vii. Include provisions addressing coastal water quality identifying a clear course of action regarding identification of degraded areas, sedimentation issues and the discharge of contaminants into coastal waters.

25. EDS seeks that the PRPS is restructured to include a chapter focused on the coastal environment and incorporating the necessary provisions to respond to these submissions. Examples of ONFL provisions are **attached** in **Annexure 2-C.**

Response to specific provisions

Provision	Submission	Support/Oppose	Relief
Objective 2.1 The values of Otago's natural and physical resources are recognised, maintained and enhanced.	It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the Otago region.	Oppose in part.	Develop specific objectives relating to ONFLs. See examples in **Annexure 2-C**.
Policy 2.1.3 Managing coastal water values	This is more of an objective than a policy. The goals identified in clause (a)-(i) are generally supported, however they are extremely broad. Further information is required in order to ensure they are sufficiently specific, measureable, and give effect to the NZCPS.	Support in part.	Reclassify as part of a series of coastal specific objectives.
Policy 2.1.8 Recognising the values of natural character in the coastal environment	The identification of natural character areas is supported. It is important these criteria are clearly identified in the PRPS to ensure consistent identification across the region and its districts. The criteria provided align with the criteria in Policy 13(2) NZCPS. It is not clear why the identification criteria have been identified in the	Support in part.	Retain the identification criteria. Insert an identification methodology to complement the criteria. Relocate the criteria to a schedule and insert a cross-reference to that schedule.

[20] Policies 3.8.1 and 3.8.2 address the location of future urban areas but do not address the coastal environment. Nor do they clearly identify the need to adhere to environmental bottom lines in determining the location of future urban development.

	policy as opposed to a schedule, as has been used for other identification criteria.		
Objective 2.2 Otago's significant and highly-valued natural resources are identified and protected or enhanced	It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the Otago region.	Oppose in part.	Develop specific objectives relating to ONFLs. See examples in **Annexure 2-C**.
Policy 2.2.7 Identifying the landward extent of the coastal environment	The identification of the coastal environment is supported and is consistent with Policy 1 NZCPS. Although it is critical to identify the landward extent of the coastal environment, it should not be strictly limited to this. The coastal environment also includes, for example, islands and intertidal areas. Clause (a): The presence of coastal vegetation is an important determinant in identifying the coastal environment whether or not it is dominant. There are many coastal areas where coastal vegetation is not dominant, for example pasture. It is not clear why the identification criteria have been identified in the policy as opposed to a schedule, as has been used for other identification criteria.	Support in part.	Amend the identification criteria to respond to the concerns raised. Move the criteria to a schedule to achieve consistency in structure.
Policy 2.2.8 Identifying high and outstanding natural character areas in the coastal environment.	The identification of high and outstanding natural character areas is supported. This is consistent with section 6(a) RMA and Policy 13(1) NZCPS.	Retain	Include a methodology for the criteria. Move the criteria to a schedule for consistency in structure.
Policy 2.2.9 Managing the natural character of the coastal environment	This policy is supported in general. Clauses (a) and (b) are consistent with section 6(a) RMA and Policy 13 NZCPS. Clause (c) is supported in principle. This is dependent on the appropriateness of the criteria	Support in part	Amend clause (d) by deleting the phrase *"on other values".* Clarify the purpose of clause (e).

	provided. The reference in clause (d) to other values is unclear. It could be interpreted to suggest that there is not requirement to take action with respect to effects other than significant adverse effects on the high natural character values of an area. It is not clear why the contribution of introduced species is expressly addressed in clause (e).		
Policy 2.2.10 and Policy 2.2.11 Identifying and managing surf breaks of national importance	This policy is supported in principle. It is important to identify the breaks not only by name but by spatial extent. Policy 2.2.11 PRPS and Policy 16 NZCPS require avoidance of adverse effects on the natural and physical processes contributing to the breaks existence. Many of the natural formations and processes contributing to surf breaks occur under the water, and often at relatively significant distances from the visible break itself.	Support in part.	Map the spatial extent of the critical natural process area of the identified surf breaks. Or, provide criteria for the identification of the ambit of the natural process area of the surf break in an additional schedule.
Policy 2.3.4 Integrated management in the coastal environment	The policy is supported in principle. However, it is extremely broad and provides little guidance as to what integrated management means, how it is to be achieved, or on the application of environmental bottom lines.	Support in part	Amend to include a suit of policies to achieve integrated management in the coastal environment and give effect to the NZCPS, as discussed above.

Biodiversity and Significant Ecological Areas

General response

26. New Zealand's biodiversity is in a state of crisis and continuing to decline and the Otago region is no exception. Both the persistence of biodiversity and ecosystem function must be protected as the Otago region grows and diversifies. EDS considers that the provisions in the PRPS do not go far enough to ensure that this occurs.

27. The PRPS must implement the Council's functions which include:

(a) Safeguarding the life supporting capacities of air, water, soil and ecosystems (section 5(2)(b) RMA).

(b) The protection of significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c) RMA).

(c) The establishment, implementation and review of objectives, policies and methods for maintaining indigenous biological diversity.

(d) The control of any actual or potential effects of the use and development, or protection of land for the purpose of maintenance of indigenous biological diversity.

(e) Giving effect to the environmental bottom lines in Policy 11 NZCPS.

28. In addition biodiversity contributes to freshwater, natural character, landscape and amenity values, all of which are addressed above.

29. EDS supports a number of the relevant provisions in the PRPS, for example the requirement to achieve no-net-loss in biodiversity. However, EDS considers that the PRPS fails to provide sufficient policy direct to achieve the requirements above for the following reasons:

(a) The PRPS fails to identify specific resource management issues relating to biodiversity and SEAs.

(b) The PRPS fails to identify specific objectives relating to biodiversity and SEAs.

(c) The PRPS fails to include provisions relating to biodiversity and SEAs in the marine environment. Provisions are required to implement Policy 11 NZCPS and to provide specific criteria for the identification of SEAs in the coastal environment.

(d) The PRPS fails to include provisions identifying activities which adversely affect biodiversity and SEA areas and to provide a course of action in order to respond to these.

(e) The criteria for a valid biodiversity offset and for assessing "significance" are incomplete and/or insufficiently specific.

30. EDS seeks that the PRPS is restructured to include a chapter focused on the coastal environment and incorporating the necessary provisions to respond to these submissions. Examples of biodiversity and SEA provisions are **attached** in **Annexure 2-D.**

Response to specific provisions

Provision	Submission	Support/Oppose	Relief
SEAs			
Objective 2.2 The values of Otago's natural and physical resources are recognised, maintained and enhanced.	It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the Otago region.	Oppose in part.	Develop specific objectives relating to biodiversity and SEAs. See examples in **Annexure 2-D**.
Policy 2.2.1 Identifying SEAs	Identifying SEAs is supported. It is critical that the RPS provide robust and comprehensive criteria. EDS's response to the criteria is addressed below.	Support	Retain
Policy 2.2.2 Managing significant SEAs	The direction to protect and enhance the values of SEAs is supported. It is consistent with sections 6(c), 7(d) and 7(F) RMA. Clauses (a) and (b) are supported. Clause (c) is supported in principle. Its adequacy will turn on the appropriateness of the identified criteria. Clauses (e) and (d) are opposed. It is not clear that remediation and	Support in part.	Delete clauses (e) and (d) and amend clause (b) to reading: *"Avoiding significant adverse effects <u>of inappropriate subdivision, use and development</u> on other values of the area or habitat <u>and avoid, remedy or mitigate other adverse effects</u>.*

	mitigation are only appropriate in situations where avoidance of adverse effects is not required.		
Biodiversity			
Objective 2.1 The values of Otago's natural and physical resources are recognised, maintained or enhanced	It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the Otago region.	Oppose in part.	Develop specific objectives relating to biodiversity and SEAs. See examples in **Annexure 2-D**.
Policy 2.1.6 Managing for ecosystems and indigenous biodiversity	This policy is more readily classified as an objective, or series of objectives. Clause (a) is supported in principle. It is consistent with section 30(1)(ga). Amendments are required in order to improve clarity over what is to be maintained and enhanced. Clause (f) is opposed. The purpose of maintaining habitations and ecosystems should not be focused on commercial gains or recreational uses.	Support in part.	Reclassify as a serious of objectives. Amend clause (a) as follows: *Objective: Maintain the full range of ecosystem and habitat types in the region and maintain or enhance their spatial extent and ecosystem health and functioning.* Delete clause (f).
Objective 4.5 Adverse effects of using and enjoying Otago's natural and built environment are minimise	It is highly unusual to have one objective covering freshwater, coastal water, air, soil, biodiversity, landscape and natural character. The PRPS fails to identify clear objectives for freshwater in the Otago region.	Oppose in part.	Develop specific objectives relating to biodiversity and SEAs. See examples in **Annexure 2-D**.
Policy 4.5.7 Enabling offsetting of indigenous biodiversity	The enablement of biodiversity offsetting is supported. However the intent of clause (a) is not clear. It appears to limit the use of offsetting to situations where the activities causing adverse effects have a functional need to locate in significant or outstanding areas. This is confusing and appears to a. Ignore environmental bottom lines and the requirement that adverse effects in those areas are avoided and so off-setting is not applicable.	Support in part	Delete clause (a). Amend to specify that in some locations avoidance of adverse effects is required. It is not appropriate to provide for remediation, mitigation or offsetting in those locations. Amend to specify when offsetting is required. For example, subdivision, use and development which effects indigenous biodiversity.

	b. Limit the use of off-setting to activities with a functional need to be in a certain place. It is not clear what this means The PRPS should specify when offsetting is required.		
Policy 4.5.8 Off-setting for indigenous biodiversity	Clause (a) and the requirement to achieve no net loss and preferably a net gain is supported. No net loss should be defined. Although offsetting is supported, as it is utulised to justify losses it must be applied carefully. Measures should only be considered offsetting if they comply with best practise principles. The parameters in clause (b)-(d) are relevant but they do not encapsulate the nest practise offsetting principles.	Support in part.	Define biodiversity offset:[21] *Measureable conservation outcomes resulting from actions which are designed to compensate for more than minor residual adverse effects on biodiversity, where those effects arise from an activity after appropriate prevention and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground with respect to species composition, habitat structure and ecosystem functions.* Define no net loss:[22] *The goal of biodiversity offsetting is to achieve no net loss and preferably a net gain of biodiversity on the ground with respect to:* - *Species abundance, population structure and composition (e.g. individual species or species groups)* - *Habitat structure (e.g. vegetation tiers, vegetation patters)* - *Ecosystem functions (e.g. nutrient cycling rates)* - *People's use of and cultural values associated with biodiversity* *No net loss in essence refers to the point at which biodiversity gains from targeted biodiversity management activities match the losses of biodiversity due to the impacts of a specific development project, so that there is no net*

[21] This definition is from the proposed NPS for indigenous biodiversity.
[22] This definition is based on the NZ Government Good Practice Guidance on Biodiversity Offsetting.

			reduction in the type, amount and condition (quality) of biodiversity. A net gain means that biodiversity gains exceed a specific set of losses associated with development. Add additional criteria to encapsulate all best practise offsetting principles. See **Annexure 2-D.**

Schedules

General submissions

31. EDS supports the use of criteria schedules in principle. As discussed above additional criteria schedules are sought. We also consider some amendments to the existing schedules are required.

Schedule 3

32. The amendments sought are:

(a) The introduction to the schedule should identify that the identification of significant adverse effects is only relevant in areas not subject to a requirement to avoid adverse effects.

(b) Consideration 2 should address the importance of proximate resources. Activities on areas adjacent to high values areas can also affect those areas.

(c) Consideration 3 should identify that "size" can refer to an activity located in a single area or multiple pockets of activities. For example, each individual housing unit of an application for 20 small hotel units may not be significant, but in combination they take up a significant area.

(d) Consideration 9 should identify how well the area can as absorb change.

Schedule 4

33. EDS supports the criteria however an assessment methodology is required. This should identify that the identification of ONFLS is a three step process comprising:[23]

(a) Identification of the landscape unit boundaries.

(b) Ascertaining whether a landscape is sufficiently natural, acknowledging that there is a spectrum of naturalness and that a landscape does not have to be pristine to be considered natural.

(c) Assessing whether the landscape is outstanding at a regional level, such that it is conspicuous, remarkable and stands out from the rest.

Schedule 5

34. The amendments sought are:

(a) Retention of the 5 criteria headings.

(b) Changes to align with, or substitution with EDS;s preferred wording as follows:

SIGNIFICANT ECOLOGICAL AREAS CRITERIA

Representativeness: Indigenous vegetation or indigenous fauna assemblages that are similar in structure and composition to the characteristic examples formerly present within the relevant ecological district, including mature and successional stages of vegetation, and degraded examples of vegetation or indigenous fauna assemblages where they are some of the best remaining of their type.

[23] See for example *High Country Rosehip Orchards v Mackenzie District Council* 2011 NZEnvC C387.

Rarity: The area supports taxa, vegetation, habitats and/or ecosystems that have been classified as Threatened or At Risk or are naturally rare or locally uncommon in Auckland or New Zealand. For mobile fauna, regular use of a site would be needed to meet this criterion.

