

Appendix 18: Objectives and Policies of the Statutory Planning Documents

Objectives and Policies of the Statutory Planning Documents

National Policy Statement Freshwater Management 2020

2.1 Objective

- (1) *The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
- (a) *first, the health and well-being of water bodies and freshwater ecosystems*
 - (b) *second, the health needs of people (such as drinking water)*
 - (c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

2.2 Policies

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decisionmaking processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.

Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends

Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

3.22 Natural Inland Wetlands

(1) *Every regional council must include the following policy (or words to the same effect) in its regional plan(s):*

The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

(a) *the loss of extent or values arises from any of the following:*

- (i) *the customary harvest of food or resources undertaken in accordance with tikanga Māori*
- (ii) *restoration activities*
- (iii) *scientific research*
- (iv) *the sustainable harvest of sphagnum moss*
- (v) *the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)*
- (vi) *the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)*
- (vii) *natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or*

- (b) *the regional council is satisfied that:*
- (i) *the activity is necessary for the construction or upgrade of specified infrastructure; and*
 - (ii) *the specified infrastructure will provide significant national or regional benefits; and*
 - (iii) *there is a functional need for the specified infrastructure in that location; and*
 - (iv) *the effects of the activity are managed through applying the effects management hierarchy.”*

3.24 Rivers

- (1) *Every regional council must include the following policy (or words to the same effect) in its regional plan(s):*

The loss of river extent and values is avoided, unless the council is satisfied:

- (a) *that there is a functional need for the activity in that location; and*
- (b) *the effects of the activity are managed by applying the effects management hierarchy.*

Partially Operative Proposed Otago Regional Policy Statement (Partially Operative RPS)

Note: Shading of text below denotes provisions remain subject to appeal.

Part B Chapter 1 Resource management in Otago is integrated

Objective 1.1 – Otago’s resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities.

Policy 1.1.1 – Economic wellbeing

Provide for the economic wellbeing of Otago’s people and communities by enabling the resilient and sustainable use and development of natural and physical resources.

Policy 1.1.2 – Social and cultural wellbeing and health and safety

Provide for the social and cultural wellbeing and health and safety of Otago’s people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:

- (a) *Recognising and providing for Kāi Tahu values;*
- (b) *Taking into account the values of other cultures;*
- (c) *Taking into account the diverse needs of Otago’s people and communities;*

- (d) *Avoiding significant adverse effects of activities on human health;*
- (e) *Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing;*
- (f) *Promoting good quality and accessible infrastructure and public services.*

Objective 1.2 – Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago

Policy 1.2.1 – Integrated resource management

Achieve integrated management of Otago’s natural and physical resources, by all of the following:

- a) *Coordinating the management of interconnected natural and physical resources;*
- b) *Taking into account the impacts of management of one natural or physical resource on the values of another, or on the environment;*
- c) *Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest;*
- d) *Ensuring that resource management approaches across administrative boundaries are consistent and complementary;*
- e) *Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits.*
- f) *Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement.*
- g) *Promoting healthy ecosystems and ecosystem services;*
- h) *Promoting methods that reduce or negate the risk of exceeding sustainable resource limits.*

Part B Chapter 2 Kāi Tahu values and interests are recognised and Kāitiakitaka is expressed

Objective 2.2 – Kāi Tahu values, interests and customary resources are recognised and provided for

Policy 2.2.1 – Kāi Tahu wellbeing

Manage the natural environment to support Kāi Tahu wellbeing by all of the following:

- a) *Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and*
- b) *Safe-guarding the life-supporting capacity of natural resources.*

Policy 2.2.2 – Recognising sites of cultural significance

Recognise and provide for the protection of wāhi tūpuna, by all of the following:

- (a) Avoiding significant adverse effects on those values that contribute to the identified wāhi tūpuna being significant;*
- (b) Avoiding, remedying, or mitigating other adverse effects on the identified wāhi tūpuna;*
- (c) Managing the identified wāhi tūpuna sites in a culturally appropriate manner.*

Policy 2.2.3 – Wāhi tūpuna and associated sites

Enable Kāi Tahu relationships with wāhi tūpuna by all of the following:

- a) Recognising that relationships between sites of cultural significance are an important element of wāhi tūpuna;*
- b) Recognising and using traditional place names.*

Part B Chapter 3 - Otago has high quality natural resources and ecosystems

Objective 3.1 – The values of Otago’s natural resources are recognised and maintained or enhanced where degraded.

Policy 3.1.1 – Fresh water:

- a) Maintain good quality water and enhance water quality where it is degraded, including for:*
 - i. Important recreation values, including contact recreation: and,*
 - ii. Existing drinking and stock water supplies*
- b) Maintain or enhance aquatic:*
 - i. Ecosystem health;*
 - ii. Indigenous habitats; and,*
 - iii. Indigenous species and their migratory patterns.*
- c) Avoid aquifer compaction and seawater intrusion:*
- d) Maintain or enhance, as far as practicable:*
 - i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers:*
 - ii. Coastal values supported by fresh water:*
 - iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity: and*
 - iv. Amenity and landscape values of rivers, lakes, and wetlands:*
- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread:*
- f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion: and*

- g) *Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water.*

Policy 3.1.2 – Beds of rivers, lakes, wetlands, and their margins

Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to:

- a) *Safeguard the life supporting capacity of fresh water;*
- b) *Maintain good quality water, or enhance it where it has been degraded;*
- c) *Maintain or enhance bank stability;*
- d) *Maintain or enhance ecosystem health and indigenous biological diversity;*
- e) *Maintain or enhance, as far as practicable;*
 - i. *Their natural functioning and character; and*
 - ii. *Amenity values;*
- f) *Control the adverse effects of pest species, prevent their introduction and reduce their spread; and,*
- g) *Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion.*

Policy 3.1.3 – Water allocation and use

Manage the allocation and use of fresh water by undertaking all of the following:

- a) *Recognising and providing for the social and economic benefits of sustainable water use;*
- b) *Avoiding over-allocation, and phasing out existing over-allocation, resulting from takes and discharges;*
- c) *Ensuring the efficient allocation and use of water by:*
 - i. *Requiring that the water allocated does not exceed what is necessary for its efficient use;*
 - ii. *Encouraging the development or upgrade of infrastructure that increases efficiency;*
 - iii. *Providing for temporary dewatering activities necessary for construction or maintenance.*

Policy 3.1.6 – Air quality

Manage air quality to achieve the following:

- a) *Maintain good ambient air quality that supports human health, or enhance air quality where it has been degraded;*
- b) *Maintain or enhance amenity values.*

Policy 3.1.7 – Soil values

Safeguard the life-supporting capacity of soil and manage soil to:

- a) *Maintain or enhance as far as practicable*

- i. *Soil biological diversity;*
 - ii. *Biological activity in soils;*
 - iii. *Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;*
 - iv. *Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;*
 - v. *Soil fertility where soil is used for primary production.*
- b) *Where a) is not practicable, minimise adverse effects;*
 - c) *Recognise that urban and infrastructure development may result in loss of soil values.*
 - d) *Control the adverse effects of pest species, prevent their introduction and reduce their spread;*
 - e) *Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained.*

Policy 3.1.8 – Soil Erosion

Minimise soil erosion resulting from activities, by undertaking all of the following:

- a) *Using appropriate erosion controls and soil conservation measures;*
- b) *Maintaining vegetative cover on erosion prone land;*
- c) *Remediating land where significant soil erosion has occurred;*
- d) *Encouraging activities that enhance soil retention.*

Policy 3.1.9 – Ecosystems and indigenous biological diversity

Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to:

- a) *Maintain or enhance:*
 - i. *Ecosystem health and indigenous biological diversity including habitats of indigenous fauna;*
 - ii. *Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;*
- b) *Maintain or enhance as far as practicable:*
 - i. *Areas of predominantly indigenous vegetation;*
 - ii. *Habitats of trout and salmon unless detrimental to indigenous biological diversity;*
 - iii. *Areas buffering or linking ecosystems;*
- c) *Recognise and provide for:*
 - i. *Hydrological services, including the services provided for by tall tussock grassland;*
 - ii. *Natural resources and processes that support indigenous biological diversity;*
- d) *Control the adverse effects of pest species, prevent their introduction and reduce their spread.*

Policy 3.1.11 – Environmental enhancement –

Encourage, facilitate and support activities that contribute to the resilience and enhancement of the natural environment, by where applicable:

- a) Improving water quality and quantity;*
- b) Protecting or restoring habitat for indigenous species;*
- c) Regenerating indigenous species;*
- d) Mitigating natural hazards;*
- e) Protecting or restoring wetlands;*
- f) Improving the health and resilience of:
 - i. Ecosystems supporting indigenous biological diversity;*
 - ii. Important ecosystem services, including pollination;**
- g) Improving access to rivers, lakes, wetlands and their margins, and the coast;*
- h) Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;*
- i) Controlling pest species.*

Objective 3.2 – Otago’s significant and highly-valued natural resources are identified and protected, or enhanced where degraded

Policy 3.2.1 – Identifying significant indigenous vegetation and habitats

Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 4.

Policy 3.2.2 – Managing significant vegetation and habitats

Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) In the coastal environment. avoiding adverse effects on:
 - i. The values that contribute to the area or habitat being significant;*
 - ii. Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
 - iii. Taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
 - iv. Indigenous ecosystems and vegetation types that are threatened in the coastal environment. or are naturally rare;*
 - v. Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
 - vi. Areas containing nationally significant examples of indigenous community types; and**

- vii. *Areas set aside for full or partial protection of indigenous biological diversity under other legislation;*
- b) *Beyond the coastal environment, and in the coastal environment in significant areas not captured by a) above, maintaining those values that contribute to the area or habitat being significant;*
- c) *Avoiding significant adverse effects on other values of the area or habitat;*
- d) *Remedying when other adverse effects cannot be avoided;*
- e) *Mitigating when other adverse effects cannot be avoided or remedied;*
- f) *Encouraging enhancement of those areas and values that contribute to the area or habitat being significant;*
- g) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.*

Policy 3.2.15 – Identifying the significant values of wetlands –

Identify the significant values of wetlands, having regard to all of the following:

- a) *Degree of naturalness;*
- b) *Amenity or landscape values;*
- c) *Kāi Tahu cultural values;*
- d) *Recreational values;*
- e) *Ecological function and values;*
- f) *Hydrological function and values;*
- g) *Geomorphological features and values*

Policy 3.2.16 – Managing the values of wetlands –

Protect the function and values of wetlands by all of the following:

- a) *Maintaining the significant values of wetlands;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;*
- d) *Encouraging enhancement that contributes to the values of the wetland;*
- e) *Encouraging the rehabilitation of degraded wetlands.*

Part B Chapter 4 Communities in Otago are resilient, safe and healthy

Objective 4.3 – Infrastructure is Managed and Developed in a Sustainable Way

Policy 4.3.1 – Managing infrastructure activities

Recognise and provide for infrastructure by all of the following:

- a) *Protecting and providing for the functional needs of lifeline utilities and essential or emergency services;*
- b) *Increasing the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events;*
- c) *Improving efficiency of natural and physical resource use;*
- d) *Minimising adverse effects on existing land uses, and natural and physical resources;*
- e) *Managing other activities to ensure the functional needs of infrastructure are not compromised.*

Policy 4.3.2 – Nationally and regionally significant infrastructure

Recognise the national and regional significance of all of the following infrastructure:

- a) *Renewable electricity generation activities, where they supply the National Grid or local distribution network;*
- b) *National Grid;*
- c) *Electricity sub-transmission infrastructure;*
- d) *Telecommunication and radiocommunication facilities;*
- e) *Roads classified as being of national or regional importance;*
- f) *Ports and airports and associated navigation infrastructure;*
- g) *Defence facilities;*
- h) *Rail infrastructure;*
- i) *Municipal infrastructure.*

Policy 4.3.3 – Functional needs of infrastructure that has national or regional significance

Provide for the functional needs of infrastructure that has regional or national significance, including safety.

Policy 4.3.5 – Protecting infrastructure with national or regional significance

Protect infrastructure with national or regional significance, by all of the following:

- a) *Restricting the establishment of activities that may result in reverse sensitivity effects;*
- b) *Avoiding significant adverse effects on the functional needs of such infrastructure;*
- c) *Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure;*
- d) *Protecting infrastructure corridors from activities that are incompatible with the anticipated effects of that infrastructure, now and for the future.*

Objective 4.6 – Hazardous substances, contaminated land and waste materials do not harm human health or the quality of the environment in Otago

Policy 4.6.2 – Use, storage and disposal of hazardous substances

Manage the use, storage and disposal of hazardous substances, by all of the following:

- a) Providing secure containment for the storage of hazardous substances;*
- b) Minimising risk associated with natural hazard events;*
- c) Ensuring the health and safety of people;*
- d) Avoiding, remedying or mitigating adverse effects on the environment;*
- e) Providing for the development of facilities to safely store, transfer, process, handle and dispose of hazardous substances;*
- f) Ensuring hazardous substances are treated or disposed of in accordance with the relevant regulatory requirements;*
- g) Restricting the location and intensification of activities that may result in reverse sensitivity effects near authorised facilities for hazardous substance bulk storage, treatment or disposal;*
- h) Encouraging the use of best management practices.*

Policy 4.6.3 – Hazardous substance collection, disposal and recycling

Promote and facilitate the establishment of hazardous substance collection, disposal and recycling services across the region.

