

Form 5

Submission on Notified Proposal for Policy Statement or Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

TO: Otago Regional Council

Name of Submitter:

1. This submission is on behalf of Blackthorn Lodge Glenorchy Limited (**the Submitter**) which owns the land at 1 Benmore Place, Glenorchy (Lot 1 Deposited Plan 12016 held in Record of Title OT3D/76), 38 Coll Street and 49 Oban Street (Section 27 Block VIII and Section 28 Block VIII Town of Glenorchy, held in Record of Title 907490).

Proposal:

2. This is a submission on the proposed Otago Regional Policy Statement 2021 (**Proposal**).

Trade Competition:

3. The Submitter could not gain an advantage in trade competition through this submission.

The Specific Provisions of the Proposal that the Submission relates to are:

4. IM – Integrated Management
5. LF – Land and Freshwater
6. HAZ – Hazards and Risks

This Submission is:

7. In **opposition** to the Proposal:

IM – Integrated Management

- (a) The submitter opposes the objectives, policies and methods of the IM – Integrated Management chapter and seeks amendments to provide for appropriate climate change management, adaption and mitigation; opportunities for future generations and the management of cumulative effects.

LF – Land and Freshwater

- (b) The submitter opposes the objectives, policies and methods of the LF – Land and Freshwater chapter and seeks amendments to provide for appropriate management of waterbodies including the need to construct infrastructure in, or along the margin of, waterbodies and to provide for modifications and mitigation in waterbodies to address natural hazard risk to communities.

HAZ – Hazards and Risks

- (c) The submitter opposes the objectives, policies and methods of the HAZ – Hazards and Risks chapter and seeks amendments to provide for meaningful community engagement in the determination of community tolerance and natural hazard risk. The submitter considers this necessary given that community tolerance is likely to be higher

in relation to existing communities with lawfully established land uses and existing enabling zoning. In particular:

- (i) the current HAZ – Hazards and Risks chapter does not adequately provide for a real-world assessment of community tolerance. It is not appropriate for decision makers to make determinations about community tolerance without engaging with the community. Thorough community consultation must be undertaken to inform the levels of natural hazard risk. Decision makers must then make planning decisions based on the outcomes of the community consultation. The provisions of the Proposal should be amended to provide for such consultation;
- (ii) the current HAZ – Hazards and Risks chapter gives insufficient regard to the fact that the people who make up communities place high value in existing built communities and town centre areas. Because of this, community tolerance is likely to be higher in relation to existing communities with lawfully established land uses and existing enabling zoning. Amendments to the provisions are required to ensure that regard will be had to the value that communities place in such areas and the relevance of this to community tolerance and planning decisions;
- (iii) the current HAZ – Hazards and Risks chapter gives insufficient regard to the importance of community scale mitigation and the role played by hard protection structures and river modifications in such mitigation. Avenues must be available for such mitigation to be provided by regional and local authorities at a community scale to protect existing communities where necessary and to enable ongoing development of those communities. The investments that communities have made in existing urban areas and centres and the connection of New Zealanders to these places (including the associated culture and history) must be able to be protected. In some cases, hard protection structures and river modification will be necessary and most appropriate to provide the required protection and risk mitigation.

The Submitter seeks the following Decision from the Local Authority:

- 8. Amendments to the objectives, policies and methods of the IM – Integrated Management, LF – Land and Freshwater and the HAZ – Hazards and Risks chapters:
 - (a) in accordance with but in no way limited to the changes set out at **Appendix 1** to this submission; or
 - (b) alternatively other amendments, including any such combination of objectives, policies and methods as may be appropriate, to address the matters raised paragraphs 1-7 of this submission and to achieve the intent of the submission.
- 9. Any similar, alternative, consequential and/or other relief as necessary to address the issues raised in this submission.

The Submitter wishes to be heard in Support of its Submission.

By their authorised agent



Joshua Leckie/ Katharine Hockly

Date: 3 September 2021

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Appendix 1

Amendments sought to the text of the Proposed Otago Regional Policy Statement 2021

(additions and deletions shown in red underline and ~~strike through~~ text)

Provision	Relief Sought	Reasons for Relief Sought
IM – INTEGRATED MANAGEMENT		
<p>IM-P10 – <i>Climate Change</i> Adaption and Mitigation</p> <p>Identify and implement <i>climate change</i> adaptation and mitigation methods for Otago that:</p> <ol style="list-style-type: none"> (1) minimise the <i>effects</i> of <i>climate change</i> processes or <i>risks</i> to existing activities, (2) prioritise avoiding the establishment of new activities in areas subject to <i>risk</i> from the <i>effects of climate change</i>, unless those activities reduce, or are resilient to, those risks, and (3) provide Otago’s communities, including Kāi Tahu, with the best chance to thrive, even under the most extreme <i>climate change</i> scenarios. 	<p>IM-P10 – <i>Climate Change</i> Adaption and Mitigation</p> <p>Identify and implement <i>climate change</i> adaptation and mitigation methods for Otago that:</p> <ol style="list-style-type: none"> (1) <i>minimise</i> the <i>effects</i> of <i>climate change</i> processes or <i>risks</i> to existing activities, (2) prioritise avoiding the establishment of new activities in areas subject to <u>significant</u> <i>risk</i> from the <i>effects of climate change</i>, unless those activities reduce, or are resilient to, those <u>significant</u> <i>risks</i>, and (3) provide Otago’s communities, including Kāi Tahu, with the best chance to thrive, even under the most extreme <i>climate change</i> scenarios. 	<p><i>Minimise</i> is to be defined as per the relief in the <i>Definitions</i> section of this table.</p>
<p>IM-P12 – Contravening environmental bottom lines for climate change mitigation</p>	<p>IM-P12 – Contravening environmental bottom lines <u>limits</u> for climate change mitigation</p>	<ul style="list-style-type: none"> • Acknowledging that bottom line is referred to in the NPSFM, it could also apply to any other

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Where a proposed activity provides or will provide enduring regionally or nationally significant mitigation of *climate change* impacts, with commensurate benefits for the well-being of people and communities and the wider *environment*, decision makers may, at their discretion, allow non-compliance with an environmental bottom line set in any policy or method of this RPS only if they are satisfied that:

- (1) the activity is designed and carried out to have the smallest possible environmental impact consistent with its purpose and *functional needs*,
- (2) the activity is consistent and coordinated with other regional and national *climate change* mitigation activities,
- (3) adverse *effects* on the *environment* that cannot be avoided, remedied, or mitigated are offset, or compensated for if an offset is not possible, in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is:
 - a) undertaken where it will result in the best ecological outcome,
 - b) close to the location of the activity, and
 - c) within the same ecological district or coastal marine biogeographic region,
- (4) the activity will not impede either the achievement of the objectives of this RPS or the objectives of regional policy statements in neighbouring regions, and
- (5) the activity will not contravene a bottom line set in a national policy statement or national environmental standard.

Where a proposed activity provides or will provide enduring regionally or nationally significant mitigation of *climate change* impacts, with commensurate benefits for the well-being of people and communities and the wider *environment*, decision makers may, at their discretion, allow non-compliance with an environmental ~~limit bottom line~~ set in any policy or method of this RPS only if they are satisfied that:

- (1) the activity is designed and carried out to have the ~~smallest possible adverse~~ environmental impact consistent with its purpose and *functional needs*,
- (2) the activity is consistent and coordinated with other regional and national *climate change* mitigation activities,
- (3) adverse *effects* on the *environment* that cannot be avoided, remedied, or mitigated are offset, or compensated for if an offset is not possible, in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset ~~relating to ecological matters~~ is:
 - a) undertaken where it will result in the best ecological outcome,
 - b) close to the location of the activity, and
 - c) within the same ecological district or coastal marine biogeographic region,
- (4) the activity will not impede either the achievement of the objectives of this RPS ~~or the objectives of regional policy statements in neighbouring regions~~, and
- (5) the activity will not contravene a bottom line ~~or environmental limit~~ set in a national policy statement or national environmental standard.

environmental bottom line. It should be considered to change to another term such as limit. *Environmental limit* or other alternate term should be defined in the RPS to clarify which provisions are being referred to. See definitions section of this submission.

- “Smallest possible” is an extremely onerous and cost prohibitive test.
- Environmental impacts can be positive, and positive impacts should be encouraged not discouraged.
- Offsetting and compensation is not always about ecological matters.
- The Otago RPS should not require administrators of the RPS to implement Resource Management documents applying to other regions. That will make application of this provision and ultra vires.

