

SAR 04-01-01 437933

8 June 2009

Proposed Regional Policy Statement
Greater Wellington Regional Council
PO Box 11646
Wellington 6142

Dear Sir/Madam

**SUBMISSION ON PROPOSED REGIONAL POLICY STATEMENT FOR
THE WELLINGTON REGION 2009**

Thank you for providing the Department of Conservation with copies of the Proposed Regional Policy Statement for the Wellington Region for our submission.

Please find attached a submission on behalf of the Director-General of Conservation in respect of the Proposed Regional Policy Statement.

If you have any questions or would like to arrange a time to meet and discuss this submission, please contact Kris Ericksen at 04 470 8426 or at kericksen@doc.govt.nz.

Yours sincerely

Benjamin Reddiex
Conservation Support Manager
for Conservator

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR A REGIONAL POLICY STATEMENT

TO: Greater Wellington Regional Council

NAME: Alastair Morrison
Director-General of Conservation

ADDRESS: c/o Department of Conservation
Wellington Conservancy
PO Box 5086
Wellington 6145

STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF CONSERVATION

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Benjamin Reddiex, Conservation Support Manager, acting upon delegation from the Director-General of the Department of Conservation, make the following submission in respect of the proposed Regional Policy Statement.

1. This is a submission on the following proposed plan:
The Regional Policy Statement for the Wellington Region 2009.
2. The specific provisions of the proposed statement that my submission relates to are set out in Attachment 1 which forms part of this submission.
3. My **submission** is as set out below and in Attachment 1. The decisions sought in this submission are required to ensure that the proposed statement:
 - promotes the sustainable management of natural and physical resources in the Wellington region as required by Part II of the RMA
 - gives effect to the New Zealand Coastal Policy Statement as required by section 62(3) of the RMA
4. I **seek** the following decision from the Council:
 - 4.1 That the amendments to the proposed statement sought in Attachment 1 are made.
 - 4.2 That the particular provisions of the proposed statement that I support, as identified in Attachment 1, are retained.

- 4.3 That some particular provisions of the proposed statement, as identified in Attachment 1, are amended or deleted.
- 4.4 Further or alternative relief to like effect to that sought in 4.1 – 4.3 above.
5. I **do** wish to be heard in support of my submission. If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Benjamin Reddiex
Conservation Support Manager

Pursuant to delegated authority
On behalf of
Alastair Morrison
Director-General of Conservation

Date 8 June 2009

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ATTACHMENT 1:

PROPOSED REGIONAL POLICY STATEMENT SUBMISSIONS BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF CONSERVATION

The specific provisions that my submission relates to are set out in Attachment 1 using the numbering system and headings contained in the proposed statement. My submissions are set out immediately following these headings, together with the decision I seek from the Council. The decision that has been requested may suggest new or revised wording for identified sections of the proposed statement. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. The wording of decisions sought shows new text as **bolded** and original text to be deleted as ~~struckthrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the RMA and would support the enhancement or protection of conservation values.

Consequential amendments, where necessary, to the Objectives and other parts of the RPS are also sought for consistency of wording as a result of the following submissions.

Section 4.1: Regulatory policies – direction to district and regional plans and the Regional Land Transport Strategy

Policy 1: Reverse sensitivity associated with odour, smoke and dust – district plans

My **submission** is: Policy 1 be amended to include significant indigenous biodiversity values. The policy is otherwise supported.

The **explanation** for this submission is: In addition to amenity values, significant indigenous biodiversity values can also be adversely affected by the emissions of odour, smoke and dust.

I **seek** the following decision from the Council: Reword Policy 1(b) so that it reads: “new land uses or activities that emit odour, smoke or dust and which can affect the health of people and lower the amenity **or significant indigenous biodiversity** values of the surrounding areas, locating near sensitive activities **or areas.**”

Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter – regional plans

My **submission** is: Policy 2 be amended to include significant indigenous biodiversity values. The policy is otherwise supported.

The **explanation** for this submission is: In addition to amenity values, significant indigenous biodiversity values can also be adversely affected, for example estuarine environments.

