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Response Date	Aug 23 22
Notes	
Q1	Select the chapter you want to provide feedback on
Q2	In general, to what extent do you support the contents of this chapter?
Q3	Objective/Policy/Rule/Standard reference:
Q4	Feedback/Comments
Q5	Objective/Policy/Rule/Standard reference:
Q6	Feedback/Comments
Q7	Objective/Policy/Rule/Standard reference:
Q8	Feedback/Comments
Q9	Objective/Policy/Rule/Standard reference:
Q10	Feedback/Comments
Q11	supporting documents?
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Q12	If you need more space, or have any other general comments, please leave them here
	<p>FROM: nparagreen@fishandgame.org.nz RECEIVED AT 2022-08-23T23:17:19+00:00 ----- [THIS EMAIL IS FROM AN EXTERNAL SOURCE] DO NOT CLICK links or attachments unless you recognise the sender email address and know the content is safe. [cid:122082409164300393@au-mta-57.au.mimecast.lan] Hi, I'm writing to submit feedback on the Draft Waitaki District Plan, on behalf of the Otago and Central South Island Fish and Game Councils. Please see our attached submission. We would be pleased to further discuss any of the matters raised, should that be helpful. Please contact us anytime if you would like to have a chat. Cheers, Nigel Paragreen Environmental Officer Otago Fish and Game Council PO Box 76, Dunedin 9054 Cnr Hanover and Harrow Street, Dunedin P 0272 050 395 E nparagreen@fishandgame.org.nz W www.fishandgame.org.nz [https://protect-au.mimecast.com/s/ZFcQCzvk8qsEXQ6fX9vVJ?domain=fishandgame.org.nz/] [cid:image001.jpg@01D8B7A9.1E857B50]</p>



24 August 2022
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Submission on the Draft Waitaki District Plan

This submission is provided on behalf of the Otago Fish & Game Council and the Central South Island Fish & Game Council. For additional information please contact Nigel Paragreen and Jay Graybill using the details below.

Due to the size of the submission and the need to provide general feedback covering the entire plan, the feedback form has not been used. However, provision identifiers are clearly marked where relevant.

The Councils submit on behalf of thousands of licence holders who live and/or recreate in the Waitaki District. They are of many demographics, so do not fall neatly within the feedback survey. The Councils are tasked with advocating directly on licence holders' behalf and the organisational direction is set by licence holders through a democratic governance process. When reading this submission, please consider it with the weight of the licence holders we serve.

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Statutory managers of freshwater sports fish, game birds and their habitat

Otago Fish & Game Council & Central South Island Fish & Game Council

www.fishandgame.org.nz

Introduction

1. Fish and Game is the statutory manager of sports fish and game bird resources within the Waitaki District. It holds functions and responsibilities set out in the Conservation Act 1987. The organisation's functions include managing, maintaining and enhancing the sports fish and game resources in the recreational interests of anglers and hunters; representing the interests and aspirations of anglers and hunters in the statutory planning process; and advocating the interests of the Council, including its interests in habitats. This submission has been developed in line with these functions.
2. Due to the popularity of angling in New Zealand, the demographic Fish and Game represents when carrying out its statutory functions is significant; however, this is not always obvious. The 2013/2014 Active NZ Survey conducted by Sport and Recreation New Zealand reported that 19.5% of respondents had been fishing (including both marine and freshwater angling) in the past 12 months¹. The survey found fishing had a higher rate of participation than rugby, tramping, football, cricket and basketball for men; and that fishing had a higher participation rate than netball, tennis, snow sports and tramping for women. Within Otago, license sales have exceeded 10,000 licenses in the past two decades and in the last decade has increased to over 20,000 licenses across all categories. Participation rates estimated from the National Angling Survey (**NAS**)² between 1994 and 2015 show that total freshwater fishing effort in the Otago Fish and Game region ranged from 180,860 to 215,430 angler-days over the fishing season. Lake fishing in the Central South Island Region has increased in popularity, up from 45,320 angler days in 1994/95 to 125,570-121,010 angler days in 2007/08 and 2014/15, primarily associated with the three large hydroelectric lakes- Lakes Benmore, Aviemore and Waitaki. The Waitaki River is a nationally important fishery and supports both trout and salmon species. The lower Waitaki and its tributaries offer immense angling opportunities and the NAS estimates that between 26,250 and 34,500 angling days were had for each survey period between 1994/95 and 2014/15. While there is no similar survey focused on game bird hunting, the Waitaki River and surrounding waterbodies, including the Kakanui River, Devils Bridge Wetland and All Day Bay offer sought after hunting opportunities to license holders. These opportunities coupled with those offered in the hill country for quail and chukar hunting makes the district an important locale for recreational endeavors that connect people with place and the environment.
3. As required by the Conservation Act 1987, both the Otago and Central South Island Fish and Game Councils have developed Sports Fish and Game Management Plans^{3,4,5} (**Otago SFGMP** and **CSI SFGMP**). These have guided the development of this submission. These documents describe the sports fish and game bird resources in the region and outlines issues, objectives and policies for management over the lifetime of the plans.

¹ Sport and Recreation New Zealand. 2015. *Sport and Active Recreation in the Lives of New Zealand Adults: 2013/14 Active New Zealand Survey Results*. Wellington: Sport New Zealand.

² Unwin, M. J. 2016. *Angler Usage of New Zealand Lake and River Fisheries*. Christchurch: National Institute of Water and Atmospheric Research.

³ Otago Fish & Game Council. 2015. *Sports Fish and Game Management Plan for Otago Fish and Game Region 2015 - 2025*. Dunedin: Otago Fish and Game Council.

⁴ Central South Island Fish and Game Council. *Sports Fish and Game Management Plan for the Central South Island Region 2012-2022*. Temuka: Central South Island Fish and Game Council.

⁵ Central South Island Fish and Game Council. *Sports Fish and Game Management Plan for the Central South Island Region 2023-2033*. Currently before the Minister for Approval.

4. As a management plan prepared under the Conservation Act, the Waitaki District Council must have regard to the Otago SFGMP and the CSI SFGMP in preparation of the Draft District Plan (**the draft plan**).⁶

Te Mana o Te Wai and ki uta ki tai

5. The concepts of Te Mana of te Wai and ki uta ki tai set out in the National Policy Statement for Freshwater 2017 created a new paradigm for the way people and communities regard water and use land and water resources. These concepts subsequently flowed through into the National Policy Statement for Freshwater 2020 (**NPS-FM**).
6. In its First Interim Decision, the Environment Court in *Aratiatia Livestock Limited & Ors v Southland Regional Council* [2019] NZEnvC 208 came to three “key understandings” on Te Mana o te Wai:
 - a. As a matter of national significance, the NPS-FWM requires users of water to provide for hauora, and in so doing, acknowledge and protect the mauri of water.⁷
 - b. As a matter of national importance, the health and wellbeing of water are to be placed at the forefront of discussion and decision making. Only then can we provide for hauora by managing natural resources in accordance with ki uta ki tai.⁸
 - c. The NPS-FWM makes clear that providing for the health and wellbeing of waterbodies is at the forefront of all discussions and decisions about fresh water.⁹
7. In addition, the NPS-FM description of Te Mana o te Wai¹⁰ includes a hierarchy that places the health and well-being of water bodies and freshwater ecosystems as the top priority; followed by the health needs of people; then current and future social, economic and culture well-being of people. This hierarchy has been included as the single objective of the NPS-FM. Such direct guidance is unprecedented and creates an incredibly strong expectation of environmental protection and restoration, where it is in a degraded state.

⁶ Resource Management Act 1991, section 74(b)(i).

