



SUBMISSION FORM
Proposed Plan Change 2
(Regionally Significant Wetlands
to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

OTAGO REGIONAL COUNCIL
 RECEIVED DUNEDIN
 29 JUL 2011
 FILE NO. R100/NP/PC2/SUBS
 SENT TO Sarah V.

21

Office use only

Full name of submitter: MOIRA JEAN PARKER

Name of organisation (if applicable): Save The Otago Peninsula Inc Soc

Postal address: P.O. Box 23, Portobello
Dunedin Postcode: 9048

Telephone: 03-~~214~~ 4780-214 Fax: -

Email: Moiraparker@clear.net.nz

I wish (do not wish) (circle preference) to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
 (Cross out if you would not consider presenting a joint case).

Signature of submitter: Moiraparker (trustee) Date: 28 July 2011
 (or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

Trade competitor's declaration (if applicable)
 I could gain through trade competition from a submission, but my submission is limited to addressing adverse environmental effects directly impacting my business.

Signature of submitter: /

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

Schedule 9
Policy 10.2.3
Schedule 10

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

See over page

Schedule 9

STOP supports the inclusion of the Papanui Inlet saltmarsh (map F 59) a wetland not previously recognized in the Water Plan

STOP supports the new, and more accurate boundaries of the Hoopers Inlet swamp (map F58), and is pleased that the important ecological values of this area have been recognized.

10.2.3

STOP opposes the deletion of policy 10.2.3 and the deletion of schedule 10.

Some of the smaller wetlands on the Otago Peninsula containing turf plants and Carex and Juncus species, provide feeding grounds for wading birds. These small wetlands may not possess the values to classify them as regionally significant, but collectively they are very important as habitat for wading birds. There has been a gradual loss of these wetlands over the years, as a result of drainage and filling. The decision to remove schedule 10 will contribute to further loss of these wetlands. Wetlands at the head of Papanui Inlet were at one time included on the WERI (Wetlands of Ecological and National Importance) data base, but are now almost non-existent. STOP is concerned that the removal of schedule 10 will lead to further degradation of the remaining small wetlands at the edge of Papanui and Hoopers Inlets.

An additional wetland that is significant locally, but maybe not regionally, is a raupo swamp at Otakou. Tomahawk Lagoon is the only other site for raupo on the Otago Peninsula. In STOP's view, this swamp has ecological value and provides an example of a small wetland that should be considered for recognition in schedule 10.

STOP does not support the view that only regionally significant wetlands are worth maintaining and enhancing for future generations. We do not agree with the statement in 4.4 F that the Proposed Plan change will be more effective because "it removes inappropriate protection of non-significant wetlands".

STOP would like to see a schedule of locally important wetlands included in the Water Plan

Please fold and secure with a small piece of tape.

FreePost Authority ORC 1722



Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention Policy Team



SUBMISSION FORM
Proposed Plan Change 2
(Regionally Significant Wetlands)
to the Regional Plan: Water for Otago
 Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

OTAGO REGIONAL COUNCIL
 RECEIVED DUNEDIN
 29 JUL 2011
 R/PD/WP/PC2/S/108
 FILE NO.
 DIR TO Sarah V.

22
 Office use only

Full name of submitter: Gavan James HERLIHY
 Name of organisation (if applicable):
 Postal address: R.D. 4
Ranfurly Postcode:
 Telephone: 03 443 8624 Fax: 03 443 8620
 Email: herlihy.extra.co.nz

I wish / do not wish (circle preference) to be heard in support of my submission.
 If others made a similar submission, I will consider presenting a joint case with them at a hearing.
 (Cross out if you would not consider presenting a joint case).

Signature of submitter: [Signature] Date: 27/7/11
 (or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

Trade competitor's declaration (if applicable)
 I could gain through trade competition from a submission, but my submission is limited to addressing adverse environmental effects directly impacting my business.

Signature of submitter: [Signature]

The parts of the proposed plan change that my submission relates to are:

- (Give clear references if possible e.g. reference number, policy x, rule y)
- a) 12.1.2.6 Drainage
 - b) 12.5.1.8 Livestock

My submission is:

- (Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)
- a) Maintenance of existing drains to be a permitted activity.
Agree that new drains should require consent.
 - b) Individual approaches to 3 ORC staff could not provide any

clarity as to whether stock will still be able to be run on the upper Taieri river flats (now Regionally Significant Wetlands)

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

I need ^{greater} clarity to what is "conspicuous" re 13.5.1.8 (b)

"13.5.1.8 (d) - needs greater clarity or higher threshold to what constitutes "damage"
"no damage" if interpreted literally could be interpreted to exclude all stock, at any time of the year - under any conditions as any grazing will do some "damage"

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, FRIDAY 29 JULY 2011.

Please fold and secure with a small piece of tape.

FreePost Authority ORC 1722



Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention Policy Team



SUBMISSION FORM
Proposed Plan Change 2
(Regionally Significant Wetlands)
to the Regional Plan: Water for Otago
Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

OTAGO REGIONAL COUNCIL
 RECEIVED DUNEDIN
 29 JUL 2011
 FILE NO. R/POL/WP/PC2/S/105
 DIR TO Sarah V.

23

Office use only

Full name of submitter: M U Dowling & Maniototo Homestead

Name of organisation (if applicable):

Postal address: No. 1, R. D. Banbury

Postcode:

Telephone: 03 444 9064

Fax: 03 444 9064

Email:

I wish do not wish (circle preference) to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
 (Cross out if you would not consider presenting a joint case).

Signature of submitter: [Signature] Date: 28 July 2011
 (or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

Trade competitor's declaration (if applicable)
 I could gain through trade competition from a submission, but my submission is limited to addressing adverse environmental effects directly impacting my business.

Signature of submitter:

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

Cross Eden Creek
Marsh Complex

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

Our families have farmed this land for over 100 years and strongly oppose the need for the "Proposed Plan Change" →

The plants mentioned in the report have lived in harmony with general farming practise over this long duration, therefore we disagree with the P.P.C. which could cause management

issues in the future years.

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

Status Quo

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, FRIDAY 29 JULY 2011.

Please fold and secure with a small piece of tape.

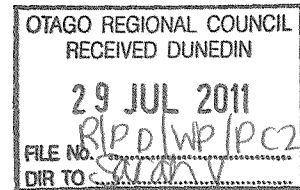
FreePost Authority ORC 1722



Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention Policy Team

24



/sub,

4790015

Submission To Otago Regional Council's Proposed Plan Change 2
 (Regionally Significant Wetlands)

Proposed Plan 10.4.6 "To promote the conservation, creation and reinstatement of wetland areas and enhancement of wetland values....".

