

Feedback on the Draft Auckland Unitary Plan

TO: Auckland Unitary Plan Feedback Team, Auckland Council, Freepost 237170, Private Bag 92300, Auckland 1142

FROM: Environmental Defence Society Inc
PO Box 91736, Victoria St West, Auckland 1142
kate@eds.org.nz

1. INTRODUCTION

- 1.1 The Environmental Defence Society (“EDS”) welcomes the opportunity to comment on the Draft Auckland Unitary Plan (“the Draft Plan”).
- 1.2 EDS is a not-for-profit national environmental advocacy group. EDS was established in 1971 with the objective of bringing together the disciplines of law, science and planning, to advocate for better environmental outcomes in resource management matters. Since that time it has actively participated in public interest environmental litigation. EDS has also been active in assessing the effectiveness of the Resource Management Act 1991 (“RMA”) and statutory planning documents in addressing key environmental issues such as landscape protection, coastal management and water quality.

2. LEGAL FRAMEWORK

- 2.1 The key environmental provisions with which the Unitary Plan must comply are set out below. In preparing this document, EDS has focused on an assessment of the extent to which the Draft Plan is consistent with these provisions.

Resource Management Reform Bill 2012

- 2.2 Part 2 of this Bill proposes amendments to the Local Government (Auckland Transitional Provisions) Act 2010.
- 2.3 Section 140 (if the Bill is enacted as proposed) would require the Hearings Panel to ensure that regard has been has to the spatial plan for Auckland (“the Auckland Plan”).

Part 2 of the RMA

- 2.4 The purpose of the RMA is the sustainable management of natural and physical resources (section 5). The Draft Plan must achieve this purpose, as well as recognise and provide for the matters of national importance and have particular regard to the other matters (sections 6 and 7).
- 2.5 EDS would like to draw attention to section 7(f): the requirement to have particular regard to the maintenance and enhancement of the quality of the environment. This requires particular regard to be had to the principle that the quality of the environment must, at the very least, be maintained. It suggests that environmental degradation is not acceptable and enhancement may be appropriate. The Environment Court has made the following comment on this principle (*J F Investments Limited v Queenstown Lakes District Council* (NZEnvC C48/06, 27 April 2006) at [28]):

The RMA does not regard the present Environment – being the sum of all environments – the best of all possible New Zealand's. Section 7 (f)'s reference to enhancement of the quality of the environment requires that improvements may be made in appropriate circumstances. That is consistent with purpose of the Act which requires remedying of the adverse effect of activities, including past effects (of past activities)... It is clearly contemplated by section 7 (f) together with sections 5 (2)(a) to (c) of the RMA that improvements to air and water quality may be very desirable ends of resource management. The same applies to degraded land and related natural resources.

- 2.6 EDS submits that this means that the council has a clear duty to ensure that the quality of Auckland's environment is at the very least, maintained. Further, the current environment in Auckland is, overall, nowhere near the best it could be, and therefore enhancement of the environment is not only appropriate, but desirable. That objective would be consistent with the Auckland Plan.

Sections 30 and 31 of the RMA

- 2.7 As a unitary authority, Auckland Council is responsible for the functions in both section 30 and section 31. EDS has highlighted the relevant provisions in its submission.

New Zealand Coastal Policy Statement 2010 ("NZCPS")

- 2.8 Regional policy statements (section 62), regional plans (section 67) and district plans (section 75) must give effect to the NZCPS.
- 2.9 The meaning of "give effect to" has been discussed by the Environment Court, in the context of giving effect to a regional policy statement, in *Clevedon Cares Inc v Manukau City Council* [2010] NZEnvC 211:

[50] ... the change in the test from "not inconsistent with" to "must give effect to" is significant. The former test allowed a degree of neutrality. A plan change that did not offend the superior planning instrument could be acceptable. The current test requires a positive implementation of the superior instrument...

[51] The phrase "give effect to" is a strong direction. This is understandably so for two reasons: [a] The hierarchy of plans makes it important that objectives and policies at the regional level are given effect to at the district level; and [b] The Regional Policy Statement, having passed through the Resource Management Act process, is deemed to give effect to Part 2 matters.

Hauraki Gulf Marine Park Act 2000 (“HGMPA”)

- 2.10 Sections 7 and 8 of the HGMPA must be treated as an NZCPS and therefore as set out above, the Draft Plan must *give effect to* these provisions. As set out above this is a strong direction that requires positive implementation.

National Policy Statement on Freshwater Management 2011 (“NPSFM”)

- 2.11 Regional policy statements (section 62), regional plans (section 67) and district plans (section 75) must *give effect to* national policy statements. As set out above this is a strong direction that requires positive implementation.

Waitakere Ranges Heritage Area Act 2008 (“WRHAA”)

- 2.12 Section 10 of the WRHAA provides that when preparing or reviewing a regional policy statement or regional plan that affects the heritage area, the council must *give effect to* the purpose of the Act and its objectives. Similarly, this is a strong direction that requires positive implementation.

3. GENERAL COMMENTS

Format

- 3.1 We are impressed by the electronic format developed for the plan. We have found it to be a useful and user friendly means of navigating what is an extremely complex document.
- 3.2 We do note however, that the draft version of the electronic map does not include all of the relevant overlays. We presume that this will be resolved by the time that the plan is notified. Further, we note that some types of overlay are not differentiated in the electronic maps – for example Outstanding Natural Character areas (“ONCs”) and High Natural Character areas (“HNCs”). It would be much more useful if it was possible to see from the maps which areas fall into which category.
- 3.3 Further, we note that the electronic planning enquiry tool does not yet work properly (it appears that all the data has not yet been added in order to achieve an accurate result). We consider that this could be an extremely useful tool, but without all of the relevant data included it is useless as the results may be inaccurate.

Intent

- 3.4 EDS supports the intention of the Draft Plan to deliver the vision for Auckland set out in the Auckland Plan. Overall, EDS considers that the Draft Plan proposes an appropriate balance between providing for Auckland’s growing population and protecting the natural values of the region.

3.5 However, there are some areas where the plan must be improved, as set out below.

Loss of local planning detail

3.6 EDS recognises the considerable effort that has gone into condensing the numerous legacy plans into one workable document. We further recognise the need to design a new framework which is appropriate for the entire Auckland region. However, we have deep concerns about the loss of local-scale planning provisions in some areas, many of which were achieved as a result of considerable effort by local communities. The following matters are of particular concern.

- (a) The absence of provisions carrying across Plan Change 132 to the Rodney District Plan into the Draft Plan. This plan change recognises the distinctive special character of the west coast policy area, and the significant risks posed by development pressure on the area. The parties to protracted and resource intensive Environment Court proceedings recently agreed on appropriate measures to ensure that the values of the area are protected. EDS was disappointed to note that the plan does not contain rules specific to the West Coast Rural Policy Area, and that management measures do not reflect what was agreed by the parties. It is recognised that the final Environment Court decision was not released until April 2013, and EDS strongly submits that the decision should be carried into the Draft Plan in the form of an overlay or precinct.
- (b) The loss of detail from the Swanson Structure Plan, which is included in the Waitakere Ranges precinct rules. The Swanson Structure Plan, which was also the result of lengthy legal proceedings, provides for strict controls on the location of buildings on specified sites. It includes clear aerial photos of the relevant sections, with permitted building areas clearly identified. The Draft Plan includes only a low resolution version of the Swanson Structure Plan map, together with text describing 'site specific matters of control', which are intended to reflect the permitted building sites in the aerial photos. EDS considers that this approach is inadequate, and that the aerial photos must be included in the Draft Plan to ensure that the structure plan is adequately reflected it. It is also noted that this section of the plan appears to use the terms 'precinct map' and 'Swanson Structure Plan map' interchangeably. This should be clarified.
- (c) The failure to carry over the detail of the Long Bay structure plan into the new precinct plan, resulting in the loss of key controls on development. Similarly, this was the subject of lengthy Environment Court proceedings, and the existing structure plan represents agreement between the various stakeholders about the appropriate approach to development and environmental protection in the area. It is inappropriate that the Draft Plan should result in this work being lost.

3.7 Drafting

3.8 We understand that an effort has been made to condense and shorten provisions in the plan so that it is of a manageable size. Whilst we recognise that this is necessary to ensure that the plan is not unworkably large, we are concerned that this process has resulted in the loss of key principles. By way of example, section 2.7.1 (sustainably managing our coastal environment >coastal ecosystems) includes two objectives, which reduce the obligations set out in the NZCPS to two sentences. Thus the objectives recognise the importance of protecting and enhancing the life supporting capacity of ecosystems but do not include other key matters to which the council is required to give effect, such as *maintaining or enhancing natural biological and physical processes, protecting representative or*

significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna. EDS considers that the condensed language is not adequate to meet the requirements of the NZCPS and other instruments.

- 3.9 We are also concerned about frequent use of vague wording (for example 'is supported') which does not create a clear imperative for action. In order to be effective, objectives and policies should clearly state what outcomes and action are required, and create clear direction for decision makers. The Draft Plan should establish a framework which does not leave key decisions and value judgments to the resource consent stage, ensuring that decision-making is consistent and reflects the intent of the plan.
- 3.10 Further, EDS is concerned that throughout the plan there are drafting errors that must be fixed before the plan is notified. The use of lists is a key problem. Lists generally do not identify whether the provisions should be linked by 'and' or 'or.' Whilst it is obvious from the content of some lists which is intended, it is not obvious from the content of others, and each interpretation would have very different results. This problem should be attended to as a matter of urgency.
- 3.11 Further, the draft plan contains other simple drafting errors (for example sentences that do not make sense grammatically). Before the plan is notified, a thorough review should be undertaken to ensure that all drafting errors are resolved.
- 3.12 Lastly, we note that the plan does not identify which provisions are part of the regional plan, which are part of the regional coastal plan and which are part of the district plan. The notified version of the plan should do this.

Lack of non-regulatory methods

- 3.13 Section 62 of the RMA provides that non-regulatory methods must be included in regional policy statements, setting out how the policies are to be given effect. Whilst some provisions which appear similar to methods are included as policies in some parts of the Draft Plan, there is no section clearly identifying methods which are to be used to give effect to the policies. This omission should be rectified. The inclusion of methods in the regional policy statement is a vital stage of the planning process, providing clear direction about how objectives and policies are to be implemented effectively on the ground.

Length of the document

- 3.14 The regional policy statement sections, in general, contain both a background and an explanation. In many cases the background contains most of the detail and the explanation adds little value. Section 62(1)(f) RMA requires regional policy statements to state the principal reasons for adopting the objectives, policies and methods. EDS considers that the document can add more value by focusing on including the principal reasons, in either the background or the explanation.

4. CONTENT

Urban form

- 4.1 EDS supports the proposal to provide for 60-70 per cent of total new dwellings up to 2040 within the existing metropolitan area. We consider that this is a sensible approach, ensuring that Auckland's rural surrounds are not lost as a result of inappropriate sprawl, whilst addressing Auckland's land supply issues.
- 4.2 EDS largely supports the proposed process for identifying and extending the Rural Urban Boundary ("RUB"). However, we note that section 2.2.3 of the Draft Plan indicates that the RUB extensions will be undertaken after sufficient investigations and "*where possible, urban development can avoid...areas with significant environmental, heritage, natural character or landscape values, including areas identified in Appendix 3, Appendix 5, Appendix 6 and the Waitakere Ranges Heritage Area.*" We agree that the extension of the RUB should avoid such areas, but the language used – the inclusion of the phrase 'where possible' – does not create complete confidence that the RUB will not in fact encroach on such areas.
- 4.3 We consider that the subdivision and development of rural Significant Ecological Areas ("SEAs"), Outstanding Natural Features ("ONFs") or Outstanding Natural Landscapes ("ONLs") inside a new urban boundary would be contrary to section 6 RMA and the council should provide assurances that this will not occur.
- 4.4 Further, it should be made clear that the RUB will not extend into the Waitakere Ranges Heritage Area, in contravention of the WRHAA. In the absence of detail relating to the location of the RUB in the west of Auckland, we are unclear about the impact that the RUB will have on the Waitakere Ranges and foothills environment. We request that the council release information on the plans for the RUB in the west of Auckland as soon as possible.
- 4.5 It is clear that there is a need for some adjustment of density controls in some areas within the RUB as a result of community feedback. EDS is supportive of adjustments that have sound resource management principles underpinning them. It will be important to ensure that intensification (and greenfields development) is supported by appropriately staged infrastructure provision. It will also be important, for the plan to have credibility, that reasonable aspirations of existing communities are considered.
- 4.6 Lastly, we note that the RUB is not currently mapped in the Regional Policy Statement. We consider that it should form a part of the Regional Policy Statement, in the same way as the Metropolitan Urban Limit is mapped in the Auckland Regional Plan. Similarly, the Waitakere Ranges Heritage Area should be mapped in the Regional Policy Statement.

Freshwater

- 4.7 EDS's key concern in relation to freshwater is ensuring the Draft Plan gives effect to the NPSFM and the Council's functions in relation to freshwater, which include (section 30):
 - (a) the control of the use of land for the purpose of—
 - (i) the maintenance and enhancement of the quality of water in water bodies and coastal water:
 - (ii) the maintenance of the quantity of water in water bodies and coastal water
 - (b) the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including—
 - (i) the setting of any maximum or minimum levels or flows of water:

- (ii) the control of the range, or rate of change, of levels or flows of water:
 - (iii) the control of the taking or use of geothermal energy:
 - (iv) the control of discharges of contaminants into or onto land, air, or water and discharges of water into water:
 - (v) if appropriate, the establishment of rules in a regional plan to allocate ... the taking or use of water (other than open coastal water):
- 4.8 EDS supports the use of interim water quality and quantity limits. This is important to ensure degradation does not occur while permanent limits are developed.
- 4.9 EDS considers that the Draft Plan does not adequately provide for outstanding freshwater bodies and wetlands (Objective A2 NPSFM). Amendments are required to provide for these matters.
- 4.10 EDS is concerned about the weakness of some of the objectives, policies and rules. For example, Section 3.1.3.8 provides for the protection of lakes, rivers, streams and wetlands from permanent loss. This sets a low standard and fails to recognise the objectives of the NPSFM, such as safeguarding the life-supporting capacity of freshwater.
- 4.11 EDS submits that the Draft Plan gives too much weight to functional need for location. While it is accepted that this is a relevant consideration, it does not mean such activities will always be appropriate whatever their effects.
- 4.12 EDS is concerned that the Draft Plan does not adequately address non-point source discharges. Although these will be addressed through limit setting, there is a need for supporting policies and rules.
- 4.13 EDS recognises that storm water and wastewater are considerable challenges for Auckland (particularly with intensification) and therefore considers that stronger objectives, policies and rules than those included in the Draft Plan are required.
- 4.14 EDS considers that the Draft Plan needs to recognise limits. For example, it is not always possible to provide for ecological values and for all human use demands. It needs to be clear that only available water will be allocated to human use and that prioritisation may be required.
- 4.15 EDS supports the use of overlays to identify high value / highly threatened resources i.e. High-use aquifer management area. This allows targeted management approaches.

Biodiversity

- 4.16 In relation to biodiversity the Council's functions include (section 30 and 31):
- (a) the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity.
 - (b) the control of any actual or potential effects of the use, development, or protection of land for the purpose of the maintenance of indigenous biological diversity.

- 4.17 EDS's key concern in relation to biodiversity is ensuring the Draft Plan gives effect to sections 6(c), 30(1)(ga) and 31(1)(b)(iii) of the RMA and policy 11 of the NZCPS. In addition, biodiversity contributes to freshwater quality, natural character, and amenity which are key foci for EDS.
- 4.18 EDS considers that the Draft Plan does not meet these requirements or provide for these values. In particular, EDS is concerned that protection is limited to rural areas and limited overlays. In order to maintain indigenous biodiversity across the region, a whole-of-region approach is required.
- 4.19 EDS suggests that a no-net loss approach should be applied, across the region.
- 4.20 EDS supports the use of the mitigation hierarchy. It is important that adverse effects are avoided first, and remedied or mitigate only if this is not possible. Where high value resources are at stake, all significant adverse effects should be avoided.
- 4.21 EDS considers that non-regulatory methods are essential to meet these requirements and protect these values. The Draft Plan should be amended to include greater non-regulatory methods.
- 4.22 EDS is concerned that there are no objectives and policies in section 3 of the Draft Plan relating to SEAs. Policy direction is required for these areas, particularly as many activities in these areas will require resource consent to proceed.
- 4.23 Lastly, EDS is concerned that applications for resource consents should include requirements that an assessment of environmental effects for protected species is undertaken, in order to meet the requirements of the Wildlife Act 1953 which prohibits the disturbance of protected species.

Rural development

- 4.24 EDS largely supports the provisions in the plan related to rural development. EDS particularly supports the principles set out in the regional policy statement that:
- (a) Land with high productive potential should be retained for rural production and not for other uses
 - (b) There should be no net gain in rural lots outside the Countryside Living zone.
 - (c) One dwelling per existing developable lot and development entitlements to be transferred to other locations. Subdivision to create additional lots otherwise prohibited.
 - (d) Development entitlements from title amalgamations may not be transferred into land within the rural coastal or conservation zone, within landscape or ecological overlays, or land with high productive potential.
 - (e) The restriction of the ability to create additional lots by protecting indigenous vegetation, so that vegetation must be within a significant ecological area and the additional lots must be transferred to Countryside Living zones only.
 - (f) Provision for new rural lifestyle subdivision in Countryside Living Zones, avoiding areas that would undermine the integrity of the RUB and avoiding prime production land.

4.25 Whilst EDS is strongly supportive of the provisions to ensure that subdivision and development are avoided in the Rural Conservation and Rural Coastal zones, we have concerns about the provisions in place for the Countryside Living zone. In particular, EDS is concerned that the subdivision rules do not impose a reference to an existing title, potentially allowing subdivision to occur incrementally, to reach the minimum site size control. EDS submits that the Draft Plan should carry over the provisions from the legacy district plans restricting subdivision to land held in a separate certificate of title at the date at which the minimum average site provisions were introduced.