I **seek** the following decision from the Council: A third statement is included that sets out: **“(c) protect significant indigenous biodiversity values from discharges of dust, smoke and fine particular matter.”**

Policy 3: Discouraging development in areas of high natural character in the coastal environment – district and regional plans

My **submission** is:

- Policy 3 be replaced by two policies: i) requiring the natural character values of the coastal environment (including the coastal marine area) be identified; and ii) requiring district and regional plans shall include policies, rules and/or methods that protect the natural character values of the coastal environment (including the coastal marine area) from inappropriate subdivision, use or development.
- The use the wording “high” in association with the phrase “natural character in the coastal environment” is removed.

The **explanation** for this submission is:

The explanation of this policy states: *Policy 3 requires district and regional plans to discourage new subdivision and development, and inappropriate use in areas considered to have ‘high’ natural character. Councils must assess land in the coastal environment to ascertain which areas have high natural character, in order to discourage new subdivision and development in these areas, and to determine what would be inappropriate use on this land, depending on the attributes associated with an area’s high natural character.*

Despite the intention to protect natural character in the coastal environment by the inclusion of such a policy, the RPS does not require councils to undertake such an assessment of natural character.

Policies 22, 24, and 26 require councils to identify significant biodiversity values, outstanding natural features and landscapes, and significant amenity landscape values, and while these policies may identify many of the areas of natural character in the coastal environment, it will not identify all such areas in the coastal environment. For the RPS to be internally consistent with Policies 21, 22, 23, 24, 25 and 26 the form and focus of Policy 3 needs to be restated in the same format as those policies.

I note that s64(2) of the RMA provides that: “A regional coastal plan may form part of a regional plan where it is considered appropriate in order to promote the integrated management of a coastal marine area and any related part of the coastal environment.” It would be appropriate for areas or places of natural character to be identified in the regional coastal plan to ensure regional consistency for the identified values.

Under s6(a) of the RMA, the preservation of the natural character of the coastal environment (including the coastal marine area) is a matter of national importance. Neither s6(a) nor Policy 1.1.1 of the NZCPS uses the adjective 'high' to qualify the term 'natural character of the coastal environment'. The insertion of the qualifier 'high' to this term is not intended by the legislation.

I **seek** the following decisions from the Council:

- Policy 3 is replaced with the following two policies:

Policy 3A: District and regional plans shall identify areas [or places] of natural character of the coastal environment (including the coastal marine area) using the following criteria: [use the factors identified in Policy 35].

Policy 3B: Where natural character values of the coastal environment (including the coastal marine area) have been identified in accordance with policy 3A, district and regional plans shall include policies, rules and/or methods that protect the natural character values of the coastal environment (including the coastal marine area) from inappropriate subdivision, use or development.

- That any policy relating to the natural character in the coastal environment is not qualified by the use of the word 'high', or any other similar qualifier.

Policy 4: Identifying the landward extent of the coastal environment – district plans

My **submission** is: The policy is supported, but I seek that the explanation be amended to note that the Regional Council shall assist district councils in identifying the landward extent so that there is consistency across territorial boundaries.

I **seek** the following decision from the Council: The policy is retained with the current wording, but the explanation is amended to note that the Regional Council shall assist district councils in identifying the landward extent so that there is consistency across territorial boundaries.

Policy 5: Maintaining and enhancing coastal water quality for aquatic ecosystem health – regional plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 6: Recognising the benefits from regionally significant infrastructure and renewable energy – regional and district plans

My **submission** is: I am neutral on this policy.

I **seek** the following decision from the Council: N/A.

I **note**, however, that renewable energy sites (wind, tidal, wave and ocean current) may also have other significant or important values that require protection, which district and regional councils are required to identify and protect.

Policy 10: Promoting energy efficient design and small scale renewable energy generation – district plans

My **submission** is: I am neutral on this policy, but seek that the explanation be amended to provide for the protection of indigenous freshwater fish.

The **explanation** for this submission is: the promotion of small scale renewable energy generation may cause adverse impacts on indigenous freshwater fish through the proliferation of micro-hydro schemes.

