

# Written Submission on Proposed Otago Regional Policy Statement 2021

*(Submissions must be received by Otago Regional Council by 3 pm Friday 3 September 2021)*

## To: Otago Regional Council

1. **Name of submitter** *(full name of person/persons or organisation making the submission. Note: The submissions will be referred to by the name of the submitter)*

Dunedin City Council

2. This is a submission on the **Proposed Otago Regional Policy Statement 2021**.
3. DCC **could not** gain an advantage in trade competition through this submission. *(See notes to person making submission)*
4. DCC **is** directly affected by an effect of the subject matter of the submission that
- a. adversely affects the environment; and
  - b. does not relate to trade competition or the effects of trade competition *(See notes to person making submission)*
5. DCC **wishes** to be heard in support of its submission
6. If others make a similar submission, DCC **will** consider presenting a joint case with them at a hearing

## 7. Submitter Details

- a. **Signature of submitter** *(or person authorised to sign on behalf of submitter)*

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

Name: Mayor Aaron Hawkins

Position: Mayor

Organisation: Dunedin City Council

- c. **Date**

3 September 2021

**Address for service of submitter** *(This is where all correspondence will be directed)*

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

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**8. My submission is:**

*See attached*

## GENERAL COMMENTS/QUESTIONS

### Introduction

The DCC would firstly like to acknowledge the short timeframe that the ORC has had to prepare this new RPS and the fact that the decision to review the RPS so soon after the previous RPS was a requirement that was placed upon them. It also wishes to acknowledge and thank the ORC for the work they have done to consider DCC feedback on the draft RPS in the timeframe available. It is noted that several suggestions have been taken on board. The timeframe, however, has meant that the consultation in preparing the RPS has been inadequate and this lack of adequate engagement with local authorities is reflected in the quality of the document and the range of matters that the DCC is raising through this submission. However, DCC staff wish to emphasise that they do not wish this to be seen as a criticism of the efforts of ORC staff as part of this plan-making process but rather it highlights the importance of allowing enough time for plan-making and dedicated engagement with local authorities as part of the development of Regional Policy Statements.

DCC has made submissions on individual RPS provisions, but it also wishes to make the following broad comments that should be read as applying across all provisions whether mentioned later in the submission or not.

- (1) Concerns about whether the RPS gives effect to the National Policy Statement on Urban Development (NPS-UD) and adequately provides for housing and the infrastructure to support housing in Dunedin.

There are a number of areas where there is lack of clarity in terms of language used, integrated management between competing policies and methods, duplication of other regulatory documents and re-opening of recently settled matters from the partially operative Regional Policy Statement 2019. It is also noted that this RPS looks to be the basis for the as yet non-existent Regional Plan: Land and Water, and while the DCC agrees with the need for this regional direction, considering the policy framework of this RPS without having consulted on the content of the Regional Plan: Land and Water is somewhat problematic.

Overall, the DCC considers that the proposed RPS, as currently drafted, is quite restrictive and does not adequately provide for all the activities necessary for the wellbeing of people and communities, including access to housing or the ability to be affordably serviced for infrastructure. The proposed RPS has a strong emphasis on protection of the environment and in many circumstances seeks to require the total avoidance of certain adverse effects on the environment. While the DCC supports environmental protection outcomes, there is a lack of recognition that in some circumstances a level of effect (e.g. remedying or mitigating effects) should be acceptable when these residual effects are balanced against positive effects or outcomes, for example providing for new housing or infrastructure to meet growth demands.

To a large extent this problem is due to the lack of objective cross-referencing within policies and the attempt to address the balancing of objectives through the content in the Integrated Management section, the content of which exacerbates rather than helps with this issue. This is discussed in more depth later in this submission. It is also due to the policy wording chosen which is also discussed more below.

Some more work is required to achieve the appropriate balance necessary to promote 'sustainable management', and the wellbeing of people and communities, and the environmental bottom lines. This policy evaluation must include consideration of the costs of improved environmental outcomes and the ability of communities to pay (appropriately weighing the costs and benefits of regulation) as required by Section 32 of the Act.

In this regard, DCC considers that the RPS does not fully give effect to the NPS-in that it does not appropriately provide for the infrastructure required to support urban growth and development nor create an appropriate policy framework to direct an adequate range of options for accommodating housing demand to be pursued through plan changes.

Dunedin, along with other parts of Otago, is growing rapidly, and growth will inevitably result in some environmental effects. While these effects must be managed and some environmental bottom lines should be set, there appears to be too high a priority on preventing any adverse effects rather than determining what levels of effects are acceptable to support this growth. The DCC would like the RPS to give greater consideration to how these potential adverse effects may be otherwise mitigated or remedied. Care must be taken to avoid a situation where servicing this growth or providing for people's health and wellbeing through appropriate infrastructure and opportunities for housing is an impossibility within the RPS framework.

Across all content, consider whether any changes to methods are required to reflect proposed changes to the RM system, for example the need to delay timeframes or change references to planning documents (e.g. adding new references to Strategic Spatial Plans) recognising that this RPS is likely to be part of transitional provisions that would under the new system be part of a regional-scale plan.

### **Use of "avoid"**

The DCC has significant concerns around the use of directive policy language that sits at the edges of the policy language spectrum ('avoid' and 'enable'). It is very important to ensure that unconditional wording/directive policies are used sparingly, particularly where they may be in conflict with other policies (e.g. 'avoids impacts on the productive potential of land'). Examples of this are Air-P4, EIT-EN-P5.

The DCC considers that the ORC should exercise caution when using these terms in light of the Supreme Court's decision in the King Salmon case. Based on the outcome of the King Salmon case the drafting of policies and objectives in the RPS now requires greater precision. This is because subordinate plans are required to give effect to the RPS. For example, if the RPS says 'avoid', lower order plans will have to include provisions that avoid those particular activities or effects relevant to that policy or objective. This would have the consequence of making it practically impossible for councils to grant consents where such effects arise. DCC considers It is better practice to include the weighting or balancing within the policy such as has been done in CE-P12 with the use of 'avoid ... unless' language.

The DCC also notes the high bar set by 'avoid or minimise' with no qualifier around the practicability (including but not limited to cost) of minimisation (reducing to the smallest extent possible). DCC suggests this should generally be 'avoid or minimise as far as practicable' or similar. This is the language used in our district plan and in some but not all places in the RPS.

The DCC also has concerns with the use of the policy wording "avoid, remedy or mitigating other adverse effects". This wording has led to arguments in DCC's district plan (2GP) appeals that a district plan cannot set a standard higher than this e.g. that it requires DCC, for that issue, to have a policy that allows applicants to pick the level of management they want and precludes DCC from setting a more specific standard for effects management.

### **Other policy language inconsistencies**

There is an inconsistency in 'style' in the drafting of objectives and policies in the RPS that should be reconciled, the DCC has raised a number of submission points in relation to drafting but makes the following broad requests:

1. Objectives should read as 'end-states' and should not include policy content (how the end state is to be achieved, or explanations e.g. why it is necessary; and

2. Policies should be a 'course of action' and describe how the objectives should be achieved. In general, the DCC prefers policies to be drafted in an active directive way as has been done in NFL-P2 'protect outstanding natural features and landscapes by...'. This makes the role of the RPS in directing plan content clearer and easier to interpret. It does not prefer the 'future perfect' tense that is used in some places such as EIT-EN-P1 'The operation and maintenance of existing *renewable electricity generation activities* is provided for while minimising its adverse *effects*' and EIT-EN-P3 *The security of renewable electricity supply is maintained or improved in Otago through appropriate provision for the development or upgrading of renewable electricity generation activities and diversification of the type or location of electricity generation activities.*

Clear and accurate drafting is critical to avoid lengthy debates in plan-making processes for plans that sit under the RPS. Policies must be written as if they will be argued to be taken on face value, 'mean what you say, and say what you mean' must be paramount.

### **Conflicts**

There is tension between the infrastructure (INF) policies and methods and the coastal environment (CE) and 'land and freshwater' (LF) policies and methods. When considering water, wastewater and stormwater infrastructure, the INF policies and methods recognise and provide for the physical infrastructure assets to be installed, maintained etc – so they are enabling policies, however the use of these physical assets for discharging sewage/wastewater/stormwater/contaminants is heavily restricted (or prohibited) by the policies and methods in the CE and LF chapters. The DCC and other asset managers need certainty that infrastructure can be used to discharge stormwater and wastewater, as well as being able to install the pipes, pumping stations, tanks etc.

### **Scope of content and change from recent partially operative RPS**

The RPS development process has consumed a lot of planning resource in the region over the last several years and this latest version comes at a time when there is a need to respond to substantial new national policy direction plus legislative changes. Significant time was spent on the previous RPS getting all parties to agree content. There seems to be significant departure from previously agreed content for no apparent reason in places. In principle, DCC requests that ORC do not amend content that has been agreed through the previous lengthy RPS mediation-appeal process unless there is a compelling reason to do so.

There is also an opportunity for more streamlining to remove content that is otherwise adequately managed via the RMA or national policy direction, or within lower order Regional and District Plans. Content should be confined to matters that have a clear link to matters of regional significance where their inclusion in the RPS is necessary to set a higher order policy direction.

Reducing the scope of the RPS and making it a lean document with only essential matters would avoid duplication and complication and save all parties significant time in needing to resolve matters, including those with a high likelihood of future legislative change/direction.

### **Other general comments**

- Where nationally significant issues are relevant to Otago, they would benefit from being framed in terms of specific impacts in/on Otago.
- There is no reference to 'noise' as an amenity issue that should be managed (although reverse sensitivity is mentioned)? Is this intentional?
- The proposed RPS has limited reference to the management of hazardous substances.

- On current reading, climate mitigation appears to be largely absent from the RPS. In several places it is unclear whether the RPS refers to climate change adaptation (preparing for the effects of climate change) and/or climate mitigation (reducing net greenhouse gas emissions). It will be important to undertake both mitigation and adaptation, and therefore refer specifically to both throughout the RPS.

### **Roles and Responsibilities**

Several provisions in the RPS provide direction regarding roles and responsibilities e.g. “territorial authorities led by ORC”. DCC considers that agreements around roles and responsibilities should be negotiated through the triennial agreement and not imposed via the RPS.

### **Structure and need for more cross-referencing**

The DCC is aware that the RPS structure is constrained by the national planning template, however the RPS would be easier to read and interpret if the policies clearly and directly linked to the objectives and overarching issues and methods clearly linked to policies. This should be achieved through cross-referencing to the other related content (rather than rephrasing of the subject matter of that content). This will significantly reduce the risk of inconsistencies in the RPS. It is also difficult to determine the linkages between the issues, domains and topics. It isn't completely clear for any given issue what objective is being given effect to by which policies, particularly where there is tension/conflict between policies, and how the methods link to the policies. Cross-references between provisions would also assist the reader to make the links between the issue statements and the solutions to address the issues.

Further, it would be useful if sections and subsections could be numbered to make navigation of this large document easier.

The DCC submits that this relief is considered for all content not just where it has been specifically suggested or highlighted.

### **Process**

Regarding the hearing process, DCC considers that it would be useful and efficient to provide the opportunity for pre-hearing mediation and expert caucusing and asks that the Panel consider this request.

### **Maori/English language**

The use of Maori language is supported in the RPS however to make the RPS accessible to all users please consider providing the English equivalent as well e.g. Ki uta ki tai (from the mountains to the sea) and making it clear if the Maori wording has an additional meaning or not e.g. supports the well-being of present and future generations, mō tātou, ā, mō kā uri ā muri ake nei. In this instance the English and Maori versions have the same meaning.

## WHOLE RPS

| RPS Page Number | The <b>specific provisions</b> of the proposal that my submission relates to are:<br>(please enter the relevant objective, policy, method or other provision reference where possible. For example, AIR-01) | I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b> (please indicate support, oppose or amend) | The <b>reasons</b> for my view are:   | I seek the following <b>decision</b> from the local authority:<br><br>(Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)   |
|-----------------|---|--|---|--|
| N/A             | Entire RPS  | Amend  | To address the matters raised in the introductory comments.   | In addition to the specific requests below, any such necessary, consequential or further relief required to address the concerns identified in the following table, and to: <ul style="list-style-type: none"> <li>- enable the effective and efficient establishment, operation, use and maintenance of wastewater, stormwater and water supply systems and infrastructure;</li> <li>- enable the use and development of land in accordance with the NPS-UD;</li> <li>- enable a coordinated and collaborative approach between the ORC and territorial authorities on climate change adaption;</li> <li>- ensure that the general comments above are implemented throughout the RPS; and</li> <li>- better achieve the purpose of the Resource Management Act 1991 (RMA).</li> </ul> |
| N/A             | Entire RPS – Specification of dates   | Amend  | There are a number of provisions that contain directions with timeframes, with almost all of these timeframes differing. It would be useful to understand the basis for these timeframes. | Amend RPS as required to ensure district plan change requirement dates are realistic and achievable based on current work programme priorities, most of which are tied to implementing national direction, and staff resources available (noting current market  |

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|  |  |  |  | <p>constraints in recruiting planning staff). Add content to allow these dates to be changed by mutual agreement in consideration of other priorities.</p> <p>Where possible align dates with the date required to produce a new plan under any replacement legislation being brought forward through the RM System reform.</p> |
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## PART 1 – INTRODUCTION AND GENERAL PROVISIONS

### How the policy statement works

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>   | <i>I seek the following <b>decision</b> from the local authority:</i>                                 |
|------------------------|--|--|--|---|
| 11                     | Cross boundary matters (page 11, 1 <sup>st</sup> bullet point)                           | Amend  | <p>“may be affected by <i>land uses</i> in the other two (through sediment flowing down the Clutha Mata-au, for instance)”.</p> <p>Fine sediments entrained in high flows may flow downstream, but larger grained sediment may be trapped behind the Clyde and Roxburgh Dams – also having impacts down catchment.</p> | Amend to include acknowledgement of the impacts of dams on the distribution of larger-sized sediment. |
| 11                     | Cross boundary matters (page 11, 5 <sup>th</sup> bullet point)                           | Amend  | <p>“... and potentially shared services such as waste disposal”</p> <p>Wording should reflect wider hierarchy (from Waste Minimisation Act) – reduction, reuse, recycling, recovery, treatment, disposal.</p>  | Amend ‘waste disposal’ to ‘waste management and minimisation’.  |

### Interpretation

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>        | <i>I seek the following <b>decision</b> from the local authority:</i>                               |
|------------------------|--|--|---|---|
| 14                     | Interpretation - General   | Amend  | Suggested new definitions/clarification required. | Amend by defining ‘waterways’ (or use alternative consistent terminology) and ‘reticulated system’. |

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| 25 | Interpretation - Definition of <i>infrastructure</i>                 | Amend   | This definition does not include landfills. Landfills provide an important function and service as do the other items listed in the definition of infrastructure.  | Amend to include '(m) landfills.'  |
| 33 | Interpretation - Definition of regionally significant infrastructure | Amend   | <p>In relation to (9) and (10) – what is the meaning of 'community'? Further clarification would be useful and could potentially be provided through additional definitions (e.g. 'community drinking water supply'). The DCC notes that its interpretation of 'community drinking water supply' includes those reticulated supplies of treated water (drinking water) provided to communities for human consumption and a range of other uses that may include including bathing and toileting, rural and stock purposes, irrigation, watering gardens, washing cars, fire-fighting, watering sports fields and parks, and water-intensive commercial and industrial processes.</p> <p>This definition does not directly include landfills. Landfills provide an important function and service as do the other items listed in the definition of infrastructure.</p> <p>The definition refers to the One Network Road Classification in relation to the identification of regionally significant roads. Waka Kotahi and road controlling authorities are in the process of implementing the One Network Framework to replace the One Network Road Classification</p> | <p>Amend the wording of <i>regionally significant infrastructure</i> points (9)-(11) and/or provide additional definitions (e.g. a definition of 'community drinking water supply') to give greater clarity.</p> <p>Amend to include (13) 'landfills'.</p> <p>Replace 'One Network Road Classification' with 'One Network Framework'</p> |
| 41 | Interpretation – Definition of Well-functioning urban environments   | Support | We agree with referring to the definition in the NPS-UD as this avoids confusion.  | Retain definition as notified.   |

## MW – Mana whenua

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i>  | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>  | <i>I seek the following <b>decision</b> from the local authority:</i>                                    |
|------------------------|---|--|---|--|
| 60/61                  | MW-01 – Principles of Te Tiriti o Waitangi<br>MW-P1 – Treaty obligations<br>MW-P2 – Treaty principles<br>MW-P3 – Supporting Kāi Tahu well-being | Support  | The DCC supports the principles of the Treaty of Waitangi.  | Retain these provisions as notified.   |
| 61                     | MW-P4 – Sustainable use of Māori land   | Amend  | What is considered to be an effect on health and safety of people (what would this prohibit?) See under general comments concern over use of “avoiding, remedying or mitigating other adverse effects”. | (1) & (3) Amend to allow for some adverse effects while providing for the sustainable use of Māori land. |

## PART 2 – RESOURCE MANAGEMENT OVERVIEW

### SRMR - Significant resource management issues for the region

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>   | <i>I seek the following <b>decision</b> from the local authority:</i>   |
|------------------------|--|--|--|---|
| 64 onwards             | SRMR - general   | Amend  | <p>The purpose of the RPS (page 5) acknowledges solutions are required for entrenched legacy issues. As Otago’s largest river, consideration should be given to identifying the damming of the Clutha River/Mata-Au as a regionally significant issue and legacy effect.</p> <p>In particular, damming has a significant impact on sediment delivery down river and to the coast. This may manifest as increased rates of erosion along the Otago coastline due to a loss of sediment supply. It is unclear if any draw-down operations are planned or have ever been considered or completed to mitigate these substantial effects. A number of technical reports on damming the Clutha River conclude the following:</p> <ul style="list-style-type: none"> <li>• Damming of the Clutha River at Roxburgh in 1956 and Clyde in 1992 has reduced the amount of material reaching the coast by as much as 95% (Hicks et al. 2000).</li> <li>• Damming of the Clutha River has drastically reduced sediment input.</li> <li>• Most authors studying this stretch of coast have recognised the importance of the Clutha River in delivering material to the coast, some</li> </ul> | <p>Amend to identify damming of the Clutha River/Mata-Au as a regionally significant issue and legacy effect.</p> <p>Amend to include relevant objectives and policies to address this issue.</p> |

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|    |   |       | <p>noting its influence extends well to the north of the Otago Peninsula.</p> <p>It is noted this issue impacts both river and coastal processes.</p>  |  |
| 65 | SRMR-I1 – Natural hazards pose a risk to many Otago communities - statement   | Amend | The statement as drafted does not encompass all the issues outlined in the context section.  | Amend wording in statement to align with all issues in the rest of this section.   |
| 66 | SRMR -I1 – Natural hazards pose a risk to many Otago communities - impact snapshot  | Amend | As drafted, general impacts of natural hazards are described. As key Otago risk areas are identified in the context section, it would be helpful to describe impacts in terms of the most likely impacted communities/areas.   | Amend to clearly identify the communities/areas most likely to be impacted.  |
| 74 | SRMR-I4 – Poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community well-being – Impact snapshot (social) | Amend | There are also safety issues in urban areas, for vulnerable users, and on local roads (rural or urban). The social costs of serious injuries also needs to be recognised.  | Amend to refer to deaths and serious injuries on the transport network.  |
| 74 | SRMR-I5 – Freshwater demand exceeds capacity in some places - Context   | Amend | <p>The reference to deemed permits in the context section is supported, however it is not identified as an issue throughout SRMR-I5 and there is no clear identification where this is a key problem in Otago.</p> <p>The Taieri FMU may be the most impacted. High demand may be less of an issue in Queenstown or other areas with access to large lakes or the Clutha River/Mata-Au. Therefore, the impacts may primarily be in Central Otago, but also in Dunedin City as a substantial portion of the city supply is sourced from the Taieri catchment.</p> | Amend to clearly identify where ‘deemed permits’ are a key problem in Otago.   |
| 83 | SRMR-I10 - Economic and domestic activities in Otago use natural resources but do not always properly account for the environmental   | Amend | “Water abstraction and wastewater and stormwater discharges adversely affect the natural environment, cultural and amenity values, and recreation.”  | Amend to the following (or similar): “Water abstraction and wastewater and stormwater discharges <u>can</u> adversely affect the natural |

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|       | stresses or the future impacts they cause - Statement  |       | These activities also make essential contributions to community well-being. Among other things, stormwater and wastewater networks serve the important functions of flood protection and safeguarding public health and safety. These activities can be managed in a way that ensures any adverse effects that do result are no more than minor. | environment, cultural and amenity values, and recreation <u>if not well managed.</u> ” |
| 87/88 | RMIA-WAI-15 - Poor integration of water management, across agencies and across a catchment, hinders effective and holistic freshwater management | Amend | Other matters raised in this submission may result in consequential changes to the description of this issue.  | Amend for consistency with other requested changes in this submission.                 |
| 92    | RMIA-AA – Air and atmosphere   | Amend | Other matters raised in this submission may result in consequential changes to the description of this issue.  | Amend for consistency with other requested changes in this submission.                 |