Landscape and natural character

- 4.26 We are concerned to note that there are no objectives and policies included in section 3 of the Draft Plan in relation to ONLs, ONCs and HNCs. As in relation to SEAs, policy direction is required, particularly as many activities in these areas will require resource consent to proceed.
- 4.27 EDS is supportive of the council's efforts to comply with the requirements to identify and protect ONCs and HNCs. However, EDS is deeply concerned to note that very few areas have been identified as ONCs. This is of particular concern because the protections provided for HNCs are rather weak – policies that require that development be *encouraged to be undertaken outside* HNCs are inadequate to provide assurance that valuable areas of Auckland will be protected.
- 4.28 Further, we are concerned that the Draft Plan fails adequately to provide for the recognition and protection of valuable landscapes that are not ONLs. We submit that rather than focusing solely on the protection of outstanding areas, the Draft Plan should clearly provide for the management and protection of other landscapes. The inclusion of additional overlays recognising and providing for amenity landscapes or regionally significant landscapes (such as those implemented by Queenstown Lakes District Council) may be one element of this, but the principle that landscape and amenity values are protected by managing all landscapes in a holistic way, rather than just attending to the protection of significant landscapes, needs to be reflected in the plan. The protection of the landscape values of all rural zones needs to be clearly identified in the objectives and policies for each zone.
- 4.29 Further, we are concerned that the term 'rural character' is used throughout the draft without being defined, giving rise to uncertainty about exactly what it is that the relevant provisions are intended to protect.
- 4.30 EDS further considers that the Draft Plan lacks adequate non regulatory methods to encourage landowners to take measures to protect important landscapes.

Coastal

- 4.31 EDS supports the intention of the plan to avoid coastal subdivision and development outside of established settlements. This approach is vital to ensure that Auckland's remaining undeveloped coastlines are retained for future generations.
- 4.32 Further, EDS supports the identification of a coastal zone which extends further than that identified in the NZCPS, recognising the need to provide for integrated management of the coastal environment including inland areas that have landscape and amenity links to the coast. Nevertheless, EDS considers that it is important that the council makes clear in the plan the coastal area as identified under the NZCPS, so that it is clear to which parts of Auckland the NZCPS applies.

- 4.33 Further, EDS supports the approach of providing for differing objectives and policies recognising the differing values of Auckland's coastal areas. However, we consider that in some cases the area specific objectives and policies are inadequate. In particular, there are no provisions in the plan to protect the five estuaries in the Whangateau- Waiwera area.
- 4.34 EDS supports the objectives and policies in the plan relating to the protection of ridgelines, but notes that there are no equivalent provisions relating to the protection of headlands, despite the fact that they are recognised in the rules in relation to matters of discretion for restricted discretionary activities undertaken in ONLs. Developments on headlands often create greater adverse effects than ridgeline developments in terms of impacts on landscape values, because headlands dominate the view from the entire beach and surrounding coastline. Therefore these should be provided for more clearly in the plan.
- 4.35 EDS is concerned to note that there is no evidence in the plan of a substantial strategy to manage coastal hazards, which are a key concern for the Auckland region.
- 4.36 Lastly, EDS is concerned to see that the Draft Plan does not include adequate provision for the management of sediment discharges into the marine environment. This issue is not adequately recognised in the plan: firstly, areas which are particularly sensitive to sediment, thresholds and limits are not identified. Second, provisions in relation to the consideration of the impact of activities on water bodies do not include the coastal environment. Third, many of the activities which are key causes of sediment discharge are categorised as restricted discretionary or permitted activities, for example land disturbance associated with forestry, which is a permitted activity.

Marine

- 4.37 EDS supports the provisions in the Draft Plan related to the protection of the Hauraki Gulf Marine Park, as required by the HGMPA. It is appropriate, and necessary for effective management, that the Hauraki Gulf should be managed as one interconnected ecosystem, and that its values should be maintained and enhanced. However although the objectives and policies reflect the HGMPA, there is a lack of provisions to implement them.
- 4.38 However, EDS is concerned that the focus on the management and protection of the Hauraki Gulf should not be at the expense of the west coast, including its harbours, which are also iconic and valuable environments that must be protected. Many of the provisions of the Draft Plan which relate only to the Hauraki Gulf would appropriately be applied to the west coast as well. These are detailed in the appendix to this document.
- 4.39 Further, we are concerned that the SEAs identified for the marine area do not include all marine environments – in particular important sub tidal marine habitats are not provided for. These need to be identified and included in the plan as a matter of urgency.
- 4.40 In addition, we submit that the plan should include provision for the protection of endangered marine fauna, notably the Maui's dolphin. It would be appropriate for objectives and policies relating to the protection of endangered marine fauna to be included in the plan, to ensure that consenting of activities is consistent with their protection. EDS has done some work on this matter and would appreciate an opportunity to engage with Council during the next phase of plan-writing.
- 4.41 In addition, we are disappointed to note that the Draft Plan does not include measures to manage the impact of shipping activity on the Bryde's whale in the Hauraki Gulf. Policy 11 of the NZCPS sets out the obligation of councils to protect indigenous biological diversity in the coastal environment. Measures to manage ship speed and routing are within the council's power and would be appropriately included in the Unitary Plan.

- 4.42 We are concerned that the provisions in relation to offshore mining fall far too far on the side of economic development, being focussed on *providing* for mining, and including inadequate references to the protection of the environment. The impacts of minerals mining in the marine environment are poorly understood and potentially very serious. The Draft Plan should reflect these issues, making clear that offshore mining will only be allowed where it is consistent with the NZCPS and RMA. The relevant policy in the Draft Plan requires the application of the 'precautionary approach' to mining applications, but does not make clear how this should be applied. The example provided in the policy appears to confuse *adaptive management* with precaution. The application of the precautionary approach should begin with an assessment of whether the activity should take place at all. This is particularly important where the activities could impact on a critically endangered sub-species such as the Maui's dolphin.
- 4.43 Lastly, EDS submits that the provisions in relation to coastal water quality are inadequate. As set out above, section 7(f) RMA provides for a clear obligation to maintain the environment, and enhance it where it is degraded. The provisions of the plan are extremely complex ultimately are not prescriptive enough, enabling developers to choose easy options which may well not result in adequate results.
- 4.44 There are frequent reference to the expense and difficulty of upgrading stormwater and wastewater infrastructure, and weak policies such as *promoting* the inclusion of public toilets at new marina facilities. Under section 7(f) RMA and policy 21 of the NZCPS the council has an obligation to maintain water quality, and to improve it where it is degraded. This is vital if the council is to achieve its objectives for the Hauraki Gulf. Accordingly, the Draft Plan plan should set the bar higher in relation to coastal water quality, providing for a concrete plan for improving infrastructure, and using the full extent of its powers to ensure that vital facilities such as public toilets are installed at appropriate locations.

APPENDIX - DETAILED COMMENTS

5. REGIONAL POLICY STATEMENT

- 5.1 A key priority for the Regional Policy Statement must be that it contains clear objectives and policies that will provide a clear framework for future planning decisions. In particular, it should be clear enough to ensure the exclusion of private plan changes that cut across important high level directions. EDS is largely supportive of the intent of the Regional Policy Statement in the Draft Plan, but we are concerned that the language used in many of the provisions is not accurate or specific enough to provide clear direction to decision makers. Specific concerns are set out in this section.

Issue 2.1.3 – Protecting our historic heritage, historic character, and natural heritage

- 5.2 This issue fails to recognise that natural heritage is important for our environmental wellbeing. It also focuses on the contribution of these matters to attracting visitors and investors, and fails to recognise that natural heritage is important for economic well-being in respect of the provision of ecosystem services.
- 5.3 Natural character, landscape and features:
- (a) The first sentence is relevant to landscapes and features – not natural character (there is no ‘outstanding’ criterion in s6(a)).
 - (b) This issue is focused on landscapes and features; it does not address the threats to natural character and the statutory requirements.
 - (c) This issue gives the impression that protecting landscapes and features is problematic. It does not address the threats to landscapes and features and the statutory requirements.
- 5.4 Indigenous biodiversity:
- (a) EDS supports this section which clearly identifies key challenges for the region.
 - (b) However, there are a number of key challenges which are not identified. For example, the effect of urban growth on the requirement to maintain indigenous biodiversity.

Issue 2.1.5 – Sustainably Managing our Natural Resources

- 5.5 Water quality: This recognises the impact of both urban and rural activities on water quality. EDS supports this description.
- 5.6 Water quantity: This recognises the demand from both urban and rural activities for water, and the likely growth in urban demand. It also recognises the connections between water quality and quantity and the potential impact of climate change on water availability. EDS supports this description.

Issue 2.1.6 – Sustainably managing our coastal environment

- 5.7 EDS supports this section which clearly identifies key challenges for the coastal environment.

Issue 2.1.7 – Sustainably managing our rural environment

5.8 EDS supports this section which clearly identifies key challenges for the rural environment.

Section 2.2 – Enabling quality urban growth

5.9 EDS supports the intention to achieve quality urban form with a clear limit (the RUB) to the urban expansion of the metropolitan urban area, satellite towns, rural and coastal towns and serviced villages. EDS further supports the policy of providing for urban intensification in areas in close proximity to public transport and within walking distance of amenities, in order to release pressure on the road network and encourage use of public transport.

5.10 As set out in section 4 above, EDS supports the approach of the Draft Plan to the identification of RUB extensions, with the proviso that they must avoid SEA and ONL/ONC areas and the Waitakere Ranges Heritage Area.

Section 2.4 - Protecting our historic heritage, historic character, and natural heritage

Section 2.4.3 Natural Heritage

5.11 It is unclear why features of the environment are divided into ‘Natural Heritage’ and ‘Natural Resources’. This appears to reflect an outdated view in which ‘the environment’ can be divided into resources to be used and things to be protected. This is inconsistent with the modern understanding of ecosystem services and the interconnectedness of the environment, in which the entire ecosystem has both a value as a resource and an intrinsic value which should be protected.

Section 2.4.3.1 Natural character of the coastal environment

5.12 The inclusion of objectives and policies giving effect to the NZCPS is supported (whilst noting that this is a legal requirement).

5.13 EDS supports the inclusion of objectives and policies relating to the protection and enhancement of ONC and HNC areas, but notes that objectives and policies should also provide for the recognition and protection of areas of the natural character of areas of the coast outside these areas.

5.14 EDS submits that the provisions in relation to the protection of HNC areas should include policies in relation to the management of *all* adverse effects (rather than just significant adverse effects, following the mitigation hierarchy).

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
-------------------	----------------------------	----------------	--

2.4.3.1O1	Support in part	<p>Whilst the objective is supported, there are a number of issues with this objective. First, this objective merely restates the obligation in section 6a of the RMA, and therefore adds little value. Second, it actually provides for a more limited obligation than section 6a RMA, by referring to the need to protect HNCs and ONCs, rather than the natural character of all areas of the coastal environment, as stated in section 6a.</p> <p>Third, the reference to 'inappropriate' subdivision use and development is far too vague and subjective, and therefore does not provide useful direction about what types of subdivision use and development will be allowed.</p>	<p>Amend to make clear that natural character of all the coastal environment is to be protected, with higher protection for HNCs and ONCs.</p> <p>Replace the term 'inappropriate subdivision use and development' with clear detail about what types of activity will be allowed.</p>
2.4.3.1O2	Support in part	<p>Whilst the objective is supported, it merely restates the obligations in Policy 14 NZCPS and therefore adds little value. The term 'promote' is too vague and should be replaced with clear language setting out what the council is going to do to restore and enhance the natural character of the coastal environment. Further, the reference to 'where achievable' is unnecessary and inappropriate.</p>	<p>Replace word 'promote' with more directive language setting out what the council is going to do.</p> <p>Remove words 'where necessary'</p>
2.4.3.1P1	Support	<p>This policy appropriately recognises the obligation in the NZCPS to identify HNCs and ONCs.</p>	
2.4.3.1P2	Support	<p>This policy provides appropriate direction in relation to the protection of ONC/HNC areas</p>	
2.4.3.1P3	Support	<p>Provision for the management of use and development in areas adjoining ONC and HNC areas is strongly supported.</p>	
2.4.3.1P4	Support	<p>The use of transferable development rights to avoid inappropriate development is strongly supported.</p>	
2.4.3.1P5	Support	<p>It is appropriate that ONC areas should be excluded from transferable development rights.</p>	
2.4.3.1P6	Support in part	<p>EDS supports the overall intent of this provision but considers that subparagraph (b) is inappropriate in the context of ONC areas, and is inconsistent with section 6 RMA and Policy 13 NZCPS.</p>	<p>Delete subparagraph (b)</p>
2.4.3.1P7	Support	<p>This policy provides appropriate direction in relation to subdivision, use and development in ONC areas which are allowed under policy 6 (note EDS's reservations regarding policy 6 above).</p>	

2.4.3.1P8	Support		
2.4.3.1P9	Support in part	This policy is generally supported. The direction to avoid significant adverse effects is appropriate. However, there are no policies in relation to the management of other adverse effects.	Include new policies providing for the application of the mitigation hierarchy to other adverse effects (avoid, remedy, mitigate, offset).
2.4.3.1P10	Support in part	The terms 'support and encourage' are vague and do not clearly state what the council is going to do to bring about changes in land practices.	Replace words 'support and encourage' with clearer, more directive language.

Landscape and natural features

Section No	Support/ Oppose	Reasons	Decision Sought (or words to like effect)
2.4.3.2O1	Support in part	This objective is supported, however, the term 'inappropriate subdivision, use and development is too vague and subjective, providing inadequate direction to decision makers. This objective should clearly state what inappropriate subdivision, use and development means in this context. Second, this objective should recognise the need to protect amenity landscapes as well as ONLs and ONFs.	Replace term 'inappropriate subdivision, use and development' with more prescriptive language. Provide for the protection of amenity landscapes.
2.4.3.2O2	Support		
2.4.3.2O3	Support in part	This objective is supported, however the term 'promote' is too vague – the objective needs to specify exactly how restoration and enhancement is to be brought about. Further, the words 'promote' and 'promoted' appear twice in this sentence.	Replace term 'promote' with directive language.
2.4.3.2O4	Support in part	The term 'where practicable' is unnecessary and should be deleted.	Delete 'where practicable'
2.4.3.2O5	Support in part	This objective is supported, however, the term 'significant' is too vague and should be defined with reference to the identified viewshafts.	
2.4.3.2O6	Support in part	This objective is supported, however, it is unclear whether this sentence refers to a certain class of ONFs or recognises that ONFs all have particular geological or	

		geomorphological values. This should be amended so that it is clear that the objective relates to <i>all</i> ONFs.	
2.4.3.2O7		This objective appears incomplete and it is not clear what it is designed to achieve.	Rewrite so that it clearly states what the objective is.
2.4.3.2P1	<i>Support</i>	This policy provides appropriate direction to the council to identify ONFs.	
2.4.3.2P2	<i>Support</i>	This policy provides appropriate direction to the council to identify landscape values of ONFs and ONLs.	
2.4.3.2P3	<i>Support</i>		
2.4.3.2P4	<i>Support in part</i>	The term 'appropriate' in this policy is too vague and should be replaced by clearer language clearly setting out the level of impact from activity that is acceptable in rural and coastal landscapes.	
2.4.3.2P5	<i>Support in part</i>	The term 'where practicable and appropriate' in this policy is too vague and should be replaced by clear language setting out when the values of ONFs should be enhanced.	
2.4.3.2P6-7	<i>Support</i>		
2.4.3.2P8	<i>Support</i>	EDS supports the inclusion of policies in relation to the protection of ONLs through the management of adjacent sites.	
2.4.3.2P9	<i>Support in part</i>	The term 'significant modification' is too vague and should be replaced by more specific language.	
2.4.3.2P10	<i>Support</i>	The term 'significant reduction in value' is too vague and should be replaced by more specific language.	
2.4.3.2P11	<i>Support</i>		
2.4.3.2P12	<i>Support in part</i>	The policy to legally protect ONFs is supported. However, the reference to restoring ONFs 'where practicable and appropriate' is too vague and should be replaced by wording setting out exactly when ONFs should be restored.	
2.4.3.2P13	<i>Support in part</i>	There is a grammatical error which should be amended ('maintain' instead of	Amend as per reasons.

		'maintained').	
2.4.3.2P14	Support	This policy provides clear direction that the integrity of regionally significant volcanic features is to be protected.	
2.4.3.2P15	Support		
2.4.3.2P16	Support in part	<p>This policy provides some good provisions in relation to the protection of ONLs. However, subparagraph (a) is inadequate. First, it does not make sense as the language does not flow from the beginning of the provision. ('protect....values...by appropriate type, scale and intensity for subdivision...').</p> <p>Second, the term 'appropriate' is far too vague and should be replaced by clear language which describes exactly what type of activity will be appropriate.</p>	Amend subparagraph (a)
2.4.3.2P17	Support in part	<p>Whilst the restoration and enhancement of ONLs and ONFs is supported, this policy is poorly worded.</p> <p>The wording of this policy is unclear – it is unclear whether both restoration and enhancement should be encouraged where achievable, or restoration should be encouraged and enhancement should be encouraged where achievable.</p> <p>Further, the term 'encourage' is weak and should be replaced with clear wording which identifies what the council is going to do to bring this about.</p> <p>Further the term 'where this is consistent with the values of the feature or area' is unclear and unhelpful, and should be deleted.</p>	Replace encourage with more directive wording. Add commas to identify which part of the sentence 'where achievable' is attached to, delete where this is consistent with the values of the feature or the area.'

Trees and vegetation

5.15 In general, EDS supports Section 2.4.3.3. This section recognises the wide range of values that trees and vegetation contribute to and, therefore, the importance of protecting trees and vegetation. The terminology used to describe the wide range of values trees and vegetation contribute to is not consistent within the Draft Plan. EDS suggests that this should be amended for consistency.

