

Peter Wilson

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT 1991

AND

A HEARING HELD TO CONSIDER
THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

AND

HEARING SUBMISSION OF THE OTAGO FISH AND GAME COUNCIL

1. The Otago Fish and Game Council submitted on the proposed Queenstown Lakes District Plan in 2015.

2. Our submission focused on the following issues:

- a. The need to give effect to Policy 2.1.6 and Policy 4.3.2 of the proposed Regional Policy Statement for Otago to recognise the values of tussock grassland in sustaining base flows within rivers and streams, with relief sought by recommending a change to proposed Objective 33.2.2:

Objective 33.2.2.3 – Avoid the clearance or alteration of tussock grassland where it will have adverse effects on water yield values in dry catchments

- b. The failure to recognise all habitat or biodiversity values, including indigenous biodiversity, and the habitat of trout and salmon under section 7(h) of the Act, and also to reference gamebirds, introduced and indigenous, under the Wildlife Act 1953. There needs to be consistency in the use of the terms “biodiversity”, “indigenous”, “pest”, and “exotic species”.
- c. The failure to include objectives, policies and rules to consider obstructions, or potential obstructions to unformed legal roads which are often used to provide public access to lakes, rivers, and their margins.

Recognising the values of tussock grassland

3. Policy 2.1.6 and Policy 4.3.2 of the proposed Regional Policy Statement for Otago state:

Policy 2.1.6 - Recognise the values of ecosystems and indigenous biodiversity, and manage ecosystems and indigenous biodiversity, to:

...

d) Protect important hydrological services, including the services provided by tussock grassland

...

4. Policy 4.3.2 of the proposed RPS states:

Manage land use change in dry catchments, to avoid any significant reduction in water yield, by:

a) Restricting any extension of forestry activities within those catchments that would result in a significant reduction in water yield, including cumulative reductions; and

b) Minimising the conversion of tussock grasslands to species which are less able to capture and hold precipitation.

5. Currently, the proposed District Plan does not give effect to the proposed RPS, except in scheduled Significant Natural Areas, although it does recognise the risk of wilding conifer establishment, which is excellent. The other side of water yield protection, which is minimising the conversion of tall tussock grasslands to pasture, also needs recognition. It is entirely possible for tussock grasslands to be sustainably managed in conjunction with profitable farm systems, although this means the loss of inter-tussock indigenous species and their replacement with pasture.
6. Our submission suggests an addition to Objective 33.2.2 to give effect to the proposed RPS. However, on reflection, this could also sit under Objective 33.2.4.

Habitat and biodiversity, including indigenous biodiversity

7. At no point does the proposed District Plan give explicit recognition to the habitats of trout and salmon, which is a requirement of section 7(h) of the RMA. However, as the habitat of trout and salmon is not recognised, it is not clear how any effects on this habitat would be assessed, particularly for activities on the margins of lakes and rivers.
8. Fixing this issue would require the insertion of the words “and habitat of trout and salmon” on all objectives, policies, and rules that deal explicitly with streamside vegetation.

Unformed legal roads

9. Due to the lack of an access or recreation chapter within the District Plan, I accept it is difficult to deal with access issues like unformed legal roads. Instead, the current and proposed plans deal with access through landscape (either as ONL or RLC). There is assessment criteria within 21.7.1.4 (ONL - effects on visual amenity) and also in 21.7.2.4 (RLC – effects on visual amenity). This is the only mention of the value of unformed legal roads for access within the District Plan.
10. However, given the pressures of subdivision and development, and the increasing value of unformed legal roads for access to lakes and rivers given the overall trend towards enclosure of the landscape within parts the District, the criteria for assessing the values of unformed legal roads appear weak. The assessment criteria within the policy simply states:

In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood

of potential use of these unformed legal roads as access;

11. This policy seems to imply that unformed legal roads may be of a lesser value than formed roads. It would be better to reverse the test, and to assess the proposed development's effects on the unformed legal road. Unformed legal roads have value for future access, even if this value has not yet been anticipated (Central Otago District Council [2010] NZEnvC 364. Suggested wording is below:

In the case of proposed development which is visible from unformed legal roads, the development shall be assessed for any impacts it may have on the adjoining or adjacent unformed legal road, having regard to frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access;

12. Thank you for your time