I **seek** the following decision from the Council: The explanatory note sets out that, in achieving this policy, freshwater ecosystems and fish passage are not to be adversely impacted upon.

Policy 11: Maintaining and enhancing aquatic ecosystem health in water bodies – regional plans

My **submission** is: The policy is supported, but I seek that the explanation be amended to also note that management of the riparian margin, vegetation clearance, and infilling of streams and ephemeral streams can adversely impact upon aquatic ecosystem health.

I **seek** the following decision from the Council: The policy be retained but the explanation is amended to also note that management of the riparian margin, vegetation clearance, and infilling of streams and ephemeral streams can adversely impact upon aquatic ecosystem health.

Policy 12: Allocating water – regional plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy is retained with the current wording.

Policy 13: Minimising contamination in stormwater from new development – regional plans

My **submission** is: The policy is supported, but I seek that the explanation be amended to also note that the Pauatahanui Inlet is a place that has been recorded where ecotoxic contaminants have been found that exceed guidelines for aquatic life.

I **seek** the following decision from the Council: The policy be retained with the current wording, but that the explanation be amended as follows: “Wellington and Porirua Harbours **and Pauatahanui Inlet** are places where ecotoxic contaminants in bottom sediments have been found to occur at concentrations that exceed guidelines for aquatic life.”

Policy 14: Minimising the effects of earthworks and vegetation disturbance – district and regional plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: This policy is retained with the current wording.

Policy 15: Promoting discharges to land – regional plans

My **submission** is: The policy be amended so as to promote the treatment of human and animal waste, and the discharge of such treated waste to land rather than water. The policy is otherwise supported.

The **explanation** for this submission is: prior to discharging human or animal waste to land that it should be appropriately treated so as to avoid/mitigate the effects on the environment.

I **seek** the following decision from the Council: Policy 15(a) be replaced with the following wording: “promote ~~the treatment discharges~~ of human and/or animal waste **and the discharge of such treated waste** to land rather than water, particularly discharges of sewage; and”

Policy 16: Protecting aquatic ecological function of water bodies – regional plans

My **submission** is: This policy be amended to include ‘ecological function’ in clause (a), and include ‘indigenous animals’ in clause (h), and to also use the terminology “water bodies” where appropriate, in preference to other terms used. The policy is otherwise supported.

The **explanation** for this submission is: Retaining the natural features of water bodies promotes the retention of both habitat diversity and ecological function. While the terms habitat diversity and ecological function are related and essentially complementary they are not synonymous. The protection of the aquatic ecological function of water bodies requires that indigenous animals are also prevented from being removed or destroyed.

I **seek** the following decision from the Council: Policy 15(a) be replaced with the following wording: “promote the retention of in-stream habitat diversity **and ecological function** by retaining natural features **of water bodies** – such as pools, runs, riffles, and the river’s natural form;” and that clause (h) be replaced with the following wording: “prevent the removal or destruction of indigenous plants **or animals** in ~~wetlands and lakes~~ **water bodies**; and”

Policy 17: Protecting significant values of rivers and lakes – regional plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 18: Using water efficiently – regional plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 19: Prioritising water abstraction for the health needs of people – regional plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 20: Identifying places, sites and areas with significant historic heritage values– district and regional plans

My **submission** is: This policy be amended by removing the word “significant”. The policy is otherwise supported.

The **explanation** for this submission is: The RMA, in the identification of matters of national importance, does not use the qualifier “significant” at s6(f), when referring to the protection of historic heritage from inappropriate subdivision, use, and development. This is unlike the requirement at s6(c) where such a qualifier of significance is required in respect of indigenous vegetation and habitats or outstanding natural features.

I **seek** the following decision from the Council: Remove the word “significant” from the policy and explanation.

Policy 21: Protecting historic heritage values – district and regional plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 22: Identifying indigenous ecosystems and habitats with significant biodiversity values – district and regional plans

My **submission** is: This policy be amended to also make reference to protected species. The policy is otherwise supported.

