

## Submission on the Proposed Northland Regional Policy Statement

**TO:** Proposed Regional Policy Statement for Northland  
Attention Evania Laybourn (Planning & Policy Admin)  
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1. We could not gain an advantage in trade competition through this submission.
2. We wish to be heard in support of this submission.
3. If others make a similar submission we would be prepared to consider presenting a joint case with them at any hearing.



30 November 2012

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*[Signature of person making submission or person authorised  
to sign on behalf of person making submission]*

*Date*

## Submission on the Proposed Northland Regional Policy Statement

### 1. INTRODUCTION

- 1.1 The Environmental Defence Society (“EDS”) welcomes the opportunity to comment on the Proposed Northland Regional Policy Statement (“PRPS”).
- 1.2 EDS is a not-for-profit national environmental advocacy group. EDS was established in 1971 with the objective of bringing together the disciplines of law, science and planning in order to advocate for better environmental outcomes in resource management matters. Since that time it has actively participated in public interest environmental litigation. EDS has also been active in assessing the effectiveness of the Resource Management Act 1991 (“RMA”) planning documents in addressing key environmental issues such as landscape protection, coastal management and water quality.
- 1.1 Improving regional policy statements is a primary research and policy focus of EDS. EDS has produced a guide *Strengthening Second Generation Regional Policy Statements* (2011) which is designed to provide practical guidance to all those involved in the development of second generation RPSs. The Guide summarises learnings from first generation RPSs and sets out what should be included in second generation RPSs. The Guide is available to download at [www.eds.org.nz/eresources/e-books.cfm#faq117643](http://www.eds.org.nz/eresources/e-books.cfm#faq117643).

### 2. SUBMISSIONS

#### 2.1 Statement of the regional and district council responsibility

- (a) The PRPS must state the local authority responsible for specifying the objectives, policies, and methods for the control of the use of land (section 62(1)(i) of the RMA):
- (i) to avoid or mitigate natural hazards or any group of hazards; and
  - (ii) to prevent or mitigate the adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
  - (iii) to maintain indigenous biological diversity
- (b) The PRPS states that the regional council will be responsible for the control of the use of land to maintain indigenous biodiversity in the coastal marine area and the beds of other water bodies and district councils will be responsible for the control of the use of land to maintain indigenous biodiversity in all other areas (page 12).
- (c) EDS submits that the regional council should introduce a variation to ensure the regional council has responsibility for the control of the use of land to maintain indigenous biodiversity throughout the region for the following reasons as set out in *Day v Manawatu-Wanganui Regional Council* [2012] NZEnvC 182:
- (i) Section 30(1)(ga) makes it clear that a regional plan may adopt a regulatory approach to biodiversity;
  - (ii) The benefits of a consistent regional approach;

- (iii) The links between biodiversity and water quantity and quality issues that are the responsibility of the regional council;
- (iv) The need for strong regulation of biodiversity.

## 2.2 Focus on economic development

- (a) EDS submits that the PRPS is unduly focused on encouraging economic development.
- (b) The purpose of a RPS is to *achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region*. The purpose of the RMA is to protect environmental bottom lines while enabling social, cultural and economic wellbeing and this is to be promoted by an RPS which provides an overview of *resource management issues*. This should be reflected in the focus of the PRPS.
- (c) Furthermore, protecting environmental bottom lines is essential for the economic future of any community, especially in the Northland region which relies heavily on primary production and tourism for its income.
- (d) We request that amendments are made to the PRPS to ensure the focus is first on ensuring environmental bottom lines are protected and then on enabling social, cultural and economic wellbeing.

## 2.3 Issues

- (a) The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region (section 59 of the RMA).
- (b) We support the issues identified. However, we are concerned that there are important resource management issues that are not addressed in the PRPS, including:
  - (i) Soil/Erosion
  - (ii) Air Quality
  - (iii) Contaminated Land
- (c) The functions of regional councils (section 30 of the RMA) include:
  - (i) The control of the use of land for the purpose of soil conservation;
  - (ii) The control of discharges of contaminants into air;
  - (iii) The investigation of land for the purposes of identifying and monitoring contaminated land.
- (d) We request that work begin immediately on a variation to the PRPS to address these matters.

## 2.4 Objectives

- (a) Objectives state the environmental outcomes that are to be achieved in order to resolve the regional issues identified. They must address key decisions up-front and decisively and not leave the hard decisions to regional and district plan processes. They should clearly express what is to be achieved, where and by when. They should indicate clear measurable environmental bottom lines for the state of key regional resources. We are concerned that the objectives contained in the PRPS do not meet this standard. The lack of measurable environmental bottom lines is of particular concern given that the PRPS does not contain specific environmental indicators for monitoring purposes and indicates that these will instead be developed outside of the PRPS process.