Policy 4.6.6 – Waste management

Promote an integrated approach to the management of the use, storage and disposal of waste materials.

Policy 4.6.7 – Waste minimisation responses

Encourage activities to give effect to the waste minimisation hierarchy of responses, by:

- a) Giving preference to reducing waste generated; then*
- b) Reusing waste; then*
- c) Recycling waste; then*
- d) Recovering resources from waste; then*
- e) Treatment; then*
- f) Disposing residual waste to a disposal facility.*

Policy 4.6.8 – Waste storage, recycling, recovery, treatment and disposal

Manage the storage, recycling, recovery, treatment and disposal of waste materials by undertaking all of the following:

- a) Providing for the development of facilities and services for the storage, recycling, recovery, treatment and disposal of waste materials;*
- b) Ensuring the health and safety of people;*
- c) Minimising adverse effects on the environment;*
- d) Minimising risk associated with natural hazard events;*
- e) Restricting the location of activities that may result in reverse sensitivity effects near waste management facilities and services.*

Part B Chapter 5 People are able to use and enjoy Otago's natural and built environment

Objective 5.2 – Historic heritage resources are recognised and contribute to the region's character and sense of identity.

Policy 5.2.3 – Managing historic heritage

Protect and enhance places and areas of historic heritage, by all of the following:

- a) Recognising that some places or areas are known or may contain archaeological sites, wāhi tapu or wāhi taoka which could be of significant historic or cultural value;*
- b) Applying these provisions immediately upon discovery of such previously unidentified archaeological sites or areas, wāhi tapu or wāhi taoka;*
- c) Avoiding adverse effects on those values that contribute to the area or place being of regional or national significance;*
- d) Minimising significant adverse effects on other values of areas and places of historic heritage;*
- e) Remedying when adverse effects on other values cannot be avoided;*
- f) Mitigating when adverse effects on other values cannot be avoided or remedied;*
- g) Encouraging the integration of historic heritage values into new activities;*
- h) Enabling adaptive reuse or upgrade of historic heritage places and areas where historic heritage values can be maintained.*

Objective 5.3 – Sufficient land is managed and protected for economic production

Policy 5.3.1 Rural activities

Manage activities in rural areas, to support the region's economy and communities, by:

- a) Enabling primary production and other rural activities that support that production;*
- b) Providing for mineral exploration, extraction and processing;*

- c) *Minimising the loss of significant soils;*
- d) *Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects;*
- e) *Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency;*
- f) *Providing for other activities that have a functional need to locate in rural areas.*

Objective 5.4 – Adverse effects of using and enjoying Otago’s natural and physical resources are minimised

Policy 5.4.1 – Offensive or objectionable discharges

Manage offensive or objectionable discharges to land, water and air by:

- a) *Avoiding significant adverse effects of those discharges;*
- b) *Avoiding significant adverse effects of discharges of human or animal waste directly, or in close proximity, to water or mahika kai sites;*
- c) *Avoiding, remedying or mitigating other adverse effects of those discharges.*

Policy 5.4.2 – Adaptive management approach

Apply an adaptive management approach, to avoid, remedy or mitigate actual and potential adverse effects that might arise and that can be remedied before they become irreversible, by both:

- a) *Setting appropriate indicators for effective monitoring of those adverse effects; and*
- b) *Setting thresholds to trigger remedial action before the effects result in irreversible damage.*

Policy 5.4.6 – Offsetting for indigenous biological diversity –

Consider indigenous biological diversity offsetting, when:

- a) *Residual adverse effects of activities cannot be avoided, remedied or mitigated;*
- b) *The offset achieves no net loss and preferably a net gain in indigenous biological diversity;*
- c) *The offset ensures there is no loss of rare or vulnerable species as defined in reports published prior to 23 May 2015 under the New Zealand Threat Classification System (“NZTCS”);*
- d) *The offset is undertaken where it will result in the best ecological outcome, preferably”:*
 - (i) Close to the location of the development; or*
 - (ii) Within the same ecological district or coastal marine biogeographic region.*
- e) *The offset is applied so that the ecological values being achieved are the same or similar to those being lost;*
- f) *The positive ecological outcomes of the offset last at least as long as the impact of the activity, preferably in perpetuity;*

- (g) *The offset will achieve biological diversity outcomes beyond results that would have occurred if the offset was not proposed;*
- (h) *The delay between the loss of biological diversity through the proposal and the gain of maturation of the offset's biological diversity outcomes is minimised.*

Policy 5.4.6A – Biological Diversity Compensation

Consider the use of biological diversity compensation:

- (a) *When:*
 - (i) *Adverse effects of activities cannot be avoided, remedied, mitigated or offset; and*
 - (ii) *The residual adverse effects will not result in:*
 - (1) *The loss of an indigenous taxon (excluding freshwater fauna and flora) or of any ecosystem type from an ecological district or coastal marine biogeographic region;*
 - (2) *Removal or loss of viability of habitat of a threatened or at risk indigenous species of fauna or flora under the New Zealand Threat Classification System (“NZTCS”);*
 - (3) *Removal or loss of viability of a naturally rare or uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna;*
 - (4) *Worsening of the NZTCS conservation status of any threatened or at risk indigenous freshwater fauna.*
- (b) *By applying the following criteria:*
 - (i) *The compensation is proportionate to the adverse effect;*
 - (ii) *The compensation is undertaken where it will result in the best practicable ecological outcome, preferably:*
 - (1) *Close to the location of development;*
 - (2) *Within the same ecological district or coastal marine biogeographic region;*
 - (iii) *The compensation will achieve positive biological diversity outcomes that would not have occurred without that compensation;*
 - (iv) *The positive ecological outcomes of the compensation last for at least as long as the adverse effects of the activity; and*
 - (v) *The delay between the loss of biological diversity through the proposal and the gain or maturation of the compensation's biological diversity outcomes is minimised.*

Regional Plan: Waste for Otago

Chapter 3 Manawhenua

Objective 3.3.1 – To ensure that the quality of Otago's natural and physical resources is not degraded by wastes.

Objective 3.3.2 – To protect the mauri of Otago's natural and physical resources and restore the mauri of waste-affected resources.

Objective 3.3.3 – To ensure waste management practices are compatible with Kai Tahu values.

Objective 3.3.4 – To adopt a holistic approach to waste management which integrates Kai Tahu cultural concepts.

