

DDPR_feedback_0108s	
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Response Date	Aug 31 22
Notes	
Q 1	Select the chapter you want to provide feedback on
Q 2	In general, to what extent do you support the contents of this chapter?
Q 3	Objective/Policy/Rule/Standard reference:
Q 4	Feedback/Comments
Q 5	Objective/Policy/Rule/Standard reference:
Q 6	Feedback/Comments
Q 7	Objective/Policy/Rule/Standard reference:
Q 8	Feedback/Comments
Q 9	Objective/Policy/Rule/Standard reference:
Q 10	Feedback/Comments
Q 11	supporting documents?
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Q 12	If you need more space, or have any other general comments, please leave them here
From: Warren Hanley Sent: Wednesday, 31 August 2022 4:33 p.m.	

To: Katrina Clark <kclark@waitaki.govt.nz>
Subject: ORC feedback on Draft Waitaki District Plan

Hi Katrina,

Please find attached our comments on the draft Waitaki District Plan you released for comment, prior to formal notification. Again, our congratulations getting the draft plan to this point, we recognise a lot of work goes into this.

We really appreciate the opportunity to have a look at the plan, and make some comments, and hope they're helpful for you to consider as you refine the draft plan for notification.

I'd be more than happy to discuss any questions you may have on our comments, particularly if there's any where we've misunderstood anything in the draft DP, or our comments aren't clear. I had asked for some specific comments from ORC staff around natural hazards and climate change but due to workloads I haven't received those yet. If you're happy for me to forward these at a later date let me know.

Look forward to hearing back from you, and all the best progressing the plan for notification.

Regards

Warren.

Warren Hanley
SENIOR RESOURCE PLANNER LIAISON

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Definitions	Part 1	Biodiversity Offset	26	<p>Suggest definition clarify that specific criteria must be met to enable Biodiversity offsetting “Means a measurable conservation outcome resulting from actions which, <i>if mandatory criteria are met</i>, designed to compensate.....”</p> <p>Further comments on biodiversity related provisions, and the requirements of the proposed ORC RPS 2021 are discussed further below.</p>	
		Carbon Forestry	27	<p>We are concerned that the definition WDC recently promoted through the Proposed Otago Regional Policy Statement 2021 (pORPS 2021) process for ‘permanent forestry’ is not reflected in its proposed ‘carbon forestry’ definition in the draft plan. We would welcome further discussion on this. This has the potential to cause alignment issues between the two council’s planning frameworks, and potentially national direction.</p> <p>In respect to the proposed Carbon Forestry definition, an issue with it is it does not reference the permanent nature of carbon forestry. In its context, it may be better expressed as “...indigenous or introduced species, <i>permanently</i> established or used for the purpose of”</p>	
		Coastal margin	29	<p>This definition may exclude parts of the coastal marine area which are defined under part (b)(ii) of the RMA definitions of coastal marine area, but can’t be measured by a high tide mark.</p>	
		Critical facilities, Essential Structures,	30, 34, 55	<p>There is overlap between these definitions, and some clarify may be helpful.</p>	

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		Regionally Significant Infrastructure		<p>For example, rail networks are classified as both facilities and structures – is there a functional difference for this?</p> <p>We suggest for Regionally Significant Infrastructure (RSI) using the definition from the proposed RPS 2021 – we’d note Omarama aerodrome is not identified as being regionally significant.</p>	
		Flood vulnerable activity	35	<p>We support the identification of activities where people residing overnight may be at risk. There are other activities that can create flow on risk to people if exposed to flooding. We suggest considering expanding the list to include:</p> <ul style="list-style-type: none"> • Marae-related activities • Landfills • Cemeteries • Prisons or detention centres • Visitor Accommodation 	
		Hard protection structure	36	Suggest using the definition in the ORC draft proposed RPS 2021	https://www.orc.govt.nz/media/10027/proposed-otago-regional-policy-statement-june-2021.pdf
		High Hazard area	38	<p>We understand that there is definition in the Canterbury RPS that informs this term. However, it may be confusing given there are areas of recognised high/very high hazard risk within two areas of the district where the ORC RPS’ apply i.e. land instability overlay in Moeraki (policy NH-P9). We suggest considering if an Otago-centric addition might be helpful to add to the definition OR consider if another definition needs to be added that would be appropriate for strategic policy guidance.</p>	