⁷ *Aratiatia Livestock Limited & Ors v Southland Regional Council* [2019] NZEnvC 208 at [17].

⁸ *Ibid* at [59].

⁹ *Ibid* at [62].

¹⁰ NPS-FM 2020, section 1.3

8. A district plan has the capability to directly impact on the health and well-being of water bodies and freshwater ecosystems in many ways, including:
 - a. Vegetation management, which can influence sediment discharge from recently cleared areas and catchment yield.
 - b. Rural land use decisions, which will directly affect the amount of intensive industry and associated run-off.
 - c. Earthworks and urban subdivision, which have the capacity to discharge significant amounts of sediment – particularly during construction phases.
 - d. The placement of in-stream fish passage obstructions such as hydro-generation dams.

9. The draft plan must be prepared in accordance with these concepts,¹¹ including the NPS-FM hierarchy. However, it is difficult to see this hierarchy within its provisions. Specific feedback on provisions is provided below but this alone won't resolve the issue. We recommend that the Council review the entire plan through a Te Mana o te Wai lens, to make sure that it holistically addresses the concept. Resolving the other general issues raised in this submission will go a long way to achieving this goal.

Other general issues

Topic	Comment
Protecting the habitat of aquatic species, including trout and salmon	<p>Policies 9 and 10 of the NPS-FM require that the habitat of indigenous species is protected, and the habitat of trout and salmon is protected where it is not inconsistent with that of indigenous species. The protection of habitat is very closely tied to the health and well-being of water bodies and freshwater ecosystems, which is impacted by surrounding land use including earthworks and vegetation clearance. Above, examples are given of common instances where this draft plan will impact upon water bodies, ecosystems and habitats in that way. This means that wherever effects may occur on water bodies, it is likely that habitat may be affected.</p> <p>Every water body should be considered habitat of indigenous species (which includes macroinvertebrates). Even water bodies not commonly thought of as 'natural' can provide significant habitat for species. For example, a study of duck ponds</p>

¹¹ RMA section 74(1)(ea)

undertaken by Southland Fish and Game¹² estimated that across the region the ~7,000 ponds collectively support 36,000 shortfin and 60,000 longfin eels. Trout and salmon habitat is not universal; however, they do occupy an extensive range of water body reaches – likely as high as 90% or 95%. Assessments of whether habitat supports trout or salmon should be made on a case-by-case basis and can often be done via a desktop assessment. Fish and Game Councils are happy to assist with that exercise, if necessary.

The draft plan relies on significant natural areas (**SNA**) as the main mechanism to protect habitat, with a focus in provisions being on protecting vegetation. This is not appropriate to protect water bodies and freshwater ecosystems, as habitat in those contexts is more than vegetation. It is ably defined in the NPS-FM Appendix 1A entry for ‘Ecosystem Health’, as: *“The physical form, structure, and extent of the water body, its bed, banks and margins; its riparian vegetation; and its connections to the floodplain and to groundwater.”*

For the draft plan to prioritise a healthy state for water bodies and freshwater ecosystems, its consideration of habitat as a part of water bodies and freshwater ecosystems will need to be much wider than it is currently depicted in provisions. Because water bodies and freshwater ecosystems will not fit neatly into the SNA approach – and because the NPS-FM requires the priority hierarchy to be applied to *all* water bodies and freshwater ecosystems – the protection of aquatic habitat will need to be a far more common and explicit consideration in the draft plan provisions. Ideally, this consideration should be accompanied by guidance as to the scale and extent of protection and how that is to be achieved.

Within this, the draft plan does not adequately give effect to NPS-FM Policy 10. The single reference to the protection of trout and salmon habitat is in relation to activities on surface water. While that reference is supported and appreciated, the scope required to give effect to NPS-FM Policy 10 is much wider.

We recommend that wording similar to Policies 9 and 10 be inserted into the plan, such that it is clear that the protection of trout and salmon habitat is to be achieved where it is consistent with protecting the habitat of indigenous species. We envisage that this could be achieved in a number of ways and do not want to risk binding the Council to one solution by recommending one over the other at this time. However, Fish and Game policy staff can provide recommendations if that would be helpful.

A critical aspect to giving effect to NPS-FM Policies 9 and 10 will be working out where the protection of trout and salmon habitat is and isn’t consistent. Fish and Game is developing a potential solution for this problem via the proposed Otago Regional Policy Statement. That work would see places where habitat protection is and isn’t consistent be mapped spatially

¹² Stewart, C., Garrick, E., McDougall, M., & Moss, Z. (2021). Waterfowl hunting wetlands as habitat for two New Zealand eel species. *New Zealand Journal of Zoology*. doi:10.1080/03014223.2021.1885454

	and used as a resource for planning processes, among other things. This work is being undertaken cooperatively with the Department of Conservation, the Otago Regional Council and Treaty Partners.
Specific provision guidance and the necessity for clear wording	<p>Generally, the draft plan lacks specific guidance as to what provisions are to achieve. Many provisions simply require that adverse effects are to be avoided, remedied or mitigated. It's difficult to see how this adds much additional guidance over the duty of every person to avoid, remedy or mitigate any adverse effect, as per the Resource Management Act (RMA) section 17(1). It would be preferable if the provisions were written so that a user were clear what is to be specifically achieved by this, for example the scale and extent of avoidance, mitigation or remediation required to achieve objectives.</p> <p>In addition, the experience of Fish and Game over many years using the RMA has been that vague terminology in provisions may seem useful – for example as a means to provide more flexibility or to find common ground – but ultimately are negative for plan users as they require costly and controversial interpretation on a case by case basis and/or can be used to obfuscate needed change by failing to guide a desirable future state. Such vague terms include:</p> <ul style="list-style-type: none"> - 'Promote', which can have a wide array of interpretations. - 'Improve', which provide a general sense of direction but not specific detail on what scale of improvement is required. - 'Maintain', which implies that no values will be cumulatively lost or degraded but in practise is so often failed to be achieved when considering cumulative effects over large scales and long time periods. <p>Fish and Game recommends that the draft plan be reviewed and wherever possible, specific guidance is given to plan users. A useful standard to achieve would be for a lay person to be able to read the provisions and clearly understand the direction that is to be enacted.</p>
Taking an integrated approach	<p>The guidance notes set out a long list of exceptions to keep in mind when reading the plan. We are concerned that some of these exclude consideration of some or most chapters for certain activities – notably infrastructure and renewable energy.</p> <p>We find this to be an extremely concerning approach which will significantly restrict the ability of the Council and plan users to consider activities holistically within the catchment. For example, the Infrastructure chapter has very little detail on how infrastructure will be built or maintained in a manner that protects the environment, even when considered alongside the Strategic Direction chapter. At the most basic level, we find it very difficult to see how those two chapters alone could provide enough detailed, local guidance to effectively implement the RMA, such as by providing for the matters of national</p>