Distinctiveness: The area supports indigenous taxa, assemblages, habitats and/or ecosystems that

- *are endemic, or near endemic; or*
- *have unusual composition and structure; or*
- *contain a type locality of a taxon; or*
- *contain a large specimen or population; or*
- *are a large example of a vegetation type; or*
- *are at or near their national or regional distribution limit.*

Ecological context: The area is significant because of its context with other vegetation, habitats or ecosystems. This includes:

- *groups of smaller sites that together form an important habitat component in the landscape; or*
- *sites that cumulatively provide important habitat for an indigenous species; or*
- *sites that provide buffers to other significant ecological areas; or*
- *sites that act as stepping stones or ecological corridors providing for movement of species across the landscape; or*
- *provide important habitat for indigenous fauna with respect to shelter, food, breeding, resting, migration and refuges from predation and disturbance*

(c) Addition of specific criteria for the identification of significant areas in the marine environment as follows:

SIGNIFICANT ECOLOGICAL AREAS MARINE CRITERIA

Identify areas of significant indigenous vegetation and the significant habitats of indigenous fauna in the coastal marine area as Significant Ecological Areas Marine (SEAMs) using one or more of inclusion criteria a - f

INCLUSION CRITERIA

a. RECOGNISED INTERNATIONAL OR NATIONAL SIGNIFICANCE

i It is an area identified as internationally or nationally significant for either indigenous marine ecosystems or biodiversity, or with reference to the species that utilise these ecosystems

b. THREAT STATUS AND RARITY:

i. It is a habitat that is required to provide for the life cycle of a marine plant or animal that is locally rare and has been assessed under the New Zealand Threat Classification System

(NZTCS), and determined to have a national 'At Risk' conservation status of Naturally Uncommon, Relict, Recovering and Declining.OR
ii.It is a habitat that is required to provide for the life cycle of a plant or animal that occurs naturally in Auckland and has been assessed by the Council to have a regional threatened conservation status including Regionally Critical, Endangered and Vulnerable and Serious and Gradual Decline OR
iii It is a habitat that is required to provide for the life cycle of a plant or animal that occurs naturally in Auckland and has been assessed by a nationally or internationally recognised assessment process (e.g., NZTCS, IUCN) and determined to have a threatened conservation status including Critical, Endangered, or Vulnerable. OR
iv. It is a habitat that occurs naturally in Auckland and is required to provide for the life cycle of a marine animal that is listed as a Protected Species in Schedule 7A of the Wildlife Act (1953);OR
v It is an indigenous marine habitat or ecosystem that occurs naturally in Auckland and has been assessed by the Council or other national assessment process to be threatened based on evidence and expert advice.
OR
vi. It is an indigenous vegetation or habitat of indigenous fauna that occurs within an indigenous coastal ecosystem as identified in NZCPS Policy 11b(iii) as being particularly vulnerable to modification.

***c.UNIQUENESS OR DISTINCTIVENESS**:*

i. It is habitat for a marine plant or animal that is endemic or near-endemic to the Auckland region OR
ii. It is an indigenous ecosystem that is endemic to the Auckland region or supports ecological assemblages, structural forms or unusual combinations of species that are endemic to the Auckland region. OR
iii. It is a habitat that supports occurrences of a plant, animal or fungi that are the largest specimen or largest population of the indigenous species in Auckland or New Zealand

***d.DIVERSITY**:*

i. It is an intact habitat sequence extending across an environmental gradient, and including both floral and faunal habitat components; OR
ii. It includes a large number of intertidal and/or subtidal habitats; OR
iii. It is a habitat type that supports a high species richness for its type.

***e.STEPPING STONES, BUFFERS AND MIGRATION PATHWAYS**:*

i. It is a site which makes an important contribution to the resilience and ecological integrity of surrounding areas. OR
ii. It is part of a network of sites that cumulatively provide important habitat for indigenous fauna or when aggregated make an important contribution to ecological function and integrity; OR
iii. It is an example of an indigenous ecosystem, or habitat of indigenous fauna that is used by key species permanently or intermittently for an essential part of their life cycle, including migratory pathways, roosting or feeding areas;OR
iv. It is an example of an ecosystem, indigenous vegetation or habitat of indigenous fauna, that is immediately adjacent to, and provides protection for, indigenous biodiversity in an existing protected natural area (established for the purposes of biodiversity protection for either terrestrial or marine protection) or an area identified as significant under the 'threat status and rarity' or 'uniqueness' criteria.

***f. REPRESENTATIVENESS**:*

i. It is an example of an indigenous marine ecosystem (including both intertidal and subtidal habitats, and including both faunal and floral components) that makes up part of at least 10% of the natural extent of each of Auckland's original marine ecosystem types and reflecting the environmental gradients of the region; AND

ii It is an example of an indigenous marine ecosystem, or habitat of indigenous marine fauna (including both intertidal and subtidal habitats, and including both faunal and floral components), that is characteristic or typical of the natural marine ecosystem diversity of Auckland; OR

iii It is a habitat that is important to indigenous species of Auckland, either seasonally or permanently, including for migratory species and species at different stages of their life cycle (and including refuges from predation, or key habitat for feeding, breeding, spawning, roosting, resting, or haul out areas for marine mammals); OR

iv. It is an ecosystem that contains an intact ecological sequence across an environmental gradient (e.g., intact intertidal vegetation sequence including seagrass, mangrove, saltmarsh, and terrestrial coastal vegetation); OR

v. It is an ecosystem that contains a large number of marine habitat types, with the full range of habitats represented that is typical for that depth and exposure within the Auckland region; OR

vi. It is a habitat or ecosystem of particular importance for indigenous or migratory species

EXCLUSION CRITERIA

a. It is a site maintained for aquaculture production of either native or non-indigenous marine fauna or flora.

b. It is a novel or synthetic ecosystem dominated by non-indigenous marine fauna or flora.

Annex 2 - A.1

APPENDIX A

Underlined and strikethrough: Council proposed amendments Underlined and strikethrough: EDS and Forest and Bird proposed amendments

PART 1 - INTRODUCTION AND STRATEGIC DIRECTION

Chapter B: Regional Policy Statement - Kupu Kaupapa ā-Rohe

6 Sustainably managing our natural resources - Toitū te whenua, toitū te taiao

6.3: Freshwater and Geothermal Water

Introduction

Lakes, rivers, streams and wetlands (including their headwaters, margins and associated flood plains) and aquifers make up our freshwater systems. They contribute to and provide for a range of natural, social, cultural and economic values and uses that include: ~~are valued for their~~ natural character, landscape, ecology~~ical~~ and biodiversity~~; values,~~ amenity, ~~and~~ recreation~~al~~, ~~values,~~ navigation and access; mahi nga kai and wai tapu; ~~,~~ and water supply for stock, domestic and municipal, ~~water supply~~ food production and industrial uses. Freshwater systems also provide an essential link between the land and the sea, including natural processes to regulate runoff during storms, receive and filter contaminants, and allow fish to reach spawning areas and upstream habitats. Auckland is characterised by relatively small and shallow natural lakes, remnant numbers of wetlands, a few larger rivers and a network of small, shallow and short streams. Groundwater aquifers underlie both urban and rural areas and there are geothermal water resources in Auckland.

Geothermal resources also contribute to and provide for a range of natural, social, cultural and economic values.

The sources of municipal water supply for Auckland include a number of water supply lakes (created by dams), rivers and groundwater aquifers. While measures are being implemented to increase the efficient use of municipal water supply, the expected growth of Auckland means that more water will be required to meet municipal water supply needs. Ensuring that those needs can be met is of fundamental importance to the health and wellbeing of Aucklanders.

Maintenance of the quality of freshwater and improved management of its quantity, allocation and use can improve the relationship between demand and supply of both surface and groundwater.

The loss of freshwater systems and degradation of their values, particularly small streams, is a significant issue facing Auckland. The piping and infilling of streams, including headwater reaches, has been prevalent in our past urban development and resulted in the permanent loss of important community and ecological resources and their values.

Sediment runoff from land development and the runoff of contaminants from urban land uses have contaminated urban streams, and led to undesirable impacts on coastal water quality and use and enjoyment of the CMA.

Increased impervious surfaces in urban areas have also changed the amount and intensity of surface water runoff which can create or worsen flooding events, and the erosion of rivers and streams.

However, rivers and streams in particular also have an essential role as a natural component of an urban stormwater collection and management system. Development must therefore be managed to facilitate this function while retaining the natural, recreational and amenity values.

Past land development has had a significant impact on Auckland's freshwater systems. It is now recognised that in many situations a water sensitive design approach to development can provide for land development while retaining natural water systems and enhancing them where they are degraded. Intensification and redevelopment can ~~also~~ offer opportunities to restore and enhance degraded freshwater systems, and maintain or improve the natural environment in Auckland.

In rural areas lakes, rivers and particularly streams are physically affected by stock access to and trampling of stream beds, loss of riparian vegetation, and reduced water quality from the runoff of fertiliser, sediment and other contaminants from primary production activities. Major infrastructure in rural areas may also affect all types of freshwater resources.

In the Mana Whenua worldview, water represents the tears of Ranginui, the lifeblood of Papatūānuku, and is the domain of Tangaroa. The mauri of water is at the core of sustaining Papatūānuku. Mana Whenua are responsible for the kaitiakitanga of water, its spiritual essence to cleanse, and its importance to the ongoing well-being of people. Land-based activities can also compromise the ways in which Mana Whenua value water in rivers and streams. The mixing of different types of water through discharges, or by the diversion of these water bodies is contrary to Mana Whenua views on how water should be managed.

All of these matters need to be addressed in an integrated manner to minimise adverse effects on freshwater systems during subdivision, use and development. ~~The National Policy Statement for Freshwater Management 2011 (NPSFM) and the New Zealand Coastal Policy Statement 2010 (NZCPS) provide both short-term and long-term directions that the Unitary Plan has to implement.~~

This needs to be done in a way that takes account of Auckland's physical, economic, social and cultural characteristics and requirements.

The National Policy Statement for Freshwater Management 2014 (NPSFM) and the New Zealand Coastal Policy Statement 2010 (NZCPS) provide both short-term and long-term directions for freshwater management and its effects on coastal waters. The council has adopted a staged implementation of the NPSFM, working with stakeholders and communities to identify freshwater values and establish associated freshwater objectives, limits and targets over a period of seven years. Given this timeframe, the Unitary Plan has adopted a framework that works towards the direction required by the NPSFM until this framework is fully implemented.

Objectives

~~1. The natural, social, economic and cultural values of freshwater and geothermal water resources are safeguarded or provided for when land, freshwater and geothermal water is used and developed.~~

2A. The loss and degradation of freshwater systems is minimised, and freshwater systems are maintained or enhanced where they are degraded

2B. The significant values of wetlands and outstanding freshwater bodies are protected.

2. The quality of fresh water ~~and the natural and cultural values of freshwater systems are~~ is maintained, ~~and restored and~~ or enhanced where ~~they have~~ it has been degraded, ~~below levels necessary~~ to safeguard life supporting capacity and meet national, regional and local ~~community values~~ objectives.

3. Freshwater and geothermal resources are managed within limits to ~~and allocated to~~ safeguard life supporting capacity and support their natural and cultural values ~~and to make efficient use of available~~. W~~w~~ater that is available for use is allocated to provide for

economic, social and cultural purposes~~.~~, particularly the community's need for domestic and municipal supply.

4. ~~The amount of freshwater used by Auckland is progressively reduced on a per head basis~~ ~~Water that is available for use is used efficiently~~. The amount of freshwater used by Auckland is progressively reduced on a per head basis

5. The adverse effects of stormwater runoff and wastewater discharges on communities, freshwater systems and coastal waters are minimised and existing adverse effects are progressively reduced.

6. Mana Whenua values, mātauranga and tikanga associated with freshwater resources are recognised and provided for.

7. Mana Whenua actively participate in freshwater management processes and decision-making.

Policies

Integrated management of land use and fresh water

1. Integrate the management of land use and development and freshwater systems by:

   a. ensuring water supply, stormwater and wastewater ~~collection and treatment~~ infrastructure is adequately provided for in areas of new growth or intensification

   b. ~~requiring greenfield and brownfield development to be supported by comprehensive and~~ adopting integrated land use and water management planning processes in greenfield and brownfield development, and ~~adopt~~ applying a water sensitive design approach, including the use of ~~and~~ green infrastructure, during planning and design and implementing it to the extent appropriate to the development and receiving environment~~as a core development approach~~

   c. controlling the use of land and discharges to minimise the adverse effects of ~~stormwater~~ runoff on freshwater systems and coastal waters, and progressively reduce existing adverse effects where those systems or waters are degraded.

   d. avoiding development where it will, together with existing adverse effects, have cumulative ~~significantly~~ ~~increase existing~~ adverse effects, unless these adverse effects can be ~~adequately~~ mitigated.

Freshwater systems

2AA. Avoid the permanent loss of the significant values of wetlands, identified Natural Lake Management Areas, Natural Stream Management Areas, Wetland Management Areas and lakes, rivers, streams and wetlands and their margins in Significant Ecological Areas

2A. Avoid the permanent loss and significant modification or diversion of lakes, rivers, streams (excluding ephemeral streams) and wetlands and their margins unless:

   a. It is necessary to provide for:

      i. the health and safety of communities; or

      ii. the enhancement and restoration of freshwater systems and values; or

      iii. the sustainable use of land and resources to provide for planned urban growth and development; or

      iv. significant infrastructure; and

   b. No practicable alternative exists; and

c. ~~Mitigation or~~ Adverse effects have been remedied and mitigated, and following that, off-setting has been ~~is~~ implemented ~~to address the adverse effects arising from~~ for the loss in freshwater system functions and values.

