

BRCT Submission on the Otago Proposed Regional Policy Statement, 2015



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Trade Competition: The submitter could not gain a trade advantage through this submission.

Thank you for this opportunity to submit to the Otago Regional Proposed Regional Policy Statement.

The Blueskin Resilient Communities Trust (BRCT) is a registered charitable trust formed in 2008 to support sustainability and transition initiatives in a planned and structured way. We work as a legal body to provide a public benefit and achieve the long-term objective of building community resilience. Our headline work is our community wind development and our core activity areas are in energy, climate change action, and provision of community services. We offer support to number of community groups working in the field of sustainability. Jeanette Fitzsimons is our patron.

We commend the Council for its work in developing the proposed regional policy statement (RPS) and have made a number of suggestions for improving the RPS and bringing it further into line with the National Policy Statement on Renewable Electricity Generation 2011, and case law generally. We look to the Council to take a leadership role in building a **low carbon** region, through careful appreciation of opportunity and risk. Our changing world requires innovation and creativity and we offer our support to the ORC in addressing the challenges ahead

We, the Blueskin Resilient Communities Trust, wish to speak to our submission.

Submission:

Policy 2.2.5 and 6 – Oppose

BRCT seeks that policy 2.2.5 be deleted or amended. Recognition of Special Amenity Landscapes (“SAL”) and Highly Valued Natural Features (“HVF”) introduces a new threshold for the protection of landscapes and natural features. The PRPS confers on these features a level of protection commensurate with matters of national importance under section 6 of the Act. It is submitted that this level of protection is too high. The examples of SAL include areas known as VAL’s in the Queenstown Lakes area. It is also likely to include areas identified as landscape conservation areas in Dunedin. Such landscapes are often working landscapes utilised for a wide variety of activities. The requirement for effects to be avoided on these landscapes creates the potential for significant fettering of land uses in those areas to the detriment of the social, cultural and economic wellbeing of the community.

If the level of protection for these areas is not to be reduced (to reflect the fact SAL’s and HVF’s are not matters of national importance) then it is submitted that the PRPS should identify those areas that are afforded this protection so that the community can assess the potential impact of the PRPS on their land uses.

If policy 2.2.5 and 2.2.6 are to remain we submit that they should be amended in the following way:

Policy 2.2.5

Identifying special amenity landscapes and highly valued natural features

Identify areas and values of special amenity landscape or natural features which are highly valued for their contribution to the amenity or quality of the environment, but which are not outstanding, using the attributes detailed in Schedule 4.

- Method 1: Kāi Tahu Relationships
- Method 4: City and District Plans
- Method 6: Research, Monitoring and Reporting
- Method 9: Landscape Maps

Policy 2.2.6

Managing special amenity landscapes and highly valued natural features

Minimise the effect of activities on values of special amenity landscapes and highly valued natural features, by:

- a) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and
- b) Avoiding where possible significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and
- c) Avoiding, remedying or mitigating other adverse effects on other values; and
- d) Recognising and providing for positive contributions of existing introduced species to those values; and
- e) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and
- f) Encouraging enhancement of those values.

- Method 1: Kāi Tahu Relationships
- Method 4: City and District Plans

Method 6: Research, Monitoring and Reporting

Policy 2.2.8 and 9 – Oppose

BRCT seeks that policy 2.2.8 and 9 be amended. Once again the PRPS seeks to confer an extremely high level of protection on matters that are not of national importance. Whilst in some circumstances this may be appropriate the lack of detail regarding the areas that this should occur creates significant risk of unintended consequences for land users.

In relation to Policy 2.2.8 the reference to the attributes in policy 2.1.8 appears inconsistent with the similar approach for other features. It may be better to be consistent and for the attributes in policy 2.1.8 to be included in the schedule as is the case for other assessment criteria.

In order to avoid this risk we submit that policy should be amended in the following way:

Policy 2.2.8

Identifying areas of high and outstanding natural character in the coastal environment

Identify areas and values of high outstanding natural character in the coastal environment, using the attributes details in Schedule [?].

- Method 2: Regional, City and District Council Relationships
- Method 3: Regional Plans
- Method 4: City and District Plans
- Method 6: Research, Monitoring and Reporting
- Method 9: Landscape Maps

Policy 2.2.9

Managing the natural character of the coastal environment

Preserve or enhance the natural character values of the coastal environment, by:

- a) Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and
- b) Avoiding adverse effects on those values which contribute to the outstanding natural character of an area; and
- c) Avoiding where possible significant adverse effects on those values which contribute to the high natural character values of an area; and
- d) Avoiding, remedying or mitigating other adverse effects on other values; and
- e) Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment; and
- f) Encouraging enhancement of those values; and
- g) Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.