	<p>importance and having particular regard to the other matters. Furthermore, we see no guidance that gives effect to the fundamental concept of Te Mana o te Wai and the hierarchy of obligations from the NPS-FM.</p> <p>Holistic guidance for these carved out activities should be coming from other chapters, including Ecosystems and Indigenous Biodiversity; Natural Character; Natural Features and Landscapes; Public Access and Earthworks.</p> <p>To provide genuinely effective, local guidance for the chapters that have been subject to carve outs in the guidance notes would require significant duplication of the draft plan. This will make the plan large and unwieldy to use. We recommend instead that an integrated approach is taken, such that each of the provisions can be read alongside the others to form a coherent, clear direction.</p>
<p>SNA's and protecting the environment that falls outside that overlay</p>	<p>Much of the protection for ecosystems in the draft plan comes from the use of SNA overlays. We sympathise with the concerns of landholders around this method, as it does ultimately reward those who have previously developed land to the point of destroying or seriously degrading environmental values. Generally, Fish and Game wishes to see the protection of land and water bodies currently in good condition and the restoration of those which are in poor condition or degraded. This approach does not require locking up ecosystems in good condition but matching their use to environmental limits.</p> <p>Fish and Game would generally prefer to see provisions provide specific direction as to how land use will occur so that environmental values are protected and restored where degraded. At a minimum, this will require clear direction on how cumulative effects will be managed, as the degradation or clearing of small tracts of ecosystems is likely minor in effect as a one off yet presents cumulatively as an ecological disaster. The approach of simply allowing for a small scale of vegetation clearance for each land holding – for example as in ECO-S3 – will simply add to the ‘death by 1000 cuts’ style cumulative effects.</p> <p>In addition, the tiny scale of SNA's currently identified in the overlay is outrageously small and we find it very difficult to believe that it represents all land which fits the criteria in APP3. For example, very sparse parcels along the Horse, Kakanui or Hawkdun Ranges has not been identified as an SNA, despite their obvious ecological value. Several parcels of public conservation land sit within this area and we find it difficult to believe that those would not be considered SNA's, given they've been put aside explicitly for their ecological value. We can only imagine that either the criteria is being intentionally interpreted conservatively to exclude parcels or staff have been unable to undertake analysis on significant portions of land in the district.</p> <p>Whatever the reason, the draft plan's heavy reliance on the SNA's as an environmental protection mechanism is untenable when such a small portion of the district's ecosystems are represented within the SNA overlay. The draft plan should</p>

	enhance its protection of ecosystems outside of the SNAs, in order to achieve the purpose of the RMA, particularly the requirements of sections 6 and 7.
The construction of maimais	<p>It appears that there is no provision within the draft plan for the construction and maintenance of maimais. These are structures used by game bird hunters when undertaking the activity. They are located close to water bodies and typically small in nature and simple in construction. Because of their size and simplicity, the adverse effects of constructing or maintaining a maimai are limited.</p> <p>Many district plans include provision for them as a permitted activity, given certain restrictions. Where resource consent is required, the cost and complexity of a consenting process becomes a significant barrier to entry for the activity. This is problematic, as game bird hunters have historically been drivers for protecting waterbodies, particularly wetlands, and aid in controlling the number of game birds, which can otherwise cause nuisance to rural industries by grazing in paddocks.</p> <p>Below, I have copied the relevant permitted activity rule from the Regional Plan: Water for Otago. We recommend the Draft Plan include rules and standards that will achieve a similar result, so that hunting activities can continue to benefit the public in future.</p> <p><i>13.2.1.5 The erection or placement of any maimai is permitted, providing:</i></p> <ol style="list-style-type: none"> <i>1. The structure does not exceed 10 square metres in area.</i> <i>2. The structure is open piled.</i> <i>3. The structure is at least 90 metres from any adjacent maimai.</i> <i>4. The site is left tidy following the erection or placement.</i> <p><i>Unless the above conditions are met, the erection or placement of a maimai will be a restricted discretionary activity, requiring resource consent.</i></p> <p>For completeness, we also note that the National Environmental Standards for Freshwater do impose a requirement for consent to build a maimai in or near a natural wetland. We have raised the perverse outcomes of this decision with the Ministry for the Environment and hope that it will be changed. Wherever those land, the outcome cannot be changed by the Draft Plan; however, it can ensure that similar perverse outcomes are not repeated on other water bodies in the district.</p>
Offsetting	Offsetting is used in the draft plan as a means to protect Significant Natural Areas (SNAs) as is directed in ECO-O2 and ECO-P2. In the right circumstances, biodiversity offsets may provide for no net loss and involves exchanging biodiversity lost at one site for biodiversity gains at another site. Offsetting is usually the final step of the mitigation hierarchy and can be used

effectively where nationally critical projects have adverse effects that cannot otherwise be appropriately avoided, mitigated or remedied.

An important consideration that is often left unclear and unanswered is 'no net loss'. Specifically, what is this compared against and how is it calculated? The use of offsetting is problematic when it is used as a tool in a policy framework where the intent is to 'protect'. This is even more relevant considering the s6(c) RMA requirement to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. 'Protect' means 'to keep safe from harm or injury'. Allowing for any harm to a site under the guise of offsetting elsewhere does not 'protect' that site.

Where the goal is to 'protect' (and particularly for SNAs), offsetting cannot be relied on to uphold that policy and objective. This is due to the uncertainty around the success of offsetting that can be related to myriad factors such as financial commitment over time, climate and species success. Offsetting should not be an option in SNAs as a means of protection. The risk of using offsetting in these significant places is apparent in clause 4(c)(ii) of ECO-P2 'there is a **strong likelihood** that the offsets will be achieved in perpetuity' and 4(c)(v) 'the offset re-establishes or protects the same type of ecosystem, **unless a proposal for environmental compensation for an alternative ecosystem or habitat provides a net gain for biodiversity**'. S6 RMA does not direct the protection of the same type of ecosystem, it directs protecting areas, determined through set criteria, that are significant. The uncertainty of success, the requirement to protect, and the heightened status of significant natural areas make offsetting at these locales inappropriate.

Fish and Game recommends that offsetting and the risks be reconsidered by Waitaki District Council particularly in consideration of s6 RMA requirements. Ideally, offsetting should be offered rarely and only on projects of critical national importance. In such cases it may be an option for remaining adverse effects on biodiversity not considered significant but still important and outside of SNAs. However, it is not appropriate for SNAs.

Specific comments on provisions

Topic	Comment
Definitions	<p>The definition section, while helpful for defining uncommon terms that are referred to in the plan, it includes a number of definitions for terms that are commonly used and understood. In these circumstances, they do not helpfully add to the content and make the section too long. Some examples of these commonly used terms includes: service station, boundary, crematorium, parking space.</p>
Definition: Sensitive environment	<p>The list of areas that constitute a ‘sensitive environment’ does not include areas near waterbodies or wetlands. These areas are incredibly sensitive to pollution and contaminants, particularly where there is an inability for a waterbody to ‘flush’ such as springs and wetlands. It is the District Council’s responsibility to control any adverse effects from the use or development of land. It is also critical to include these areas that are outside of the regional council’s jurisdiction to ensure appropriate regard and protection. This would give better effect to Te Mana o Te Wai and ki uta ki tai.</p> <p>Amend definition to include:</p> <ul style="list-style-type: none"> *within 50m of any wetland *within 20m of any waterbody *within 20m of any spring
Other planning documents and legislation considered (p8)	<p>RMA 74 2(b)(i)- Matters to be considered by TA when preparing/changing a district plan</p> <p>(b)any—</p> <p>(i) management plans and strategies prepared under other Acts; and...</p> <p>Central South Island and Otago Fish and Game Councils’ Sports Fish and Game Management Plans prepared by direction of the Conservation Act 1987 should be recognised here.</p> <p>Amend to include:</p> <p><u>Central South Island Fish and Game Council Sports Fish and Game Management Plan; and</u></p> <p><u>Otago Fish and Game Council Sports Fish and Game Management Plan</u></p>