The **explanation** for this submission is: Protected species under the Wildlife Act 1953 and the Marine Mammals Protection Act 1978 are not necessarily threatened species; however the indigenous ecosystems and habitats important to these species should still be identified in district and regional plans. Conversely, not all threatened indigenous species (in particular invertebrates) are protected under legislation.

I **seek** the following decision from the Council: That policy 22 (d)(iii) be amended by inserting the following wording: “provides seasonal or core habitat for **protected or** threatened indigenous species.”

Policy 23: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

My **submission** is: This explanation be amended to also make reference to wetlands. The policy is otherwise supported.

The **explanation** for this submission is: Table 16 in Appendix 1 identifies ecosystems, habitats and areas with regionally significant indigenous biodiversity values located in river and lake environments. This should be extended to include wetlands, as wetlands with regionally significant indigenous biodiversity values have been identified in the 2008 Landcare Research publication: "Wetland ecosystems of national importance for biodiversity: Criteria, methods and candidate list of nationally important inland wetlands".

I **seek** the following decision from the Council: The explanation be reworded: “Table 16 in Appendix 1 identifies ecosystems, habitats and areas with regionally significant indigenous biodiversity values located in **wetland**, river and lake environments.”

Policy 24: Identifying outstanding natural features and landscapes – district and regional plans

My **submission** is: This policy be amended to include “collections of natural features or landscapes”. The policy is otherwise supported.

The **explanation** for this submission is: Natural features or landscapes, if assessed individually, may not be considered to be outstanding. However, if assessed as a group or collection then the sum of those features or landscapes may indeed be considered to be outstanding.

I **seek** the following decision from the Council: The policy be reworded:
“District and regional plans shall identify outstanding natural features and landscapes **or collections of features and/or landscapes** using the following criteria, and having determined that the natural feature or landscape **or collection of features and/or landscapes** is exceptional or out of the ordinary under one or more of the criteria and the natural components dominate over the influence of human activity.”

Policy 25: Protecting outstanding natural features and landscape values – district and regional plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy be retained with the current wording.

Policy 26: Identifying significant amenity landscapes – district and regional plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy be retained with the current wording.

Policy 27: Maintaining and enhancing significant amenity landscape values – district and regional plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy be retained with the current wording.

Policy 28: Avoiding subdivision and development in areas at high risk from natural hazards – district plans

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy be retained with the current wording.

Policy 30: Identifying and promoting higher density and mixed use development – district plans

My **submission** is: I am neutral on this policy

I **seek** the following decision from the Council: N/A.

I **note**, however, that higher density development may result in increased impermeable surfaces and increased stormwater run-off, with consequential

impacts on streams and estuaries, but that district and regional councils are required by other policies within the RPS to avoid these adverse impacts.

Policy 32: Supporting a compact, well designed and sustainable regional form – Regional Land Transport Strategy

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy be retained with the current wording.

Section 4.2: Regulatory policies – matters to be considered

Policy 34: Preserving the natural character of the coastal environment – consideration

My **submission** is: This policy be amended by deleting “special values” in clause (b). The policy is otherwise supported.

The **explanation** for this submission is: The phrase “special values” introduces ambiguity into the policy and would otherwise need to be defined. Given that the preservation of the coastal environment is identified as a matter of national importance I consider that the phrase “special values” is redundant, as well as creating a level of unnecessary ambiguity.

I **seek** the following decision from the Council: That clause (b) be reworded: “protecting ~~the special values of~~ estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them, so that healthy ecosystems are maintained.”

Policy 35: Discouraging development in areas of high natural character in the coastal environment – consideration

My **submission** is: This policy be amended by deleting the word “high” from the policy and explanation, and to also include resource consents as one of the actions that require councils to consider discouraging development in areas of natural character in the coastal environment. The policy is otherwise supported.

The **explanation** for this submission is: The RMA, in the identification of matters of national importance, does not use the qualifying adjective “high” at s6(a). This is unlike the clauses relating to indigenous vegetation and habitats, or natural features, which use the adjectives ‘significant’ and ‘outstanding’.