<i>Page No</i>	<i>Subs. No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought</i>
37	3.1	<i>Support in part</i>	<p>This objective seems to have been drawn directly from objective A1 and B1 of the NPSFM. It does not give any direction as to what this means in the regional context.</p> <p>The explanation states that objective 3.1 requires biophysical and intrinsic values of water to take precedence over other use and values. This is not clear from the wording of the objective itself and it is essential to provide guidance as to how the rest of the objective will be achieved.</p>	<p>Amend the objective as follows:</p> <p>“Safeguard the life-supporting capacity, ecosystem processes, and indigenous species (including their associated ecosystems) of fresh and coastal water, <u>by prioritising the biophysical and intrinsic values of water over other values when sustainably managing:</u></p> <p>(a) The use and development of land,            (b) The discharge of contaminants, and            (c) The taking, using, damming, or diverting of freshwater.”</p>
38	3.2	<i>Support in part</i>	<p>This objective is drawn directly from objective A2 of the NPSFM. It goes no further than the NPSFM and gives no direction as to what this means in the regional context.</p>	<p>Amend the objective as follows:</p> <p>“Protect outstanding freshwater bodies and the significant values of wetlands <u>to ensure they are swimmable, fishable, and support healthy ecosystems and indigenous species.</u></p>
38	3.3	<i>Support</i>	<p>Maximising the efficient allocation and use of water resource is consistent with objective B3 of the NPSFM.</p>	<p>Retain.</p>
39	3.4	<i>Support in part</i>	<p>This objective is consistent with objective A2 of the NPSFM.</p> <p>This objective sets an environmental bottom line – the <i>overall</i> quality of Northland’s fresh and coastal water is to be maintained. The explanation states that further degradation will only be tolerated if water quality is improved by the same</p>	<p>Amend the explanation as follows “Further degradation will only be tolerated if it is consistent with the purpose of the RMA and <u>there is a net gain in water quality and the improvements are achieved prior to the degradation being tolerated.</u>”</p>

			<p>amount elsewhere. We submit, from experience with biodiversity offsetting, that there needs to be a 'net gain' and the improvements must be achieved before degradation is tolerated.</p> <p>This objective also sets goals for progressive improvement beyond the current status quo. While progressive improvement is desired, there must be measureable goals set so that progress can be identified and to ensure that the improvement proceeds at the necessary rate. For this reason the second part of the objective is essential as, among other indicators, most freshwater sites in Northland currently have a 'Suitability for Recreation Grade' of poor or very poor. There must be in place monitoring indicators that set out time frames for the progressive improvements/reductions.</p>	Add at the end of the explanation "The Regional Plan will set out time frames and measureable goals for the progressive improvement of the quality of Northland's fresh and coastal water".
40	3.5	<i>Support</i>	As above, this objective sets an environmental bottom line, safeguarding the current life supporting capacity of Northland's indigenous ecosystems, as well as setting a goal of enhancing the life-supporting capacity where practicable.	Retain.
41	3.6	<i>Support in part</i>	We support the statement in the explanation that economic development needs to be aligned with environmental outcomes. Economic development cannot be divorced from sustainable management of natural and physical resources.	Add to explanation: "Economic well-being of current and future generations is reliant on sustainable management of natural and physical resources and the protection of environmental bottom lines to ensure the availability of natural and physical resources."
42	3.7	<i>Support</i>	We agree that the viability of activities can be affected by reverse sensitivity and sterilisation.	Retain.
43	3.8	<i>Support in part</i>	We agree that infrastructure which enhances all four well beings – environmental, social, economic and cultural – should be supported. However, under the RMA the first consideration should be to ensure that new infrastructure does not breach environmental bottom lines, once this is established it should then be assessed whether the new infrastructure enhances the four well beings.	Add to the explanation: "Infrastructure which breaches environmental bottom lines will not be provided for. However, infrastructure which enhances the four well beings will be supported."
44	3.9	<i>Support</i>	Optimising the use of existing infrastructure (i.e. through promoting efficiency improvements) is the most efficient option.	Retain.