## IM – Integrated Management

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i> | <i>I seek the following <b>decision</b> from the local authority:</i>  |
|------------------------|--|--|--|--|
| 96                     | IM-O1 – Long term vision   | Support  | The DCC supports this objective.           | Retain intent of objective but make any wording improvements to improve clarity. Consider putting more emphasis on outcomes to be achieved in terms of the well-being of people, so that there are clear environmental bottom-lines and human bottom-lines (ability to have access to housing and work). |

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| 96 | IM-02 – Ki uta ki tai<br>IM-03 – Environmentally sustainable impact | Support | DCC supports these objectives and associated outcomes.  | Retain these objectives as notified.   |
| 96 | IM-04 – Climate Change  | Amend   | The DCC has adopted a ‘Zero Carbon 2030’ target, 20 years more ambitious than the Government’s target on all long-lived gases. It is unclear how the 2030 target for all the communities in Otago to have a clear strategy would align with the DCC’s goal to achieve net carbon zero by 2030.  | Amend to also include reference to local or regional level targets.  |
| 96 | IM-P1 – Integrated approach   | Amend   | <p>This policy is unclear and does not provide clear direction in a way that can help plan makers understand what might be required in a lower order planning document or in a decision on a significant consent application that might refer back to the RPS.</p> <p>The policy is not worded as a policy.</p> <p>It is not clear what the ‘environmental constraints of this RPS’ are.</p> <p>Some policies seem at odds with each other (discussed further in the general comments section), and we query how this policy might be successfully implemented.</p> <p>In a practical sense these policies are not helpful for evaluating whether a proposal (plan change or significant resource consent) gives effect to the RPS.</p> | <p>Where there are clear conflicts between RPS requirements amend so that there is clear guidance within the policy wording on how these should be managed (see general comments). For example:</p> <p>In giving effect to this RPS, decision-makers should consider:</p> <ol style="list-style-type: none"> <li>(1) All provisions relevant to the issue or decision,</li> <li>(2) if multiple provisions are relevant, consider the provisions together and apply relatively weight to them according to the terms in which they are expressed, and</li> <li>(3) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM–O1 to IM–O4.</li> </ol> <p>However, with additional guidance on weighting here it is essential that the weight of policy language is carefully considered and the comments from the DCC with respect to policy wording should be considered.</p> |

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| 97 | IM-P2 – Decision Priorities  | Amend   | <p>This policy as drafted is unclear how ‘long-term life-supporting capacity and mauri of the natural environment’ or priorities (1)-(3) might be weighed up in most situations where conflicts arise. E.g. In considering a proposal to rezone a site from rural use to a residential use, how will the competing objectives for the protection of soil and providing for housing be weighed up.</p> <p>How is this hierarchy of decision priorities intended to align with Part 2 of the RMA which not only covers the matters in (2) and (3) but several other matters as well?</p> | <p>Amend or add a new policy to reflect Part 2 of the RMA, and clarify how ‘long-term life-supporting capacity and mauri of the natural environment’ will be considered when conflicts arise.</p> <p>Amend to instead of creating a hierarchy between the natural environment and people, which in reality will be hard to enforce if a decision could threaten people’s essential life needs being met (it could lead to people not having access to safe drinking water, housing, food or the ability of dispose of effluent safely), consider an approach which better reflects part 2 of the RMA which allows a focus on providing for human wellbeing but within environmental limits and in a way which maintains long-term life-supporting capacity and mauri of the natural environment.</p> |
| 97 | IM-P3 – Providing for mana whenua cultural values in achieving integrated management | Support | DCC supports this policy.  | Retain Policy IM-P3 as notified.   |
| 97 | IM-P4 – Setting a strategic approach to ecosystem health                             | Amend   | <p>“(2) takes a long-term strategic approach that recognises changing environments...”</p> <p>Reference to RMIA-MKB-15 would acknowledge that a strategic approach to ecosystem health requires a partnership approach.</p> <p>It is unclear what is meant by the phrase ‘changing environments’ and defining this or adding further explanation would be beneficial.</p>  | <p>Amend (2) to read: “takes a long-term strategic <u>partnership</u> approach that recognises changing environments, <u>recognising the issues addressed in RMIA-MKB-15 regarding different pieces of legislation for biodiversity management</u>”</p> <p>Clarify the meaning of ‘changing environments’.</p>   |
| 97 | IM-P5 – Managing environmental interconnections                                      | Support | DCC supports this policy.  | Retain Policy IM-P5 as notified.   |



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| 97 | IM-P6 – Acting on best available information         | Amend   | <p>Acting on best available information (including reliable partial data).</p> <p>When considering the most appropriate timing of decision-making processes there is a need to balance the advantages of more rapid decisions, which may rely on incomplete information, with any benefits that may be derived from having a more complete information set.</p>  | <p>Add the following:</p> <p><u>Determine whether delays in decision-making are unreasonable by balancing the advantages of more rapid decisions, which may rely on incomplete information, with any benefits that may be derived from having a more complete information set.</u></p>  |
| 98 | IM-P7 – Cross boundary management                    | Support | DCC supports this policy.  | Retain Policy IM-P7 as notified.  |
| 98 | IM-P8 – Climate change impacts                       | Amend   | <p>Climate change impacts – anticipating those changes in resource management processes and decisions.</p> <p>The policy is onerous. Anticipating changes is aspirational but unclear and going beyond what should be included in the RPS, which is setting regional directives.</p>   | <p>Amend IM-P8 to read as follows:</p> <p>‘Recognise and provide for <i>climate change</i> processes and <i>risks</i> by identifying <u>and considering <i>climate change</i></u> impacts in Otago, including impacts from a te ao Māori perspective, <del>assessing how the impacts are likely to change over time and anticipating those changes</del> in resource management processes and decisions.’</p>   |
| 98 | IM-P9 – Community response to climate change impacts | Support | DCC supports this policy.  | Retain Policy IM-P9 as notified.  |
| 98 | IM-P10 – Climate change adaptation and mitigation    | Amend   | <p>The current text only covers climate change adaptation and perhaps should focus on this with more detail added about climate change mitigation in the next policy.</p> <p>It may not always be appropriate to minimise effects of climate change on existing activities as this may imply that those activities must be protected from climate change as asking them to relocate or change would be a significant effect on them.</p> | <p>“Identify and implement <i>climate change</i> adaptation methods for Otago that:</p> <ol style="list-style-type: none"> <li>(1) are the most appropriate response to protect people and property from the <i>effects of climate change</i> processes, or <i>risks</i> recognising that the most appropriate response may be relocate those activities away from areas of greater risk</li> <li>(2) prioritise avoiding the establishment of new activities in areas subject to <i>risk</i> from the <i>effects of climate change</i>,</li> </ol> |

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|       |  |         |  | <p>unless those activities reduce, or are resilient to, those <i>risks</i>, and</p> <p>(3) provide Otago’s communities, including Kāi Tahu, with the best chance to thrive, even under the most extreme <i>climate change scenarios</i>.”</p>   |
| 98    | IM-P11 – Enhancing environmental resilience to effects of climate change       | Amend   | DCC supports this policy in principle but believes more content about mitigation measures is required.   | <p>Include more detail in this policy around ways to mitigate the effects of climate change for example:</p> <p><u>“Including by:</u></p> <p>(1) <u>Working towards minimisation of net greenhouse gas emissions in accordance with national level climate change responses</u></p> <p>(2) <u>offsetting of remnant emissions”</u></p>  |
| 98/99 | IM-P12 – Contravening environmental bottom lines for climate change mitigation | Support | DCC supports this policy.  | Retain Policy IM-P12 as notified.   |
| 99    | IM-P13 – Managing cumulative effects   | Amend   | DCC supports this policy in principle but the need to manage cumulative effects needs to go beyond ‘effects of activities on natural and physical resources’ | <p>Amend to:</p> <p>Decision-makers and plans must consider and manage the potential cumulative of effects of activities where these may impact on:</p> <p>(1) Otago’s environmental integrity, form, function, and <i>resilience</i>;</p> <p>(2) opportunities for future generations;</p> <p>(3) environmental bottom-lines, or</p> <p>the ability to provide for the health and well-being of communities.</p> |
| 99    | IM-P14 – Human impact  | Support | DCC supports this policy.  | Retain Policy IM-P14 as notified.   |

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| 99  | IM-P15 – Precautionary approach   | Amend | Support in principle subject to other submission points on provisions for areas and values that are required to be identified in plans by this RPS. Also reconsider the phrasing ‘significantly adverse’ as this is unusual policy language.  | Amend to clarify policy wording.   |
|     | All methods in IM   |       |   | Make any consequential changes necessary to reflect changes requested to objectives and policies.  |
| 99  | IM-M1 – Regional and district plans                                     | Amend | While DCC supports the high-level aspirations and intent of IM-01 to 04 by nature they are ‘vague’ as objective touchstones therefore it would be difficult and arguably very subjective to determine if a policy framework would achieve them. It seems inappropriate to create a time framed requirement to review a plan to test whether it achieved them as this could be read based on the breadth and high level nature of these objectives to be a timeframe to have completed a full plan review where this could be debated. | Delete time-framed requirement to complete plans reviews in terms of these objectives in clause (1).   |
| 100 | IM-M2 - Relationships   | Amend | It is unclear what the expectation might be for ‘to ensure consistent implementation of the objectives, policies and methods of this RPS’. Plan changes are expensive and time-consuming and the ability to deliver them is constrained by the resources available. While consistency is certainly desirable where that consistency makes sense e.g. the context, issues, effectiveness of methods etc are the same, it should not be an ‘end in itself’.   | Amend clause (2) to read: work together and with other agencies to <del>ensure</del> enable consistent implementation of the objectives, policies and methods of this RPS <u>where appropriate</u> , and |
| 100 | IM-M3 – Identification of climate change impacts and community guidance | Amend | To date, identification of climate change impacts and community guidance has been a collaborative process between the ORC and TLAs, and while it has been initiated by the ORC, the policy should reflect the collaborative approach.   | Amend to read: “By 2025 <u>the Otago Regional Council and Territorial Local Authorities</u> must:”   |
| 100 | IM-M4 – Climate change response   | Amend | <i>“By January 2027 local authorities (led by Otago Regional Council) must together, in partnership with</i>  | Amend wording so that local authorities are ‘coordinated’ by ORC instead of ‘led’ or   |

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|     |                          |       | <p><i>Kāi Tahu and in consultation with Otago’s communities, develop climate change responses for the region...”</i></p> <p>DCC and ORC have not yet established parameters of partnership as it pertains to Dunedin City, and South Dunedin climate change responses, nor is there a legislative mandate for ORC to lead climate change responses for the region.</p> | remove ‘led by Otago Regional Council’ entirely.  |
| 101 | IM-M5(1) – Other methods | Amend | Requirement to align all strategies and management plans to contribute to long-term vision for Otago at next plan review or by December 2030 (whichever is sooner).  | <p>Amend to ‘full plan review’ and remove the date of 2030. The DCC do not consider it would be efficient to instigate another full plan review (given that we are still finalising the 2GP) until after any changes to the RM system are made. Therefore, we ask that any provisions in the RPS that might trigger the need for a full plan review be removed. As stated in our submission on IM-M1 DCC do not support any methods that require a plan review to look across the objectives in this section as they are too high level, broad and arguably subjective. Instead they should act as broad ‘touchstones’ to consider in any plan change process.</p> <p>Delete (2) or amend so it is clear what this requirement means, and that the requirement is reasonable.</p> <p>Clarify what aspects of (3) (4) are envisaged in terms of resource management and the roles and responsibilities of local authorities under the RMA.</p> |
| 101 | IM-E1 - Explanation      | Amend | Consequential changes to the explanation may be needed as a result of the relief sought elsewhere in this section.   | Make any consequential changes necessary to address any submissions on this section.  |



## PART 3 – DOMAINS AND TOPICS

### DOMAINS

#### AIR – Air

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i>   | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>  | <i>I seek the following <b>decision</b> from the local authority:</i>  |
|------------------------|--|--|---|--|
| 103                    | AIR-O1 – Ambient air quality   | Support  | DCC supports this objective.  | Retain Objective AIR-O1 as notified.   |
| 103-107                | AIR-O2 – Discharges to air<br>AIR-P3 – Providing for discharges to air<br>AIR-P4 – Avoiding certain discharges<br>AIR-P5 – Managing certain discharges<br>AIR-P6 – Impacts on mana whenua values<br>AIR-M2(1) – Regional plans<br>AIR-E1 - Explanations<br>AIR-PR1 – Principal reasons | Amend  | <p>It is unclear how policies AIR-P3 to AIR-P6 will work together to “allow”, “manage”, and “avoid” discharges to air. There may be potential for conflict between these policies.</p> <p>See general comments about the use of the word avoid. The policies that use avoid are too onerous as they do not provide for activities that may have effects that are minimised as far practicable and where those activities may be important or necessary to provide for people’s health and well-being.</p> <p>Currently discharge of contaminants to air are generally permitted where there are no effects beyond the boundary. This provision as drafted suggests no consent option will be provided and anything not permitted will be prohibited. The ability to manage odour is also constrained by the size of any given site, and the distance to the boundary. It is necessary to retain a consenting option for these discharges, as issues beyond the boundary may still occur despite use of the best</p> | <p>For policies AIR-P4 and AIR-P6 amend to “<u>avoid or minimise as far as practicable</u>” and add guidance <u>to policies ‘AIR-P3, AIR-P4 and AIR-P6</u> around activities that may be important to provide, e.g. infrastructure. Provide an explanation as to why this approach (if it is continued to be pursued) is considered necessary, along with high level guidance as to suitable alternatives/approaches that would be promoted.</p> <p>Reword or add new policies to ensure they do not conflict with each other.</p> <p>Provide clarity as to how the policies will work without conflicting with each other.</p> <p>Consider changes to address introductory comments about policy drafting, in particular make sure policies are drafted in a way that is clear as to the expectations of content of lower order plans needing to give effect to them and that direction reflects the entirety</p> |

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|     |  |                  | <p>practicable option to manage contaminants e.g. from wastewater treatment plants.</p> <p>The explanation revolves around addressing solid fuel burning; there needs to be acknowledgement there are other types of air discharges. No explanation is provided (in AIR-E1 or AIR-PR1) as to why this prohibition has been proposed, and alternatives to those discharges for any currently consented activities.</p>  | of the objectives in the RPS, e.g. do not use directive language that might be contrary to other RPS objectives.   |
| 103 | AIR-P1 – Maintain good ambient air quality | Support          | DCC supports this policy.  | Retain Policy AIR-P1 as notified.  |
| 103 | AIR-P2 – Improve poor ambient air quality  | Support in part. | Please see comments on method AIR-M3. The spatial distribution of activities and associated transport is best directed at the Future Development Strategy required under the RPS rather than district plans.   | See comments on method AIR-M3.   |
| 105 | AIR-M3 – Territorial authorities           | Amend            | <p><i>No later than 31 December 2029, territorial authorities must prepare or amend and maintain their district plans to include provisions that direct an urban form that assists in achieving good air quality by:</i></p> <p>(1) <i>reducing reliance on private motor vehicles and enabling the adoption of active transport, shared transport and public transport options to assist in achieving good air quality, and</i></p> <p>(2) <i>managing the spatial distribution of activities.</i></p> <p>The range of methods identified is incomplete and requires further consideration. Not all motor vehicles have an impact on air quality; for example electric vehicles have none. In addition, the method is focussed on TAs however the regional council determines public transport routes and therefore</p> | <p>Territorial authorities in preparing their FDS (Future Development Strategy under the NPS-UD) must consider an urban form that assists in achieving good air quality by:</p> <p>(1) reducing reliance on private motor vehicles (except electric vehicles and other ultra-low emissions motor vehicles) and enabling the adoption of <i>active transport, shared transport and public transport options to assist in achieving good air quality, and</i></p> <p>(2) <i>managing the spatial distribution of activities.</i></p> |

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|     |  |       | transport planning should be considered in an integrated way.   | <p>Rather than focus on the district plan it would be better to focus the method on the FDS e.g.:</p> <p>The FDSs in Otago need to consider how the spatial distribution of activities needs to be planned in an integrated way with the provision of public transportation opportunities to reduce the percentage of the community that are car-dependent for most trips.</p> <p>Ensure implementation includes both land use planning and public transportation planning elements.</p> |
| 105 | AIR-M5 – Incentives and other mechanisms | Amend | <p><i>(5) measures to encourage the use of active transport, shared transport and public transport over the use of private motor vehicles, and</i></p> <p>This method does not promote the use of electric or ultra-low emissions vehicles.</p> | <p>Amend to add encouragement and/or incentives to encourage take up of electric and other ultra-low emissions motor vehicles (including buses and heavy vehicles).</p> <p>Amend to add methods to encourage public transportation uptake (pricing, convenience incentives).</p>   |

### **CE - Coastal environment**

| <b>RPS Page Number</b> | <b>The <i>specific provisions</i> of the proposal that my submission relates to are:</b> | <b>I <i>support</i> or <i>oppose</i> the specific provisions or wish to have them <i>amended</i></b> | <b>The <i>reasons</i> for my view are:</b>   | <b>I seek the following <i>decision</i> from the local authority:</b>   |
|------------------------|--|--|--|---|
| 108-113                | CE-O1 to CE-P13 – Coastal environment objectives and policies                            | Amend  | <p>These objectives and policies give effect to the NZCPS and sometimes repeat the same wording as the NZCPS.</p> <p>To minimise submissions requesting wording changes that would not align with NZCPS and to aid</p> | Amend to add cross-references/footnotes where necessary to show when a policy in the RPS is based on a policy in the NZCPS. |



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|     |   |                      | readers, it would be helpful to add cross-references/footnotes where necessary to show when a policy is based on a policy in the NZCPS – e.g. RPS CE-P4 and NZCPS policy 13   |  |
| 108 | CE-01 – Safeguarding the coastal environment                                    | Support              | The DCC supports this objective.  | Retain Objective CE-01 as notified.  |
| 108 | CE-02 - Maintaining or enhancing highly valued areas of the coastal environment | Support              | The DCC supports this objective.  | Retain Objective CE-02 as notified.  |
| 108 | CE-03 - Natural character, features and landscapes                              | Amend                | Amend wording to better describe the outcome sought, where the coastal environment is protected from “adverse effects” rather than “inappropriate activities” to align with policy wording  | Amend to replace “inappropriate activities” with “adverse effects”, to better align with Policy CE-P6.   |
| 108 | CE-04 – Kāi Tahu associations with Otago’s coastal environment                  | Support              | The DCC supports this objective.  | Retain Objective CE-04 as notified.  |
| 108 | CE-05 – Activities in the coastal environment                                   | Amend                | Activities in the coastal environment - “(2) are of a scale, density and design <i>compatible</i> with their location, and ...”<br><br>In order to retain natural character, hazard management value of landforms and so on, then this statement seems too general. | Amend to add detail around what matters/activities should be avoided, protected or even enhanced.<br><br>Amend by adding “(5) activities as they relate to managed retreat and a reduction in risk are enabled....” -                            |
| 109 | CE-P1 - Links with other chapters   | Support in principle | Support in principle the approach.  | Retain a policy of this type and consider whether expanding this policy to recognise other relevant links to other sections (e.g. perhaps the ECO and INF sections), and/or adding similar policies to other sections, would aid interpretation. |
| 109 | CE-P2 - Identification  | Amend                | Consider alignment with the NZCPS and support the avoidance of physical/ engineered interventions.  | Amend by adding:<br><br>“(7) Opportunities for the enhancement of coastal areas and landforms, to encourage the restoration natural functioning and/or mitigation of natural hazards”  |

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|         |  |       |  | <u>“(8) Areas and activities that might be to the detriment of long-term climate change adaptation”.</u>                           |
| 110     | CE-P3 – Coastal water quality  | Amend | The DCC supports this policy in principle but see general comments on policy-drafting in the first section of this submission.   | Amend drafting in line with general comments on policy-drafting above, including by reviewing use of future perfect tense.         |
| 110/114 | CE-P4 – Natural character and related method CE-M2 – Identifying other areas | Amend | <p>See general comments about use of the word ‘avoid’.</p> <p>There may be some situations where effects cannot be avoided because the activity needs to be provided for in a coastal location – this needs to be more clearly articulated in an ‘avoid ... unless’ type policy.</p> <p>CE-M2:</p> <p><b>“Local authorities must work collaboratively together to ... identify [the] capacity [of areas of high and outstanding natural character and areas of outstanding natural features, landscapes and seascapes in the coastal environment] to accommodate change through land use or development ....”</b></p> <p>What the bolded wording means, in terms of lower order plan provisions to implement, it is unclear.</p> | <p>Amend to reflect general comments re use of the word ‘avoid’.</p> <p>Clarify meaning in relation to “identify capacity...”.</p> |
| 110     | CE-P5 – Coastal indigenous biodiversity                                      | Amend | This policy is a duplication of NZCPS Policy 11, with added reference to the need to ‘identify’, as well as ‘protect’, listed aspects of indigenous biodiversity. See general comments above with regard to “Scope of content and change from recent partially operative RPS”.   | Either delete Policy CE-P5 Coastal indigenous biodiversity or reference NZCPS Policy 11.   |
| 111     | CE-P6 – Natural features, landscapes and seascapes                           | Amend | This policy applies to natural features and landscapes in the coastal environment, and thus overlaps with policies NFL-P2 and NFL-P3, which  | Amend CE-P1 to clarify that CE-P6 overrides NFL-P2 and P3 in the coastal environment.  |