It is a requirement, under both the RMA and the *New Zealand Coastal Policy Statement*, to preserve the natural character of the coastal environment, being a matter of national importance. Including resource consents in this policy will ensure that this requirement is met, and will also ensure that the policy is consistent with other policies within the RPS.

I **seek** the following decision from the Council: The policy be reworded: “When considering **an application for a resource consent**, notice of requirement or a change, variation or replacement to a district or regional plan, particular regard shall be given to discouraging new subdivision and development, and inappropriate use, on land in the coastal environment ~~with to preserve the high~~ **natural character**”, and that “high” be removed from the explanation.

Policy 36: Safeguarding life-supporting capacity of coastal ecosystems – consideration

My **submission** is: This policy be amended to add the word “marine” to the title, and in clause (c) replacing the word “important” with “significant” and delete the word “vulnerable”. The policy is otherwise supported.

The **explanation** for this submission is: The NZ Coastal Policy uses the term “significant” in Policy 1.1.2. This covers concepts of important and vulnerable.

I **seek** the following decisions from the Council: That the title be reworded: “Policy 36: Safeguarding life-supporting capacity of coastal **and marine** ecosystems – consideration”, and that clause (c) the policy be reworded: “habitats in the coastal environment that are ~~important~~ **significant** during the ~~vulnerable~~ life stages of indigenous species;”

Policy 37: Identifying the landward extent of the coastal environment – consideration

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy be retained with the current wording.

Policy 38: Recognising the benefits from regionally significant infrastructure and renewable energy – consideration

My **submission** is: I am neutral on this policy.

I **seek** the following decision from the Council: N/A.

I **note**, however, that renewable energy sites (wind, tidal, wave and ocean current) may also have other significant or important values, but that district and regional councils are required by other policies within the RPS to identify and protect those values.

Policy 39: Maintaining and enhancing aquatic ecosystem health – consideration

My **submission** is: This policy be amended to add an additional clause regarding point source and non-point source discharges. The policy is otherwise supported.

The **explanation** for this submission is: Policy 39 should be consistent with Policy 34 (Preserving the natural character of the coastal environment – consideration), which has as one of its clauses the requirement for: “minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded.”

I **seek** the following decisions from the Council: An additional clause be added to this policy as follows: “minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded.”

Policy 40: Minimising the effects of earthworks and vegetation disturbance – consideration

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy be retained with the current wording.

Policy 41: Minimising contamination in stormwater from development – consideration

My **submission** is: This policy be amended to add an additional clause regarding educational signage. The policy is otherwise supported.

The **explanation** for this submission is: Research has shown that the provision of information about the adverse effects of stormwater run-off on ecological values, and the mechanisms for achieving those reduced impacts can have a significant positive impact on the effectiveness of the mechanisms implemented. Public educational signs are effective ways of providing appropriate information.

I **seek** the following decisions from the Council: An additional clause is added to this policy requiring: “provision of educational signs on the values being protected and the mechanisms being used.”

Policy 42: Protecting aquatic ecological function of water bodies – consideration

My **submission** is: Clause (e) be amended to include reference to indigenous species and replace “rivers and lakes” with “water bodies”. This policy is otherwise supported.

The **explanation** for this submission is: “Rivers and lakes” should be replaced with “water bodies”, as the latter includes rivers, lakes, streams and wetlands.

I **seek** the following decisions from the Council: That clause (e) be modified with this or wording to similar effect: “protecting indigenous **species and** the significant indigenous ecosystems of ~~rivers and lakes~~ **water bodies**, including those identified in Appendix 1”.

Policy 43: Managing water takes to ensure efficient use – consideration

My **submission** is: A clause be added regarding consideration of alternative sources of water supply. This policy is otherwise supported.

The **explanation** for this submission is: The applicant should be required to demonstrate that they have considered alternative supplies of water; such as harvesting water during wet periods and storing “off-line”.

I **seek** the following decisions from the Council: That an additional clause be added to this policy with this wording: “whether the applicant has demonstrated that they have considered alternative supplies of water.” Reference should be made in the explanation to harvesting water during wet periods and storing “off-line”.