45	3.10	<i>Support in part</i>	<p>This objective recognises the benefits of renewable electricity generation activities, consistent with policy A of the NPSREG.</p> <p>The objective should emphasis reducing Northland’s reliance on non-renewable energy to ensure future resilience.</p>	Amend the explanation as follows: “To ensure the resilience of the Northland region into the future reductions in reliance on non-renewable energy sources will be promoted.”
46	3.11	<i>Support in part</i>	<p>The goal of efficient allocation and use of common pool resources is consistent with objective B3 of the NPSFM.</p> <p>The explanation notes that allocation on a ‘first in, first served’ basis does not provide an incentive for efficiency. The objective seeks efficient allocation of common natural resources. The explanation lists options for what this may involve. The options are drawn directly from the NPSFM Implementation Guide and do not provide any guidance as to what is appropriate way to achieve efficient allocation in the Northland Region. The PRPS should signal an intention to put in place limits for common natural resources and an allocation system where by biophysical and intrinsic values will be prioritised ahead of other values, followed by community drinking water, and the remaining allocation will be on the basis of allocating scarce resources to the highest value uses.</p>	Amend the objective as follows: “Efficient allocation will involve setting limits for common natural resources and allocating those resources within those limits according to priorities of values.”
47	3.12	<i>Support</i>	We agree that good urban design and co-ordinated development can lead to higher levels of amenity, lower costs and greater community wellbeing.	Retain.
48	3.13	<i>Support</i>	This objective is consistent with sections 6(e), 7(a) and 8 of the RMA.	Retain.
48	3.14	<i>Support in part</i>	<p>We support the objective to minimise the risk and impacts of natural hazards events.</p> <p>We consider that paragraph (e) is potentially inconsistent with policy 25 of the NZCPS, which requires councils to discourage hard protection structures.</p>	Amend paragraph 2 of the explanation by adding: “Hard protection structures will generally be inappropriate.”
50	3.15	<i>Support</i>	We strongly support the clear identification of natural character, landscapes/features, and historic heritage using a consistent regional approach. This provides certainty for all parties. The protection of the values of these resources from	Amend objective as follows “... and appropriate development that contributes to the sustainable management of the important values of these resources is

			inappropriate subdivision, use and development is consistent with section 6 of the RMA. We consider that a clarification consistent with the explanation could improve this objective.	to be enabled.”
51	3.16	Support	We strongly support Council working with individuals, iwi, hapu and community groups who are protecting and enhancing important resources.	Retain.

## 2.5 Policies and Methods

### Water

Page No	Subs. No	Support/ Oppose	Reasons	Decision Sought
55	4.1.1	Support	This policy directs the establishment of water quality classifications and setting of water quality standards for estuaries and harbours. These are the equivalent to freshwater objectives and limits. This is consistent with objective 1 of the NZCPS which requires the maintenance of coastal water quality and enhancement where it has deteriorated because of discharges associated with human activity.	Retain.
56	4.2.1	Support	This policy directs the establishment of freshwater objectives and the setting of freshwater quality limits and environmental flows. This is consistent with policies A1 and B1 of the NPSFM. Requiring particular regard to be had to coastal water quality is essential to achieve integrated management and is consistent with the NZCPS.	Retain.
57	4.2.2	Support	This policy directs the establishment of targets for phasing out over-allocation. This is consistent with policies A2 and B6 of the NPSFM.	Retain.
57	4.2.3 (M)	Support in part	This method directs catchment specific objectives, limits and flows for outstanding freshwater bodies and water bodies with high use and intrinsic value. Region-wide objectives, limits and flows will be used for all other water bodies.	Amend method to insert a timeframe of 12 months for achieving (1)(a) and (b).  Amend method to clarify that (1)(b) is an interim measure

			<p>This is an efficient interim measure, however we consider that catchment specific objectives and limits/flows must be set for all water bodies. Furthermore it is essential that these are in place as soon as possible and therefore the method should contain a timeframe.</p> <p>We support the preference for a collaborative process and the adoption of a precautionary approach.</p> <p>We support the statement in the explanation that the council “will be <i>ambitious</i> but pragmatic in setting targets”.</p>	and that over a period of 5 years catchment specific objectives and limits/flows will be established for all water bodies.
60	4.3.1	Support	<p>This policy implements the objectives and limits by requiring regulatory and non-regulatory methods. We support the use of both regulatory and non-regulatory methods.</p> <p>This policy is consistent with the NPSFM which requires that the overall quality of freshwater is maintained and improvement in the quality of fresh water in water bodies that have been degraded (objective A2).</p>	Retain.
60	4.3.2 (M)	Support in part	<p>This method suggests regulatory methods that will be used to avoid over-allocation and improve water quality. While we support the suggestions we submit that they do not go far enough and stronger methods need to be signalled, including strong controls on diffuse discharges.</p>	Amend method by including new sub-paragraph (1)(x) “Controls on diffuse discharges, including by setting catchment contaminant load limits”.
61	4.3.3 (M)	Support	<p>We support the Council promoting voluntary efforts to avoid over-allocation. Voluntary efforts play an important role however as stated in <i>Day v Manawatu-Wanganui Regional Council</i> [2012] NZEnvC 182 strong regulatory methods are required “to set measurable standards and to enforce compliance with them by those who will not do so simply because.....it is the right thing to do.”</p>	Retain.
62	4.4.1	Support in part	<p>This policy incorporates the requirement in the NPSFM to avoid further and phase-out existing over-allocation consistent with objective B2 of the NPSFM. However, the policy does not direct how this should be achieved.</p>	<p>Amend the policy as follows:</p> <p>“(1) Where the quantum of water allocated for abstraction from a water body is below the maximum amount provided for in an environmental flow and water allocation regime:</p> <p>(a) avoid over-allocation by putting in place an efficient allocation regime.</p> <p>(2) Where the quantum of water allocated for abstraction</p>