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<p>IM-P13 – Managing cumulative effects</p> <p>Otago’s environmental integrity, form, function, and <i>resilience</i>, and opportunities for future generations, are protected by recognising and specifically managing the cumulative <i>effects</i> of activities on <i>natural and physical resources</i> in plans and explicitly accounting for these <i>effects</i> in other resource management decisions.</p>	<p>IM-P13 – Managing cumulative effects</p> <p>Otago’s environmental integrity, form, function, and <i>resilience</i>, and opportunities for future generations, are protected by recognising and specifically managing the cumulative <i>effects</i> of activities on the environment <i>natural and physical resources</i> in plans and explicitly accounting for <i>addressing</i> these <i>effects</i> in other resource management decisions.</p>	<ul style="list-style-type: none"> • The environment captures both natural and physical resources but “resources” does not capture all of the “environment”. It makes sense to manage cumulative effects on the <i>environment</i>. • The term accounting has a financial connotation. It would be better to refer to <i>addressing</i>.
<p>IM-P14 – Human Impact</p> <p>Preserve opportunities for future generations by:</p> <ol style="list-style-type: none"> (1) identifying limits to both growth and adverse <i>effects</i> of human activities beyond which the <i>environment</i> will be degraded, (2) requiring that activities are established in places, and carried out in ways, that are within those limits and are compatible with the natural capabilities and capacities of the resources they rely on, and (3) regularly assessing and adjusting limits and thresholds for activities over time in light of the actual and potential environmental impacts. 	<p>IM-P14 – Human Impact</p> <p>Preserve opportunities for future generations by:</p> <ol style="list-style-type: none"> (4) identifying limits to both growth and adverse <i>effects</i> of human activities beyond which the <i>natural environment</i> will be degraded, (5) requiring that activities are established in places, and carried out in ways, that are within those limits and are compatible with the natural capabilities and capacities of the resources they rely on, and <p>regularly assessing and adjusting limits and thresholds for activities over time in light of the actual and potential environmental impacts.</p>	<ul style="list-style-type: none"> • Opportunities for future generations will be preserved by operating within the limits of the natural environment, not other environmental limits as these are human centric significantly influenced by cultural conditions and individual/social perceptions, and readily change over time.
<p>IM-M1 – Regional and District Plans</p> <p><i>Local authorities</i> must prepare or amend and maintain their <i>regional and district plans</i> to:</p> <ol style="list-style-type: none"> (1) establish, by December 2030, policy frameworks designed to achieve the objectives for Otago set out in IM-O1 to IM-O4, (2) give effect to any response to <i>climate change</i> developed under this RPS, if applicable, (3) provide for activities that seek to mitigate or adapt to the effects of <i>climate change</i> or reduce greenhouse gas emissions, 	<p>IM-M1 – Regional and District Plans</p> <p><i>Local authorities</i> must prepare or amend and maintain their <i>regional and district plans</i> to:</p> <p>(1) establish, by December 2030, policy frameworks designed to achieve the objectives for Otago set out in IM-O1 to IM-O4,</p> <p>(2) give effect to any response to climate change developed under this RPS, if applicable,</p> <ol style="list-style-type: none"> (1) provide for activities that seek to mitigate or adapt to the effects of <i>climate change</i> or reduce greenhouse gas emissions, 	<ul style="list-style-type: none"> • Method IM-M1(1)- (2) are unclear. What precisely is it requiring to be undertaken by 2030? Which climate change responses are being referred to. Delete or clarify what is meant. • The criteria in IM-M1(4)(a)-(i) will create unreasonable cost and administrative burden on Resource Management processes. Moreover, the criteria does not provide clear

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<p>(4) ensure cumulative <i>effects</i> of activities on <i>natural and physical resources</i> are accounted for in resource management decisions by recognising and managing such <i>effects</i>, including:</p> <ol style="list-style-type: none"> a) the same <i>effect</i> occurring multiple times, b) different <i>effects</i> occurring at the same time, c) different <i>effects</i> occurring multiple times, d) one <i>effect</i> leading to different <i>effects</i> occurring over time, e) different <i>effects</i> occurring sequentially over time, f) <i>effects</i> occurring in the same place, g) <i>effects</i> occurring in different places, h) <i>effects</i> that are spatially or temporally distant from their cause or causes, and, i) more than minor cumulative <i>effects</i> resulting from minor or transitory <i>effects</i>, <p>(5) adopt a ki uta ki tai approach to resource management by establishing policy and implementation frameworks that treat Otago's <i>environments</i> as an integrated system, including collaboration between local authorities to achieve consistent management of resources or <i>effects</i> that cross jurisdictional boundaries, and</p> <p>(6) establish clear thresholds for, and limits on, activities that have the potential to adversely affect healthy ecosystem services and <i>intrinsic values</i>.</p>	<p>(2) ensure cumulative <i>effects</i> of activities on <u>the environment natural and physical resources</u> are <u>addressed accounted for</u> in resource management decisions by recognising and managing such <i>effects</i>, including:</p> <ol style="list-style-type: none"> a) the same effect occurring multiple times, b) different effects occurring at the same time, c) different effects occurring multiple times, d) one effect leading to different effects occurring over time, e) different effects occurring sequentially over time, f) effects occurring in the same place, g) effects occurring in different places, h) effects that are spatially or temporally distant from their cause or causes, and, i) more than minor cumulative effects resulting from minor or transitory effects, <p>(3) adopt a ki uta ki tai approach to resource management by establishing policy and implementation frameworks that treat Otago's <i>environments</i> as an integrated system, including collaboration between local authorities to achieve consistent management of resources or <i>effects</i> that cross jurisdictional boundaries, and</p> <p>(4) establish clear thresholds for, and limits on, activities that have the potential to adversely affect healthy ecosystem services and <i>intrinsic values</i>.</p>	<p>guidance that will actually deal with cumulative adverse effects, particularly where the existing environment is already degraded or where key values that should be protected (to manage cumulative effects) have not been identified.</p>
<p>IM-M3 – Identification of <i>climate change</i> impacts and community guidance</p> <p>By December 2025, Otago Regional Council must:</p> <ol style="list-style-type: none"> (1) identify the specific types and locations of <i>climate change</i> impacts in Otago by undertaking a <i>climate change risk</i> assessment, including an assessment that incorporates a Kāi Tahu approach to <i>climate change risk</i> identification and evaluation, and 	<p>IM-M3 – Identification of <i>climate change</i> impacts and community guidance</p> <p>By December 2025, Otago Regional Council must:</p> <ol style="list-style-type: none"> (1) identify the specific types and locations of <i>climate change</i> impacts in Otago by undertaking a <i>climate change risk</i> assessment, including an assessment <u>based on meaningful engagement with affected communities and that</u> 	

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<p>(2) develop guidance to support communities to be prepared and <i>resilient</i>.</p>	<p>incorporates a Kāi Tahu approach to <i>climate change risk</i> identification and evaluation, and</p> <p>(2) develop <u>with meaningful engagement from affected communities</u> guidance to support <u>those</u> communities to be prepared and <i>resilient</i>.</p>	
<p>IM-M5 – Other methods</p> <p><i>Local authorities</i> should:</p> <ol style="list-style-type: none"> (1) at their next plan review or by December 2030, whichever is sooner, align (to the extent possible) all strategies and management plans prepared under other legislation to contribute to the attainment of the long-term vision for Otago, and (2) facilitate community involvement in realising the long-term vision for Otago stated in IM-O1 through non-regulatory means, (3) encourage changes to business practice that will enable businesses to function in a net-zero carbon economy, and (4) advocate for and incentivise activities that reduce, mitigate, or eliminate risk of environmental degradation. 	<p>IM-M5 – Other methods</p> <p><i>Local authorities</i> should:</p> <ol style="list-style-type: none"> (1) at their next plan review or by December 2030, whichever is sooner, align (to the extent <u>practicable possible</u>) all strategies and management plans prepared under other legislation to contribute to the attainment of the long-term vision for Otago, and (2) facilitate community involvement in realising the long-term vision for Otago stated in IM-O1 through non-regulatory means, (3) encourage changes to business practice that will enable businesses to function in a net-zero carbon economy, and (4) advocate for and incentivise activities that reduce, mitigate, or eliminate risk of environmental degradation. 	
<p>LF – LAND AND FRESHWATER</p>		
<p>LF-FW-09 – Natural Wetlands</p> <p>Otago’s <i>natural wetlands</i> are protected or restored so that:</p> <ol style="list-style-type: none"> (1) mahika kai and other <i>mana whenua</i> values are sustained and enhanced now and for future generations, (2) there is no decrease in the range and diversity of indigenous ecosystem types and habitats in <i>natural wetlands</i>, 	<p>LF-FW-09 – Natural Wetlands</p> <p>Otago’s <i>natural wetlands</i> are protected or restored so that:</p> <ol style="list-style-type: none"> (1) mahika kai and other <i>mana whenua</i> values are sustained and enhanced now and for future generations, 	<ul style="list-style-type: none"> • Some reduction in ecosystem health and amenity values could be appropriate (e.g. as provided for in the NES). Also, wetlands should not be protected for their amenity values as this give rise to too much uncertainty as to what is to be protected, especially if utility/recreation structures are proposed.