<p>SD-NE-O1 Natural character, landscapes and features and ecosystems</p>	<p>The Waitaki District is enjoyed by people for myriad reasons and offers an opportunity for them to experience the natural world, which can have great benefits for both physical and mental health and well-being. It is the make-up of these special places, the landscapes, natural character and ecosystems, that entices people to get outside and enjoy the outdoors. This important link between the natural world and people’s interactions with it should be recognised within a strategic objective.</p> <p>In addition, the objective only extends protection to the natural character, landscapes, features and ecosystems which ‘strongly contribute’ to the districts ‘unique character’. This allows opportunity for plan users to exclude consideration of the factors if they do not ‘strongly contribute’ or that they contribute to an aspect of the region’s character or biodiversity which is not unique. Such outcomes would be inconsistent with RMA sections 6 and 7, particularly that of s6(a), which requires the preservation of all natural character.</p> <p>The focus of the objective upon indigenous biodiversity only means that the plan is not able to consider RMA s7(h). Removal of the word ‘indigenous’ allows for the objective to be inclusive.</p> <p>Amend to:</p> <p>Protection of <u>Protect, and restore where degraded,</u> the natural character, landscapes, features and ecosystems which strongly contribute to Waitaki’s unique character, identity, and indigenous biodiversity <u>and people’s connections with the natural environment.</u></p>
<p>SD-NE-O2 Ōamaru Harbour</p>	<p>Suggest a slight rewording so that the objective is clearer in its intent.</p> <p>Amend to:</p> <p>The Ōamaru a Harbour that contributes to the identity of Ōamaru and supports a mix of compatible activities balanced with recreational and biodiversity values.</p>
<p>SD-RREE-O1 Natural Hazards</p>	<p>It is important to recognise, respond and build resilience to natural hazards, particularly with the frequency and intensity of events predicted to change with a changing climate. This includes flooding, drought and rising sea levels. A holistic approach is needed that recognises and enables the natural world to respond to extreme events in a way that does not have adverse effects on communities. This includes using wetlands for flood attenuation and filtering contaminants, allowing rivers to move more freely in a sinuous manner rather than restricting their flows within a narrow corridor, and innovative land use planning. Thought should be given to how the natural world can contribute and in fact, become paramount in how communities deal with natural hazards. This idea should be incorporated as part of the strategic</p>

	objective, ideally with specific reference to a preference for utilising features of the natural environment such as wetlands and floodplains.
SD-RREE-O2 Resilience and adapting to climate change	<p>Integrated management in responding to climate change should consider how to better use the natural environment such as wetlands, forests, and other ecosystems to act as buffers against extreme weather, protecting houses, crops, water supplies and vital infrastructure. The natural environment has better capacity to absorb the effects of climate change if given the space to do so and if surrounding activities are managed appropriately. This is a more sustainable option (financial, social and environmental) as opposed to hard infrastructure such as bigger stopbanks or constant river engineering works.</p> <p>Amend to:</p> <ol style="list-style-type: none"> 1. Taking climate change into account in natural hazards management, <u>recognising the benefits of using the natural environment to do so</u>; and
SD-RA-O1 Productive rural environments	<p>Sentence structure makes it difficult to understand objective. It is not clear what the term 'primarily' is introducing. Are there other opportunities that are not rural productive opportunities that need to be considered? If so, this should be stated.</p> <p>This objective doesn't align particularly well with the NPS-FM either, as it reads as if rural productive opportunities should be given some type of priority. Reading the objective in conjunction with environmental protection objectives reveals no priority for water bodies and freshwater ecosystems, which is required by the singular objective and fundamental concept of the NPS-FM. Read together, the objective framework must make it clear that the health and well-being of water bodies and freshwater ecosystems is to be prioritised over human activity. A similar direction will need to be provided for urban form and development objectives, perhaps in SD-UFD-O1?</p>
SD-UFD-O5 District-wide growth	The connection that people have with the environment is an important contributor to their well-being and mental and physical health. It is appropriate that the recreational needs of the community are recognised when contemplating urban form and development. This is supported.
Energy Chapter	It appears that this chapter relates only to renewable energy. Fish and Game supports the preference for renewable energy over that of fossil fuel-based energy. However, we are concerned how the draft plan will deal with applications for non-renewable energy, should they arise, without guidance in the energy chapter.

	<p>In addition, the introduction to this chapter should include recognition of drawbacks to renewable energy. While we agree renewable energy is generally beneficial, it does still have drawbacks such as building structures in water bodies, disrupting landscapes, changing hydrology characteristics or creating fish passage barriers. This is important because not all renewable generation proposals will be acceptable in all contexts or locations, depending on the scale of these adverse effects.</p>
<p>ENG-O1 Recognising the benefits of renewable electricity generation</p>	<p>The direction of this objective is strong, in that generation activities will be ‘provided for’. While it is positive to encourage renewable generation, every proposal may not be appropriate and the Council should retain the ability to refuse inappropriate proposals. It’s hard to see how this would be possible when the objective framework requires such activities to be ‘provided for’.</p> <p>With that said, the policy framework does suggest that WDC wishes to retain the ability to refuse inappropriate proposals (although we’re not certain that the ‘minimise’ test used in the policies is as strong as it should be). The objective wording should be reframed to direct this ability.</p>
<p>ENG-O3 Protecting the values and qualities of any overlay</p>	<p>It is not clear how this will be achieved or how priority is determined as the distinction of overlays is not clear. The overlays listed in Part 1 include those related to the WPS, infrastructure and easements and also SNLs, SNFs and SNAs but also those of tsunami hazards, alluvial fan awareness and potential mining. If the intent is to protect the overlays specific to the Natural Environment, that should be made clear. Otherwise, there are competing values amongst overlays that makes this difficult to interpret.</p> <p>In addition, protecting only overlays will mean that adverse effects outside of those areas will not be considered. It’s not clear how this will be consistent with the RMA, particularly matters of national importance and other matters, which can never be fully encapsulated by the overlays. Similarly, when considering a consent application for a renewable generation activity, RMA s104(1)(a) will require the consideration of <i>any</i> actual and potential effects on the environment, not just those within an overlay. The objective framework must allow for adverse effects anywhere in the region to be considered and appropriately avoided, mitigated or remedied.</p>
<p>ENG-P1 Recognising the benefits of renewable electricity generation</p>	<p>The addition of clause (4) creates uncertainty and may be a matter of opinion. Clear direction should be given in policy and if other benefits are known, they should be mentioned outright rather than leaving uncertainty and possible loopholes in the District Plan. Delete clause (4) or amend to include specific benefits.</p>

ENG-P4 Small scale renewable electricity generation activities and investigation activities in zones	We have a preference for encouraging a larger number of small scale generation activities rather than a small number of larger ones. We expect that spreading the effects across different locations will make it less likely that any one catchment will face unacceptable adverse effects as a result. The objective and policy framework could be written to achieve this goal.
ENG-P5 Small scale renewable electricity generation activities and investigation activities in overlays	We support that the policy structure recognises significant and outstanding areas within the district and creates a hierarchy to manage adverse effects.
ENG-P6 Large scale renewable electricity generation activities	Support. The policy gives effect to the comments for ENG-O3, in that values outside of overlays should be protected.
ENG-P10 Decommissioning of renewable electricity generation activities	Support.
ENG(WPS)- O2 Protecting the overlays in which the Waitaki Power Scheme is located	The outstanding and significant areas within the Waitaki District are important components of the district's identity. Protection of these areas is supported. The phrase 'and not degraded' does not add anything to the intent as the phrase 'are protected' is considered to be sufficient direction if to 'protect' is the intent.
ENG(WPS)- P3 Maintenance and improvement of the Waitaki Power Scheme	Section 6 of the RMA requires that natural character of riparian margins is preserved and that they are protected from inappropriate use and development. It also requires the protection of outstanding natural features and landscapes from the same. The direction to 'avoid' in clause (2) is supported. Clause (3) directs that any other adverse effects are remedied or mitigated. It is not clear from the clause what it is trying to achieve. S6 requires that the natural character of riparian margins is protected; however, the clause seems to allow