As the owners of a small part of the Waipori/Waihola Wetland we have in the past undertaken reinstatement and enhancement of this wetland by:-

- a Aerial spraying of infestations of exotic vegetation-Willows, Alders, Gorse.
- b Creation of ponds for aquatic wildlife- Scaup, Grey Teal, Black Swan, Mallard & Ducks, Shovellers, Pukeko, Kingfisher, Bittern etc.

Our concern is that the rules contained in the proposed plan change will either not allow us to continue with this enhancement, or greatly hamper our efforts at

enhancement by involving us in a costly and time consuming consents process

enhancement by involving us in a costly and time consuming consents process.

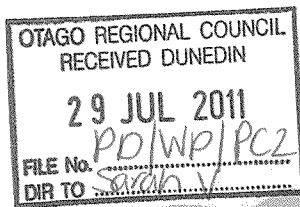
I wish to appear in support of this submission,preferably alongside the

Waihola/Waipori Wetlands Society of which I am an Executive Member.

D W Lyders
Berwick.,No 1 R D.,
Outram.

Telephone 4862834

D W Lyders 29/7/2011



25



Otago Regional Council
Private Bag 1954
Dunedin 9054

Submission Form -
Form Name: Proposed Plan
Change 2
Application ID: ORCNDFCH1/16
Application Date: July 29, 2011
Applicant Name: Michael and
Christine Holland
Application Status: New

ORCNDFCH1

Submission Form - Proposed Plan Change 2

(Regionally Significant Wetlands)

to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

SUBMITTER DETAILS

1A Contact details: *

Name: Michael and Christine Holland
Address: 437 Waianakarua Road
13 O RD
City: Oamaru
Phone: 03 4395366 Cell 0274808343
Email: mcholland@farmside.co.nz

1B

Organisation name (if applicable): (M C Holland Farming LTD)
Postcode: (9495)
Fax no: ()

1C I wish to be heard in support of my submission:*

No

1D If others made a similar submission, I will consider presenting a joint case with them at a hearing:*

Yes

Please note that all submissions are made available for public inspection.

Trade competitor's declaration

(if applicable)

1E No (not checked) I could gain through trade competition from a submission, but my submission is limited to addressing adverse environmental effects directly impacting my business.

ORCNDFCH1

Submission Form - Proposed Plan Change 2

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM FRIDAY 29 JULY 2011

2A The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

Proposed Plan Change 2(Regionally Significant Wetlands) Map F65-Waianakarua River Estuary Swamp

2B My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

We support the proposal relating to the wetland at the Waianakarua river estuary. The land that has been identified is not used as farm land and is fenced off from stock access. We have been involved with the Herbert Heritage Group in wetland planting of natives in the area. We feel the fenced off area gives enough protection for the wetland. We do not want to see the identification of a wetland affect our farming operation in the future with regard to irrigation takes in the river above the wetland, and land use and stocking rate adjacent to the wetland.

2C I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

We support the identification of the Waianakarua Wetland but want no changes to irrigation takes above the wetland and no changes to land use adjacent to the wetland

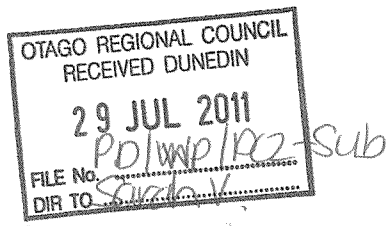
2D Please upload any documents in support of your submission:

[No files have been uploaded]

Click on **Finish** to send your submission to the Council.

2E Office use only

Submission redirected to:



**Submission on
Proposed Plan Change 2
(Regionally Significant Wetlands)
in
Regional Plan: Water for Otago**

from

The Yellow-eyed Penguin Trust

Contact details:

Sue Murray / General Manger – Yellow-eyed Penguin Trust
3rd Floor, Queens Building
109 Princes Street
PO Box 5409
Dunedin 9058

Phone: 03-479-0011
Mobile: 021-488-285

The Trust wishes to give an oral submission in support of this submission.

Background:

The Yellow-eyed Penguin Trust is a landholder within the areas covered by the proposed changes, and one of the new Schedule 9 areas is on Trust owned land. Others abut it or are nearby. Healthy wetlands, especially the saltmarshes, are considered of vital importance to bird life in the areas.

The Report

The Yellow-eyed Penguin Trust commends the Regional council on adding twenty-four newly identified wetlands and of updating the maps so that the wetland areas are more accurately defined.

Unfortunately the Index maps for the current Water Plan are not displayed on the ORC web site and with limited time we have not been able to check which areas currently on Schedule 10 have now been removed, or whether Tavora for instance was previously listed. We were unable to identify the Lake Waihola wetlands (aka Sinclair Wetlands) in the current proposed list but such a large important area is presumably listed there under a less well known name.

“This plan change aims to protect the **best** of those remaining in Otago” (bolding added), but appears to then offer essentially little protection for lesser wetlands, which in the wider scheme of things may be equally important. For instance see 4 below. It is noted

that 10.2.3 of the current Water Plan states, “There is a risk that wetlands which do not contain significant values individually, but which collectively contribute to the values of Otago’s wetlands, will be lost or degraded.”

This appears to be true with the exclusion of all the saltmarsh remnants around the Inlets on the Otago Peninsula, with the exception of a single wetland each at the edge of Hoopers Inlet and Papanui Inlets respectively.

It is planned to remove all values information and wetland descriptions from the Water Plan and place in a separate, non-regulatory inventory of wetland. “The protection of wetlands through the Water Plan strongly relies on the accuracy and availability of values information and wetland descriptions. For this information to be useful, the descriptions and values information must be accurate, readily available, and up-to-date.” (Section 32 Report, 4.4 B). The time schedule for providing this information attached to the Inventory is crucial. It is important that land owners have this information. A hiatus where no values are given could be detrimental.

In terms of the Yellow-eyed Penguin Trust’s land holdings that include wetlands, and their surrounding areas, we note that:

1. Okia Flats which consists of ephemeral or intermittent wetlands in a dune hollow area is designated a Wetland Management Area (115) and moved from schedule 10 to schedule 9. We approve.
2. The adjoining Te Matai Marsh Complex (149) is moved from Schedule 10 into Schedule 9 and now becomes a regionally significant wetland (or is it seen as part of one combined with Okia Flats?). We approve this change, either way.
3. The DOC Conservation Covenant known as Papanui Inlet Saltmarsh (120) is now included in Schedule 9. We approve.
4. Tavora Wetland at Bobbys Head is not included, despite the fact that significant restoration work has been carried out by the Trust in this area. What is more, the Otago Regional Council funded educational signage to inform visitors of the nature of the wetland and its vegetation. Given the numbers of visitors that it receives each year, this remains not only a showcase for restoration to improve the wetland function, but also is an important site for educating the public on the nature of wetlands and their flora and fauna.