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<p>(3) there is no reduction in their ecosystem health, hydrological functioning, <i>amenity values</i>, extent or <i>water quality</i>, and if degraded they are improved, and</p> <p>(4) their flood attenuation capacity is maintained.</p>	<p>(2) there is no decrease in the range and diversity of indigenous ecosystem types and habitats in <i>natural wetlands</i>,</p> <p>(3) there is no discernible reduction in their ecosystem health, hydrological functioning, <i>amenity values</i>, extent or <i>water quality</i>, and if degraded they are improved, and</p> <p>(4) their flood attenuation capacity is maintained.</p>	
<p>LF-FW-P9 – Protecting <i>natural wetlands</i></p> <p>Protect <i>natural wetlands</i> by:</p> <p>(1) avoiding a reduction in their values or extent unless:</p> <p>(a) the <i>loss of values</i> or extent arises from:</p> <p>(i) the customary harvest of food or resources undertaken in accordance with tikaka Māori,</p> <p>(ii) restoration activities,</p> <p>(iii) scientific research,</p> <p>(iv) the sustainable harvest of sphagnum moss,</p> <p>(v) the construction or maintenance of <i>wetland utility structures</i>,</p> <p>(vi) the maintenance of operation of <i>specific infrastructure</i>, or <i>other infrastructure</i>,</p> <p>(vii) <i>natural hazard works</i>, or</p> <p>(b) the Regional Council is satisfied that:</p> <p>(i) the activity is necessary for the construction or upgrade of <i>specified infrastructure</i>,</p> <p>(ii) the <i>specified infrastructure</i> will provide significant national or regional benefits,</p> <p>(iii) there is a <i>functional need</i> for the <i>specified infrastructure</i> in that location,</p> <p>(iv) the <i>effects</i> of the activity on indigenous <i>biodiversity</i> are managed by applying either ECO-P3 or ECO-P6 (whichever is applicable), and</p>	<p>LF-FW-P9 – Protecting <i>natural wetlands</i></p> <p>Protect <i>natural wetlands</i> by:</p> <p>(1) avoiding a reduction in their values or extent unless:</p> <p>(a) the <i>loss of values</i> or extent arises from:</p> <p>(i) the customary harvest of food or resources undertaken in accordance with tikaka Māori,</p> <p>(ii) restoration activities,</p> <p>(iii) scientific research,</p> <p>(iv) the sustainable harvest of sphagnum moss,</p> <p>(v) the construction or maintenance of <i>wetland utility structures</i>,</p> <p>(vi) the construction, maintenance or operation of <i>specified</i> <i>infrastructure</i>, or <i>other infrastructure</i>,</p> <p>(vii) <i>natural hazard works</i>, or</p> <p>(b) the Regional Council is satisfied that:</p> <p>(i) the activity is necessary for the construction or upgrade of <i>specified infrastructure</i>,</p> <p>(ii) the <i>specified infrastructure</i> will provide significant national or regional benefits,</p>	

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<p>(v) the other <i>effects</i> of the activity (excluding those managed under (1)(b)(iv)) are managed by applying the <i>effects management hierarchy</i>, and</p> <p>(2) not granting resource consents for activities under (1)(b) unless the Regional Council is satisfied that:</p> <p>(a) the application demonstrates how each step of the <i>effects management hierarchies</i> in (1)(b)(iv) and (1)(b)(v) will be applied to the <i>loss of values</i> or extent of the <i>natural wetland</i>, and</p> <p>(b) any consent is granted subject to conditions that apply the <i>effects management hierarchies</i> in (1)(b)(iv) and (1)(b)(v).</p>	<p>(iii) there is a <i>functional need</i> for the <i>specified infrastructure</i> in that location,</p> <p>(iv) the <i>effects</i> of the activity on indigenous <i>biodiversity</i> are managed by applying either ECO–P3 or ECO–P6 (whichever is applicable), and</p> <p>(v) the other <i>effects</i> of the activity <u>on the loss of values or extent of the natural wetland</u>(excluding those managed under (1)(b)(iv)) are managed by applying the <i>effects management hierarchy</i>, and</p> <p>(2) not granting resource consents for activities under (1)(b) unless the Regional Council is satisfied that:</p> <p>(a) the application demonstrates how each step of the <i>effects management hierarchies</i> in (1)(b)(iv) and (1)(b)(v) will be applied to the <i>loss of values</i> or extent of the <i>natural wetland</i>, and</p> <p>(b) any consent is granted subject to conditions that apply the <i>effects management hierarchies</i> in (1)(b)(iv) and (1)(b)(v) <u>in respect of any loss of values or extent of the natural wetland</u>.</p>	
<p>LF-FW-P12 – Protecting <i>outstanding water bodies</i></p> <p>The significant and outstanding values of <i>outstanding water bodies</i> are:</p> <p>(1) identified in the relevant <i>regional</i> and <i>district plans</i>, and</p> <p>(2) protected by avoiding adverse <i>effects</i> on those values.</p>	<p>LF-FW-P12 – Protecting <i>outstanding water bodies</i></p> <p>The significant and outstanding values of <i>outstanding water bodies</i> are:</p> <p>(1) identified in the relevant <i>regional</i> and <i>district plans</i>, and</p> <p>(2) protected by <u>managing activities to avoid, remedy or mitigate</u> adverse <i>effects</i> on those values.</p>	<ul style="list-style-type: none"> The NPSFM directs that the significant values of Outstanding Water Bodies be protected. The policy as notified in the RPS goes much further and is more stringent than the requirements of the NPSFM.

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<p>LF-FW-P13 – Preserving Natural Character</p> <p>Preserve the natural character of <i>lakes</i> and <i>rivers</i> and their <i>beds</i> and margins by:</p> <ol style="list-style-type: none"> (1) avoiding the <i>loss of values</i> or extent of a <i>river</i>, unless: <ol style="list-style-type: none"> a) there is a <i>functional need</i> for the activity in that location, and b) the <i>effects</i> of the activity are managed by applying: <ol style="list-style-type: none"> i. for <i>effects</i> on indigenous <i>biodiversity</i>, either ECO-P3 or ECO-P6 (whichever is applicable), and ii. for other <i>effects</i>, the <i>effects management hierarchy</i>, (2) not granting resource consent for activities in (1) unless Otago Regional Council is satisfied that: <ol style="list-style-type: none"> a) the application demonstrates how each step of the <i>effects management hierarchies</i> in (1)(b) will be applied to the <i>loss of values</i> or extent of the <i>river</i>, and b) any consent is granted subject to conditions that apply the <i>effects management hierarchies</i> in (1)(b), (3) establishing environmental flow and level regimes and <i>water</i> quality standards that support the health and well-being of the <i>water body</i>, (4) wherever possible, sustaining the form and function of a <i>water body</i> that reflects its natural behaviours, (5) recognising and implementing the restrictions in Water Conservation Orders, (6) preventing the impounding or control of the level of Lake Wanaka, (7) preventing modification that would reduce the braided character of a <i>river</i>, and 	<p>LF-FW-P13 – Preserving Natural Character</p> <p>Preserve the natural character of <i>lakes</i> and <i>rivers</i> and their <i>beds</i> and margins by:</p> <ol style="list-style-type: none"> (1) avoiding the <i>loss of values</i> or extent of a <i>river</i>, unless: <ol style="list-style-type: none"> a) there is a <i>functional need</i> for the activity in that location, and b) the <i>effects</i> of the activity are managed by applying: <ol style="list-style-type: none"> i. for <i>effects</i> on indigenous <i>biodiversity</i>, either ECO-P3 or ECO-P6 (whichever is applicable), and ii. for other <i>effects</i> <u>on rivers</u>, the <i>effects management hierarchy</i>, (2) not granting resource consent for activities in (1) unless Otago Regional Council is satisfied that: <ol style="list-style-type: none"> a) the application demonstrates how each step of the <i>effects management hierarchies</i> in (1)(b) will be applied to the <i>loss of values</i> or extent of the <i>river</i>, and b) any consent is granted subject to conditions that apply the <i>effects management hierarchies</i> in (1)(b) <u>where relevant</u>, (3) establishing environmental flow and level regimes and <i>water</i> quality standards that support the health and well-being of the <i>water body</i>, (4) wherever possible, sustaining the form and function of a <i>water body</i> that reflects its natural behaviours, 	<ul style="list-style-type: none"> • The management hierarchy is not designed to apply to lakes. It is not appropriate to apply the hierarchy in respect of all effects, for example landscape and amenity values.