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
2.4.3.3 B	Support	The background correctly recognises that trees may be publicly or privately owned, and that both contribute significantly to biodiversity, ecological services and hazard mitigation. The background correctly notes that protecting only notable specimens will not adequately provide for these values.	The background should also recognise the amenity value of trees – both in terms of visual and recreational amenity. The background states that areas of contiguous vegetation cover are protected in rural areas. It is important that the remaining areas of contiguous vegetation in residential areas are also protected.
2.4.4.3 O1	Oppose in part	This objective is insufficiently specific and measureable to be useful as an objective.	This objective needs to be amended so that it is specific as to what it seeks to achieve in a manner that is measureable.
2.4.4.3 O2	Oppose in part	This objective recognises the comprehensive suite of values trees and vegetation contribute to. However “recognising” values does not result in positive environmental outcomes on the ground. EDS suggests that objective 2 and 3 should be merged to create an objective to recognise, maintain and enhance the contribution of trees and vegetation to these values. EDS considers that there is strong direction in the RMA to provide for these values. Section 5 refers to safeguarding the life-supporting capacity of air, water, soil and ecosystems. Section 6 refers to preserving the natural character of the coastal environment and freshwater bodies. Section 7 refers to the maintenance and enhancement of amenity values and the quality of the environment and the intrinsic values of ecosystems. The Council’s functions under ss 30 and 31 also support the need to provide for matters (such as trees and vegetation) which contribute to these values.	Combine Objective 2 and 3.
2.4.4.3 O3	Support in part	EDS supports the intent of this objective sets a specific and measurable goal through its reference to cover. However, as above, EDS suggests combining Objective 2 and 3. EDS also suggests that maintaining and enhancing cover is only part of the story. It is also important to maintain and enhance quality.	Combine Objective 2 and 3. Amend to include ‘quality’.
2.4.4.3 P1	Support in part	This is currently the only policy relating to notable trees and it only requires identification. EDS suggests that this policy should also refer to the protection of notable trees.	Amend to refer to the protection of notable trees.
2.4.4.3 P2	Support in part	This policy implements objective 2 and 3. However, EDS considers that it is not just trees	Amend to refer to vegetation also.

		and groups of trees which contribute to amenity and natural character – vegetation also contributes to these matters.	
2.4.4.3 P3	Support in part	This policy implements objective 2 and 3. However, EDS considers that it is not just vegetation that contributes to these matters. Individual trees and groups of trees also contribute to these matters.	Amend to refer to trees and groups of trees also.
2.4.4.3 P4	Support	Maintaining and enhancing the cover of trees will require planting and maintenance of trees. It is important that this is promoted on both public and private land. The Council has an important role to play in ‘setting an example’ on public land and educating private land owners about the values planting can offer.	
2.4.4.3 P5	Oppose in part	EDS supports the intent of this policy as public trees within roads and reserves contribute significantly to tree cover and the recognised values. However, the importance of this contribution will only increase with intensification. EDS submits that the word ‘recognise’ is insufficiently specific and measurable. EDS considers that a standard of ‘maintain or enhance’ will be achievable while providing for the multiple uses of these areas.	Maintain or enhance the number and quality of public trees provide within roads and in reserves while acknowledging the multiple uses of these spaces. Recognise the benefit

Biodiversity

- 5.16 Section 6(c) of the RMA requires the protection of significant indigenous biodiversity and sections 30(1)(ga) and 31(b)(iii) of the RMA require the maintenance of indigenous biodiversity. The objectives adequately recognise significant indigenous biodiversity, however, they fail to give effect to the Council’s function of maintaining indigenous biodiversity. EDS requests the addition of an additional objective to reflect this function: *Objective X: Maintain or enhance the diversity and cover of indigenous biodiversity in terrestrial, freshwater, and coastal environments.*
- 5.17 EDS submits that a ‘no net loss’ approach must be applied to give effect to the function of the Council to maintain indigenous biodiversity. The Oxford Dictionary defines maintain to mean ‘keep (something) at the same level or rate’.ⁱ This requires the retention of existing areas and the restoration and/or enhancement of areas to offset any removal. The proposed National Policy Statement on Indigenous Biodiversity (“pNPSIB”)ⁱⁱ defines ‘no net loss’ to mean no overall reduction in:
- the diversity of, or within, species,
 - species’ population sizes (taking into account natural fluctuation) and long-term viability,
 - area occupied and natural range inhabited by species,
 - range and ecological health and functioning of assemblages of species, community types and ecosystems.
- 5.18 EDS is concerned that the maps fail to distinguish between SEA-Marine 1 and SEA-Marine 2.
- 5.19 EDS considers that kauri die back disease is a significant resource management issue for the Auckland region. EDS requests additional policies and rules to address this issue.

5.20 EDS supports the presence of an objective recognising the HGMPA and WRHAA. However, the objective needs to be strengthened (as set out below) and it is unclear how it will be achieved due to the lack of supporting policies. EDS requests the addition of policies to implement the HGMPA and WRHAA.

Section No	Support/ Oppose	Reasons	Decision Sought (or words to like effect)
2.4.3.4 I	Support	The introduction recognises the importance of biodiversity and the threats to biodiversity in Auckland.	
2.4.3.4 O1	Support	Section 6(c) of the RMA requires significant biodiversity to be protected. There is no qualifier such as 'from inappropriate subdivision, use and development'. This objective reflects this requirement.	
2.4.3.4 O2	Support	Restoration, enhancement and legal protection will assist the Council to achieve the requirements of s 6(c) and s 30(1)(ga).	
2.4.3.4 O3	Oppose	<p>This objective recognises the HGMPA and WRHAA. However, the word 'promoted' is weak and fails to give effect to the above legislation which provides as follows:</p> <p>Section 8(b) of the HGMPA requires "the <i>protection and, where appropriate, the enhancement</i> of the natural, historic and physical resources of the Hauraki Gulf, its islands, and catchments"</p> <p>Section 8(h) of the WRHAA requires "management of aquatic and terrestrial ecosystems to <i>protect and enhance</i> indigenous habitat values, landscape values, and amenity values".</p> <p>This objective is not carried through into the policies. It is unclear therefore how it will be implemented.</p>	<p>The protection and restoration of natural heritage features of the Waitākere Ranges heritage area and the Hauraki Gulf/Te Moana Nui o Toi/Tikapa Moana is promoted.</p> <p>The insertion of specific policies and methods implementing these pieces of legislation.</p>
2.4.3.4 P1	Support in part	<p>The criteria for identifying significant biodiversity are supported.</p> <p>EDS suggests that regard should be had to the pNPSIB which sets out five categories which are regarded as significant.</p>	Consider including the five categories set out in the pNPSIB.
2.4.3.4 P2	Support in part	<p>EDS supports the intention to identify other areas that contribute to biodiversity or ecosystem services.</p> <p>Paragraphs (a) and (b) correspond to policy 11(b)(i) and (iv) of the NZCPS. It is unclear why the policy does not refer to other aspects of policy 11 of the NZCPS.</p> <p>EDS supports the identification of the importance of vegetating steep or erosion prone</p>	Address the incomplete utilisation of policy 11 of the NZCPS.

		<p>areas.</p> <p>EDS supports the recognition that biodiversity makes significant contribution to landscape and natural character values.</p>	
2.4.3.4 P6	<i>Support in part</i>	<p>EDS supports the requirement to avoid adverse effects on these areas.</p> <p>However currently this policy – applying to significant indigenous biodiversity – is (in some respects) weaker than Policy 7 which applies to other biodiversity. This is because policy 6(b) and (c) – allow adverse effects to be mitigated or offset – whereas policy 7 does not allow remediation, mitigation or offsetting of significant adverse effects.</p> <p>This policy is also inconsistent with the NZCPS: Paragraph (a)(ii) relates to policy 11(a)(vi) of the NZCPS which requires all adverse effects to be avoided. Paragraph (a)(iii) relates to policy 11(b)(iii) of the NZCPS which requires all significant adverse effects to be avoided.</p> <p>EDS supports the use of the ‘no net loss’ concept, as set out above we believe it must apply overall to ensure the Council meets its function of maintaining indigenous biodiversity. However, this needs to recognise situations in which restoration and enhancement actions are not appropriate or possible (i.e. risk of extinction).</p>	Amend as set out in reasons.
2.4.3.4 P7	<i>Support in part</i>	<p>EDS supports the requirement for significant adverse effects to be avoided and other adverse effects to be avoided, remedied, mitigated or offset.</p> <p>EDS suggests that the ‘no net loss’ concept must be applied to all indigenous biodiversity (not just significant indigenous biodiversity) to enable the Council to achieve its function of maintaining indigenous biodiversity.</p> <p>As above, this needs to recognise situations in which restoration and enhancement actions are not appropriate or possible (i.e. risk of extinction).</p>	Apply the no net loss concept in this policy.
2.4.3.4 P8	<i>Support in part</i>	<p>This policy lists a number of adverse effects on indigenous biodiversity which are “to be avoided”. It is unclear when this is meant to apply - are these presumed to be “significant” adverse effects? If not it is unclear what direction this policy gives.</p>	Amend to clarify what this policy intends.
2.4.3.4 P9	<i>Support in part</i>	<p>EDS supports allowing landowners to maintain existing activities. However, EDS considers that it needs to be clearer that this relates to maintaining existing activities.</p>	Amend as set out in reasons.
2.4.3.4 P10	<i>Support in part</i>	<p>EDS support this policy which recognises the impact of kauri die back disease and gives effect to policy 12 NZCPS. However, EDS considers that this policy should be more future-proof considering the increased potential for pest incursions with climate change.</p>	Add a new paragraph to apply to any pests that may arise during the 10 year lifetime of the plan.

2.4.3.4 P11	Support in part	EDS supports the general intent of the policy directing avoidance of clearance or damage. EDS recognises the need to provide for reasonable use of land where a site has been created that has SEA. However, it considers that development should be discouraged and that the use of transferable development rights should be preferred in such situations.	Amend to encourage the use of transferable development rights where "loss is unavoidable to create a single building platform per site".
2.4.3.4 P12	Support		
2.4.3.4 P13	Support in part	Enhancement is necessary to achieve the identified objectives. However, EDS considers that habitat creation for all indigenous species should be promoted.	Provide for promotion of all habitat creation.
2.4.3.4 P14	Support in part	This policy is generally supported, however there are some inconsistencies i.e. (c) avoid more than minor adverse effect on values c.f. (c) significant reductions in values. EDS contends that all adverse effects which are more than minor should be avoided.	Amend to clarify that adverse effects which are more than minor should be avoided.
2.4.3.4 P15	Support	EDS supports the specific recognition of the need to avoid cumulative effects.	
2.4.3.4 P16	Support	EDS supports this policy which recognises the very high values of SEA-Marine 1.	
2.4.3.4 P17	Oppose in part	EDS considers that "no significant adverse effect" is too high a bar. EDS also considers that both the existing structure and the extension or alteration must have minimal adverse effects.	"the existing structure has no significant adverse effect on the values and ecological and physical processes operating in the SEA-Marine <u>that is more than minor</u> "
2.4.3.4 P18	Support in part	EDS supports the recognition of activities which are inappropriate in these areas. However, EDS consider that other activities should also be specified. For example, mining is clearly inappropriate in SEAs (and prospecting and exploration also as these are undertaken with the intention of mining). EDS considers that (a) should also apply to SEA-Marine 2.	Amend as set out in reasons.
2.4.3.4 P19	Support	This recognises the values of SEA-Marine 1 and 2. EDS supports the avoidance of mangrove removal where it will threaten the identified ecological values.	
2.4.3.4 P20	Support	This recognises the values of SEA-Marine 1	
2.4.3.4 P22	Support in part	EDS support the use of a precautionary approach which is a key environmental management technique. This is especially relevant in the context of climate change and policy 3 of the NZCPS requires the use of a precautionary approach.	Amend to provide for the use of the precautionary approach in other situations.

		However a precautionary approach should not be limited to these situations as it is appropriate to use in all situations where there is a lack of information or certainty.	
--	--	---	--

The Waitakere Ranges heritage area

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
2.4.3.5O 1	<i>Support</i>	We strongly support the objective of protecting the resources, values and features of the Waitakere Ranges in perpetuity.	
2.4.3.5O 2-3	<i>Support</i>		
2.4.3.5O 4	<i>Support</i>	It is appropriate to recognise and avoid cumulative effects of activities in the Waitakere Ranges	
2.4.3.5O 5	<i>Support</i>	Subdivision, use and development in the Waitakere Ranges should not adversely affect the heritage features or contribute to urban growth.	
2.4.3.5O 6	<i>Support</i>	This policy provides appropriate direction in relation to the protection of landscapes.	
2.4.3.5O 7	<i>Support</i>		
2.4.3.5O 8	<i>Support</i>	EDS supports the inclusion of objectives related to the protection of the Waitakere Ranges water supply catchments.	
2.4.3.5P 1	<i>Support</i>	This policy appropriately recognises the need to ensure the protection of the Waitakere Ranges native vegetation	
2.4.3.5P 2	<i>Support</i>	It is important that the native species of the Waitakere ranges are protected	
2.4.3.5P 3		This policy is poorly worded and therefore unclear. The term 'necessary' in this context is vague and does not clearly identify when clearing for infrastructure might occur. Further, it is assumed that the intention of the policy is to provide for vegetation clearance to be undertaken on the least valuable parts of the site, but it does not say this. This should be clarified.	Amend to clearly identify when vegetation clearance will be allowed. Amend to clarify how areas for clearance should be identified.

2.4.3.5P 4	<i>Support in part</i>	This policy sets a standard lower than that required in the Waitakere Ranges Heritage Area Act – the legislation provides that adverse effects of activities must be recognised and <i>avoided</i> , not just minimised. Further, in accordance with the Act, this policy should refer to the need to recognise and avoid potential and cumulative effects of activities.	Replace 'minimise their' with 'avoid' Add 'including potential adverse effects and cumulative adverse effects' before the word 'water'
2.4.3.5P 5-6	<i>Support</i>		
2.4.3.5P 7	<i>Oppose in part</i>	Whilst it is appropriate to provide for the continuation of existing commercial activities in the Waitakere ranges, there are some issues with this policy. The term 'appropriate' is too vague and does not make clear which activities should be enabled. Further, this policy should clearly identify that expansion should be allowed to the extent that it does not impinge on the values protected under the Waitakere Ranges Heritage Area Act.	Amend to identify the extent to which commercial activities should be enabled
2.4.3.5P 8	<i>Support</i>	The use of the precautionary approach in this context is supported.	

Sustainably managing our natural resources

Freshwater

5.21 EDS considers that this section is poorly structured and does not follow the NPSFM framework.

- (a) There are aspects of the NPSFM which are not clearly covered by the RPS:
- (b) protecting the quality of outstanding freshwater bodies (Objective A2),
- (c) protecting the significant values of wetlands (Objective A2 and B4),
- (d) improving the quality of freshwater in water bodies that have been degraded by human activities to the point of being over-allocated (Objective A2).

5.22 There is a strong focus on methods to avoid over-allocation, however, there is little mention of the need to first establish freshwater objectives and set freshwater quality limits and environmental flows for all freshwater bodies. EDS requests amendments to address this.

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
-------------------	------------------------	----------------	--

2.6.3 I	Support	The background recognises the values of freshwater resources and the threats facing freshwater resources in Auckland. It recognises the different urban and rural threats and the connections between freshwater and the coast. It recognises the need to implement the NPSFM and NZCPS.	
2.6.3 O1	Support in part	The intention of this objective is supported however it is not sufficiently specific or measureable. It is unclear what standard “safeguard” imposes. EDS submits that this should be amended so that it is specific and measureable. It may be that other objectives already provide for this matter.	
2.6.3 O2	Support	This objective gives effect to objective A2 of the NPSFM.	
2.6.3 O3	Support	This objective consistent with objective A1 and B1 of the NPSFM which refer to “safeguarding the life-supporting capacity, ecosystem processes and indigenous species” and objective B3 of the NPSFM “to improve and maximise the efficient allocation and efficient use of water”.	
2.6.3 O4	Support in part	This objective is consistent with objective B3 of the NPSFM “to improve and maximise the efficient allocation and efficient use of water”. It is essential to reduce the per head water usage, given the anticipated population increases and the large potential for reducing water use. However, this objective does not appear to be carried through to policies or methods. It is unknown how this objective will be achieved.	This objective needs to be carried through to the policies and rules. I.e. there needs to be education campaigns, support for uptake of residential and business water collection, requirements for all new houses/buildings to meet water conservation standards.
2.6.3 O5	Support in part	This objective recognises the need to improve stormwater and stormwater systems. However, the term “appropriate techniques” is incredibly vague and does not add to the objective.	Delete “appropriate techniques” and provide greater detail in the policies.
2.6.3 P1	Support	This policy will assist to maintain the natural character of freshwater systems and give effect to s6(a) RMA.	
2.6.3 P2	Oppose	This policy sets out management policies for freshwater quality however it fails to give effect to the NPSFM which requires the setting of objectives and limits for freshwater quality and management within those limits. Furthermore, some matters do not relate to freshwater <i>quality</i> but relate to other matters such as natural character and public access i.e. (g) and (e). It is unclear what (e) means. Maintain quality? Maintain their existence?	Amend to give effect to NPSFM. Amend to clarify as set out in reasons.