Is it the relatively small area of this wetland that has led to its exclusion? It does not appear to be covered under the current Coastal Protection Areas which might have been an alternative reason for its exclusion.

We would argue for its inclusion in Schedule 9.

27



SUBMISSION FORM
Proposed Plan Change 2
(Regionally Significant Wetlands)
to the Regional Plan: Water for Otago

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991

OTAGO REGIONAL COUNCIL
RECEIVED DUNEDIN
29 JUL 2011
FILE NO. B/PD/NP/PC2/051 Subs.
DIR TO [Signature]

Full name of submitter: OTAGO CONSERVATION BOARD

Name of organisation (if applicable): (AS ABOVE)

Postal address: BOX 5244,
DUNEDIN Postcode: 9058

Telephone: 474 6936 Fax: 477 8626

Email: mclark@doc.govt.nz

I wish do not wish (circle preference) to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
(Cross out if you would not consider presenting a joint case).

Signature of submitter: Maclark Date: 29/7/11
(or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

Trade competitor's declaration (if applicable)
I could gain through trade competition from a submission, but my submission is limited to addressing adverse environmental effects directly impacting my business.

Signature of submitter: N/A

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

AS PER THE ATTACHED LETTER
OF 29 JULY 2011

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

AS PER THE ATTACHED LETTER
OF 29 JULY 2011

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

AS PER THE ATTACHED LETTER
OF 29 JULY 2011

Fold

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, FRIDAY 29 JULY 2011.

Please fold and secure with a small piece of tape

Fold

FreePost Authority ORC 1722



Otago Regional Council
Private Bag 1954
Dunedin 9054

Attention Policy Team

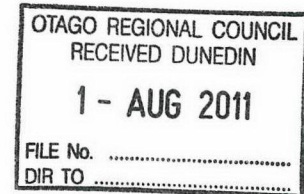


OTAGO CONSERVATION BOARD

Our ref: SBC-08-91

29 July 2011

Otago Regional Council
Private Bag 1954
DUNEDIN 9054



Dear Sir/Madam

SUBMISSION ON PROPOSED PLAN CHANGE 2 (REGIONALLY SIGNIFICANT WETLANDS) TO THE REGIONAL PLAN: WATER FOR OTAGO

Thank you for the opportunity to submit on Proposed Plan Change 2 (Regionally Significant Wetlands) to the Regional Plan: Water for Otago.

The Otago Conservation Board is appointed by the Minister of Conservation to represent the wider Otago community in advocating for the protection of biodiversity, the enhancement of recreational opportunities, and the conservation of natural and historic resources throughout Otago.

Our submission is:

The Board supports the proposed changes, as they will provide much needed protection for our remaining wetlands.

Wetlands are vitally important ecosystems, containing important biodiversity and maintaining fresh water quality. We are very concerned that New Zealand has lost more than 90% of its wetlands. It is essential that all remaining wetlands receive the highest level of protection. As a society, we must avoid activities that damage our remaining wetlands. It is no longer acceptable to merely remedy or mitigate effects.

We strongly support:

- The addition of new wetlands to the list of protected wetlands (Schedule 10);
- Setting the default activity status of activities that affect wetlands as 'non-complying';
- The intention to avoid adverse effects on wetlands rather than to remedy or mitigate such effects.

Decision sought:

We do have the following concerns however and seek the following decision (underlined sentences refer):

- Because wetlands are often small areas with complicated boundaries, good mapping is essential. We are concerned that the 1:50,000 maps may be inadequate in this respect. It is our understanding that more detailed maps based on aerial photographs are available. These detailed maps and their base aerial photographs should be used in the new Schedule;
- Some of the wetlands in the old Schedule 9 are not going to be added to Schedule 10 and will accordingly have no protection. Is this because the values of these wetlands have already been degraded by draining or cultivation? These areas should be re-evaluated and, where appropriate, given protection. Not including them in Schedule 10 will result in progressively fewer protected wetlands as a consequence of moving from one Schedule to the next;
- The current plan contains information on the values of specific wetlands, and we are concerned that it is to be removed. This information should be retained and included in the new Schedule to be used for ongoing planning and protection. Planning decisions and protection can only be improved by having ready access to information about the ecological values of the wetland involved.

Thank you again for this opportunity to comment.

Yours faithfully



Associate Professor Abigail M. Smith
Chairperson



SUBMISSION FORM
Proposed Plan Change 2
(Regionally Significant Wetlands)

to the Regional Plan: Water for Otago
Form 5, Clause 6 of the First Schedule, Resource Management Act 1991.

28

Office use only

Full name of submitter: AVE Beattie & J G Burnet-Beattie

Name of organisation (if applicable): the retreat trust

Postal address: Onaka Valley Rd. 3642

RAI CLINTON Postcode: 9583

Telephone: 03 4157357 Fax:

Email: theretreat@ruralinzone.net

I wish / do not wish (circle preference) to be heard in support of my submission.

If others made a similar submission, I will consider presenting a joint case with them at a hearing.
(Cross out if you would not consider presenting a joint case).

OTAGO REGIONAL COUNCIL
RECEIVED DUNEDIN
29 JUL 2011
FILE No. R/PO/WP/PC2(07)Sub
DIRTO J.V.

Signature of submitter: J Burnet-Beattie Date: 20-7-11
(or person authorised to sign on behalf of person making submission).

Please note that all submissions are made available for public inspection.

Trade competitor's declaration (if applicable)
I could gain through trade competition from a submission, but my submission is limited to addressing adverse environmental effects directly impacting my business.

Signature of submitter:

The parts of the proposed plan change that my submission relates to are:

(Give clear references if possible e.g. reference number, policy x, rule y)

three stones fen system
.....
.....
.....
.....
.....

My submission is:

(Include whether you support, oppose, or wish to have amended the parts identified above, and give reasons)

We oppose the proposed plan change as landholder and ratepayer as far as we are concerned it is insignificant and not a wetland area. It has ditches throughout the tussock area.

Which are outlets for all the farm drainage. This is an important part of our drainage system, which needs cleaned out periodically for stock entrapment and maintenance of drains. It isn't fenced and has tussocks used for stock shelter at lambing time and shearing time.

I seek the following decision from the local authority:

(Give precise details e.g. changes you would like made)

To take the tussock ground out of the fen system.

shelter at lambing time and shearing time.

We have asked for someone to come out and look at this

area. Anja Milesey has made contact with me regarding someone to come and inspect.