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<p>(8) controlling the use of <i>water</i> and <i>land</i> that would adversely affect the natural character of the <i>water body</i>.</p>	<p>(5) recognising and implementing the restrictions in Water Conservation Orders, (6) preventing the impounding or control of the level of Lake Wanaka, (7) preventing modification that would reduce the <u>active</u> braided character of a <i>river</i> <u>unless the modification is necessary to avoid or mitigate significant natural hazard risk on existing communities</u>, and (8) controlling the use of <i>water</i> and <i>land</i> that would adversely affect the natural character of the <i>water body</i>.</p>	
<p>LF-FW-M5 – Outstanding water bodies</p> <p>No later than 31 December 2023, Otago Regional Council must:</p> <ol style="list-style-type: none"> (1) in partnership with Kāi Tahu, undertake a review based on existing information and develop a list of <i>water bodies</i> likely to contain outstanding values, including those <i>water bodies</i> listed in LF-VM-P6, (2) identify the outstanding values of those <i>water bodies</i> (if any) in accordance with APP1, (3) consult with the public during the identification process, (4) map <i>outstanding water bodies</i> and identify their outstanding and significant values in the relevant <i>regional plan(s)</i>, and (5) include provisions in <i>regional plans</i> to avoid the adverse effects of activities on the significant and outstanding values of <i>outstanding water bodies</i>. 	<p>LF-FW-M5 – Outstanding water bodies</p> <p>No later than 31 December 2023, Otago Regional Council must:</p> <ol style="list-style-type: none"> (1) in partnership with Kāi Tahu, undertake a review based on existing information and develop a list of <i>water bodies</i> likely to contain outstanding values, including those <i>water bodies</i> listed in LF-VM-P6, (2) identify the outstanding values of those <i>water bodies</i> (if any) in accordance with APP1, (3) consult with the public during the identification process, (4) map <i>outstanding water bodies</i> and identify their outstanding and significant values in the relevant <i>regional plan(s)</i>, and (5) include provisions in <i>regional plans</i> to <u>manage avoid the adverse effects of</u> activities <u>to protect</u> on the significant and outstanding values of <i>outstanding water bodies</i>. 	
<p>LF-FW-M7 – District Plans</p>	<p>LF-FW-M7 – District Plans</p>	

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<p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> no later than 31 December 2026 to:</p> <ol style="list-style-type: none"> (1) map <i>outstanding water bodies</i> and identify their outstanding and significant values using the information gathered by Otago Regional Council in LF–FW–M5, and (2) include provisions to avoid the adverse <i>effects</i> of activities on the significant and outstanding values of <i>outstanding water bodies</i>, (3) require, wherever practicable, the adoption of water sensitive urban design techniques when managing the <i>subdivision</i>, use or development of <i>land</i>, and (4) reduce the adverse <i>effects</i> of <i>stormwater discharges</i> by managing the <i>subdivision</i>, use and development of <i>land</i> to: <ol style="list-style-type: none"> (a) minimise the peak volume of <i>stormwater</i> needing off-site disposal and the load of <i>contaminants</i> carried by it, (b) minimise adverse <i>effects</i> on <i>fresh water</i> and <i>coastal water</i> as the ultimate receiving environments, and the capacity of the <i>stormwater</i> network, (c) encourage on-site storage of rainfall to detain peak <i>stormwater</i> flows, and (d) promote the use of permeable surfaces. 	<p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> no later than 31 December 2026 to:</p> <ol style="list-style-type: none"> (1) map <i>outstanding water bodies</i> and identify their outstanding and significant values using the information gathered by Otago Regional Council in LF–FW–M5, and (2) include provisions to avoid, <u>remedy or mitigate</u> the adverse <i>effects</i> of activities on the significant and outstanding values of <i>outstanding water bodies</i>, (3) require, wherever practicable, the adoption of water sensitive urban design techniques when managing the <i>subdivision</i>, use or development of <u>urban development land</u>, and (4) reduce the adverse <i>effects</i> of <i>stormwater discharges</i> by managing the <i>subdivision</i>, use and development of <i>land</i> to: <ol style="list-style-type: none"> (a) minimise the peak volume of <i>stormwater</i> needing off-site disposal and the load of <i>contaminants</i> carried by it, (b) minimise adverse <i>effects</i> on <i>fresh water</i> and <i>coastal water</i> as the ultimate receiving environments, and the capacity of the <i>stormwater</i> network, (c) encourage on-site storage of rainfall to detain peak <i>stormwater</i> flows, and (d) promote the use of permeable surfaces. 	
<p>HAZ – HAZARDS AND RISKS</p>		
<p>HAZ-NH-P2 – Risk assessments</p> <p>Assess the level of <i>natural hazard risk</i> by determining a range of <i>natural hazard</i> event scenarios and their potential consequences in accordance with the criteria set out within APP6.</p>	<p>HAZ-NH-P2 – Risk assessments</p> <p>Assess the level of <i>natural hazard risk</i> by determining a range of <i>natural hazard</i> event scenarios and their potential consequences in accordance <u>with the criteria set out within APP6.</u></p>	

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	<p><u>(a) the table of risk level thresholds (risk table) at a district or community scale prepared in meaningful consultation with affected communities and stakeholders; or</u></p> <p><u>(b) if the process in (1) has not been undertaken the criteria set out within APP6.</u></p> <p><u>In assessing the level of natural hazard risk acknowledge that community tolerance is likely to be higher in relation to existing communities with lawfully established land uses and existing enabling zoning compared to new areas of development.</u></p>	
<p>HAZ-NH-P4 – Existing Activities</p> <p>Reduce existing <i>natural hazard risk</i> by:</p> <p>(1) encouraging activities that reduce <i>risk</i>, or reduce community vulnerability,</p> <p>(2) restricting activities that increase <i>risk</i>, or increase community vulnerability,</p> <p>(3) managing existing <i>land</i> uses within areas of significant <i>risk</i> to people and communities,</p> <p>(4) encouraging design that facilitates:</p> <p>(a) recovery from <i>natural hazard</i> events, or</p> <p>(b) relocation to areas of acceptable <i>risk</i>, or</p> <p>(c) reduction of <i>risk</i>,</p> <p>(5) relocating <i>lifeline utilities</i>, and facilities for essential and emergency services, away from areas of significant <i>risk</i>, where appropriate and practicable, and</p> <p>(6) enabling development, upgrade, maintenance and</p>	<p>HAZ-NH-P4 – Existing Activities</p> <p>Reduce existing <i>natural hazard risk</i> by:</p> <p>(1) encouraging activities that reduce <i>risk</i>, or reduce community vulnerability,</p> <p>(2) restricting activities that increase <i>risk</i>, or increase community vulnerability,</p> <p>(3) managing existing <i>land</i> uses within areas of significant <i>risk</i> to people and communities,</p> <p>(4) encouraging design that facilitates:</p> <p>(a) recovery from <i>natural hazard</i> events, or</p> <p>(b) relocation to areas of acceptable <i>risk</i>, or</p> <p>(c) reduction of <i>risk</i>,</p> <p>(5) <u>encouraging community scale mitigation</u></p> <p>(6) relocating <i>lifeline utilities</i>, and facilities for essential and emergency services, away from areas of significant <i>risk</i>, where appropriate and practicable, and</p>	

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<p>operation of <i>lifeline utilities</i> and facilities foressential and emergency services.</p>	<p>(7) enabling development, upgrade, maintenance and operation of <i>lifeline utilities</i> and facilities foressential and emergency services.</p>	
<p>New policy</p>	<p><u>HAZ-NH-Px – Community Tolerance</u></p> <p><u>When assessing tolerance of risk the following matters shall be considered:</u></p> <ol style="list-style-type: none"> (1) <u>the nature and scale of the anticipated activities;</u> (2) <u>that tolerance is likely to be higher in relation to existing lawfully established land use or zoning;</u> (3) <u>the significance of an existing lawfully established land use or zoning to the community;</u> (4) <u>the outcomes of meaningful community consultation in accordance with HAZ-NH-P2(1)</u> (5) <u>the actual and potential adverse effects of the natural hazard on people and communities;</u> (6) <u>those people’s and communities’ awareness or experience of the risk, including any investigations, initiatives or natural hazard risk engagement that have been undertaken;</u> (7) <u>the consequence of and response to past natural events;</u> (8) <u>the effectiveness and implementation of responses, adaption or mitigation measures.</u> 	

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<p>HAZ-NH-P6 – Protecting features and systems that provide hazard mitigation</p> <p>Protect natural or modified features and systems that contribute to mitigating the <i>effects of natural hazards and climate change</i>.</p>	<p>HAZ-NH-P6 – Protecting features and systems that provide hazard mitigation</p> <p>Protect <u>existing and encourage new</u> natural or modified features and systems that contribute to mitigating the <i>effects of natural hazards and climate change</i>.</p>	
<p>HAZ-NH-P7 – Mitigating <i>natural hazards</i></p> <p>Prioritise <i>risk</i> management approaches that reduce the need for <i>hard protection structures</i> or similar engineering interventions, and provide for <i>hard protection structures</i> only when:</p> <ol style="list-style-type: none"> (1) <i>hard protection structures</i> are essential to manage <i>risk</i> to a level the community is able to tolerate, (2) there are no reasonable alternatives that result in reducing the <i>risk</i> exposure, (3) <i>hard protection structures</i> would not result in an increase in <i>risk</i> to people, communities and property, including displacement of <i>risk</i> off-site, (4) the adverse <i>effects</i> of the <i>hard protection structures</i> can be adequately managed, and (5) the mitigation is viable in the reasonably foreseeable long term or provides time for future adaptation methods to be implemented, or (6) the <i>hard protection</i> structure protects a <i>lifeline utility</i>, or a facility for essential or emergency services. 	<p>HAZ-NH-P7 – Mitigating <i>natural hazards</i></p> <p><u>Encourage</u> Prioritise <i>risk</i> management approaches that reduce the need for <i>hard protection structures</i> or similar engineering interventions, and <u>seek alternatives to hard protection structures where practicable</u>.</p> <p><u>Provide for hard protection surfaces, particularly at a community scale to reduce risk to a tolerable level for existing communities where the adverse effects of hard protection structures can be adequately managed and the mitigation is viable in the reasonably foreseeable long term.</u> provide for hard protection structures only when:</p> <ol style="list-style-type: none"> (1) — hard protection structures are essential to manage risk to a level the community is able to tolerate, (2) — there are no reasonable alternatives that result in reducing the risk exposure, (3) — hard protection structures would not result in an increase in risk to people, communities and property, including displacement of risk off-site, (4) — the adverse effects of the hard protection structures can be adequately managed, and (5) — the mitigation is viable in the reasonably foreseeable long term or provides time for 	