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|     |   |       | apply to natural features and landscapes throughout the region. In the NFL section, Policy NFL-P6 clarifies that “natural features and landscapes... in the coastal environment are managed by CE-P6”, which is helpful, but it would also be helpful to have this clarification in section CE – perhaps in CE-P1.  | Review use of unqualified “avoid”, and use of “avoiding, remedying or mitigating other adverse effects...”, in line with general comments on policy drafting in first section of this submission.  |
| 112 | CE-P7 – Surf breaks                                       | Amend | NZCPS policy 16 applies to surf breaks of national significance, and these are identified in NZCPS schedule 1. How are ‘surf breaks of regional significance’ to be defined?  | Amend to clarify meaning/location of ‘surf breaks of regional significance’.<br><br>Consider whether a policy for ‘surf breaks of regional significance’ is necessary.   |
| 112 | CE-P8 – Public access                                     | Amend | See general comments above regarding “Scope of content and change from recent partially operative RPS”. It is noted that the content of this policy is covered by Policy 19 of NZCPS.   | Either delete Policy CE-P8 Public Access or reference NZCPS Policy 19.   |
| 112 | CE-P9 – Activities on land within the coastal environment | Amend | <p><b>Issue 1:</b> This policy is difficult to understand as it is not clearly worded. It is unclear how a plan change or significant resource consent would give effect to it. It is not clear how this policy achieves the objectives in this section.</p> <p>For clarity examples of sprawling and sporadic patterns are needed, as is scenario testing of what would meet or not meet this policy. For example: would this policy, together with CE-P10, allow for things like the Peninsula Connections project?</p> <p>It is unclear why is it necessary to separately analyse demand and capacity just for the coastal environment (this does not align with the NPS-UD).</p> <p>It is difficult to understand the relationship between assessing change on the character of the built environment and what meets the definition of the coastal environment.</p> | <p>Amend to address concerns.</p> <p>In relation to issue 2, this includes amending the policy to recognise:</p> <ul style="list-style-type: none"> <li>• Hazard risk and effects of climate change</li> </ul> <p>Amend to reflect the possibility that activities near the coast may be located in areas of known hazard risk or could restrict future climate change adaptation activities (e.g. managed retreat).</p> <p>Amend to reflect the possibility that some activities may be climate adaptive, and cognisant of the changing hazard profile, or may be intended to mitigate the effects of climate change.</p> |

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|         |   |         | <p><b>Issue 2:</b> This policy would benefit from reference to hazard risks, effects of climate change, and adaptation to climate change.</p> <p>Currently it is hard to see how anticipated result CE-AER6 is being strongly reflected in the methods.</p> |  |
| 112     | CE-P9 (3) - Activities on land within the coastal environment | Support | Support inclusion of CE-P9 (3) to recognise the importance of the provision of infrastructure in the coastal environment.   | Retain Policy CE-P9(3) as notified.  |
| 112/113 | CE-P10 – Activities within the coastal marine area            | Support | The DCC supports this policy.   | Retain Policy CE-P10 as notified.  |
| 113     | CE-P11 - Aquaculture  | Amend   | Considerations about appropriate locations for the development and operation of aquaculture should include existing activities such as stormwater and wastewater discharges.  | Amend by including a clause (4) that states: <u>“the potential impacts of existing activities, including stormwater and wastewater discharges, on the development and operation of aquaculture activities.”</u> .  |
| 113     | CE-P12 – Reclamation  | Amend   | See general comments above regarding “Scope of content and change from recent partially operative RPS”. It is noted that the content of this policy is covered by Policy 10 of NZCPS.   | Either delete Policy CE-P7 Coastal indigenous biodiversity or reference NZCPS Policy 10.   |
| 114     | CE-M2 – Identifying other areas                               | Amend   | See relevant comment at CE-P4 above.  | See above.   |
| 114     | Table 2: Areas likely to contain significant values           | Amend   | Correct the spelling of Purakanui Inlet.  | Purakaunui.  |
| 115     | CE-M3(4)(a) – Regional plans                                  | Amend   | “Small <i>mixing zones</i> ” is imprecise.  | Amend as follows:<br><br>4(a) <u>“only enabling the use of small minimising the <i>mixing zones</i> as far as practicable, where beneficial, before the water quality standards need to be met in the receiving environment and minimising adverse effects on the life-support capacity of water within any mixing zone”</u> . |
| 115     | CE-M3(4)(b) and (c) – Regional plans                          | Amend   | In particular situations, such as during extreme wet weather events or when a system fault (breakdown, breakage or blockage) has occurred, discharges of  | Amend as follows:  |

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|     |                              |       | <p>treated and/or untreated wastewater from the network and/or wastewater treatment plants to freshwater and/or the coastal environment can occur. Therefore, the provisions for managing these events should be the similar for both freshwater and the coastal environment.</p> <p>As currently drafted, CE-M3 takes a prohibitive approach to untreated wastewater discharges, whereas LF-FW-M6 (which refers to LF-FW-P15) allows wet weather and dry weather wastewater overflows subject to certain management methods.</p> <p>The approach set out in the freshwater method and policy is preferred because it acknowledges and provides for management of these events, rather than prohibition.</p>                       | <p>For 4(b) amend to make consistent with the approach to managing wastewater overflows set out in LF-FW-M6 / LF-FW-P15(2)(c).</p> <p>For 4(c) amend to make consistent with the approach to managing wastewater discharges set out in in LF-FW-M6 / LF-FW-P15(1).</p> |
| 115 | CE-M3(4)(e) – Regional plans | Amend | <p>“(4)(e) avoid cross-contamination between <i>sewage</i> and <i>stormwater</i> systems where new systems are proposed and remedy cross-contamination where they currently exist in established systems,”</p> <p>It is unclear if “Avoid cross-contaminations between sewage and stormwater systems” refers to:</p> <ul style="list-style-type: none"> <li>• combined wastewater and stormwater systems; or</li> <li>• deliberately constructed wastewater overflows; or</li> <li>• illegal connections of private wastewater drainage pipes into the stormwater network; or</li> <li>• unauthorised connections of private stormwater drainage into the wastewater network; or</li> <li>• a combination of the above.</li> </ul> | <p>Amend to clarify the meaning of “cross-contaminations between sewage and stormwater systems”, and to provide guidance on the approach that might apply to established systems.</p>  |

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| 116 | CE-M4 – District plans     | Amend | <p>With regard to clauses (1), (2) and (3), please clarify if the expectation is that a single set of provisions be applied to the coastal environment. At the moment different sets of provisions apply depending on the degree to which natural coastal character values exist, and in relation to coastal hazards.</p> <p>In addition, the practicality of controlling the location and scale of “vegetation planting” in the coastal environment is questioned. The Dunedin 2GP controls vegetation clearance near the coast, and consent is required for forestry, and sometimes for shelterbelts and small woodlots, in natural coastal character overlay zones. There is no controlling of other vegetation planting in the coastal environment – other controls would be difficult to enforce and may be perceived as overly restrictive by the community.</p> <p>With regard to clause (7), council can provide for walking access to the CMA, but this would generally be done via methods other than the District Plan. CE-M5 clause (2) provides for this approach.</p> <p>With regard to clause (8), the council can control vehicle access to the CMA, but this would generally be done via methods other than the District Plan.</p> | <p>Clarify whether clauses (1)-(3) are expected to be in a single set of provisions that apply to the coastal environment.</p> <p>Delete clause (7).</p> <p>Delete clause (8).</p>   |
| 119 | CE-PR1 – Principal reasons | Amend | <p>“A number of activities occur within or affect the coastal environment including urban development, recreational activities, transport infrastructure, port activities, energy generation and transmission, food production and other farming activities, <i>plantation forestry</i>, rural industry and <i>mineral</i> extraction.”</p> <p>“The <i>coastal waters</i> are a <i>receiving environment</i> for <i>freshwater</i>, <i>gravels</i>, <i>sediment</i> and <i>contaminants</i> from the terrestrial landscape - of particular concern are the significant <i>discharges</i> of sediments, transported by <i>rivers</i> and waterways, that have a</p>  | <p>Amend by adding “disposal of wastewater and stormwater” to the list of activities going to the receiving environment included in the second paragraph.</p> <p>Amend by referencing the lack of sediments coming down the Clutha River/Mata-Au, which would otherwise feed coastal Otago processes, as a matter of particular concern.</p> |

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|  |  |  | <p>smothering effect on the benthic systems of the coastal area, including the important kelp beds.”</p> <p>Coastal waters are also a receiving environment for disposal of wastewater and stormwater, and this should be recognised here.</p> <p>An additional matter of particular concern is the lack of sediments coming down the Clutha River/Mata-Au, which would otherwise feed coastal Otago processes, and this should also be recognised in this paragraph.</p> |  |
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**LF – Land and freshwater**

*LF-WAI – Te Mana o te Wai*

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>  | <i>I seek the following <b>decision</b> from the local authority:</i>  |
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| 121-124                | LF-WAI – Te Mana o te Wai  | Support and Amend  | The DCC supports the introduction of Te Mana o Te Wai as a national framework for managing water through both the NPS-FM 2020 and the broader resource management system, and through the Water Services Bill. The DCC acknowledges local understandings of Te Mana o te Wai will continue to evolve through greater involvement of mana whenua in water management and supports the ORC-Kāi Tahu partnership approach articulated in LF-WAI-M1. The DCC is working to strengthen its partnership with mana whenua on water management and would welcome opportunities to work together with ORC as part of this. | Consider amending the proposed RPS to align the Coastal Environment chapter more closely with the LF-WAI section if/where appropriate. The DCC submits that the aspects of LF-WAI that are relevant to the coastal environment / coastal waters should be clearly articulated in the Coastal Environment chapter to provide clarity. |

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|         |   |                      | <p>The DCC notes that the LF-WAI section of the proposed RPS includes references to coastal waters (at LF-WAI-P3) and the New Zealand Coastal Policy Statement (at LF-WAI-PR1). The DCC recognises the interconnectedness of land use and all waters (including both fresh and coastal).</p> <p>Stormwater and wastewater service providers often consider infrastructure and activity options that could impact either fresh water, coastal water, or both. Service providers need to understand how to apply Te Mana o te Wai, including the hierarchy of obligations set out in the NPS-FM 2020 and LF-WAI-P1 of this RPS, when making decisions on options.</p> |   |
| 121     | LF-WAI-O1 – Te Mana o te Wai                    | Support              | The DCC supports this objective.  | Retain Objective LF-WAI-O1 as notified.   |
| 121     | LF-WAI-P1 - Prioritisation                      | Support in principle | The DCC notes the objective does not reflect the tension between development and impacts on water bodies, and what happens when the priorities are in conflict with each other.   | Consider providing clarification or adding a new policy on the priorities when there is conflict between them e.g. housing development and water needed for drinking water with potential effects on the health and well-being of a water body. |
| 121/122 | LF-WAI-P2 – Mana whakahere                      | Support              | The DCC supports this policy.   | Retain Policy LF-WAI-P2 as notified.  |
| 122     | LF-WAI-P3 – Integrated management/ki uta ki tai | Support in principle | (4) There may be necessary development e.g. for housing, that makes it difficult to maintain the health and well-being of fresh water and coastal water.  | Provide clarification on situations where it may be acceptable for the health and well-being of fresh water or coastal water not to be maintained.  |
| 122     | LF-WAI-P4 – Giving effect to Te Mana o te Wai   | Support in principle | Subject to the other DCC submission points on the related objective and policies.   | See other submission points on this topic which might require consequential changes to this provision.  |



LF-VM – Visions and management

| RPS Page Number | The <b>specific provisions</b> of the proposal that my submission relates to are: | I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b> | The <b>reasons</b> for my view are:  | I seek the following <b>decision</b> from the local authority:   |
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| 124/125         | LF-VM-02 – Clutha Mata-au FMU vision  | Amend   | The vision does not recognise sediment processes currently being obstructed by large dams.   | Amend to include material about mitigation of sediment processes currently being obstructed by large dams.   |
| 125             | LF-VM-03 – North Otago FMU  | Support in principle  | The DCC supports this objective in principle but please note the comments on LF-VM-04 which also apply.  | The DCC looks forward to working with the ORC to develop a policy and rule framework to give effect to this vision through the new Land and Water Regional Plan.   |
| 125             | LF-VM-04 – Taieri FMU vision  | Amend   | <p>DCC supports the restoration of healthy wetlands but considers that modification of some waterbodies might be necessary for drainage purposes and the well-being of communities.</p> <p>Wetlands that have been engineered and significantly enhanced can be employed to treat stormwater and wastewater.</p> <p>Work can be required in these wetlands for public flood control or drainage and it is essential that maintenance works are provided for to ensure the appropriate functioning of these areas for stormwater and flood management. Minor modifications such as erosion protection work, or the installation of culverts might also be necessary.</p> <p>For (7), the DCC submits that in specific situations such as extreme wet weather events or when a system fault (breakdown, breakage or blockage) has occurred, discharges of treated and/or untreated wastewater from the network and/or wastewater</p> | <p>The DCC looks forward to working with the ORC to develop a policy and rule framework to give effect to this vision through the new Land and Water Regional Plan.</p> <p>Amend or provide new policy to address the concerns raised.</p> |

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|     |  |       | treatment plants to waterbodies can occur. In some cases, the provision of a wastewater overflow may be the best practicable option with minimal environmental effects. Total elimination of overflows is unlikely to be possible in most wastewater systems.  |  |
| 126 | LF-VM-05 – Dunedin & Coast FMU vision    | Amend | There needs to be a clear vision for Dunedin’s urban waterways – in particular the Kaikorai, Leith, Tomahawk Lagoon and Silverstream – in terms of water quality, access, and also the value placed upon them by the community.  | Amend the vision, along with the means and timeframes of attaining the vision given some specific catchment challenges, for the Dunedin & Coast FMU to address issues raised.  |
| 126 | LF-VM-05(3) – Dunedin & Coast FMU vision | Amend | <p>“healthy estuaries, lagoons and <i>coastal waters</i> support thriving mahika kai and downstream coastal ecosystems, and indigenous species can migrate easily and as naturally as possible to and from these areas”.</p> <p>DCC questions whether the land and freshwater chapter is the most appropriate place for this coastal focussed objective and considers this objective and objectives in the Coastal Environment chapter should be amended to address the link between the two.</p>  | Amend this objective and the objectives in the Coastal environment chapter to address issues raised. Amend policy CE-P1 – Links with other chapters, to include reference to the land and freshwater chapter.  |
| 126 | LF-VM-05(4) – Dunedin & Coast FMU vision | Amend | <p>“there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible”</p> <p>The DCC submits that the reference to ‘modification’ in this objective statement could hinder the effectiveness of the objective and should be removed. It appears to assume that modification can only result in a reduction of the natural form and function of a water body.</p> <p>In some instances, further modification of an already heavily modified water body (e.g. the</p> | <p>Amend as follows: <del>“there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible”.</del></p> <p>Alternatively, amend the first part of (4) with wording that aligns with clause 3.24(1) of the NPS-FM 2020, which refers to the loss of river extent and values.</p> |

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|     |   |         | <p>concrete-lined sections of the Leith) could provide an opportunity to restore (or partially restore) natural form and function.</p> <p>In addition, DCC has challenges with watercourse management within the stormwater network.</p> <p>In some circumstances, modification of the shape and behaviour of some water bodies might be necessary for the purposes of providing a stormwater drainage system that supports the well-being of communities. This could include minor modifications such as erosion protection work or the installation of culverts.</p> |  |
| 126 | LF-VM-05(5) – Dunedin & Coast FMU vision                      | Amend   | <p>“discharges of <i>contaminants</i> from urban environments are reduced so that <i>water bodies</i> are safe for human contact.”</p> <p>The DCC submits that a whole-of-catchment approach is required to meet objectives about water quality for human contact. Many water bodies adjacent to urban areas that may be used for human contact have catchments that traverse rural and urban environments. Discharges of contaminants from both rural and urban environments in the catchment need management to ensure water bodies are safe for human contact.</p>  | Amend to “discharges of <i>contaminants</i> from urban environments are reduced so that <i>water bodies</i> are safe for human contact.”   |
| 126 | LF-VM-07 - Integrated management                              | Support | The DCC supports this objective.   | Retain Objective LF-VM-07 as notified.   |
| 127 | LF-VM-P5 – <i>Freshwater Management Units (FMUs)</i> and rohe | Amend   | <p>The FMU boundaries were set by ORC resolution and without consultation with the DCC.</p> <p>The DCC submits that consideration should be given to providing for a review of the FMU boundaries and/or establishment of additional rohe within existing FMUs.</p> <p>The DCC supports smaller, catchment-based FMUs, particularly in urban environments with the most</p>  | Amend to provide for review of the FMU boundaries and/or establishment of additional rohe – particularly for Dunedin City – to enable effective implementation of the National Objectives Framework. |

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|         |                                  |       | <p>impacted water quality. FMUs that are too large may not facilitate effective implementation of the National Objectives Framework, including for setting limits and establishing adequate and representative monitoring sites throughout the FMU.</p> <p>The DCC acknowledges that a catchment-based approach to FMUs would need to allow for breaking large catchments into smaller ones (for example, where a catchment forms a significant part of a region, such as the Taieri River in Otago), or grouping smaller catchments in some circumstances (for example, smaller coastal catchments not impacted by urban development).</p> <p>In particular, the DCC considers the Dunedin &amp; Coast FMU, which includes the Tokomairiro River catchment to the south of Dunedin, would be more beneficial for determining and managing the impacts of urban activities and development if it was established on a catchment basis.</p> |  |
| 127-128 | LF-VM-M3 – Community involvement | Amend | <p>Territorial authorities provide key infrastructure and planning services related to water that support community well-being. The DCC submits that the ORC should consult and work with territorial authorities to implement the implementation of the National Objectives Framework, including on FMUs, monitoring sites, values and outcomes, and the development of action plans.</p>   | Amend by replacing ‘communities’ with ‘communities and territorial authorities’. |

LF-FW - Fresh water

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>  | <i>I seek the following <b>decision</b> from the local authority:</i> |
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| 129                    | LF-FW-O8 – Fresh water   | Support  | The DCC supports this objective.  | Retain Objective LF-FW-O8 as notified.                                |
| 129                    | LF-FW-O9 – Natural wetlands  | Support  | The DCC supports this objective.  | Retain Objective LF-FW-O9 as notified.                                |
| 129                    | LF-FW-O10 – Natural character  | Support  | The DCC supports this objective.  | Retain Objective LF-FW-O10 as notified.                               |
| 129/130                | LF-FW-P7 – Fresh water   | Support  | The DCC supports this policy.   | Retain Policy LF-FW-P7 as notified.                                   |
| 130                    | LF-FW-P8 – Identifying natural wetlands  | Support  | The DCC supports this policy.   | Retain Policy LF-FW-P8 as notified.                                   |
| 130/131                | LF-FW-P9 - Protecting natural wetlands   | Oppose   | <p>The required content of this policy is set out in clause 3.22 of the NPS for Freshwater Management. However, this clause requires regional councils to include the policy in “its regional plan(s)”, rather than RPS.</p> <p>Does adding this policy to the RPS create a likelihood of future duplication, when the same policy is added to a regional plan?</p> <p>See general comments above about avoiding duplication, under the header “Scope of content and change from recent partially operative RPS”.</p> | Remove policy from RPS and rather include it in a regional plan.      |
| 131                    | LF-FW-P10 – Restoring natural wetlands   | Support  | The DCC supports this policy.   | Retain Policy LF-FW-P10 as notified.                                  |
| 131                    | LF-FW-P11 – Identifying outstanding water bodies   | Support  | The DCC supports this policy.   | Retain Policy LF-FW-P11 as notified.                                  |
| 131                    | LF-FW-P12 – Protecting outstanding water bodies  | Support  | The DCC supports this policy.   | Retain Policy LF-FW-P12 as notified.                                  |
| 131/132                | LF-PW-P13 – Preserving natural character   | Support  | The DCC supports this policy.   | Retain Policy LF-PW-P13 as notified.                                  |

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| 132 | LF-FW-P14 – Restoring natural character                             | Support | The DCC supports this policy.   | Retain Policy LF-PW-P14 as notified.  |
| 132 | LF-FW-P15(1) – Stormwater and wastewater discharges                 | Amend   | The start of the policy refers to discharges to ‘fresh water’, but clause (1) refers to discharges to ‘water’. This risks confusion/uncertainty about the application of this policy.   | Amend clause (1) to read “... preferring <i>discharges of wastewater to land over discharges to freshwater...</i> ”   |
| 132 | LF-FW-P15 (2)(a) and (2) (b) – Stormwater and wastewater discharges | Amend   | <p>In (2)(a) and (b) it is not clear what is meant by ‘available’.</p> <p>We submit that decisions about connection to wastewater and stormwater services should be made by the territorial authority with consideration of the particular situation.</p> <p>District plan zone boundaries help determine territorial authority decisions about what properties should be serviced by public stormwater and wastewater systems and therefore which properties can connect. The DCC prefers (and generally requires) development to connect to reticulated networks in ‘urban’ areas (e.g. residential, commercial and industrial zones), however, in some situations infrastructure may be uphill of a development and pumping would be required (whereas most of Dunedin’s drainage infrastructure works on gravity) or properties may not have services to the boundary. In some locations there is infrastructure that transports bulk stormwater or wastewater to another location. These ‘distribution mains’ can be located outside of DCC service area boundaries and are not generally available for individual connections. The Building Act and other legislation contains specifications about distances to wastewater services and when individual connection can be required.</p> <p>Requiring connections to reticulated systems is sometimes not practical for rural zoned land or</p> | <p>Either:</p> <ul style="list-style-type: none"> <li>• Delete (2)(a) and (2)(b); or</li> <li>• Amend 2(a) and 2(b) as follows: “where one is <u>made available by the [wastewater / stormwater] system operator</u>”. This would ensure the territorial authority (and/or a future entity created by statute to operate wastewater and stormwater networks) can determine when and where connections to reticulated systems are practicable and beneficial.</li> </ul> <p>If (2)(a) and (2)(b) are retained (with amendments), add definitions of:</p> <ul style="list-style-type: none"> <li>• ‘reticulated system’,</li> <li>• ‘wastewater system operator’ and</li> <li>• ‘stormwater system operator’</li> </ul> <p>to provide greater clarity for implementation of this policy. The definitions of ‘wastewater network operator’ and ‘stormwater network operator’ provided in the Water Services Bill could provide guidance.</p> |