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		Sensitive Activity	59	Is there a functional need for 'flood vulnerable activity' and sensitive activity'? As we've suggested, additional activities should be added to those impacted by flooding which makes it very similar to the 'sensitive activity'. Perhaps only 'sensitive activity' is required?	
		Stormwater Management Area	62	Suggest adding 'Paleo channel' to the list	
		Stormwater management system	62	Suggest altering wording for the discharge from a system to "... prior to discharge to land <i>in a manner that may enter water, groundwater, or surface water body.</i> " Water body is suggested for clarity, particularly where the water body may be ephemeral.	
		Vegetation clearance	66	We appreciate this definition has proved challenging for many plan changes. We suggest considering discussing this with QLDC staff, the wording of the QLD Plan that was settled through mediation had the input of a number of biodiversity experts. As written, the proposed definition in the WDC district plan would technically prevent mowing of domestic lawns as it is trimming (which includes cutting) of any vegetation.	
Abbreviations			69	We note 'regional policy statement' is not abbreviated but is/should be referred to within the district plan – it could apply to either Canterbury or Otago's.	

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Strategic Direction		SD-NE-01	92	Provision for enhancement would be appropriate, so reword beginning of Objective to read <i>“Protection <u>or enhancement</u> of the natural character...”</i>	
		SD-RREE-02	93	For point 3, it is not clear how or what efficiency will achieve this objective. Perhaps specifying it is related to greater transport options, building design (e.g. passive solar gain) and location/access to transport, services etc. However, many of these matters are provided for in SD-UFD so perhaps provision 3 could simply refer to that policy suite for clarity.	
				We appreciate, the draft plan might give effect to IM-P8 and P10 and IM-M1(3) of the pORPS 2021 (which address Climate Change) through its various topics, but we believe it would add weight if there were also a Strategic Direction for climate change in the district plan, particularly to highlight the importance of adaptation and to give effect to the National Adaptation Plan and that there will be a Climate Change Adaptation Act as part of RM reforms.	
Part A General Infrastructure Rules				As an observation, we wonder if there should be a high-level strategic infrastructure objective/policy given infrastructure planning and investment is critical to the sustainable growth of land use and development for the district, as well as appropriate management of its environmental impact.	
		INF-P3	125	The policy as written could be read as an objective. If it is to be a policy, it may help if some specificity can be given to what enablement looks like.	

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		INF-P4	125	<p>'appropriate' without being defined (even though this is what the policy appears to do) may be better referred to as 'criteria for appropriate infrastructure '</p> <p>It may not be clear how this policy differs from the criteria set out for non-RSI in INF-P8 noting P8 does not clarify what 'provide for' encompasses, e.g. new or existing, and maintenance, repair, upgrading etc.</p>	
		INF-P10	129	We're not sure how you 'recognise a possibility' and give effect to this in a consenting process and/or setting of conditions, as the 'possibility' may be uncertain in terms of practicality, feasibility, timeframe for availability, market ability to provide and service etc. Perhaps, possibility should just read 'provide for'?	
	Rules	INF-R14	141	Rule refers to open drains and channels. Channels may be natural features (paleo channels or swales etc) – suggest it read " <i>...open drains and constructed channels</i> "	
	standards	INF-S13 to INF-S17	162-166	Our consents team noticed that for earthworks near waterways the draft DP rule states 5m whereas ORC's is 10 and includes drains. Could you consider this as it would be ideal that they are aligned.	<p>Rule 14.5.1.1 (b)</p> <p>https://www.orc.govt.nz/media/12645/plan-change-8-as-amended-by-environment-court-decision-2022-nzenvc-101-urban-provisions-clean-version2.pdf</p>
		INF-S17 and S18	165-167	The wording in the standards for indigenous clearance differs from some wording used in the definition of 'Vegetation clearance', e.g. 'felling, modification' and we'd note 'pruning' isn't used in the definition. This may be intentional, but it may pay to check the wording used	

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				to ensure the standards and definition align appropriately.	
Stormwater	Objectives	STORM-01	179	Suggest amending to read: <i>“There is no increased flooding risk or increase in peak demand on stormwater management system, <u>or a change in characteristics in any flows off site, from a site as a result of subdivision and development in urban zones.</u>”</i>	
	Policies	STORM-P1	179	Suggest for provision 3. It is reworded as follows to be aligned with Regional Plan: Water, and to include all possible adverse effects to be avoided: <u>3. There will be no increase in the risk of flooding of any other person’s property, erosion, land instability, sedimentation or property damage</u> Note that flooding can also occur on properties adjacent to a site, not only those downstream, and possibly even up the catchment from blockages etc. Our consents team have asked if there needs to be a definition in the draft plan of what the critical duration is, or a method to determine it?	
Stormwater Standards			182	‘water’ has been left off the heading – should read ‘Stormwater standards’	
		STORM-S1	182	Where a connect to a stormwater management system is not available, we suggest a matter of discretion be added that lets WDC require an operation and maintenance plan is provided for the on-site disposal system which	