2.6.3 P3	Support in part	This policy gives effect to the NPSFM, policy B1 and B5, although it need to refer to the phase out of existing over allocation. However, its clarity could be improved by stating that limits must achieve (c), and by moving (a) so I is clear over allocation = allocation above the limits.	Amend to include phase out of existing over-allocation. Amend to clarify as set out in reasons.
2.6.3 P4	Support in part	This hierarchy is commonly used and reflects the priority in the RMA which gives precedence to domestic use and animal drinking water and which give priority to existing users. Paragraph (c) is not so common, however it makes sense that if an alternative is available that should be preferred. It is assumed that this policy is intended to apply where e.g. surface water is highly allocated but groundwater is available. This could be clarified.	Amend to clarify as set out in reasons.
2.6.3 P5	Support in part	EDS supports preferring water takes from under allocated bodies over highly allocated bodies. EDS considers that this policy needs clarification to ensure it applies to such a situation. Furthermore, this principle may apply more generally i.e. in some circumstances groundwater may be highly/over allocated and surface water not be.	Amend to clarify as set out in reasons.
2.6.3 P6	Support in part	This policy recognises that Auckland's geothermal water resource is fully allocated. EDS does not support the use of the term "acknowledge". This policy should be worded in a clear manner so that no further allocation will occur.	Amend to include stronger wording.
2.6.3 P7	Support in part	This policy clearly sets of management practices to minimise the loss of sediment. However, it fails to recognise the need to set objectives and limits under the NPSFM.	
2.6.3 P8	Support in part	This policy sets out how land use and water management will be integrated in intensifying urban areas. This should have a separate heading as integrated management is not specific to sediment. Integrated management is also not specific to urban areas. EDS submits that an additional policy should provide for integrated land use and water management in rural areas.	Add a heading for this policy: "Integrating land use and water management during urban intensification" Add a new policy providing for integrated land use and water management in rural areas
2.6.3 P9	Support	This policy recognises the importance of quality stormwater and wastewater systems.	

Sustainably managing our coastal environment

5.23 This section protects the life supporting capacity of coastal ecosystems and the social, economic and cultural values of the coastal environment.

- 5.24 The section contains good principles relating to the management and protection of the Hauraki Gulf, in accordance with the Hauraki Gulf Marine Park Act. However, whilst it is recognised that the Hauraki Gulf supports unique and important values to which the council must pay special attention, the Auckland region also includes the west coast, which is also an iconic and valuable environment which should be protected. The draft does not currently include adequate provision for management of the west coast. Many of the provisions in the draft which relate only to the protection of the Hauraki Gulf should apply to the west coast as well.
- 5.25 EDS is also concerned that objectives and policies in relation to the management of coastal water quality are too weak. It is recognised that in many cases water quality issues are complex and expensive issues to resolve (for example in relation to the upgrading of the stormwater network). However, Policy 21 of the NZCPS provides clear direction that councils should identify areas with poor water quality and prioritise improving those areas. EDS considers that the RPS should provide clear direction that areas with poor water quality are to be identified and improved as a matter of priority.

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
2.7.101	<i>Support in part</i>	This objective recognises the importance of protecting and enhancing the life supporting capacity of ecosystems but it does not include other key matters set out in Objective 1 of the New Zealand Coastal Policy Statement to which the council is required to give effect. Notably, these include maintaining or enhancing natural biological and physical processes, protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna	Amend to include these matters
2.7.102	<i>Support in part</i>	This policy proves that the social, economic and cultural values of the coastal environment are protected by maintaining, and where possible, enhancing water quality. However, this policy does not recognise that coastal water quality should be maintained to protect ecosystem and habitat values. Further, the reference to 'where possible, enhancing water quality' is too weak. The council's objective should be to enhance water quality wherever it is degraded.	Amend to include reference to protecting ecosystem and habitat values, delete 'where possible' and add 'where it is degraded' at the end of the sentence.
2.7.1P1	<i>Support</i>	This policy provides that the intensification of use and development should be avoided where it will have a significant adverse effect on areas identified as having high biodiversity and ecological value.	
2.7.1P2	<i>Support</i>	This policy provides that subdivision, use and development in the coastal environment should be provided for in an integrated manner. Where these activities are appropriate, EDS supports this policy.	
2.7.1P3	<i>Support in part</i>	This policy provides for the management of the discharge of contaminants into the	Remove the phrase 'where practicable' from the

		coastal environment but the reference to 'where practicable' is not consistent with the requirements of the NZCPS which requires that adverse effects of activities on the areas identified be avoided.	policy
2.7.2O1	<i>Oppose in part</i>	The use of the term 'efficiently' is too vague in this context.	Amend to provide greater detail about the extent to which resources should be used.
2.7.2O2-5	<i>Support</i>	These objectives are supported.	
2.7.2P1	<i>Support in part</i>	This provision should include reference to the need to design and locate coastal subdivision use and development so that it does not impact upon the natural character of the coastal environment	Add subparagraph e) be designed and located to minimise impacts on the natural character of the coastal environment
2.7.2P2	<i>Support in part</i>	The intent of this policy is supported, however subparagraph (b) appears to indicate that degradation of areas with less than 'high' water quality will be allowed This is not consistent with section 7(f) and this should be clarified.	Amend as per reasons.
2.7.2P3	<i>Support</i>		
2.7.2P4	<i>Support in part</i>	This policy, or an additional policy, should make reference to the need, as set out in the NZCPS, and consistent with objective 2.7.2O4 to identify opportunities to enhance and restore public access to the coast.	Add new policy 2.7.2P4a Identify opportunities to enhance and restore public access to the coast.
2.7.4P5-6	<i>Support</i>		
2.7.3O1	<i>Support</i>	This objective appropriately reflects section 7 of the Hauraki Gulf Marine Park Act 2000	
2.7.3O2	<i>Support</i>	This objective appropriately reflects section 7 of the Hauraki Gulf Marine Park Act 2000	
2.7.3O3	<i>Support</i>	This objective appropriately reflects section 7 of the Hauraki Gulf Marine Park Act 2000	
2.7.3O4	<i>Oppose in part</i>	It is not appropriate, or consistent with the Hauraki Gulf Marine Park Act to 'encourage' development in the Hauraki Gulf Marine Park. This provision should be framed in terms of providing for development which does not impact upon the natural, historical and physical resources of the area. Further, this objective is poorly worded, using the singular "is encouraged" instead of the	"Provide for use and development which support the social and economic wellbeing of the resident communities of Waiheke and Great Barrier Islands, while maintaining or where appropriate enhancing the natural, historic and physical resources of the islands."

		plural "are encouraged".	If this is not accepted, alter "is encouraged" to read "are encouraged".
2.7.3O5	<i>Support in part</i>	It is very important that the plan recognise the role of the council in providing new marine protected areas. The term 'supported' is far too vague and should be replaced with provisions which refer to the creation and good management of marine protected areas.	Replace term 'supported' with term 'created' and add additional sentence "Marine protected areas are managed to protect and enhance the ecosystem values of those areas."
2.7.3O6 08	<i>Support</i>		
2.7.3P1- 2	<i>Support</i>		
2.7.3P3	<i>Support in part</i>	It is appropriate that this provision requires recognition of the interconnectedness of the gulf and the consequent need to assess applications for use and development in this context. However, it is important that there are appropriate rules in place to provide clear direction in this regard.	Insert 'applications for' after 'require'
2.7.3P4	<i>Support</i>	Provides clear direction that harm to the values of the Gulf is to be avoided.	
2.7.3P6	<i>Support in part</i>	It is important that an effective network of conservation and protected areas covering land and sea is created, but the term 'support' is weak and unclear. The council is responsible for the protection of the coastal marine environment and has the power and responsibility to establish protected areas.	Replace 'support' with 'provide'
2.7.3P7	<i>Support</i>	The enhancement of educational and recreational opportunities in the Gulf is to be supported	
2.7.3P8	<i>Support</i>		
2.7.3P9	<i>Support</i>	Effective management of the Gulf must be underpinned by established environmental objectives/bottom lines.	
2.7.3P10 -17	<i>Support</i>		
2.7.3P18	<i>Support</i>	The retention of undeveloped wilderness areas in the Gulf is critical for a range of reasons, not just for recreational benefit.	

2.7.3P19 -22	Support		
-----------------	---------	--	--

Sustainably managing our rural environment

- 5.26 EDS supports the intention of the RPS to ensure that the rural character of rural zones is retained.
- 5.27 However, we are concerned that objectives and policies do not adequately recognise the need to maintain and enhance the natural character and ecological values of rural areas. There is an absence of objectives and policies which provide for the protection of the ecological values of the rural environment.
- 5.28 At present the RPS has an excessive focus on the need to *enable* rural activities in the rural zones. Although it is recognised that this is an important factor in retaining rural character and values, this does not obviate the need to ensure that use and development in these areas recognises and provides for the matters of national importance set out in section 6 RMA. Thus, the RPS should include objectives and policies relating to the maintenance and enhancement of ecological values in the rural zones. This is the case even in respect of the rural production zone.

Section No	Support/ Oppose	Reasons	Decision Sought (or words to like effect)
2.8.101	Support	EDS supports the retention of working rural landscapes around Auckland	
2.8.102	Support in part	It is appropriate to include an objective providing for rural production activities, but the reference to rural character seems like an afterthought. The maintenance of rural character should be a clear objective in its own right. In addition, there should be an objective in relation to the maintenance and enhancement of the ecological values of Auckland's rural environment.	Add new objective: The natural character of Auckland's rural environment is maintained and enhanced. Add new objective: The ecological values of Auckland's rural environment are maintained and enhanced.
2.8.103	Support	EDS supports the plan intention to protect areas outside the RUB from inappropriate subdivision use and development	
2.8.1P1	Support	This policy provides that rural areas should be a significant contributor to the economic productivity of Auckland. This is supported.	
2.8.1P2	Support	This policy essentially defines 'rural activities'. This is supported.	

2.8.1P3	<i>Support in part</i>	The intent of this policy is supported, however the wording needs tightening up: 'urban activities' is not defined. The reference to 'premature' upgrading is too vague. If this refers to upgrading that would not otherwise be required, then this should be stated. The reference to cumulative effects is supported.	Amend as per reasons
2.8.1P4	<i>Support in part</i>	The term 'support' in this context is too vague. The policy should describe exactly what the council is going to do.	Replace the phrase 'support management practices' with more specific wording.
2.8.1P5	<i>Support</i>		
2.8.1P6	<i>Support</i>	EDS supports the intention to retain a range of site sizes in rural areas.	
2.8.1P7	<i>Support in part</i>	EDS supports the intention of this policy but the term 'encourage' is far too vague. The policy should describe exactly what the council is going to do to ensure that adverse environmental effects are reduced.	Replace the phrase 'encourage improved land management practices' with more specific wording.
2.8.1P8	<i>Support in part</i>	EDS considers that this provision should be split into two, separately stating policies to protect natural character and to avoid increases in scattered lifestyle lots. EDS considers that the word 'manage' should be replaced by 'enhance'	Amend to create two policies relating to protection of natural character and avoidance of scattered lifestyle lots. Replace the phrase 'protect and manage' with 'protect and enhance'
2.8.1P9	<i>Support</i>		
2.8.301	<i>Support</i>	EDS agrees that the productive potential of rural land should not be undermined.	
2.8.302	<i>Support</i>	EDS strongly supports the avoidance of further fragmentation of rural land by scattered subdivision	
2.8.303	<i>Support</i>	New subdivision should be avoided where possible.	
2.8.304	<i>Support</i>	EDS strongly supports the objective of transferring rural sites to areas that can best support them.	
2.8.3P1	<i>Support in part</i>	EDS agrees that existing sites should be used rather than new ones created. However, the term 'encouraged' is too vague. This objective should set out more clearly what the	Replace 'is encouraged' with more specific

		council should do in this regard.	wording
2.8.3P2	<i>Support</i>	EDS strongly supports the policy of providing for the transfer of new sites to only the countryside living zone or serviced towns and villages.	
2.8.3P3	<i>Support in part</i>	EDS supports the intent of this policy but notes that the wording could be tightened up: specifically, subparagraph (e) does not flow from the original wording.	Amend subparagraph (e) so that it flows from the original statement.
2.8.3P4	<i>Support</i>		
2.8.3P5	<i>Support in part</i>	This provision should be clarified so that it is clearly consistent with objective 3 – i.e. that new subdivisions should not be created unless existing titles are not available.	Amend to read ‘provide new rural lifestyle subdivision in Countryside living zones where existing titles are not available.’
2.8.3.P6	<i>Support in part</i>	This provision appropriately directs rural subdivision away from areas with ‘high natural values.’ However, it would be useful if the provision identified exactly what is meant by this term, to avoid confusion. Specifically, does it encompass HNCs/ONCs and ONLS alone, or also other areas?	Amend as per reasons.

6. REGIONAL AND DISTRICT OBJECTIVES AND POLICIES

3.1.3.8 Lakes, rivers and wetland management

- 6.1 This section protects lakes, rivers, streams and wetland from permanent loss. However, it fails to recognise that effects which are less than ‘permanent loss’ may be inappropriate. The policies need to set out what activities and effects will be considered appropriate or inappropriate.
- 6.2 Similarly, this section develops the idea that development which has a functional need to locate in, on, under or over a lake, river and stream beds is more likely to be appropriate than activities which may occur elsewhere. However, this section fails to recognise that such activities may be inappropriate depending on their effects and it may be that they should not be allowed to proceed.
- 6.3 This section uses the term “where appropriate” too frequently. For example, references to “offset mitigation” are often followed by “where appropriate”. This means that the policies give very little guidance. If the policies are to be qualified the qualification needs to be clear.
- 6.4 The section is too reliant on offset mitigation. There needs to be a mitigation hierarchy whereby effects are first avoided, then those effects which cannot be avoided are remedied or mitigated, and then the remaining effects are offset. Offsets should be the last consideration and only applied to those effects which cannot be dealt with through other means. Furthermore, EDS submits that significant adverse effects should preferentially be avoided in relation to these important resources.

6.5 This section does not reflect the important values in the NPSFM which requires the protection of the significant values of wetlands and the protection of outstanding freshwater bodies: Objective A2. This requires amendment to ensure the Draft Plan gives effect to the NPSFM.

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.1.3.8 B	<i>Support in part</i>	<p>The background recognises the values of lakes, rivers and streams. It differentiates between rural and urban threats.</p> <p>The background states that there “is a balance to be struck between the need to provide for the ongoing urban growth of Auckland, the requirements of both regional and national infrastructure and the protection, maintenance and enhancement of lakes, rivers and streams”. While EDS recognises that urban growth is likely to be inevitable in Auckland, it is important that this occurs in the most environmentally sustainable manner possible. This needs to be recognised.</p>	Recognise that urban growth needs to occur in an environmentally sustainable manner.
3.1.3.8 O1	<i>Oppose in part</i>	EDS supports the intention of preventing development in a lake, river or stream where it is not required in that location. However there needs to be recognition that even where there is a “need for that location” the development may be inappropriate for example where there is a high value stream.	Turn around the objective so that it provides words to the effect of: Development does not occur where it may be located elsewhere.
3.1.3.8 O2	<i>Oppose in part</i>	EDS supports the intention of protecting lakes, rivers, streams, and wetlands from permanent loss. However, this is a very low goal. EDS suggests that the values should also be maintained or enhanced. Section 6(a) requires the Council to provide for the preservation of the natural character of these water bodies.	Amend to provide for the maintenance and enhancement of natural ecological and character values.
3.1.3.8 P1	<i>Oppose in part</i>	<p>It is unclear if all these criteria be met (which would not make sense) or only one. If only one criterion is required to be met then a number are inappropriate. For example “offset mitigation has been considered and where appropriate can be practically implemented” would only require offset mitigation to be considered before a structure would be allowed.</p> <p>This policy refers to offset mitigation – but not to the higher components of the mitigation hierarchy. EDS considers that avoidance should be preferred, followed by remediation and mitigation.</p>	Amend to ensure structures are only allowed where they cannot be located elsewhere, to ensure the mitigation hierarchy is applied in all situations (avoid>remedy>mitigate>offset) and the other criteria are used to indicate the appropriateness of a structure.
3.1.3.8 P2	<i>Oppose in part</i>	<p>Again, it is unclear which criteria need to be met. (a) – (c) appear to be alternatives whereas (d) and (e) should be required for all activities.</p> <p>As above, the mitigation hierarchy should also be applied to all activities.</p>	Amend to clarify which criteria are applicable and ensure the mitigation hierarchy is applied to all activities.

3.1.3.8 P4	<i>Oppose in part</i>	As above (a) and (b) appear to be alternatives, whereas (c) and (d) should be required in all situations. This needs to be clear. As above, the mitigation hierarchy should also be applied to all activities.	Amend to clarify and ensure the mitigation hierarchy is applied to all activities.
3.1.3.8 P5	<i>Support in part</i>	This policy should indicate a preference for the use of indigenous species (reflecting the Council's function to maintain indigenous biodiversity). The policy uses the word "suitable" but it is unclear in what respect this is intended – does this refer to the purposes listed?	Amend to provide a preference for indigenous species and to clarify.
3.1.3.8 P6	<i>Oppose in part</i>	EDS is opposed to (a) and (b). As above, it considers that the mitigation hierarchy should be applied that requires adverse effects to be avoided preferentially, then remedies or mitigated, then offset. EDS supports the use of the 'no net loss' approach and the directions in (i) and (ii). However, this policy needs to recognise that offsetting is not appropriate in some situations i.e. where the area is rare or vulnerable.	Amend to provide for the mitigation hierarchy.
3.1.3.8 P7	<i>Support</i>	This policy indicates a method for calculating and assessing offset mitigation. This is useful guidance and the use of "One method by which" allows room for future development of new guidance.	
3.1.3.8 P8	<i>Support in part</i>	The exclusion of livestock from water bodies is now expected good management practice. EDS supports a progressive implementation timeframe for the exclusion of stock from all water bodies. Paragraph (b) should be amended to recognise the final goal.	Amend to set out the final goal of permanent exclusion from all water bodies.
3.1.3.8 P9	<i>Oppose</i>	This policy lists the benefits of riparian margins, rather than how riparian margins will be protected and enhanced. This provides no useful policy guidance.	Amend policy to set out <u>how</u> riparian margins will be protected and enhanced.
3.1.3.8 P10	<i>Support in part</i>	The intent of this policy is supported. The use of the term "where appropriate" is opposed. It is necessary to set out policy guidance as to when may be appropriate or not otherwise the policy does not provide sufficient guidance to users.	Amend policy to provide further guidance on when public access may not be appropriate (i.e. for ecological reasons or health and safety)
3.1.3.8 P11	<i>Support</i>	EDS supports a requirement for subdivision and development to enhance riparian margins. This provides an opportunity for enhancement to be required – which is essential to ensure the Council's function of maintaining indigenous biodiversity is achieved.	
3.1.3.8 P12	<i>Support</i>	EDS supports this policy to minimise adverse effects on native vegetation within riparian	

		margins.	
3.1.3.8 P13	Support in part	EDS support the avoidance of development in riparian margins that has no functional need to locate there. However, this policy should recognise that in some sensitive environments the adverse effects may be of such a level that even development with a functional need to locate in riparian margins should not be allowed in that location.	Amend to recognise that in some locations the adverse effects will be of a level that development will be inappropriate.