2. Manage land use~~,~~ development, ~~and~~ subdivision, discharges, and activities in the beds of lakes or rivers to:

a. ~~avoid the permanent loss of lakes, rivers, streams and wetlands and their margins, particularly through the piping and infilling of streams and their headwaters~~protect the significant values of wetlands and identified Natural Lake Management Areas, Natural Stream Management Areas, Wetland Management Areas and in Significant Ecological Areas

b. minimise the erosion and modification of stream beds and banks

ba. limit the establishment of structures within lakes and rivers to those that are functionally required to be located there, ~~which may include (where functionally required) structures required for:~~

~~i. managing hazards;~~

~~ii. access;~~

~~iii. enhancement of freshwater systems; or~~

~~iv. significant infrastructure.~~

c. maintain ~~and~~ or where appropriate enhance:

i. ~~protect and enhance the supporting elements and natural, social and cultural~~ the values, not protected under policy 2a, of ~~remaining~~ rivers and streams including their headwaters, riparian margins and vegetation, flood plains and wetland areas

~~d.~~ ii. ~~retain and enhance~~ the connectivity between land, freshwater systems and the coast

~~e. avoid the permanent diversion of rivers and streams unless necessary for public health and safety or significant infrastructure only where other alternatives are not practicable~~

~~f. manage stormwater flows to minimise adverse effects on stream channels and the natural, social and cultural values of freshwater systems~~

~~g.~~iii. ~~maintain and enhance as far as practicable,~~ navigation along rivers and public access to and along rivers

~~h.~~iv. ~~maintain and enhance~~ existing riparian vegetation located on the margins of streams in ~~n~~Natural ~~s~~Stream ~~m~~Management ~~a~~Areas

v. areas of significant habitat for indigenous species

d~~i~~ use opportunities provided by land use change, development and redevelopment to restore and enhance ~~natural, social and cultural~~ freshwater systems ~~values~~ where practicable.

Managing freshwater quality

3. Manage land use and development, discharges, and activities in the beds of lakes or rivers and other activities to avoid where practicable, and otherwise minimise and reduce:

a. adverse effects on the water quality and biodiversity values in identified natural lake, natural stream and wetland management areas and in Significant Ecological Areas.

b. adverse effects on Mana Whenua values associated with freshwater resources, including wāhi tapu, wāhi taonga and mahinga kai

c. adverse effects on the quality of receiving water, including its ecology and mauri, where such water is subject to any new inter-catchment transfer or mixing of water

d. significant bacterial contamination of fresh water and coastal waters

e. ~~the~~ adverse effects ~~of discharges~~ on the quality of fresh water and coastal waters ~~by~~ having regard to the nature and level of any contaminants and the state and sensitivity of receiving environments

f. contaminants, including nutrients, generated on or applied to land and the potential for these to enter fresh and coastal waters from both point and non-point sources

~~i. reducing the potential for contaminants generated on or discharged to land at both point source and non-point sources to enter surface water and groundwater~~

~~ii. requiring management and treatment of discharges and contaminants~~

~~iii. managing land use activities that generate and discharge contaminants~~

iv. ~~adopting the best practicable option for managing stormwater and wastewater network diversions and discharges.~~

g. adverse effects on the water quality of catchments and aquifers that provide water for domestic and municipal supply

4. Use opportunities provided by land use change, development and redevelopment to progressively improve the quality of freshwater and coastal waters.

5A. ~~Give effect to the water quality objectives of the NPSFM by establishing~~ Establish:

a. freshwater objectives and setting freshwater quality limits

b. methods to avoid objectives and limits being exceeded

c. targets and methods to improve water quality to meet targets, where freshwater objectives are not met.

Mana Whenua mātauranga, values and tikanga in the sustainable management of fresh water

5. Facilitate the identification, definition and goal setting for freshwater health from a Mana Whenua perspective using tools such as:

a. the Ministry for the Environment's Māori environmental performance indicators~~.~~

b. specific environmental or cultural indicators based on mātauranga and tikanga māori for example the Cultural Health Index

c. iwi planning documents.

Freshwater and geothermal quantity, allocation and use

6. Manage the quantity of water taken from freshwater and geothermal systems by:

a. avoiding further over allocation of water and phasing out any over allocation

b. establishing limits beyond which water cannot be allocated

c. safeguarding spring flows, surface water body base flows, ecosystem processes, life supporting capacity, the recharge of adjacent aquifers, and geothermal temperature and amenity

d. establishing priorities and mechanisms for the efficient allocation of water takes, including providing ~~that provide~~ fresh water for domestic and municipal water supplies

e. promoting the efficient use of water

7. Promote the ~~efficient~~ taking of groundwater rather than the taking of water from rivers and streams in areas where groundwater is available for allocation.

8. Manage the allocation of geothermal water, heat or energy by giving priority in the following order to taking or use

   a. in accordance with tikanga Maori for the communal benefit of Mana Whenua

   b. existing lawfully established water uses

   c. heating public pools

   d. all other uses.

Sediment runoff

9. Minimise the loss of sediment from land use and~~,~~ development and manage sediment discharges into surface water bodies and coastal water by: ~~requiring land disturbing activities to be designed and undertaken to:~~

   a. promoting the use of soil conservation and management measures to retain soil and sediment on land~~and not discharge it to surface water bodies and coastal water, as far as practicable~~

   b. requiring land disturbing activities to use industry best practice and standards to minimise sediment generation and discharges and risk to receiving environments, appropriate to the nature and scale of the land disturbing activity and the sensitivity of the receiving environment ~~to minimise sediment discharges~~

   ~~c. limit the amount of land being disturbed at any one time to minimise the risk to receiving environments particularly where the:~~

      ~~i. nature of the soil type or topography is likely to result in increased sediment loss; or~~

      ~~ii. resulting sediment laden discharge is likely to adversely affect sensitive areas.~~

~~Urban~~ Sstormwater Management

10. ~~Manage the adverse effects of use, development, and the discharge of contaminants from stormwater networks in urban areas on freshwater systems and coastal waters by:~~

   ~~a. using land use change and development opportunities to reduce the adverse effects of existing land use~~

   ~~b. controlling the extent of impervious surfaces to minimise adverse effects on rivers and streams, the capacity of the stormwater network, flood risk and overflows from the sewer network;~~

   ~~c. controlling stormwater volumes and runoff from use and development in areas that discharge to rivers and streams that are identified as being susceptible to the adverse effects of increased stormwater flows~~

   ~~d. minimising the generation and discharge of stormwater and contaminants to the stormwater network~~

~~e. adopting the best practicable option to manage discharges from public stormwater networks, including roads, and enabling prioritised and progressive improvements to those networks and reduction in adverse effects on a catchment, network or receiving environment basis.~~

Manage stormwater by:

a. Requiring industry best practice stormwater management in greenfield and brownfield development

b. Managing land use to

i. minimise the generation and discharge of contaminants

ii. minimise adverse effects on freshwater systems, the capacity of the stormwater network, flood risk and wastewater overflows

c. Adopting the best practicable option to manage stormwater diversions and discharges from public stormwater networks (including those associated with public roads), including roads and enable prioritised and progressive improvements to those networks

d. Controlling the diversion and discharge of stormwater outside of areas serviced by a public stormwater network.

Urban wastewater

11. Manage the adverse effects of discharges from wastewater networks by:

a. ensuring that new development is supported by wastewater infrastructure of a capacity that is sufficient to cater for expected population growth within the area to be serviced

b. progressively reducing existing overflows, and associated adverse effects, with a priority for areas that are sensitive to the adverse effects of wastewater discharges by:

i. adopting the best practicable option for preventing and minimising the adverse effects of discharges from the separated and combined wastewater networks, including works programmes to reduce overflow frequencies and volumes

ii. ensuring operations and maintenance plans are in place for the effective operation of the wastewater network and to minimise dry weather overflow discharges

iii. ensuring response processes are in place to mitigate the adverse effects of overflows on public health and safety and the environment where they occur

c.~~iv~~ managing discharges from wastewater treatment plants to meet community and environmental objectives.

Methods

~~Regulatory~~

Unitary Plan

- Auckland-wide objectives, policies and rules for lakes, rivers, streams and wetland management, water quality and integrated management, water quantity, allocation and use, stormwater management, onsite wastewater, wastewater network management, taking, using, damming and diversion of water, ~~and~~ drilling and earthworks

- Auckland wide objectives, policies and rules for agrichemicals, Industrial and Trade Activities and ~~VTAs and~~ rural production discharges
- ~~Riparian yard~~ controls on development and vegetation removal along riparian margins ~~which control earthworks and vegetation removal and~~ which contribute to maintaining water quality and in-stream habitats
- Establish o~~Overlay~~ objectives, policies and rules for stormwater management area: flow, water allocation, freshwater management areas (including natural lake and natural stream management areas), water supply management areas, and wetland management areas
- Structure planning, framework planning, zoning and objectives, policies and rules for subdivision and development.

National Policy Statement for Freshwater Management 2014 implementation

- Identify freshwater management units across the region
- Work with stakeholders and the community to identify values and set objectives, targets and limits for these freshwater management units
- Establish appropriate regulatory and non-regulatory methods for advancing the objectives
- Implement plan changes as appropriate to give effect to these

Bylaws and Standards

- Establish Bylaws, engineering standards and codes of practice as appropriate

~~Non regulatory~~

Advocacy and education:

- Develop and deliver education and advocacy programmes.
- Develop technical guidance material
- Pollution response and hotline
- ~~Education about how water quality can be safeguarded by behaviour change at home and work.~~

Monitoring and information gathering:

- ~~Pollution response team and hot-line~~
- ~~Active management of council owned close landfills.~~
- Regional State of the Environment monitoring and reporting
- Research into key freshwater management issues

Funding and assistance:

- Strategic funding and assistance programmes
- ~~Incentives for improved riparian management and planting~~
- ~~Funding hazardous waste collection services.~~

Enhancement and collaborative projects:

- Enhancement initiatives including collaborative catchment management and stream enhancement projects with Mana Whenua and communities

Non-statutory plans and strategies:

- Preparation of stormwater, catchment and stream analyses and management plans as appropriate

Explanation and reasons

These objectives and policies relate to the management of the quality and quantity of ~~fresh~~water resources, both surface water and groundwater in Auckland, and downstream coastal waters. They are implemented through a variety of different plan provisions that deal with the management of land uses, the quality of both direct and indirect discharges, including sediment and organic and chemical contaminants, the taking, use and allocation of ~~fresh~~water from streams and aquifers and disturbance of lake and river banks and beds. All of these activities affect the overall quality and availability of ~~fresh~~water and the options for its human use and enjoyment, as well as the maintenance and protection of its biodiversity values.

Some freshwater bodies outside urban Auckland have high biodiversity and/or water quality and are included as management areas, with a protection oriented management approach. In urban areas particular attention is given to the management of stormwater quantity and quality from stormwater network systems and wastewater overflows from the public wastewater network. These discharges have the greatest adverse effects on the physical form and quality of urban streams, and are also a major source of degradation of coastal water quality and ecosystem values. Past experience has shown that the adverse effects of stormwater discharges cannot solely, or effectively, be managed "at the end of the pipe". Stormwater management must also encompass the land use activities that contribute stormwater and associated contaminants to the stormwater network and integrated land and water management is an important focus of this approach.

Sediment being discharged from urban and rural streams is also a major source of freshwater and coastal contamination. The Auckland Plan sets a target of reducing the overall yield of suspended sediment to priority marine receiving environments by 15 percent between 2012 and 2040. This requires appropriate provisions to be put in place to ensure as far as practicable, soil and sediment are retained on the land and kept out of rivers, streams and coastal waters.

Surface water bodies and groundwater aquifers cannot supply all of Auckland's future water needs, without more efficient management approaches to the allocation and use of available freshwater being introduced. The principal consumptive use of freshwater in Auckland is for municipal water supply, which is in part supplied from the Waikato River. However, more water may need to be sourced from the Auckland region in the future to support Auckland's growth. Maintaining the quality of freshwater so it is fit for purpose, and managing the allocation and use of water according to priority users and making more efficient use of available supply are key policy approaches taken in the Unitary Plan.

Annex 2 - B.1

APPENDIX A

Auckland Council deletions in ~~strikethrough~~, additions underlined EDS and Forest and Bird deletions in ~~yellow strikethrough~~, additions yellow underlined

B4.3 Natural heritage – Introduction

Natural heritage comprises the following:

- ~~natural character~~ Areas of the coastal environment, ~~unmodified areas~~ that are ~~of the coastal environment~~ dominated by natural ~~elements, patterns, processes and~~ characteristics and qualities which are categorised as areas of Outstanding Natural Character (ONC) or areas of High Natural Character (HNC)
- ~~natural landscapes –~~ Landscapes located throughout the rural and coastal areas that are dominated by natural ~~elements, patterns, processes and~~ characteristics and qualities which are ~~and~~ categorised as ~~either~~ Outstanding Natural Landscapes (ONL)
- ~~natural features –~~ Geological sites and landforms, including maunga/volcanic cones, categorised as Outstanding Natural Features (ONF). These features have significant geological and geo-morphological values, as well as a range of other values including, in some instances, landscape and amenity ~~ONL~~ values
- All other areas of natural character (including wetlands, lakes, rivers and their margins), landscapes and features that retain natural ~~elements, patterns, processes and~~ characteristics and qualities to varying degrees
- trees – either individual or groups of trees that contribute to the cultural and natural heritage values of Auckland
- biodiversity – areas of significant indigenous vegetation and significant habitats of indigenous fauna and are categorised as Significant Ecological Areas (SEA) for land and marine
- the Waitākere Ranges Heritage Area – is a distinct and integral part of Auckland's identity. It is nationally significant and requires active stewardship to protect it in the future.

B4.3.1 Natural character of the coastal environment, wetlands, and lakes and rivers and their margins

Introduction

Auckland's growing population, together with the desire to live near the coast, means that land in the coastal environment is highly valued and that use and development has resulted in a loss of natural character values. Similar impacts have occurred on the natural character of wetlands, and lakes and rivers and their margins.

ONC areas are the iconic, scenic and wilderness areas where the sights, features, and sounds are those of nature and where man-made influences are absent, or minor and subservient in the context of the natural environment. These areas provide an important touchstone with nature for an increasingly urbanised population.

Areas of HNC value often include rural land used for primary production. Although these areas may lack the same wilderness value as outstanding areas, there is still a significant predominance of naturalness.

Areas of ONC/HNC value in the coastal environment, in wetlands, lakes and rivers and their margins are an increasingly scarce and valuable resource. The growing pressures for subdivision, use and development require that priority be given to preserving the natural values of these areas for the use and enjoyment of future generations.