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	<p>future adaptation methods to be implemented, or</p> <p>(6) — the hard protection structure protects a lifeline utility, or a facility for essential or emergency services.</p>	
<p>HAZ-NH-M2 – Local authorities <i>Local authorities must:</i></p> <ol style="list-style-type: none"> (1) assess the level of <i>natural hazard risk</i> in their region or district in accordance with HAZ–NH–P2 and APP6, including by: <ol style="list-style-type: none"> (a) consulting with communities, stakeholders and partners regarding <i>risk</i> levels thresholds, and (b) developing a Risk Table in accordance with Step 3 of APP6 at a district or community scale, (2) continue to undertake research on the identification of <i>natural hazard risk</i> and amend <i>natural hazard</i> registers, databases, <i>regional</i> and/or <i>district plans</i> as required, (3) investigate options for reducing the level of <i>natural hazard risk</i> within areas of existing development to a tolerable or lower level, including by managing existing use rights under Sections 10 and 20A of the RMA, (4) prepare or amend and maintain their <i>regional</i> or <i>district plans</i> to take into account the <i>effects</i> of <i>climate change</i> by: <ol style="list-style-type: none"> (a) using the best relevant <i>climate change</i> data and projections to 2115, (b) taking a precautionary approach when assessing and managing the <i>effects</i> of <i>climate change</i> where there is scientific uncertainty and potentially significant or irreversible <i>effects</i>, (c) providing for activities that assist to reduce or mitigate the <i>effects</i> of <i>climate change</i>, and (d) encouraging system <i>resilience</i>. 	<p>HAZ-NH-M2 – Local authorities <i>Local authorities must:</i></p> <ol style="list-style-type: none"> (1) assess the level of <i>natural hazard risk</i> in their region or district in accordance with HAZ–NH–P2 and APP6, including by: <ol style="list-style-type: none"> (a) consulting with communities, stakeholders and partners regarding <i>risk</i> levels thresholds, and (b) developing a Risk Table in accordance with Step 3 of APP6 at a district or community scale, (4) continue to undertake research on the identification of <i>natural hazard risk</i> and amend <i>natural hazard</i> registers, databases, <i>regional</i> and/or <i>district plans</i> as required, (5) investigate options for reducing the level of <i>natural hazard risk</i> within areas of existing development to a tolerable or lower level, including by managing existing use rights under Sections 10 and 20A of the RMA, (6) prepare or amend and maintain their <i>regional</i> or <i>district plans</i> to take into account the <i>effects</i> of <i>climate change</i> by: <ol style="list-style-type: none"> (a) using the best relevant <i>climate change</i> data and projections to 2115, (b) taking a precautionary approach when assessing and managing the <i>effects</i> of <i>climate change</i> where there is scientific uncertainty and potentially significant or irreversible <i>effects</i>, 	

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	<p>(c) providing for activities that assist to reduce or mitigate the <i>effects</i> of <i>climate change</i>, and</p> <p>(d) encouraging system <i>resilience</i>.</p>	
<p>HAZ-NH-M3 – Regional Plans</p> <p>Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> to:</p> <ol style="list-style-type: none"> (1) manage activities in the <i>coastal marine area, beds of lakes and rivers, and wetlands</i> to achieve policies HAZ–NH–P2 to HAZ–NH–P6 and APP6, (2) include <i>natural hazard</i> reduction measures, such as removing or restricting existing <i>land</i> uses, where there is significant <i>risk</i> to people or property, (3) protect natural or modified features and systems that provide mitigation from the adverse <i>effects</i> of <i>natural hazards</i> in accordance with HAZ–NH–P6, (4) provide for <i>hard protection structures</i> in accordance with HAZ–NH–P7, (5) provide for the <i>functional needs</i> of hazard mitigation measures, <i>lifeline utilities</i>, and essential or emergency services in accordance with HAZ–NH–P8 and HAZ–NH–P9, (6) include provisions that require decision makers to apply the precautionary approach set out in HAZ–NH–P5 when considering applications for <i>resource consent</i> for activities that will change the use of <i>land</i> and thereby increase the <i>risk</i> from <i>natural hazards</i> within areas subject to <i>natural hazard risk</i> that is uncertain or unknown, but potentially significant or irreversible, and (7) require a <i>natural hazard risk</i> assessment be undertaken where an activity requires a <i>resource consent</i> to change the use of <i>land</i> which will increase the <i>risk</i> from <i>natural hazards</i> within areas subject to <i>natural hazards</i>, and where the <i>resource consent</i> is lodged prior to the <i>natural hazard risk</i> assessment required by HAZ–NH–M2(1) being completed, the <i>natural hazard risk</i> assessment must include: 	<p>HAZ-NH-M3 – Regional Plans</p> <p>Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> to:</p> <ol style="list-style-type: none"> (1) manage activities in the <i>coastal marine area, beds of lakes and rivers, and wetlands</i> to achieve policies HAZ–NH–P2 to HAZ–NH–P6 and APP6, (2) include <i>natural hazard</i> reduction measures, such as removing or restricting existing <i>land</i> uses, where there is significant <i>risk</i> to people or property, (3) protect natural or modified features and systems that provide mitigation from the adverse <i>effects</i> of <i>natural hazards</i> in accordance with HAZ–NH–P6, (4) provide for <i>hard protection structures</i> in <u>particular community scale mitigation in</u> accordance with HAZ–NH–P7, (5) provide for the <i>functional needs</i> of hazard mitigation measures, <i>lifeline utilities</i>, and essential or emergency services in accordance with HAZ–NH–P8 and HAZ–NH–P9, (6) include provisions that require decision makers to apply the precautionary approach set out in HAZ–NH–P5 when considering applications for <i>resource consent</i> for activities that will change the use of <i>land</i> and thereby increase the <i>risk</i> from <i>natural hazards</i> within areas subject to <i>natural hazard risk</i> that is uncertain or unknown, but potentially significant or irreversible, and (7) require a <i>natural hazard risk</i> assessment be undertaken where an activity requires a <i>resource consent</i> to change the use of <i>land</i> 	<ul style="list-style-type: none"> • Method (2) is not appropriate until after the community has been involved in decision making processes about the real life consequences of the policy direction suggesting removal of existing use rights. • In regards to (4) at community level this would include a Glenorchy stock bank.

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<p>(a) an assessment of the level of <i>natural hazard risk</i> associated with the proposal in accordance with APP6, and</p> <p>(b) an assessment demonstrating how the proposal will achieve the outcomes set out in Policies HAZ–NH–P3 and HAZ–NH–P4.</p>	<p>which will increase the <i>risk</i> from <i>natural hazards</i> within areas subject to <i>natural hazards</i>, and where the <i>resource consent</i> is lodged prior to the <i>natural hazard risk</i> assessment required by HAZ–NH–M2(1) being completed, the <i>natural hazard risk</i> assessment must include:</p> <p>(a) an assessment of the level of <i>natural hazard risk</i> associated with the proposal in accordance with APP6, and</p> <p>(b) an assessment demonstrating how the proposal will achieve the outcomes set out in Policies HAZ–NH–P3 and HAZ–NH–P4.</p>	
<p>HAZ-NH-M4 – District Plans</p> <p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to:</p> <ol style="list-style-type: none"> (1) achieve policies HAZ–NH–P2 to HAZ–NH–P6 and APP6 on <i>land</i> outside the <i>coastal marine area</i>, <i>beds of lakes</i> and <i>rivers</i>, and <i>wetlands</i> by managing the location, scale and density of activities that may be subject to <i>natural hazard risk</i>, (2) require implementation of <i>natural hazard risk</i> reduction measures, including to existing activities in accordance with HAZ–NH–P4, (3) protect the role of natural or modified features and systems that provide mitigation from the adverse <i>effects</i> of <i>natural hazards</i> in accordance with HAZ–NH–P6, (4) provide for <i>hard protection structures</i> in accordance with HAZ–NH–P7, (5) provide for the <i>functional needs</i> of hazard mitigation measures, <i>lifeline utilities</i>, and essential or emergency services in accordance with HAZ–NH–P8 and HAZ–NH–P9, 	<p>HAZ-NH-M4 – District Plans</p> <p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to:</p> <ol style="list-style-type: none"> (1) achieve policies HAZ–NH–P2 to HAZ–NH–P6 and APP6 on <i>land</i> outside the <i>coastal marine area</i>, <i>beds of lakes</i> and <i>rivers</i>, and <i>wetlands</i> by managing the location, scale and density of activities that are may-be subject to <i>natural hazard risk</i>, (2) require implementation of <i>natural hazard risk</i> reduction measures, including to existing activities in accordance with HAZ–NH–P4, (3) protect the role of natural or modified features and systems that provide mitigation from the adverse <i>effects</i> of <i>natural hazards</i> in accordance with HAZ–NH–P6, (4) provide for <i>hard protection structures</i> in accordance with HAZ–NH–P7, (5) provide for the <i>functional needs</i> of hazard mitigation measures, <i>lifeline utilities</i>, and essential or emergency services in 	