NO ONE HAS RANG FOR A TIME TO DO THIS!!

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM, FRIDAY 29 JULY 2011.

Please fold and secure with a small piece of tape.

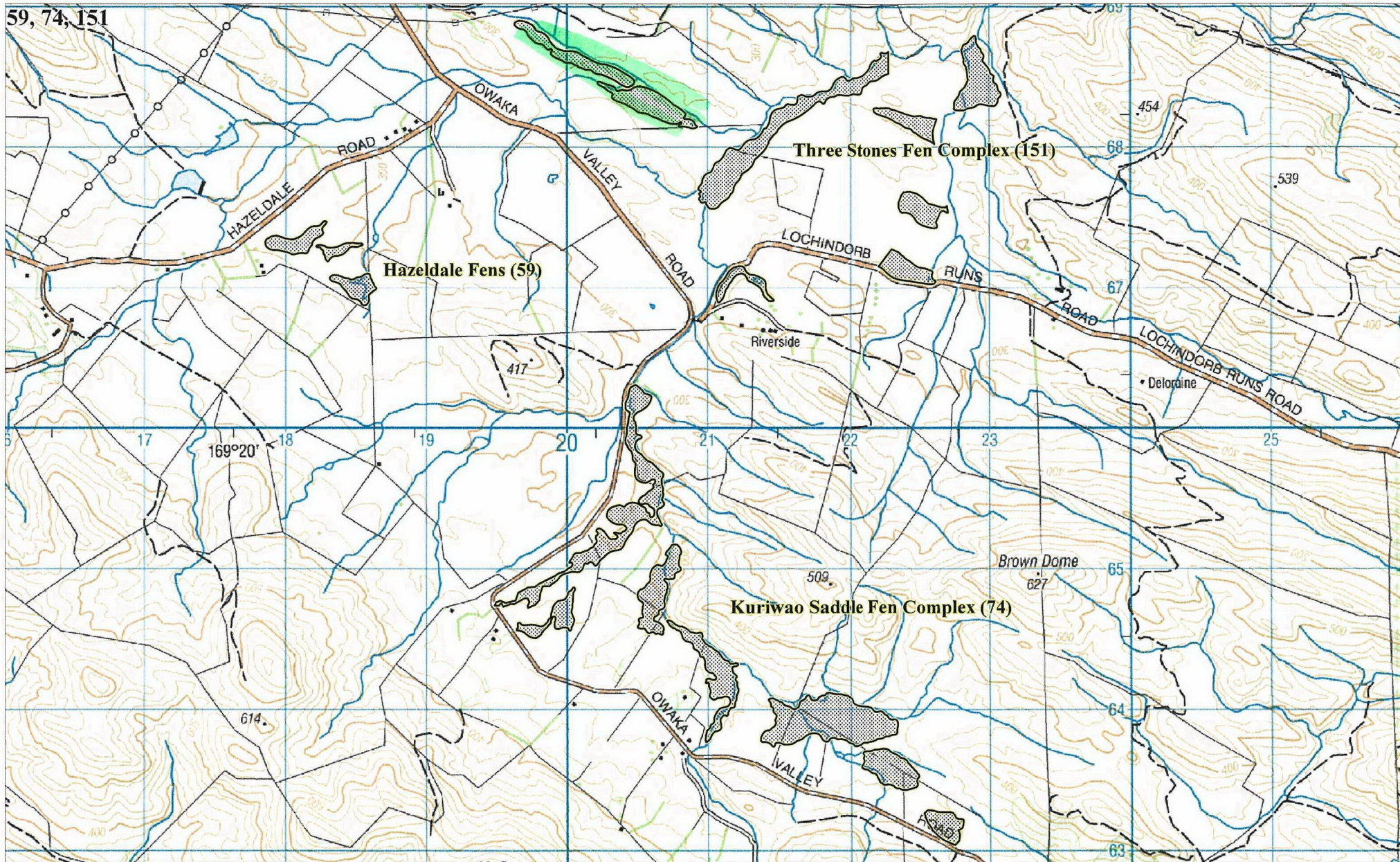
Fold

FreePost Authority ORC 1722



Otago Regional Council
Private Bag 1954
Dunedin 9054


Attention Policy Team

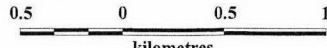


Basemap: Land Information New Zealand Topo50 Maps
 Notified 2 July 2011



Key

 Regionally significant wetland

 0.5 0 0.5 1
 kilometres

Sourced from LINZ data, Crown and Critchlow Copyright reserved.

Proposed Plan Change 2

Regionally Significant Wetlands

Map F53



SUBMISSION

TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ



To: Otago Regional Council

Attention: Fraser McRae
Otago Regional Council
Private Bag 1954
Dunedin



On the: Proposed Plan Change 2 (Regionally Significant Wetlands) to the Regional Plan: Water for Otago

By: Federated Farmers of New Zealand

Date: 29 July 2011

Contact: Kim Reilly
Policy Advisor
South Island
Federated Farmers of New Zealand

P: 03 477 2435
F: 03 479 0470
E: kreilly@fedfarm.org.nz

We wish to be heard in support of our submission

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

KEY SUBMISSIONS

- That Council remains conscious of the additional compliance costs associated with this policy;
- That Council adopt provision 10.4.1 as proposed;
- That Council acknowledge that rates relief is appropriate in certain circumstances and that this be introduced as a non regulatory method in the proposed plan change;
- That Council be responsible for undertaking, implementing and funding the management and eradication of exotic plants to maintain or enhance wetland values where required;
- That Council amend the activity status to a restricted discretionary activity requiring consent, rather than a non-complying activity in regard to provisions 12.1.1A.1; 12.2.1A.1; 12.3.1A.1;
- That Council categorise maintaining an existing drain in a Regionally Significant Wetland as a permitted activity not requiring resource consent;
- That Council delete from provisions 12.1.2.4, 12.1.2.5, 12.1.2.6, 12.2.2.5, 12.2.2.6, 12.3.2.1, 12.3.2.2, 12.3.2.3 “*there is no change to the water level or hydrological function, or no damage to the flora, fauna or its habitat, in or on any Regionally Significant Wetland*” where land is not a Regionally Significant Wetland;
- That Council amend the consideration in 12.1.4.8, 12.2.3.4, 12.3.3.1, 12.4.2.1, 12.5.2.1, 12.8.2, 12.9.2.1 and 13.2.2.1 to “*any adverse effect on any Regionally Significant Wetland or on any regionally significant wetland value*”;
- That Council adopt 13.2.1.1 and 13.2.1.2 as proposed;
- That Council allow for a financial contribution or rates relief where a fence is considered necessary to protect wetland values by introducing appropriate non regulatory methods in the proposed plan change;
- That Council reword 13.2.1.5 and 13.2.1.6 so that they read:
“*.... Is a permitted activity, providing that for the bed of any lake, river or Regionally Significant Wetland....*”
- That Council adopt 13.5.3.2, 13.6.2.0 and 13.7.1.2 as proposed;
- That Council introduce a non regulatory method that provides for Council to undertake, implement and fund weed management or eradication plans, where appropriate for Regionally Significant Wetlands;
- That Council remove those areas inaccurately identified as Regionally Significant Wetlands within Schedule 9 maps where landowners specifically request the review of maps in their submissions;

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

- That Council only include those values and wetlands already identified within the proposed plan to any non-regulatory inventory;
- Alternatively Council ensures that any changes or updating of any wetland inventory only occurs in direct consultation with the landowners concerned and that Council introduces a policy and a method into the proposed plan change that provides for a process of consultation with the affected landowner(s).