Land ~~identified as~~ having ONC/HNC value may already have been subdivided but not yet developed. If the development rights were exercised it would result in a degradation or loss of natural character values. Providing an alternative location for development rights to be exercised enables the protection of the significant natural values of ONC/HNC areas.

Other areas that ~~are not identified as having~~ do not have high or outstanding values can have natural heritage value arising from the presence of natural ~~elements, patterns, processes and~~ characteristics and qualities. These areas also need to be recognised and appropriately managed.

It is recognised that the character of some ONC and HNC areas across Auckland is already influenced by a range of man-made structures and elements, including archaeological features, urban development and infrastructure. It is acknowledged that, subject to the relevant natural heritage resource values being protected, there will be activities, such as linear infrastructure, that will have a functional need to locate within or nearby an ONC or HNC area where there is no other practicable option.

Objective 1

Subdivision, use and development ~~in the coastal environment~~ is designed ~~and~~ located and managed to preserve the natural ~~elements, patterns, processes and~~ characteristics and qualities ~~avoid significant adverse effects on natural character, and to retain the particular elements or features that significantly~~ that contribute to the natural character of ~~an area~~ the coastal environment, wetlands, lakes and rivers and their margins.

~~**Objective 2**~~

~~The natural character of areas with high or outstanding natural character value is preserved, and subdivision use and development is managed to maintain their high levels of naturalness~~

Objective 2~~3~~

~~Where practicable~~ Aareas with degraded natural character are restored or rehabilitated, and ONC/HNC areas ~~of high and outstanding natural character~~ in the coastal environment, (including areas in the Waitākere Ranges Heritage Area and the Hauraki Gulf/To Moana Nui o Toi/Tīkapa Moana) are enhanced.

~~**Natural Character Values of the coastal environment**~~

Policy 1

~~1.~~Subdivision, use and development must be managed in natural character areas of the coastal environment, and in wetlands, lakes and rivers and their margins to:

a. avoid adverse effects on the natural ~~elements, patterns, processes or~~ characteristics and qualities that contribute to an ONC area's natural character values

b. avoid significant adverse effects ~~on the natural character of the coastal environment~~, and avoid, remedy or mitigate other adverse effects, on the natural ~~elements, patterns, processes or~~

characteristics and qualities that contribute to an HNC or other area's natural character values ~~and areas not identified as being either ONC or HNC~~ of activities, ~~taking into account:~~

c. maintain significant landforms and indigenous vegetation and habitats that are significant natural ~~elements or patterns~~ characteristics and qualities in ONC/HNC areas to protect the visual and biophysical linkages between the two areas

d. avoid adverse effects on, and where practicable enhance Mana Whenua values

In implementing this policy the following matters should be taken into account:

- ~~a.~~the extent of man-made changes to landform, vegetation, coastal processes and water movement
- ~~b.~~the presence or absence of structures and buildings or infrastructure
- The temporary or permanent nature of adverse effects
- the physical and visual integrity, and natural processes of the location
- the intactness of significant vegetation areas and vegetative patterns
- ~~c.the particular elements, features~~ the physical, visual, and experiential values that contribute significantly to ~~the natural character value of the area, and the extent to which they are affected~~ the wilderness and scenic value of the area
- the particular characteristics and qualities that contribute to the natural character values of the areas and the extent to which they are affected
- the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes wetlands, reefs, fresh water springs, streams or rivers, and surf breaks
- the natural ~~elements, processes, and patterns~~ characteristics and qualities that exist or operate across the MHWS and connect land in the coastal environment, including processes of sediment transport, patterns of erosion and deposition, substrate composition and movement of biota, including between marine and freshwater environments
- The natural characteristics and qualities that characterise wetlands, lakes and rivers and their margins, including ecological, geomorphological, hydrological and fluvial processes.
- ~~e.~~the ~~extent to which~~ functional need for any proposed infrastructure to be located in the area, ~~or an existing use, limits location and development options~~.
- the location, scale and design of any proposed development

~~d.whether it is practicable to use an alternative location or form of development that would have lesser adverse effects on natural character~~

Policy 2

Promote land use practices and restoration projects that will restore or rehabilitate natural character values and that will enhance ONC/HNC areas in the coastal environment.

~~**Areas of outstanding and high natural character of the coastal environment**~~

Policy 3

~~A~~areas of ONC/HNC ~~outstanding and high natural character~~ are identified from the ~~criteria~~ attributes found in ~~Policy 13(2) of~~ the NZCPS 2010, including:

- natural elements, processes and patterns
- biophysical, ecological, geological and geomorphological aspects
- natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks
- the natural movement of water and sediment
- the natural darkness of the night sky
- places or areas that are wild or scenic
- a range of natural character from pristine to modified
- experiential attributes, including the sounds and smell of the sea, and their context or setting.

~~**Policy 4**~~

~~Protect the physical and visual integrity and the natural, and wilderness values of ONC/HNC areas of the coastal environment by:~~

~~a. requiring subdivision, use and development to be of a type, scale and intensity that will maintain the natural character values of the area~~

~~b. requiring built elements to be subservient to the dominance of the features, patterns, processes and qualities that make up the natural character values of the area~~

~~c. maintaining the high levels of naturalness of these areas~~

~~d. avoiding activities that individually or cumulatively detract physically or visually from the natural character values of the area~~

~~e. promote land use practices that help maintain and enhance natural character values~~

~~f. maintaining, and where practicable, enhance Mana Whenua values.~~

Policy 4 ~~5~~

Subdivision, use and development in areas ~~immediately adjoining~~ adjacent to areas of outstanding and high natural character of the coastal environment and in wetlands, lakes and rivers and their margins, must be managed to:

a. avoid ~~or minimise~~ adverse ~~physical and visual~~ effects on ~~ONC/HNC areas~~ the natural ~~elements, patterns, processes or~~ characteristics and qualities that contribute to an ONC area's natural character values

b. avoid significant adverse effects, and avoid, remedy, or mitigate other adverse effects, on the natural ~~elements, patterns, processes or~~ characteristics and qualities that contribute to an HNC areas natural character values

c. ~~b.~~maintain significant landforms and indigenous vegetation and habitats that are significant natural ~~elements or patterns~~ characteristics and qualities in ONC/HNC areas to protect the visual and biophysical linkages between the two areas

~~d. avoid locating significant substantial built elements adjacent to the boundary with of an ONC/HNC area~~

~~e. avoid adverse cumulative effects on the ONC/HNC areas of the coastal environment~~

f. d. avoid adverse effects on Mana Whenua values.

In implementing this policy the following matters should be taken into account:

- the extent of man-made changes to landform, vegetation, natural coastal processes and water movement
- the presence or absence of structures, and buildings or infrastructure
- The temporary or permanent nature of adverse effects
- the physical and visual integrity, and natural processes of the location
- the intactness of significant vegetation areas and vegetative patterns
- the physical, visual, and experiential values that contribute significantly to the wilderness and scenic value of the area
- the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes wetlands, reefs, fresh water springs, streams or rivers, and surf breaks
- the natural ~~elements, processes, and patterns~~ characteristics and qualities that exist or operate across the MHWS and connect land in the coastal environment, including processes of sediment transport, patterns of erosion and deposition, substrate composition and movement of biota, including between marine and freshwater environments
- the functional need for any proposed infrastructure to be located in the area
- the location, scale and design of any proposed development

Policy 5 ~~6~~

Provide for the use of transferable development rights[1] to avoid latent potential for inappropriate development in or on land adjacent to ONC & HNC areas. ~~identified as having outstanding natural character value~~

Policy 6 ~~7~~

Exclude ONC and HNC areas, and adjacent areas, from being recipient areas for transferable development rights.

[1] 'Transferable development rights' are referred to as 'transferable rural site subdivision' in Chapter H5.2.3.3 of the Plan. A transferable rural site subdivision is the transfer of the residential development potential of rural sites from one location to another through the subdivision process.

Outstanding natural character of the coastal environment

Policy 8

Avoid subdivision, use and development in areas identified as having ONC value, other than:

a. works associated with maintaining or enhancing natural character values

b. existing uses and/or where an existing use right applies

c. small scale buildings .

Policy 9

Require subdivision, use or development that does need to be located in ONC areas to minimise the level of modification to ecosystems, natural landforms, vegetation and natural processes and patterns through the careful:

a. location of development

b. design of development

c. mitigation of the adverse effects of development

High natural character of the coastal environment

Policy 10

Require subdivision, use and development to be undertaken outside of a HNC area where there is an alternative

Policy 11

Avoid significant adverse effects and avoid, remedy and mitigate other adverse effects on HNC areas by:

a. protecting the physical and visual integrity, and natural processes of the location

b. minimising adverse effects on natural values resulting from the location, scale, and design of any buildings, including associated buildings, infrastructure, earth works and vegetation clearance

c. maintaining the intactness of significant vegetation areas and vegetative patterns

d. maintaining the physical, visual, and experiential values that contribute significantly to the wilderness and scenic value of the area

e. maintaining the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes wetlands, reefs, fresh water springs, streams or rivers, and surf breaks

f. maintaining the elements, processes, and patterns that exist or operate across the MHWS and connect land in the coastal environment, including processes of sediment transport, patterns of erosion and deposition, substrate composition and movement of biota, including between marine and freshwater environments.

Methods – Regulatory

Unitary Plan:

- ~~Regional Policy Statement objectives and policies~~
- Auckland-wide vegetation management objectives, policies and rules
- Mapping of outstanding and high natural character areas ~~in the coastal environment~~ excluding the freshwater environment and some marine areas. Within 1 year of this Plan becoming operative complete the mapping of natural character values for the remaining marine areas and notify a plan change to update AUP Schedule 6.2 and the associated maps.
- Overlays for mapped areas – objectives, policies and rules applying to zones on land and in the CMA
- Objectives, polices and rules for protecting the natural character of wetlands, lakes and rivers/streams
- Development controls in zones and precincts

Methods - Non-Regulatory

- Funding and assistance for restoration and rehabilitation of natural character values
- Education and advocacy for land use management practices that maintain and enhance natural character value.

Explanation and Reasons

Natural character is a highly valued feature of the coastal environment and s. 6(a) RMA and Policy 13 of the NZCPS direct that the natural character of the coastal environment be preserved and protected from inappropriate subdivision, use and development.

The NZCPS requires that areas with ~~high~~ outstanding and ~~outstanding~~ high natural character value be identified, and that the adverse effects of activities on ~~the~~ outstanding natural character ~~of these~~ areas be avoided. In all other areas significant adverse effects of activities on natural character ~~has~~ have to be avoided and all other effects are avoided, remedied or mitigated.

Areas of outstanding and high natural character are identified in the Plan however Auckland's freshwater environment and much of Auckland's coastal waters have yet to be identified and assessed to recognise and provide for s6(a) RMA and give effect to the NZCPS 2010. An assessment of the natural character values of the remaining marine areas will be undertaken within one year of this Plan becoming operative. This work stream may be progressed in conjunction with the Hauraki Gulf Spatial Planning process.

Outstanding and high natural character areas are a highly valued resource. It is important that use and development of these largely unmodified areas is managed to ensure their values are retained for the enjoyment of future generations. Land within the coastal environment, including some areas ~~identified as having~~with high natural character, are used for primary production purposes. Reasonable ongoing use of this land for existing activities is enabled. Changes that would affect the values of these areas need to be managed to ensure these values are retained in the long-term.

Highly modified areas of the coastal environment still contain natural elements or features that contribute to their natural character. This may be vegetation, a significant landform, or in areas such as the waterfront, tidal movement and sights and sounds of the sea. Use and development needs to avoid significant adverse effects, and avoid, remedy or mitigate other effects, on the natural elements or features that contribute to the natural character value of an area.

Use and development on land ~~adjoining~~ adjacent to areas of outstanding or high natural character can impact on these areas. For example a large residential dwelling ~~adjoining~~ adjacent ~~the boundary of~~ to a regional park, or other area of outstanding or high natural character value, may have a significant impact on that natural character value and must be appropriately managed.

APPENDIX B

Auckland Council deletions in ~~strikethrough~~, additions underlined EDS and Forest and Bird deletions in ~~yellow strikethrough~~, additions yellow underlined

B4.3.2 Landscape~~, and~~, natural features, volcanic viewshafts and height sensitive areas

~~**Introduction**~~

Auckland has a diversity of natural landscapes and ~~landforms~~ natural features. ~~It's urban, rural, coastal, and island~~ These landscapes and natural features provide ~~an~~ important reference points and a strong association with the character and identity ~~sense~~ of ~~identity for~~ Aucklander~~s~~. They contribute to our quality of life and provide the context in which we use and enjoy our environment.

A number of areas have very important landscape values, and are identified in the Unitary Plan as Outstanding Natural Landscapes (ONLs). New development in these areas should be sensitive to these landscape values so that Auckland retains and enhances its landscape character and quality. ~~Some of these ONLs are within working environments, and this Unitary Plan sets out a management response enabling the productive use of these areas to continue and change in a way that supports their landscape values~~.

The Unitary Plan also identifies a number of geological and landform features of regional or greater significance as Outstanding Natural Features (ONFs), including Auckland's volcanic maunga and other volcanic features. In combination, these features document the unique geological history of Auckland, the development of its landforms, and the evolution of its flora and fauna. Many ONFs make a very important contribution to landscape and other values, including the volcanic maunga~~ of the Auckland isthmus~~, with their multiple historic, cultural and natural heritage values. ~~These volcanic features are recognised as having international, national, regional and local significance and a strong association with the character and identity of Auckland~~. ONFs are vulnerable to damage from new development, and the Unitary Plan promotes the protection of their physical and visual integrity and the integrated management of their multiple values.