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<p>(6) include provisions that require decision makers to apply the precautionary approach set out in HAZ–NH–P5 when considering applications for <i>resource consent</i> for activities that will change the use of <i>land</i> and which may increase the <i>risk</i> from <i>natural hazards</i> within areas subject to <i>natural hazard risk</i> that is uncertain or unknown, but potentially significant or irreversible, and</p> <p>(7) require a <i>natural hazard risk</i> assessment be undertaken where an activity requires a plan change or <i>resource consent</i> to change the use of <i>land</i> which will increase the <i>risk</i> from <i>natural hazards</i> within areas subject to <i>natural hazards</i>, and where the application is lodged prior to the <i>natural hazard risk</i> assessment required by HAZ–NH–M2(1) being completed, the <i>natural hazard risk</i> assessment must include:</p> <ul style="list-style-type: none"> (a) an assessment of the level of <i>natural hazard risk</i> associated with the proposal in accordance with APP6, and (b) an assessment demonstrating how the proposal will achieve the outcomes set out in Policies HAZ–NH–P3 and HAZ–NH–P4 	<p>accordance with HAZ–NH–P8 and HAZ–NH–P9,</p> <p>(6) include provisions that require decision makers to apply the precautionary approach set out in HAZ–NH–P5 when considering applications for <i>resource consent</i> for activities that will change the use of <i>land</i> and which may increase the <i>risk</i> from <i>natural hazards</i> within areas subject to <i>natural hazard risk</i> that is uncertain or unknown, but potentially significant or irreversible, and</p> <p>(7) require a <i>natural hazard risk</i> assessment be undertaken where an activity requires a plan change or <i>resource consent</i> to change the use of <i>land</i> which will increase the <i>risk</i> from <i>natural hazards</i> within areas subject to <i>natural hazards</i>, and where the application is lodged prior to the <i>natural hazard risk</i> assessment required by HAZ–NH–M2(1) being completed, the <i>natural hazard risk</i> assessment must include:</p> <ul style="list-style-type: none"> (a) an assessment of the level of <i>natural hazard risk</i> associated with the proposal in accordance with APP6, and (b) an assessment demonstrating how the proposal will achieve the outcomes set out in Policies HAZ–NH–P3 and HAZ–NH–P4. 	
<p>HAZ-NH-E1 – Explanation</p> <p>The policies in this chapter are designed to reduce the level of <i>natural hazard risk</i> within the region through sound preparation, investigation and planning. These provisions take a risk-based approach, taking into consideration the likelihood of the hazard and the vulnerability of people, communities, and the</p>	<p>HAZ-NH-E1 – Explanation</p> <p>The policies in this chapter are designed to reduce the level of <i>natural hazard risk</i> within the region through sound preparation, investigation and planning. These provisions take a risk-based approach, taking into consideration the likelihood of the hazard and the</p>	

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<p><i>environment</i>. The approach ensures consistent planning by applying the same framework irrespective of the type of <i>natural hazard</i> that may exist. It allows for the full range of <i>risk</i> mitigation measures (regulatory and non-regulatory) to be taken into account in determining the level of <i>risk</i> that exists at a particular locality.</p>	<p>vulnerability of people, communities, and the <i>environment</i>. <u>People and communities are resilient and determining the level of risk is dependent on societies tolerability of that risk so affected communities and stakeholders need to be involved in the determination of the different levels of risk.</u> The approach ensures consistent planning by applying the same framework irrespective of the type of <i>natural hazard</i> that may exist. It allows for the full range of <i>risk</i> mitigation measures (regulatory and non-regulatory) to be taken into account in determining the level of <i>risk</i> that exists at a particular locality.</p>	
<p>HAZ-NH-PR1 – Principal Reasons</p> <p>The Otago region is exposed to a wide variety of <i>natural hazards</i> that impact on people, property, <i>infrastructure</i> and the wider <i>environment</i>. Given the wide variety of landscapes that make up the Otago region, the <i>natural hazards</i> threats range from coastal erosion and flooding in the lowland coastal areas of the region to alluvial fan deposition, landslip, fire, earthquakes, rock fall, and <i>river</i> breaches in the alpine areas of the region. The <i>effects</i> of <i>natural hazards</i> vary in terms of both their likelihood and consequence. Some <i>natural hazards</i>, such as flooding, may occur relatively frequently and may damage property and disrupt people’s lives and economic, social and cultural activities, whereas <i>natural hazards</i> such as tsunami occur infrequently, but when they do occur, they pose serious <i>risk</i> to life.</p> <p>The negative <i>effects</i> of <i>natural hazards</i> are generally best managed by avoiding development in areas that are known to be subject to <i>natural hazards</i>. However, the majority of the region is subject to some form of hazards <i>risk</i>, to a greater or lesser extent. While avoidance may be the preferred option in many cases, in other situations mitigating the <i>effects</i> of <i>natural hazards</i> to tolerable levels will be a feasible option to ensure the health, safety and well-being of the community. The changing nature of <i>natural hazards risk</i> due to <i>climate change</i> means that</p>	<p>HAZ-NH-PR1 – Principal Reasons</p> <p>The Otago region is exposed to a wide variety of <i>natural hazards</i> that impact on people, property, <i>infrastructure</i> and the wider <i>environment</i>. Given the wide variety of landscapes that make up the Otago region, the <i>natural hazards</i> threats range from coastal erosion and flooding in the lowland coastal areas of the region to alluvial fan deposition, landslip, fire, earthquakes, rock fall, and <i>river</i> breaches in the alpine areas of the region. The <i>effects</i> of <i>natural hazards</i> vary in terms of both their likelihood and consequence. Some <i>natural hazards</i>, such as flooding, may occur relatively frequently and may damage property and disrupt people’s lives and economic, social and cultural activities, whereas <i>natural hazards</i> such as tsunami occur infrequently, but when they do occur, they pose serious <i>risk</i> to life.</p> <p>The negative effects of natural hazards are generally best managed by avoiding development in areas that are known to be subject to natural hazards. However, the majority of the region is subject to some form of hazards risk, to a greater or lesser extent. While <u>Avoiding natural hazard riskance</u> may be the preferred option in many some cases, <u>but mostly in other</u></p>	<ul style="list-style-type: none"> It is not correct in paragraph 2 to say it is “generally best” when the majority of the region is already subject to natural hazards.

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planning provisions need to be able to adapt to a future *natural hazards environment*.

Communities need consistent guidance on sea level rise, extreme weather events, and all other adverse *effects* of *climate change* if they are to appropriately manage those *effects*. *Climate change* is resulting in rising sea levels and is increasing the frequency and severity of climate related *natural hazards* including flooding, wind events, fires, landslips, erosion and drought. *Stormwater* systems may not be able to cope with heavier rainfall. Other *effects* of *climate change* include changing distributions of plants and animals, and consequential *effects*, such as the *risk* of saltwater intrusion into *groundwater* as a result of sea level rise in combination with increased *groundwater* abstraction, and *groundwater* ponding. There may be other adverse *effects* from *climate change* that are not yet known. A precautionary approach is required where there is scientific uncertainty. The *effects* of *climate change* will result in social, environmental and economic costs. It is prudent that these changes are planned for now, so that the impacts can be reduced.

~~situations~~ mitigating the *effects* of *natural hazards* to insignificant or tolerable levels of risk will be a feasible option to ensure the health, safety and well-being of the community. The changing nature of *natural hazards risk* due to *climate change* means that planning provisions need to be able to adapt to a future *natural hazards environment*.

Consultation with the community is essential to understanding community tolerance. Accordingly, natural hazard risk assessments will be carried out in accordance with a table of risk level thresholds (risk table) to be generated at a district or community scale and prepared in meaningful consultation with affected communities and stakeholders. It is also acknowledged that community tolerance is likely to be higher in relation to existing communities with lawfully established land uses and existing enabling zoning compared to new areas of development.