3.1.3.10 Mineral extraction

3.1.3.10. 1O1	Support	This objective appropriately recognises the need to ensure the protection of environmental and amenity values	
3.1.3.10. 1P1	Support in part	The quarry zone concept is supported, however the term 'significant size' is unclear. This should be clarified.	Clearly specify what size and scale of activity will be deemed 'significant.'
3.1.3.10. 1P2	Support		
3.1.3.10. 1P3	Support in part	It is appropriate that the mitigation hierarchy should be employed in respect of all adverse effects of mining activity.	Amend subparagraph 5 to read 'avoid, remedy or mitigate significant adverse effects on visual and landscape values.'
3.1.3.10 P4	Support in part	There is no reason why the quarry management plan should not be required to provide for the avoidance, as well as the remedying, mitigating or offsetting of these effects.	Add word 'avoid' after 'actions to'
3.1.3.10. 1P5	Support in part	The use of 'appropriate' twice in this sentence adds little to its meaning: the words need to be replaced by clear language setting out what scale and location of buildings will be allowed.	Replace words 'appropriate' and 'appropriately' with clear and directive language.
3.1.3.10. 1P6	Support		
3.1.3.10. 2O1	Oppose	It is not appropriate that the main objective in relation to offshore minerals extraction is a positive entreaty that it should be undertaken. This objective should clearly state that minerals extraction should be allowed provided that significant adverse effects can be avoided. Further, the term 'suitable' in this objective is vague and unclear. Does this refer to	Amend as per reasons.

		locations where there is a good resource or locations where the adverse environmental effects will be lower. Given the very serious potential adverse effects of seabed mining, this objective needs to very clearly state to what extent mining is to be allowed in the Auckland region, and the level of environmental impact that is acceptable.	
3.1.3.10.2P1	<i>Oppose in part</i>	EDS considers that this policy does not establish balance between economic development and environmental protection: extraction should be enabled, but not provided for.	Replace 'provide for' with 'enable'
3.1.3.10.2P2	<i>Support in part</i>	It is appropriate that the precautionary approach should be provided for. However, this policy appears to indicate that 'methods such as staged development' will be adequate to give effect to this. In fact, the precautionary approach should start with an assessment of whether the activity should go ahead at all, rather than being used as a means to undertake activity that would not otherwise be allowed.	Amend as per reasons.
3.1.3.10.2P3	<i>Support</i>		

3.1.3.13 Rural Production Activities

6.6 This section is focused on point source rural discharges and does not adequately cover non-point source rural discharges. EDS requests amendments to address this matter.

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.1.3.13 B	<i>Oppose in part</i>	EDS supports the recognition of the adverse effects farming activities can have on rivers, streams and groundwater. However, the background fails to recognise that this also affects coastal water quality. EDS opposes the focus on containing discharges on site. While there are methods for containment (particularly for point sources such as dairy sheds) there are considerable difficulties to contain non-point source discharges. A key focus needs to be preventing and reducing discharge levels.	Amend to recognise effect on coastal water quality. Amend to reflect the need to control discharge levels.
3.1.3.13 O1	<i>Oppose in part</i>	This objective refers to "inappropriate farming practices". It implies that the discharge of	Amend "inappropriate farming practices" to

		contaminants is an “inappropriate farming practice”. This is unrealistic as the discharge of contaminants from farming activities is inevitable, it is the level that must be controlled. The term “inappropriate farming practices” needs to be replaced or better defined.	better reflect the policy intention.
3.1.3.13 O2	<i>Support in part</i>	EDS supports the policy intention to re-use discharges for benefit. However, this objective appears to be limited to point source discharges. This should be clear.	Amend for clarification.
3.1.3.13 P1	<i>Support in part</i>	This policy should give effect to s 70 of the RMA. EDS suggests that the terminology in s 70 provides useful guidance alongside the less clear “more than minor adverse effects”. However, EDS is concerned that this relates to dairy effluent only. While dairying is likely to have greater effects EDS submits that no matter the source more than minor adverse effects should be avoided.	Amend to reflect s 70. Amend to apply to all rural production activities.
3.1.3.13 P2	<i>Support in part</i>	This policy enables discharges to land. A preference for discharges to land over discharges to water is supported as they can be managed more effectively and can provide benefits. The policy only refers to minimising leaching to groundwater. However, leaching to surface water also needs to be considered. For example, discharges to land must not exceed the capacity of the soils to treat the discharges.	Amend to refer to discharges to land not exceeding the treatment capacity of the soils and to refer to leaching to surface water.
3.1.3.13 P3	<i>Oppose in part</i>	EDS supports the avoidance of more than minor effects from grazing livestock in terms of exacerbated bank erosion and degraded water quality. However, EDS considers that it would more appropriate for this policy to refer to the exclusion of stock.	Amend to refer to the requirements for stock exclusion.
3.1.3.13 P4	<i>Support in part</i>	This policy sets circumstances in which discharges of fertiliser to land will be considered appropriate. This policy direction is supported – it is good to see guidance on the term “appropriate”. However, the policy requires the use of “best industry practice” and “good management practices” the differences between these requirements is unclear.	Amend to clarify as set out in reasons.
3.1.3.13 P5	<i>Support</i>	EDS supports this policy which requires direct discharges to be avoided.	
3.1.3.13 P6	<i>Oppose</i>	This policy sets out circumstances in which discharges to land that run overland into water may be appropriate. This conflicts with the above policy which requires direct discharges to be avoided. The effects of each activity are the same whether the discharge is direct, or occurs after flowing over land.	Amend policy to require discharges to land that run overland into water to be avoided.

3.1.3.15 Vegetation Management

- 6.7 EDS is concerned that the Vegetation Management objective (“recognise and maintain”) is limited to vegetation in sensitive environments and contiguous native vegetation. The Council’s function of maintaining indigenous biodiversity in the region is unlikely to be achieved if vegetation outside of sensitive areas and non-contiguous vegetation is not maintained.
- 6.8 EDS is concerned that the protection of areas of contiguous native vegetation is limited to rural environments. Areas of contiguous native vegetation are just as important in urban environments. The Council’s function of maintaining indigenous biodiversity in the region is unlikely to be achieved if areas of contiguous native vegetation in residential environments are not maintained.

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.1.3.15 B	<i>Support</i>	The background describes the wide range of benefits of maintaining vegetation cover.	
3.1.3.15 O1	<i>Support in part</i>	The objective seeks to recognise and maintain the ecosystem services and biodiversity of vegetation. However, it is limited to vegetation in sensitive environments and contiguous native vegetation – it is not region wide. This limitation is inconsistent with the Council’s function of maintaining indigenous biodiversity in the region. This objective finishes “while providing for reasonable use and development” this is supported - subject to the achievement of the above Council function – which will thus require restoration and enhancement.	Amend objective to require recognition and maintenance of ecosystem services and biodiversity of vegetation throughout the region.
3.1.3.15 P1	<i>Support</i>	The protection of vegetation in sensitive environments is vital.	
3.1.3.15 P2	<i>Oppose in part</i>	EDS questions why the protection of areas of contiguous native vegetation is limited to rural environments. Such areas remaining in urban environments should be protected for the considerable ecosystem and amenity benefits they offer.	Amend objective to protect areas of contiguous native vegetation in residential environments.
3.1.3.15 P3	<i>Support in part</i>	Enhancement is necessary to ensure the Council’s function of maintaining indigenous biodiversity in the region is achieved as some degradation is inevitable. However, enhancement will be insufficient to ensure maintenance of indigenous biodiversity. EDS submits that an additional policy providing for restoration and new planting is required.	Add a policy providing for restoration and new planting.
3.1.3.15 P4	<i>Support in part</i>	Existing activities should be permitted, subject to reducing their impacts where practicable.	Amend the policy to require a reduction in adverse effects where that is possible.

3.1.3.15 P5	<i>Support in part</i>	The use of the phrase “avoid, remedy or mitigate” is insufficiently strong. EDS considers that the use of the mitigation hierarchy is important to ensure the Council’s functions are achieved.	Amend to provide for a mitigation hierarchy: require avoidance of adverse effects, with remediation or mitigation to be required only if avoidance is not practicable.
3.1.3.15 P6	<i>Support</i>	The consideration of alternatives is an important aspect of environmental management that allows a more thorough assessment of the activity.	

3.1.3.16.1 Freshwater Quality

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.1.3.16.1 B	<i>Support</i>	The background states that this section focuses on urban threats to freshwater quality - management of discharges from stormwater systems and overflow from wastewater networks. It may be worth mentioning that section 3.1.3.13 deals with rural threats to freshwater.	Amend to clarify that rural threats to freshwater area dealt with in section 3.1.3.13.
3.1.3.16.1 O1	<i>Support</i>	Protecting high quality freshwater from degradation is consistent with objective A2 NPSFM.	
3.1.3.16.1 O2	<i>Oppose in part</i>	Objective A2 of the NPSFM requires the overall maintenance and improvement of freshwater quality and the improvement of the quality of fresh water in water bodies that have been degraded to the point of over-allocation. This objective does not give effect to that.	Amend as follows: Areas of degraded water quality are protected from further degradation and they are enhanced where overallocated practicable.
3.1.3.16.1 O3	<i>Oppose in part</i>	The intent of the objective is supported but the verb “recognised” does not provide a specific and measureable goal that achieves real outcomes. Furthermore, EDS submits that improvement is required as maintenance of the status quo is not considered satisfactory.	Amend as follows: The essential role of stormwater and wastewater networks and treatment plants in protecting public health and safety and managing the adverse effects of contaminants on freshwater quality is recognised improved.
3.1.3.16.1 P1	<i>Support</i>	The Draft Plan uses the MCI as an interim measure before freshwater objectives and limits are set. EDS supports the use of an interim measure to prevent further degradation while policy development occurs.	

3.1.3.16.1 P2	Support	This gives effect to Policy A1(b) of the NPSFM – establish methods to avoid over-allocation.	
3.1.3.16.1 P3	Support	This gives effect to Policy A1(b) of the NPSFM – establish methods to avoid over-allocation.	
3.1.3.16.1 P4	Support in part	This expands on the last section “or enhance where practicable” of policy 2 and it could be clearer if they were combined. EDS supports the policy requiring enhancement where this is possible. EDS supports the clarification that only existing activities may practicably preclude enhancement occurring. There are few situation in which enhancement is not possible.	Consider combing with policy 2.
3.1.3.16.1 P5	Oppose in part	The NPSFM requires the identification of freshwater objectives and limits: Policy A1 NPSFM. EDS supports the recognition of community consultation and scientific research as essential components to setting limits.	Add a new policy requiring the development of freshwater objectives for all water bodies. Amend policy: “Develop catchment-specific water quality limits identified by community consultation and scientific research, to replace the MCI guideline values, if this is necessary to maintain catchment specific freshwater values. ”
3.1.3.16.1 P6	Support	This policy is required by the NPSFM until the above policies become operative.	
3.1.3.16.1 P7	Support	EDS supports the policy of avoiding significant adverse effects and remedying or mitigating other adverse effects of stormwater runoff in greenfield areas. The policy sets out a number of methods for achieving this outcome.	
3.1.3.16.1 P8	Support	EDS supports a reduction in adverse effects from existing stormwater runoff.	
3.1.3.16.1 P9	Support	EDS supports policies addressing stormwater quality which is a significant issue in Auckland.	
3.1.3.16.1 P10	Support	“	
3.1.3.16.1 P11	Support	“	
3.1.3.16.1 P12	Support	“	

3.1.3.16.1 P13	Support	“	
3.1.3.16.1 P14	Support	“	
3.1.3.16.1 P15	Support in part	EDS supports the objective of avoiding increases in wastewater network overflows. The policy sets out a number of methods for achieving this outcome. However, EDS considers that reductions in frequency and volume should be the outcome sought (outside of wet weather provided for in policy 16)	Amend to provide for reductions in frequency and volume or overflows
3.1.3.16.1 P16	Support in part	EDS supports the objective of reducing wet weather wastewater network overflows. The policy requires the adoption of the best practicable option and sets out a priority order for this to be applied. EDS suggests that further guidance could be given as to the options which might be adopted to achieve this goal.	Amend to add further guidance regarding methods to achieve this goal.

3.1.3.16.2 Freshwater Quantity

6.9 EDS is concerned by the use focus of the objectives. This does not reflect the NPSFM whose primary objective is to safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the use and development of land, and of discharges of contaminants (through limits) and providing for use once these requirements are satisfied (where there is allocation). EDS requests that the objectives are amended to reflect the NPSFM.

Section No	Support/ Oppose	Reasons	Decision Sought (or words to like effect)
3.1.3.16.2 B	Support	The background recognises the demands for freshwater and the effects over over-use. The background recognises the requirements of the NPSFM. The background states that this section focuses on matching demand to supply while protecting the life supporting capacity of freshwater.	
3.1.3.16.2 O1	Support in part	This objective needs to be clearer that freshwater will be available for use only if aquatic values are maintained and aquifer capacity is not overdrawn i.e. within the limits.	Amend to clarify.
3.1.3.16.2 O2	Oppose	Freshwater resources cannot be changed, though they may increase or decrease according to climatic conditions and climate change. It is current and future water needs that will need to change to accord with the resources available.	Amend objective to recognise that it is use that needs to match available resources.

3.1.3.16.2 O3	<i>Oppose</i>	This objective is not goal or outcome sought. This is a matter more appropriate for a policy. Further detail is also required – prioritised how and for what purposes?	Delete objective.
3.1.3.16.2 P1	<i>Support</i>	EDS supports the prioritisation of water use. The RMA provides for domestic use and animal drinking water. It also provides priority for existing uses.	
3.1.3.16.2 P2	<i>Support</i>	The promotion of efficient use is consistent with Objective B3/Policy B4 of the NPSFM. The methods suggested are supported.	
3.1.3.16.2 P3	<i>Oppose in part</i>	EDS support the management so that the guidelines and levels are not exceeded. EDS opposes the use of the word “generally”. This removes all certainty from the policy and is inconsistent with Policy B5 of the NPSFM – ensuring that no decision will likely result in future over-allocation. EDS opposes the exception for municipal water supply, again this is inconsistent with the NPSFM. This is especially important given that municipal supply is the largest use of water in the Auckland region and generally municipal users could make significant efficiency improvements.	Delete the word “generally” Delete the reference to “municipal water supply”
3.1.3.16.2 P4	<i>Support in part</i>	The development of catchment-specific limits is required by Policy B1 of the NPSFM. There is no qualification in the NPSFM regarding whether limits are necessary to maintain catchment specific freshwater values. However, catchments not meeting values may be higher priority for setting of limits.	Delete “if necessary to maintain catchment specific freshwater values” or amend so that this sets a priority for limit setting only.
3.1.3.16.2 P5	<i>Support</i>	EDS supports the policy which sets out requirements for proposals to take and use water. The requirement to demonstrate consistency with the guidelines (interim limits) is consistent with Policy B5 NPSFM. The remaining requirements will assist to safeguard the life-supporting capacity, ecosystem processes and indigenous species of fresh water. EDS particularly supports the requirement to demonstrate options to implement water conservation measures in times of water shortage. This acknowledges the reality of water shortages and applies a precautionary approach in the face of climate change.	
3.1.3.16.2 P6	<i>Support</i>	EDS supports the policy which sets out requirements for proposals to take and use groundwater. The requirement to demonstrate consistency with the guidelines is consistent with Policy B5 NPSFM. The requirement to demonstrate effects on surface water flows acknowledges the connectivity of surface and ground water. The	

		requirements also recognise the threats of saltwater intrusion and interference effects.	
3.1.3.16.2 P7	<i>Support in part</i>	EDS supports the provision of guidance regarding mitigation options. However, Policy B5 of the NPSFM requires no further over-allocation to be allowed. This is a clear standard to which mitigation is not applicable. This policy needs to be clear about which standards are absolute (i.e. compliance with limits) and which effects may be mitigated to an extent the effects are minor and therefore appropriate (i.e. fish passage).	Amend to clarify what standards are absolute and which effects may be mitigated to a minor level.
3.1.3.16.2 P8	<i>Support in part</i>	EDS supports requiring monitoring of water takes. Without the accurate collection of information good decision-making about resources cannot occur. EDS considers that the Draft Plan should expand on the requirements of the regulations.	Refer to additional requirements above the minimum set out in the regulations.
3.1.3.16.2 P9	<i>Support in part</i>	EDS supports this policy which sets out clearly how over-allocation will be avoided or phased out. However it fails to recognise that reductions in use may be required.	Provide for, as a last resort, reducing allocations.
3.1.3.16.2 P10	<i>Oppose in part</i>	EDS is concerned about this policy which allows limits to be ignored – this fails to give effect to the NPSFM. Times of greater river flow are important to maintain ecological processes by flushing the system.	Delete.
3.1.3.16.2 P11	<i>Support</i>	This policy is a requirement of the NPSFM.	
3.1.3.16.2 P12	<i>Support</i>	This policy is a requirement of the NPSFM.	
3.1.3.16.2 P13	<i>Support</i>	EDS supports the use of concurrent review of consents which enables a catchment wide holistic decision-making to occur and is better able to consider cumulative effects.	
3.1.3.16.2 P15	<i>Support</i>	It is appropriate to avoid dams in these high value areas.	
3.1.3.16.2 P16	<i>Support</i>	EDS supports this policy which sets out requirements for dam proposals to demonstrate.	
3.1.3.16.2 P17	<i>Support</i>	EDS supports requiring monitoring the effects of a dam. Without the accurate collection of information good decision-making about resources cannot occur.	
3.1.3.16.2 P18	<i>Oppose in part</i>	EDS is unclear about the intent of this policy as the terms used do not appear to be defined. I.e. is 'full available flow' the flow over and above limits set?	Amend to clarify the intent.