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				confirms who will be responsible for the ongoing implementation of that plan.	
		STORM-S2	182	Under matters of discretion, we suggest provision 4 should be amended to read: <i>“any potential impacts on any <u>flooding of any other person’s property, erosion, land instability, sedimentation or property damage</u>”</i>	
Contaminated site	General comment			Currently other District Councils are having issues identifying what a contaminated site is, particularly over a large site or within road reserve. It may be helpful to consider this.	
Contaminated Land	Objective	CL-01	205	To align with the proposed RPS 2021 Contaminated land policy framework, we suggest a slight amendment to the objective so it reads: <i>“The risk to human health from the unacceptable exposure to contaminated land as a result of subdivision and development are <u>avoided or minimised.</u>”</i>	
		CL-P1	205	The policy also needs to be amended to reflect the RPS direction to also require avoidance of risk to people where possible, see proposed RPS policies HAZ-CL-P14, P15, and P18. Similar requirements are already in effect in the partially operative RPS 2019 (see Obj 4.6).	
Hazardous Substances		HAZS-P5	209	Suggest adding areas with identified Natural Hazards – this helps give effect to RPS 2019 policy 4.62 and proposed RPS 2021 policy HAZ-CL-P18	
Natural Hazards		Objective	216	NH-01 appears to set out that the effects of climate change are included within natural hazard risk – however relying on the definition of Natural Hazard doesn’t make it clear that climate change effects (let alone it as a process in its own right) supports this. We wonder if	

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				<p>climate change risk and the district plan’s response to it should be set out as a separate objective (that can be integrated with NH-01) to better support NH-P2 and NH-P6 as well the reasons why we think climate change should be represented as a strategic objective/policy giving effect to the National adaptation plan and the incoming Climate Change Act.</p>	
		NH-P4	216	<p>‘natural hazard areas’ isn’t a defined term in the draft DP or elsewhere. We suggest it may be more defensible to write the start of the policy as</p> <p><i>“Avoid locating critical facilities in areas with identified natural hazard risks, unless it can be demonstrated that:....”</i></p> <p>Is there a reason that the policy doesn’t also relate to essential structures, some for similar reasons, you would not want to be located within areas with natural hazard risk.</p>	
	Permitted activities	NH-R1	220	<p>We have some concerns with aspects of the activities enabled without any standards.</p> <p>Provision 1 of ‘Flood tolerant activities and land use’ appears to conflict with the definition of ‘structure’. Provision 1 seeks to included structures but exclude buildings’ whereas the definition of structure includes ‘any building’. Our concern related to this potential</p>	

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				<p>conflict is that if the activities enabled also include a structure that incorporates wastewater services which aren't reticulated, the disposal of wastewater could be adversely affected by flooding.</p> <p>Quarrying and Mining activities (provision 7 of flood tolerant activities) – areas with high flood risk and characteristics (high velocity flows and/or depth) could risk the discharge of contaminants (i.e. wet tailings) into flood waters. We suggest there is a standard that requires some demonstration that WDC must be satisfied any such risk is managed by an appropriate site/operation plan.</p> <p>We appreciate there are no specified flooding or natural hazard standards for the Otago region in the draft plan.</p>	
		NH-R5, R6	224	The permitted rule may still lead to consent requirements from ORC for a defence against water or possible ORC bylaw trigger. It would be helpful if there was a note included acknowledging this.	
	Land Instability – permitted activities	NH-R8, NH-R9	228	Should the matters of discretion where activity compliance is not met include potential effects of climate change on the identified risk over the life of the activity (particularly if it is a building/sensitive activity).	
Ecosystems and Indigenous Biodiversity	Policies			There are no policies that appear (including within the Coastal Environment chapter) to relate to the managing of IB within the coastal environment (and that is not within the CMA) – unclear then if proposed DP policies	

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				gives sufficient effect (particularly by ECO-P5) to either of ORC RPS' (CE-P5 2021 and Policy 3.1.10 2019)	
Natural Character	Policies			It might be helpful to provide a cross reference to relevant policies in the Coastal Environment chapter that relate to preservation of natural character within the coastal environment.	
		NATC-P1	300	We appreciate and support this policy's (and corresponding rules) recognition of the importance to enable regional councils to undertake a range of works where they have a functional responsibility within riparian margins.	
		NATC-P2	300	For provision 1 we suggest considering if the wording is amended to read "there is a function need or operational need for it, and any subsequent public benefit ; and	
		NATC-P3	301	We appreciate and support this policy	
Subdivision	Objectives		330	Provision for reverse sensitivity is provided for in SUB-P16 which relates to rural zones. However, we are concerned this may be too narrow in scope and/or clarity. The RPS 2019 and more so the proposed RPS2021, have a policy framework which relates to wider than just the rural area, accepting that urban/residential development in the rural area often is a significant cause of reverse sensitivity.	