- Method 2: Regional City and District Council Relationships
- Method 3: Regional Plans
- Method 4: City and District Plans
- Method 7: Strategies and Plans (non-RMA)
- Method 11: Advocacy and Facilitation

Objective 3.1 and Policy 3.1.1 – Oppose

BRCT recognises that environmental constraints need to be considered when deciding whether to consent to activities. This is addressed by assessing effects, particularly cumulative effects which is already adequately addressed by the Act and the other

provisions of the PRPS. To that extent Objective 3.1 and Policy 3.1.1 do not add anything to the regulatory assessment framework.

If the Council is concerned about providing for activities where there is a functional necessity then it would be appropriate to articulate this in a positive way. It is submitted however that the regulatory authorities are not well placed to assess the “functional necessity” of a particular location for a proposed activity, and for an activity to be located in an area should not be a matter for Council to determine. This is consistent with the case law that has developed around the assessment of alternatives.

Therefore we request that these provisions be deleted or amended in the following way.

“Objective 3.1 – Enable use and development where there is a functional necessity for the activity to be located to utilise the natural and physical resource”

Policy 3.1.1 – Recognise the functional necessity for activities to be located in particular areas where they rely on access to natural and physical resources in that location whilst considering the effects of the those activities, including:

- a. The nature of the resource to be utilised by the activity;*
- b. The ecosystem services the activity is dependant on;*
- c. The sensitivity of the natural and physical resources to adverse effects from the proposed activity;*
- d. Whether the activity or resource is readily transferable or relocatable for the activity to occur in the particular area.*

Objective 3.3 and Policy 3.3.1 and 2 – Support with amendments

BRCT supports this suite of provisions as climate change is a significant risk to the communities of New Zealand. BRCT submits that more explicit support for activities that mitigate climate change and reduce associated impacts should be included in the PRPS.

Therefore we request that these provisions be deleted or amended in the following way:

Policy 3.3.2(c) to be amended to read

“Enable and encourage activities that assist to reduce or mitigate the effects of climate change”

Objective 3.4 and Policies 3.4.1-3.4.4 – Support with amendments

BRCT supports this objective and its associated policies. Good quality infrastructure and services are needed to meet community needs. BRCT believes that more communities can develop greater resilience and become more sustainable if community based infrastructure is also developed alongside regional and strategic infrastructure. This should facilitate community and regional infrastructure development and allow each to compliment the other.

Therefore we request that these provisions be deleted or amended in the following way.

Policy 3.4.1 be amended as follows:

- (e) encourage the development of community based infrastructure projects that enhance the resilience and security of those communities.*

Policy 3.6.1 – Oppose

BRCT supports the purpose of this policy to increase the renewable energy generation capacity, but is concerned that the policy as it is drafted will have a stifling effect on new development. It is submitted that stifling new development thwarts the goal of increasing

capacity. Rather than giving preference to existing facilities the policy should seek to encourage those facilities to be fully utilised.

It is submitted that the policy is also contrary to the National Policy Statement for Renewable Electricity Generation 2011 (“NPSREG” which requires decision makers to recognise and provide for renewable electricity generation activities.

Therefore we request that these provisions be deleted or amended in the following way.

“Policy 3.6.1 - Efficient use of existing renewable electricity generation structures and facilities –

Encourage the efficient use of existing structure or facilities to increase or maintain the region’s renewable electricity generation capacity”.

Policy 3.6.2 – Support with amendments

BRCT supports this policy subject to some minor amendments that make the provision more enabling of small scale renewable development. This will give more express recognition that small-scale renewable electricity is important to the region and provide a clear directive to District Council’s to provide for and enable this development which will help increase the likelihood of small scale generation taking place. The proposed changes will also ensure the policy more effectively gives effect to the NPSREG, particularly Policy A(b) and Policy F.

Enabling small scale renewable energy generation allows communities to provide for their social, economic and cultural wellbeing. It also helps improve security of supply for those communities.

Therefore we request that this provision be amended in the following way:

“Policy 3.6.2 – Promoting small scale renewable electricity development –

Promote and enable small scale renewable electricity generation activities that:

- a. Increase the local communities resilience and security of energy supply; and*
- b. Avoid, remedy or mitigate adverse effects from that activity”*

New Policy to be added to 3.6

BRCT also seeks further relief through the addition of some more policy supporting the investigation of new renewable electricity generation sites consistent with the NPSREG Policy G. The policy that BRCT seeks is as follows:

“Enable the identification of new renewable electricity generation activities by

- a. Providing for activities associated with the investigation and identification of new sites for renewable electricity generation.*

Policy 3.6.6 – Support

BRCT supports this policy because reducing the long term need for fossil fuels reduces the green house gas emissions we as a region will make, and will consequently reduce our regional climate change impact.