3.1.3.16.2 P19	<i>Oppose in part</i>	EDS considers that ecological and amenity considerations are also relevant to diversions and should be listed.	Amend to refer to effects on ecological values and amenity values.
3.1.3.16.2 P20	<i>Support</i>	EDS supports this policy relating to water shortage directions. This recognises the increased likelihood of climate variance due to climate change.	
3.1.3.16.2 P21	<i>Support</i>	EDS supports this policy which provides for priority where restrictions to water takes are required.	
3.1.3.16.2 P22	<i>Support in part</i>	EDS considers that this policy should also refer to ecological effects of diversion.	Amend to refer to ecological effects.

3.1.4 Subdivision

6.10 EDS largely supports the objectives and policies in relation to rural subdivision, with the proviso that language should be tightened up to ensure that decision makers are provided with clear direction in relation to whether consent applications are appropriate.

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.1.401	<i>Support in part</i>	The intention of this objective is supported, however, it should be recognised that in some zones, a key objective is to avoid subdivision.	Amend to make clear that in some zones, subdivision is to be avoided.
3.1.402 -3	<i>Support</i>		
3.1.404	<i>Support in part</i>	Given the distinction between natural heritage and natural resources in the plan, this provision should also refer to natural heritage	Add 'natural heritage' after 'natural resources'
3.1.405	<i>Support</i>		
3.1.406	<i>Support</i>	This is an important means for ensuring the protection of biodiversity on private land.	
3.1.407	<i>Support</i>	EDS supports the approach of ensuring rural lifestyle subdivision occurs only in the countryside living zone.	
3.1.408	<i>Support in part</i>	This objective is very vague and it would be useful if it more clearly stated the types of outcomes that are aimed for.	Amend as per reasons.

3.1.4P1	<i>Support</i>		
3.1.4P2	<i>Support in part</i>	Subparagraph 2(a) reference to 'address' is too vague. Subparagraph 2(c) use of word 'unnecessary' is too vague.	
3.1.4P3-9	<i>Support</i>		
3.1.4P10	<i>Support</i>		
3.1.4P11	<i>Support</i>	It is important that esplanade reserves are required on subdivided land adjoining the coast and other water bodies.	
3.1.4P12	<i>Support in part</i>	This provision should be clarified to make clear that the requirements of each subparagraph must be met if an esplanade reserve is to be narrowed.	Amend as per reasons.
3.1.4P13	<i>Support in part</i>	The term 'adequately protected' in subparagraph b is too vague and should be replaced by clearer language setting out the standard of protection that will be required.	Amend as per reasons.
3.1.4P25	<i>Support</i>	EDS strongly supports the proposal to avoid subdivision and development outside the Countryside Living zone.	
3.1.4P26	<i>Support</i>	It is important for the rural character of Auckland that a variety of lot sizes be retained.	
3.1.4P27	<i>Support in part</i>	EDS supports this policy in principle, but the term 'encourage' is too vague and should be replaced by language setting out exactly how the council is to bring this about.	
3.1.4P28	<i>Support</i>	EDS supports the concept of receiver areas to provide for development to be located in appropriate places.	
3.1.4P29	<i>Support</i>		
3.1.4P30	<i>Support</i>	EDS agrees that the character and amenity values of rural and coastal landscapes should be protected from the impacts of subdivision.	
3.1.4.P31	<i>Support</i>	EDS strongly agrees that ribbon development along public roads should be avoided.	
3.1.4P32-34	<i>Support</i>		

3.2.5.1 Coastal zones

- 6.11 As set out above in relation to the RPS, we support the inclusion of objectives and policies giving effect to the Hauraki Gulf Marine Park Act and recognising the need to protect the Hauraki Gulf's unique values. However, we are concerned that this special attention should not be at the expense of the west coast, which also retains important natural values. As currently drafted there are a number of objectives and policies in relation to the Hauraki Gulf (set out below) which should be extended to cover Auckland's entire marine area.
- 6.12 We are concerned that the objectives and policies in relation to certain activities in the coastal environment are unduly weighted in favour of economic development. In particular, policies in relation to minerals extraction appear to focus on encouraging activity, rather than ensuring that it is undertaken in appropriate locations. The policy setting out the need for a precautionary approach to mining in the coastal environment appropriately recognises the absence of complete information about the effects of offshore mining, but appears to equate precaution with adaptive management. Properly conceived, the precautionary approach means that where risks are too great, applications to undertake activity should be refused. Adaptive management approaches may well be appropriate, in the event that consent is granted, but the first issue, when applying a precautionary approach, is whether the consent should be granted at all.
- 6.13 We are pleased to see policies relating to the protection of marine mammals from coastal noise and the protection of significant surf breaks. However, in respect of both these matters we are concerned that the absence of sufficient data and established methodologies for addressing these issues will make discharging the obligation to comply with these policies very difficult. We are concerned that the council make best efforts to put in place appropriate mechanisms to give effect to these policies to the extent that scientific understanding allows.

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.2.5.1.101	<i>Support</i>	Reclamation, declamation and drainage can have significant impacts on the coastal environment and should therefore be strictly controlled	
3.2.5.1.102	<i>Support</i>	As above	
3.2.5.1.1P1	<i>Support in part</i>	Section 1(a) refers to reclamations which are for public benefit. This is not consistent with the NZCPS which provides for the protection of the coast from reclamation unless it is for significant regional or national benefit.	Delete 'public' from para 1(a)
3.2.5.1.1P2-8	<i>Support</i>	This section and the following adequately reflects the requirements of Policy 10 NZCPS	
3.2.5.1.201.	<i>Oppose in part</i>	The term 'public benefit' is too vague, and could apply to a wide range of scenarios where deposition of material would otherwise be inappropriate. It should therefore be clarified.	Clarify use of term 'public benefit'
3.2.5.1.202-3	<i>Support</i>		

3.2.5.1. 2O4	<i>Support in part</i>	Whilst the Hauraki Gulf has important values that should be protected, the ecological, recreational, cultural and amenity values of the west coast should also be protected from the adverse effects of the deposition and disposal of material.	Remove reference to Hauraki Gulf
3.2.5.1. 2P1	<i>Support in part</i>	It is not clear whether deposition of material will be provided for where each of the subparagraphs are complied with, or where only one of them is complied with – i.e. it is not clear whether the list should be connected by OR or AND. Clearly, there is a significant difference and so this should be made clear. We submit that the word used should be 'AND'	Add 'and' after subpara 1(c)
3.2.5.1. 2P2`	<i>Support</i>	Appropriate to protect the important values of the Gulf.	
3.2.5.1. 2P3	<i>Support in part</i>	Specify whether 'AND' or 'OR'	Add 'or' after 3(a)
3.2.5.1. 2P4	<i>Support in part</i>	Specify whether 'AND' or 'OR'	Add 'and' after 4(c)
3.2.5.1. 2P5-9	<i>Support</i>		
3.2.5.1. 3O1-2	<i>Support</i>		
3.2.5.1. 3O3	<i>Support</i>	The need for new dredging activity should be avoided by siting necessary development in suitable locations.	
3.2.5.1. 3P1-2	<i>Support</i>		
3.2.5.1. 3P3	<i>Support</i>	This policy is appropriate, however, this must be supported by clear direction about how to achieve this (including accurate information about species affected and their behaviour).	
3.2.5.1. 3P4	<i>Support in part</i>	This policy is appropriate, however, the term 'adverse effects' in subparagraph (d) should be clarified because of the difficulty of identifying cause and effect in respect of surf breaks.	Clarify subparagraph (d)
3.2.5.1. 3P5	<i>Support in part</i>	This policy is unclear – further, it would seem appropriate that best practice methods and procedures are adopted for all dredging activities, and it would be better if the provision said this.	Amend to provide that best practice methods and procedures should be adopted in all dredging activities.

3.2.5.1. 3P6	<i>Support in part</i>	Make clear that the requirements of both (a) and (b) must be met – i.e. add ‘and’ after subpara (a)	Add ‘and’ after subparagraph (a)
3.2.5.1. 3P7	<i>Support</i>		
3.2.5.1. 3O1-2	<i>Support</i>		
3.2.5.1. 3P1	<i>Support in part</i>	The term ‘that can be remedied by...natural coastal processes’ should be clarified to specify the timeframe within which it should be remedied. This has a bearing on the level of activity which would be deemed appropriate under this provision.	Amend as per reasons.
3.2.5.1. 3P2-5	<i>Support</i>		
3.2.5.1. 3P6	<i>Support in part</i>	This policy is appropriate, however, the term ‘adverse effects’ should be clarified because of the difficulty of identifying cause and effect in respect of surf breaks.	
3.2.5.1. 3P7-8	<i>Support</i>		
3.2.5.1. 5O1	<i>Support</i>	It is appropriate that minerals extraction should be carefully managed to avoid significant adverse effects.	
3.2.5.1. 5P1	<i>Oppose</i>	This policy does not appear to be consistent with the objective above. The wording is unclear – either extraction of minerals is to be encouraged per se, or the locating of extraction in appropriate places is to be encouraged. We prefer the latter interpretation, and the wording should be amended to make this clear.	Amend to read ‘Ensure that the extraction of minerals, sand, shingle, shell and other natural material is sustainable and located in areas of known sediment replenishment.’
3.2.5.1. 5P2	<i>Support in part</i>	It is appropriate that a precautionary approach is taken to the extraction of minerals. However, this policy appears to indicate that the application of the precautionary approach principally involves employing staged development. Rather, proper application of the precautionary approach means that the first consideration must be not undertaking activity where it is unclear what the effects will be. This policy should be amended so that it does not suggest that staged development is the principal tool to give effect to the precautionary principle.	Amend so that the provision reads “Adopt a precautionary approach to applications for extraction within the CMA. Where it is found that extraction is acceptable, consider the use of staged development....”
3.2.5.1. 5P3	<i>Support in part</i>	This policy is appropriate, however there is no provision for what decision makers should do with this information. Clearly, for this requirement to be of worth, it must be considered in detail by decision makers.	Add additional policy indicating what decision makers should consider when considering application for mineral extraction.

3.2.5.1. 1001	Support		
3.2.5.1. 1002	Support		
3.2.5.1. 1003	Support in part	This policy is appropriate, however EDS considers that the council should try to 'minimise and reduce' adverse effects of <i>all</i> wastewater and stormwater discharges. Therefore, the words 'where possible' are not appropriate. There seems to be no need to exclude even the most difficult to manage discharges from obligations to reduce them, notwithstanding the cost of stormwater and wastewater infrastructure.	Remove 'where possible'
3.2.5.1. 1004-5	Support		
3.2.5.1. 10P1-3	Support		
3.2.5.1. 10P4	Support in part	This section should include provision for consideration of the nature of the discharge, consistent with policy 23 NZCPS	Add new subparagraph 4(i)
3.2.5.1. 10P5	Support in part	In accordance with section 5 RMA, the adverse effects on present and foreseeable future use of the area should be avoided, remedied or mitigated in <i>all</i> areas. At present the wording implies that this mainly applies to the three types of area specified. It should be reworded to make clear that adverse effects must be avoided, remedied or mitigated in all circumstances.	Amend wording to make clear that adverse effects must always be avoided, remedied or mitigated.
3.2.5.1. 10P6	Support		
3.2.5.1. 10P7	Support in part	Council is responsible for the provision of litter disposal facilities, therefore the term 'support the provision of' is redundant.	Amend 7(c) to read 'provide litter disposal facilities in appropriate locations...'
3.2.5.1. 10P8	Support in part	This policy is too vague, potentially allowing for harmful discharges which would not otherwise be allowed. Specifically, the term 'infrequently' should be clarified and it should be made clear that each of the subparagraphs should be linked with AND, not OR.	Amend as per reasons
3.2.5.1. 10P9-10	Support		
3.2.5.1. 1101	Support in part	It would be appropriate to specify which values are to be protected – e.g. ecological, social and cultural	Amend to read 'the ecological, social and cultural values of the CMA...'

3.2.5.1.1102	<i>Support</i>		
3.2.5.1.11P1-2	<i>Support</i>		
3.2.5.1.11P3	<i>Support in part</i>	The term 'promote' is too vague and weak. It is within the council's power to require that public toilet facilities are installed during the construction of new boat ramps and facilities. Given the importance of the issue to be managed, the council should do more than 'support' the provision of these facilities.	Replace 'promote' with 'require'
3.2.5.1.11P4	<i>Support</i>		
3.2.5.1.1201-2	<i>Support</i>		
3.2.5.1.12P1-3	<i>Support</i>		
3.2.5.1.13.01-4	<i>Support</i>		
3.2..5.1.13P1-7	<i>Support</i>		
3.2.5.1.1401	<i>Oppose in part</i>	This objective does not appropriately balance the protection of the marine environment with development – it should more clearly state that aquaculture must be allowed only where adverse effects on the marine environment can be avoided	Amend as per reasons
3.2.5.1.1402-3	<i>Support</i>		
3.2.5.1.14P1	<i>Support</i>	It is appropriate to take a precautionary approach to the consenting and management of aquaculture	
3.2.5.1.14P2-3	<i>Support</i>		
3.2.5.1.14P4	<i>Support in part</i>	This provision should make clear that aquaculture must not only 'avoid adverse effects on' but also should not be located in SEA marine 1 and 2 and ONC and HNC areas.	Amend as per reasons
3.2.5.1.14P5-9	<i>Support</i>		
3.2.5.1.1501	<i>Support in part</i>	It is appropriate that structures are not sited in the CMA unless they have a functional need to be there, however, this objective places too great an emphasis on functional need – it is possible that activities with a functional need to be in the CMA will be	

		inappropriate.	
3.2.5.1.1502	<i>Support</i>	This provision appropriately recognises the importance of maintaining public access to the CMA	
3.2.5.1.1503-4	<i>Support</i>		
3.2.1.15P1	<i>Support</i>	It is important that structures in the CMA are limited by ensuring that no new structures are built where existing ones can be used.	
3.2.5.1.15P2	<i>Support</i>	It is important that structures in the CMA are limited by ensuring that no new structures are built where existing ones can be used.	
3.2.5.1.15P3	<i>Support</i>	It is important that the cumulative impacts of structures are considered	
3.2.5.1.1701	<i>Support</i>	The council is to be commended for including an objective in the plan related to the protection of fauna from coastal noise. However, it is important that this objective is supported by effective policies if it is to have real meaning.	
3.2.5.1.17P1	<i>Support in part</i>	It is unclear whether the list in this policy is linked by 'AND' or 'OR'. The use of the term 'reasonable level' is far too vague and should be replaced by measurable directions in relation to acceptable noise levels.	Amend policy as per reasons.
3.2.5.1.17P2	<i>Support in part</i>	This policy recognises the importance of managing noise within the CMA to protect amenity values and fauna. The impact of noise on marine mammals in particular is known to have be potentially very significant, and scientific understanding of these impacts is increasing each year. Therefore it is important that the plan provides for strong direction to manage this issue. As currently drafted, this provision directs decision makers to weigh expected economic and social benefits against potential adverse effects on marine fauna. In the absence of complete information about these adverse effects, it is likely that economic and social considerations would prevail.	Delete subparagraph (e)
3.2.5.1.17P3	<i>Support</i>	Design of structures and activities in the CMA should be designed to avoid or mitigate noise.	
3.2.5.2.01	<i>Support</i>	This policy provides clear direction that only activities which have a functional or operational need to be undertaken in the CMA are enabled there.	

3.2.5.2O 2	<i>Support</i>	This policy appropriately recognises the need to make efficient use of resources and manage conflicts.	
3.2.5.2O 3	<i>Support</i>	This policy appropriately recognises the need to maintain the natural values of the GCM zone.	
3.2.5.2O 4	<i>Support</i>		
3.2.5.2P 1	<i>Support</i>	Allowing temporary activities and activities with minor effects in the GCM zone is supported	
3.2.5.2P 2	<i>Support</i>	This policy appropriately recognises that the GCM is a public commons.	
3.2.5.2P 3	<i>Support in part</i>	The term 'taking into account' in this context is too weak. The council has a responsibility to manage cumulative effects and effects of activities, and the policy should say this.	Replace 'by taking into account' with 'by managing'
3.2.5.2P 4	<i>Support in part</i>	Whilst the intent of this provision is supported, it is poorly worded and both uses of the term 'value' are too vague. It should be amended so that the meaning of 'value' in each context is clearly stated.	Amend as per reasons.
3.2.5.2P 5	<i>Support</i>		

3.2.6 Rural zones

6.14 EDS largely supports the objectives and policies in relation to the rural zones, with the proviso that language should be tightened up to ensure that decision makers are provided with clear direction in relation to whether consent applications are appropriate.