				<p>from a water body is at or exceeds the maximum amount provided for in an environmental flow and water allocation regime:</p> <p>(a) avoid any additional allocation for water or any other action which would result in further over-allocation; and</p> <p>(b) enable activities that would reduce over-allocation; and</p> <p>(c) set a timeframe for identifying and undertaking actions to effectively phase out over-allocation; and</p> <p>(d) address any adverse effects of over-allocation in the interim.</p> <p>In all situations require the efficient use of water in both permitted activity rules and in considering resource consents for water extraction and/or use.”</p>
63	4.4.2	<i>Support in part</i>	<p>This policy gives effect to Policy B2 of the NPSFM. However, it goes no further than objective 3.11. Greater policy direction is required.</p>	<p>Amend the policy as follows:</p> <p>“Establish environmental flow regimes and water allocation regimes which:</p> <p>(a) manage hydrological connections of surface water, groundwater and the coastal environment,</p> <p>(b) protect the flows, freshes and flow variability required to safe-guard the life-supporting capacity, ecosystem process, and indigenous species,</p> <p>(c) protect the natural character values of freshwater bodies in the catchment;</p> <p>(d) provide for existing and reasonably foreseeable needs for drinking water or stock water supplies;</p> <p>(e) support the exercise of customary uses;</p> <p>(f) support any flow requirements needed to maintain water quality in the catchment;</p> <p>And having satisfied the requirements in (a) – (e), provide for:</p> <p>(f) recreation values</p> <p>(g) existing consent holders</p> <p>(h) any actual or reasonably foreseeable demand for abstraction for uses other than those listed in (d) above, subject to policy 4.4.1(2).”</p>
63	4.4.3	<i>Support in part</i>	<p>We support the use of common expiry dates to allow integrated management of cumulative effects of activities on water quality and quantity, especially in the high/over-allocation or priority</p>	<p>Delete the word ‘consider’.</p>

			catchments.	
63	4.4.4	Support	These measures can result in more efficient use of water.	Retain.
64	4.4.5 (M)	Support in part	<p>We support the prioritised approach to allocating water. We believe that this should be included in the policies as indicated above.</p> <p>We support the use of activity statuses to indicate favourability of allocation.</p> <p>We consider that applications for resource consents to take and use freshwater should be required to demonstrate compliance with any environmental flow regime.</p>	Amend paragraph (3) to require application for resource consents to demonstrate compliance with any environmental flow regime.

### **Indigenous biodiversity**

67	4.5.1	Support	This is consistent with the NZCPS policy 11. This two-tiered protection structure is appropriate in all areas. The protection of regionally and nationally significant indigenous vegetation is consistent with s 6(c) of the RMA.	Retain.
68	4.5.2	Support in part	We support enabling use and development that has positive outcomes for ecosystems and indigenous species. However, we are concerned to ensure net gains are recognised. We also consider that gains should be achieved ahead of use or development proceeding to ensure they are realized as experience has shown that they are not always achieved.	Amend policy as follows: “Recognise and enable subdivision, use and development that achieves net gain in terms of Objective 3.5, including...”
68	4.5.3	Support	We support the Council promoting voluntary efforts to maintain and enhance indigenous ecosystems and species.	Retain.
69	4.5.4 (M)	Support in part	<p>We support the intent of this method however as discussed above we believe indigenous vegetation should be regulated at regional level.</p> <p>The explanation anticipates that guidance on the scope of indigenous biodiversity offsets will be developed at a national level. It states that in the interim they will be considered in accordance with “best practice”. This is inadequate and uncertain. Indigenous biodiversity offsets should be assessed</p>	<p>Amend to allow all indigenous vegetation to be regulated at the regional level.</p> <p>Amend paragraph 3 of the explanation as follows: ... under Policy 4.5.1(2). Indigenous biodiversity offsets should be assessed against the most recent DOC Guidance on Biodiversity Offsetting. In the interim before final publication the draft Guidance on Best Practice Biodiversity Offsetting (October 2012) should be utilised.”</p>