Policy 44: Using water efficiently – consideration

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy is retained with the current wording.

Policy 45: Managing effects on historic heritage values – consideration

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy is retained with the current wording.

Policy 46: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration

My **submission** is: The policy be amended by removing reference to “significant” throughout, and removing the word “specific” from clause (e). The policy is otherwise supported.

The **explanation** for this submission is: The purpose of Policy 22 is to identify significant indigenous biodiversity values. While the significance of some indigenous biodiversity values of some areas may be known, for other areas until it is assessed its significance cannot, by definition, be known. The Quality Planning web site notes that where a term like “significant” has not been defined that it should not be used (<http://www.qualityplanning.org.nz/plan-development/writing-provisions-plans/ideas-providing-certainty-plan-rules.php>). For the avoidance of doubt the word “significant” should be removed from Policy 46. I note that Policy 45 (historic heritage values) does not include the word “significant”, whereas its related Policy 21 does. For internal consistency the same approach should be taken with both sets of policies.

Clause (e) reads: “providing seasonal or core habitat for specific indigenous species”. Either the specific species intended to be need to be listed somewhere, or the word removed in order to avoid ambiguity.

I **seek** the following decisions from the Council: That the word “significant” be removed from all places in this policy, and that clause (e) be reworded: “providing seasonal or core habitat for ~~specific~~ indigenous species”

Policy 47: Principles of the Treaty of Waitangi – consideration

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy is retained with the current wording.

Policy 48: Avoiding adverse effects on matters of significance to tangata whenua – consideration

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy is retained with the current wording.

Policy 49: Managing effects on outstanding natural features and landscapes, and significant amenity landscapes – consideration

My **submission** is: Amend this policy to make it clear that outstanding and significant landscapes may not have been formally identified, and reword the explanation accordingly. The policy is otherwise supported.

The **explanation** for this submission is: The current wording of the policy and explanation reads as though the outstanding or significant landscape features have already been formally identified. This is not the case. To avoid potential ambiguity the policy and explanation needs rewording.

I **seek** the following decisions from the Council: The policy be reworded: “When considering an application for a resource consent, notice of requirement or a change, variation or replacement to a district or regional plan, a determination, **using the criteria in policies 24 or 26**, shall be made as to whether ~~an activity may affect an~~ **possible** outstanding natural feature ~~and~~ **or** landscape, ~~or possible~~ significant amenity landscape **may be affected by an activity**, and ~~or~~ in determining whether an activity is inappropriate particular regard shall be given to:” The explanation needs rewording to this effect: “In determining whether ~~an activity may affect an~~ **possible** outstanding natural feature or landscape **may be affected by an activity** the criteria in policy 24 should be used. In determining whether ~~an activity may affect a~~ **possible** significant amenity landscape **may be affected by an activity** the criteria in policy 26 should be used.”

Policy 50: Minimising the risks and consequences of natural hazards – consideration

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: The policy is retained with the current wording.

Policy 51: Minimising adverse effects of hazard mitigation measures – consideration

My **submission** is: Amend this policy by adding an additional clause as to whether “managed retreat” or “do nothing” are options that should be given particular regard. The phrase “unacceptable risk” needs to be defined, also. The policy is otherwise supported.

The **explanation** for this submission is: The RMA and NZCPS requires that a number of options be assessed when considering proposals. One option that should always be considered is “do nothing”. With regards to hazard mitigation measures a closely related concept is that of “managed retreat”. Both of these options need to be given particular regard when considering hazard mitigation measures. The phrase “unacceptable risk” does not allow for clear measurable tests or thresholds and will result in difficulties in assessing the necessity to protect existing development or property.

I **seek** the following decisions from the Council: An additional clause is added to this policy: setting out “whether managed retreat or do nothing is a more appropriate option”. That a definition of “unacceptable risk” be provided.

Policy 52: Public access to and along the coastal marine area, lakes and rivers – consideration

My **submission** is: An additional policy regarding an integrated network of public access be included in the RPS. The policy is otherwise supported.