Chapter 4 – Waste Minimisation

4.3.1 To minimise the amount of waste generated at source in Otago.

4.3.2 To maximise the opportunities for the reuse, recycling and recovery of materials from the waste stream.

Policy 4.4.1 – To recognise and provide for the relationship Kai Tahu have with natural and physical resources by:

- (a) Acknowledging that future generations will inherit the results of good and bad waste management practices;*
- (b) Providing for the management of Otago's waste stream in a manner that takes into account Kai Tahu cultural values; and*
- (c) Maintaining consultation with Kai Tahu on issues relating to waste minimisation.*

Policy 4.4.2 – To encourage, support and facilitate integrated waste management by (in order of priority):

- (a) Minimising the effects on the environment by reducing the quantity and / or toxicity of material entering the waste stream;*
- (b) Reusing materials;*
- (c) Recycling materials, where practicable, that cannot be reused;*
- (d) Recovering resources from materials in the waste stream; and*
- (e) Disposing of the residual waste in an environmentally safe manner.*

Policy – 4.4.3 To gather information on the waste stream in the Otago region.

Policy – 4.4.4 To encourage the composting of appropriate organic waste material.

Chapter 6 Hazardous Substances and Hazardous Wastes

Objective 6.3.1 – To avoid, remedy and mitigate the risk to the environment and human health from hazardous substances and hazardous wastes.

Objective 6.3.2 – To avoid, remedy and mitigate the harmful effects of hazardous substances and hazardous wastes on traditional water, land and mahika kai values of importance to Kāi Tahu.

Policy 6.4.1 – To promote the safe transportation, and the use, treatment, storage and disposal of hazardous substances and hazardous wastes in such a manner that avoids adverse environmental effects.

Policy 6.4.12 – To recognise and provide for the relationship Kāi Tahu have with Otago’s natural and physical resources through:

- (a) Providing for the management and disposal of Otago’s hazardous substances and hazardous wastes in a manner which takes into account Kāi Tahu cultural values; and*
- (b) Supporting hazardous waste disposal methods which avoid, remedy or mitigate adverse effects on the environment and the mauri of its natural and physical resources; and*
- (c) Protecting waahi tapu and waahi taoka from hazardous waste management practices; and*
- (d) Ensuring that Kāi Tahu access to waahi tapu and waahi taoka is not compromised by waste management practices; and*
- (e) Acknowledging that future generations will inherit the results of good and bad waste management practices; and*
- (f) Maintaining consultation with Kāi Tahu on issues relating to hazardous substances and hazardous waste management.*

Chapter 7 Landfills

Objective 7.3.1 – To avoid, remedy or mitigate the adverse environmental effects arising from the discharge of contaminants at and from landfills.

Policy 7.4.1 – To recognise and provide for the relationship Kāi Tahu have with Otago’s natural and physical resources through:

- (a) Providing for the management and disposal of Otago’s wastes in a manner that takes into account Kāi Tahu cultural values; and*
- (b) Supporting waste disposal methods which avoid, remedy or mitigate adverse effects on the environment and the mauri of its natural and physical resources; and*
- (c) Protecting waahi tapu and waahi taoka from waste management practices; and*
- (d) Ensuring that Kāi Tahu access to waahi tapu and waahi taoka is not compromised by waste management practices; and*
- (e) Acknowledging that future generations will inherit the results of good and bad waste management practices; and*
- (f) Maintaining consultation with Kāi Tahu on issues relating to landfill management.*

Policy 7.4.3 – To ensure that landfills and discharges from silage production and composting operations are sited at locations and managed in a manner whereby adverse effects on the environment are avoided, remedied, or mitigated.

Policy 7.4.4 – To monitor discharges to land, water, and air from new, operating and closed landfills, and from silage production and composting.

Policy 7.4.5 – To identify and quantify waste inputs into operating, and new landfills.

Policy 7.4.6 – To require that all new, operating, and closed landfills are managed in compliance with approved management and post-closure procedures.

Policy 7.4.11 – To minimise the adverse effects of discharges from new and operating landfills by requiring that:

(a) the siting, design, construction, operation and management of new and operating landfills is in accordance with the Waste Minimisation Institute New Zealand’s Technical Guidelines for Disposal to Land (August 2018) and

(b) a site-specific management plan is prepared and implemented in accordance with the Waste Minimisation Institute New Zealand’s Technical Guidelines for Disposal to Land (August 2018) that includes (but is not limited to):

(i) methods for leachate management, collection, treatment and disposal;

(ii) methods for stormwater capture and control from both off-site and on-site sources; and

(iii) methods to minimise contamination of the receiving environment; and

(iv) controls to manage hazardous waste and avoid any discharge of hazardous wastes or the leaching of contaminants from hazardous wastes.

Regional Plan: Water for Otago

Chapter 5 Natural and Human Use Values of Lakes and Rivers

Objective 5.3.1 – To maintain or enhance the natural and human use values, identified in Schedules 1A, 1B and 1C, that are supported by Otago’s lakes and rivers.

Objective 5.3.2 – To maintain or enhance the spiritual and cultural beliefs, values and uses of significance to Kai Tahu, identified in Schedule 1D, as these relate to Otago’s lakes and rivers.

Objective 5.3.3 – To protect the natural character of Otago’s lakes and rivers and their margins from inappropriate subdivision, use or development.

Objective 5.3.4 – To maintain or enhance the amenity values associated with Otago’s lakes and rivers and their margins.

Objective 5.3.6 – To provide for the sustainable use and development of Otago’s water bodies, and the beds and margins of Otago’s lakes and rivers.

Policy 5.4.2 – In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding, in preference to remedying or mitigating:

- (1) Adverse effects on:*
 - (a) Natural values identified in Schedule 1A;*
 - (b) Water supply values identified in Schedule 1B;*
 - (c) Registered historic places identified in Schedule 1C, or archaeological sites in, on, under or over the bed or margin of a lake or river;*
 - (d) Spiritual and cultural beliefs, values and uses of significance to Kai Tahu identified in Schedule 1D;*
 - (e) The natural character of any lake or river, or its margins;*
 - (f) Amenity values supported by any water body; and*
- (2) Causing or exacerbating flooding, erosion, land instability, sedimentation or property damage.*

Policy 5.4.3 – In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding adverse effects on:

- (a) Existing lawful uses; and*
- (b) Existing lawful priorities for the use, of lakes and rivers and their margins.*

Policy 5.4.8 – To have particular regard to the following features of lakes and rivers, and their margins, when considering adverse effects on their natural character:

- (a) The topography, including the setting and bed form of the lake or river;*
- (b) The natural flow characteristics of the river;*
- (c) The natural water level of the lake and its fluctuation;*
- (d) The natural water colour and clarity in the lake or river;*
- (e) The ecology of the lake or river and its margins; and*
- (f) The extent of use or development within the catchment, including the extent to which that use and development has influenced matters (a) to (e) above.*

Policy 5.4.9 – To have particular regard to the following qualities or characteristics of lakes and rivers, and their margins, when considering adverse effects on amenity values:

- (a) Aesthetic values associated with the lake or river; and*
- (b) Recreational opportunities provided by the lake or river, or its margins.*

Commentary

The Regional Plan: Water for Otago (RPW) outlines the natural and human use values of various watercourses throughout the Otago Region in Schedules 1A to 1D.