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

SUBMISSION TO OTAGO REGIONAL COUNCIL ON PROPOSED PLAN CHANGE 2 (REGIONALLY SIGNIFICANT WETLANDS)

1. INTRODUCTION

- 1.1 Federated Farmers of New Zealand welcomes the opportunity to comment on the Otago Regional Council's Proposed Plan Change 2 (Regionally Significant Wetlands).
- 1.2 Federated Farmers of New Zealand is a primary sector organisation that represents over 14,000 farming and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand farmers.
- 1.3 The Federation aims to add value to its members' farming business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
- Our members may operate their business in a fair and flexible commercial environment;
 - Our members' families and their staff have access to services essential to the needs of the rural community; and
 - Our members adopt responsible management and environmental practices.
- 1.4 Our members strongly support a planning approach that recognises landowners play a principle role as managers (and financiers) of the regions natural and physical resources. They also support regional plans that are truly effects based and that do not unnecessarily inhibit or pose constraints on farming activity. Landowners are proactive resource managers who rely solely on their properties natural and physical resources for their farming business, it is entirely in their best interest and subsequently that of the district to manage their land sustainably.

2 SUBMISSIONS APPLYING TO WHOLE OF PLAN CHANGE

- 2.1 Federated Farmers supports Council's general approach to the management of wetlands in the region so that it is acceptable in social and economic terms to the ratepayers of the region.
- 2.2 Federated Farmers supports the restructuring of the wetlands rules to make them more concise, clear and consistent.
- 2.3 Federated Farmers acknowledges Council's intent to more accurately map the Regionally Significant Wetland areas within Schedule 9. Mapping will provide greater certainty to farmers as to which wetlands do and do not have restrictions placed on them and to ensure that actual mapped boundaries are an accurate account of areas with regionally significant values. However, Federated Farmers is concerned that there has not been adequate consultation with all affected landowners and that some of the wetlands have been inaccurately identified and included within Schedule 9.

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

- 2.4 Federated Farmers acknowledges and supports submissions by Individual landowners. Federated Farmers submission is made with the support of those landowners and we have taken and provided every opportunity to discuss points of the submission with those landowners who have regionally significant wetlands identified on their properties. We particularly support submissions by affected landowners who believe that they have not had sufficient discussion on the particular of the mapped areas and or the effect of the identification of a regionally significant wetland on their property.

3 SPECIFIC COMMENTS

3.1 Provision in the Proposed Plan Change

10.4.1 The Regionally Significant Wetland values of Otago's wetlands include:

A9: Significant hydrological values including maintaining water quality or low flows, or reducing flood flows.

Submission:

Federated Farmers supports the Council's incorporating of wetland values within one provision.

Summary of Reasons for this Submission

Federated Farmers supports the addition of the word "significant" to the values definitions.

Relief Sought

Council adopt the provision as proposed

3.2 Provision in the Proposed Plan Change

10.4.2A and 17.1

Submission

Federated Farmers opposes in part 10.4.2A and 17.1

Summary of Reasons for this Submission

Federated Farmers considers there will be circumstances where a financial contribution such as rates relief and or similar recognition to farmers on whose land the specified wetlands are located will be required, given that wetlands are primarily protected for the public interest.

For example, Federated Farmers considers a contribution by Council towards fencing is appropriate where a wetland is unable to handle stock within the parameters

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

required and fences are considered necessary to prevent stock causing slumping, pugging, erosion or damage to the habitat.

Similarly, where wetlands are purely maintained or enhanced for the public interest, Federated Farmers considers it appropriate for Council to undertake, implement and fund the management and eradication of exotic plants to prevent their spreading to neighbouring farmland and to enhance the values present in the wetland, or similarly Council will need to make provision through rates relief if a similar work programme is agreed to by the landowner.

Relief Sought

An acknowledgement from Council that financial contribution or rates relief will be required in certain circumstances and that this be introduced as a non regulatory method in the proposed plan change.

That Council be responsible for undertaking, implementing and funding the management and eradication of exotic plants where required to maintain or enhance wetland values.

3.3 Provision in the Proposed Plan Change

12.1.1A.1; 12.2.1A.1; 12.3.1A.1

Submission

Federated Farmers opposes in part these provisions.

Summary of Reasons for this Submission:

Federated Farmers notes that the taking and use of surface water, the taking and use of groundwater, the diversion of water from or within any Regionally Significant Wetland and the damming or diversion of water that affects the water level of any Regionally Significant Wetland is to be categorised as a non-complying activity requiring resource consent.

Federated Farmers appreciates that where adverse environmental effects are very likely, Council should have the power to decline the application or preferably seek conditions that provide certainty that any effects arising from the activity will be appropriately managed by the consent holder.

However, applying a non-complying activity status to the consent is unnecessary. Council can still exercise discretion whether or not to grant consent, and/or to impose conditions where the activity is categorised as restricted discretionary.

Requiring farmers to apply for resource consent for a non-complying activity would add needless expense and time to the process when the objectives of the plan change could be met by requiring the farmer to apply for a restricted discretionary activity consent. A balance needs to be achieved between enabling social and economic wellbeing, and the protection of the environment.

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

Federated Farmers considers it more appropriate for the specified activities to be categorised as restricted discretionary activities than non-complying.

Relief Sought

Council amend the activity status to a restricted discretionary activity requiring consent, rather than a non-complying activity.

3.4 Provision in the Proposed Plan Change

Maintaining an Existing Drain – 12.1.2.6; 12.3.2.2

Submission

Federated Farmers opposes in part 12.1.2.6 and 12.3.2.2

Summary of Reasons for this Submission

Federated Farmers has serious concerns with the requirement to apply for consent to maintain existing drains into and out of identified wetlands.