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|  |  |  | <p>some Township and Settlement or Large Lot Residential zones.</p> <p>A definition of 'reticulated system' for stormwater would aid interpretation of this policy. The DCC notes that stormwater is often discharged to privately owned piped or un-piped watercourses that then connect into a territorial authority's stormwater network (which includes both piped infrastructure and the roading network). Stormwater may travel between the private and public network before being discharged to the coast or freshwater. Would private watercourses, the roading network, stormwater detention and retention ponds, and water sensitive urban design features, for example, be considered part of a reticulated system for the purposes of this policy? If not all, which parts would?</p> <p>There are cases where discharge of stormwater to more natural parts of the stormwater network (rather than piped network) may be preferable or appropriate. If retention ponds, water sensitive urban design features, watercourses etc. were not considered part of the 'reticulation system', a requirement to discharge to the reticulated system would reduce the flexibility for alternative stormwater management that may be more appropriate or necessary in many locations to assist with the performance of the reticulated system and/or to reduce impacts on the environment.</p> <p>Consideration needs to be given to the implications of this policy for landowners that discharge straight to private natural watercourses.</p> <p>There are many areas where there is no reticulated stormwater system (depending on how this is defined) but where discharging to land as opposed</p> |  |
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|     |  |                   | to freshwater or the coast could exacerbate flooding, instability and scouring etc.   |  |
| 132 | LF-FW-P15(2)(e) – Stormwater and wastewater discharges | Amend             | “ <i>stormwater and wastewater discharges</i> to meet any applicable water quality standards set for <i>FMUs</i> and/or rohe”   | Amend to: “ <i>stormwater and wastewater discharges</i> to meet any <del>applicable</del> water quality standards <u>applicable to those discharges</u> set for <i>FMUs</i> and/or rohe” to provide greater clarity.   |
| 133 | LF-FW-P15(2)(f) – Stormwater and wastewater discharges | Support and Amend | The DCC supports the inclusion of objectives and/or policies in district plans that encourage the use of water sensitive urban design techniques. The inclusion of “wherever practicable” to the <u>requirement</u> for water sensitive urban design techniques is appreciated, however this will be subjective, and use of water sensitive urban design techniques may not always be beneficial. It may create difficulties as ‘one size does not fit all’ when it comes to stormwater management. Policies that require use of water sensitive urban design techniques may limit flexibility to assess appropriate stormwater management on a case-by-case basis. In some cases discharge straight to the reticulated network may be preferred, such as where there are land instability issues, where removing water from the site is the preferred approach, or where on-site retention is not beneficial or practicable due to the site’s location in the catchment. | Amend by moving to separate clause and replacing ‘requiring’ with ‘promoting’.<br><br>Amend to “Wherever practicable <u>and beneficial</u> ”<br><br>Amend to include a definition of ‘water sensitive urban design’ within the RPS to promote greater clarity. |
| 133 | LF-FW-M6(3) – Regional plans                           | Amend             | LF-FW-M6(3) explicitly refers to over-allocation in terms of either water quality or quantity.<br><br>‘Over-allocation’ is a defined term in the RPS. The definition refers to both the quality and quantity of freshwater. Specifically referencing quality and quantity in LF-FW-M6(3), but not in other clauses that mention ‘over-allocation’, creates potential for confusion.   | Amend LF-FW-M6(3) to: “ <i>identify water bodies that are over-allocated in terms of either their water quality or quantity.</i> ”   |



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| 133 | LF-FW-M6(4)(f) – Regional plans | Support | DCC supports the inclusion of provision for community drinking water supplies. Defining ‘community drinking water supply’ in the RPS would aid interpretation of this method.  | Retain Method LF-FW-M6(4)(f) as notified.<br>Add a definition of ‘community drinking water supply.’ |
| 133 | LF-FW-M6(5)(a) – Regional plans | Amend   | <p>Clause (5)(a) needs more clarity. Setting limits on resource use solely for drinking water (as defined in the RPS) separate from social and economic uses will be difficult to achieve, given that reticulated drinking water supplies are typically used for a wide range of purposes aside from human consumption.</p> <p>Uses of drinking water supplies in communities may include bathing and toileting, rural and stock purposes, irrigation, watering gardens, washing cars, fire-fighting, watering sports fields and parks, and water-intensive commercial and industrial processes. It is not financially or practically feasible to separate water supply solely for human consumption from water use for purposes that contribute to the social and economic well-being of a community in other ways.</p> <p>In terms of management during water-short periods, the DCC has a Drought Management Plan and discretionary outdoor uses followed by commercial uses are curtailed and water use for health and safety purposes is prioritised.</p> | Amend by replacing ‘ <i>drinking water</i> ’ with ‘community drinking water supply’.                |
| 134 | LF-FW-M6(6) – Regional plans    | Amend   | A definition of ‘off-stream storage of surface water’ would provide clarity.   | Amend by adding a definition of ‘off-stream storage of surface water’.                              |
| 134 | LF-FW-M6(7) – District plans    | Amend   | Other matters raised in this submission may result in consequential changes to this method.  | Amend for consistency with other requested changes in this submission.                              |
| 134 | LF-FW-M6(8) – Action plans      | Amend   | Other matters raised in this submission may result in consequential changes to this method.  | Amend for consistency with other requested changes in this submission.                              |

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| 134 | LF-FW-M7 – District plans    | Amend             | <p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> no later than 31 December 2026 to:</p> <p>(3) require, where practicable, the adoption of water sensitive urban design techniques to avoid or mitigate the potential adverse <i>effects of contaminants</i> on receiving <i>water bodies</i> from the <i>subdivision, use or development of land</i> ...</p> <p>What is meant by require and in terms of what types of activities? DCC already have this linked to growth areas but not to every activity managed by the Plan. If this is a permitted activity standard on all development what would it look like (noting it would have to be assessable at the time of building consent).</p> <p>As there are a number of plan changes required to implement the national policy direction, this date may not be feasible.</p> <p>ORC need to consider the adverse effects of requiring on site storage of rainfall in all circumstances – in urban areas this will lead to loss of developable site area (if above ground), and increased cost of development, which needs to be balanced.</p> | <p>Amend by adding “where appropriate” to end of (4)(c).</p> <p>Amend (4)(d) to “control area of impermeable surfaces where necessary”.</p> <p>Amend the timeframe to provide flexibility for issues outside TA's control.</p>      |
| 134 | LF-FW-M7(3) – District Plans | Support and Amend | <p>The DCC supports the inclusion of objectives and/or policies in district plans that encourage the adoption of water sensitive urban design techniques or that make them a consideration in stormwater management plans. The inclusion of “wherever practicable” to the <u>requirement</u> for adopting water sensitive urban design techniques is appreciated, however this will be subjective, and water sensitive urban design may not always be beneficial. It may create difficulties as ‘one size does not fit all’ when it comes to stormwater</p>  | <p>Amend by replacing ‘require’ with ‘promote’.</p> <p>Amend to “Wherever practicable <u>and beneficial</u>”.</p> <p>Amend to include a definition of ‘water sensitive urban design’ within the RPS to promote greater clarity.</p> |

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|     |                              |       | management. Policies that require adoption of water sensitive urban design may limit flexibility to assess appropriate stormwater management on a case-by-case basis. In some cases discharge straight to the reticulated network may be preferred, such as where there are land instability issues, where removing water from the site is the preferred approach, or where on-site retention is not practicable or beneficial due to the site's location in the catchment.  |  |
| 134 | LF-FW-M7(4) – District Plans | Amend | <p>The DCC supports reducing the adverse effects of stormwater discharges by managing the subdivision, use and development of land. However, the best way to reduce adverse impacts will vary from site to site, due to factors such as catchment topography and soil types. For this reason, district plans should provide flexibility to territorial authorities to determine the appropriate approach for each site. The objective is generally to ensure post-development flows are as close as possible to pre-development flows.</p> <p>The following provisions would restrict the flexibility required by territorial authorities:</p> <ul style="list-style-type: none"> <li>• (4)(a) “minimise the peak volume of stormwater needing off-site disposal”</li> </ul> <p>(4)(c) “encourage on-site storage of rainfall to detain peak stormwater flows”</p> | <p>Amend (4)(a) to “minimise the load of contaminants carried by stormwater needing off-site disposal”.</p> <p>Amend by adding “where appropriate” to end of (4)(c).</p> |
| 135 | LF-FW-M9 - Monitoring        | Amend | It is not clear what “regularly prepared reports” will mean.   | Amend by quantifying ‘regularly prepare reports’ in clause (3).  |

| RPS Page Number | The <b>specific provisions</b> of the proposal that my submission relates to are:<br><br>(please enter the relevant objective, policy, method or other provision reference where possible. For example, AIR-01)  | I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b> (please indicate support, oppose or amend) | The <b>reasons</b> for my view are:  | I seek the following <b>decision</b> from the local authority:<br><br>(Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)   |
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| 137             | <p>LF-LS-011 – Land and Soil</p> <p>The life-supporting capacity of Otago’s soil resources is safeguarded and the availability and productive capacity of highly productive land for <i>primary production</i> is maintained now and for future generations.</p> | Amend  | <p>Conversion of land to urban use cannot avoid loss of productive capacity of soil.</p> <p>Research shows that the level of soil fertility in plantations is unlikely to restore to the level in natural forests, implying that the replacement of natural forests by plantations may be a practice best avoided to maintain the ecosystem sustainability. It has more significant effects for the future use of soil resources for food growing.</p> | <p>Objective needs to be drafted in a way and/or connected with direction on how to balance with urban growth objectives in a way that provides for some loss of soil resource to support urban growth, where necessary, as it will be impossible to achieve zero loss and comply with the NPS-UD or achieve affordable housing.</p> <p>Need clarity on how the effects on soil productivity from conversion to pine plantations or other non-native forests fits into this objective.</p> |
| 137             | <p>LF-LS-012 – Use of land</p> <p>The use of <i>land</i> in Otago maintains soil quality and contributes to achieving <i>environmental outcomes</i> for <i>fresh water</i>.</p>  | Amend  | <p>Conversion of land to urban use cannot avoid impact on soil quality.</p> <p>Research shows that the level of soil fertility in plantations is unlikely to restore to the level in natural forests, implying that the replacement of natural forests by plantations may be a practice best avoided to maintain the ecosystem sustainability. It</p>  | <p>Objective needs to be drafted in a way and/or connected with direction on how to balance with urban growth objectives in way that ensures that it provides for some loss of soil resource to support urban growth, where necessary, as it will be impossible to achieve zero loss and comply with the NPS-UD or achieve affordable housing.</p>   |

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|     |   |                   | has more significant effects for the future use of soil resources for food growing.   | Need clarity on how the effects on soil productivity from conversion to pine plantations or other non-native forests fits into this objective.   |
| 137 | <p>LF-LS P16 – Integrated management</p> <p>Recognise that maintaining soil quality requires the integrated management of land and freshwater resources including the interconnections between soil health, vegetative cover and water quality and quantity.</p>  | Support generally | Agree with the statement around interconnections but it is primarily the other way around – managing soil is required to manage water quality.  | Retain Policy LF-LS-P16 as notified.   |
| 137 | <p>LF-LS-P17 – Soil values</p> <p>Maintain the mauri, health and productive potential of soils by managing the use and development of land in a way that is suited to the natural soil characteristics and that sustains healthy:</p> <p>(1) soil biological activity and biodiversity,<br/> (2) soil structure, and<br/> (3) soil fertility.</p> | Amend             | <p>Conversion of land to urban use cannot avoid impact on soil quality.</p> <p>Research shows that the level of soil fertility in plantations is unlikely to restore to the level in natural forests, implying that the replacement of natural forests by plantations may be a practice best avoided to maintain the ecosystem sustainability. It has more significant effects for the future use of soil resources for food growing.</p> | <p>Amend drafting to balance policy with urban growth objectives in way that ensures that it provides for some (carefully considered) loss of soil resource or quality where necessary to achieving housing and other urban growth objectives as it will be impossible to achieve zero loss/effect and comply with the NPS-UD or achieve affordable housing.</p> <p>Need clarity on how the effects on soil productivity/quality from conversion to pine plantations or other non-native forests fits into this objective.</p> <p>Consider using a policy word other than maintain (which sounds like zero effects tolerance). For example: ‘minimise to the</p> |

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|         |                                      |         |  | degree practicable, considering other objectives in the RPS,'.  |
| 137     | LF-LS-P18 – Soil erosion             | Support | The DCC supports this policy.  | Retain Policy LF-LS-P18 as notified.  |
| 137/138 | LF-LS-P19 - Highly productive land   | Amend   | 1(a) – It is unclear which classes under the Land Use Capability classification system would apply.  | Amend to specify which LUC classes apply.   |
| 138     | LF-LS-P20 - Land use change          | Amend   | Amend to include mitigation of climate change alongside resilience to the impacts of climate change (adaptation)   | Promote changes in land use or land management practices that improve: <ul style="list-style-type: none"> <li>(1) the sustainability and efficiency of water use,</li> <li>(2) resilience to the impacts of climate change,</li> <li>(3) <u>mitigation of climate change through a reduction in net greenhouse gas emissions,</u></li> <li><u>or</u></li> <li>(4) the health and quality of soil.</li> </ul>  |
| 138     | LF-LS-P21 – Land use and fresh water | Amend   | <p>Clause (2) gives a very broad mandate to manage land uses that ‘may’ have adverse effects on the flow of water in surface water bodies. In theory this is any land use that creates any impervious surface or has earthworks which is all urban uses.</p> <p>The requirement to ‘Achieve the improvement or maintenance of freshwater quantity or quality to meet environmental outcomes set for Freshwater Management Units and/or rohe’ is a very high bar that is applied to a virtually all urban land uses.</p> <p>There is a question about how this would be implemented, if the ORC were to take a very strict literal interpretation of its objectives and policies, it would create too much uncertainty around what if</p> | <p>Amend to restrict the application of this policy to a more specific and narrower set of land use activities with a more realistic policy outcome threshold. For example:</p> <p><u>When considering appropriate areas to enable new urban growth or setting rules to manage land uses, consider how land uses may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater, and ensure that management approaches will achieve the</u></p> |

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|         |   |                            | any urban land uses may be permissible under the RPS.   | <u>environmental outcomes set for Freshwater Management Units and/or rohe.</u>  |
| 138     | LF-LS-P22 – Public access                           |                            | It is not clear how ‘necessary to protect’ is to be determined, is this in the opinion of the landowner or through some other process? There is a risk these criteria could be mis-used to restrict access, for example where these values are present and used as an excuse to restrict access for other reasons, where any risks to values from access are minimal or could be appropriately managed. | Clarify how ‘necessary to protect’ will be determined.  |
| 138/139 | LF-LS-M11 – Regional plans                          | Neither support nor oppose | Clause (3) - Refer to concerns about policies mentioned and potential effect on content in the Land and Water Plan.   | Note comments about consultation on the yet to be developed Regional Plan: Land and Water.  |
| 139     | LF-LS-M12 – District plans                          | Amend                      | See general comment on plan change dates and work programme.<br><br>Amend to include a definition of ‘constructed wetland’.<br><br>Amend (a) to recognise that the NES Plantation Forestry sets the regulations for plantation forestry activities.   | For clause (2) a definition of ‘constructed wetland’ would be helpful – e.g. does it mean or include ponds/wetlands created for stormwater management purposes? If so, the implications of consenting required for stormwater discharge and/or maintenance of constructed wetlands need to be considered. |
| 139     | LF-LS-M13 – Management of beds and riparian margins | Amend                      | Consequential changes to this method may be needed as a result of the relief sought elsewhere in this section.  | Make any consequential changes necessary to address any submissions on this section.  |

## TOPICS

### *ECO - Ecosystems and indigenous biodiversity*

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>   | <i>I seek the following <b>decision</b> from the local authority:</i>   |
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| General comment        | All relevant provisions under the ECO topic  | Amend  | If timelines allow, ensure that all provisions in the RPS are in accordance with NPS Indigenous Biodiversity (when gazetted).  | Amend provisions as necessary so they are in accordance with NPS Indigenous Biodiversity (when gazetted).   |
| 142                    | ECO-O1 to O3   | Amend  | The DCC supports these objectives in principle.  | Retain, with any amendments required to implement NPS Indigenous Biodiversity.  |
| 142                    | ECO-P1 – Kaitiakitaka  | Amend  | The DCC supports this policy in principle.   | Retain, with any amendments required to implement NPS Indigenous Biodiversity.  |
| 142                    | ECO-P2 – Identifying significant natural areas and taoka                                 | Amend  | The DCC supports this policy in principle.   | Retain, with any amendments required to implement NPS Indigenous Biodiversity.  |
| 143                    | ECO-P3 – Protecting significant natural areas and taoka                                  | Amend  | <p>The DCC generally supports what this policy is trying to achieve but has some concerns with the policy drafting, and with how this policy would work in practice.</p> <ol style="list-style-type: none"> <li>ECO-M3 indicates that local authorities must work with manawhenua to identify, describe, map and describe the values of ecosystems that are taoka, but that manawhenua may choose not to identify taoka and may choose the level of detail re the description of the locations of taoka and their values. ECO-P3 requires adverse effects that result in reduction/loss of biodiversity that is taoka are avoided. This policy may not be able to be achieved, if taoka/their values are not identified. Given this, Policy ECO-P3 may be ultra vires, as it relates to values that are not identified; you can't</li> </ol> | <p>Retain, with:</p> <ul style="list-style-type: none"> <li>any amendments required to implement NPS Indigenous Biodiversity</li> <li>definition of 'kai tahi values' in this context</li> <li>amendments to the policy to address issue regarding requirement to avoid effects on values that are not identified in plans – e.g. by providing an exemption from the policy in this case</li> </ul> |



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|     |   |       | <p>avoid an effect on something that you are not able to find out about.</p> <p>2. Clarification is needed over what is meant by ‘kai tahu values’ in the context of ECO-P3.1.b. From the construction of the policy, it seems that this term has a different meaning from the values associated with biodiversity that is taoka, but the meaning is not provided. Again, this may mean that this part of the policy is difficult to achieve – an effect needs to be clearly defined in order to be able to avoid it.</p>   | <ul style="list-style-type: none"> <li>• amendments to address general comments on policy drafting set out in the first section of this submission</li> </ul>  |
| 143 | ECO-P4 – Provisions for new activities                    | Amend | <p>The DCC supports this policy in principle, noting that the activities listed mirror those set out in clause 3.9 of the draft NPSIB.</p> <p>Although we realise this wording is taken from the NPS, we query the use of the phrase “severe and immediate risk to public health or safety” in clause 5 of P4. What if it is a severe but not immediate risk – for example essential hazard mitigation work? We suggest amending to “severe or immediate”.</p>  | <p>Retain, with:</p> <ul style="list-style-type: none"> <li>• any amendments required to implement NPS Indigenous Biodiversity</li> <li>• amendment to clause 5 to “severe or immediate risk to public health or safety”, in accordance with NPS</li> <li>• amendments to address general comments on policy drafting set out in the first section of this submission</li> </ul> |
| 143 | ECO-P5 – Existing activities in significant natural areas | Amend | <p>The DCC supports this policy in principle, noting that the activities listed mirror those set out in clause 3.12 of the draft NPSIB.</p>   | <p>Retain, with any amendments required to implement NPS Indigenous Biodiversity.</p>  |
| 144 | ECO-P6 – Maintaining indigenous biodiversity              | Amend | <p>The DCC supports this policy in principle. Clauses 1 to 5 read as a good, clear interpretation of the “effects management hierarchy” definition in the draft NPS.</p> <p>However, we have concerns that reference to “ applications for resource consent and notices of requirement” in the first line appears to mean that the policy should apply to all resource consent or notice of requirement processed under all plans – e.g. it would require an assessment of effects on biodiversity values for all resource consents required under Dunedin’s 2GP. Is this the intention of the policy? There are many cases where</p> | <p>Amend provision to:</p> <ul style="list-style-type: none"> <li>• make any amendments required to implement NPS Indigenous Biodiversity</li> <li>• clarify what types of activity are intended to be assessed against this policy, and to amend the policy so that only activities that have the potential to have effects</li> </ul>  |