Schedule 1A: Natural Values

This schedule identifies the natural values supported by Otago's lakes and rivers. These include ecosystem values, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitat of indigenous fauna, and areas with a high degree of naturalness.

Otokia Creek is identified for the following natural and ecosystem values:

- Presence of significant fish spawning areas;*
- Presence of significant areas for development of juvenile fish;*
- Absence of aquatic pest plants*
- Provides access within the main stem of the catchment through to the sea unimpeded by artificial means, such as weirs, and culverts*
- Presence of indigenous fish species threatened with extinction;*
- Provides significant habitat for banded kokopu.*

Schedule 1AA: Otago Resident Native Freshwater Fish -Threat Status:

Schedule 1AA of the RPW identifies Otago resident native freshwater fish and their threat status. Otokia Creek does not provide habitat for species listed in this schedule.

Schedule 1B: Water Supply Values:

Schedule 1B of the RPW identifies rivers where the water taken is used for public water supply purposes. Water is not taken from Otokia Creek for public water supply purposes.

Schedule 1C; Registered Historic Place

Schedule 1C of the RPW identifies registered historic places. There are no Schedule 1C values in close proximity to Otokia Creek.

Schedule 1 D: Spiritual and Cultural Beliefs, Values, and Uses of Significance to Kāi Tahu

Schedule 1D of the RPW identifies the spiritual and cultural beliefs, values and uses associated with water bodies of significance to Kai Tahu. Otokia Creek is identified as having the following values:

- Kaitiakitanga: the exercise of guardianship by Kai Tahu, including the ethic of stewardship.*
- Mauri: life force.*

- *Waahi tapu and/or Waiwhakaheke: sacred places; sites, areas and values of spiritual values of importance to Kai Tahu.*
- *Waahi taoka: treasured resource; values, sites and resources that are valued.*
- *Mahika kai: places where food is procured or produced.*
- *Kohanga: important nursery/spawning areas for native fisheries and/or breeding grounds for birds.*
- *Trails: sites and water bodies which formed part of traditional routes, including tauraka waka (landing place for canoes);*
- *Cultural materials: water bodies that are sources of traditional weaving materials (such as raupo and paru) and rongoa (medicines).*

Chapter 6 Water Quantity

Objective 6.3.1 – To retain flows in rivers sufficient to maintain their life-supporting capacity for aquatic ecosystems, and their natural character.

Objective 6.3.3 – To minimise conflict among those taking water.

Objective 6.3.6 – To minimise any adverse downstream effect of managed flows.

Policy 6.4.0A – To ensure that the quantity of water granted to take is no more than that required for the purpose of use taking into account:

- How local climate, soil, crop or pasture type and water availability affect the quantity of water required; and*
- The efficiency of the proposed water transport, storage and application system.*

Policy 6.4.1A – A groundwater take is allocated as:

- Surface water, subject to a minimum flow, if the take is from any aquifer in Schedule 2C; or*
- Surface water, subject to a minimum flow, if the take is within 100 metres of any connected perennial surface water body; or*
- Groundwater and part surface water if the take is 100 metres or more from any connected perennial surface water body, and depletes that water body most affected by at least 5 litres per second as determined by Schedule 5A; or*
- Groundwater if (a), (b) and (c) do not apply.*

Policy 6.4.2 – To define the primary allocation limit for each catchment, from which surface water takes and connected groundwater takes may be granted, as the greater of:

- That specified in Schedule 2A, but where no limit is specified in Schedule 2A, 50% of the 7-day mean annual low flow; or*
- The sum of consented maximum instantaneous, or consented 7-day, takes of: (i) Surface water as at:*

- (1) 19 February 2005 in the Welcome Creek catchment; or
- (2) 7 July 2000 in the Waianakarua catchment; or
- (3) 28 February 1998 in any other catchment; and (ii) Connected groundwater as at 10 April 2010, less any quantity in a consent where: (1) In a catchment in Schedule 2A, the consent has a minimum flow that was set higher than that required by Schedule 2A. (2) All of the water taken is immediately returned to the source water body.
- (3) All of the water being taken had been delivered to the source water body for the purpose of that subsequent take.
- (4) The consent has been surrendered or has expired (except for the quantity granted to the existing consent holder in a new consent).
- (5) The consent has been cancelled (except where the quantity has been transferred to a new consent under Section 136(5)).
- (6) The consent has lapsed.

Policy 6.4.16 – In granting resource consents to take water, or in any review of the conditions of a resource consent to take water, to require the volume and rate of take to be measured in a manner satisfactory to the Council unless it is impractical or unnecessary to do so.

Policy 6.4.19 When setting the duration of a resource consent to take and use water, to consider:

- (a) The duration of the purpose of use;
- (b) The presence of a catchment minimum flow or aquifer restriction level;
- (c) Climatic variability and consequent changes in local demand for water;
- (d) The extent to which the risk of potentially significant, adverse effects arising from the activity may be adequately managed through review conditions;
- (e) Conditions that allow for adaptive management of the take and use of water;
- (f) The value of the investment in infrastructure; and
- (g) Use of industry best practice.

Chapter 7 Water Quality

Objective 7.A.1 – To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.

Objective 7.A.2 – To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.

Objective 7.A.3 – To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.

Policy 7.B.1 Manage the quality of water in Otago lakes, rivers, wetlands and groundwater by:

- (a) Describing, in Table 15.1 of Schedule 15, characteristics indicative of good quality water; and*
- (b) Setting, in Table 15.2 of Schedule 15, receiving water numerical limits and targets for achieving good quality water; and*
- (c) Maintaining, from the dates specified in Schedule 15, good quality water; and*
- (d) Enhancing water quality where it does not meet Schedule 15 limits, to meet those limits by the date specified in the Schedule; and*
- (e) Recognising the differences in the effects and management of point and non-point source discharges; and*
- (f) Recognising discharge effects on groundwater; and*
- (g) Promoting the discharge of contaminants to land in preference to water.*

Policy 7.B.2 – Avoid objectionable discharges of water or contaminants to maintain the natural and human use values, including Kāi Tahu values, of Otago lakes, rivers, wetlands, groundwater and open drains and water races that join them.

Policy 7.B.3 – Allow discharges of water or contaminants to Otago lakes, rivers, wetlands and groundwater that have minor effects or that are short-term discharges with short-term adverse effects.