Some ONLs and ONFs are within or adjoin working environments, and this Unitary Plan sets out a management response enabling the productive use of these areas to continue and change in a way that supports their values. It is recognised that the character of Auckland's landscape and landforms is already influenced by a range of man-made structures and elements, including archaeological features, urban development and infrastructure. It is acknowledged that, subject to the relevant natural heritage resource values being protected, there will be activities, such as linear infrastructure, that will have a functional need to locate within or nearby an ONL or ONF where there is no other practicable option.

There are natural landscapes and natural features not identified as outstanding, but which still have significance to local areas. It is important that these landscapes and features are recognised and that management processes seek to avoid, remedy or mitigate adverse effects on them.

As well as having significance as ONF's, Auckland's volcanic maunga are a significant part of Auckland's natural identity and character. Regionally significant views of these maunga need to be maintained by identifying regionally significant views of them, and ensuring that the visual integrity of the maunga is protected.

Objective 1

Auckland's ONLs and ONFs are protected from inappropriate subdivision, use, and development.

Objective 2

The ancestral relationships of Mana Whenua with, and their perspectives on, the landscapes and natural features of Auckland ~~is~~ are identified and provided for.

Objective 3

The restoration and enhancement of natural features and landscapes, including in the Waitākere Ranges ~~h~~Heritage ~~a~~Area and the Hauraki Gulf/Te Moana-nui o Toi/Tīkapa Moana islands is promoted.

~~**Objective 4**~~

~~The visual and physical integrity and values Auckland's volcanic features that are of local, regional, national and/or international significance are protected and where practicable enhanced.~~

Objective 4 ~~6~~

The multiple values of ONFs are protected and enhanced.

Objective 5

Landscapes and features not identified as outstanding but which display particular values, sense of place or identity and high amenity value, are maintained and enhanced.

Objective 6 ~~7~~

~~The role of existing rural production is recognised in the management of landscape values.~~ Landscape values are recognised in the management of existing rural production.

Objective 7 ~~5~~

The significant views to and between Auckland's maunga are identified and protected.

~~**Identification Protection**~~ **Identification and Protection of Outstanding Natural Features**

.....

Identification and Protection of Outstanding Natural Landscapes

Policy 4 ~~2~~

Identify ~~landscape values of ONFs and~~ ONLs using the following landscape assessment criteria:

a. natural Science Factors (geology, topography, hydrology, vegetation cover, ecology and natural processes)expressiveness / legibility (including the degree to which the landscape reveals its formative processes)aesthetic values and memorability (including landmarks and key views)
d. perceptions of naturalness (related to human influences, the presence of buildings and structures or landform modification)
e. transient landscape values (including those related to natural processes, seasonal change and the presence of wildlife)
f. shared and recognised values (including the public profile and recognition of particular landscapes)
g. the value of the landscape to mana whenua
h. the landscape known historical associations
~~i. the visual coherence, unity or integrity of the site or landform~~

~~j. the aesthetic value, memorability, expressiveness and legibility of the site or landform~~
~~k. the extent to which the site can be perceived of as natural, such as low intrusion of human influence, presence of buildings and structures, or landform modification~~
~~l. the public profile of the site or landform, including shared and recognised values~~
~~m. the known historic associations in relation to the site or landform~~
~~n. the value of the site to Mana Whenua~~
~~o. natural science factors including geological, topographical, ecological and dynamic~~
~~p. the presence of water including seas, lakes, rivers and streams~~
~~q. transient perceptual landscape events~~
~~r. wild or scenic values.~~

Policy 5 ~~16~~

Protect the physical and visual integrity ~~and the landscape values~~ of ONLs by:

a. avoiding the adverse ~~appropriate type, scale, intensity and location for~~ effects of subdivision, use and development within the ONL on the natural ~~features, patterns, processes and~~ characteristics and qualities that contribute to the values of the ONL.
~~b. making built elements subservient to the dominance of the features, patterns, processes and qualities that make the landscape an ONL~~
~~c. avoiding activities that individually or cumulatively detract physically or visually from the values of the landscape~~
~~d.~~b. maintaining the visual coherence and integrity of the ~~landscape~~ ONL
~~e.~~c. maintaining ~~significant~~ natural landforms, natural processes and ~~significant~~ vegetation areas and patterns
~~f.~~d. maintaining the visual or physical qualities that make the landscape iconic or rare
~~g.~~e. maintaining high levels of naturalness in ONLs that are also identified as ~~HNC/~~ONC or HNC areas.

In implementing this policy the following matters should be taken into account:

- the extent of man-made changes to the natural ~~elements, patterns, processes or~~ characteristics and qualities
- the presence or absence of structures, buildings or infrastructure
- the temporary or permanent nature of adverse effects
- the physical and visual integrity, and natural processes of the location
- the physical, visual, and experiential values that contribute ~~significantly~~ to the natural landscape~~feature~~'s values
- the functional need for any proposed infrastructure to be located in the area
- the location, scale and design of any proposed development

Management of Natural Landscapes and Natural Features

Policy 6 ~~5~~

Manage ~~the outstanding natural features~~ ONLs and ONFs, including ~~the~~ volcanic features, in an integrated manner~~: a.~~ to protect and, where practicable and appropriate, enhance their multiple values (which may include social, cultural, historic, geological, archaeological, scientific, ecological, amenity and open space ~~and landscape~~ values) including:

~~b.~~a. across jurisdictional, tribal, or ownership boundaries
~~c.~~b. to maintain their range and diversity

~~d.~~c. to ~~that~~ maintain~~s~~, and where practicable, enhance~~s~~ Mana Whenua values.

Policy 7 ~~8~~

Manage subdivision, use and development on sites ~~immediately~~ adjacent to an ONL or ONF by ~~to:~~

aa. avoiding adverse effects, including cumulative effects, on the characteristics and qualities of an ONL or ONF

~~a. consider its adverse physical and visual effects on the outstanding natural landscape~~

~~b.~~a. protecting ~~the physical~~ visual and biophysical linkages between the site and the ONL or ONF ~~two areas~~

~~c. avoid locating significant built elements directly adjacent to the boundary with an ONL~~

~~d.b. avoiding adverse cumulative effects on the values the outstanding natural landscape of an ONL or ONF~~

~~e.~~c. avoid adverse effects on Mana Whenua values

In implementing this policy the following matters should be taken into account:

- the extent of man-made changes to the natural ~~elements, patterns, processes or~~ characteristics and qualities
- the presence or absence of structures, buildings or infrastructure
- the temporary or permanent nature of adverse effects
- the physical and visual integrity, and natural processes of the location
- the physical, visual, and experiential values that contribute significantly to the natural feature's values
- the functional need for any proposed infrastructure to be located in the area
- the location, scale and design of any proposed development

Policy 8 ~~6~~

Enable works and development that maintains or enhances the values or appreciation of the ONL or ONF ~~outstanding natural features and outstanding natural landscapes~~

Policy 9

Maintain and enhance significant landscape values, sense of place and identity or amenity values found within landscapes and natural features that are not identified as being outstanding, by ensuring that zone and overlay provisions ~~(including mapping)~~ recognise and provide for the ~~elements, patterns, processes and~~ characteristics and qualities that contribute to such values by avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects, taking into account:

- the extent of man-made changes to the natural ~~elements, patterns, processes or~~ characteristics and qualities
- the presence or absence of structures, buildings or infrastructure
- the temporary or permanent nature of adverse effects
- the physical and visual integrity, and natural processes of the location
- the physical, visual, and experiential values that contribute significantly to the natural feature's values
- the functional need for any proposed infrastructure to be located in the area
- the location, scale and design of any proposed development

Policy 10 ~~3~~

Ensure ~~A~~appropriate processes ~~must be~~ are followed with accidentally discovered natural features of potential significance when trenching or excavating in:

a. basalt lava in the Auckland volcanic field
b. organic deposits of pre-European age or greater
c. rock strata known to contain fossils.

Policy 11 ~~4~~
Provide for appropriate rural production activities and related production structures as part of ~~the~~ working rural and coastal landscapes.

~~**Policy 11**~~
~~Require alternative methods and locations for carrying out any work or activities considered to avoid damaging ONFs.~~

Policy 12 ~~17~~
Encourage the restoration and enhancement ~~where achievable,~~ of ONFs and ONLs where this is consistent with the values of the feature or area.

Volcanic Features and Viewshafts and Height Sensitive Areas (additional policies)

....

Methods – Regulatory
Unitary Plan:

- Mapping of outstanding natural landscapes and outstanding natural features
- Objectives and policies for ONL and ONF overlays
- ONF overlay rules
- ONL overlay rules
- Volcanic Viewshaft and ~~Blanket~~ Height Sensitive areas overlays, objectives, policies and rules
- Auckland wide objectives, policies and rules
- Coastal ~~Marine~~ zones objectives, policies and rules.
- Development controls in zones and precincts
- Transferable development rights out of ONLs

Bylaws
Other regulatory provisions.

Methods - Non-Regulatory
Non-Statutory plans and strategies

- Open Space Strategy
- Marine spatial planning
- Resource consent guidelines.
- Landscape Evaluations of Geological Sites and Landforms of Auckland and the Identification of Outstanding Natural Features (Brown NZ Ltd 2012)

Advocacy and education

- Guidance and advice for land use management practices that maintain and enhance natural landscapes and natural features
- MoU with DOC.

Funding and assistance for protection, restoration and rehabilitation of natural landscape and natural feature values

Monitoring and information gathering
State of the Environment Reporting

Explanation and Reasons
Most of Auckland's landscapes and natural features are located in areas experiencing ongoing physical and visual change through:

- changes in primary production i.e. moving from pastoral farming to horticulture or viticulture
- more intensive use of rural areas for a range of non-production activities, particularly countryside living
- transformation from rural to urban uses at the urban edge
- re-development and intensification in urban areas.

These physical and visual changes must be managed so they do not detract from the natural character values of our landscapes and natural features, while still providing for appropriate urban and rural land uses.

ONFs, including the volcanic ~~cones~~ maunga, are finite resources – once they are destroyed they are lost forever, and restoration options are limited. The focus is therefore on protection of values and the avoidance of adverse effects such as buildings, structures and earthworks or land disturbance that are physically or visually intrusive. ONFs frequently have multiple values which must be considered.

Development within ONLs should focus on maintaining the high levels of naturalness within these areas. Subdivision, use and development needs to be carefully managed in terms of its type, scale, intensity and location to ensure that the built environment remains subservient to the natural.

For infrastructure which has a functional need to locate within an ONL or ONF the key consideration will be any adverse effect that infrastructure will have on the values of the ONL or ONF.

Protecting views to the ~~cones~~ maunga maintains their visual integrity and provides place making landmarks across Auckland. Buildings or structures that adversely affect the visual integrity ~~are of a scale or location that dominate the local landscape or reduce the visual significance or amenity values~~ of the feature are to be avoided.

~~Development within ONLs should focus on maintaining the high levels of naturalness within these areas. Subdivision, use and development needs to be carefully managed in terms of its type, scale, intensity and location to ensure that the built environment remains subservient to the natural.~~

The objectives and policies seek to promote the appropriate management of areas of high and outstanding landscape, geological and geomorphic values by:

- providing criteria to identify areas with these values, and identifying these areas in the plan to provide certainty to landowners and others. Areas identified are: ONFs, ONLs, ~~Regionally Significant~~ Volcanic Viewshafts and ~~Blanket~~ Height Sensitive Areas.
- requiring that activities which have adverse effects on ~~affect~~ the values for which an ONL or ONF ~~the feature or area~~ is identified are avoided, including through controls on size, height and location of buildings within the ~~Regionally~~ Volcanic ~~Significant~~ Viewshafts and the ~~Blanket~~ Height Sensitive Areas.

- requiring that appropriate accidental discovery protocols are followed for previously unidentified natural features
- promoting the maintenance and enhancement of ONLs and ONFs ~~the multiple values of the maunga~~
- encouraging restoration of landscape values and natural features where appropriate.

Annex 2 - C.1

APPENDIX A – EDS AND FOREST & BIRD TRACKED CHANGES

~~Strikethrough~~ and underline – amendments proposed in Auckland Council primary evidence
~~Both strikethrough and underline~~ – was proposed to be included in Auckland Council primary evidence and now proposed for removal
Yellow highlight – amendments agreed by the majority of parties present at the mediation, including Auckland Council
Green highlight – amendments proposed in Auckland Council rebuttal evidence.
Blue highlight – amendments sought by EDS and Forest & Bird

7 Sustainably managing our coastal environment - Toitū te taiwhenua

Te tere i
uta Te tere
i tai
The shoals from the shallows and the shoals from the deep.

Introduction

Auckland's coastal environment is ~~and harbours are~~ one of its most highly valued natural features. Auckland has a richly varied coast that includes the open beaches of the west and east coast, numerous sheltered bays and inlets and a number of harbours; the Kaipara and Manukau on the west coast, and Waitematā, Mahurangi and Whangateau on the east, and Port Fitzroy and Tryphena at Great Barrier Island. The character of our coast ranges from the highly developed City Centre waterfront to rural and remote coastal areas, each area valued for different reasons. The outstanding quality and diversity of biology and landscape of the Hauraki Gulf and its islands (the Gulf) has been recognised through their inclusion in the Hauraki Gulf Marine Park.

Coastal areas all have their own distinct qualities, values and uses and share a rich history of Māori and European settlement. The coast is one of the earliest places of human settlement in New Zealand and continues to play a fundamental role in the character, ~~and~~ identity and economy of Auckland. The coastal environment and the resources of the coastal marine area comprise some of the most important taonga to Mana Whenua, who have a traditional and on-going cultural relationship with the coast.

Managing the coastal environment

The seaward extent of the coastal environment includes the coastal marine area (CMA) (mean high water springs to 12 nautical miles), except where this crosses a river, and includes islands within the CMA. The landward extent of the coastal environment is determined by the natural and physical elements, features and processes associated with the coast, including vegetation, landscape, landforms, coastal processes and the other matters included in Policy 1 (2) of the New Zealand Coastal Policy Statement 2010 (NZCPS). (Refer Figure 1).