Land drainage has positive effects in addition to increasing the productivity of land and providing for better land management, including reducing the incidence of localised flooding. Benefits therefore extend beyond individual landowners to local populations and the regional and national economy.

Where wetland drainage systems are already in place and are not properly maintained, there is further potential for flooding, erosion of adjoining properties and the discharge of sediment and other contaminants.

Where drains are existing scheduled Council drains, maintenance should continue to be the responsibility of the Council and that this maintenance should continue whether or not it is a regionally significant wetland or whether or not a resource consent is required.

In addition, requiring resource consent to maintain existing drains may deter any maintenance. This will have a flow on effect beyond the landowner in question. Federated Farmers considers that appropriate site standards can ensure existing values of the wetland are maintained while enabling farmers to maintain an existing drain without altering the existing values of the wetland.

Federated Farmers considers maintaining existing drains, including the clearing of any subsequent slumping, should continue to be a permitted activity not requiring resource consent.

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

Relief Sought

Categorise the maintaining of an existing drain, including the clearing of any subsequent slumping, as a permitted activity not requiring resource consent.

3.5 Provision in the Proposed Plan Change

12.1.2.4; 12.1.2.5; 12.1.2.6; 12.2.2.5; 12.2.2.6; 12.3.2.1; 12.3.2.2; 12.3.2.3; 13.4.1.1; 13.5.1.1; 13.5.1.3; 13.5.1.8 - Permitted Activities: No Resource Consent Required

Provision throughout above sections include: providing...

“There is no change to the water level or hydrological function, or no damage to the flora, fauna or its habitat, in or on any Regionally Significant Wetland”;

Submission

Federated Farmers opposes in part the above provisions

Summary of Reasons for this Submission

Other provisions ensure that resource consent is required when the taking and use of surface water, the taking and use of ground water and the damming and diversion of water is from a Regionally Significant Wetland (eg 12.1.1A.1). Council has ensured the mapped wetland areas within Schedule 9 are thorough and inclusive of all applicable wetland management areas. Federated Farmers is unsure of the need to include the above provision throughout remaining rules given the thoroughness of the mapped wetland areas.

Federated Farmers is concerned that the implementation of this rule is uncertain for farmers in locations adjacent to already mapped areas. Such uncertainty may lead to unnecessary confusion as to responsibilities around where and when resource consent is required.

Relief Sought

Federated Farmers requests the deletion of the provision in italics above.

3.6 Provision in the Proposed Plan Change

12.1.4.8; 12.2.3.4; 12.3.3.1; 12.4.2.1; 12.5.2.1; 12.8.2; 12.9.2.1; 13.2.2.1; 13.3.2.1; 13.4.2.1; 13.5.2.1 - Restricted Discretionary Activity Considerations including:

(xvii) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and

Submission

Federated Farmers opposes in part the above provisions

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

Summary of Reasons for this Submission

Federated Farmers notes the deletion of the word 'adverse' in the above provisions. As proposed, the provision is very wide reaching as to 'any effects' to be considered. The means of implementation of the provision is uncertain without any direction as to which effects are to be considered.

There will be farming activities that have only minor effects on regionally significant wetlands. While we recognise the importance of maintaining the values of remaining wetlands the focus of section 5 is on avoiding, remedying or mitigating adverse effects, not any effects.

Federated Farmers is concerned that under the proposed wording, standard farming practices that have no adverse effect may be captured by the relatively open criteria.

Federated Farmers supports the reinstatement of the word 'adverse'. Council's considerations are best constrained to the adverse effects on any Regionally Significant Wetland or values.

Relief Sought

Council reinstate the word 'adverse' in the provisions above.

3.7 Provision in the Proposed Plan Change

13.2.1.1, 13.2.1.2

Submission

Federated Farmers supports the above provisions

Summary of Reasons for the Submission

Federated Farmers supports continuing as a permitted activity not requiring resource consent, the erection of any fence, pipe, line or cable, or any flow or level recording device, outfall or intake structure in or over any Regionally Significant Wetland as per specified rules.

Federated Farmers also supports there being no requirement to fence wetlands but for farmers to manage the potential effects of stock access through a variety of methods and as an acknowledgement that fencing may be prohibitively expensive or impractical in some cases of regionally significant wetlands and in particular wetlands above 800m. However, where fences are considered necessary to ensure Regionally Significant Wetland values are maintained, financial contribution should be provided by Council way of compensation or rates relief.

Relief Sought

That Council adopt 13.2.1.1 and 13.2.1.2 as proposed.

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

That Council allow for a financial contribution or rates relief where a fence is considered necessary to protect wetland values by introducing appropriate non regulatory methods in the proposed plan change.

3.8 Provision in the Proposed Plan Change

13.2.1.5, 13.2.1.6

Submission

Federated Farmers supports in part the proposed provisions.

Summary of Reasons for the Submission

Federated Farmers supports the Council permitting the erection or placement of any maimai, whitebait stand or eel trap fixed in or on any Regionally Significant Wetland.

It is unclear what exact rules apply to 'Regionally Significant Wetlands' however as worded criteria (a) to (d) only apply to 'for the bed of any lake or river'. Such uncertainty in interpretation could lead to confusion as to what permitted 'maimai, whitebait stand or eel trap' criteria are.

Federated Farmers supports Council clarifying within those provisions what the rules are around permitted Regionally Significant Wetland activities in relation to erecting or placement of any maimai, whitebait stand or eel trap.

Relief Sought

That Council reword 13.2.1.5 and 13.2.1.6 so that they read:

*"... Is a **permitted** activity, providing that for the bed of any lake, river or Regionally Significant Wetland:....*

3.9 Provision in the Proposed Plan Change

13.5.3.2; 13.6.2.0; 13.7.1.2

Submission

Federated Farmers supports in part the above provisions.

Summary of Reasons for the Submission

Federated Farmers supports Council permitting, without consent, the introduction or planting of any New Zealand native plant to any Regionally Significant Wetland.

Federated Farmers also supports the rules permitting the removal or clearance of plant material exotic to New Zealand from any Regionally Significant Wetland.

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

There will be circumstances where identified wetland areas are protected for the public interest and yield little or no financial return for the landowner. In such circumstances, Federated Farmers consider it appropriate for the Council to undertake, implement and fund any weed management or eradication plans for those wetlands. This will ensure wetland values are maintained and enhanced.

Relief Sought

That Council adopt 13.5.3.2, 13.6.2.0 and 13.7.1.2 as proposed

That Council introduce a non regulatory method that provides for Council to undertake, implement and fund weed management or eradication plans, where appropriate for regionally significant wetlands.