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|     |  |       | <p>it may be onerous to require such an assessment – for example for activities in urban areas or for relatively minor contraventions of performance standards.</p> <p>If the policy is intended to apply to all (or some) 2GP consent applications, is the intention that DCC should assess consents directly against this policy, or that we should undertake a plan change to incorporate the policy into the 2GP? ECO-M5, clause 4, does not make this clear.</p> <p>Also, the cross-referencing between this policy and ECO-P3 is currently not quite clear – P3 indicates that certain effects in SNAs etc are to be assessed against P6, but P6 excludes “areas managed under ECO-P3”.</p> | <p>on biodiversity values are required to be assessed against it</p> <ul style="list-style-type: none"> <li>• clarify how the policy is intended to be implemented (either via amendment to this policy or to ECO-M5)</li> <li>• amend cross-referencing to clarify relationship between ECO-P3 and ECO-P6 (to address issue identified to the left)</li> <li>• make amendments to address general comments on policy drafting set out in the first section of this submission</li> </ul> |
| 144 | ECO-P7 – Coastal indigenous biodiversity | Amend | The DCC supports this policy in principle, although noting that we have raised concerns with the policy that it references (CE-P5) above.   | <p>Retain, with:</p> <ul style="list-style-type: none"> <li>• any amendments required to implement NPS Indigenous Biodiversity</li> <li>• any amendments required to address general comments on policy drafting set out in the first section of this submission</li> <li>• any consequential amendments required due to changes to CE-P5</li> </ul>  |
| 144 | ECO-P8 – Enhancement                     | Amend | The DCC supports this policy in principle.  | <p>Retain, with:</p> <ul style="list-style-type: none"> <li>• any amendments required to implement NPS Indigenous Biodiversity</li> <li>• any amendments required to address general comments on policy drafting set out in the first section of this submission</li> </ul>   |
| 144 | ECO-P9 (1) – Wilding conifers            | Amend | Threat of wilding conifers should be avoided next to potential SNAs, not just scheduled SNAs because the schedules are very   | Amend the policy to manage wilding conifers within areas of indigenous  |

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|         |  |       | <p>incomplete and unlikely to be complete for a decade or longer, especially if no timeframe is put on their completion (see comment on ECO-M2(5)Suggest adding in already protected areas (e.g. Public Conservation Land and QEII Covenants) into ECO-M2 (5) so buffer zones can be expediated for these areas where they are not in SNA schedules already.</p> <p>Note that in the 2GP, wilding pines and other potentially invasive species prone to spreading (e.g. sycamore, hawthorn, rowan) need consent if planted as part of forestry or shelterbelts/small woodlots anywhere in the city. Effects managed in include effects on landscape values and coastal character as well as on biodiversity.</p> <p>There is a policy about wilding conifers in outstanding/highly valued natural features, landscapes and seascapes (NFL-P6) but not in areas of natural coastal character – consider additional policy about this in CE section?</p> | <p>vegetation/habitat that are not identified as SNAs.</p> <p>Add a policy to the Coastal Environment section to manage the effects of wilding conifers on the natural character of the coast.</p> <p>Make any amendments required to implement NPS Indigenous Biodiversity or to address general comments on policy drafting set out in the first section of this submission.</p> |
| 145/145 | ECO-P10 – Integrated management                          | Amend | The DCC supports this policy in principle.   | <p>Retain, with:</p> <ul style="list-style-type: none"> <li>• any amendments required to implement NPS Indigenous Biodiversity</li> <li>• any amendments required to address general comments on policy drafting set out in the first section of this submission</li> </ul>  |
| 145/146 | ECO-M2 (5) – Identification of significant natural areas | Amend | <p>Include already protected areas (e.g. Public Conservation Land and QEII Covenants) to be identified and scheduled by 31 December 2025 (or preferably, earlier). These are easily identifiable, already mapped, and can generally be assessed against the criteria in APP2 from existing information (i.e. do not require new ecological survey). This will enable Councils to schedule more efficiently and set up buffer zones against wilding risk more quickly in light of the fast increase in exotic trees from carbon farming and the enabling provisions of the NES-PF.</p>  | <p>Amend to include a date to finish all the other SNAs e.g. 2030.</p> <p>Make any amendments required to implement NPS Indigenous Biodiversity.</p>   |

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| 147     | ECO-M4   | Amend | Query why is it necessary to have a “provide for” statement here for activities that meet policies ECO-P3 and ECO-P6. Isn’t this a duplication, as the policies themselves imply that if they are met, the activity is acceptable (subject to compliance with other relevant provisions)? Is it intended that other activities should not be provided for, even where they meet the relevant policies?                     | Delete Method ECO-M4(1).  |
| 147     | ECO-M5 – District plans                                  | Amend | Query why is it necessary to have a “provide for” statement here for activities that meet policies ECO-P3 and ECO-P6. Isn’t this a duplication, as the policies themselves imply that if they are met, the activity is acceptable? Shouldn’t any activity (not just those listed) be provided for if it can meet the relevant policies?<br><br>See issue outlined at ECO-P6 above regarding implementation of that policy. | Amend to delete ECO-M5(1).<br><br>Clarify whether the intention is that resource consent applications triggered by district plans are directly assessed against ECO-P6, or that territorial authorities incorporate this policy into district plans.  |
| 203-204 | APP2 - Significance criteria for indigenous biodiversity | Amend | Almost identical to 2GP (Policy 2.2.3.2).<br><br>Also covers the same material as draft NPS-IB, which is good.<br><br>Not sure how necessary/desirable it is to have these similar sets of criteria in all three docs (NPS, RPS, DP), but the gazetted NPSIB may contain directions regarding how this part of the NPS is to be given effect to in lower order docs.   | Retain, with any amendments required to implement NPS Indigenous Biodiversity.  |
| 205     | APP3 – Criteria for biodiversity offsetting              | Amend | (1)(b) “reasonably measurable loss” without a definition will be difficult to implement and may result in inconsistent outcomes<br><br>If timelines allow, ensure that biodiversity offsetting criteria in RPS are in accordance with NPS Indigenous Biodiversity (when gazetted).   | Define ‘reasonably measurable loss’.<br><br>Amend (2)(f) by replacing “beyond results” with “that are demonstrably additional to those”.<br><br>Review all criteria in APP3 to ensure alignment the gazetted NPSIB, when available. Consider delaying the decision on these criteria until NPSIB has been gazetted. |

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| 206 | APP4 – Criteria for biodiversity compensation  | Amend | If timelines allow, ensure that biodiversity compensation criteria in RPS are in accordance with NPS Indigenous Biodiversity (when gazetted).  | Amend (2) (d) by replacing “enduring” with “maintained in perpetuity”.<br><br>Review all criteria in APP4 to ensure alignment the gazetted NPSIB, when available. Consider delaying the decision on these criteria until NPSIB has been gazetted.  |
| 207 | APP6 – Species prone to wilding conifer spread | Amend | <p>Dunedin’s 2GP requires consent under Rule 10.3.4 for forestry and shelterbelt/small woodlot activities that include the planting of a different range of tree species than that listed in APP6. Species in Rule 10.3.4 include four pine species, Douglas Fir, larch, sycamore, hawthorn, boxthorn and rowan. This rule was amended in response to submissions (to add some species and to remove others), taking into account evidence from Kelvin Lloyd of Wildlands (<a href="https://2gp.dunedin.govt.nz/2gp/documents/hearings/natural-environment/2017-05-21%20-%20Evidence%20-%20Kelvin%20Lloyd%20-%20Wilding%20Trees.pdf">https://2gp.dunedin.govt.nz/2gp/documents/hearings/natural-environment/2017-05-21%20-%20Evidence%20-%20Kelvin%20Lloyd%20-%20Wilding%20Trees.pdf</a> ).</p> <p>Mr Lloyd recommended, for example, that Mountain pine, Dwarf Mountain pine and Bishops pine did not need to be included in the rule, because he considered that risk of wilding spread for these species in Dunedin district was low. However, it may be the case that risk for these species is higher in other parts of Otago.</p> <p>In addition, the Hearing Panel decided to remove Contorta pine from Rule 10.3.4 because it is comprehensively managed under the Biosecurity Act 1993.</p> <p>The Panel also decided, based on Mr Lloyd’s evidence, to include a range of species in the rule that are not listed in APP6 (and that are not conifer species), because of their significant invasive potential. These are Sycamore, Hawthorn, Boxthorn and Rowan.</p> | <p>Review the species listed in APP6 based on ecological evidence specific to Otago (unless this has already been done during preparation of the RPS), and also consideration of whether it is necessary for regional and district plans to control species that are managed under the Biosecurity Act.</p> <p>Consider management via the RPS of species that are not conifers but that have significant invasive potential. This would involve consequential changes to APP6 and other provisions in the RPS that refer to wilding ‘conifers’ only, including ECO-P9, ECO-M5, ECO-AER4, NFL-P5, etc.</p> |

## EIT - Energy, infrastructure and transport

### EIT-EN - Energy

| RPS Page Number | The <b>specific provisions</b> of the proposal that my submission relates to are: | I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b> | The <b>reasons</b> for my view are:  | I seek the following <b>decision</b> from the local authority:  |
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| 151             | EIT-EN-O1 – Energy and social and economic well-being                             | Amend   | <p>The DCC has no major objection to this objective but notes it could be more specific and, arguably, all electricity generation and distribution needs to be safe, secure and resilient not just that which involves renewable energy generation.</p> <p>For reference the 2GP has an objective to:</p> <p>Dunedin reduces its reliance on non-renewable energy sources and is well equipped to manage and adapt to changing or disrupted energy supply by having:</p> <p>a. increased local renewable energy generation;...</p> | <p>Otago’s communities and economy are supported by <u>an electricity generation and distribution network</u> <del>renewable energy generation within the region</del> that:</p> <p>a. is safe, secure, and resilient;</p> <p>b. <u>reduces its reliance on non-renewable energy sources, and</u></p> <p>c. <u>contributes to meeting New Zealand’s national target for renewable electricity generation.</u></p> |
| 151             | EIT-EN-O2 – Renewable electricity generation                                      | Amend   | <p>The policy wording needs to be clarified for it to be a useful policy which does not create unnecessary debate and uncertainty. DCC is unsure what is meant by “maximised” – is this a proportion of total or how else is this measured? How does it relate to the assessment of alternative REG options? What is meant by environmental limits?</p>  | <p>Delete and combine key elements into the objective above as shown in the row above.</p>  |
| 151             | EIT-EN-O3 – Energy use  | Support in part   | <p>The DCC supports this objective but doesn’t think the latter half add values and only creates confusion as it is not clear what ‘minimising’ looks like.</p>  | <p><u>Subdivision and Development</u> is located and designed to facilitate the efficient use of energy and to reduce demand if possible, <del>minimising the contribution that Otago makes to total greenhouse gas emissions.</del></p>  |

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| 151 | Suggested new policy                          | Amend   | A linking policy would be useful here, to clarify that the INF policies also apply to energy generation activities.  | Add new linking policy, similar to CE-P1 Links with other chapters.  |
| 151 | EIT-EN-P1 – Operation and maintenance         | Amend   | <p>‘Minimising’ is a very high policy test for something that you are trying to promote.</p> <p>DCC considers that:</p> <ul style="list-style-type: none"> <li>This policy needs to be better connected to other objectives in the RPS as well as environmental limits</li> </ul> <p>this policy should recognise functional and operational need – because REG needs to be located where resources are available/where it will be possible to connect future generation to transmission/ distribution networks.</p> | <p>Amend as follows:</p> <p>Expand to include the development and expansion of these activities, consider combining with policies P3 and P4 and draft in the active tense. Move the aspect about managing the effects of REG entirely into P6.</p> <p>For example, this could be achieved by amending the policy to read:</p> <p>Provide for the operation, maintenance, expansion, site investigation and development of <i>renewable electricity generation activities</i> by:</p> <ol style="list-style-type: none"> <li>enabling these activities except where this may be in conflict with other RPS or regional or district plan objectives or any identified environmental limits or EIT-INF-P13;</li> <li>considering operational and functional needs and the ability to mitigate effects when deciding where not to provide for these activities, and</li> <li>managing activities that may give rise to reverse sensitivity effects for these activities to ensure the risk of more than minor reverse sensitivity effects is low.</li> </ol> |
| 151 | EIT-EN-P2 – Recognising renewable electricity | Support | The DCC supports this policy.  | Retain Policy EIT-EN-P2 as notified.   |

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|     | generation activities in decision making   |       |   |   |
| 151 | EIT-EN-P3 – Development and upgrade of renewable electricity generation activities | Amend | This provision does not read as a policy rather an objective  | Combine into P1 as shown above.   |
| 151 | EIT-EN-P4 – Identifying new sites or resources                                     | Amend | It is unclear as to what ‘highly valued’ refers to and where these features are identified or if these are to be debated on a case by case basis.<br><br>See comments in P1.  | Combine this policy in P1 as shown above and do not use subjective language.  |
| 152 | EIT-EN-P5 – Non-renewable energy generation  | Amend | This could be read as a blanket prohibition on all heating and electricity generating that relies on fossil fuels with no regard to scale of activities. This would mean all domestic or smaller scale heating or electricity devices that rely on fossil fuels are required to be banned, so covering gas hot water systems, all domestic scale and back up petrol generators, frost protection equipment used on farms etc. | Amend to:<br><br>Be more specific in language used, e.g. refer to if it is electricity or heat that is generated or both.<br><br>Be specific as to scale and only apply to large scale generation activities. Even for large scale activities it may be worthwhile considering which exceptions may need to apply.<br><br>For example:<br><br>Amend by replacing “Avoid the development of new non-renewable energy generation activities...” with alternative wording such as Avoid the development of new <u>large scale</u> non-renewable energy generation activities, unless...” (may need to define large-scale). |
| 152 | EIT-EN-P6 – Managing effects   | Amend | The DCC supports the cross reference to EIT-INF-P13 but it is confused by how clause (2) is meant to be implemented. From a plan maker’s perspective policies read much clearer when it is clear which aspects direct the content of lower-order plans and which aspects are intended to be used directly in the assessment of consent applications. The latter being generally less appropriate as it is better to           | Amend so the content is more focused on directing the content of lower order plans.<br><br>Require <i>renewable electricity generation activities</i> to:<br><br>a. be designed and operated to minimise as far as practicable adverse effects on the environment; and  |



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|     |  |       | have consent applications focused on the content of the plans that have triggered consents rather than needing to refer back to higher order policies.  | b. consider alternative sites, methods and designs, and offsetting or compensation measures (in accordance with any specific requirements for their use in this RPS), where adverse effects are potentially significant or irreversible.  |
| 152 | EIT-EN-P7 – Reverse sensitivity  | Amend | The DCC submits that the policy approach taken to avoid reverse sensitivity effects as a first priority may prevent any residential uses in a large area which may not give effect to the NPS-UD. It may be that REG and people may need to learn to co-exist as there may not always be enough land options for these activities to avoid each other in all circumstances. | Amend the policy test as shown against P1 above and combine into P1 as shown above.   |
| 152 | EIT-EN-P8 – Small and community scale distributed electricity generation | Amend | The DCC prefers that all scales of REG be managed through P1 or that similar considerations apply to community scale REG as these may also be inappropriate in some sensitive locations such as those listed in EIT-INF-P13   | Amend P1 to include all scales of REG.  |
| 152 | EIT-EN-P9 – Energy conservation and efficiency                           | Amend | The DCC supports this policy intent but suggests modified wording including the need to refer to subdivision which clearly the policy is intended to cover. Note that the suggested wording changes also reflect DCC drafting style preferences discussed in the opening comments.  | Amend to reflect the wording of this Dunedin 2GP policy<br><i>Encourage the development of new housing that is durably constructed and energy efficient to operate, and located to minimise, as far as practicable, transportation costs and car dependency by:</i><br><i>a. managing the design of subdivision to promote connectivity and legibility and maximise accessibility by transportation modes other than private motor cars;</i><br><i>and</i><br><i>b. managing subdivision, and building and site design to maximise solar access and the environmental performance of buildings.</i> |

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| 152 & 153 | EIT-EN-M1 – Regional Plans and<br>EIT-EN-M2 – District plans | Amend | <p>DCC submits the following:</p> <p>The DCC is not convinced that it is necessary for regional plans to manage activities near REG – if so, this should be limited to regionally significant infrastructure.</p> <p>For regional plans and district plans, the RPS appears to require the identification of areas where REG is ok. This approach was traversed in the 2GP and ultimately rejected as:</p> <p>(1) at the plan development stage, it is impossible to know what mitigation methods are possible and therefore define to the degree necessary what might be ok in a location or not.</p> <p>(2) It is a more efficient method to allow REG developers to be able to consider all sites, and for them to assess on a case by case basis and make a consent application if they chose that considers how they might be able to mitigate effects given the context of the site (the outcomes or standards that might be required based on its sensitivity and values) and the technology they are proposing.</p> <p>(3) as discussed above this is too strict of an approach, these issues must be managed but restricting the activity may not be the best outcomes of those activities should be enabled to achieve other objectives</p> <p>(4) wording is too strong – there may be other drivers for subdivision design that are more important, this should be considered and encouraged but necessarily always optimised.</p> <p>(5) it is not clear what this is meant to require in practice and it may be impractical, depending on what is envisaged (e.g. is it implying off road foot paths and cycleways), for all transportation</p> | <p>The DCC seeks that these provisions are amended to address the concerns raised in the reasons including:</p> <p>Reconsider the need for regional plans to limit activities near REG.</p> <p>Do not require the identification of specific areas to provide for REG though it could suggest this option be considered.</p> <p>Amend language in M2(5) to ‘manage’ activities near to REG to achieve Policy EIT-EN-P1.</p> <p>Amend M2(6) to ‘manage’ subdivision design and development to achieve Policy EIT-EN-P1 and EIT-EN-P9.</p> <p><b>**note suggested policy cross references reflect suggestions to policy content**</b></p> |
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|          |                                       |       | <p>infrastructure in every urban and rural residential location.</p> <p>DCC also seeks other consequential changes to this method to address the matters raised with respect to policy content.</p> <p>There is no method here re: regional plans and district plans providing for new REG activities.</p> <p>M2(6) – “require ... to optimise solar gain” wording is too strong, there may be other more important factors that need to be considered when designing subdivisions like avoiding hazards or waterways, enabling connected roading patterns etc. This is a factor that should be considered but it shouldn’t override other considerations. Use of more flexible encouraging policy wording.</p> <p>M2(7) what is anticipated by this “require”? it is a directive policy wording and it is not clear what is being required – all roads in theory can be used by buses and bikes, if it is more it needs to be clearer but should also not be the same for all locations as there is a need to balance costs and benefits in all plan regulation. Better to use more encouraging and flexible language.</p> |  |
| 153, 154 | EIT-EN-M3 – Education and information | Amend | <p>Allow local authorities to determine whether these methods are necessary and the best use of limited resources considering also whether there are other sources for this information that are adequate.</p>  | <p>Delete these as requirements or amend to clarify:</p> <ol style="list-style-type: none"> <li>(1) what is meant by providing for adoption of renewable energy sources;</li> <li>(2) what the context of clause (a) is, and what therefore is expected, is this in terms of building design?; and</li> <li>(3) For clause (b) DCC’s objection to the requirement to map areas for REG is noted and, other than that, it is not clear</li> </ol> |

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|     |             |       |   | what the expectation is so this should be clarified.  |
| 155 | EIT-EN-AER3 | Amend | Needs to align with relief sought with respect to other provisions in this section. | Make consequential changes to this section to reflect relief sought with respect to provisions in this section. |

INF - Infrastructure

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>  | <i>I seek the following <b>decision</b> from the local authority:</i>   |
|------------------------|--|--|---|---|
| 156                    | EIT-INF-04 – Provision of infrastructure   | Support  | The DCC supports this objective.  | Retain Objective EIT-INF-04 as notified.  |
| 156                    | EIT-INF-05 - Integration   | Support  | The DCC supports this objective.  | Retain Objective EIT-INF-05 as notified.  |
| 156                    | EIT-INF-06 – Long-term planning for electricity transmission infrastructure              | Support  | The DCC supports this objective.  | Retain Objective EIT-INF-06 as notified.  |
| 156                    | EIT-INF-P10 – Recognising resource requirements  | Support  | The DCC supports this policy.   | Retain Policy EIT-INF-P10 as notified.  |
| 156                    | EIT-INF-P11 – Operation and maintenance  | Amend  | The way EIT-INF-P11 interacts with ECO-P4 is confusing, as it seems to imply that a more lenient effects test applies to operation and maintenance in SNAs than elsewhere. In SNAs, under ECO-P4, the options in ECO-P6 apply, which include remedying and mitigation of adverse effects (where avoidance is not possible), but elsewhere, EIT-INF-P11 requires that adverse effects are “minimised” if avoidance is not practicable. | Amend EIT-INF-P11 to be more enabling, e.g. by amending to “ <u>minimising adverse effects as far as practicable</u> ”.   |
| 156                    | EIT-INF-P12 – Upgrades and development   | Amend  | Nationally or regionally significant infrastructure is critical for community and national well-being. A key consideration to provide for upgrades and development of this infrastructure should include recognition of it being necessary for community/national well-being.   | Amend by replacing ‘development of’ with ‘new’ for clarity. Consider separate policies for new (greenfields) infrastructure vs upgrades of existing infrastructure.<br><br>Amend by adding additional clause (4) to reflect role of infrastructure in community well-being. |