Policy 7.B.4 – When considering any discharge of water or contaminants to land, have regard to:

- (a) The ability of the land to assimilate the water or contaminants; and*
- (b) Any potential soil contamination; and*
- (c) Any potential land instability; and*
- (d) Any potential adverse effects on water quality; and*
- (e) Any potential adverse effects on use of any proximate coastal marine area for contact recreation and seafood gathering.*

Policy 7.B.6 – When assessing any consent to discharge contaminants to water, consider the need for and the extent of any zone for physical mixing, within which water will not meet the characteristics and limits described in Schedule 15, by taking account of:

- (a) The sensitivity of the receiving environment; and*
- (b) The natural and human use values, including Kāi Tahu values; and*
- (c) The natural character of the water body; and*
- (d) The amenity values supported by the water body; and*
- (e) The physical processes acting on the area of discharge; and*
- (f) The particular discharge, including contaminant type, concentration and volume; and*
- (g) The provision of cost-effective community infrastructure; and*

(h) Good quality water as described in Schedule 15.

Policy 7.B.7 – Encourage land management practices that reduce the adverse effects of water or contaminants discharged into water.

Policy 7.B.8 - Encourage adaptive management and innovation that reduces the level of contaminants in discharges.

7.C.1 - When considering applications for resource consents to discharge contaminants to water, to have regard to opportunities to enhance the existing water quality of the receiving water body at any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

7.C.2 - When considering applications for resource consents to discharge contaminants to water, or onto or into land in circumstances which may result in any contaminant entering water, to have regard to:

- (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;*
- (b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with alternative means; and*
- (c) The current state of technical knowledge and the likelihood that the proposed method of discharge can be successfully applied.*

Policy 7.C.3 - When considering any resource consent to discharge a contaminant to water, to have regard to any relevant standards and guidelines in imposing conditions on the discharge consent.

Policy 7.C.5 – Minimise the adverse environmental effects of discharges ~~With respect to discharges from any new stormwater reticulation system, or any extension to an existing stormwater reticulation system, to require~~ by requiring:

- (a) The separation of sewage and stormwater; and*
- (b) Measures to prevent contamination of the receiving environment by industrial or trade waste; and*
- (c) The use of techniques to trap debris, sediments and nutrients present in runoff.*

Policy 7.C.8 – To promote the use of contingency plans for the prevention, containment and recovery of the accidental spill of any hazardous substance which may adversely affect water quality.

Policy 7.C.9 – To support the coordination of measures to remedy or mitigate the adverse effects associated with accidental spills which could potentially contaminate water.

Chapter 8 The beds and margins of lakes and rivers

Objective 8.3.1 – To maintain:

- (a) The stability and function of existing structures located in, on, under or over the bed or margin of any lake or river;*
- (b) The stability of the bed and bank of any lake or river; and*
- (c) The flood and sediment carrying capacity of any lake or river*

Objective 8.3.2 – To minimise reduction in water clarity caused by bed disturbance.

Objective 8.3.4 – To remedy any adverse effect resulting from the failure or overtopping of any dam structure.

Policy 8.4.1 – When managing activities in, on, under or over the bed or margin of any lake or river, to give priority to avoiding changes in the nature of flow and sediment processes in those water bodies, where those changes will cause adverse effects:

- (a) On the stability and function of existing structures located in, on, under or over the bed or margin of any lake or river;*
- (b) Arising from associated erosion or sedimentation of the bed or margin of any lake or river, or land instability; or*
- (c) Arising from any reduction in the flood carrying capacity of any lake or river.*

Objective 8.6.1 – In managing the disturbance of the bed or margin of any lake or river, to have regard to any adverse effect on:

- (a) The spawning requirements of indigenous fauna, and trout or salmon;*
- (b) Bed and bank stability;*
- (c) Water quality;*
- (d) Amenity values caused by any reduction in water clarity; and*
- (e) Downstream users.*

Objective 8.6.2 – To promote best management practices for activities that occur within or adjacent to the bed of lakes and rivers in order to avoid, remedy or mitigate any adverse effect.

Policy 8.7.1 – To promote the creation, retention and enhancement of appropriate riparian vegetation where it will:

- (a) Maintain or enhance water quality, through the interception of non-point source contamination from adjacent land;*

- (b) *Enhance the aquatic ecosystems within a water body, and the habitat for flora and fauna on the margins;*
- (c) *Maintain or enhance the natural character of lakes and rivers and their margins;*
- (d) *Maintain or enhance amenity values;*
- (e) *Avoid, remedy or mitigate the adverse effects arising from flooding or erosion;*
- (f) *Be unlikely to have a significant adverse effect on desirable species already present, or adjacent to, and downstream from, that riparian vegetation;*
- (g) *Be unlikely to restrict existing public access along the beds and margins of Otago's lakes and rivers;*
- (h) *Be unlikely to have a significant adverse effect on the heritage value of any site, building, place or area;*
- (i) *Be unlikely to impose any significant operational constraints on existing network utilities; or*
- (j) *Enhance mahika kai values.*

Objective 8.8.1 – To consider practical alternatives to:

- (a) *The reclamation of the bed of any lake or river; and*
- (b) *The deposition of any substance in, on or under, the bed or margin of any lake or river.*

Objective 8.8.2 – To require only cleanfill be used to create any reclamation of the bed of a lake or river.

Chapter 9 Groundwater

Objective 9.3.3 – To maintain the quality of Otago's groundwater.

Policy 9.4.14 – To require appropriate siting, construction and operation of new groundwater bores, to prevent:

- (a) *Contaminants from entering an aquifer; and*
- (b) *The contamination of groundwater in any aquifer from the groundwater in another aquifer; and to promote such management for existing bores.*

Policy 9.4.17 – To require new drill holes to be appropriately sealed to prevent contaminants entering any aquifer.

Chapter 10A Deemed Water Permits & Replacement Water Permits

Policy 10A.2.2 – Irrespective of any other policies in this Plan concerning consent duration, only grant new resource consents for the take and use of water for a duration of no more than six years.

Chapter 10 Wetlands

Objective 10.3.1 – Otago’s wetlands and their individual and collective values and uses will be maintained or enhanced for present and future generations.

Objective 10.3.2 – Otago’s Regionally Significant Wetlands and their values and uses are recognised and sustained.