The **explanation** for this submission is: I note that Council acknowledges in the Introduction to Section 2.2 that there is a lack of strategic planning for public access, and I consider that unless Policy 52 could be adequately amended, a new Policy should be added to address this matter. The policy should seek to achieve an integrated network of public access, as opposed to individual and unconnected accesses to potentially isolated areas of high value. The policy should promote a strategic approach to public access where linkages and connectedness have value. I note that the Proposed NZ Coastal Policy Statement has as a national priority “identifying opportunities to enhance or restore public walking access” (Policy 39 (e)).

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I **seek** the following decision from the Council: The policy is retained with the current wording, and that a new policy along the following lines is inserted:

Policy 52A: Creating public access networks and links to and along the coast, lakes and rivers

When considering an application for a resource consent, notice of requirement, or a change or variation to a district plan, city and district councils shall have particular regard to enhancing public access to, and along, areas of the coast, and lakes and rivers by taking a strategic approach and seeking to create links between existing access ways and developing networks of public access that will meet community needs and aspirations and maximize the opportunity for walking to and between areas along the coast, lakes and rivers with significant values.

Policy 54: Maintaining a compact, well designed and sustainable regional form – consideration

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 55: Managing development in rural areas – consideration

My **submission** is: I seek that this policy be amended by the addition of a clause requiring particular regard shall be given to whether a proposal may increase demand for water. The policy is otherwise supported.

The **explanation** for this submission is: Proposals that result in increases in residential density of rural areas will result in increased demand for water supplies. Such use has priority, and this may have adverse cumulative impacts on other users and aquatic ecosystems.

I **seek** the following decisions from the Council: An additional clause be added to this policy with this wording: “that the proposal will result in an increased demand for water”.

Policy 56: Integrating land use and transportation- consideration

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 57: Co-ordinating land use with development and operation of infrastructure – consideration

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 58: Managing the Regional Focus Areas – consideration

My **submission** is: I am neutral on this policy.

I **seek** the following decision from the Council: None

I **note**, however, that one of the Regional Development Areas is Pauatahanui. The Pauatahanui Inlet is particularly sensitive to urban development and emphasis needs to be placed on protecting the ecological values of this area. District and regional councils are required by other policies within the RPS to identify and protect those values.

Section 4.3: Allocation of responsibilities

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 61: Allocation of responsibilities for land use controls for indigenous biodiversity

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 62: Allocation of responsibilities for land use controls for natural hazards

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Section 4.4: Non-regulatory policies

Policy 64: Supporting environmental enhancement initiatives – non-regulatory

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 65: Promoting efficient use and conservation of resources – non-regulatory

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Policy 66: Enhancing involvement of tangata whenua in resource management decision-making – non-regulatory

My **submission** is: The policy is supported.

I **seek** the following decision from the Council: That the policy is retained with the current wording.

Monitoring the RPS and the anticipated environmental results
Objective 3

My **submission** is: The AER should also refer to condition or quality.

The **explanation** for this submission is: Condition (or quality) is equally as important as the area for these habitats. It would also make it consistent with the AER for Objective 13.

I **seek** the following decision from the Council: That the AER be reworded: “There is no reduction in the **condition (or quality) and** extent of the area of wetlands, estuaries, salt marshes and active sand dunes in the coastal environment, as a result of human activities.

Objective 4

My **submission** is: The AER should not use “high” as a qualifier.

The **explanation** for this submission is: The RMA (s6(a)) and NZCPS do not use “high” in association with natural character.

I **seek** the following decision from the Council: The AER be reworded: Regional and district plans contain policies that protect the natural character of the coastal environment.

There is no reduction in the extent or quality of places, sites or areas with ~~high~~ natural character in the coastal environment.

Objective 6

My **submission** is: The AER should not focus on perception of water quality, but instead focus on that residents value the need to protect the quality of coastal waters.

The **explanation** for this submission is: Perception of the state of the environment is not necessarily directly related to the actual state of the environment. Measuring whether people value the need to protect the environment will give a more meaningful result.