Communities need consistent guidance on sea level rise, extreme weather events, and all other adverse *effects* of *climate change* if they are to appropriately prepare for and respond to manage those *effects*. *Climate change* is resulting in rising sea levels and is increasing the frequency and severity of climate related *natural hazards* including flooding, wind events, fires, landslips, erosion and drought. *Stormwater* systems may not be able to cope with heavier rainfall. Other *effects* of *climate change* include changing distributions of plants and animals, and consequential *effects*, such as the *risk* of saltwater intrusion into *groundwater* as a result of sea level rise in combination with increased *groundwater* abstraction, and *groundwater* ponding. There may be other adverse *effects* from *climate change* that are not yet known. A precautionary approach is required where there is scientific uncertainty. The *effects* of *climate change* will result in social, environmental and

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	economic costs. It is prudent that these changes are planned for now, so that the impacts can be reduced.					
<p>Anticipated Environmental Results – HAZ-NH-AER1</p> <p>The location and design of new developments and natural resource use reduces community exposure to the adverse effects of <i>natural hazards</i> events and processes.</p>	<p>Anticipated Environmental Results – HAZ-NH-AER1</p> <p>The location and design of new developments and natural resource use <u>of natural resources</u> reduces <u>manages</u> community exposure to the adverse effects of <i>natural hazards</i> events and processes.</p>					
<p>Anticipated Environmental Results – HAZ-NH-AER2</p> <p>No developments proceed that have a significant level of <i>risk</i>.</p>	<p>Anticipated Environmental Results – HAZ-NH-AER2</p> <p><u>Levels of natural hazard risk are determined by affected communities and stakeholders</u> No developments proceed that have a significant level of risk.</p>					
<p>Anticipated Environmental Results – HAZ-NH-AER4</p> <p>Where existing development is subject to <i>risks</i> from <i>natural hazards</i>, the level of <i>risk</i> is reduced to a tolerable level.</p>	<p>Anticipated Environmental Results – HAZ-NH-AER4</p> <p>Where existing development <u>or communities are</u> is subject to <i>risks</i> from <i>natural hazards</i>, the level of <i>risk</i> is reduced to a tolerable level <u>wherever practicable</u>.</p>					
<p>APP6 – Methodology for Natural Hazard Risk Assessment</p> <p>Undertake the following four step process to determine the natural hazard risk.</p> <p>Step 1 – Determine the likelihood</p> <p>Using Table 6, assess the likelihood of three <i>natural hazard</i> scenarios occurring, representing a highlikelihood, median likelihood, and the maximum credible event, using the best available information:</p> <p><i>Table 6: Likelihood scale</i></p> <table border="1" data-bbox="219 1305 943 1358"> <tr> <td>Likelihood</td> <td>Indicative frequency</td> </tr> </table>	Likelihood	Indicative frequency	<p>APP6 – Methodology for Natural Hazard Risk Assessment</p> <p>Undertake the following four step process to determine the natural hazard risk.</p> <p>Step 1 – Determine the likelihood</p> <p>Using Table 6, assess the likelihood of three <i>natural hazard</i> scenarios occurring, representing a highlikelihood, median likelihood, and the maximum credible event, using the best available information:</p> <p><i>Table 6: Likelihood scale</i></p> <table border="1" data-bbox="1010 1281 1637 1337"> <tr> <td>Likelihood</td> <td>Indicative frequency</td> </tr> </table>	Likelihood	Indicative frequency	
Likelihood	Indicative frequency					
Likelihood	Indicative frequency					

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Almost certain	Up to once every 50 years (2% AEP)	Almost certain	Up to once every 50 years (2% AEP)	
Likely	Once every 51 – 100 years (2 – 1% AEP)	Likely	Once every 51 – 100 years (2 – 1% AEP)	
Possible	Once every 101 – 1,000 years (1 – 0.11% AEP)	Possible	Once every 101 – 1,000 years (1 – 0.11% AEP)	
Unlikely	Once every 1,001 – 2,500 years (0.1 – 0.04% AEP)	Unlikely	Once every 1,001 – 2,500 years (0.1 – 0.04% AEP)	
Rare	2,501 years plus (<0.04% AEP)	Rare	2,501 years plus (<0.04% AEP)	
<p>Step 2 <i>Natural hazard consequence</i></p> <p>Using Table 7 and the matters listed in (1) to (10) below, assess the consequence (catastrophic, major, moderate, minor, or insignificant) of the <i>natural hazard</i> scenarios identified in step 1 considering:</p> <ol style="list-style-type: none"> (1) the nature of activities in the area, (2) individual and community vulnerability, (3) impacts on individual and community health and safety, (4) impacts on social, cultural and economic well-being, (5) impacts on <i>infrastructure</i> and property, including access and services, (6) available and viable <i>risk</i> reduction and hazard mitigation measures, (7) <i>lifeline utilities</i>, essential and emergency services, and their co-dependence, (8) implications for civil defence agencies and emergency services, (9) the changing <i>natural hazard</i> environment, (10) cumulative <i>effects</i> including <i>multiple</i> and <i>cascading hazards</i>, where present, and (11) factors that may exacerbate a <i>natural hazard</i> event including the <i>effects</i> of <i>climate change</i>. 		<p>Step 2 <i>Natural hazard consequence</i></p> <p><u>HAZ–NH–M2 requires local authorities to undertake a consultation process with communities, stakeholders and partners regarding risk levels thresholds and develop a risk table at a district or community scale. Tables 7A and 7B provide a region-wide baseline to be applied in the absence of the district or community scale risk table being completed.</u></p> <p>Using Table 7 and the matters listed in (1) to (140) below <u>and Tables 7A and 7B as a guideline</u>, assess the consequence (catastrophic, major, moderate, minor, or insignificant) of the <i>natural hazard</i> scenarios identified in step 1 considering:</p> <ol style="list-style-type: none"> (1) the nature <u>and scale</u> of <u>the activity and</u> activities in the area <u>including any existing lawfully established land use or zoning</u>, (2) <u>the actual and potential adverse effects of the natural hazard on people and communities;</u> (3) <u>the consequence of and response to past natural events;</u> (4) <u>the effectiveness and implementation of responses, adaptations or mitigation measures</u> 		

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	<p>(5) individual and community vulnerability <u>and resilience</u>,</p> <p>(6) impacts on individual and community health and safety,</p> <p>(7) impacts on social, cultural and economic well-being,</p> <p>(8) impacts on <i>infrastructure</i> and property, including access and services,</p> <p>(9) available and viable <i>risk</i> reduction and hazard mitigation measures,</p> <p>(10) <i>lifeline utilities</i>, essential and emergency services, and their co-dependence,</p> <p>(11) implications for civil defence agencies and emergency services,</p> <p>(12) the changing <i>natural hazard</i> environment,</p> <p>(13) cumulative <i>effects</i> including <i>multiple</i> and <i>cascading hazards</i>, where present, and</p> <p>(14) factors that may exacerbate a <i>natural hazard</i> event including the <i>effects</i> of <i>climate change</i>.</p>	
<p>APP6 – Table 7A:</p> <p>Table 7A: Consequence table</p>	<p>See changes below.</p>	
<p>Step 3 – Assessing activities for <i>natural hazard risk</i></p> <p>Using the information within steps 1 and 2 above, and Table 8, assess whether the <i>natural hazard</i> scenarios will have an acceptable, tolerable, or significant <i>risk</i> to people, property and communities, by considering:</p> <ol style="list-style-type: none"> (1) the <i>natural hazard risk</i> identified, including <i>residual risk</i>, (2) any measures to avoid, remedy or mitigate those <i>risks</i>, including relocation and recovery methods, 	<p>Step 3 – Assessing activities for <i>natural hazard risk</i></p> <p>Using the information within steps 1 and 2 above, and Table 8, assess whether the <i>natural hazard</i> scenarios will have an acceptable, tolerable, or significant <i>risk</i> to people, property and communities, by considering:</p> <ol style="list-style-type: none"> (6) the <i>natural hazard risk</i> identified, including <i>residual risk</i> peoples and communities' <u>awareness and experiences of the risk, including any investigations, initiatives or <i>natural hazard risk</i> engagement that have</u> 	

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<p>(3) the long-term viability and affordability of those measures,</p> <p>(4) flow on <i>effects</i> of the <i>risk</i> to other activities, individuals and communities, and</p> <p>(5) the availability of, and ability to provide, <i>lifeline utilities</i>, and essential and emergency services, during and after a <i>natural hazard</i> event.</p>	<p><u>been undertaken,</u></p> <p>(7) any measures to avoid, remedy or mitigate those <i>risks</i>, including relocation and recovery methods,</p> <p>(8) the long-term viability and affordability of those measures,</p> <p>(9) flow on <i>effects</i> of the <i>risk</i> to other activities, individuals and communities, and</p> <p>(10) the availability of, and ability to provide, <i>lifeline utilities</i>, and essential and emergency services, during and after a <i>natural hazard</i> event.</p>	
<p>Step 4 – Undertake a quantitative <i>risk</i> assessment</p> <p>While Steps 1-3 will qualitatively categorise <i>natural hazard risk</i> based on a community’s understanding and acceptance level of <i>risk</i>, it will not provide quantitative understanding of the <i>risk</i> a <i>natural hazard</i> presents to the built environment, or health and safety.</p> <p>If the assessment undertaken in Steps 1-3 determines that one of the three <i>natural hazard</i> scenarios generate <i>risk</i> that is significant, undertake a quantitative <i>risk</i> assessment utilising the following methodology:</p> <p>(1) Based on the likelihood of a <i>natural hazard</i> event within the hazard zone (see Step 1), and including the potential impacts of <i>climate change</i> and sea level rise, select a representative range of at least five hazard scenarios with varying likelihoods to model,⁵⁰ including the maximum credible event.</p> <p>(2) Model the Annual Individual Fatality Risk (AIFR)⁵¹</p>	<p>Amend step 4 to recognise that:</p> <p>a) quantification of natural hazard risk can be expensive, full of uncertainty (as its only models), introduces scientific jargon, and prevents consideration of affected people’s tolerability being applied and tested on a case-by-case basis; and</p> <p>b) quantitative assessments are appropriate for risk assessment where those assessments are undertaken by Councils or applicants for plan changes and resource consent applications for activities which are not existing or are not anticipated by a district plan</p>	