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	for adverse effects on natural character to be remedied or mitigated, which may allow activities to be undertaken when they ultimately fail to achieve the protection standard of s6. These two directions (RMA and proposed clause 3) do not seem to clearly align.
ENG(WPS)- P5 Any other development of the Waitaki Power Scheme	<p>It would be clearer if clause 3(a) was separated out so that (a) referred to avoiding significant adverse effects and then a new clause (aa) referred to avoid, remedy or mitigate any other adverse effect ... with the two subclauses (i) and (ii) tied to new clause (aa). As currently worded, it could read that subclauses (i) and (ii) could apply to the first half of the clause related to avoiding significant adverse effects, which doesn't appear to be the intent and would not give effect to s6 RMA.</p> <p>It is unclear what the term 'appropriately' adds to clause (b). 'Avoid' is directive and 'appropriately avoid' does not add anything to that.</p>
INF-O1 Effective, resilient, effective and safe infrastructure	<p>Effective is listed twice in the title.</p> <p>This objective is useful, in that it provides a broad overview of what infrastructure is to achieve. However, it has a focus on the human needs from infrastructure, with environmental concerns only being considered in terms of adverse effects in INF-O3. This creates a disconnect between people and the environment which is not envisioned by the RMA. The objective would be better aligned with the RMA s5 if it were to also broadly consider the environment, such as specifically citing a need for it to be sustainably developed or contribute to providing for the health and well-being of the environment (or water bodies) and ecosystems. In a similar vein, the second 'effective' in the title could be usefully replaced by an environmental consideration, such as 'sustainable'.</p>
INF-P4 Appropriate infrastructure	Combining the direction to 'enable' new infrastructure in the chapeau with the 'minimise' test in (1) creates the potential interpretation that no new infrastructure would be inappropriate, as adverse effects can always be reduced to some degree in a proposal. Not all infrastructure proposals will be appropriate and the policy framework must give the option to reject such proposals. Furthermore, this policy in this case does not align with INF-O4, which allows effects to be avoided, remedied or mitigated. 'Minimise' as a test by itself does not allow for this full gambit of options.
INF-P8 Providing for other infrastructure not defined as regionally significant infrastructure outside of overlays	The same discussion applies here as for INF-P4, noting that 'enable' and 'provide for' are not such different tests in terms of outcome.

<p>INF-P19 Upgrades to existing and new infrastructure in the Coastal Environment</p>	<p>This appropriately recognises the significance of SNAs and the values and characteristics of any ONF and ONL under s6 RMA and the policy direction to protect these places and values is supported.</p> <p>The policy appropriately recognises the adverse effects that can still occur on other values such as indigenous vegetation, landscape features not categorised as outstanding and other areas of natural character within the Coastal Environment and the requirement to avoid significant adverse effects and remedy or mitigate other adverse effects as required by the NZ Coastal Policy Statement is supported.</p>
<p>INF-P20 Upgrades to existing, and new infrastructure on or within Outstanding Natural Features and Landscapes, and Significant Natural Areas, beyond the Coastal Environment</p>	<p>Why is this a different hierarchy to INF-P19 where the only difference appears to be location i.e. within Coastal Env or not? Significant Natural Areas outside of the Coastal Environment are significant in their own right and should be protected for their intrinsic values and the values they bring to the environmental and social realms. Significant adverse effects should be avoided. S6 RMA requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. Setting direction that promotes remediation or mitigation of adverse effects is not the same as avoiding or protection (as required by s6) and creates a loophole.</p>
<p>STORM-O2 Stormwater management</p>	<p>How stormwater is managed has a direct impact on the health and well-being of waterbodies. Subdivision, use and development can contribute to deteriorated water quality if not managed appropriately and can adversely affect instream health and life-supporting capacity both in freshwater and coastal water systems. The term ‘maintaining’ is not appropriate as water quality may not be in a state where maintaining is acceptable. Protecting water quality where it supports the health and well-being of waterbodies is more appropriate. Where it is not appropriate contributing to ‘restoring’ it to a health state better represents the NPS-FM hierarchy of obligations. The current wording does not make this distinction and gives an either/or scenario.</p> <p>Amend to:</p> <p>The management of stormwater from subdivision, use and development contributes to maintaining <u>protecting the health and well-being of waterbodies and improving water quality where it is degraded</u> within Waitaki District’s waterbodies.</p>

STORM Policies holistically	Nowhere in the policy framework for this chapter does STORM-O2 specifically get addressed. Water quality guidance is not provided. There should be policy guidance that explicitly ensures that the health and well-being of water bodies and ecosystems will be protected. STORM-P1 addresses the water quantity aspect of this issue (noting comments on this below). For stormwater that is discharged to water bodies, there is no guidance on water quality. This should be part of an integrated ki uta ki tai approach that recognises how land use and development affect waterbodies.
STORM-P1 Hydraulic neutrality in urban zones	Support the intent of hydraulic neutrality. This is an excellent way to create sustainable stormwater systems. The policy could be improved by including water body specific criteria in the limbs, such that if a discharge to water were to occur it would align with direction in STORM-O2 (with the Fish and Game amendments).
STORM-P3 Water sensitive design	The use of water sensitive design principles is necessary to slow water down and allow for percolation to groundwater to occur. This not only helps with erosion and flooding, but also allows for biodiversity opportunities and the recharging of groundwater and reducing contaminant run-off. This policy direction is supported.
CL-O1 Managing contaminated land	Risks to the environment could be included specifically within this objective. This will align the objective better with the purpose of the RMA and CL-P2.
HAZS-O1 Hazardous facilities	‘Minimise’ may not be the most appropriate term to use for this objective, particularly given the need for pragmatism highlighted by the comments below for HAZS-P1.
HAZS-P1 Residual risk of hazardous facilities	The policy enables activities related to hazardous substances such as using and storing while managing the risks to people, property and the environment to acceptable levels. What does ‘acceptable’ constitute? Protection should be first priority that is enabled by preventing or managing. The current policy structure provides a high level of acceptance for hazardous substance activities without as much consideration for life and property. Amend to: Enable activities involving the use, storage, disposal, and transportation of hazardous substances while managing the residual risk to <u>protecting</u> people, property, and the environment to acceptable levels by preventing or managing residual risk.
HAZS-P5 Residual risk to sensitive activities and environments	As discussed in relation to the ‘sensitive environment’ definition above, the use, storage and disposal of hazardous substances near waterbodies such as springs and wetlands can adversely affect life-supporting capacity, instream health and the values and qualities of them.