			against the most recent DOC Guidance on Biodiversity Offsetting. DOC has published draft Guidance on Best Practice Biodiversity Offsetting (October 2012) and this should be used in the interim.	
70	4.5.5 (M)	Support	We support improved state of the environment monitoring and working with other agencies.	Retain.
71	4.5.6 (M)	Support	We support the promotion of voluntary efforts.	Retain.
71	4.5.7 (M)	Support	We support the promotion of voluntary efforts.	Retain.

### ***Coastal Environment, Natural Character, Landscapes and Features***

72	4.6.1	Support in part	<p>We support the identification of the coastal environment, high and outstanding natural character areas and outstanding natural features and landscapes in the PRPS.</p> <p>We note that high and outstanding natural character areas outside the coastal environment (associated with wetlands, lakes, and rivers) are yet to be identified. The preservation of the natural character of these areas is a matter of national importance (section 6(a)).</p> <p>The policy notes that the maps will only be subject to plan provisions once inserted into both district and regional plans. Regional and district plans must give effect to a regional policy statement (sections 67(3) and 75(3)), including these maps. Therefore these maps could be included in the relevant district or regional plan without delay.</p>	<p>Amend the policy to note that high and outstanding natural character areas outside the coastal environment will be identified by way of a variation or change to the PRPS.</p> <p>Amend the “Note” to provide that direct regional and district plan changes to be notified within 12 months of the PRPS becoming operative.</p>
72	4.6.2	Oppose	<p>We oppose allowing ad hoc amendment of the landward boundary of the coastal environment as identified in the PRPS maps. The role of mapping these areas is to provide certainty and consistency. We recognise that the coastal environment boundary was not ground-truthed in all areas however this does not mean there is a need to provide for re-litigation of these matters as interested parties (including district councils) can make submissions on the boundary during the PRPS</p>	<p>Delete policy.</p> <p>If the policy is retained amend the note to state: “the natural character boundaries <u>may</u> need to move.”</p>

			<p>process. Duplication of process is inefficient.</p> <p>High and outstanding natural character areas are also located outside the coastal environment (associated with wetlands, lakes, and rivers). For this reason the “Note” should state that “the natural character boundaries <u>may</u> need to move.”</p>	
73	4.6.3	<i>Support</i>	<p>We support the characteristics for identifying heritage features of significance as they are virtually consistent with the New Zealand Historic Places Trust Guide.</p>	Retain.
74	4.6.4 (M)	<i>Oppose in part</i>	<p>As above, we oppose the two year time frame for incorporating the mapped features into regional and district plans. The features have already been mapped and therefore only associated provisions need to be developed.</p> <p>We support the two year timeframe for identifying and mapping significant heritage features. These have not already been identified in the PRPS and therefore more time will be required. We suggest that the maps/schedules are included in the PRPS to ensure regional consistency.</p>	<p>Amend (1) to provide a 12 month timeframe for incorporating the mapped features and associated provisions into regional and district plans.</p> <p>Amend (2) to provide for heritage features to be included in the PRPS as well as regional and district plans.</p>
75	4.7.1	<i>Support in part</i>	<p>This policy restates parts of policies 13 and 15 of the NZCPS. For the reasons below, this policy should also apply outside of the coastal environment.</p>	Amend policy by deleting the words “In the coastal environment”.
76	4.7.2	<i>Oppose in part</i>	<p>In relation to (a), we submit that all adverse effects on outstanding natural features and landscape should be avoided – consistent with the direction for inside the coastal environment.</p> <p>In relation to (c), we submit that all adverse effects on outstanding natural character of wetlands, rivers and lakes should be avoided – consistent with the direction for inside the coastal environment as both are given the same level of protection under section 6(a).</p> <p>Outstanding natural character, landscapes and features must be preserved or protected under section 6 of the RMA both inside and outside of the coastal environment. The policies provided in the NZCPS are the appropriate ways to achieve this.</p>	<p>Amend as required for consistency with the submission in respect of policy 4.7.1 above.</p> <p>For the reasons provided in respect of 4.7.3 add a new paragraph “avoid, remedy or mitigate the adverse effects of subdivision, use and development of the values, elements and characteristics that contribute to amenity landscapes.”</p>