The importance of the coastal environment is reflected in the statutory resource management framework, particularly the NZCPS and s. 6 and 7 of the RMA. In addition, s. 10 of the Hauraki Gulf Marine Park Act 2000 (HGMPA) requires that the national significance of the Hauraki Gulf and the management ~~directives~~ objectives (s. 7 and s. 8) of the HGMPA be treated as a NZCPS for the Hauraki Gulf. The HGMPA elevates the inter-relationship between the Hauraki Gulf, its islands, and catchments, and the ability of the Gulf to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands, to a matter of national significance.

Values of the coastal environment

Auckland's coastal environment is a finite resource with high environmental, social, economic and cultural values. It is the location of New Zealand's largest commercial port and international airport, and marine industry, transport, rural production and aquaculture activities all contribute to our social and economic well-being. Due to the geography of Auckland, significant infrastructure, including transport networks, ~~routes~~ may need to cross the CMA. Some transport infrastructure, and in particular ferry based public transport infrastructure, is required to be located and operate in the CMA. The coastal environment also contains potentially significant renewable energy resources. It is a highly desirable location for often competing residential, commercial, industrial and recreational use of both land and water. These demands will increase as Auckland grows.

Auckland's CMA is highly used for a range of recreation activities and valued as an open space resource. There is a public expectation of free rights of use and access to the coast. These long-standing rights are recognised and protected as a matter of national importance in the NZCPS, the RMA and the Marine and Coastal Area (Takutai Moana) Act 2011. The provision of land-based public open space such as parks, esplanades and reserves, and facilities such as jetties and boatramps, enhance Aucklanders' access to and enjoyment of the coastal environment. However there is a need to restrict public access in certain circumstances, including for safety, security and biosecurity reasons, and to sensitive natural areas, or to enable the carrying out of activities, such as port or marine industry.

The CMA also provides a range of ecosystem services, including providing food~~,~~ and assimilating discharges from land into coastal waters, and enables ~~enabling~~ a range of coastal uses, including marine and port ~~and marine~~ activities, marinas, recreational activities, marine industry, transport, infrastructure and aquaculture, that support our ~~economy~~ social and economic well-being. Some of these uses require activities such as dredging, reclamation, discharges and occupation. The many uses made of the coast have to be managed to ensure that they do not threaten the life-supporting capacity of the marine environment, as a healthy marine environment is fundamental to many of the activities and values of the coast. ~~Some of these uses create a requirement for activities such as dredging, reclamation, discharges and occupation.~~ They also have to be managed to not adversely affect the efficient and safe operation of the ports and their connections with other transport modes.

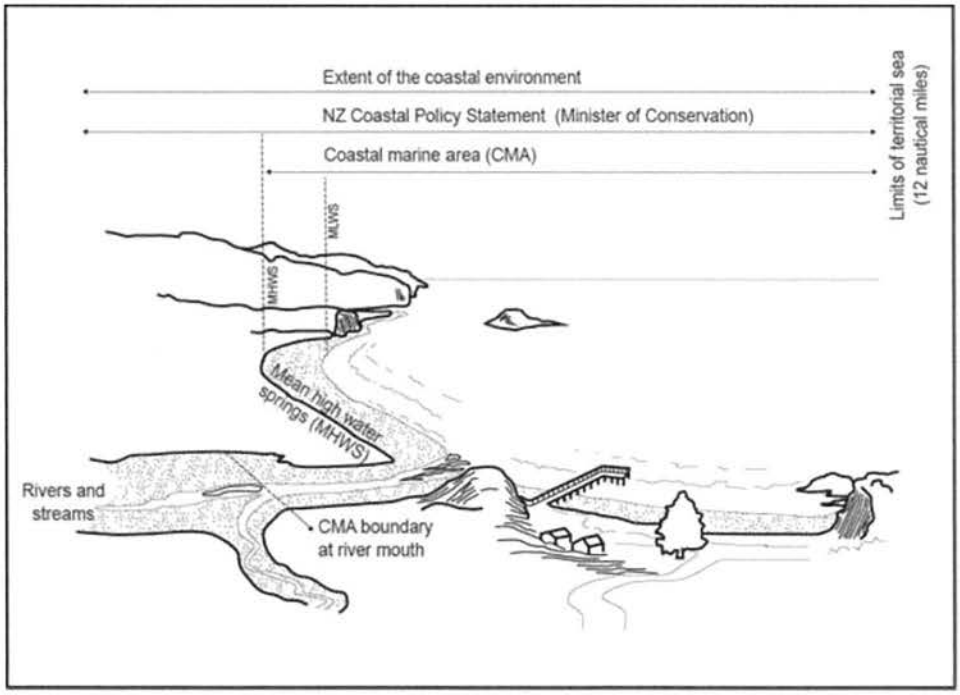
Land-based activities can have a significant effect on the health of the marine environment. Sediment, contaminants and litter that are carried by waterways or pipes into the sea affect water quality and the ecological health of the coast, and are a major environmental issue for Auckland's CMA. There is a need to ensure integrated management of activities on both the land and sea to ensure the ecosystem services and values of the CMA are maintained.

Auckland's coastal environment has important natural values including biodiversity, natural character and landscape values. These values are recognised and some are protected as matters of national importance in the RMA and NZCPS. The coastal environment is habitat for a range of species some of which are threatened or at risk.

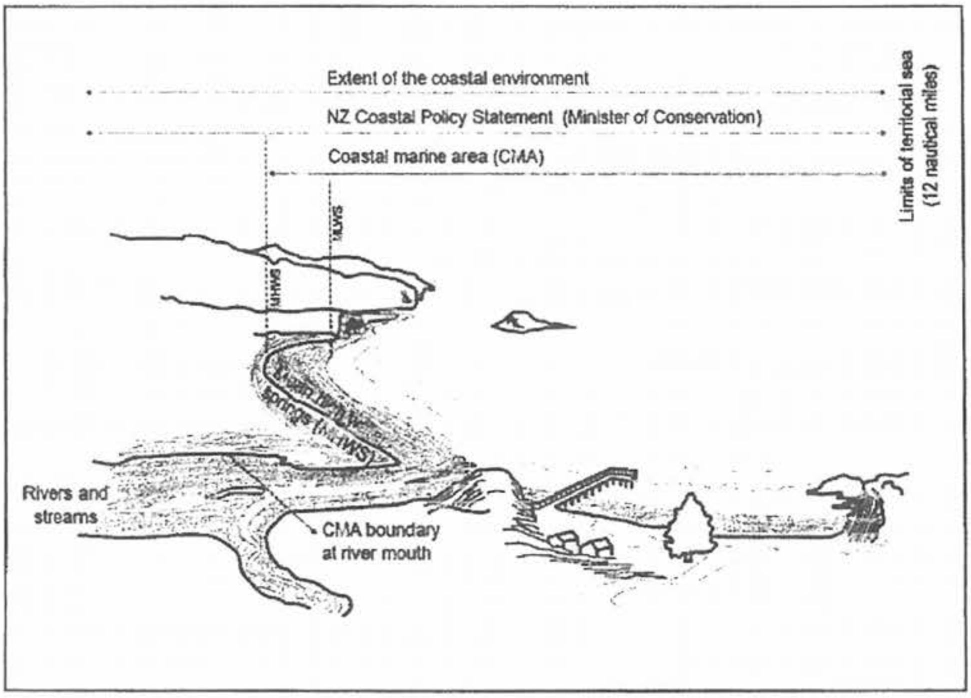
In addition to the objectives and policies in this section the values of the coastal environment are recognised and provided for in the objectives and policies relating to:

- historic heritage (RPS - section 4.1)
- natural character (RPS – section 4.3.1)
- landscape and natural features (RPS – section 4.3.2)
- biodiversity (RPS – section 4.3.4)
- Mana Whenua values (RPS – sections 5.1 to 5.4)

Figure 1: Extent of the coastal environment [Remove the following figure]



[Insert the following figure]


Extent of the coastal environment
NZ Coastal Policy Statement (Minister of Conservation)
Coastal marine area (CMA)
Limits of territorial sea
(12 nautical miles)
Rivers and
streams
CMA boundary
at river mouth

7.1 Subdivision, use and development in the coastal environment

Objectives

1. Subdivision, use and development in the coastal environment is located in appropriate areas, and is of an appropriate form and within appropriate limits, taking into account the range of uses and values of the coastal environment.

2. The natural and physical resources of the coastal environment are used efficiently and activities that depend on the use of the natural and physical resources of the coastal environment are provided for in appropriate locations.

2A. The adverse effects of subdivision, use and development on the values of the coastal environment are avoided, remedied ~~or~~ mitigated or offset.

3. Conflict between activities is minimised, and rights to occupy parts of the CMA are generally limited to activities that have a functional need to be located ~~below MHWS~~ within the CMA.

4. There is integrated management of activities on land and in the CMA, to ensure that the efficient operation of established activities that depend upon the use of the CMA, is not adversely affected by other land or CMA activities.

5. The risk of subdivision, use and development in the coastal environment being adversely affected by coastal hazards is ~~minimised~~ not increased.

Policies

1. Determine the appropriateness of subdivision, use and development in the coastal environment having regard, in addition to the objectives and policies in this section, to all of the other ~~the~~ regional policy statement objectives and policies ~~in the historic heritage, natural character, landscape and natural features, biodiversity and Mana Whenua sections~~.

Comment [NDW1]: See submission

2. Avoid or mitigate sprawling or sporadic patterns of subdivision, use and development that will individually or cumulatively compromise the RUB or the rural or coastal settlement growth policy for the coastal environment by:

   a. concentrating subdivision, use and development within areas already characterised by development and where natural character values are already compromised

   b. avoiding degradation of marine areas with high water quality and ecological values

   b2. avoiding urban development within areas with significant environmental, heritage, natural character or landscape values, including areas identified in Appendix 3.1-3.2, Appendix 5.1, Appendix 6.2,

Appendix 9.1 and land governed by the Waitākere Ranges Heritage Area Act 2008

c. ensuring that subdivision, use or development involving land above and below the MHWS can provide for any associated facilities or infrastructure in an integrated manner.

3. Provide for subdivision, use and development for activities that have a functional need to use the natural and physical resources of the coastal ~~environment~~ marine area in appropriate areas and in an appropriate form and within appropriate limits~~, having regard to the matters in Policies 1 and 2 above~~.

3A Recognise and provide for the effective operation, maintenance, upgrading and development of the components of the electricity transmission network that have a technical, operational or functional need to locate in the coastal marine area in appropriate areas and in an appropriate form and within appropriate limits~~, having regard to the matters in Policies 1 and 2 above~~.

4. Maintain the value of the coast as an open space area with free public access by limiting use, occupation and development in the CMA to activities that:

   a. have a functional need to be located below MHWS or

   b. are for public benefit or recreation, including infrastructure that cannot ~~be~~ reasonably or practicably be located outside the CMA, including existing uses or

   c. enable the ~~cultural or traditional~~ use of the CMA by Mana Whenua for Maori cultural activities and customary uses.

5. Provide for activities that are necessary to allow for the on-going use~~, and~~ operation and development of infrastructure and existing activities in the coastal environment ~~CMA~~, including marine and port activities, while avoiding significant adverse effects to the extent practicable, and avoiding, remedying or mitigating other adverse effects, subject to:

   a. policy~~ies XX~~ 1, 4 and 8 of B4.3.1 (natural character)

   b. policy~~ies XX~~ 2 and 5 of B4.3.2 (landscape and natural features)

   c. policies 17 and 18 ~~y 14~~ of B4.3.4 (biodiversity).

Comment [NDW2]: See submission

5A. Recognise that the extraction of minerals and renewable marine energy generation can have social and economic benefits and can be appropriate activities in the coastal environment, while avoiding significant adverse effects to the extent practicable, and avoiding, remedying or mitigating other adverse effects, subject to:

   a. policy~~ies XX~~ 1, 4 and 8 of B4.3.1 (natural character)

   b. policy~~ies XX~~ 2 and 5 of B4.3.2 (landscape and natural features)

   c. policies 17 and 18 ~~y 14~~ of B4.3.4 (biodiversity)

Comment [NDW3]: See submission

6. Require subdivision, use and development in ~~and adjacent to~~ the coastal environment to

~~assess~~ avoid, remedy or mitigate the adverse effects of activities on both the land and the CMA, including the effects on existing uses and on the coastal receiving environment.

7. Adopt a precautionary approach towards proposed activities whose effects on ~~that have potentially significant adverse effects in~~ the coastal environment ~~that~~ are uncertain, unknown or ~~not well~~ little understood, but potentially significant adverse.

8. Consider the purposes for which land or water in the coastal environment is held or managed under the Conservation Act or other Acts for conservation or protection purposes and:
   a. avoid adverse effects that are significant in relation to those purposes; and
   b. avoid, remedy or mitigate other adverse effects in relation to those purposes.

9. Set back development from the coastal marine area, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment.

Methods
Regulatory

Unitary Plan

- RPS objectives and policies for providing for growth in coastal settlements
- Auckland wide objectives, policies and rules for natural hazards, mineral extraction in the CMA, subdivision
- Zone objectives, policies and rules for the General Coastal Marine, Marina, Mooring, Minor Port, Ferry Terminal, Defence and Rural Coastal zones
- Overlay objectives, policies and rules for Historic Heritage, Natural Heritage, Mana Whenua
- Precinct objectives, policies and rules for coastal precincts.

Bylaws

- Bylaws that control use and activities in the coastal environment, including navigation and safety, vehicles on beaches and temporary events in the CMA.

Non-Regulatory

Non-statutory plans and strategies:

- Marine spatial planning; to identify conflicts, values and appropriate locations for

activities

- Catchment management planning; to integrate land-use and coastal receiving environment planning.

Advocacy and education

Partnerships and cooperation between coastal management agencies; including a collaborative relationship with central government and iwi with respect to fisheries resources and marine biosecurity.