	<p>Amend to include:</p> <ul style="list-style-type: none"> *within 50m of any wetland *within 20m of any waterbody *within 20m of any spring
NH-O1 Natural hazard risk	Natural hazards, including the effects of climate change, will continue to put pressure on communities and change the environment. It is critical that this is recognised and appropriately responded to. This high level objective is supported.
NH-P2 Climate change	It is important to consider the impacts of climate change or its likely effects when assessing natural hazard risk. Current risks may grow in terms of duration or frequency given the changing climate. This policy direction is supported.
NH-P3 Risk based approach	Considering how subdivision, use and development can occur within natural hazard areas is crucial in order to mitigate or avoid risk to communities and the environment. Natural hazards in the way of fires and flooding can be exacerbated by inappropriate use/development where outcomes can have severe impacts on people and the environment. The recognition of cumulative effects is also supported.
NH-P5 Natural protection features	Strongly support. Utilising natural features is supported and not only provides protection from natural hazard risk but also filters contaminants, provides for biodiversity and helps recharge groundwater.
ECO-O1 Halt the decline of indigenous biological diversity	The Waitaki District is an important place for indigenous biological diversity, much of which has been lost due to myriad activities and pest species such as wilding pines and rabbits. It is imperative to halt any further decline and to undertake enhancement where appropriate.
ECO-O2 Identify and protect Significant Natural Areas	<p>The overall intent of the objective is supported in terms of protection of SNAs but using a ‘no net loss’ approach for indigenous biodiversity or indigenous biodiversity values will not protect these areas as required under s6 RMA. This approach enables an offsetting structure, whereby research indicates that a successful no-net-loss biodiversity offset “does not halt the decline of biodiversity as it only provides biodiversity gains which are equivalent to losses, and only for the elements of biodiversity targeted in the exchange.”¹³</p> <p>Amend to:</p>

¹³ (Masek, Ussher, Kessels, Christensen, & Brown, 2018)

	Areas identified as Significant Natural Areas are protected to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities.
ECO-O3 Restore or enhance Significant Natural Areas	The restoration or enhancement of SNAs is supported to recognise their importance to New Zealand’s biological diversity.
ECO-P1 Evaluation of Significant Natural Areas	Identifying SNAs is critical for the protection of these important and sensitive areas as is required under s6 RMA. Mapping these areas is supported so that SNAs are captured in a transparent way and so they can be adequately protected, maintained, restored or enhanced. It is also recognised from the introduction that not all SNAs have been identified. Identifying these is critical in order to protect them as required by legislation. Evaluating this through the resource consent process is supported.
ECO-P2 Protection of Significant Natural Areas	<p>Clause (1) as currently worded does not give effect to s6 RMA. Section 6 requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Clause (1) creates a loophole by inserting the words ‘as far as practicable’. This is not supported.</p> <p>Clause (4) only requires applicants to <i>consider</i> the use of offsets as a last option to protect SNAs but there is no requirement to implement them. This would leave any unmitigated adverse effects to be felt in the SNA.</p> <p>The policy would also be more robust in protecting SNAs if a clearer hierarchy was introduced.</p> <p>Consider more directive wording by amending clause (1) and inserting new (1a)</p> <p>(1) <u>firstly, avoiding significant adverse effects; as far as practicable;</u></p> <p>(1a) <u>then avoiding other adverse effects as far as practicable;</u></p>
ECO-P4 Inappropriate activities within or near to Significant Natural Areas	The introduction of non-indigenous vegetation or species that may result in the spread of wilding conifers can have serious adverse effects on SNAs as non-indigenous species can smother and out-compete native species. This policy direction is supported.
ECO-P5 Managing indigenous vegetation outside Significant Natural Areas	Support

ECO-P6 Supporting the maintenance, restoration and enhancement of indigenous biodiversity	Support
ECO-P7 National priorities for protection	Support
ECO-P8 Impacts of climate change on resilience of ecosystems	It is appropriate that climate change is recognised, particularly around the impacts it will have on biodiversity, species and ecosystems. It is noted at clause (3) that future impacts of climate change are taken into account as part of proposals that may be impacted by future sea level rise. This should also extend to the impacts of climate change in freshwater systems due to increased frequency and volume of flooding in relation to river margins, wetlands and the natural hydrological function of the catchment, particularly where braided rivers and wetlands have the capacity to assimilate flood waters if they are not encroached upon by land use activities.
ECO-R5 Plantation forestry, agricultural intensification, quarrying or mining activities within a Significant Natural Area listed in SCHED6- Significant Natural Areas	It is not clear how agricultural intensification or plantation forestry is considered in this policy as non-complying activities in comparison to the prohibited activity status of planting non-indigenous vegetation in ECO-R6 and the adverse effects of this on SNAs. The definitions for agricultural intensification and plantation forestry contain wording that indicates the planting of non-indigenous species. Rule 5 seems to provide a non-complying pathway for planting non-indigenous vegetation in a SNA if it is related to agricultural intensification or plantation forestry. However, R6 considers planting non-indigenous vegetation in these same areas as prohibited. How are the two outcomes different in terms of the adverse impacts on SNAs? S6 of the RMA requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (SNAs). Providing a consenting pathway (albeit non-complying) for the activities listed in this rule would not seem to achieve s6 requirements.
ECO-R6 Planting non-indigenous vegetation within a Significant Natural Area listed in SCHED6	Non-indigenous vegetation can compete with and smother indigenous vegetation, adversely impacting the intrinsic values of SNAs. A prohibited activity status is supported and gives effect to s6.

<p>ECO-R7 Planting species that result in wilding conifers within a Significant Natural Area, or within 100m of a Significant Natural Area listed in SCHED6- Significant Natural Areas</p>	<p>Wilding species have had significant adverse impacts on ecosystems and landscapes in the Waitaki District. Their ability to spread has led to a need for significant funding and intense management to control their spread. A prohibited activity status is supported.</p>
<p>NATC-O1 Preserving and protecting the natural character of Waitaki's riparian margins</p>	<p>Riparian margins are a key contributor to the natural character of waterbodies and landscapes, enabling enjoyment and contributing to ecosystem health as well as having intrinsic values in their own right. Many activities can damage riparian margins and have subsequent adverse impacts on natural character and ecosystem health amongst other matters if appropriate management is not undertaken. Preserving and protecting these areas from inappropriate use is supported and gives effect to s6 RMA.</p>
<p>NATC-O2 Restoring and enhancing degraded natural character</p>	<p>As alluded to in the policy, there are riparian margins that are in a degraded state that adversely affect not only ecosystem health but also the natural character of the area. Restoration and enhancement of these areas is supported.</p>
<p>NATC-P2 Significant adverse effects on riparian margins</p>	<p>The wording in this provision is clunky and difficult to understand.</p> <p>The policy allows for significant adverse effects on the natural character values of riparian margins in certain circumstances. Clause (1) does not contain enough specificity as to the type of activity/structure (i.e. lifeline or utility) but instead includes a general approach whereby a pivot or some other 'non-essential' structure or activity could be considered. This is allowed by the use of the word 'or' after clause (1). The test to allow for significant adverse effects to occur can be determined if an activity/structure demonstrates that there is a functional or operation need for it, there are no alternative locations that are 'practicable' and natural hazard risks will not be increased. Clause (2) relates to an 'essential structure' and requires effects to be remedied or mitigated. This is more appropriate.</p> <p>The chapeau reads as if the user cannot demonstrate (1) or (2), they wouldn't need to appropriately remedy or mitigate other adverse effects. This surely is not the intended outcome.</p> <p>Finally, the provision as a whole should be putting into effect the protection and restoration in NATC-O1 and O2; however, it reads as if non-significant adverse effects would never be grounds to avoid the activity. The impacts on natural character are often the '1000 cuts' type, each of which would be insignificant in and of itself but together cause</p>

	degradation. We note that in the RMA, 'effect' includes cumulative effects and surely degradation of natural character would constitute a significant cumulative adverse effect. Working out at which point each additional non-significant adverse effect adds up to cumulatively significant adverse effect is extremely difficult in practice. This policy should provide guidance on how that issue is to be overcome.
NATC-P3 Certain activities prohibited in riparian margins	Support
NATC-P5 Restoration or enhancement of natural character of riparian margins	Support
NATC-R5 Planting of any pest, pest agent, or organism of interest identified in a Regional Pest Management Plan within a riparian margin	Support
NFL-O1 Protect ONFs and ONLs, Significant Features, and Rural Scenic Landscapes from inappropriate activities	This appropriately gives effect to s6 RMA and is supported.
NFL-O2 Wilding conifers	<p>Reducing the impact of wilding conifers at these sites is supported; however, it is considered that the Waitaki District Council should aim for a higher bar. These outstanding and significant places are jewels of the district and control of wilding species in these areas is important. The suggested amendment below also provides a better tie to NFL-P9 where it directs to 'avoid the spread of wilding conifers'.</p> <p>Amend to:</p> <p>The impact of wilding conifers on Outstanding Natural Features and Landscapes, Significant Natural Features, and Rural Scenic Landscapes is reduced <u>and their spread is prevented</u>.</p>