I **seek** the following decision from the Council: That the AER be reworded: “Eighty per cent of residents ~~perceive that water pollution is not a problem~~ **value the need to protect the quality of coastal waters.**”

Objective 8

My **submission** is: The word “significant” should be removed from the AERs.

The **explanation** for this submission is: S6(a) of the RMA does not use the qualifying word “significant” when it refers to natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins being a matter of national significance.

I **seek** the following decision from the Council: That the word “significant” is removed from the AERs.

Objective 12

- My **submission** is: “safeguards the life supporting capacity of water bodies” should be given primacy in the order of the three clauses.

I **seek** the following decision from the Council: that (a) and (b) be reversed.

- My **submission** is: The first AER should also make reference to meeting relevant standards.

I **seek** the following decision from the Council: the AER be reworded as: “Water quality in lakes, rivers and aquifers is supporting healthy functioning aquatic ecosystems **and meets relevant standards.**”

- My **submission** is: The AER should not focus on perception that water quality is not a problem, but instead focus on that residents value the need to protect the quality of waters.

The **explanation** for this submission is: Perception of the state of the environment is not necessarily directly related to the actual state of the environment. Measuring whether people value the need to protect the environment will give a more meaningful result.

I **seek** the following decision from the Council: That the AER be reworded: “Eighty per cent of residents ~~perceive that water pollution is not a problem~~ **value the need to protect the quality and quantity of water bodies.**”

Objective 13

- My **submission** is: The second AER should also refer to discharges.

The **explanation** for this submission is: Discharges, in addition to low flow regimes, can result in algal cover that adversely affects aquatic ecosystems.

I **seek** the following decision from the Council: That the AER be reworded: “Flow regimes **and discharges into** rivers and lakes are not resulting in algal cover and/or biomass that is adversely affecting aquatic ecosystems.”

- My **submission** is: The third AER should also refer to flow regimes and pollution as being a barrier to fish passage.

The **explanation** for this submission is: Low flows and pollution can also act as barriers to fish passage.

I **seek** the following decision from the Council: That the AER be reworded: “There are no new barriers (**including low flows or pollution**) to fish passage and the number of existing impediments is reduced.”

Objective 15

My **submission** is: The word “significant” should be removed from the AERs.

The **explanation** for this submission is: S6(f) of the RMA does not use the qualifying word “significant” when it refers to historic heritage being a matter of national importance.

I **seek** the following decision from the Council: That the word “significant” be removed from the AERs.

Objective 16

My **submission** is: The fourth AER should be revised to make a 20 % increase in the area of indigenous ecosystems and habitats that are legally protected a minimum.

I **seek** the following decision from the Council: That the AER be reworded: “There is **at least** a 20 per cent increase in the area of indigenous ecosystems and habitats that are legally protected.”

APPENDIX 1

Table 15:

My **submission** is: The addition of Tauherenikau River above the point where it enters the plains.

The **explanation** for this submission is: There are a wide range of significant amenity and recreational values.

I **seek** the following decision from the Council: The addition of Tauherenikau River above the point where it enters the plains.

Table 16:

My **submission** is: Whakatikei River – should have a bullet point under “Habitat for threatened indigenous fish species in the catchment”, as longfin eel, dwarf galaxias and koura have been recorded in this catchment by M. Joy in 2006.

I **seek** the following decision from the Council: Addition of this bullet point.

My **submission** is: Addition of wetlands to Table 16.

The **explanation** for this submission is: Wetlands with significant indigenous biodiversity values have been identified in the Landcare Research publication: "Wetland ecosystems of national importance for biodiversity: Criteria, methods and candidate list of nationally important inland wetlands." At a minimum these identified wetlands should be included. However, given that all remaining wetlands are considered to be significant (given the reduction from their original extent) it could be argued that all wetlands should be listed in table 16.

I **seek** the following decision from the Council: Addition of wetlands listed in “Wetland ecosystems of national importance for biodiversity: Criteria, methods and candidate list of nationally important inland wetlands” to Table 16.