3.10 Provision in the Proposed Plan Change

Schedule 9: Schedule of identified Regionally Significant Wetlands

Submission

Federated Farmers opposes in part Schedule 9

Summary of Reasons for this Submission

Federated Farmers acknowledges Council's intent to more accurately map the Regionally Significant Wetland areas within Schedule 9. More accurate mapping will provide greater certainty to farmers as to which wetlands do and do not have restrictions placed on them.

Federated Farmers has some concern, however, that not all landowners of affected wetlands have been adequately involved in the mapping process. There are a number of properties where little or no input, consultation or on-site visits have occurred. Wetlands may therefore be mapped and contained within Schedule 9 when in fact they do not contain sufficient regionally significant values as per criteria within section 10.4.1. As a result, landowners may not have had sufficient opportunity prior to the plan being notified to consider the implications on their property of their wetlands being included within schedule 9.

Landowners of any wetland areas inaccurately identified within Schedule 9 will be significantly and unfairly impacted through having to apply for resource consent to carry out day-to-day farming activities that may have little or no negative effect on identified wetland values.

Federated Farmers considers any areas inaccurately included within Schedule 9 should be removed from Schedule 9 and mapped areas.

Federated Farmers is also concerned that the list of values the wetlands contain is to be removed from the Regional Plan and placed into a "separate, non-regulatory

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

wetland inventory". Federated Farmers is concerned that values could then be changed and updated without requiring a full plan change and public consultation process.

While we recognise that there are planning efficiencies and cost savings to be made with such an approach, Federated Farmers considers that at the very least affected farmers should be able to submit on what is to be in the inventory, with all the usual rights to make submissions, be heard and if necessary appeal to the Environment Court.

Federated Farmers is concerned that a non-regulatory inventory in these circumstances will be counterproductive to working positively with landowners unless they are adequately involved in the process.

Federated Farmers is concerned that any ability to easily change or update an inventory brings with it a lack of certainty for farmers as to their expectations and responsibilities. It is also important for farmers to have adequate involvement in the process of identification and addition of any further regionally significant wetlands.

Relief Sought

That Council remove any wetlands inaccurately identified as Regionally Significant Wetlands included within Schedule 9 maps as identified by individual submitters.

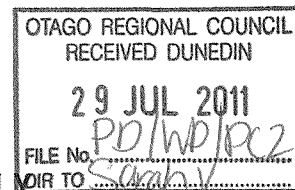
That Council only include those values and wetlands already identified within the proposed plan to any non-regulatory inventory.

Alternatively Council ensures that any changes or updating of any wetland inventory only occurs in direct consultation with the landowners concerned and that Council introduces a policy and a method into the proposed plan change that provides for a process of consultation with the affected landowner(s).

Kim Reilly
POLICY ADVISOR

Federated Farmers of New Zealand
PO Box 5242, Dunedin
P 03 477 2435
F 03 479 0470
E kreilly@fedfarm.org.nz

30



SUBMISSION ON PROPOSED PLAN CHANGE 2 (REGIONALLY SIGNIFICANT WETLANDS) TO THE REGIONAL PLAN – WATER FOR OTAGO

Form 5, Clause 6 of the First Schedule, Resource Management Act 1991

To: Otago Regional Council
Private Bag 1954
Dunedin 9054

policy@orc.govt.nz

Submission on: Proposed Plan Change 2 (Regionally Significant Wetlands) to the Regional Plan – Water for Otago

Name of Submitter: Contact Energy Limited

Address for Service: Contact Energy Limited
PO Box 10742
Level 1
Harbour City Towers
29 Brandon Street
Wellington 6143

Attention: Rosemary Dixon
Special Counsel - Environment

Phone: (04) 462 1284
Fax: (04) 463 9261
Mobile: 021 222 1181
rosemary.dixon@contactenergy.co.nz

Contact Energy Limited (Contact) wishes to be heard in support of its submission at any hearing.

If others made a similar submission Contact would not consider presenting a joint case with them at the hearing.



.....

Special Counsel – Environment
Contact Energy Limited

29 July 2011

.....

Date

Background

Contact has three existing hydro power facilities within the Otago Region – Hawea Dam on the Hawea River and Clyde and Roxburgh Dams and power stations on the Clutha River – as well as resource consents to install generation capacity in the Hawea Gates (17.2MW).

Clyde and Roxburgh have generation capacity of approximately 750MW and currently generate about 10% of New Zealand's electricity. Downstream of Hawea, Clyde and Roxburgh Dams, all wetlands within the existing, consented dams' sphere of influence can experience fluctuating water levels, be it on an hourly, daily or seasonal basis.

New Zealand needs more energy to power our growing country for the next 100 years and beyond. The Government has set a target of 90% renewable electricity generation by 2025 and that has been reflected in the now operative National Policy Statement for Renewable Electricity Generation. To achieve that target sizeable new renewable electricity generation must be added to New Zealand's portfolio. There is the potential for further hydro development on the Clutha River, including identified schemes at Tuapeka Mouth, Beaumont, Queensberry and Luggate.

Contact is therefore interested in PPC 2 as an existing consent holder with operational needs and with requirements for ongoing 'renewal' of consents; as a potential applicant for consents for new facilities/activities; and as a citizen of the Otago region.

Contact's Submission is:

Contact opposes Proposed Plan Change 2 (PPC 2) with respect to the compilation of Schedule 9, the definition of a Regionally Significant Wetland including any wetland over 800m above sea level, and the non-complying activity status triggered for many activities controlled by Chapter 12 of the Regional Plan. Contact also opposes the duplication of rules in PPC 2 and District Plans, including the Central Otago District Plan.

Contact supports the intent of the changes to the financial contributions provisions proposed by PPC 2, subject to amendments discussed below.

In particular:

Schedule 9

Criteria for inclusion of a wetland in Schedule 9

Schedule 9 lists a significant number of wetlands as being Regionally Significant. However, neither PPC 2 nor the s32 report outline the criteria or methodology used to determine the basis on which any wetland was included as a Regionally Significant Wetland (RSW) in Schedule 9.

In Contact's experience of good resource management practice there are two broad options for protection of an area such as a wetland:

- First, the Regional Council could undertake a high level of investigation and assessment of an area's value and then in full knowledge of these values define objectives and policies to restrict effects on those activities that may have significant effects on those values.
- Alternatively, the second way is to undertake a much lower level of investigation and assessment and develop objectives and policies that are less restrictive but which make up for the lack of council knowledge by tasking a resource consent applicant with undertaking an appropriate level of investigation and assessment themselves.

On the face of PPC 2, the Council seems to have adopted the first, restrictive approach, but based on a low level of investigation and assessment only. This inappropriately controls the sustainable management of natural and physical resources. In Contact's view the approach is not justified.