Monitoring and information gathering

Explanation and reasons

The objectives and policies recognise that the coastal environment is a finite resource with a range of values that need to be provided for. As Auckland grows the coastal environment is under increasing pressure for use and development and its natural and physical resources must be used efficiently to ensure it is able to sustain the needs of future generations.

The objectives and policies provide guidance to ensure that subdivision, use and development in the coastal environment is appropriate by:

- ensuring it is located in appropriate areas, taking into account the values identified and the strategic direction for managing subdivision, use and development in the coastal environment, in addition to the values of the coastal environment that need to be considered in other parts of the plan

- recognising that some forms of use and development rely on the use of the natural and physical resources of the coastal environment, for example renewable energy generation, aquaculture, marine and port activities, and marinas, and that this should be provided for in appropriate locations

- recognising that the CMA is a limited and highly valued public resource, and that use, development in the CMA should be for activities that have a functional need to be undertaken below MHWS and cannot be undertaken on land

- providing for activities associated with the on-going operation and development of infrastructure and existing activities in the CMA, including Auckland's largest commercial port and airport, and key parts of the transport, ~~and~~ electricity transmission and telecommunication networks, recognising the social and economic benefit they provide, subject to managing the adverse effects

- requiring the impacts of land use activities on the CMA be taken into account, including impacts on water quality~~,~~ and ~~that the effects~~ on established CMA activities like aquaculture, marine and port activities~~,~~ and recreational use

- requiring that both the landward and seaward aspects of use and development be

considered in an integrated manner, for example the parking and access on land that may be required as part of providing for an activity in the CMA.

Subdivision, use and development, including redevelopment needs take into account the risk of being affected by coastal hazards, including the effects of climate change, and avoid increasing the future risk of social, environmental and economic harm.

Policy 3A gives effect to policies 2 and 3 of the National Policy Statement on Electricity Transmission. Policy 5 regarding ports activities gives effect to policy 9 of the NZCPS. Policy 5A regarding the extraction of minerals and renewable marine energy generation gives effect to policy 6(1)(a) of the NZCPS. Policy 7 regarding the precautionary approach gives effect to Policy 3 of the NZCPS. Policy 8 regarding effects on land held for conservation purposes gives effect to Policy 5 of the NZCPS. Policy 9 regarding setting development back from the coastal marine areas gives effect to Policy 6(1)(i) of the NZCPS and is implemented by the coastal protection yard.

7.2 Public access and open space in the coastal environment

Objectives

1. Public access to and along the CMA is maintained and enhanced in a manner that is sensitive to the use and values of an area.

2. The open space, recreation and amenity values of the coastal environment are maintained or enhanced, including through the provision of public facilities in appropriate locations.

3. Public access is restricted only where necessary to ensure health or safety, the efficient and safe operation of activities, or to protect the value of areas that are sensitive to disturbance.

Policies

1. Subdivision, use and development in the coastal environment must where practicable:

   a. be designed and located to minimise impacts on public use and access ~~of~~ to and along the CMA

   b. be set back from the CMA to protect public open space values and access

   c. take into account the likely impact of coastal processes and climate change, and be set back sufficiently to not compromise the ability of future generations' to have access along the coast

   d. maintain, or where possible, enhance public access to the CMA, including through the provision of esplanade reserves and strips.

2. Facilitate the provision of public access, ~~particularly~~ including walking, cycling and boating access, to and along the coast through:

   a. acquiring esplanade reserves or strips on subdivision, and linking reserves, access strips and open space areas

   b. investigating the option of using paper roads to provide access in appropriate locations

   c. working with landowners to seek agreement for walking access to be allowed through private property to enable linkages between areas, or to provide access to areas or sites of historic or cultural significance or ~~customary/traditional use~~ for Maori cultural activities and customary use

d. where appropriate providing boardwalks and other access structures in the CMA to connect access between land-based walkways or open space areas.

3. Provide for a range of open space and recreational use of the coast by:

   a. enabling a diverse range of recreational uses while managing uses to avoid conflicts and safety issues

   b. identifying and providing areas for particular recreational use where this ensures the ~~most~~ efficient use of space, and supports the provision of land-based facilities for those uses

   c. enabling the provision of facilities in appropriate locations to enhance public access and amenity values.

   d. enabling Maori cultural activities and customary use.

4. Manage the level and form of public access to retain the sense of remoteness and predominance of natural character in areas valued for their wilderness experience.

5. Public access to, and along, the CMA, particularly walking access, will only be restricted where it is necessary to:

   a. protect public health and safety

   b. provide for defence, port or airport purposes

   c. protect identified significant historic heritage or natural heritage values

   d. protect dunes, estuaries and other sensitive natural areas or habitats

   e. protect scheduled sites and places of significance to Mana Whenua

   f. have a level of security necessary to carry out an activity or function that has been established or provided for

   g. provide for exclusive use of an area to carry out an activity granted an occupation consent under s. 12 of the RMA

   h. in other exceptional circumstances sufficient to justify the restriction.

X. Control the use of vehicles on beaches, foreshore seabed and adjacent public land where adverse environmental or cultural effects or danger or disturbance to beach users might result

Methods
Regulatory

Unitary Plan:

- Auckland-wide objectives and policies and rules for public open space, public access, and subdivision, including esplanade reserve provisions

- Zone objectives, policies and rules for the General Coastal Marine, Marina, Mooring, Minor Port, Ferry Terminal and Defence zones.

- Precinct objectives, policies and rules for the Rowing and Paddling precinct.

Reserve Management Plans

Bylaws

- Bylaws that control use and activities in the coastal environment, including navigation and safety, vehicles on beaches and temporary events in the CMA.

Non-Regulatory

Non-statutory plans and strategies:

- Open space strategy
- Parks acquisition and other ~~and reserve management~~ plans
- Marine spatial planning

Advocacy and education

Explanation and reasons

Both the RMA (s. 6(d)) and the NZCPS (Policies 18 and 19) recognise the national significance of maintaining and providing public access, particularly walking access, to and along the coast, and to recognise the significant open space values of the coast.

The coast is one of Auckland's most highly used and valued open space areas. It is used for a range of recreational activities and will be subject to increasing pressure as Auckland grows. To meet these growing needs it will be necessary to work towards linking walking access around the coast and to provide facilities such as boardwalks and boat ramps in appropriate locations. In parts of the coast it may be appropriate to identify areas for a particular recreational activity, in order to make the most efficient use of coastal space and to avoid conflicts between activities.

Public access needs to be restricted in some circumstances to ensure public health and safety, enable the safe use and operation of activities provided for in the CMA, and to protect sensitive areas. This is consistent with Policy 19 (3) of the NZCPS.

The objectives and policies recognise that:

- subdivision, use and development can have a significant impact on public open space and access. It may enhance access through the provision of esplanade reserves and open space areas, or the design and form of development can limit or detract from open space value and public access

- The likely future impact of coastal erosion and sea level change needs to be taken into account in considering the appropriate width of reserves and set backs from the coastal edge, particularly for new greenfield development. There is otherwise a risk that coastal reserves will erode and access will be lost, or that foreshore protection works will be required, if they are to be retained in the long term

- the provision of facilities, including boardwalks, boat ramps and pontoons can considerably enhance public access and amenity values. Facilities should be enabled in locations where there is high recreational use and it would enhance public access and use of the coast

- as Auckland grows and there is greater intensification and less private open space it will be important to ensure that there continue to be areas that people can still 'escape' the city and experience wilderness values. These areas need to be managed to ensure changes to access, including car- parking, or changing nature of access (e.g low impact walking tracks to formed accessways or vehicle access) do not result in losing the wilderness experience these areas are valued for

- Restrictions on public access to or along the CMA may need to be limited where it is necessary to protect public health and safety or the values of areas sensitive to disturbance. Restrictions may also be necessary to enable the efficient operation of activities undertaken in the coastal environment, including port, airport and marine industry activities, including access restrictions necessary for customs, security and biosecurity requirements. Some activities in the CMA are granted rights of occupation under s. 12 of the RMA, for example aquaculture or moorings, which require public access to be restricted or limited in parts of the CMA.

7.3 Areas of degraded water quality

Auckland's coastal receiving environments are under continued pressure from both coastal and land-based activities. Low energy inner harbour and estuarine areas where sediments and contaminants accumulate are usually the most adversely affected areas. This is particularly the case in central Auckland, where the city has historically developed around the Waitemata and Manukau Harbours.

Degradation of coastal receiving environments can have significant adverse effects on recreational, amenity, Mana Whenua and economic values.

Degraded areas have been identified based on water quality, sediment contamination and benthic health (Figure 2). Where an area was identified as degraded for any one of these measures, it has been identified as degraded. Figure 2 also shows sites where the bathing beach water quality monitoring has indicated the water quality is degraded.

Degraded 1 areas are the areas where monitoring data shows a high level of degradation, ~~or~~ and that can be identified with high certainty. Degraded 2 areas are where monitoring data shows a moderate level of degradation, or the level of degradation can only ~~that can~~ be identified with reasonable certainty. The distinction between degraded 1 and degraded 2 does not imply a ranking of degradation or priority for action. It is important that they are considered together because of the dynamic and interconnected nature of coastal environments and because the divisions may shift over time as more knowledge is gained and as pressure on receiving environments change. There is evidence that even moderate levels of degradation can result in ecosystem level changes, and it is not yet known how reversible these changes might be.

Identifying an area as degraded does not imply that it has no value. Degraded areas may contain valuable habitats, support important species, or form critical connections with other systems. Many are identified as SEAs.

Objectives

1. ~~There is no further decline in the water quality and ecological integrity of degraded areas.~~ There is no further decline in the water quality and ecological integrity of degraded areas.

2. The ecosystem functioning and water quality of degraded areas is improved over time ~~and can support a range of recreational, cultural and other activities~~, to a level which supports healthy ecosystems and natural habitats, water-based recreational activities, existing uses and cultural activities, where practicable.

3. The water quality of areas of special value to Mana Whenua is such that it provides for the traditional and cultural use and values of the CMA.

Policies

1. Require land use activities, development and discharges from catchments that may affect ~~are affecting~~ the water quality of degraded areas to be managed to avoid

~~where practicable and otherwise minimise~~ further degradation of water quality and loss of ecosystem function.

2. Prioritise catchment management and restoration initiatives by:

   a. identifying the key contributors and sources that are adversely impacting on the water quality of degraded areas

   b. determining the restoration objective(s) by considering the current and future use and value of an area

   c. consulting with Mana Whenua to identify areas they have a particular interest in.

3. Promote the restoration of the water quality and ecosystem function of degraded areas through:

   a1. managing livestock access within the CMA

   a. targeted catchment management programmes

   b. managing land use activities, new development, significant redevelopment and discharges to progressively reduce existing adverse effects and to meet identified outcomes, having regard to the matters in policy 2.

~~**Figure 2: Degraded marine areas**~~ **[Remove this map]**

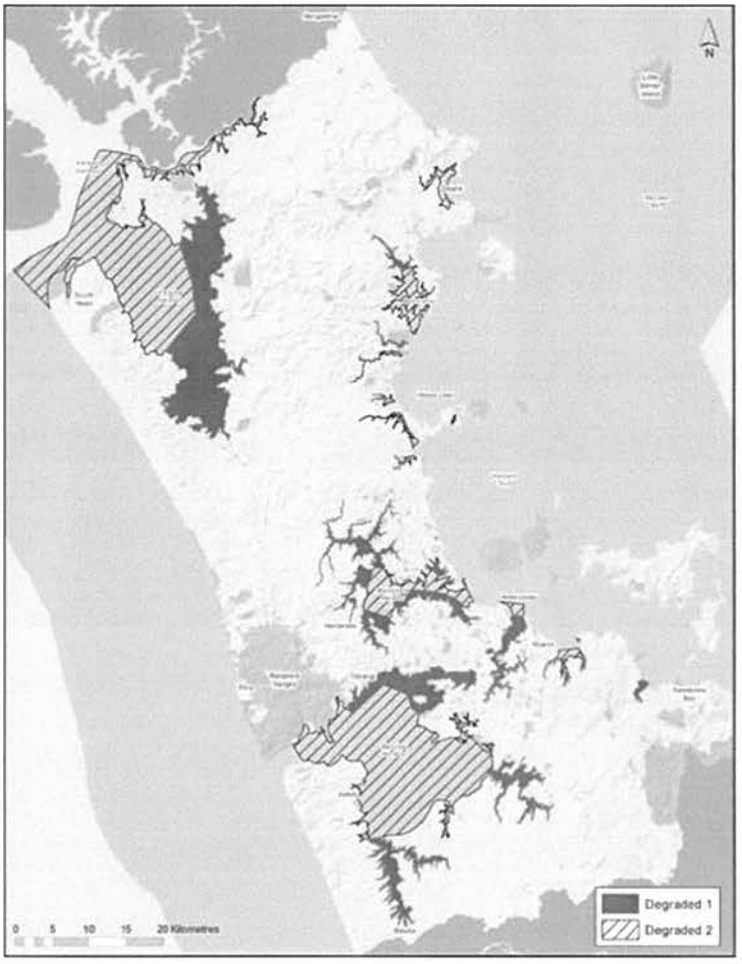
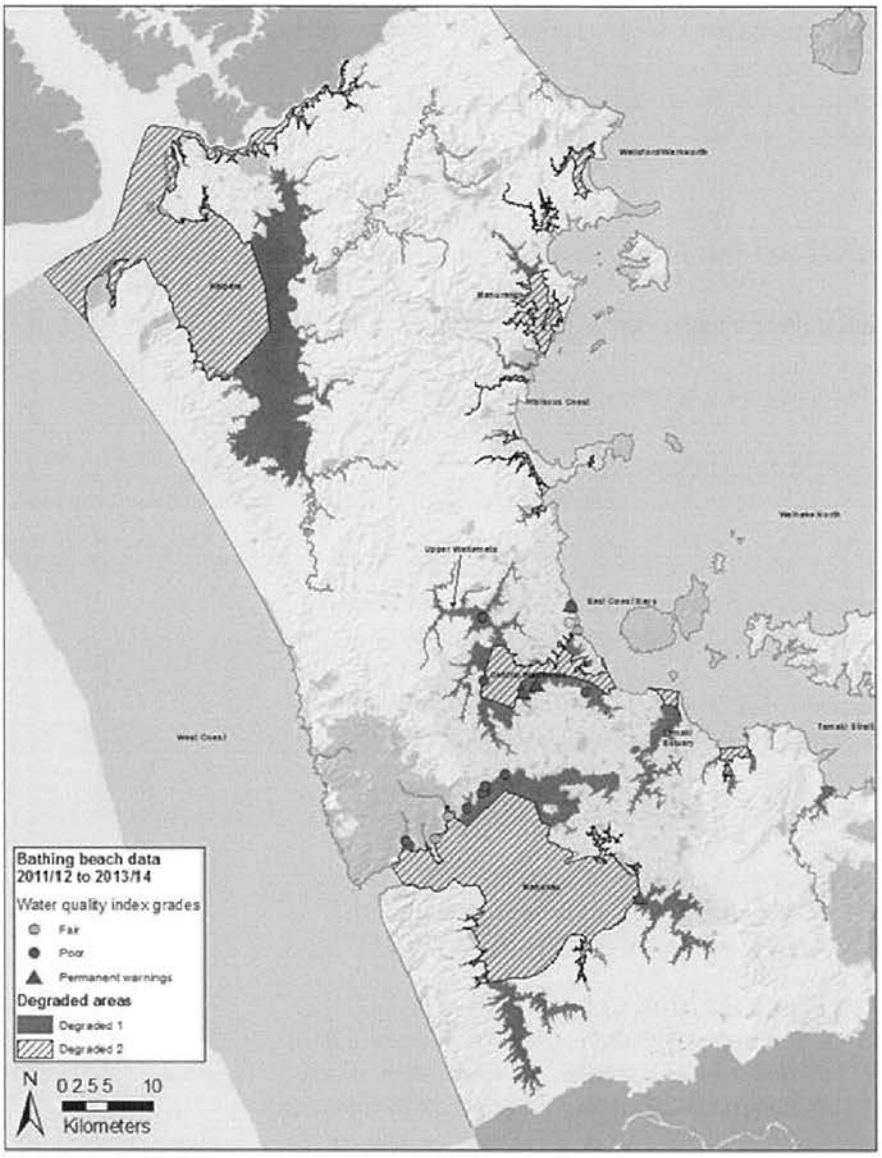