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.2.6.1. 2O1	<i>Support in part</i>	This provision is supported with appropriate amendments to the grammar	Amend 'character and amenity values of rural areas is recognised' to read 'character and amenity values of rural areas are recognised'
3.2.6.1. 2P1	<i>Support</i>	This provision recognises the need to protect the natural character of rural zones, and to	

		avoid remedy or mitigate adverse effects, including adverse cumulative effects. This is supported.	
3.2.6.1.2P2	<i>Support in part</i>	The term 'retain a degree of naturalness' is too vague. How is 'a degree of naturalness' measured and what level of naturalness is required. This should be clarified.	Amend to clarify 'a degree of naturalness'
3.2.6.1.2P3	<i>Support</i>		
3.2.6.2O1	<i>Support</i>		
3.2.6.2O2	<i>Support in part</i>	It is appropriate that rural production activities should manage their adverse environmental effects on site, but the term 'largely' in this context is far too vague. This provision should clearly state what is required of landowners.	Amend to replace the term 'largely' with clear direction in respect of the extent to which adverse environmental effects should be managed on site. For example, adverse environmental effects should be managed on site to the extent possible when complying with good industry practice
3.2.6.2P1	<i>Support in part</i>	It is appropriate that a wide range of rural production activities should be supported but the term 'recognising their role in determining the zone's rural character' is too vague.	Replace 'recognising their role in determining the zone's rural character' with 'where these are consistent with the rural character of the zone.'
3.2.6.2P2	<i>Support in part</i>	This provision should make clear that forestry activities are only to be supported where they do not cause adverse environmental effects such as sedimentation problems. Further, this provision should recognise that not all forests are equal – the planting of indigenous species should be recognised as being of greater value than the planting of exotics.	Amend as per reasons.
3.2.6.2P4	<i>Support in part</i>	This provision should refer to the avoidance of significant adverse effects and to the mitigation hierarchy in relation to others.	Amend as per reasons
3.2.6.2P5	<i>Support</i>		
3.2.6.2P6	<i>Support in part</i>	This provision should make clear that accessory or farm buildings should be consistent with the landscape values of the area.	Amend as per reasons.

3.2.6.3O 1-2	<i>Support</i>		
3.2.6.3O 3	<i>Support in part</i>	This provision is supported however term 'effected' should be replaced by 'affected'	Amend as per reasons
3.2.6.3O 4	<i>Support in part</i>	The term 'the rural character of the zone is maintained with good amenity values' is poorly worded and therefore unclear. This provision should be amended.	Amend to read 'the rural character and amenity values of the zone are maintained..'
3.2.6.3P 1-3	<i>Support</i>		
3.2.6.3P 4	<i>Support</i>	It is appropriate to manage reverse sensitivity conflicts in the manners indicated.	
3.2.6.4O 1	<i>Support in part</i>	The non-technical use of the term 'high natural character' in this objective could be interpreted to mean only HNC areas and not ONC areas or the natural character of other areas.	Remove word 'high'
3.2.6.4. O2	<i>Support in part</i>	The non-technical use of the term 'high natural character' in this objective could be interpreted to mean only HNC areas and not ONC areas or the natural character of other areas.	Remove the word 'high'
3.2.6.4O 3	<i>Support in part</i>	The non-technical use of the term 'high natural character' in this objective could be interpreted to mean only HNC areas and not ONC areas or the natural character of other areas.	Remove the word 'high'
3.2.6.4O 4	<i>Support</i>	It is appropriate that further rural lifestyle subdivision is <u>prevented</u> across this zone.	
3.2.6.4O 5	<i>Support</i>	This policy recognises the need to maintain and enhance the relationship between land, freshwater and the CMA	
3.2.6.4O 6	<i>Support in part</i>	This objective is supported but the use of the word 'important' is too vague and is unnecessary, and therefore should be deleted.	Remove the word 'important'
3.2.6.4P 1	<i>Support in part</i>	This policy should provide for the maintaining and <i>enhancing</i> of the distinctive rural character, biodiversity and ecological values of the zone	Include words 'and enhance' after 'maintain'
3.2.6.4P 2	<i>Support</i>		
3.2.6.4P 3	<i>Support in part</i>	New forestry proposals should be evaluated, in particular to assess the extent to which	Amend as per reasons.

		they may impact upon the sedimentation of the coastal environment.	
3.2.6.4P 4	<i>Support in part</i>	It is unclear what the term 'manage' means in this context. Further detail should be provided.	
3.2.6.4P 5	<i>Support in part</i>	The use of the term 'significant' is too vague and does not establish clear direction as to which activities will be appropriate and which will not. This provision should be amended to set out exactly what is meant by 'significant' in each context.	
3.2.6.4P 6	<i>Support</i>		
3.2.6.4P 7	<i>Support</i>	It is appropriate that this zone should be donor and not a recipient area of transferable development rights.	
3.2.6.4P 8	<i>Support</i>		
3.2.6.4P 9	<i>Support in part</i>	This provision should also provide that buildings should not be located in prominent positions on headlands.	
3.26.4P 10-11	<i>Support</i>		
3.2.6.5O 1-2	<i>Support</i>		
3.2.6.5O 3	<i>Support in part</i>	EDS does not consider that further development in the conservation zone is appropriate, and thus should be avoided. For this reason, and because it is too vague, the term 'generally' should be deleted.	Delete word 'generally'
3.2.6.5O 4	<i>Support</i>	EDS supports this provision.	
3.2.6.5P 1	<i>Support in part</i>	The term 'significant' is unnecessary in this policy.	Delete word 'significant'
3.2.6.5P 2-4	<i>Support</i>		
3.2.6.5P 5	<i>Support in part</i>	It is unclear what the term 'discouraging' means in this context. This should be clarified.	
3.2.6.5P 6-7	<i>Support</i>		

3.2.6.6O 1	Support		
3.2.6.6O 2	Support	EDS supports this objective which is to provide for quality development outcomes and the protection and enhancement of the environment.	
3.2.6.6O 3	Support	EDS supports this objective which is to provide for quality development outcomes and the protection and enhancement of the environment.	
3.2.6.6O 4-6	Support		
3.2.6.6P 1	Support in part	EDS supports this policy, which is aimed at ensuring high quality development and protection of natural values in the countryside living zone. However, this provision should reference the need to identify and protect landscape values.	Amend as per reasons.
3.2.6.6P 2-7	Support		

3.3.6.1 Urban trees, Notable trees, and Coastal trees

Section No	Support/ Oppose	Reasons	Decision Sought (or words to like effect)
3.3.6.1 O.D.	Support	The description identifies some of the values tree that trees contribute to. It also recognises the importance of trees in the coastal landscape, particularly pōhutukawa. This is supported.	
3.3.6.1 O1	Support	Notable trees are the most significant in Auckland and their values should be retained.	
3.3.6.1 O2	Oppose in part	EDS supports the general intent of this objective however there are a number of issues. EDS is unclear what 'sensitive areas' are. This requires explanation. It is also unclear what is intended by "in neighbourhoods where they make an important contribution..." EDS contends that trees make an important contribution to these values in all neighbourhoods. It is also unclear why this objective is limited to trees (not vegetation). Vegetation makes important contributions to these values.	This objective needs amending for clarification. What are 'sensitive areas' and what is 'an important contribution'? Amend to provide for vegetation. As identified above there needs to be objectives and policies that are region wide that give effect to the Council's function of maintaining

		<p>This objective is limited to trees in sensitive areas and certain neighbourhoods. This is appropriate for an overlay. However, as identified above there needs to be objectives and policies that are region wide that give effect to the Council's function of maintaining indigenous biodiversity in the region.</p> <p>EDS is also unclear why this objective only refers to protection. Enhancement (including new planting) is also essential to maintain these values.</p> <p>EDS is unclear why the phrase "while enabling landowners to use and enjoy their property" is included in this objective, and in this objective only. EDS supports allowing reasonable use of property. However this is subject to the requirements of s6(c) and the Council's function of maintaining indigenous biodiversity.</p>	<p>indigenous biodiversity in the region.</p> <p>Amend to refer to enhancement.</p> <p>Remove qualification from objective. Consider inserting a new objective referring to enabling reasonable use.</p>
3.3.6.1 O3	<i>Support in part</i>	<p>Protection and enhancement of trees and vegetation in riparian areas is supported as these offer considerable values as well as contributing to the maintenance of indigenous biodiversity. EDS submits that on the basis of s6(a) the protection of natural character of riparian areas is a priority as well as safeguarding the life-supporting capacity of water (s5(2)(b)). EDS submits that riparian areas also contribute to amenity and landscape values.</p>	<p>Amend to provide for the amenity and landscape values of riparian areas.</p>
3.3.6.1 O4	<i>Support in part</i>	<p>EDS submits that on the basis of s6(a) and the NZCPS the protection of natural character (to which indigenous trees and vegetation contribute) makes the protection of trees and vegetation in coastal areas a priority.</p> <p>EDS is unclear why this objective is limited to indigenous trees, while the other objectives are not. Exotic trees may also contribute to site stability, amenity, landscape and ecological values.</p>	<p>Amend to provide for all trees and vegetation.</p>
3.3.6.1 P1	<i>Support</i>	<p>EDS supports this policy as identification is necessary in order to manage these resources effectively and to provide certainty. However, the policy appears incomplete – it needs to refer to all the values identified in the objectives – amenity, character, ecosystem services, riparian areas, and coastal areas.</p>	<p>Amend to provide for all the values identified in the objectives.</p>
3.3.6.1 P2	<i>Support in part</i>	<p>EDS supports the intent of this policy. However, it appears that it is limited to notable trees and notable groups of trees.</p> <p>EDS contends that a policy relating to the effects of subdivision and development on other trees and vegetation this overlay applies to is required. For example, subdivision and development should be required to train trees and vegetation where possible, to minimise any loss, and remedy or mitigate any loss that cannot be avoided.</p>	<p>Amend to provide a policy relating to other trees and vegetation this overlay applies to.</p>

3.3.6.1 P3	Support in part	EDS supports policies providing for non-regulatory methods to accompany regulatory methods. However, EDS contends that 'advice' does not go far enough. The Council should be promoting protection of trees and vegetation and also enhancement and restoration. The use of non-regulatory methods will be an essential component of achieving the function of maintaining indigenous biodiversity.	Amend to provide for additional non-regulatory methods to promote the protection, retention, enhancement and restoration of trees and vegetation.
3.3.6.1 P4	Oppose in part	<p>This policy is intended to give effect to objective 3 and 4 which recognise the importance of riparian and coastal areas.</p> <p>This policy needs to give guidance as to what inappropriate subdivision use and development may entail. This is particularly important in the context of intensification. EDS submits that this policy should indicate that trees and vegetation in these areas are particularly highly valued and therefore the bar is raised.</p> <p>It is unclear what is meant by 'specific' values. EDS submits that 'specific' does not add any value or alternatively clarification of what this means is required.</p>	<p>Amend policy to give guidance regarding what is inappropriate subdivision use and development and reflect the importance of riparian and coastal trees and vegetation.</p> <p>Delete 'specific'.</p>

3.3.6.2 Trees in roads and reserves

Section No	Support/ Oppose	Reasons	Decision Sought (or words to like effect)
3.3.6.2 O.D.	Support	This description recognises the value of trees located within roads and reserves and the increasing importance of these trees as intensification occurs.	
3.3.6.2 O1	Support	We support the protection of trees in roads and reserves. This will be an important component of maintaining indigenous biodiversity in an intensifying city.	
3.3.6.2 O2	Support	For the reasons above, we support the intention to increase the quality and number of trees in roads and reserves. We support the identification of intensifying areas as priority areas.	
3.3.6.2 P1	Support in part	The intention of this policy is supported however the use of the term 'balance' provides little guidance. EDS submits that this policy should seek to protect trees in the road reserve, except where there is no other practicable option for infrastructure and utility maintenance and upgrading.	Amend as set out in reasons.

3.3.6.2 P2	<i>Support in part</i>	EDS supports the intent of this policy however the term 'encourage' is too weak, particularly since this policy concerns <i>public</i> open space. EDS submits that the term <i>require</i> is more appropriate.	Amend to 'require'.
3.3.6.2 P3	<i>Support in part</i>	There is some overlap between policies 1 and 3. It may be more appropriate to have separate policies for the road reserve and for reserves, which recognises the different levels of conflict between competing uses. For roads there is greater conflict between competing uses as compared to reserves.	Amend as set out in reasons.

3.3.7.1 High-use aquifer management areas

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.3.7.1 O1	<i>Oppose in part</i>	EDS is concerned that the objective may be unrealistic. The background states that these aquifers have been identified as those likely to become highly allocated over the life of this plan. Therefore it may not be possible to meet all future water take demands and to do so may be inconsistent with the NPSFM. EDS submits that the objective should seek to provide base flow for surface streams and after this <i>where there is allocation available</i> manage allocation in an efficient manner to best meet existing and future demands.	Amend as set out in reasons
3.3.7.1 P1	<i>Support</i>	This gives effect to the NPSFM by avoiding over-allocation.	
3.3.7.1 P2	<i>Support</i>	Strong hands-on management is appropriate as these aquifers have been identified as those likely to become highly allocated over the life of this plan.	

3.3.7.2 Quality-sensitive aquifer management areas

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.3.7.2 O1	<i>Support in part</i>	EDS is unclear how the quantity of water (as opposed to quality) can be protection from contamination. EDS submits that this objective requires clarification.	Amend as set out in reasons.
3.3.7.2 P1	<i>Support in part</i>	EDS supports the clear identification of the aquifers this overlay applies to and the direction to minimise discharges. However, EDS considers that minimising discharges	Amend to provide for the setting of limits.

		may not be sufficient and limits will need to be set in order to achieve the objective of protecting these areas from contamination.	
3.3.7.2 P2	<i>Oppose in part</i>	EDS considers that 'discourage' is insufficient to achieve the objective. As above, EDS considers that in order to achieve the objective clear limits must be set and discharges managed to ensure compliance with those limits.	Amend as set out in reasons.
3.3.7.2 P3	<i>Oppose in part</i>	EDS is unclear what value this policy adds. The Onehunga aquifer is identified in policy 1 and chemical spills come under discharge of contaminants. EDS submits that if a specific policy is to be included it should add value.	Delete or amend to add value specific to the Onehunga aquifer.

3.3.7.3 High-use stream management areas

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.3.7.3 O1	<i>Oppose in part</i>	EDS is concerned that the objective may be unrealistic. The background states that these streams are under pressure. Therefore it may not be possible for water to continue to be available for all demands and to do so may be inconsistent with the NPSFM. EDS submits that the objective should seek to provide for life-supporting capacity and amenity values and after this <i>where there is allocation available</i> manage allocation in an efficient manner to best meet existing and future demands.	Amend as set out in reasons.
3.3.7.3 P1	<i>Support</i>	EDS supports the clear identification of streams that this overlay applies to.	
3.3.7.3 P2	<i>Support in part</i>	EDS supports this policy which recognises the need to maintain ecological and amenity values and the priority given to existing water takes. However, EDS considers that more directive language is required i.e. <i>Only allow proposals ... which...</i>	Amend as set out in reasons.
3.3.7.3 P3	<i>Support in part</i>	EDS supports the intent of this policy which is to ensure that new discharges do not affect existing water takes. However as above EDS considers that "must consider" is too weak and more directive wording is required i.e. <i>Proposals ... will be inappropriate if they adversely affect existing uses and/or reduce the assimilative capacity of the stream.</i>	Amend as set out in reasons.

3.3.7.4 Natural stream management areas

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.3.7.4 O1	<i>Support in part</i>	EDS supports the objective of protecting these identified rivers and streams. However, EDS is unclear as to why this overlay is limited to rural areas. There is potential to urban streams to meet these requirements and the protection of such streams is essential.	Amend to provide for streams in urban areas.
3.3.7.4 P1	<i>Support in part</i>	EDS supports the use of clear criteria to identify natural stream management areas. However, EDS questions whether the criteria identified are appropriate. The extent of indigenous vegetation may indicate ecological values, but is not the key determinant. EDS suggests that there should be capacity for other areas to be identified.	Amend to provide for identification of other areas with high ecological values.
3.3.7.4 P2	<i>Oppose in part</i>	EDS is concerned that this policy does not provide adequate clarity to protect in-stream values of these areas. EDS considers that limits need to be set that achieve the protective intent of the objective.	Amend to provide for the setting of limits that ensures the protection of in-stream values in these areas.
3.3.7.4 P3	<i>Support</i>	EDS supports this policy which recognises the contribution of these areas to habitat for fish species.	
3.3.7.4 P4	<i>Support</i>	EDS supports the clear direction to avoid activities that damage the bed, course, and vegetation. This will assist to implement the objective.	

3.3.7.5 Stormwater management area – flow

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.3.7.5 O1	<i>Support</i>	EDS supports this objective of managing stormwater development to protect aquatic biodiversity while enabling development. Stormwater management is a key concern in Auckland and it is essential its management is improved.	
3.3.7.5 P1	<i>Support</i>	EDS supports the use of clear hydrology requirements for development to meet. This provides certainty as to how the objective is to be achieved.	
3.3.7.5 P2	<i>Support</i>	EDS supports applying these requirements to new development, redevelopment, and	

		entire sites in some circumstances.	
--	--	-------------------------------------	--

3.3.7.6 Natural lake management areas

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.3.7.3 O1	<i>Support</i>	This objective is consistent with Objective A2 NPSFM which requires overall quality to be maintained and degraded water bodies to be improved.	
3.3.7.3 O2	<i>Support</i>	This objective gives effect to s6(a) and s7(c) RMA.	
3.3.7.3 O3	<i>Support</i>	This objective recognises that recreational activities require management to ensure they do not adversely affect the lakes values.	
3.3.7.3 P1	<i>Support in part</i>	EDS supports the direction to avoid direct discharges. However, EDS considers that management of indirect discharges is also required in order to achieve Objective 1.	Amend to add the need to set limits to control indirect discharges.
3.3.7.3 P2	<i>Support in part</i>	EDS supports the direction to avoid new proposals. However, the direction to restrict “significant increases” to existing users is of concern. Increases to existing uses have the same effects as new uses. EDS recognises that existing users have priority – however only in relation to existing take levels, not to increases. Therefore EDS considers that increases for existing water users should be treated in the same way as new takes.	Delete “significant”
3.3.7.3 P3	<i>Support</i>	This policy recognises the effects exotic forestry can have on hydrology.	
3.3.7.3 P4	<i>Support</i>	This policy recognises the importance of maintaining riparian margins.	
3.3.7.3 P5	<i>Support</i>	This policy recognises the importance of enabling recreational activities, but only where this is consistent with the need to manage these areas for their natural values.	
3.3.7.3 P6	<i>Support</i>	This policy recognises the significant adverse effects exotic species can have on natural values.	