Policy 10.4.1 – Otago’s regionally significant wetland values are:

- A1 Habitat for nationally or internationally rare or threatened species or communities;*
- A2 Critical habitat for the life cycles of indigenous fauna which are dependent on wetlands;*
- A3 High diversity of wetland habitat types;*
- A4 High degree of wetland naturalness;*
- A5 Wetland scarce in Otago in terms of its ecological or physical character;*
- A6 Wetland which is highly valued by Kai Tahu for cultural and spiritual beliefs, values and uses, including waahi taoka and mahika kai;*
- A7 High diversity of indigenous wetland flora and fauna;*
- A8 Regionally significant wetland habitat for waterfowl; and*
- A9 Significant hydrological values including maintaining water quality or low flows, or reducing flood flows.*

Policy 10.4.1A – A Regionally Significant Wetland is any wetland that is:

- (a) Listed in Schedule 9 and mapped in maps F1-F63; or*
- (b) Within a wetland management area listed in Schedule 9 and mapped in maps F1-F63; or*
- (c) Higher than 800 metres above sea level.*

Policy 10.4.2 – Avoid the adverse effects of an activity on a Regionally Significant Wetland or a regionally significant wetland value, but allow remediation or mitigation of an adverse effect only when the activity:

- (a) Is lawfully established; or*
- (b) Is nationally or regionally significant ~~important~~ infrastructure, and has specific locational constraints; or*
- (c) Has the purpose of maintaining or enhancing a Regionally Significant Wetland or a regionally significant wetland value.*

Commentary

Regionally Significant Wetland 89 – Lower Otokia Creek Marsh, Brighton
Map F54



<https://www.orc.govt.nz/managing-our-environment/water/wetlands-and-estuaries/dunedin-district/lower-otokia-creek-marsh>

Type: Marsh / Saltmarsh

Size: 3.0 Ha

Approximate Location: Northwest of the intersection of McIntosh Road and Sea View Road, Brighton

Recorded Values:

- A5 - Scarce in Otago in terms of its ecological or physical character. Less than 15% of marshes remain in Otago.
- A1-A4, A6-A9 – No relevant information is currently held by the ORC

Other Information:

- Composition of *Juncus* sp. and gorse (*Ulex europaeus*).
- Some drainage has occurred.
- Waterfowl habitat value.
- Presence of Black Stilt/Kaki (*Himantopus novaezelandiae*).
- Part of the area includes QEII covenant 5/12/083.



Aerial View of Lower Otokia Creek Marsh (March 2006) Aerial View of Lower Otokia Creek Marsh (March 2006)



Lower Otokia Creek Marsh (2008) "2"

Proposed Dunedin Second Generation District Plan (2GP)

Note: Shading of text below denotes provisions remain subject to appeal.

Part A, Plan Overview and Strategic Directions, Section 2 Strategic Directions

Objective 2.2.3 – Indigenous biodiversity – Dunedin's significant indigenous biodiversity is protected or enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; with all indigenous biodiversity having improved connections and improved resilience.

Policy 2.2.3.1 – Protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, including by:

- a. *promoting the protection of these in a schedule as Areas of Significant Biodiversity Value (ASBVs), QEII covenants, and/or other legal covenants; and*
- b. *assessment rules which require the consideration of significance as part of the assessment of effects on biodiversity values.*

Policy 2.2.3.2 – Identify as areas of significant indigenous vegetation and/or as significant habitats of indigenous fauna areas which meet one or more of the following criteria:

- a. *Protected areas: existing protected areas set aside by statute or covenant or listed in an operative Otago Regional Council Regional Plan as having significant indigenous biodiversity value;*
- b. *Rarity: areas that support:*
 - i. *habitat for indigenous species that are threatened, at risk, or uncommon, nationally or within an ecological district;*

- ii. *indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district or freshwater environment including wetlands; or*
- iii. *indigenous vegetation and habitats within originally rare ecosystems;*
- c. *Representativeness: areas that are examples of an indigenous vegetation type or habitat that is typical or characteristic of the natural diversity of the relevant ecological district, which may include degraded examples of their type or represent all that remains of indigenous vegetation and habitats of indigenous fauna in some areas;*
- d. *Distinctiveness: areas that support or provide habitat for:*
 - i. *indigenous species at their distributional limit within Dunedin or nationally;*
 - ii. *indigenous species that are endemic to the Otago region; or*
 - iii. *indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors;*
- e. *Ecological Context: areas important for their ecological context, including areas that:*
 - i. *have important connectivity value allowing dispersal of indigenous vegetation and fauna between different areas;*
 - ii. *perform an important buffering function that helps to protect the values of an adjacent area or feature; or*
 - iii. *are important for indigenous fauna, on a regular or temporary basis, for breeding, refuge, feeding or resting;*
- f. *Diversity: areas that support a high diversity of indigenous ecosystem types, indigenous taxa or have changes in species composition reflecting the existence of diverse natural features or gradients; or*
- g. *Size: areas that are of a size to make them significant.*

Policy 2.2.3.6 – Only consider a biodiversity offset, as a positive effect to be balanced against the adverse effects of an activity, where the offset

- a. *is proposed to address residual adverse effects after taking steps to first:*
 - i. *avoid adverse effects; then*
 - ii. *minimise adverse effects as far as practicable; by*
 - 1. *mitigating effects and then remedying effects that cannot be mitigated; and*
 - 2. *ensuring that any on-site rehabilitation or restoration measures will occur as soon as practicable;*
- b. *is close to the donor site, unless a more distant site will result in a significantly better ecological outcome;*
- c. *will result in no net loss and preferably a net gain in biodiversity value; where*
 - i. *the biodiversity values gained will be the same or similar to those being lost;*
 - ii. *any gains in biodiversity values are demonstrably additional to those that may have occurred if the proposed activity had not gone ahead; and*

- iii. *the positive effects of the offset last at least as long as the adverse effects of the proposed activity, and preferably in perpetuity*
- d. *will not be used to offset irreplaceable and vulnerable biodiversity and is not contrary to Policy 11 of the New Zealand Coastal Policy Statement; and*
- e. *does not include forfeiting rights to permitted or consented land use or development activities.*

Policy 2.2.3.7 – Only consider environmental compensation, as a positive effect to be balanced against the adverse effects of an activity, where:

- a. *the compensation is proposed to address residual adverse effects after taking steps to first*
 - i. *avoid adverse effects; then*
 - i. *minimise adverse effects as far as practicable; by*
 - 1. *mitigating effects and then remedying effects that cannot be mitigated; and*
 - 2. *ensuring that any on-site rehabilitation or restoration measures will occur as soon as practicable; then*
 - iii. *offset adverse effects in accordance with Policy 2.2.3.6;*
- b. *the environmental compensation is as close as possible to meeting the criteria for a biodiversity offset as set out in Policy 2.2.3.6.*

Objective 2.3.1 – Land and facilities important for economic productivity and social well-being – Land and facilities that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities; and productive rural land are:

- a. *protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity; and*
- b. *in the case of facilities, able to operate efficiently and effectively.*

Part B, City Wide Activities, Section 4 Temporary Activities

Objective 4.2.1 - Temporary activities are enabled while:

- a. *minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and*
- b. *ensuring any adverse effects on people's health and safety are minimised as far as practicable.*

Policy 4.2.1.1 - Require temporary activities to be designed and operated to minimise, as far as practicable, adverse effects on:

- a. *the amenity of surrounding properties; and*
- b. *people's health and safety.*

Part B, City Wide Activities, Section 6 Transportation

Objective 6.2.1 – Transportation infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel modes while:

- a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and*
- b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located.*

Policy 6.2.1.1- Enable the operation, repair and maintenance of the roading network.