Figure 2: Degraded marine areas [insert the following map]

Comment [NDW4]: Include map in GIS viewer and PAUP maps



Marine degraded areas in Auckland

Map Produced by
Research, Investigations
& Monitoring Unit
Auckland Council

Auckland Council

Methods

Regulatory

Unitary Plan:

- Auckland-wide objectives, policies and rules for lakes, rivers and wetlands, earthworks, on-site wastewater, other discharges of contaminants, rural production discharges, stormwater management, vegetation management, wastewater network management

- General Coastal Marine zone objectives, policies and rules for discharges and disturbance, including rules for stock access to CMA.

Non-regulatory

Non-statutory plans and strategies

- Identification of the use and values of areas through marine spatial planning

- Catchment management programmes, including riparian planting and coast care

- Integration of the work on identifying values for freshwater.

Advocacy and education

- Working with groups such as the Hauraki Gulf Forum and Integrated Kaipara Harbour Management Group and the Manukau Forum to improve coastal water quality

- Working with Mana Whenua to identify areas of coastal waters they have a particular interest in and ~~in~~ identifying ways to remedy of mitigate the adverse effects from degraded water quality.

Explanation and reasons

Water quality is fundamental to a range of use and values, to the ecosystem function and the life-supporting capacity of the coast. The coast is the receiving environment for discharges, both from historic and present activities that are undertaken in the CMA and from land.

Policy 21 of the New Zealand Coastal Policy Statement 2010 requires that where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering and cultural activities, to give priority to improving water quality by identifying such areas and including provisions in plans to improve, and where possible restore water quality in these areas, and requiring that stock are excluded from the coastal marine area within a prescribed timeframe.

Both urban and rural activities have adverse impacts on coastal water quality. The most degraded areas are generally found in estuaries receiving runoff from the older, intensively urbanised and/or industrialised catchments, particularly in the Tamaki Estuary, Mangere Inlet and the Waitemata Harbour. Water quality is highly impacted by the condition of and type of network (stormwater, wastewater or combined) infrastructure found in the surrounding catchment. The best water quality is found at locations that are more exposed to open ocean water currents and have less development in their catchments, or have received upgrades to the network

infrastructure.

Outside of urban areas, degradation also occurs in all of the smaller east coast estuaries. This is partly due to high sediment accumulation rates because of their size and shape, but also as a result of historic and ongoing land disturbance from rural activities in their catchments. ~~Livestock in the CMA degrade coastal areas by mobilising muddy sediment, contaminating water with viruses and bacteria, and damaging or destroying coastal vegetation and habitat.~~

Water quality in marinas and ports are particularly impacted by the use of antifouling paints and other vessel related contaminants as well as often receiving inputs of urban stormwater. Port and marinas are also often subjected to high sedimentation rates created by their enclosed environment and as a result are often dredged.

There are large areas of the Auckland region where we do not have monitoring data and these areas were therefore not graded. In general, all enclosed estuaries and harbours around mainland Auckland were graded ~~(except Matakana Estuary)~~, while the open waters of the Hauraki Gulf, Tamaki Strait and areas around off-shore islands were not.

The objectives and policies seek to avoid on-going decline in water quality and to improve water quality over time through a range of mechanisms. They also recognise the significance and value of the coastal marine area for Mana Whenua, and that we need to work towards restoring the mauri of coastal water.

7.4 Managing the Hauraki Gulf/Te Moana Nui o Toi/Tīkapa Moana

Objectives

1. The management of the Gulf gives effect to s. 7 and 8 of the Hauraki Gulf Marine Park Act 2000.

2. The life-supporting capacity and ecological values of the Gulf and its marine ecosystems are protected, and where appropriate, enhanced.

3. Use and development supports the social and economic well-being of the resident communities of Waiheke and Great Barrier islands, while maintaining, or where appropriate, enhancing the natural, historic and physical resources of the islands.

4. Additional marine protected areas are created to support linkages with restored or high-value ecological areas on the islands or in catchments of the Gulf, and to enhance the recovery of ecosystems and enhance tourism opportunities.

5. The historic resources of the Gulf, its islands, and catchments are protected, and where appropriate enhanced.

6. The significant open space, recreation and amenity values of the Gulf are maintained or enhanced.

7. The contribution of the natural, historic and physical resources of the Hauraki Gulf to the social and economic well-being of the people and communities of the Hauraki Gulf is maintained and, where appropriate, enhanced. ~~Economic well-being is generated from the use of the Gulf's natural and physical resources without resulting in further degradation of environmental quality or adversely affecting the life-supporting capacity of marine ecosystems.~~

Policies

Integrated management

1. Encourage and support the restoration and enhancement of the Gulf's ecosystems, its islands, and catchments.

2. Require the integrated management of use and development in the catchments, islands, and waters of the Gulf to ensure that the ecological values and life-supporting capacity of the Gulf are protected, and where appropriate enhanced.

3. Require applications for use and development to ~~be assessed in terms of~~ the cumulative effects on the values of the Gulf, as applicable to the location of the use and development that is proposed and the extent of its effects on the environment ~~rather than on a jurisdictional, area-specific, or case-by-case basis~~.

Maintaining and enhancing the values of the islands in the Gulf

4. Avoid use and development that will significantly affect ~~compromise~~ the natural character, natural features, landscape, conservation, and biodiversity values of the islands, particularly in areas identified as having significant values in the appendices of the plan, subject to:

   a. policyies ~~XX~~ 1, 4 and 8 of B4.3.1 (natural character)

   b. policyies ~~XX~~ 2 and 5 of B4.3.2 (landscape and natural features)

   c. policy 14 of B4.3.4 (biodiversity).

Comment [NDW5]: See submission

5. Promote the restoration and rehabilitation of natural character values of the islands of the Gulf.

6. Ensure that use and development of the CMA adjoining conservation islands, regional parks or Department of Conservation land, does not adversely affect their scientific, natural or recreational values.

7. Enhance opportunities for educational and recreational activities on the islands of the Gulf if they are consistent with protecting their natural, historic, and physical values.

Managing catchment land use activities and the marine environment

8. Identify and protect areas or habitats, particularly those unique to the Gulf, that are:

   a. significant to the ecological and biodiversity values of the Gulf

   b. vulnerable to modification.

9. Work with agencies and stakeholders to establish an ecological bottom line, or agreed target, for managing the Gulf's natural, historic and physical resources which will:

   a. provide greater certainty in sustaining the Gulf's ongoing life-supporting capacity and ecosystem services

   b. assist in avoiding incremental and ongoing degradation

   c. co-ordinate cross jurisdictional integrated management and effort to achieve agreed outcomes

   d. better measure the success of protection and enhancement initiatives

   e. assist in establishing a baseline for monitoring changes

   f. enable better evaluation of the social and economic cost-benefits of management

   g. provide an expanded green-blue network linking restored island and mainland sanctuaries with protected, regenerating marine areas where the ecological health and productivity of the marine area will be enhanced.

Providing for the relationship of Mana Whenua with the Gulf

10. Work in partnership with Mana Whenua to protect and enhance culturally

important environmental resources and values of the Gulf that are important to their traditional, cultural and spiritual relationship with the Gulf.

11. Incorporate mātauranga Māori with western knowledge in establishing management objectives for the Gulf.

12. Require management and decision-making to take into account the historical, cultural and spiritual relationship of Mana Whenua with the Gulf, and the ongoing capacity to sustain these relationships.

Maintaining and enhancing social, cultural and recreation values

13. ~~Identify and p~~Protect the natural, historic and physical resources identified in the appendices of the plan that have important cultural and historic associations for people and communities in and around the Gulf.

14. Identify, maintain, and where appropriate enhance, areas of high recreational use within the Gulf by managing water quality, development and potentially conflicting uses so they do not compromise the particular values or qualities of these areas that add to their recreational value.

15. Encourage the strategic provision of infrastructure and facilities to enhance public access and recreational use and enjoyment of the Gulf.

Providing for the use of natural and physical resources, and for economic activities

16. Provide for commercial activities in the Gulf and its catchments while ensuring that the impacts of use, and any future expansion of use and development, do not result in significant adverse effects on ~~further degradation or net loss of~~ sensitive marine ecosystems, subject to

    a. policyies ~~XX~~ 1, 4 and 8 of B4.3.1 (natural character)

    b. policyies ~~XX~~ 2 and 5 of B4.3.2 (landscape and natural features)

    c. policy 14 of B4.3.4 (biodiversity).

    Comment [NDW6]: See submission

17. Encourage the strategic provision of infrastructure and facilities that support economic opportunities for the resident communities of Waiheke and Great Barrier islands.

18. Promote economic development opportunities that complement the unique values of the islands and the Gulf.

19. Promote the national significance of the Hauraki Gulf Marine Park by:

    a. supporting the development of Auckland's waterfront as the gateway to the Gulf

    b. promoting the Gulf as a visitor destination.

Methods
Regulatory

Unitary Plan:

- Regional Policy Statement – objectives and policies in: Protecting out historic heritage, historic character and natural heritage, Addressing issues of significance to Mana Whenua, Sustainably managing our natural resources, Sustainably

managing our coastal environment

- Auckland-wide objectives, policies and rules for Maori cultural heritage, natural resources and ~~general~~ natural heritage

- Zone objectives, policies and rules for activities for all the zones that lie within the Hauraki Gulf Marine Park and catchments in the Hauraki Gulf Marine Park Land Drainage Area

- Overlay and precincts objectives, policies and rules that apply to land or water within the Hauraki Gulf Marine Park and catchments in the Hauraki Gulf Marine Park Land Drainage Area.

Non-Regulatory

Non-statutory plans and strategies:

- Open space strategy

- Economic development strategy - promoting tourism and economic development consistent with protecting the values of the gulf.

Collaborative processes

- Marine spatial planning
- Hauraki Gulf Forum
- Department of Conservation
- Cross-boundary and jurisdiction management.

Monitoring and information gathering

- Hauraki Gulf Forum State of the Environment monitoring
- Council monitoring of environmental quality and research
- Monitoring and information from other agencies ~~just a~~ such as Ministry of Primary Industries (fisheries management), Department of Conservation and research agencies (Leigh Marine Laboratory and Auckland University research)
- Water quality and stormwater monitoring and information
- Consent monitoring and information.

Funding and assistance:

- Funding of catchment management initiatives to improve water quality

- Investment in infrastructure and facilities that support the social and economic well-being and management objectives for the gulf.

Explanation and reasons

The provisions of s. 55 of the RMA apply as though s. 7 and 8 of ~~this~~ the Hauraki Gulf Marine Park Act were a national policy statement and a regional council or a territorial authority must take action in accordance with that section.

The objectives and policies provide guidance on giving effect to the HGMPA by:

- recognising the need to integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments
- promoting restoration efforts on islands and maintaining the values of conservation islands
- supporting protection of areas of significant ecological value, including linkages between land and sea
- promoting use and development that provides for social and economic opportunities while avoiding further degradation of the marine environment of the Gulf
- recognising the significance of the open space, recreation and heritage values of the Gulf
- working with Mana Whenua in managing the Gulf
- recognising the need for collaboration in achieving the outcome sought for the Gulf as management of the catchments, marine area and islands is split between different councils and agencies and controlled under different legislation.

Figure 3: Hauraki Gulf Marine Park