77	4.7.3 (M)	<i>Oppose in part</i>	<p>As above.</p> <p>Paragraph (4)(c) only addresses significant adverse effects. Other adverse effects also need to be addressed to ensure protection from inappropriate subdivision, use and development (section 6(a)).</p> <p>We support (5) which directs management of cumulative effects consistent with policy 7(2) of the NZCPS. However, cumulative effects must also be managed outside of the coastal environment (section 3(d)).</p> <p>The method does not require management of non-outstanding landscape values beyond the coastal environment (such as visual amenity). The explanation states that this is not considered a regionally significant issue nor is it an explicit requirement of the RMA. However section 5(2)(a) requires the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations to be sustained and section 5(2)(c) requires adverse effects of activities on the environment (which includes amenity values (section 2)) to be avoided, remedied or mitigated and section 7(f) requires particular regard to be had to the maintenance and enhancement of amenity values. While we accept that a lesser standard will apply to non-outstanding landscape values we do not accept that this is not a resource management issue for Northland (section 59). The method should direct management of effects of activities on amenity landscapes.</p>	<p>Delete "(in the coastal environment)" in (1) and (2) for consistency with the above.</p> <p>Add a new paragraph (4)(d) "Avoid, remedy, or mitigate other adverse effects on the values, elements, and characteristics that contribute to the natural character of wetlands, lakes, rivers and their margins."</p> <p>Add a new paragraph (6) requiring district and regional plans to identify areas outside the coastal environment which are vulnerable to adverse cumulative effects and where such areas are identified, include objective, policies, and methods to manage adverse cumulative effects to maintain the integrity of these areas.</p> <p>Add a new paragraph requiring district and regional plans to include objectives, policies, and methods (including rules) to avoid, remedy or mitigate the adverse effects of subdivision, use and development of the values, elements and characteristics that contribute to amenity landscapes.</p>
80	4.7.4 (M)	<i>Support</i>	<p>We support improved monitoring of outstanding natural landscapes and features, outstanding natural character areas, and heritage features.</p>	<p>Retain.</p>

**Supporting management and improvement**

80	4.8.1	<i>Support</i>	<p>We support promotion of active management, however this is not sufficient to achieve the objectives of the PRPS and, as discussed above, it must be clearly backed up by regulation.</p>	<p>Retain.</p>
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81	4.8.2	<i>Support</i>	Landowner and community efforts can contribute significantly toward protecting and enhancing the environment.	Retain.
82	4.8.3	<i>Support in part</i>	Improvement of natural character should not be limited to the coastal environment, to do so is inconsistent with section 6(a).	Add a second paragraph: Promote the improvement of natural character in wetlands, rivers, lakes and their margins.

### ***Efficient use of coastal water space***

84	4.9.1	<i>Support</i>	<p>We support only allowing structures in the common marine and coastal area where they have a functional need to be located there. This is consistent with policy 6(2)(c) and (d) of the NZCPS.</p> <p>We support the third paragraph of the explanation stating that this is a gateway test and the environmental effects and other policies will also need to be considered. This is essential to ensure consistency with sections 6(a) and 5.</p>	Retain.
85	4.9.2	<i>Support in part</i>	We support the use of alternative allocation mechanisms where demand exceeds capacity. This policy needs to be directive, alternative allocation mechanisms must be used when demand exceeds capacity otherwise inefficiency will result.	Amend policy to read “Where the reasonably foreseeable demand exceeds the capacity of a zone, alternative allocation mechanisms (other than ‘first in, first served’) will be implemented to achieve...”
86	4.9.3	<i>Support in part</i>	We support the use of aligned expiry dates which allow efficiency and cumulative effect considerations to be better addressed.	Retain.
86	4.9.4	<i>Support</i>	We support the notion that the common marine and coastal area is a public resource and activities should only be allowed the privilege of occupying space in it where there is a net gain in public benefit.	Retain.
87	4.9.5	<i>Support in part</i>	This policy repeats policy 8(a) of the NZCPS. To ensure consistency with policy 7(1)(b) of the NZCPS areas where aquaculture would be inappropriate should also be identified.	Amend the policy to add: “Aquaculture will not be allowed in areas of the coastal environment where the adverse effects would be inappropriate.”