Policy 6.2.1.3 - Only allow new roads or additions or alterations to existing roads where:

- a. the road is designed to provide for the needs of all users and to integrate with surrounding land uses as appropriate for the surrounding environment and road classification hierarchy mapped area; and*
- b. the location and design of the road:*
 - i. minimises, as far as practicable, adverse effects on surrounding residential or other sensitive activities, including severance effects, changes to drainage patterns, and vibration, noise, glare and fumes from vehicle movements; and*
 - ii. maintains or enhances the safety and efficiency of the overall transport network.*

Part B, City Wide Activities, Section 8 Earthworks

Objective 8A.2.1 – Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on:

- a. visual amenity and character;*
- b. the stability of land, buildings, and structures; and*
- c. surrounding properties.*

Policy 8A.2.1.1 – Require earthworks, and associated retaining structures, to be designed and located to avoid or minimise, as far as practicable, adverse effects on the stability of land, buildings, and structures by:

- a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and*
- b. using a batter gradient that will be stable over time.*

Policy 8A.2.1.2 - Require earthworks and any associated retaining structures, to be designed, located and undertaken in a way that minimises, as far as practicable, adverse effects on surrounding sites and the wider area, including sediment run-off onto any property, or into any stormwater pipes, drains, channels or soakage systems.

Policy 8A.2.1.3 - Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where the following effects will be avoided or, if avoidance is not practicable, adequately mitigated:

- a. adverse effects on visual amenity and character;*
- b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and*
- c. adverse effects on the stability of land, buildings, and structures.*

Part C, City Wide Provisions, Section 9 Public Health and Safety

Objective 9.2.2 – Land use, development and subdivision activities maintain or enhance people’s health and safety.

Policy 9.2.2.1 – Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.

Part C, City Wide Provisions, Section 10, Natural Environment

Objective 10.2.1 - Biodiversity values are maintained or enhanced, including by protecting areas of significant indigenous vegetation and the significant habitats of indigenous fauna.

Policy 10.2.1.1 - Only allow land use, development and city-wide activities where biodiversity values are maintained or enhanced.

Policy 10.2.1.2 - Avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna or, if avoidance is not practicable, ensure that:

- a. there is no net loss and preferably a net gain in the biodiversity values of the area; or*
- b. where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.6; or*
- c. where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.7.*

Policy 10.2.1.5 – Encourage conservation activity in all zones

Note: Conservation: The use of land for the establishment, maintenance or enhancement of indigenous vegetation and/or habitat for indigenous fauna. Examples of component activities of conservation are: restoration planting; pest and weed control; track construction and maintenance; and fencing.

Policy 10.2.1.6 – Only allow indigenous vegetation clearance - large scale in the rural and rural residential zones where adverse effects on biodiversity values are avoided or, if avoidance is not practicable, no more than minor

Policy 10.2.1.7 – Only allow indigenous vegetation clearance in a wetland, or where there are threatened plant or fauna species or mature trees on the important native tree species list present, where there is no net loss and preferably a net gain in biodiversity values.

Objective 10.2.2 - The biodiversity values and natural character of the coast and riparian margins are maintained and enhanced.

Policy 10.2.2.1 – Encourage conservation activity in coastal and riparian margins.

Policy 10.2.2.2 – Require buildings, structures, storage and use of hazardous substances, network utility activities, and earthworks - large scale to be set back from the coast and water bodies an adequate distance to enable the biodiversity and natural character values of coastal and riparian margins to be maintained or enhanced.

Policy 10.2.2.3 - Require vegetation clearance to be set back an adequate distance from the coast and water bodies, including wetlands, to

- a. minimise, as far as practicable, the risk of erosion; and*
- b. protect, or enable the enhancement of, biodiversity and natural character values.*

Policy 10.2.2.5 Require earthworks to be located and undertaken in a way that minimises, as far as practicable, the risk of sediment entering the sea or water bodies.

Policy 10.2.2.6 Only allow activities adjacent to water bodies and the coast where the biodiversity values and natural character of the coast and riparian margins are maintained or enhanced.

Part C, City Wide Provisions, Section 13, Heritage

Objective 13.2.4 – Dunedin's archaeological sites are protected from inappropriate development and use.

Policy 13.2.4.1 – Require an archaeological authority to be obtained, if one is required, prior to undertaking earthworks on a scheduled archaeological site.

Operative Dunedin District Plan

Section 16: Indigenous Vegetation and Fauna

Objective 16.2.1 – Enhance the indigenous biodiversity, ecosystem integrity, natural character and amenity values of the City through the retention of remaining areas of indigenous vegetation and habitats of indigenous fauna.

Objective 16.2.2 – Recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the City and its coastal margins.

Policy 16.3.1 – Encourage the retention of areas of indigenous vegetation and habitats of indigenous fauna.

Policy 16.3.2 – Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna in the City and raise the level of awareness of the values of these areas.

Policy 16.3.3 – Avoid the effects of land use activities where those effects may compromise the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the City.

Policy 16.3.4 – Provide for the establishment and operation of activities whose effects contribute positively to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the City.

Section 20: Transportation

Objective 20.2.1 – Avoid, remedy, or mitigate adverse effects on the environment arising from the establishment, maintenance, improvement and use of the transportation network.

Policy 20.3.1 – Avoid, remedy or mitigate the adverse effects on the environment of establishing, maintaining, improving or using transport infrastructure.

Policy 20.3.2 – Provide for the maintenance, improvement and use of public roads.

Policy 20.3.9 – To sustainably manage transport infrastructure, particularly that of national or regional importance, in a way which will provide for its effective operation and preserve its capacity to meet the reasonably foreseeable needs of future generations, while avoiding, remedying or mitigating any adverse effects resulting from the operation of this infrastructure.

Section 17: Earthworks

Objective 17.2.3 – Earthworks in Dunedin are undertaken in a manner that does not put the safety of people or property at risk and that minimises adverse effects on the environment.

Policy 17.3.9 – Control earthworks in Dunedin according to their location and scale.

Section 21: Environmental Issues

Objective 21.2.2 – Ensure that noise associated with the development of resources and the carrying out of activities does not affect public health and amenity values.

Policy 21.3.3 – Protect people and communities from noise and glare which could impact on health, safety, and amenity.

Policy 21.3.7 – Encourage the establishment of buffer areas around activities giving rise to adverse effects on adjoining areas.