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| 156 | EIT-INF-P13 – Locating and managing effects of infrastructure | Amend | <p><b>Issue 1:</b></p> <p>It is unclear whether this policy prevails over the other policies in the other sections of the RPS such as NFL-P2 and NFLP3 when there is a conflict.</p> <p>More direction in terms of which policy prevails when there is a conflict between differing aims, in particular avoiding/managing environmental effects in sensitive environments versus providing for infrastructure which has operational and functional needs to locate there (i.e. more like policies 4.3.4 and 4.3.6 of partially operative RPS).</p> <p><b>Issue 2:</b></p> <p>It is noted that “areas of high recreational and high amenity value” are included in this policy. In Dunedin, these are likely to correspond with the Significant Natural Landscapes in the 2GP. The requirement at clause (2)(b) for all infrastructure that is not nationally or regionally significant (regardless of its operational needs or potential benefits?) to avoid any adverse effects on values that contribute to the significance of an SNL seems overly onerous, and is not in keeping with the approach taken in the 2GP (where there is a hierarchy of protection, with stricter policies applying to activities in ONFs and ONLs than SNLs).</p> <p><b>Issue 3:</b></p> <p>The general comments under the “Scope of content and change from recent partially operative RPS” header above are relevant here. This new policy, and EIT-INF-P16, would replace operative policies 4.3.4 and 4.3.6 of the 2019 RPS. These older policies were agreed via a long process of negotiation – would it be more efficient to leave these as they are</p> | <p><b>Issue 1:</b></p> <p>Amend or add a new policy to clarify whether Policy EIT-INF-P13 is intended to prevail over policies in other sections of the RPS, e.g. NFL-P2 and NFL-P3, in the event of a conflict.</p> <p><b>Issue 2:</b></p> <p>Review the effects test for infrastructure within ““areas of high recreational and high amenity value” to ensure that it strikes an appropriate balance between protecting values and recognising the benefits and constraints of infrastructure. Otherwise reconsider whether the policy test is right and do not overuse the requirement to ‘avoid’ or ‘minimise’.</p> <p><b>Issue 3:</b></p> <p>More broadly, reconsider whether amendments to the equivalent policies in the partially operative RPS are necessary, given the time and cost that has gone into settling the operative policies and incorporating these into lower order documents.</p> <p>Amend to add consideration of whether the infrastructure in that location could significantly impact on adding residential or business land development capacity in an area that has been identified for growth or otherwise meets the criteria for new urban land.</p> |
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|     |  |       | <p>rather than amend them? Or is there a clear need to amend them?</p> <p>NB additional lengthy processes may already have been gone through by TAs to incorporate the previous (and recently reviewed) policies into their plans (this is the case for Dunedin, with significant associated costs for ratepayers).</p> <p>See also specific comment below for EIT-INF-P16.</p> <p><b>Issue 4:</b></p> <p>Given the need to manage reverse sensitivity effects, there also needs to be consideration of the impact of locational decisions for new infrastructure on the ability to use that land for sensitive activities. Dunedin has a number of constraints that make identifying areas for greenfield urban land challenging, infrastructure should seek to avoid land that may be required for future urban growth or be designed to minimise loss of residential or business land capacity in that land.</p> |   |
| 157 | EIT-INF-P14 – Decision making considerations                                 | Amend | <p>Is this always appropriate if the effects are less than minor but irreversible</p> <p>Unclear what clause (2) is saying – what does this mean in practice?</p>   | <p>Amend to clarify (2) and reconsider irreversible effects that are minor should trigger the need to consider alternatives.</p> <p>Reconsider whether it is appropriate to consider a policy which seems to speak to all decision-making situations (e.g. every consent) or whether the policy should focus on directing plan content.</p> |
| 157 | EIT-INF-P15 – Protecting nationally or regionally significant infrastructure | Amend | <p>“Seek to avoid” wording is unclear, what does that mean in terms of plan content as it does not provide guidance on the situations in which this type of effect should be “avoided”, versus the situations where the risk of reverse sensitivity needs to be managed as it cannot be avoided (e.g. because of</p>  | <p>Amend wording to:</p> <p>Manage activities that may result in reverse sensitivity <i>effects</i> on <i>nationally or regionally significant infrastructure</i>, and/or where they may compromise the <i>functional or operational needs of nationally or regionally</i></p>  |

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|     |  |         | the importance of the new sensitive activity – such as provision of new housing).  | <i>significant infrastructure</i> in a way that avoids or minimises as far as practicable the risk of reverse sensitive effects.   |
| 157 | EIT-INF-P16 – Providing for electricity transmission and the National Grid | Amend   | <p><b>Issue 1:</b></p> <p>This policy paraphrases policies 14, 1, 3, 5 and 7 of NPS Electricity Transmission, but not the other parts of NPSET.</p> <p>It is not clear why some part of NPSET are included and not others. It looks like this may be because other policies in NPSET are covered in EIT-INF-P13?</p> <p><b>Issue 2:</b></p> <p>There are significant differences in the newly notified RPS policies applying to the National Grid, and the older policy (4.3.6). This has costs for parties (such as the DCC) who have been involved in lengthy processes to incorporate the previous version of RPS policies into lower order documents. It would be more efficient to leave these policies as they are in the previous version of the RPS.</p> | <p><b>Issue 1:</b></p> <p>Amend by adding cross-references/footnotes to the RPS policies to clarify where these are paraphrasing NPSET policies.</p> <p>Amend by clarifying that both EIT-INF-P13 and EIT-INF-P16 apply to the National Grid. It is potentially confusing that effects of the National Grid on urban amenity, town centres, areas of recreational value and existing sensitive activities are managed in P16, but other adverse effects are managed in P13.</p> <p><b>Issue 2:</b></p> <p>Amend by leaving the National Grid policies as they are in the previous RPS, in order to reduce losses from time previously invested in incorporating these policies into lower order documents.</p> |
| 158 | EIT-INF-P17 – Urban growth and infrastructure                              | Support | The DCC supports this policy.  | Retain Policy EIT-INF-P17 as notified.   |
| 158 | EIT-INF-M4 – Regional plans  | Amend   | This method may need amendment as a result of the relief sought elsewhere in this section.   | Make consequential changes to reflect relief sought elsewhere in this section.   |
| 158 | EIT-INF-M5 – District Plans  | Amend   | <p>District Plans are not strategic documents, spatial plans/FDSs are.</p> <p>Therefore, the FDS is more appropriate as a place to consider how to strategically integrate land use and infrastructure planning (which is implemented through district plans and infrastructure plans).</p> <p>The methods listed for infrastructure are overall quite general and could be better linked to the</p>   | <p>Delete clause (1) as this is done in an FDS not a district plan</p> <p>Delete clause (2) or clarify what this means in a practical sense as district plans do not generally manage the planning of activities.</p> <p>Amend (3) to sound less like a rule, change to activities ‘need to be managed’.</p>   |



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|     |                          |       | <p>policies to provide clearer direction and enable specific monitoring.</p> <p>There is no specific method (other than method 4 in relation to the National Grid) relating to including controls in the District Plan to manage activities within or adjacent to electricity infrastructure or having regard to NZECP 34:2001 and Electrical Code of Practice for Electrical Safe Distances and Electricity (Hazards from Trees) Regulations 2003 (linked to Policy EIT-INF-P15).</p> <p>Comments on clause (6):</p> <ul style="list-style-type: none"> <li>i. DCC notes there are various ways infrastructure is funded, including by the developer.</li> <li>ii. Is the broad definition of infrastructure appropriate in this method?</li> <li>iii. See general comments about use of “avoided” in RPS – this could be read as the plan must prohibit any development that cannot connect to network infrastructure.</li> </ul> | <p>Delete (6)(c) or amend to recognise that infrastructure upgrades may be funded in a variety of ways, to not rely on the definition of infrastructure, to remove the word ‘avoid’ as this is too strong.</p> <p>Delete (7) or amend so it is clear what is being prioritised and how prioritisation is to be achieved.</p> |
| 159 | EIT-INF-M6 – Advocacy    | Amend | These should be suggestions rather than requirements.   | Amend to have these as suggestions rather than requirements.   |
| 159 | EIT-INF-E2 - Explanation | Amend | The explanation may need amendment as a result of the relief sought elsewhere in this section.  | Make all consequential changes to reflect relief sought above.   |

TRAN - Transport

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>   | <i>I seek the following <b>decision</b> from the local authority:</i>  |
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| 161                    | EIT-TRAN-07 - Effective, efficient and safe transport                                    | Amend  | DCC submits that this policy should also include the concept of affordability of transport.  | Amend to “Otago has an integrated air, land and sea transport network that:<br><br>(1) is effective, efficient, <u>affordable</u> and safe,<br>(2) connects communities and their activities within Otago, with other regions, and internationally, and<br>(3) is resilient to natural hazards |
| 161                    | EIT-TRAN-08 – Transport systems  | Amend  | DCC submits that there is a need to expand the detail in this policy with relation to a low carbon transportation system.  | Amend as follows:<br><br>“... is integrated with land use, provides a choice of <u>low-carbon</u> transport modes <u>powered by renewable energy...</u> ”  |
| 161                    | EIT-TRAN-09 – Effects of the transport system  | Support  | The DCC supports this objective but notes the comments on EIT-TRAN-08.   | Retain Objective EIT-TRAN-09 as notified.  |
| 161                    | EIT-TRAN-O10 – Commercial port activities  | Amend  | The DCC supports this objective but seeks this objective is expanded to include airport activities or a similar policy is included with regard to airport activities.  | Amend Objective EIT-TRAN-O10 or include a new objective to include airport activities.   |
| 161                    | Suggested new policy   | Amend  | A linking policy would be useful here, to clarify that the INF policies also apply to transport activities.  | Amend by adding new linking policy, similar to CE-P1 Links with other chapters.  |
|                        | Policies general   | Amend  | Policies are not drafted clearly and do not give clear direction to plan makers on how they need to give effect to the RPS.<br><br>There is too high an emphasis on efficient operation of the transport network, and too little on the need | Amend policies to read less like objectives and more like policies with active verb tenses (see introductory comments).  |

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|         |  |       | to mitigate and adapt to the impacts of climate change and minimise environmental effects.  |   |
| 161     | EIT-TRAN-P18 – Integration of the transport system | Amend | DCC questions the phrasing of ‘that enables service delivery as demand requires’. This language is not clear and seems to indicate a demand driven system, where the system should be designed to achieve outcomes and environmental bottom lines (including those that contribute to environmental well-being).  | Amend by including environmental well-being and remove language around ‘as demand requires’. Perhaps this needs to focus on the efficient and sustainable movement of goods<br><br>Add “(3) by promoting the safe and efficient travel by active modes and public transportation”.  |
| 161     | EIT-TRAN-P19 – Transport system design             | Amend | The DCC supports the content of this policy but seeks it be worded more appropriately as a policy with content focused on direction about ‘transport system design’.  | Amend to read more like a policy. For example:<br><br>“Require upgrades and additions to the transport system to be designed to promote improved sustainability, resilience and adaptability in the transport system by:<br><br>(1) Designing the transport system to support active transportation<br><br>Remove content about promoting a consolidated urban form, as while this concept is supported, this content is out of place here as this policy is meant to be about ‘transport system design’. |
| 161/162 | EIT-TRAN-P20 – Public transport                    | Amend | The DCC supports the content of this policy but notes it is not drafted clearly as the list of matters does not seem to logically follow the introductory sentence. It is also unclear how and through what methods this policy is to be implemented as ‘plans and proposals’ is not something that is typically managed in regulatory documents. Refocus to give clearer policy direction. | Redraft so it is clearer how and through what methods this policy is to be implemented as ‘plans and proposals’ is not something that is typically managed in regulatory documents.   |

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| 162 | EIT-TRAN-P21 – Operation of the transport system | Amend | <p>See general comments on the drafting of these policies and also the use “avoid” in policy wording which is discussed in the DCC’s opening comments. The usage in this policy is inappropriate and too high of a bar that likely to not allow other objectives in the RPS to be met or set a reasonable standard in terms of costs and benefits of regulation.</p> <p>‘promote’ is also odd policy language and it is hard to understand how this is to be given effect to. ‘Provide for’ (which DCC interpret to mean allow for in the plan but may need controls on) or ‘enable’ (which DCC interpret to mean allow for with few controls) is better language if directing plan content.</p> <p>Suggest changing avoid to ‘mitigate as far as practicable’ for 1,2 &amp; 3.</p> | <p>Amend by removing use of “avoid” and replacing with “mitigate” or “minimise as far as practicable”.</p> <p>Amend clauses 4, 5 and 6 by using a stronger term than promote/encourage”.</p> <p>The efficient and effective operation of the transport system is maintained by:</p> <ol style="list-style-type: none"> <li>(1) avoiding <u>or mitigating</u> adverse <i>effects</i> of activities on the functioning of the transport system,</li> <li>(2) managing the location of incompatible activities, including those that may result in reverse sensitivity <i>effects</i>,</li> <li>(3) controlling development that may foreclose an opportunity to adapt, upgrade or develop the transport system to meet future transport demand,</li> <li>(4) enabling the development and use of transport hubs that enable an efficient transfer of goods for transport and distribution across different freight and people transport modes,</li> <li>(5) enabling ridesharing, park and ride facilities, bus hubs, bicycle facilities or other facilities that support reduce use of private motor vehicles and the use of alternativetransport modes</li> <li>(6) requiring high trip generating activities to consider demand management methods;</li> </ol> |
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|     |   |         |  | (7) encouraging a shift to using renewable energy sources.  |
| 162 | EIT-TRAN-P22 – Sustainable transportation | Amend   | The DCC supports the content of this policy but notes it is not drafted as a policy but rather reads like an objective.  | Amend to give clear policy direction based on this objective.   |
| 162 | EIT-TRAN-P23 – Commercial port activities | Neutral | The DCC supports this policy in principle. The DCC notes it earlier comments on the absence of policy direction on airports in relation to the objective that sits about this policy.  | No change requested.  |
| 163 | EIT-TRAN – M7                             | Amend   | This method could be improved by some better drafting and clearer links to the policy direction.<br><br>The RPS needs to include the regional council’s role in providing public transportation services and actions by it as part of that function to deliver on the objectives of the RPS. The RPS is inappropriately silent on this aspect as a critical method for delivering on the RPS’s objectives.   | Add the full range of methods required to implement the policy direction including by adding a new method in this section setting out the regional council’s role in providing public transportation services, and the actions to be taken by the regional council, as part of that function, to help achieve the objectives of the RPS.  |
| 163 | EIT-TRAN-M8 – District plans              | Amend   | <b>Issue 1:</b><br><br>EIT-TRAN-M8 (1) District Plans are not strategic documents, spatial plans/FDSs are.<br><br>Therefore, the FDS is a more appropriate as a place to consider how to strategically integrate land use and infrastructure planning (which is implemented through district plans and infrastructure plans).<br><br><b>Issue 2:</b><br><br>EIT-TRAN-M8 (2) requires high trip generating activities to be integrated with public transport services but there is no definition in the RPS for ‘high trip generating’ activities.<br><br>Land use and transportation integration is not a ‘one-way’ system. Public transportation services | <b>Issue 1:</b><br><br>Review use of term ‘strategic’ in EIT-TRAN-M8 (1)<br><br><b>Issue 2:</b><br><br>Amend RPS to include a definition for ‘high trip generating’ activities so that it is clear what types of activities fall within this category to achieve the method prescribed.<br><br>Amend EIT-TRAN-M8 (2) to acknowledge that in some cases, public transport and transportation network designs may need to be adjusted to respond to land use change, rather than vice versa.<br><br><b>Issue 3:</b> |

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|     |   |       | <p>and transportation network designs may need to be adjusted to respond to land use change as well.</p> <p><b>Issue 3:</b></p> <p>EIT-TRAN-M8 (3) Subdivision and infrastructure design can and should encourage use of other modes but it cannot necessarily ‘minimise private vehicle use’, that is beyond the scope of what the RMA and national direction provides for (especially in terms of the NPS-UD).</p> <p><b>Issue 4:</b></p> <p>Activities that may have effects on the transportation system need to be managed but there are other methods to manage these interactions other than restricting and preventing them, upgrades to the transportation system to accommodate them may also be appropriate.</p> | <p>Consider amending to “include subdivision and infrastructure design standards to <u>minimise private vehicle use enable and encourage the use of travel modes other than private vehicles</u>, enable public transport networks to operate and...”</p> <p><b>Issue 4:</b></p> <p>Amend wording to acknowledge that upgrades to the transport system can also be used to manage the effects of activities on the transportation network.</p> |
| 164 | EIT-TRAN-AER11                                      | Amend | <p>The goal of just increasing dwellings per hectare with no recognition of the status quo is inappropriate. It also does not recognise the need to expand PT into areas where it may not necessarily be appropriate to increase density due to other issues that need to be managed.</p>   | <p>Amend to read:<br/>The number of households who have access to public transportation modes increases over the lifetime of the plan</p>  |
| 164 | EIT-TRAN-AER 12 – Anticipated environmental results | Amend | <p>Suggest measure focuses on throughput of network rather than congestion e.g. increased throughput of people and freight with less negative environmental effects. Congestion can be because of single occupant vehicles, bikes, or public transport vehicles with quite different effects. Congestion is also strongly correlated with economic activity so significant decreases in economic activity can result in reductions in congestion without achieving the intent of the policies.</p>  | <p>Amend as follows:<br/>Public transport patronage and throughput of people and freight on the network increases.</p>   |

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| 164 | EIT-TRAN-AER 13 – Anticipated environmental results | Amend | Suggest referencing the role rail and coastal shipping can play in reducing the carbon intensity of freight transport. | Amend as follows:<br>“Greenhouse gas emissions arising from the transport system reduce over time from increased active transport, shared travel and public transport patronage, <u>increase use of rail for freight</u> and reduced reliance on fossil fuels.” |
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## HAZ - Hazards and risks

### HAZ-NH – Natural Hazards

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>  | <i>I seek the following <b>decision</b> from the local authority:</i>  |
|------------------------|--|--|---|--|
| N/A                    | Natural hazard general comments  | Support  | Support risk-based approach to the management of natural hazards (noting specific comments below).  | Retain risk-based approach to the management of natural hazards.   |
| 165                    | HAZ-NH-O1 – Natural hazards  | Support  | The DCC supports this objective.  | Retain Objective HAZ-NH-O1 as notified.  |
| 165                    | HAZ-NH-O2 – Adaption   | Support  | The DCC supports this objective.  | Retain Objective HAZ-NH-O2 as notified.  |
| 165                    | HAZ-NH-P1 – Identifying areas subject to natural hazards                                 | Amend  | Reads as if “the best available information” is only required when evaluating likelihood, but this should also relate to other points such as assessment of effects, identification of hazards etc.<br><br>Order of people, property and communities differs from HAZ-NH-02 – should be the same order for consistency. | Amend to read as follows:<br>“Identify areas where natural hazards may adversely affect Otago’s people, property and communities by assessing, using the best available information:<br>(1) ...<br>(5) likelihood, and<br>(6) ...” |
| 165                    | HAZ-NH-P2 – Risk assessments   | Amend  | It is unclear how the ‘maximum credible event’ is determined in Step 1 of APP6 – Methodology for natural hazard risk assessment.  | Provide guidance on how the ‘maximum credible event’ is determined.  |

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| 165     | HAZ-NH-P3 - New activities  | Amend   | Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZ-NH-P2, manage new activities to achieve the following outcomes:<br><br>“when the natural hazard risk is significant, the activity is avoided” ...<br><br>See general comments about use of word “avoid” in policies. | Amend to reflect general comments re use of the word ‘avoid’.<br><br>Clarify if there are any new activities that could establish in areas where the natural hazard risk is significant e.g. a new road.      |
| 165/166 | HAZ-NH-P4 - Existing activities   | Support | The DCC supports this policy.   | Retain Policy HAZ-NH-P4 as notified.  |
| 166     | HAZ-NH-P5 – Precautionary approach to natural hazard risk                       | Amend   | It is uncertain what the ‘precautionary approach’ is? Clarify what this approach is and how activities will comply with it.   | Clarify what the ‘precautionary approach’ is, and how it will be applied.   |
| 166     | HAZ-NH-P6 – Protecting features and systems that provide hazard mitigation      | Amend   | How is this policy balanced against the need to provide infrastructure in these locations?  | Amend to recognise that this policy should operate consistently with infrastructure policies.   |
| 166     | HAZ-NH-P7 – Mitigating natural hazards  | Support | The DCC supports this policy.   | Retain Policy HAZ-NH-P7 as notified.  |
| 166/167 | HAZ-NH-P8 Lifeline utilities and facilities for essential or emergency services | Support | The DCC supports this policy.   | Retain Policy HAZ-NH-P8 as notified.  |
| 167     | HAZ-NH-P9 – Protection of hazard mitigation measures                            | Amend   | It is not clear from the heading of this policy that it applies to more than hazard mitigation measures.  | Amend the policy name to ‘Protection of hazard mitigation measures, <u>lifeline utilities, and essential or emergency services.</u> ’<br><br>See generic comments on the use of the word ‘avoid’ in policies. |
| 167     | HAZ-NH-P10 – Coastal hazards  | Amend   | “No <i>land use</i> change or redevelopment occurs that would increase the <i>risk</i> to people and communities, from that coastal hazard, and ...”<br><br>Almost every development could result in an increase in risk in the generic sense (e.g. going from no development to any development is an increase in risk).         | ‘Ensure’ in this context has the same meaning as ‘avoid’. See generic comments on the use of the word ‘avoid’ in policies.<br><br>Clarify what is meant by ‘redevelopment’.                                   |