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<p>and Annual Property Risk (APR)⁵² for the range of hazard scenarios across the hazard zone, and create loss exceedance distributions.</p> <p>(3) Analyse loss exceedance distributions and determine losses.</p> <p>(4) Implementing a first-past-the-post principle for the AIFR and APR:</p> <p>(a) for areas of new development where the greatest AIFR or APR is:</p> <p>(i) less than 1×10^{-6} per year, the <i>risk</i> is re-categorised as acceptable,</p> <p>(ii) between 1×10^{-6} and 1×10^{-5} per year, the <i>risk</i> is re-categorised as tolerable, or</p> <p>(iii) greater than 1×10^{-5} per year, the <i>risk</i> is re-categorised as significant.</p> <p>(b) for areas with existing development, where the greatest AIFR or APR is:</p> <p>(i) less than 1×10^{-5} per year, the <i>risk</i> is re-categorised as acceptable;</p> <p>(ii) between 1×10^{-5} and 1×10^{-4} per year, the <i>risk</i> is re-categorised as tolerable; or</p> <p>(iii) greater than 1×10^{-4} per year, the <i>risk</i> is re-categorised as significant.</p> <p>(5) Following the quantitative <i>risk</i> assessment, a <i>risk</i> level is assigned to the hazard area.</p> <p>AIFR and APR are the selected <i>risk</i> metrics as they represent the likely consequences of a wide range of <i>natural hazards</i>. For example, some <i>natural hazards</i>, generally, do not have the capacity to cause fatalities, but may result in widespread</p>		
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<p>damage to property, while other <i>natural hazards</i> have a high capacity to cause fatalities. A first-past-the-post principle to the re-categorisation of <i>risk</i> is applied to ensure that decisions are based on the greatest <i>risk</i> present between the two metrics.</p> <p>If the level of knowledge or uncertainty regarding the likelihood or consequences of a <i>natural hazard</i> event precludes the use of Step 4, then a precautionary approach to assessing and managing the <i>risk</i> should be applied, as set out in HAZ–NH–P5.</p>		
<p>DEFINITIONS</p>		
<p>Definition – Resilient or resilience means the capacity and ability to withstand or recover quickly from adverse conditions.</p>	<p>Definition – Resilient or resilience means the capacity and ability to withstand or recover quickly from adverse conditions.</p>	<p>A community may not always need to recover “quickly” as surely the pace at which one recovers is commensurate with the nature and scale of the event</p>
<p>New definition - Minimise</p>	<p>“Minimise” to be defined as follows:</p> <p><u><i>Minimise – reduce to the smallest amount reasonably practicable. Minimised, minimising and minimisation have the corresponding meaning.</i></u></p>	

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APP6 - Proposed amendments to Table 7A and new Table 7B

Table 7A: Consequence table – *to be used in plan changes & activities not anticipated by a zone in a district plan*

Severity of Impact	Built				Health & Safety
	Social/Cultural	<i>Buildings (if applicable)</i>	Critical <i>Buildings (if applicable)</i>	Lifelines <i>(if applicable)</i>	
Catastrophic (V)	≥25% of <i>buildings</i> of social/cultural significance within hazard zone have functionality compromised	≥50% of affected <i>buildings</i> within hazard zone have functionality compromised	≥25% of critical facilities within hazard zone have functionality compromised	Out of service for > 1 month (affecting ≥20% of the town/city population) OR suburbs out of service for > 6 months (affecting < 20% of the town/city population)	> 101 dead and/or > 1001 injured
Major (IV)	11-24% of <i>buildings</i> of social/cultural significance within hazard zone have functionality compromised	21-49% of <i>buildings</i> within hazard zone have functionality compromised	11-24% of <i>buildings</i> within hazard zone have functionality compromised	Out of service for 1 week – 1 month (affecting ≥20% of the town/city population) OR suburbs out of service for 6 weeks to 6 months (affecting < 20% of the town/city population)	11 – 100 dead and/or 101 – 1000 injured
Moderate (III)	6-10% of <i>buildings</i> of social/cultural significance within hazard zone have functionality compromised	11-20% of <i>buildings</i> within hazard zone have functionality compromised	6-10% of <i>buildings</i> within hazard zone have functionality compromised	Out of service for 1 day to 1 week (affecting ≥20% of the town/city population) OR suburbs out of service for 1 week to 6 weeks (affecting < 20% of the town/city population)	2 – 20 dead and/or 11 – 100 injured
Minor (II)	1-5% of <i>buildings</i> of social/cultural significance within hazard zone have functionality compromised	2-10% of <i>buildings</i> within hazard zone have functionality compromised	1-5% of <i>buildings</i> within hazard zone have functionality compromised	Out of service for 2 hours to 1 day (affecting ≥20% of the town/city population) OR suburbs out of service for 1 day to 1 week (affecting < 20% of the town/city population)	1 dead and/or 1 – 10 injured

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Insignificant	No <i>buildings</i> of social/cultural significance within hazard zone have functionality compromised	< 1% of affected <i>buildings</i> within hazard zone have functionality compromised	No damage within hazard zone, fully functional	Out of service for up to 2 hours (affecting ≥20% of the town/city population) OR suburbs out of service for up to 1 day (affecting < 20% of the town/city population)	No dead No injured
(I)					

When assessing consequences within this matrix, the final level of impact is assessed on the 'first past the post' principle, in that the consequence with the highest severity of impact applies. For example, if a *natural hazard* event resulted in moderate severity of impact across all of the categories, with the exception of critical *buildings* which had a 'major' severity of impact, the major impact is what the proposal would be assessed on. If a *natural hazard* event resulted in all of the consequences being at the same level (for example, all of the consequences are rated moderate), then the level of consequence is considered to be moderate.

When this assessment is being undertaken in accordance with HAZ-NH-M3(7)(a) or HAZ-NH-M4(7)(a) the text within Step 2 shall guide the assessment of *natural hazard* consequence.

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Table 7B: Consequence table – to be used for individual sites or activities anticipated under a district plan

Severity of Impact	Buildings and structures (excluding critical or lifeline)	Critical or lifeline buildings/structures	Health & Safety
Catastrophic (V)	-	Out of service for > 1 month (affecting ≥20% of the town/city population) OR suburbs out of service for > 6 months (affecting < 20% of the town/city population)	> 101 dead and/or > 1001 injured
Major (IV)	-	Out of service for 1 week – 1 month (affecting ≥20% of the town/city population) OR suburbs out of service for 6 weeks to 6 months (affecting < 20% of the town/city population)	11 – 100 dead and/or 101 – 1000 injured
Moderate (III)	-	Out of service for 1 day to 1 week (affecting ≥20% of the town/city population) OR suburbs out of service for 1 week to 6 weeks (affecting < 20% of the town/city population)	2 – 20 dead and/or 11 – 100 injured
Minor (II)	A building on the site is functionally compromised	Out of service for 2 hours to 1 day (affecting ≥20% of the town/city population) OR suburbs out of service for 1 day to 1 week (affecting < 20% of the town/city population)	1 dead and/or 1 – 10 injured
Insignificant (I)	No building on the site is functionally compromised	Out of service for up to 2 hours (affecting ≥20% of the town/city population) OR suburbs out of service for up to 1 day (affecting < 20% of the town/city population)	No dead No injured
When assessing consequences within this matrix, the final level of impact is assessed on the ‘first past the post’ principle, in that the consequence with the highest severity of impact applies.			

RPS

From: Mia Turner <mia.turner@laneneave.co.nz>
Sent: Friday, 3 September 2021 12:17 p.m.
To: RPS
Cc: Katharine Hockly; Joshua Leckie
Subject: Submission on the Proposed Otago RPS - Blackthorn Lodge Glenorchy Ltd [LN-LNDMS.FID1068955]
Attachments: 2021-09-03 - Blackthorn Lodge - RPS Submission Appendix 1.pdf; 2021-09-03 - Blackthorn Lodge - RPS Submission Form 5.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Submission - Sector stakeholder

Hi,

Please find **attached** for filing a submission on the Proposed Otago Regional Policy Statement 2021 on behalf of Blackthorn Lodge Glenorchy Limited.

Kind regards

Mia Turner
Solicitor

Lane Neave

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