87	4.9.6 (M)	Support in part	The method does not appear to implement policies 4.9.3, 4.9.4, 4.9.5	Amend method to implement other policies.
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### **Regional form and infrastructure**

89	5.1.1	Support	We support the use of Regional Form and Development Guidelines and Regional Urban Design Guidelines. We also support the requirement to address potential cumulative effects.	Retain.
90	5.1.2	Support in part	Paragraphs (a) and (b) are consistent with policy 6 of the NZCPS.	Amend the final paragraph of the explanation as follows "Having this policy direction in the Regional Policy Statement will <u>avoid</u> ad-hoc development within the coastal environment..."
101	5.3.3	Support in part	We support the direction this policy provides however there may be other considerations that are relevant to the appropriateness of new regionally significant infrastructure.	Amend policy to read: "New regionally significant infrastructure proposals are <u>likely to be</u> considered appropriate if..."
104	5.4.3 (M)	Oppose in part	While we recognise the importance of renewable energy generation this should not come at the cost of sound assessment of consent applications. We are concerned that method (1)(c) may unduly limit public participation in renewable electricity resource consent applications and may not ensure sufficient information is received to assess the application.  As well as identifying where renewable energy resource may exist, for consistency with objective 2 of the NZCPS, the method should require regional and district councils to identify where renewable energy generation would not be appropriate.	Delete (1)(c).  Insert a new paragraph "The regional and district councils will, through regional and district plans, identify any areas in the coastal environment where renewable energy generation would not be appropriate."

### **Natural hazards**

111	7.1.1	Support	We support the adoption of a precautionary approach where there is uncertainty.	Retain.
112	7.1.2	Support	It is appropriate that these are gateway tests. Other policies	Retain.

			may also be relevant.	
113	7.1.3	<i>Oppose in part</i>	This policy should provide that new subdivision and development and land use change will generally be inappropriate within a high risk coastal hazard area.	Amend the policy as follows: New subdivision, built development..., and land use change within high risk coastal hazards areas <u>will generally be inappropriate. It may be appropriate provided all of the following are met...</u> "
113	7.1.4	<i>Oppose in part</i>	<p>The "areas potentially affected by coastal hazards over at least the next 100 years" are not identified. Policy 24 of the NZCPS requires councils to identify areas in the coastal environment that are potentially affected by coastal hazards. It also sets out matters to have regard to when assessing coastal hazards, which include the effects of climate change.</p> <p>As above, new subdivision and development and land use change will generally be inappropriate in this area.</p> <p>Paragraph (a) which uses the phrase "does not significantly increase the risk" does not give effect to policy 25 of the NZCPS which states "In areas potentially affected by coastal hazards over at least the next 100 years: <i>avoid increasing the risk</i> of social, environmental and economic harm from coastal hazards".</p>	<p>Add to the explanation: "Method 7.1.8 requires the Regional Council to identify and map 'areas potentially affected by coastal hazards over at least the next 100 years' within two years of the Regional Policy Statement becoming operative" and amend Method consequentially.</p> <p>Amend the policy as follows: New subdivision, built development..., and land use change within areas potentially affected by coastal hazards over at least the next 100 years <u>will generally be inappropriate. It may be appropriate if: ...</u>"</p> <p>Delete "significantly" from paragraph (a).</p>
114	7.1.5	<i>Support in part</i>	<p>Designing for relocatable structures should be subject to the requirement for "trigger points" at which relocation must occur. In addition, large scale use of relocatable structures will not reduce natural hazard risk due to the practical constraints on moving large numbers of structures to a new location.</p> <p>"Considering" managed retreat will not achieve mitigation.</p>	<p>Amend the explanation to state that relocatable structures will not be appropriate for large scale use and where they are used they should be accompanied by "trigger points".</p> <p>Delete "considering" in paragraph (d).</p>
115	7.1.6	<i>Oppose in part</i>	<p>The standard for locating regionally significant and critical infrastructure in hazard zones should be higher. There should be a critical need for it to be located there.</p> <p>An engineer's report will not assist if no action is to follow.</p>	<p>Replace "functional" with "critical".</p> <p>Amend the second part of the policy to provide "Where the assessment shows that risk will be exacerbated the proposed infrastructure will generally be inappropriate."</p>
116	7.1.7	<i>Support</i>	The reference to "the latest Ministry for the Environment ... predictions" will ensure this policy remains up-to-date.	Retain.
116	7.1.8 (M)	<i>Support in part</i>	Paragraph (1) should also require the regional council to identify "areas potentially affected by coastal hazards over at	Amend paragraph (1) as follows: The regional council will incorporate flood hazard, high risk coastal hazard, and 100