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|           |   |                      | <p>Does not align with risk-based approach provided for in the policies and methods (e.g. HAZ-NH-P3).</p> <p>Some land-use changes or redevelopment may reduce short-term risk (which is encouraged) but result in an offsetting/ redirection of risk or even increase risk in long-term.</p> <p>What is meant by 'redevelopment'? Does this mean that houses cannot be built or extended in a Hazard 3 (Coastal) overlay zone.</p>  | Amend policy to address concerns.   |
| 167       | HAZ-NH-P11 – Kaitiaki decision making   | Amend                | Why do Kai Tahu have a specific role in decision making and management processes for freehold land that is susceptible to natural hazards?   | Delete this policy and rely on general Treaty of Waitangi requirements, or amend the policy by removing the reference to freehold land.   |
| 168 & 208 | NAH-NH-M2 – Local authorities and APP6 – Methodology for natural hazard risk assessment | Amend                | <p>This method requires DCC to undertake a consultation process with the community to develop consequence and risk tables. DCC recently undertook this process (in collaboration with ORC) when developing the 2GP.</p> <p>DCC would have concerns with any requirements to re-undertake this process within the next 6 years.</p> <p>Further, the likelihood and consequences tables in the draft RPS differ slightly to that in the 2GP, however ultimately the associated risk table is compatible with that included in the 2GP.</p> | <p>Amend the method to provide an exemption for local authorities that have an existing risk assessment framework in their District Plan e.g. the Dunedin City District Plan.</p> <p>This would also require a consequential change so that resource consent applicants would not have to go through the risk assessment in the interim if they comply with the existing provisions of the 2GP.</p> |
| 168       | HAZ-NH-M3 – Regional plans  | Amend                | Consequential changes may be needed as a result of the relief sought elsewhere in this section.  | Make any consequential changes necessary to address any submissions on this section.  |
| 168       | HAZ-NH-M4 – District plans  | Amend                | Consequential changes may be needed as a result of the relief sought elsewhere in this section.  | Make any consequential changes necessary to address any submissions on this section.  |
| 168       | HAZ-NH-M5 – Other incentives and mechanisms   | Support in principle | The DCC supports this method.  | Retain Method HAZ-NH-M5 as notified.  |

HAZ-CL – Contaminated land

| RPS Page Number | The <b>specific provisions</b> of the proposal that my submission relates to are: | I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b> | The <b>reasons</b> for my view are:   | I seek the following <b>decision</b> from the local authority:   |
|-----------------|---|---|---|--|
| 172             | HAZ-CL-O3 – Contaminated land   | Support   | The DCC supports this objective.  | Retain Objective HAZ-CL-O3 as notified.  |
| 172             | HAZ-CL-P13 – Identifying contaminated land  | Support   | The DCC supports this policy.   | Retain Policy HAZ-CL-P13 as notified.  |
| 172             | HAZ-CL-P14 – Managing contaminated land   | Support   | The DCC supports this policy.   | Retain Policy HAZ-CL-P14 as notified.  |
| 172             | HAZ-CL-P15 – New contaminated land  | Amend   | <p>“Avoid the creation of new <i>contaminated land</i> or, where this is not practicable, minimise adverse effects on the environment and mana whenua values”</p> <p>Use of the term ‘avoid’ is considered to translate to ‘prohibit’. This is inconsistent with the policy preference for discharges of wastewater to land over discharges to water (Policy LF-FW-P15) and requirements for inclusion in regional plans (CE-M3) where discharge of human sewage to directly to water in the coastal environment is prohibited. This policy should also recognise stormwater discharges to any approved landfills that by necessity will need to discharge to land.</p> | <p>Amend the policy so it is consistent with LF-FW-P15, which prefers discharges of wastewater to land over discharges to water (unless adverse effects associated with a discharge to land are greater than a discharge to water). This could be achieved by making an explicit exception in HAZ-CL-P15 for new discharges of wastewater to land.</p> <p>The same change should be made to recognise stormwater discharges and any approved landfills that by necessity will need to discharge to land.</p> |
| 172             | HAZ-CL-P16 – Waste minimisation responses   | Support   | The DCC supports this policy.   | Retain Policy HAZ-CL-P16 as notified.  |
| 172             | HAZ-CL-P17 – Disposal of waste materials  | Support   | The DCC supports this policy.   | Retain Policy HAZ-CL-P17 as notified.  |
| 172             | HAZ-CL-P18 – Waste facilities and services  | Support   | The DCC supports this policy.   | Retain Policy HAZ-CL-P18 as notified.  |

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| 173 | HAZ-CL-M6 – Regional plans                          | Amend | Consequential changes may be needed as a result of the relief sought elsewhere in this section.  | Make any consequential changes necessary to address any submissions on this section.   |
| 173 | HAZ-CL-M7 – District plans                          | Amend | Consequential changes may be needed as a result of the relief sought elsewhere in this section.  | Make any consequential changes necessary to address any submissions on this section.   |
| 173 | HAZ-CL-M8 – Waste management and minimisation plans | Amend | Consequential changes may be needed as a result of the relief sought elsewhere in this section.  | Make any consequential changes necessary to address any submissions on this section.   |
| 173 | HAZ-CL-M9 – Other incentives and mechanisms         | Amend | Consequential changes may be needed as a result of the relief sought elsewhere in this section.  | Make any consequential changes necessary to address any submissions on this section.   |
| N/A | N/A   | Amend | <p>Hazardous substances</p> <p>There is limited reference to the management of hazardous substances in the proposed ORPS. Where hazardous substances are mentioned, they relate to Hazardous Activities and Industries List (HAIL) sites, contaminated land and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012 (NESCS).</p> <p>The DCC recognises that the Resource Legislation Amendment Act 2017 removed the explicit function of both regional and local councils under sections 30(1)(d)(v) and section 31(1)(b)(ii) of the RMA to control the adverse effects of the storage, use, disposal or transportation of hazardous substances under the RMA.</p> <p>However, DCC also consider, based on expert advice from a hazardous substance expert, that district plans still play a role in the management of hazardous substances, where the Hazardous Substances Regulations (in workplaces) and Hazardous Substances and New Organisms Act (HSNO) are inadequate in controlling the effects of hazardous substances.</p> <p>The expert advice received by the DCC concluded that most risks within both workplaces and non-</p> | <p>Amend the RPS to add direction on the management of different types of hazardous substances in close proximity to:</p> <ul style="list-style-type: none"> <li>• sensitive activities (i.e. activities that accommodate large numbers of people and/or people who are more vulnerable to hazardous substances, e.g. hospitals, childcare centres, retirement homes, hotels and residential activities)</li> <li>• sensitive natural environments</li> <li>• areas subject to natural hazards.</li> </ul> |

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|  |  |  | <p>workplaces are adequately managed by HSW-HS and HSNO regulations. However, the report did identify gaps within the HSW-HS and HSNO regulations framework where additional controls in the 2GP are necessary. These are:</p> <ul style="list-style-type: none"> <li>• secondary containment of all corrosive or ecotoxic substances</li> <li>• preparation of a risk assessment where hazardous facilities are located adjacent to sensitive land-uses or within sensitive land-use zones where the potential for explosion, toxic gas release or release to the environment beyond the boundary exists</li> <li>• land use controls around identified existing hazardous facilities and industrial zones to minimise the likelihood of new sensitive activities locating within the vicinity of the sites</li> </ul> |  |
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### **HCV - Historical and cultural values**

#### *HCV-WT - Wāhi tūpuna*

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i> | <i>I seek the following <b>decision</b> from the local authority:</i> |
|------------------------|--|--|--|---|
| 175                    | HCV-WT-O1 – Kāi Tahu cultural landscapes   | Support  | The DCC supports this objective.           | Retain Objective HCV-WT-O1 as notified.                               |
| 175                    | HCV-WT-O2 – Rakatirataka   | Support  | The DCC supports this objective.           | Retain Objective HCV-WT-O2 as notified.                               |
| 175                    | HCV-WT-P1 – Recognises and identify wāhi tūpuna  | Support  | The DCC supports this policy.              | Retain Policy HCV-WWT-P1 as notified.                                 |

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| 175 | HCV-WT-P2 – Management of wāhi tūpuna   | Support in principle | The DCC supports this policy.   | Retain Policy HCV-WWT-P2 as notified.   |
| 176 | HCV-WT-M2 – Regional and district plans | Amend                | <p>While we generally support the matters in this method, it is not clear if the expectation is that all clauses are complied with in all cases. In practice, some will apply in some cases, and some in others. Rewrite the method to clarify that not all responses might apply.</p> <p>We are unsure what methods would be in accordance with tikaka, and we do not support buffers or cultural impact assessments for all activities which may adversely affect wāhi tūpuna .</p> | <p>Amend to clarify that not all responses might apply in all cases.</p> <p>Clarify which methods are in accordance with tikaka.</p> <p>Reduce the requirement for cultural impact assessments to being required on a case-by-case basis.</p> |

### HCV-HH – Historic Heritage

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:<br/>(please enter the relevant objective, policy, method or other provision reference where possible. For example, AIR-01)</i>                    | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b> (please indicate support, oppose or amend)</i> | <i>The <b>reasons</b> for my view are:</i>  | <i>I seek the following <b>decision</b> from the local authority:<br/><br/>(Please be as clear as possible – for example, include any alternative wording for specific provision amendments.)</i>  |
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| 178                    | <p>HC-HH-O3 – Historic heritage resources</p> <p>Otago’s unique historic heritage contributes to the region’s character, sense of identity, and social, cultural and economic well-being, and is preserved for future generations.</p> | Amend   | <p>The objective as drafted seems to apply that all historic heritage is preserved which is not possible while meeting other objectives in the RPS (or in the Dunedin 2GP). Amend to respond to this possible conflict.</p> | <p>Amend so it is clear that not every item of historic heritage must be preserved, for example by wording it like:</p> <p>Otago’s unique historic heritage contributes to the region’s character, sense of identity, and social, cultural and economic well-being, <u>and retains places and areas with special or outstanding historic heritage values or qualities and seeks to, where not in conflict with other objectives, retain other places or areas with heritage values or qualities.</u></p> |

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| 178 | HCV-HH-P3 – Recognising historic heritage | Support | The DCC supports this policy.  | Retain Policy HCV-HH-P3 as notified.   |
| 178 | HCV-HH-P4 – Identifying historic heritage | Amend   | Having to identify two categories of heritage items will have resourcing implications for the DCC as the 2GP schedule currently does not do this. The DCC would not have any resource to implement a two-tiered approach for some time, especially given the workload attached to national direction.  | Consider whether an amendment is necessary to include a mechanism for district plans to bridge the gap between their current identification approaches and nomenclature, and the RPS requirement.  |
| 178 | HCV-HH-P5 – Managing historic heritage    | Amend   | <p>“(2)” The requirement to avoid all adverse effects on areas or places with special / outstanding historic heritage is overly onerous and too limiting, particularly considering the definition of effect. Minor or temporary effects may be acceptable e.g. adaptive reuse may affect heritage values, but overall preservation / re-use of building outweighs this. Policy needs to be clear it considers overall effects.</p> <p>Also, impossible to remedy / mitigate effects of demolition. So, would still struggle to provide critical important developments that may result in loss of heritage.</p> <p>Reference to 4) ...’other adverse effects’ - unclear as to what "other" refers to in this context, as ‘adverse effects’, already mentioned.</p> | <p>Amend to include some consideration of significant positive effects, similar to 2GP policy 13.2.1.7. While noting there is some carve out for infrastructure this may not go far enough where other projects with significant positive effects may be ‘worth’ the loss of some historic heritage.</p> <p>For example, the policy as written could have stopped the new Dunedin Hospital or a similar project with significant positive effects for the community, which would not have been a positive outcome for a critical central city Dunedin site housing a large factory that may have had no practical adaptive reuse purpose.</p> <p>Amend to include a caveat to balance ‘avoid, such as “where practicable”;</p> <p>Clauses 4-5 are difficult to understand are they meant to be read as one sentence or otherwise linked and, if so, are there missing punctuation or joining words? Or is clause 5 meant to also apply as an alternative to clauses 2 and 3, e.g. that for any type of heritage as long as you can demonstrate you</p> |

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|     |  |       |  | <p>cannot avoid effects then you can just choose to remedy or mitigate them.</p> <p>Amend the word ‘demonstrably’ which is an unusual policy word choice and practicable is preferred as more commonly understood. If not change clarify what type of demonstration is envisaged?</p> <p>Amend by including an example of ‘other adverse effects’ to assist clarity.</p>  |
| 179 | HCV-HH-P6  | Amend | <p>It is unclear what is meant by ‘enhance’.</p> <p>The language of “through the implementation of” is awkward policy language”.</p>   | <p>Clarify what is meant by ‘enhance’, replace with clearer wording like “Encourage the maintenance, ongoing use and adaptive re-use of...” which is language used in the 2GP.</p> <p>The language of “through the implementation of” is awkward policy language”</p> <p>Reword as:</p> <p>Encourage the maintenance, ongoing use and adaptive re-use of historic heritage through plan provisions which enables these activities in a way that also minimises adverse effects on identified heritage values.</p> |
| 179 | HCV-HH-P7 – Integration of historic heritage<br>Maintain historic heritage values through the integration of historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas. | Amend | <p>It is not clear what integration of historic heritage into new activities means, whether it makes sense for all activities or how it would be implemented in plan provisions e.g. you would restrict land uses that could not integrate the heritage values into the activity</p> | <p>Delete in favour of a reworded P6 suggested above.</p>   |
| 180 | HCV-HH-M5 – District Plans   | Amend | <p>The location or presence of historic heritage is not always known.</p>  | <p>Amend Clause 2 and add anew clause:<br/>(2) <u>where the location and values of historic heritage is know, control the</u></p>   |

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|         |  |       |  | following where they may adversely affect historic heritage:<br><u>(3) where the location of historic values is suspected but not known, include provisions that alert plan users to the need to follow accidental discovery protocol or other appropriate plan provisions to protect historic heritage</u> |
| 180     | HCV-HH-M6 – Incentives and education                                     | Amend | While recognising it is not meant to be an exclusive list, there may be other ‘economic instruments’ that may be as or more effective and efficient to administer.   | Amend to refer to ‘economic instruments’ more broadly.  |
| 214-215 | APP8 – Identification criteria for places and areas of historic heritage | Amend | This entire section derives from the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines 2019. Therefore, a reference to this document is required. A clear reference to the document will also support the change in methodology being proposed here, so that practitioners understand the full method required to identify and justify places and areas of historic heritage. | Amend to include a clear reference to the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines 2019.  |

### ***NFL – Natural features and landscapes***

| <i>RPS Page Number</i> | <i>The <b>specific provisions</b> of the proposal that my submission relates to are:</i> | <i>I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b></i> | <i>The <b>reasons</b> for my view are:</i>                                   | <i>I seek the following <b>decision</b> from the local authority:</i> |
|------------------------|--|--|--|---|
| 182                    | NFL-O1 – Outstanding and highly valued natural features and landscapes                   | Support  | The DCC supports this objective.   | Retain Objective NFL-O1 as notified.                                  |
| 182                    | NFL-P1 – Identification  | Amend  | Clarify how the ‘the capacity’ of those natural features will be determined. | Clarify.  |



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| 182     | NFL-P2 – Protection of outstanding natural features and landscapes    | Amend                | <p>It is likely to be difficult, in practice, to distinguish between “(1) ...effects on values that contribute to... being considered outstanding, even if those values are not themselves outstanding” and “(2) ...other adverse effects”.</p> <p>Identified values of e.g. ONLs and SNLs are often quite broad – e.g. the values to be protected in the 2GP for the Peninsula Coast ONL (appendix A3.2.3) include “Important recreational/amenity values for locals and tourists.”</p> <p>However, DCC notes that this is the wording used in the equivalent policies in the previous version of RPS, so the comment at the first bullet point in the “Content” section of the “General Comments/Questions”, above, applies.</p> | <p>Amend the policy to:</p> <ul style="list-style-type: none"> <li>• focus on managing effects on landscape values only, and</li> <li>• remove the distinction between effects that contribute to the ‘outstanding’ nature of the area, and other effects</li> </ul> |
| 182     | NFL-P3 – Maintenance of highly valued natural features and landscapes | Amend                | Note discrepancy between this policy and EIT-INF-P13. Different effects test in this policy for any activity in ‘highly valued landscape’ (equivalent of SNL), and in the INF policy for infrastructure in area of high amenity (also equivalent of SNL?). The INF policy is the stricter one, where infrastructure is not nationally or regionally significant.   | Amend INF policies to clarify relationship with NFL policies.  |
| 182     | NFL-P4 - Restoration  | Support              | The DCC supports this policy.  | Retain Policy NFL-P4 as notified.  |
| 182/183 | NFL-P5 – Wilding conifers   | Support in principle | The DCC supports this policy in principle but see general comments in the first section of this submission regarding use of unqualified “avoid” in provisions.   | Review all uses of unqualified “avoid” in policies.  |
| 183     | NFL-P6 – Coastal features and landscapes                              | Support in principle | The DCC supports this policy in principle, but notes that it cross-references to CE-P6 – see comments on that policy above, including in relation to the use of unqualified “avoid” and of “avoiding, remedying or mitigating” in policy drafting  | Consequential changes may be needed as a result of the relief sought on Policy CE-P6, see comments on that policy above.   |

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| 183 | NFL-M1 – Identification | Amend | Consequential changes may be needed as a result of the relief sought elsewhere in this section. | Make any consequential changes necessary to address any submissions on this section. |
| 183 | NFL-M3 – District plans | Amend | Consequential changes may be needed as a result of the relief sought elsewhere in this section. | Make any consequential changes necessary to address any submissions on this section. |

**UFD - Urban form and development**

| RPS Page Number | The <b>specific provisions</b> of the proposal that my submission relates to are: | I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b> | The <b>reasons</b> for my view are and I seek the following <b>decision</b> from the local authority:  |
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| N/A             | Overall comments on UFD   | Amend   | <p>This section of the RPS should be amended to achieve the following:</p> <ol style="list-style-type: none"> <li>1. Remove any duplication/paraphrasing of NPS-UD provisions where this does not add value;</li> <li>2. Avoid reopening of matters that have been recently resolved in the current partially operative RPS 2019 unless necessary to achieve other items in this list;</li> <li>3. Ensure that regional direction aligns and does not conflict with the direction on urban form and development within the recently developed and settled strategic directions that are included in the Dunedin City second generation District Plan (2GP).</li> <li>4. Ensure that housing and business land capacity requirements for all medium or high growth areas can be met effectively under the RPS, including by providing for enough feasible development options and by effectively and efficiently facilitating any public or critical infrastructure or services necessary to support growth to operate, develop or expand. Provide clear guidance on how to reconcile any tensions between achieving the above objective with other regional objectives for example around highly productive land, management of natural hazards risk, or landscape protection.</li> </ol> <p>It is noted that the partially operative RPS 2019 had one objective on urban growth and development and this has expanded to 5. Between the two versions, DCC prefers the operative Objective as it is clear and creates a clear objective to assess plan changes against as one would do for assessing a change against an objective in the same plan (s32). While s74 and s75 of the act provide more generic direction (giving effect to/having regard to) in practice it is helpful if an assessment against an RPS of a plan change can be done in a similar way (as to s32) in that it focuses on whether the change as a whole will achieve the objective and then whether it aligns with (is not contrary to) any policies in the RPS.</p> <p>It is also sought that objectives are written as end states as this makes it easier to assess them instead of descriptions of processes or activities (as is done in UFD-02 through 05) and do not stray into policy content (the 'how' to achieve the objective).</p> <p>Aligned with the comments above about objective content that is more appropriate as policy content. The DCC have concerns that the policy content is deficient in those matters and would not</p> |

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|     |   |       | achieve the outcomes as expressed in the objectives because it's language is mostly about 'enabling' and providing for whereas to achieve many of the aspects covered by the objectives there is a requirement for managing (and restricting) development. Moving some of the objective content into clear policy direction around the type of management (and controls on) development required to achieve those outcomes will make the RPS a more effective document.  |
| 186 | UFD-01 – Form and function of urban areas | Amend | <p>This objective is very unclear. It is difficult to understand (based on the principles of good drafting outlined above) how a plan change could be assessed in terms of being appropriate or not in terms of this objective.</p> <p>It would be better to have a clear urban form objective that could form the basis of policy direction around the need for strategic planning.</p>   |
| 186 | UFD-02 - Development of urban areas       | Amend | <p>Overall support the matters listed but as discussed above seek that the Objective be reworded as an end state and that the 'pitch' remains high level. As drafted the objective includes content that is more appropriate for policies (how to achieve) level (particularly clauses 5, 6, 7, 10, 11). The objective is also possibly trying to cover too much and should just focus on quality of the urban environment.</p> <p>It is desirable for urban development policies to link to other objectives in the RPS rather than try to have a shopping list of objectives that tries to cover matters that are covered in other RPS objectives. Policies should be drafted to look across the RPS objectives.</p> <p>It is noted that the suggestion to include the defined term of 'well-functioning urban environments' does create some repetition between the content of the definition and the rest of the matters listed,</p> |

Amend so the objective has a clear end state description that aligns with the strategic directions for Dunedin (as expressed in the 2GP). For example:

**Overall urban form objective**

The towns and cities in Otago have a compact and resilient urban form that supports a sustainable, safe and affordable transportation network and the efficient and sustainable delivery and operation of other critical infrastructure.