Contact notes that the recently operative National Policy Statement for Freshwater Management requires protection of the "significant values of wetlands". While Implementation Guidance from the Ministry for the Environment has yet to be released the Ministry has discussed this aspect of the NPS in public workshops. It has explained it as requiring not the protection of all wetlands and all values but the protection of *values of significance* associated with any particular wetland. That assumes a robust level of analysis to establish significant values which Contact does not consider Council has undertaken. It also requires that the values identified are significant.

Contact also opposes the automatic inclusion of any wetland over 800m above sea level as a RSW. This includes thousands of wetlands for which no specific values investigation has been undertaken at all.

Nature of wetlands in Schedule 9

Contact is also concerned that there is no acknowledgement of the origin and history of the wetlands in Schedule 9. While some of the wetlands in Schedule 9 are without doubt natural, others are the remnants of previous human activity; for example the Island Block Pond Marshes and Bendigo Wetland. While the values of the two types of wetlands may not necessarily differ, PPC 2 does not make allowance for the creation of new wetlands. Clearly there is potential for the creation of man-made wetlands that can develop significant values; these could be as a result of new activities or, for example, through provision of mitigation or offsetting opportunities. Contact questions whether the history of the wetlands has been appropriately considered in their classification and in the determination of objectives, policies and rules.

Removal of descriptive information on each Schedule 9 wetland

PPC 2 removes all descriptive information on each listed wetland and proposes that a separate non-regulatory inventory be developed instead. This inventory could be updated by Council at any time. Contact opposes this approach as being ultra vires as it allows for a non-public and non-contestable process to assign values to a wetland at any time. It also removes certainty for Plan users and decision makers. This does not seem just, particularly when it is these values that are the very reason that the non-complying activity category is applied to anything more than a very minor use of, or effect on, a wetland.

Is Schedule 9 exhaustive?

The introduction to Schedule 9 states that "Schedule 9 is not exhaustive". Contact is concerned that other non-specific wetlands may be covered by the new objectives, policies and rules. Or does this simply mean it does not include all wetlands 800m above sea level? Contact asks that this statement be clarified and made explicit in order to provide certainty. If the intention is that additional wetlands are able to be added to the schedule Contact notes that that is ultra vires without a formal plan change process.

Mapping of wetlands

Contact supports all wetlands classified as Regionally Significant being accurately plotted/mapped before inclusion in the Regional Plan. Contact opposes the inclusion of any wetland over 800m above sea level that does not meet this criterion.

Chapter 12 - Non-Complying Activity Status

PPC 2 makes a significant change to the activity status applicable to many activities, including previously consented activities. Activities in relation to the taking and use of surface and groundwater and the damming and diversion of water that are a discretionary activity under the operative Regional Plan are made a non-complying activity by PPC 2.

There appears to be little justification for this in PPC 2 or its s32 analysis. Contact submits that non-complying activity status is too onerous, particularly in the light of the nature of some of the wetlands in Schedule 9, for example man-made wetlands and the other concerns noted under "Criteria for inclusion of a wetland in Schedule 9" above.

Under PPC 2 a wetland has only to have one of the nine values listed in Policy 10.4.1 to be deemed to be Regionally Significant. However, an activity with an adverse effect on a wetland value may still be a suitable use of natural and physical resources after weighing the circumstances, including the positive benefits of the proposal and taking into account the broader sustainable management purpose of the RMA. Contact considers that a non-complying activity status is not appropriate. Discretionary status enables the appropriate level of robust examination of any proposal and of course the possibility of its being declined.

Contact supports the retention of restricted discretionary activity status for the damming of water that has previously been carried out (Rule 12.3.3.1(i)).

Financial Contributions

Contact supports the principle underlying the introduction of Policy 10.4.2A which states that:

Where the avoidance, remedy or mitigation of adverse effects is not possible, financial contributions may be required to:

- a) Improve, create or reinstate RSWs or RSW values where those have been degraded; and*

b) *Create or reinstate RSWs or RSW values where those have been lost.*

The method of determining the contribution amount is set out in section 17.3.

That is, Contact supports the ability for financial contributions and, in particular, environmental offsetting, to be used to allow for appropriate development. However, Contact notes that the approach being taken in Policy 10.4.2 implies a hierarchy of avoidance, followed by remediation or mitigation which the RMA does not endorse. Of more concern, Policy 10.4.2A implies a “no net loss” approach. That is, financial contributions (for environmental compensation) may be required where any effect is not avoided, remedied or mitigated. The RMA is not a “no effect” statute and not every effect needs to be addressed. Contact suggests that the Policy be amended to provide for financial contributions for environmental compensation or offsetting of effects that cannot be avoided, remedied or mitigated **and** that are more than minor.

Contact also notes that several wetlands which are now included in Schedule 9 as a RSW, are the outcome of human activity (eg gold mining, hydro power generation). This illustrates how, in many circumstances, wetlands can be relocated and enhanced and are therefore suitable for environmental offsets.

Contact also queries the explanation in PPC 2 that Policy 10.4.1 replaces clause 17.2.8 (which outlines the circumstances, purpose and method of determination of a contribution amount).

Chapter 13 – Land Use on Regionally Significant Wetlands

Contact queries the rules in Chapter 13 becoming applicable to wetlands and seeks that controls imposed by the Central Otago District Plan are not duplicated by the Regional Plan – Water for Otago.

Decision sought:

1. That Schedule 9 of PPC 2 and the definition of a RSW (which includes all wetlands over 800m above sea level) be not approved. The reason for this is the lack of robustness in the assessments undertaken to classify all of these wetlands as being Regionally Significant and the resulting implications of the objectives, policies and rules of PPC 2.
2. That the non-complying activity status proposed for activities controlled by Chapter 12 be not approved and that such activities remain as discretionary activities.
3. That the restricted discretionary activity status for the damming of water that has previously been carried out remains a restricted discretionary activity (Rule 12.3.3.1(i)).
4. That the opportunity to mitigate or offset the effects of activities on RSWs be given recognition in the objectives, policies, and rules.

5. That the proposed new policy 10.4.2A on financial contributions be amended to clarify that not every effect not avoided, remedied or mitigated is required to be addressed by way of financial contribution for environmental compensation but only those residual effects above a certain threshold – being more than minor effects. Appropriate clarification of the circumstances, purpose and method of determining the contribution amount should also be provided.
6. That recognition be given to the fact that RSWs can be an outcome of legitimate resource development such as hydro power generation.
7. That controls on the use of the beds of wetlands are not duplicated by the Regional and District Plans.
8. Such other relief, including consequential relief, required to address the issues raised in this submission.