3.3.7.7 Urban lake management areas

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.3.7.7 O1	<i>Support</i>	The urban lakes are important for recreational and amenity values. Maintenance of these values is consistent with s7(c).	
3.3.7.7 O2	<i>Support in part</i>	EDS supports the intent of this objective however it considers that more specificity could be provided. I.e. water quality should be maintained where it currently supports ecosystem health and amenity and enhanced where it does not. This is particularly important as the current low quality means these lakes are likely to require enhancement.	Amend to refer to maintenance and enhancement.
3.3.7.7 O3	<i>Support</i>	EDS supports this objective which recognises the importance of the margins of urban lakes for amenity and ecosystem values.	
3.3.7.7 P1	<i>Support</i>	This gives effect to Objective 3.	
3.3.7.7 P2	<i>Support</i>	This gives effect to Objective 1.	
3.3.7.7 P3	<i>Support</i>	This gives effect to Objective 2.	
3.3.7.7 P4	<i>Support</i>	This gives effect to Objective 2.	
3.3.7.7 P5	<i>Support</i>	This gives effect to Objective 2.	
3.3.7.7 P6	<i>Support in part</i>	EDS considers that this policy could also refer to the use of technologies to treat stormwater that is fed into the urban lakes in order to give effect to Objective 2.	Amend to recognise use of technologies to treat stormwater.
3.3.7.7 P7	<i>Support in part</i>	The NPSFM requires the protection of the significant values of wetlands (Objective A2(b)). EDS considers that this policy should direct protection.	Amend to recognise the need to protect wetland areas.

3.3.7.8 Water supply management areas

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
-------------------	------------------------	----------------	--

3.3.7.8 O1	Support in part	This objective recognises that these areas are highly values for providing municipal water supply. However, EDS considers that this objective is provided for within Objective 2 (which refers to operational needs and development requirements) and is redundant.	Delete.
3.3.7.8 O2	Support	This objective recognises the important values of these areas – municipal water supply, natural character, ecological, heritage, recreation and amenity and that all should be achieved.	
3.3.7.8 P1	Support	This gives effect to Objective 2.	
3.3.7.8 P2	Support in part	This gives effects to Objective 2 however EDS considers that a mitigation hierarchy should be applied in this situation. Avoidance is preferable in these areas, although remediation and mitigation would be acceptable where avoidance is not possible for water supply purposes. Particularly within natural stream and wetland management areas. EDS is concerned that this policy is limited to natural stream and wetland management areas and there is no policy addressing the management of adverse effects that are not also in these areas.	Amend as set out in reasons. Add policy that applies outside of natural stream and wetland management areas.
3.3.7.8 P3	Support	This applies the general water allocation, diversion, and beds rules to these areas. EDS consider that, particularly in relation to allocation, the normal rules should apply. In particular, takes must accord with limits.	
3.3.7.8 P4	Support	This recognises that municipal water supply operators may be adversely affected by other activities and the priority given to municipal supply.	

3.3.7.9 Wetland management areas

Section No	Support/ Oppose	Reasons	Decision Sought (or words to like effect)
3.3.7.9 O1	Support	This objective recognises the importance of wetland ecosystems and the fact that they are one of the rarest and most at risk ecosystems.	
3.3.7.9 P1	Support	This policy gives effect to Objective 1 and recognises the key aspects of wetlands that	

		need to be managed.	
3.3.7.9 P2	<i>Support in part</i>	This policy recognises that wetlands can perform important ecosystem functions, but that these should not be utilised at a cost to the values of the wetland. This policy introduced cultural values which are not discussed in the objective.	Amend for consistency.
3.3.7.9 P3	<i>Support</i>	This policy recognises that structures and disturbance will generally be inappropriate and clearly sets out the exceptions. EDS supports the content and clarity of this policy.	

3.3.8.1 Coastal protection yard

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
3.3.8.1O 1-4	<i>Support</i>	These objectives provide appropriate direction that the coastal edge must be protected	
3.3.8.1P 1-6	<i>Support</i>	These policies provide appropriate direction that the coastal edge must be protected	

Other overlays

- 6.15 There do not appear to be regional and district objectives and policies relating to SEAs, ONLs, ONCs and HNCs.
- 6.16 EDS submits that specific policy direction is required in relation to these overlays, particularly given the activity statuses specified in the rules mean that most activities in these areas will require resource consent.

7. DETAILED COMMENTS - RULES

4.2.3.8 Lakes, rivers and wetland management

- (a) EDS is concerned that this activity table indicates that some wetlands may not be within management areas. The NPSFM requires the protection of the significant values of wetlands (Objective A2). It does not require the protection of significant wetlands. EDS submits that all wetlands should be within management areas to ensure their protection consistent with s6(a) RMA and the NPSFM.
- (b) EDS supports the stock access rules.

- (c) EDS supports the planting and the associated diversion of water rules.
- (d) EDS supports the depositing material rules.
- (e) EDS generally supports the disturbance rules. However, EDS considers that greater use of prohibited activity status within the management areas is appropriate to provide certainty to parties. For example, extraction of material and diversion should be prohibited in natural stream, natural lake, and wetland management areas and SEAs.
- (f) EDS supports the existing structures rules.
- (g) EDS supports the new structures rules.
- (h) EDS generally supports the reclamation rules. However, EDS considers that greater use of prohibited activity status within the management areas is appropriate to provide certainty to parties. For example, extensions and new reclamations should be prohibited in natural stream, natural lake, and wetland management areas and SEAs.

4.2.3.9 Land disturbance activities

SEAs

- 7.2 EDS supports the rules for land disturbance within SEAs. The rules are at the restrictive end of the spectrum. This is appropriate given the high values associated with SEAs. The rules allow for reasonable use including maintenance and repair of fences and driveways and planting.

4.2.3.12 Other discharges of contaminants

- 7.3 EDS generally supports the rules, in particular the provision for any discharge not authorised to be a discretionary activity and the control in 2.1.1 which gives effect to s 70 RMA.

4.2.3.13 Rural production activities

- 7.4 These rules are limited and fail to cover non-point source discharges from rural production activities. EDS considers that controls on diffuse discharges are necessary to give effect to the NPSFM which requires methods (including rules) to avoid over-allocation (Policy A1). EDS requests that amendments are made to provide for control over non-point source discharges.
- 7.5 EDS supports the discharges of dairy farm effluent rules.
- 7.6 EDS supports the Use and discharge of fertiliser rules.
- 7.7 EDS supports the other rural production activities rules.
- 7.8 EDS supports the controls relating to the application rate of Nitrogen. These set clear limits. However, as above, EDS considers that the impact of such limits is insufficient if non-point source discharges are not included in the rules.

4.2.3.14 Stormwater management

7.9 EDS generally supports the rules.

4.2.3.15 Taking, using, damming and diversion of water

7.10 EDS generally supports the rules.

7.11 However, EDS considers that greater use of prohibited activity status is necessary to provide certainty to parties. For example, drainage in a wetland management area should be prohibited. This is necessary to give effect to the objective of protection and enhancing the natural values and spatial extent of wetland management areas.

7.12 EDS is also concerned that the rules propose permitting off-river and temporary dams, including within management areas. Dams can have significant adverse effects and permitted activity status is considered inappropriate, particularly within management areas.

4.2.3.17 Vegetation Management

7.13 EDS supports the identified permitted activities.

7.14 EDS opposes rows 13 and 14 in the table. EDS believes that row 13, which applies in the Rural Conservation zone, is too lenient allowing 250m² of removal. EDS requests that the area limit is reduced. EDS also believes row 14 is too lenient. It only applies to vegetation over 1ha in area and on land with a slope exceeding 15°. EDS believes that either one or other of these standards should be required. EDS requests that the area limit is reduced and the two paragraphs are alternatives.

7.15 In addition, as discussed above, EDS opposes the restriction of rules relating to contiguous vegetation to the rural environment.

7.16 EDS supports the remaining restricted discretionary activities. However, the justifications for the distances from the water bodies are not clear. For example, the distance is 10m in relation to rural streams in the Rural Production and Mixed Rural zones but 20m in relation to other rural streams. The activities in those areas are more likely to require greater riparian areas. EDS requests information justifying these numeric figures.

7.17 EDS supports the discretionary activity relating to plantation forestry within 20 m of a stream, river or lake. This rule will address a number of adverse effects associated with plantation forestry.

7.18 EDS supports the provision of more stringent rules in highly valued areas. EDS considers that 50m² is an appropriate cut off in ONLs. However, EDS considers that a discretionary activity status for pruning alteration or removal of vegetation in an SNA is insufficient. EDS requests a non-complying activity status for SNAs.

7.19 EDS considers that 1.2.9 allows for reasonable use of land however alternative use through transferable development rights should be encouraged. EDS requests that the Council ensure activity status indicates the favourability of using transferable development rights.

4.2.3.17 1.1	Support	EDS supports the identified permitted activities.	Retain
-----------------	---------	---	--------

	<p><i>Oppose in part</i></p> <p><i>Support in part</i></p> <p><i>Support</i></p>	<p>EDS opposes rules 13 and 14 in the table. EDS believes that rule 13, which applies in the Rural Conservation zone, is too lenient allowing 250m² of removal. EDS also believes rule 14 is too lenient. It only applies to vegetation over 1ha in area and on land with a slope exceeding 15°. EDS believes that either one or other of these standards should be required.</p> <p>In addition, as discussed above, EDS opposes the restriction of rules relating to contiguous vegetation to the rural environment.</p> <p>EDS supports the remaining restricted discretionary activities. However, the justifications for the distances from the water bodies are not clear. For example, the distance is 10m in relation to rural streams in the Rural Production and Mixed Rural zones but 10m in relation to other rural streams. The activities in those areas are more likely to require greater riparian areas.</p> <p>EDS supports the discretionary activity relating to plantation forestry within 20 m of a stream, river or lake. This rule will address a number of adverse effects associated with plantation forestry.</p>	<p>Amend rule 13 to reduce the area allowed. Amend rule 14 to apply to areas of vegetation over 1 ha <u>or</u> on a slope exceeding 15°.</p> <p>Amend rule to apply within the residential environment.</p> <p>Provide information setting out the basis for the different distances from water bodies.</p> <p>Retain</p>
<p>4.2.3.17 1.2</p>	<p><i>Support</i></p>	<p>EDS supports the provision of more stringent rules in highly valued areas:</p> <ul style="list-style-type: none"> - In ONLs alteration or removal of more than 50 m² of native contiguous vegetation – restricted discretionary. - In most ONFs alteration or removal of more than 25 m² of native contiguous vegetation – discretionary. - In SEAs the pruning, alteration or removal of any vegetation - discretionary. 	<p>Retain</p>

4.2.4 Subdivision

7.20 EDS supports the provisions in relation to subdivision in the rural zones, in which subdivision is a discretionary activity. EDS further supports the intent of the transferrable site subdivision process, in which development rights are to be transferred out of the Rural Production, Mixed Rural, Rural Coastal and Rural Conservation zones, into Countryside Living areas which are largely located around in the area outside the urban boundary. EDS supports the proposal to require the legal protection of donor sites within SEAs.

7.21 However, as set out above we are concerned that the restrictions on subdivision in the Countryside Living zone which do not provide for a reference to an existing title, potentially allow subdivision to occur incrementally, to reach the minimum site size control. EDS submits that the Draft Plan should carry over the provisions from the legacy district plans restricting subdivision to land held in a separate certificate of title at the date at which the minimum average site provisions were introduced.

4.3.6.1 General Coastal Marine Zone

<i>Section No</i>	<i>Support/ Oppose</i>	<i>Reasons</i>	<i>Decision Sought (or words to like effect)</i>
4.3.6.1.1	<i>Support</i>	EDS supports the provision of more stringent rules in highly valued areas.	
4.3.6.1.2	<i>Oppose in part</i>	EDS considers that the disposal of material from both inside and outside the coastal cell in an SEA M2 area should be a non-complying activity. The significant ecological values of M2 SEAs must be protected, and deposition of material is not consistent with this.	Amend rows 2 and 3, SEA M2 column to NC.
4.3.6.1.3	<i>Support</i>	EDS supports the provision of more stringent rules in highly valued areas.	
4.3.6.1.4	<i>Oppose in part</i>	EDS strongly considers that mineral prospecting, exploration and extraction should be a Prohibited activity in all SEA areas, including M2. Mining activity has the potential to have a very significant adverse effect on the values of the SEA and therefore is not consistent with their protection. Whilst prospecting and exploration have more limited effects, the purpose of prospecting and exploration is to identify areas for mining, and therefore it is not appropriate to open SEAs to these activities.	Amend rows 2 and 3, SEA M2 column to Pr
4.3.6.1.5	<i>Support</i>		
4.3.6.1.7	<i>Oppose in part</i>	Discharges of untreated sewage from ships or offshore installations is a permitted activity in SEAs. This is opposed.	Amend to establish tighter controls on discharges of sewage from ships and installations into SEAs.
4.3.6.1.8	<i>Support</i>	In particular EDS supports prohibited activity status for aquaculture within SEA M1 and SEA M2	
4.3.6.1.9	<i>Support</i>		

4.3.7 Rural zones

7.22 EDS is concerned that the rules relating to forestry in the coastal zone are too lenient. EDS submits that forestry should not be a permitted activity in the coastal zone because of the potential impact of forestry earthworks on sediment discharges into the coastal environment. EDS would support the allocation of restricted

discretionary status to forestry activities in the Rural Coastal zone, which would provide for an assessment of the stability of the soil and the extent to which forestry is likely to impact on sedimentation of the coastal marine environment.

- 7.23 EDS supports the rules in relation to the exclusion of stock from waterways on intensively grazed production land, specifically the provision that they must be fenced from non intermittent streams and rivers within five years of notification of the plan, and that non compliance with this rule will be a discretionary activity.

4.4.6.2 ONLs and ONCs/HNCs

- 7.24 EDS is concerned that ONLs have been equated with HNCs rather than ONCs in the rules (for example, maximum gross floor area for developments in HNCs areas and ONLs in 50m² whilst in Outstanding Natural Character Areas it is 25,2). This is a breach of the requirements of the NZCPS which provides for Outstanding Natural Character Areas and ONLs to be subject to the same rules
- 7.25 EDS is supportive of the provisions in relation to height, exterior finish and coastal yards.
- 7.26 EDS supports the provisions in relation to matters of discretion for restricted discretionary activities, but notes that section 3.1.2.7 (Assessment criteria) does not make sense in the context of the list of which it is part.

4.4.6.4 Tree protection

- 7.27 As set out above, EDS is concerned that tree protection rules only apply to the notable tree, urban trees, and coastal trees overlays and trees in roads and reserves. EDS considers that this will not ensure the Council will achieve its function under ss 30 and 31 of maintaining indigenous biodiversity and under Part 2 of the RMA, requirements in relation to safeguarding the life-supporting capacity of air, water and soil and providing for natural character, landscape and amenity values. EDS submits that the Council needs to consider how these requirements will be met outside of these overlays.
- 7.28 EDS supports the following permitted activities – biosecurity tree works, dead tree removal, emergency tree works, pest plant removal, tree trimming.
- 7.29 EDS is concerned about the use of threshold heights and girths to identify protected trees. The Resource Management Reform Bill 2012 is likely to prohibit this method of identification. EDS submits that work must begin immediately upon this legislation being passed to identify trees in accordance with the legislation to ensure that the Council can fulfil its functions under Part 2 and sections 30 and 31 of the RMA.
- 7.30 EDS supports the inclusion of clear definitions concerning tree trimming.

4.4.7.1 SEAs - Land

- 7.31 EDS accepts the need to provide for reasonable use of land and therefore the rule providing for one dwelling per site where there is no practicable alternative. However, EDS considers that activity status should be used to indicate the favourability of using transferable development rights to avoid development within SEAs.
- 7.32 EDS considers that new production forestry is clearly inappropriate in an SEA and prohibited activity status should therefore be used to provide certainty to all parties.

7.33 EDS notes that Policy 2.6.2.3 relates to mineral extraction activities in SEAs. It states that mineral extraction activities should be undertaken outside SEAS “where possible”. EDS is opposed to this language which is very weak. There are no specific rules relating to mining in SEAs, therefore the underlying zone rules will apply. Mineral prospecting and exploration is permitted in all rural zones. Permitted activity status for mineral exploration is of considerable concern given the potential adverse environmental effects and the lack of any conditions to ensure these are adequately managed. EDS considers that mineral prospecting (because this is undertaken for the purposes of extraction), exploration and extraction should be prohibited in SEAs.

4.4.8.2 SEAs – Marine 1 and 2

7.34 These rules are contained in 4.3.6.1.

7.35 EDS supports the restrictive approach to activities in SEAs – Marine 1 and 2. This recognises the important values in these areas.

7.36 However, EDS considers that greater use of prohibited activity status should be considered where activities are clearly inappropriate (i.e. new marinas, disturbance of the foreshore and seabed, mineral extraction and exploration, dredging, depositing material, reclamation) as this provides greater certainty to parties.

8. CONCLUSION

8.1 EDS is grateful for the opportunity to provide feedback on the Draft Plan and looks forward to the notification of the Proposed Auckland Unitary Plan.

ⁱ <http://oxforddictionaries.com/definition/english/maintain?q=maintain>

ⁱⁱ While the pNPSIB is not operative, it does reflect significant research and policy work and therefore should be given consideration.