**Quality of the urban environment**

Amend the objective to read

The towns and cities in Otago have *well-functioning urban environments*, that:

- (1) provide good housing choice, quality, and affordability;
- (2) have liveable, safe and well-designed centres and neighbourhoods that support social, cultural and economic wellbeing;
- (3) have appropriate and adequate opportunities for business and community activities to establish and operate in a way that supports business and community needs and the overall urban form objective in UFD-01; and

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|         |   |       | however, it also allows these elements to be highlighted.   | (4) retain, and provide opportunities to celebrate and appreciate, significant heritage, natural environment and mana whenua values<br><br>(5) have development opportunities which support the aspirations and values of mana whenua. |
| 186/187 | UFD-03 – Strategic planning                   | Amend | This is best included as a policy as this is more a how to achieve objectives rather than an objective  | Combine into UFD-P1  |
| 187     | UFD-04 – Development in rural areas           | Amend | Overall support the range of matters expressed but this reads more as policy direction than an objective and would be clearer expressed as such.<br><br>This content is better included as clear and directive policy content around the requirements for management and controls on land use, and development and subdivision to be used to achieve the objectives of the RPS (as a whole and including direction on how to resolve conflicts between competing strategic directions). | Amend content to be part of policies.  |
| 187     | UFD-05 – Urban development and climate change | Amend | Overall support the range of matters expressed but this reads more as policy direction than an objective and would be clearer expressed as such.<br><br>This content is better included as clear and directive policy content around the requirements for management and controls on land use, and development and subdivision to be used to achieve the objectives of the RPS (as a whole and including direction on how to resolve conflicts between competing strategic directions). | Amend content to be part of policies.  |
| 187     | UFD-P1 – Strategic planning                   | Amend | Combine with UFD-03 and write as a ‘course of action’ rather than an outcome.<br><br>The wording of ‘minimise’ risk to natural hazards is too strict as minimise means to reduce as far as  | Reword as course of action.<br><br>Undertake strategic planning processes at an appropriate scale and detail to direct and   |

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|  |  |  | <p>possible which may be in conflict with other objectives. Some degree of risk will need to be acceptable in order to meet development capacity targets, particularly considering that many existing urban areas (where infrastructure is available) are subject to some degree of risk and cannot be sterilised from any future capacity.</p> | <p>facilitate urban growth and development in a way that:</p> <ol style="list-style-type: none"> <li>(1) ensures there is sufficient development capacity supported by integrated infrastructure provision for Otago’s housing and business needs in the short, medium and long term;</li> <li>(2) integrates land use and infrastructure planning, including how, where and when necessary;</li> <li>(3) development infrastructure and additional infrastructure will be provided, and by whom;</li> <li>(4) considers ways to increase resilience to and the ability to adapt to the potential effects of climate change;</li> <li>(5) considers ways to reduce to acceptable levels risk from natural hazards;</li> <li>(6) actively engages with all parts of the community;</li> <li>(7) provides opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values;</li> <li>(8) seeks to meet the objectives of the RPS; and</li> </ol> <p>where there is conflict between objectives in this section and other objectives in the RPS, ensures that growth options are chosen that</p> |
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|     |  |        |   | ensure adequate capacity and housing affordability that are most appropriate in terms of the other RPS objectives.  |
| 188 | UFD-P2 – Sufficiency of development capacity | Oppose | Do not believe this policy is necessary in the context of other objectives and also do not support some of the policies referenced.   | Delete Policy UDF-P2.   |
| 188 | UFD-P3 - Urban Intensification               | Amend  | <p>Do not support the use of the word ‘enable’ which is too strong and risks plan changes that are not appropriate in terms of the objectives of the RPS or the strategic directions in District Plans being argued as needing to be approved based on this policy.</p> <p>The word ‘enable’ also creates tensions with the need to manage intensification to ensure a high-quality built environment based on good urban design principles and promotion of quality, healthy housing.</p> <p>The general content of this policy is an incomplete and somewhat random selection of factors that might be considered when assessing appropriate locations for intensification. There may be locations which do not meet these factors but are suitable for urban intensification. It is the preference of the DCC that, rather than an incomplete list, the policy should just make reference back to the objectives as this will ensure all matters are covered without the need for a long ‘shopping list’ of matters.</p> | <p>Reword to:</p> <p>Provide appropriate opportunities for intensification of housing or other development in existing urban areas where this will support the objectives of this RPS particularly Objective UFD-01 and UFD-02.</p> <p>OR if individual matters are wished to be highlighted then amend by wording it as:</p> <p>Provide appropriate opportunities for intensification of housing or other development in existing urban areas where this will support the objectives of this RPS particularly Objective UFD-01 and UFD-02; this will generally include areas that:</p> <ul style="list-style-type: none"> <li>(a) are within walking distance of centres and frequent public transportation services; and</li> <li>(b) will be well-served by existing or planned development infrastructure and additional infrastructure.</li> </ul> |
| 188 | UFD-P4 - Urban expansion                     | Amend  | Similar to the above, the DCC are opposed to the use of the word ‘facilitated’ which is too strong and risks plan changes that are not appropriate in terms of the objectives of the RPS or the strategic directions in District Plans being argued as needing to be approved based on this policy  | Provide appropriate opportunities for expansion of urban areas where the expansion will support the objectives of this RPS particularly Objective UFD-01 and UFD-02.  |

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|  |  | <p>The word 'enable' also creates tensions with the goal of having a compact urban form and the need to manage urban expansion to ensure a high-quality built environment based on good urban design principles and promotion of quality, healthy housing.</p> <p>The general content of this policy is an incomplete and somewhat random selection of factors that might be considered when assessing appropriate locations for intensification. The DCC prefers that rather than including an incomplete list, that the policy instead makes reference back to the objectives as this will ensure all matters are covered without the need for a long 'shopping list' of matters.</p> <p>The DCC does not support the content in clause (7)(b)(c) as it is both difficult to understand and arguable getting too directive and is potentially too much detail for an RPS policy.</p> <p>It is noted that the proposed policy includes direction under other RPS objectives for example with regard to highly productive land. It is not that the DCC necessarily disagrees with these matters, it is more concerned with the risk with picking and choosing matters means inevitably matters missed out may be argued as unimportant.</p> <p>Overall, the DCC contends that the RPS should be drafted to provide a high-level framework that reinforces more detailed policy direction that is developed for each city/district. The RPS in many places is too wordy, too detailed and creates risk of confusion and frustration of plan making processes under it that should instead be focused on key objectives to be achieved and broad/ high level policy direction necessary to support those objectives.</p> | <p>OR if individual matters are wished to be highlighted amend the policy by wording it as:</p> <p>Provide appropriate opportunities for expansion of urban areas where the expansion will support the objectives of this RPS particularly Objective UFD-01 and UFD-02, this will generally include areas that:</p> <ol style="list-style-type: none"> <li>(1) provide a logical and appropriately staged expansion of an existing urban area;</li> <li>(2) will be serviced by existing or planned development infrastructure and additional infrastructure;</li> <li>(3) will be developed in an efficient way;</li> <li>(4) provide a mix of housing types and price points; and</li> <li>(5) provide for a mix of land uses where this supports good urban form outcomes.</li> </ol> |
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| 188 | UFD-P4 – Urban expansion  | Amend           | <p>It is unsure what is meant by P4-(2) – Dunedin and Otago have a number of distributed settlements. Is adding to them considered sporadic?</p> <p>P4(6) – not appropriate for all areas of highly productive land to be always the first priority.</p>  | <p>Delete UFD-P4(2).</p> <p>Amend UFD-P4(6) to allow for balancing with other objectives and policies.</p>  |
| N/A | New policy  | Amend           | <p>New policy focused on implementing strategic planning processes as incorporated existing content on iwi involvement.</p>   | <p>Require district plan changes to:</p> <ol style="list-style-type: none"> <li>(1) give effect to strategic spatial plans;</li> <li>(2) address issues of concern to iwi and hapū, including those identified in any relevant iwi planning document;</li> <li>(3) ensure involvement of mana whenua; and</li> <li>(4) provide for mana whenua values and aspirations.</li> </ol>   |
| 189 | <p>UFD-P5 – Commercial activities</p> <p>UFD-P6 - Industrial activities</p> | Delete or Amend | <p>The DCC is not convinced it is necessary to have policies on commercial activities or industrial activities as these are arguably not a regionally significant issue nor ones that easily lend themselves to policy direction that will work well /be appropriate across all the diverse towns, settlements in the region and for the city of Dunedin. If deletion of these policies is not favoured it is requested that any policy direction aligns with the strategic directions policies in the 2GP with regards to its centres hierarchy and other direction with regard to the management of business land.</p> <p>Furthermore, similar to above the DCC contends that it is inappropriate to have a policy which focuses on a ‘providing’ and ‘enabling’ commercial activities or industrial activities in the context of an incomplete set of policy directions as this will lead to the strategic directions around the 2GP’s centres hierarchy being undermined.</p> | <p>Delete or if that is not preferred re-focus on what management or controls on business land as a whole are needed to achieve overall urban form and function objectives, including providing support for city and district plans that contain a centres hierarchy objective.</p> <p>Provide appropriate and adequate opportunities for business and community activities to establish and operate in a way that:</p> <ol style="list-style-type: none"> <li>(1) supports the objectives of this RPS particularly Objective UFD-01 and UFD-02 and any centres hierarchy objectives set out in district or city plans</li> <li>(2) Supports the establishment, expansion and operation of industrial activities in industrial</li> </ol> |

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|     |                      |       | <p>For the sake of clarity, the DCC does not support the existing content in these policies except to the degree that it has been reflected in the alternative wording suggested as some of the policy direction does not reflect good planning practice (at least in the context of Dunedin). It is particularly opposed to UFD-P6 clause (4) which the DCC believe will undermine appropriate policy direction in the Dunedin District Plan (2GP).</p> | <p>zones, including by avoiding activities likely to result in reverse sensitivity effects on industrial activities or displacement of industrial activities.</p> <p>(3) Protects land strategically important for industrial activities, or that contains nationally or regionally significant infrastructure and the requirements of EIT-INF-P15 apply, from incompatible or competing land uses in these areas, in particular retail (other than yard-based retail) and residential activities.</p>   |
| 190 | UFD-P7 – Rural areas | Amend | <p>Firstly, the DCC does not believe it is appropriate to have a policy of this type in a section on urban form and development. Instead it believes that aspects included in this policy may be more appropriately included under other objectives in the RPS.</p> <p>There are a number of risks and problems with the wording in this policy which are outlined in the next column that must be addressed.</p>  | <p>Delete policy and move aspects under other objectives as appropriate to achieving those objectives noting the following:</p> <p>Clause (1) – the definition of ‘important features and values’ needs to be reasonably clear and there needs to be some way of reconciling any conflict where their maintenance conflicts with other objectives. Why would these areas be excluded from the requirement to maintain amenity and character in (2)?</p> <p>Clause (2) - it is inappropriate to require maintenance for amenity and character in all circumstances as inevitably development in rural areas (including where it is identified as a suitable growth area) can mean these values are changed or lost to achieve other strategic objectives.</p> |

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|     |  |       |   | <p>Clause (3) Support this concept but think it sits better under an objective focused on rural productivity.</p> <p>Clause (4) It is inappropriate to ‘facilitate’ rural industry in every location, for example it may be inappropriate directly adjacent to residential land, in areas that have important biodiversity values or other significant values or where it conflicts with other surrounding land uses;</p> <p>Clause (5) Support this concept and would support this being included as part of UFD-P8.</p> <p>Clause (6) Support this concept but think it sits better under an objective focused on rural productivity.</p> <p>Clause (7) Support this concept but think it sits better under an objective focused on rural productivity.</p> |
| 190 | UFD-P8 – Rural lifestyle and rural residential zones | Amend | <p>Overall, it is not helpful to have a policy directing where rural residential activity (which the 2GP defines as activity with a minimum size of 2ha per site) should occur. It may instead be helpful to encourage the efficient use of land and maintenance of options for future growth and say where ‘generally’ large lot and rural residential activity shouldn’t occur.</p> <p>Rural lifestyle / rural residential activities generally shouldn’t be adjacent to existing urban areas – this would reduce land available for future urban extension as conversion of land in multiple ownership is difficult to develop in a strategically integrated way and often makes provision of transportation and other infrastructure effectively or</p> | <p>Delete provision.</p> <p>If not deleted, make the following amendments:</p> <p>Provide appropriate opportunities for rural residential or ‘hobby farm’ activities where this does not conflict with the objectives of this RPS particularly Objectives UFD-01 and UFD-02 and where these activities are directed to areas zoned for that purpose.</p> <p>In identifying areas appropriate for new rural residential zoning avoid areas:</p> <p>(1) where development at this scale will conflict with other objectives in this RPS</p>   |

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|     |   |       | <p>efficiently very difficult. For these reasons DCC is opposed to clause (1).</p> <p>DCC also generally don't support the content in clause (5) as generally too much detail and more appropriately covered simply by reference to the appropriate objectives.</p>  | <p>(2) where land is identified for, or may be appropriate for, future urban expansion;</p> <p>(3) that may give rise to significant reverse sensitivity effects; and</p> <p>(4) of highly productive land identified in accordance with LF-LS-P16.</p>   |
| 191 | UFD- P9 - Iwi, hapū and whānau                          | Amend | <p>This policy is flawed in that many of the areas mentioned do not and will not have networked 'development infrastructure' in place or planned as they are in rural zones.</p> <p>The word 'facilitate' is also unusual as a policy term and its meaning is unclear. Should it be 'provide for'?</p> <p>There will be conflicts with development in these locations and other objectives in the RPS (and in District and City plans) that need to be reconciled either through the RPS or noted for assessment when balancing this policy with other objectives and policies. The policy wording should be clear for the need for that balance to occur.</p> | Amend to address issues identified.   |
| 191 | UFD-P10 – Criteria for significant development capacity | Amend | <p>This policy must be written in a way that ensures that this policy cannot be used to undermine any strategic directions in a relevant district plan, including the Dunedin City 2GP.</p> <p>It is suggested that it is split into two policies: one that focuses more specifically on the requirement in NPS-UD Policy (3); and the other that focuses on the appropriateness of the plan change proposal.</p>  | <p>Reword as follows and focus more specifically on the requirement in NPS-UD Policy (3). Other aspects of the merits of a plan change proposal (rather than whether it adds significantly to development capacity) should be incorporated into other policies and the objectives as outlined above or into a new policy as shown below.</p> <p><u>When assessing a plan change that may provide significant development capacity that is not otherwise enabled in an operative or proposed plan (or plan variation) or is not in sequence with planned land release, have particular regard to the</u></p> |

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|  |  |  |  | <p><u>following when assessing if the plan change will add significant development capacity:</u></p> <p>(1) <u>taking into account any capacity that has been added through a plan change or plan variation process</u>, the proposal makes a significant contribution to meeting a need identified in a Housing and Business Development Capacity Assessment, or a shortage identified in monitoring for:</p> <ul style="list-style-type: none"> <li>(a) housing of a particular price range or typology, particularly more affordable housing,</li> <li>(b) business space or land of a particular size or locational type, or</li> <li>(c) community or educational facilities, and</li> </ul> <p>(5) when considering the significance of the proposal's contribution to a matter in (4), this means that the proposal's contribution:</p> <ul style="list-style-type: none"> <li>(a) is of high yield relative to either the forecast demand or the identified shortfall,</li> <li>(b) will be realised in a timely (i.e. rapid) manner,</li> <li>(c) is likely to be taken up, and</li> <li>(d) will facilitate a net increase in district-wide up-take in the short to medium term.</li> </ul> |
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|     |  |       |   | <p><u>Have regard to the following when assessing whether to adopt or support proposals for plan changes, whether:</u></p> <ol style="list-style-type: none"> <li>(1) 'Significant development capacity' is provided for in accordance with Policy UFD- P10;</li> <li>(2) the location, design and layout of the proposal will positively contribute to achieving a <i>well- functioning urban environment</i>,</li> <li>(3) the proposal is well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors,</li> <li>(4) required <i>development infrastructure</i> can be provided effectively and efficiently for the proposal, and without material impact on planned <i>development infrastructure</i> provision to, or reduction in <i>development infrastructure</i> capacity available for, other feasible, likely to be realised developments, in the short-medium term;</li> <li>(5) <u>it aligns with any current Spatial Plan or Future Development Strategy for the city or district; and</u></li> <li>(6) <u>whether it supports the objectives of this RPS and any strategic objectives and policies of the relevant district plan.</u></li> </ol> |
| 192 | UFD-M1 – Strategic planning                    | Amend | Is this section necessary as it does not add to NPS-UD?   | Delete UFD-M1.   |
| 192 | UFD-M2 – District plans                        | Amend | Is this section necessary as it does not add to NPS-UD?   | Delete UFD-M2.   |
| 190 | UFD-M3 – Design of public spaces and surrounds | Amend | It is unclear what policy or objective this method is linked to or why this statement (which reads like a | Delete or if not deleted amend in such a way that it is a method clearly linked to an  |

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|         |                             |       | <p>policy rather than a method to implement a policy) is included.</p> <p>It is also noted that it misses:</p> <ul style="list-style-type: none"> <li>• Public spaces that are designed / created privately, e.g. part of subdivision</li> <li>• Roads managed by Waka Kotahi</li> </ul> | <p>objective and policy in this section (and in a way that aligns with the DCC submissions on those items).</p>  |
| 195/197 | UFD-PR1 - Principal reasons | Amend |  | <p>Make all amendment necessary to align with the DCC submission on the rest of this sections.</p> <p>Amend so this section gives greater recognition to relative roles and responsibilities for growth planning being between territorial authorities and regional councils. Make note that territorial authorities are the primary entity responsible for many aspects of growth management and the importance of district plan setting strategic directions for growth and urban form. Note that management of most land use and development consents and responsibility for delivery of most infrastructure lies with territorial authorities but also note the important role the ORC plays in being a provider of public transport services, hazards mitigation, and the overlay with issues managed at the regional level particularly in terms of freshwater outcomes and air quality. Discuss how the NPS-UD sets out requirements for regional councils to be part of the urban growth planning and how the RPS content reflects that and the need to manage any regionally significant issues (and what those are) and how that is reflected in the content of the RPS.</p> |

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| 196/197 | UFD - Anticipated environmental results | Amend | <p>UFD – AER5: It is not clear how ‘the majority’ will be measured, is this across the region? This may be difficult for parts of the region that are outside major towns and cities including rural parts of Dunedin.</p> <p>UFD – AER6: this needs to be modified to recognise the need for options for these travel modes to be realistic – as above, this may be difficult for parts of the region that are outside major towns and cities including rural parts of Dunedin.</p> <p>UFD – AER 7 Do not support the wording of “minimal risk” as this is far too strict and will make development opportunities to difficult in many locations and not meet the objectives of this section.</p> <p>UFD-AER9 - Amend provision to provide greater clarity and measurability around ‘more affordable’.</p> <p>UFD-AER10 – this needs to be qualified to also meet the objectives of the RPS and any relevant objectives of district plans.</p> <p>UFD-AER11 – this is an unrealistic expectation as in reality there are a number of small rural sites (e.g. 15ha to 60 ha) across the region (especially in Dunedin) and it is impossible to stop their conversion to ‘hobby farming’ from commercial farming. Alternative wording is suggested.</p> | <p><b>UFD–AER6</b><br/>The mode share and use of <i>active transport</i> and <i>public transport</i> increases, <u>for trips where travel distances allow and facilities or services to support these modal options are present.</u></p> <p><b>UFD–AER10</b><br/>The current and future needs of business are met by the availability of a range of opportunities for <i>land</i> and space that meets their requirements <u>and the objectives of this RPS and any relevant objectives of district plans.</u></p> <p><b>UFD–AER11</b><br/><del>All</del> <u>New</u> rural residential or rural lifestyle development <u>is directed towards</u> <del>occurs</del> <u>within</u> areas zoned for this use</p> |
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**From:** [Paul Freeland](#)  
**To:** [RPS](#)  
**Subject:** PORPS Further Submission  
**Date:** Friday, 12 November 2021 4:52:42 p.m.  
**Attachments:** [0.png](#)  
[DCC Further Submission RPS 12 November 2021.pdf](#)

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Hi,

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

Please acknowledge receipt.

Kind regards

[Paul Freeland](#)

**PRINCIPAL POLICY ADVISOR**  
**CITY DEVELOPMENT**

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New Zealand

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## Form 6

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

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

**To: Otago Regional Council**

**1. Name of person making further submission**

Dunedin City Council (DCC)

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

**6. Further Submitter Details**

**a. Signature of person making further submission**

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



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

|                     |                      |
|---------------------|----------------------|
| <i>Name</i>         | Mayor Aaron Hawkins  |
| <i>Position</i>     | Mayor                |
| <i>Organisation</i> | Dunedin City Council |

**c. Date**

12 November 2021

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

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

Anna Johnson

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

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

**f. Telephone:**

(03) 477 4000

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

50 The Octagon, Dunedin  
PO Box 5045, Dunedin 9054

**7. My further submission is:**

I support/oppose the submission of:

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

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

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

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

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

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

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



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

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

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