			<p>least the next 100 years”. Policy 24 of the NZCPS requires councils to identify areas in the coastal environment that are potentially affected by coastal hazards. Natural hazard risk should be identified at a regional level to ensure consistency, for reasons of efficiency and for the reasons set out in paragraph 2 of the explanation.</p> <p>Paragraph (3) should also refer to Policy 7.1.4.</p> <p>We support (6) requiring assessment of natural hazards before zoning which enables intensification.</p> <p>We support (7) requiring use of the latest Ministry for the Environment projections of climate change effects.</p> <p>We support (8) which directs regional rules to require land use consent for reconstruction of buildings in food and coastal hazard areas.</p>	<p>year coastal hazard maps into the regional plan in the first relevant plan change ... or within two years of the Regional Policy Statement becoming operative...”</p> <p>Amend paragraph (3) by adding a reference to Policy 7.1.4.</p>
119	7.1.9 (M)	Support in part	As above, for paragraph (1).	Amend paragraph (1) to require mapping of “areas potentially affected by coastal hazards over at least the next 100 years”.
120	7.2.1	Support in part	This policy implements policy 26 of the NZCPS. It should also provide for enhancement and restoration.	Amend as follows: “Recognise, protect, restore and enhance natural systems and features...”
121	7.2.2	Support in part	<p>We support the statement “Priority will be given to the use of non-structural measures over the use/construction of hard protection structures”.</p> <p>We consider that the phrase “will only be considered appropriate when” suggests that if the following matters are met they <i>will</i> be appropriate, rather than <i>may</i> be appropriate.</p> <p>We consider that (a) should also be accompanied by requirements that the benefits of mitigation outweigh the adverse effects and any adverse effects on the environment are minimised and that they are proposed for the protection of <i>existing</i> development.</p>	<p>Amend as follows “... New hard protection structures will only be considered <del>appropriate</del> when:</p> <p>(a) ...;</p> <p><u>(aa) They will provide protection for vulnerable existing development and the works form part of a long-term hazard management strategy that represents the best practicable option for the future; and</u></p> <p><u>(ab) It can be demonstrated that the benefits of mitigation outweigh the adverse effects and that any adverse effects on the environment are minimised;</u></p> <p>OR ...”</p>

## 2.6 Monitoring

- (a) As the PRPS notes, monitoring is an important part of decision making processes. While we recognise the benefit of evolving monitoring indicators we are concerned about the development of specific environmental indicators outside of the PRPS process and the lack of a timeframe for their development.
- (b) We request that the PRPS provide that the specific environmental indicators will be developed within 6 months of the PRPS becoming operative.

## **2.7 Maps**

- (a) It is essential that the PRPS contain maps of regionally important natural and physical resources. This creates certainty all parties about what resources will be managed in what way.
- (b) The PRPS contains a set of maps that show Northland's coastal environment, outstanding natural features, outstanding natural landscapes, area of high natural character and areas of outstanding natural character.
- (c) We submit that significant natural areas should also be mapped or otherwise spatially identified in the PRPS and request that a variation or change is promulgated to this effect within two years.

## **2.8 Consistency with National Policy Statements**

- (a) Freshwater Management
  - (i) The PRPS must give effect to the National Policy Statement on Freshwater Management 2011 ("NPSFM").
  - (ii) Please see above for our submissions on the freshwater objectives which are contained in the PRPS.
  - (iii) We are concerned that there is no or insufficient objectives, policies and/or methods relating to:
    - (A) Objective B2 of the NPSFM which requires the avoidance of any further over-allocation and the phase out of existing over-allocation.
    - (B) Policy B3 which requires criteria by which applications for approval of transfers of water take permits are to be decided.
    - (C) Policy C2 which requires the PRPS to provide for the integrated management of the effects of the use and development of land on fresh water.
- (b) Coastal Environment:
  - (i) The PRPS must give effect to the New Zealand Coastal Policy Statement 2010 ("NZCPS").

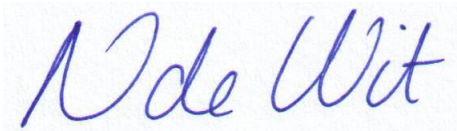
- (ii) Please see above for our submissions on the coastal objectives which are contained in the PRPS.
- (iii) We are concerned that there is no objectives, policies and/or methods relating to:
  - (A) Policies 18, 19 and 20 - Public open space, walking access and vehicle access.
  - (B) Policy 12 - Harmful aquatic organisms.
- (c) We request that work begin immediately on a variation to the PRPS to address these matters.

### 3. RELIEF

3.1 EDS seeks the relief outlined above and any similar or consequential relief which is required to give effect to this submission.

### 4. WISH TO BE HEARD

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



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**Environmental Defence Society**

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