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				<p>It may be useful to reflect avoiding reverse sensitivity and incompatible activities as an objective in itself as well as provide for managing reverse sensitivity in policies other than just the rural zone (i.e. provision for protecting existing/permitted activities in industrial areas, urban areas)</p> <p>The proposed RPS2021 policy UFD-P7 is also specific about restricting residential activities that can adversely impact the productive capacity of highlight productive land, primary production and rural industry activities.</p>	
	Rules	Notes	337	<p>Thank you for including a note referring to the role of regional plans in respect to controls for the discharge of wastewater, this is helpful for plan users. Where the specific name of a plan is given, we'd suggest adding “..(or its successor)..” to reflect those plans may be replaced, such as the in-development Otago Land and Water Regional Plan which will look to replace ORC's current Regional Plan: Water.</p>	
	Standards	SUB-S2	353	<p>Unless it is provided for elsewhere, we'd suggest amending provision 3 to:</p> <p><i><u>“the ability for people to access the site; including any potential for that access to be affected by a natural hazard event; and”</u></i></p> <p>Often during assessments of natural hazards we've found applications do not consider how access might be compromised for example by flooding etc. While a structure's design (such as a house) may respond to</p>	

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				natural hazard risk, the ability of people to access to/from a house during a hazard event is important to consider too.	
		SUB-S3	353	Thank you for noting the relevance of regional council plans for the taking and use of water. It may also be appropriate consider noting the authority of Taumata Arowai from 14 November 2022.	
		SUB-S4	354	Thank you for noting the relevance of regional council plans for the discharge of human wastewater. As the Standard title is 'wastewater disposal' and that there are wastewater streams other than human waste, we'd suggest revising the note to: <i>"Where disposal of wastewater is to land and/or water, resource consent from the Canterbury or Otago Regional Council may be required."</i>	
		SUB-S5	355	The ORC's <i>Regional Plan: Water</i> also has rules for the disposal of stormwater, it may be helpful to note this as well for plan users.	
Activities on the Surface of Water	Introduction		358	It may be helpful to consider an explanation of how this chapter works in with, for Otago at least, the ORC's functions under s13 of the RMA. It does not appear that there is a transfer of powers from ORC to WDC for sec 13 (1) therefore, there may be some overlap and/or duplication between the ASW chapter and ORC's functions.	
Costal Environment	Objectives/Policies		367	A focus of the proposed RPS 2021's Coastal Environment chapter is public access (RPS CE-P8) and while we understand it currently has little weight as yet, we would encourage a stronger reflection of public access to be reflected in the CE chapter of the draft district plan.	

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		CE-04	367	As an objective, it is appropriate to encourage and enable enhancement where possible, so we suggest amending the policy to read; <i>“There is no loss of indigenous biological diversity within the Coastal Environment, and that indigenous biodiversity is enhanced where appropriate, and Significant....”</i>	
		CE-P1	368	The PORPS21 directs ORC to identify the coastal environment CE-M1(1)	
		CE-P4	368	Suggested addition: <i>4. discouraging plantation forestry, quarrying, landfilling and mining within the Coastal Environment.</i>	
		CE-P9	370	CE-P9(1) gives effect to Policy 11 of the NZCPS 2010. However, CE-P9(2) only gives effect to Policy 11, in part, because CE-P9(2) only addresses “areas of predominantly indigenous vegetation within the Coastal Environment” and fails to address clause b(ii) to (vi).	
		APP3		Under “6. Coastal Environment”, Policy 11 of the NZCPS 2010 is referenced, which isn’t very helpful because Policy 11 lists species, habitats and areas that are to be protected. It would be more useful to list the specific areas under “6. Coastal Environment” or amend the other criteria to capture the relevant areas listed under Policy 11; however, I suspect the other criteria in APP3 probably already capture some of the relevant areas listed in Policy 11.	
Earthworks	Introduction		380	Thank you for the reference to regional councils also having a regulatory role in respect to earthworks and	https://www.orc.govt.nz/managing-our-

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				potential effects. ORC now has a residential earthworks rule	environment/water/new-water-rules/earthworks-for-residential-development
	Objectives	EW-02	382	Earthworks can have an impact on water quality either through runoff or through excavation intercepting groundwater. As this can happen in environments that may not be identified as sensitive, we suggest adding " <i>water quality</i> " to the list of matters on which the objective seeks to manage effects (and EW standards via site management plans), as these may impact on potable water supplies as well as values of the natural environment.	
				End of comments.	