NFL-O3 Restoration and enhancement of landscapes	Support
NFL-P1 Identify Natural Features and Landscapes	<p>Natural features and landscapes in the Waitaki District have myriad values as indicated under clause (1). The assessment matters relate to biophysical, sensory and associative values. In these areas recreational values are an important matter that should be considered and addressed as it the relationships that people have with outdoor spaces through recreational endeavours that contributes to its importance.</p> <p>Amend to include:</p> <p><u>h) recreational values</u></p>
NFL-P2 Recognise the importance of protecting Natural Features and Landscapes	Support
NFL-P3 Inappropriate activities on or within an Outstanding Natural Feature or Landscape	<p>S6 of the RMA requires that ONFs and ONLs are protected. This policy should reflect that direction.</p> <p>Amend to:</p> <ol style="list-style-type: none"> maintains<u>protects</u> the values identified SCHED7- Outstanding Natural Features and SCHED8- Outstanding Natural Landscapes that make the natural feature or landscape outstanding; or ...
NFL-P9 Wilding conifers	This policy gives effect to NFL-O2 and is appropriate to control wilding conifers. Support
NFL-P10 Enhancement and restoration of Outstanding Natural Features and Landscapes, Significant Natural Features and Rural Scenic Landscapes	The policy recognises the work required to enhance and restore these special areas and pathways to help achieve this is supported.

NFL-R3 Permanent fencing on or within Outstanding Natural Features and Landscapes, Significant Natural Features, or Rural Scenic Landscapes	<p>While fencing is supported in many cases in order to help with stock and farm management, fences can also hinder access and this should be considered. Where public are legally allowed to access areas either via paper roads, marginal strips or other means, fences should not inhibit this and appropriate gates or styles should be utilised.</p> <p>Add additional MoD:</p> <p><u>7. where there is legal public access, whether the proposal adequately maintains that access.</u></p>
NFL-R7 Outdoor recreational activities (excluding buildings) on or within Outstanding Natural Features and Landscapes, Significant Natural Features and Rural Scenic Landscapes	<p>It is unclear what this rule is trying to achieve or where it fits in to the overarching policy and objective framework of this chapter. Is the intent to capture modes of transport to undertake an activity, such as a driving or helicoptering in? Or is the rule about the recreational activity itself, such as 4WD off road recreation? Is 4WDing to a fishing spot considered recreation or transport?</p> <p>It is also not understood how these activities for public recreation will be captured for requiring a consent. The vagueness of the rule would seem to cast a wide net and in reality, most people going out to recreate would not be aware of this requirement and it is assumed most would not seek a consent to do so, unless it is perhaps a commercial activity.</p>
NFL-R9 Plantation Forestry within or on a Significant Natural Feature or Rural Scenic Landscape	<p>The designation of a controlled activity for plantation forestry within or on a significant natural feature or rural scenic landscape is not supported. This means that consent has to be issued with matters of control restricted; however, there may be instances where it is not appropriate to have plantation forestry and the Waitaki District Council should have the ability to make this determination based on the assessment of environmental effects. It is thought that a restricted discretionary pathway is a better option, particularly as these are significant places. Further, there is no matter of control related to the effects on catchment yield as was recently a topic that generated much opposition in the upper Kakanui catchment.</p> <p>Amend to a Restricted Discretionary activity.</p>
NFL-R14 Plantation Forestry on or within an Outstanding Natural Feature or Landscape	Support
NFL-R15 Planting species that can result in wilding	Support

conifers on or within Outstanding Natural Features and Landscapes, Significant Natural Features and Rural Scenic Landscapes	
NFL-R16 Intensive indoor primary production and intensive outdoor primary production on or within an Outstanding Natural Feature or Landscape	Support
PA-O1 Public and customary access	Research shows that people’s interactions with the outdoors is important for both physical and mental well-being. Access to these places is key to facilitating enjoyable experiences in the outdoors. Being outdoors in New Zealand contributes to the identity of the nation and opportunities to engage in the outdoors, often reliant on good public access should be protected. This objective is supported.
PA-O2 Provision of public access minimises adverse effects	Support. We note that the direction to minimise adverse effects isn’t given effect to in the PA policy framework; however, it is provided for in other chapters of the plan.
PA-P1 Activities that protect and maintain public and customary access	Support
PA-P2 Mechanisms for improving public access	In general, improving public access is strongly supported. However, the wording of this policy seems to miss other opportunities for doing so. It appears this would only ever be triggered via a resource consent application. There is no general direction for improving public access such as through funding applications or roading considerations. It is not clear why clause (2) has prioritised certain waterways and has assigned a size threshold for lakes. How were these matters determined? Fish and Game supports the enhancement of public access and considers the Council should provide general guidance to protect and maintain that.

PA-P3 Consideration of adverse effects on public access	This policy gives effect to PA-O1 that requires public access to be protected and maintained. Support.
SUB-O2 Subdivision design	Support, with amendments. Urban sprawl should be addressed wherever it occurs, so that towns and cities remain compact and liveable, while the surrounding rural and wilderness areas are accessible to residents and retained in good health. We interpret a difference between avoiding sprawl and allowing for controlled growth, with sprawl being excessive and/or unplanned expansion of the urban footprint. With the population growth and popularity of the central South Island, significant expansions of urban areas outside of the coastal part of the region could be expected within the life of this new plan. We suggest expanding the urban sprawl aspect of (6) to all settlements in the region. Consequential amendments to the policy framework may be required to implement this suggestion.
SUB-O5 Esplanade reserves and strips	Enabling public access through esplanade reserves and strips will contribute to people's ability to enjoy and connect with nature. Support
SUB-P9 Esplanade reserves and strips- priority waterbodies and the coast and SUB-P10 Esplanade reserves and strips- other waterbodies	Public access to the outdoors is one of New Zealand's most treasured resources and is enjoyed by people throughout the country that choose to undertake activities in nature, whether it be tramping, bird watching, fishing or picnicking. Providing for public access to any waterbody including the coast, lakes, rivers and streams enables the public to interact with these special places. Public access should be required for any waterbodies over 3m in width regardless of whether they have been deemed a priority by the District Council. It is not clear how SCHED1 was drafted, but popular or high-use areas are not the only places visited, and it should be recognised that providing for and enabling access for current and future generations is critical for community health and continued enjoyment of the outdoors. Require the creation of esplanade reserves or strips for all waterbodies over 3 metres and the coast and do not limit the requirement to only those included in SCHED1. Recommend deleting SCHED1.
SUB-P11 Reductions or waivers of esplanade reserves and strips	Support. We note that the 'and' statements within the limbs of the policy are particularly important in ensuring each of the limbs will be satisfied.
ASW-O1 Protecting the values of waterbodies	Support.