Objective 3.7 and Policy 3.7.1-4 – Support with amendments.

BRCT supports the proposed objectives but believes that the objective should apply to all residential development, not only urban development. Residential development in rural areas would also benefit from the direction in the objective and the subsequent policies. All residential development should be encouraged to minimise its environmental footprint.

Policy 3.7.2

Use of low impact design techniques have a number of benefits, some of which are articulated in the policy. However, there are other benefits such as reducing demand on infrastructure (such as stormwater infrastructure through use of low impact stormwater systems and rain water capture or wastewater infrastructure through the use of grey water recycling systems). The policy should also recognise and encourage this type of low impact design which would also achieve the objectives associated with infrastructure provision.

Therefore we request that this provision be amended in the following way:

Policy 3.7.2

Encouraging use of low impact design techniques

Encourage the use of low impact design techniques in subdivision and development, to:

- a) Reduce potential adverse environmental effects, including on water and air quality; or
- b) Reduce demand on infrastructure services, including on storm and wastewater infrastructure; or
- c) Mitigate the effects of natural hazards and climate change; or
- d) Enhance amenity; or
- e) Enhance habitat for indigenous species and biodiversity values.

Method 4: City and District Plans

Method 8: Education and Information

Method 11: Advocacy and Facilitation

Policy 3.7.3 – Support with amendments

BRCT supports this policy because warmer buildings lead to healthier homes and communities. The cost to the community of poor quality housing is significant and can readily be reduced through more actively encouraging good design solutions to be employed at the outset. The proposed policy does not identify all of the opportunities to achieve this. There is also the opportunity to further encourage the outcomes sought by the renewable energy objectives.

BRCT seeks relief that the policy be re-drafted as follows:

“Design of subdivision and development (including renovations) must reduce the adverse effects of Otago’s colder climate, and higher demand for energy, by:

- a) Maximising passive solar gain; and*
- b) Incorporating energy saving technology into the development; and*
- c) Insulating to warmer standards than those set out in the building legislation; and*
- d) Making provision for solar hot water equipment to be installed including solar ready hot water cylinders, plumbing and ducting.”*

This policy would require developers to construct residential units to be warm and cosy. This will help improve the health of the occupants and reduce the energy bill associated with heating houses over winter.

Method 9 – Support with amendments

BRCT supports this method. Many community organisations depend on public funding to operate effectively. BRCT seeks relief that specifically identifies community groups that assist with climate change resilience, cosy homes and small scale renewable energy generation initiatives. Therefore BRCT requests the following amendments to Method 9.1.1 by adding the following:

(c) fund community groups and projects that are focussed on climate change resilience, reduction of reliance on fossil fuels within the region and developing small scale renewable electricity generation.

This amendment recognises the importance of community groups in achieving some of the objectives and policies within the RPS. These groups often have existing community relationships and access to other resources that cannot be mobilised by the Council on its own. Council funding can help catalyse this and encourage it to occur more quickly.

Method 11 - Support with amendments

BRCT supports this method with some amendments. Regional and District Councils are best placed to promote and advocate the interests of the districts and region to central government. Similarly, community groups are best placed to advocate for individual communities. For this reason, BRCT seeks relief that method 11.1.4 be amended to include a paragraph (e) which reads:

Engage with community groups about issues associated with climate change resilience, cosy home initiatives and methods to reduce reliance on fossil fuels. Such engagement will utilise the “rich engagement model” as detailed in NIWA’s Engaging Communities: Making it Work 2011.

NIWA’s Engaging Communities details the “rich engagement model” at page 61 of that document. The rich engagement model is a model where community organisations run an open day, where members of the community identify areas of importance to them. The community then considers how those areas may be affected by climate change by discussing the matters with scientists on hand. Finally, the community negotiates and brainstorms methods to adapt and mitigate to climate change. Following the workshop, a community forum is held. The outcome of this forum is reported to Council. Council then has a detailed understanding of what is important to that community, and how that community may, with Council’s help, adapt and mitigate the effects of climate change on the matters of community importance.

Incorporating this method will provide for Council to engage with communities in a progressive and more meaningful manner. Council involvement may include providing the expert scientists to the community to discuss issues. This ensures that Council has input into the community consultation, but the community feels responsible for the solutions that are proposed. Through this method, accurate information will flow between communities and Council, promoting active community involvement in matters of importance to the region.

Thank you for your attention to this submission.

Yours sincerely,

Bridget Irving