<p>ASW-P1 Providing for recreational activities</p>	<p>Activities on the surface of water, in particular, motorised activities, can adversely affect the ecological values of an area as well as the amenity values, with many places in the district offering peace and solitude. Current recreation endeavours that takes place at some locations is highly valued due to the current amenity values (solitude, quiet enjoyment) and this should be recognised when considering the introduction of motorised or powered craft into a waterway.</p> <p>A similar consideration need be made for reverse sensitivity around existing hunting activities. In places throughout the South Island, new recreation activities are pushing out existing game bird hunting grounds, due to noise and safety complaints.</p> <p>The consideration of public health and safety is also important when considering the appropriateness of recreational activities such as motorised boats as some waterways are relatively narrow in nature and are utilised by individuals and families who enter the water for fishing, swimming or paddling.</p> <p>Amend to include:</p> <p>Provide for recreational activities on the surface of water where adverse effects on natural environment values, mana whenua values, <u>current recreational values</u>, amenity values, public health and safety , and any values associated with the Waitaki Power Scheme, are avoided or minimised.</p>
<p>ASW-P2 Commercial activities</p>	<p>Comments as related to ASW-P1 above.</p> <p>Amend to include:</p> <p>Provide for commercial surface water activities where it can be demonstrated that they maintain the natural environment values, mana whenua values, amenity values, <u>current recreational values</u>, public health and safety, and any values associated with the Waitaki Power Scheme.</p>
<p>ASW-P7 Managing adverse effects on ecological values/habitat</p>	<p>The use of watercraft powered by motors can have adverse effects on habitat and values where gravel is disturbed or where bankside erosion occurs. Managing adverse effects is appropriate to protect the ecological values of waterways, recognising that motorised boating is accepted at a vast number of waterways in the district already, such as the Waitaki River and all of the larger lakes. Support</p>
<p>EW-O1 Protecting sensitive environments</p>	<p>Earthworks can have significant adverse effects on ecological and environmental values if not managed appropriately, including sedimentation which is difficult to remediate, particularly in spring-fed streams where ‘flushing’ of the waterbody does not normally occur.</p>

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	<p>The objective would be improved if direction were given on to what extent or scale remedy or mitigation activities should be implemented (avoid in this context is self-explanatory), or the general goal that is sought to be achieved. As it stands, the objective adds little to the duty given in RMA s17(1). This feedback may be relevant to many other objectives in the plan, including EW-O2.</p>
EW-P2 Protecting sensitive environments	<p>Avoiding adverse effects on sensitive environments is supported. However, as noted above, the definition of ‘sensitive environment’ has not adequately captured those environments around wetlands and spring systems. This policy is supported with the definition of ‘sensitive environment’ being amended to include the additional sensitive areas sought in this submission.</p>
EW-P3 Conservation activities within sensitive environments	<p>It’s not clear what this policy is intended to do which is not already required a duty in RMA s17. It would be preferable for the policy to state specifically how earthworks affecting sensitive environments will be managed. For example, by ensuring appropriate setbacks and requiring defences against sediment discharge. Doing so would align the policy better with the chapter standards.</p> <p>In addition, it is not clear what the intent behind the phrase “facilitate improvements to the maintenance, protection and/or enhancement”. For example, it is illogical to improve maintenance, when the term simply implies the status quo.</p> <p>Finally, the risk of sediment discharge posed by earthworks is relatively universal, no matter the intended purpose of the works. Whatever the purpose, Fish and Game recommends that actions are taken to avoid, mitigate or remedy the adverse effects to an acceptable level, for the context of that place. It is understandable to want to prioritise earthworks which are for a social or ecological good and exactly how this will be achieved should be specifically outlined within this policy.</p>
EW-P4 Primary production activities	<p>Not all primary production related earthworks will be appropriate near sensitivity environments. For example, earthworks to build a farm shed will be broadly similar to an urban house, leaving large patches of bare earth. In both scenarios, unless an adequate vegetative buffer (or some other defences against sediment discharge) is left between the bare earth and water body, sediment discharge is likely to occur. Sediment discharge is a significant issue for stream health and will be directly affected by the EW chapter provisions.</p> <p>No industry’s earthworks should get a free pass where it has the capacity to cause environmental harm. Earthworks related to primary productive activities near sensitive environments should adhere to the same standard as any other earthworks.</p>

EW-P5 Construction and maintenance of farm and recreational tracks	Support, noting the need to explicitly include all water bodies within the definition of sensitive environments.
Signs Chapter	<p>As part of its role to regulate fishing and hunting activities, Fish and Game is required to place signs around the region. The intent is not to disrupt but to add to the recreation experience and the appreciation of the environment, in addition to fulfilling regulatory requirements delegated by parliament.</p> <p>To facilitate its functions and serve the public, Fish and Game’s regulatory signage will need to fit within the permitted activity rule framework. Otherwise, the amount of money and time spent applying for resource consents for hundreds of signs across the region will become excessively onerous. Fish and Game is eager to work within a permitted activity framework to ensure that its regulatory signage does not cause excessive adverse effects for the public. For example, by being too large or obstructing views. In other districts, this is often achieved through limits on sign size.</p> <p>Fish and Game regulatory signs are currently a maximum size of 1.6m x 0.6m – with many being much smaller. By nature of our regulatory function, our regulatory signs are overwhelmingly placed near water bodies – the exception being roadside signs on state highways as you enter and leave a region. As such, it is very unlikely that Fish and Game regulatory signs will block or otherwise detract from views, despite many being located within draft plan overlays. Most often they are placed at the beginning of an access point to the water.</p> <p>It is not uncommon for other essential regulatory signs to be placed at the same location, for example Department of Conservation signs, navigation signs for tracks, dog control signs, swimming notices or pest management signage (usually didymo or notifications of 1080 drops). Despite providing essential information to the public, there is no mechanism for coordination for such signage between respective organisations. However, it is our experience that signs are placed as efficiently as possible. For example, by placing new signage on existing posts where there is room rather than digging new post holes.</p> <p>Fish and Game’s signage will align with SIGN-S1; however, the sheer number of regulatory signage required in public spaces near water bodies and lack of coordination between organisations makes SIGN-S6 very difficult to achieve. It is likely that almost every medium and large river in the district will currently have signage on it which does not meet SIGN-S6. To our knowledge, Fish and Game has never been made aware concern about the current level of regulatory signage near water bodies. While we understand and support the intent of SIGN-S6, we recommend that it be removed as it will</p>

	be very difficult to achieve in practice and there is no current issue which it resolves. It is likely it will simply increase the resource burden upon already stretched public agencies.
OSZ-O1 Purpose of the Open Space Zone	Access to locations that support outdoor recreational activities is important for people’s physical and mental health and well-being. Developing a connection to place supports a healthy and positive relationship with the outdoors and can foster life-long stewardship and a sense of belonging. This objective is supported.
SPZL-O1 Zone purpose	Protecting the landscape and amenity values of this area is supported and aligns with s6 of the RMA.
SPZL-P2 Landscape and amenity values	Ensuring that the landscape and amenity values of this area for the public to enjoy now and for future generations is supported.
SPZL-P5 Public Access	Lake Benmore is a hugely popular destination and attracts visitors from within and outside the district. Facilitating access to the margins and lake is an important component of recreational enjoyment. Lake Benmore is one of the most fished lakes in the country, both by shore and boat anglers. This policy aligns with s6 RMA and is supported.
SPZL-P6 Servicing provision	Taking care of the environment and providing rubbish receptacles and toileting facilities is important to protect water quality and surrounding land from pollution and contaminants. It also supports the visitor experience. This policy is supported.
SPZL-P8 Access	Support
SNA-93 All Day Bay Lagoon	All Day Bay Lagoon is owned by Central South Island Fish and Game Council and is protected by a QEII Covenant. It is appropriately described as a nationally ‘endangered’ ecosystem type and supports a high diversity of bird life such as paradise shelduck, mallards, black swan, pied stilt, banded dotterel, royal spoonbill and white heron. Water levels in the lagoon can fluctuate naturally depending on inflows and sea conditions. The site is a highly valued recreational site. Wetlands are a national priority and the inclusion of this site as a SNA is supported.