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3 September 2021

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Attention: ORC Policy Team

Proposed Otago Regional Policy Statement 2021

Please find enclosed the submission by the Director-General of Conservation in respect of the proposed Otago Regional Policy Statement (pORPS). The submission identifies the Director-General's concerns.

Please contact Murray Brass in the first instance if you wish to discuss any of the matters raised in this submission via mbrass@doc.govt.nz or on 027 213 3592.

Yours sincerely

Aaron Fleming
Director of Operations Southern South Island
Department of Conservation
Te Papa Atawhai

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON THE PROPOSED OTAGO REGIONAL POLICY STATEMENT

TO: Otago Regional Council

SUBMISSION ON: Proposed Otago Regional Policy Statement

NAME: Lou Sanson
Director-General of Conservation / *Tumuaki Ahurei*

ADDRESS: Department of Conservation
Private Bag 5244
Dunedin 9054
Attn: Murray Brass

STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION / *TUMUAKI AHUREI*

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Aaron Fleming, Operations Director *Kaihautū Matarautaki*, Southern South Island, acting upon delegation from the Director-General of Conservation, make the following submission in respect of the Proposed Otago Regional Policy Statement for the Otago Regional Council.

1. This is a submission on the Proposed Otago Regional Policy Statement.
2. The specific provisions of the Proposed Regional Policy Statement that my submission relates to are set out in Attachment 1 to this submission. The decisions sought in this submission are required to ensure that the proposed Otago Regional Policy Statement:
 - a. Recognises and provides for the matters of national importance listed in section 6 of the Act and has particular regard to the other matters in section 7 of the Act.
 - b. Gives effect to the New Zealand Coastal Policy Statement and the National Policy Statement for Freshwater Management.
 - c. Promotes the sustainable management of natural and physical resources.
 - d. The changes sought are necessary, appropriate and promote sound resource management practice.
3. I seek the following decision from the Council:
 - 3.1 That the particular provisions of the Proposed Otago Regional Policy Statement that I support, as identified in Attachment 1, are retained.
 - 3.2 That the amendments, additions and deletions to the Proposed Otago Regional Policy Statement sought in Attachment 1 are made.
 - 3.3 Further, alternative or consequential relief to like effect to that sought in 3.1 and 3.2 above.

4. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Aaron Fleming
Operations Director Southern South Island
Department of Conservation
Te Papa Atawhai

Pursuant to delegated authority
On behalf of
Lou Sanson
Director-General of Conservation / *Tumuaki Ahurei*

Date: 3 September 2021

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

ATTACHMENT 1:

**PROPOSED OTAGO REGIONAL POLICY STATEMENT
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION**

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed regional policy statement. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from Proposed Otago Regional Policy Statement (pORPS, proposed ORPS) is shown in quotation marks. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~striketrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
Part 1 – Description of the Region	N/a	The description does not address land outside urban areas, which fails to provide for integrated management and ignores Council’s function regarding terrestrial biodiversity.	Insert a new section headed “Land” which incorporates key information on terrestrial ecosystems from the Wildlands reports 2020a and 2020b (good summary information is included in the Executive Summaries).
Part 1 – How the policy statement works	Cross-boundary matters	Support intention to address cross-boundary matters. Support intention to work with Minister of Conservation on coastal matters. Oppose in part - DOC and other government agencies should be recognised along with stakeholders, local authorities and takata whenua.	Add recognition of government agencies. Otherwise retain as notified, including recognition of the Minister of Conservation.
Part 1 - Definitions	All definitions	Support the proposed definitions as providing appropriate clarity and certainty for plan users and aligning with the RMA and higher order documents.	Retain as notified, except where specific charges are requested below.
	“Commercial Port Activity”	Oppose the definition as worded, as it includes disposal of dredged material at site A0 without defining the location or limits of that site, and with an apparent typo in the term used.	Correct reference from “AO” to “A0” (i.e. A zero). Add definition of “A0”, either by a description or by reference to MAP2 and/or applicable consents.
	“Degraded”	Oppose the definition as used. The NPSFM 2020	Either amend the definition or amend the use of the

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		definition as referred to is specific to freshwater. However, within the LF chapter it is used in reference to wetlands and mauri, where the relevance of the term could extend beyond the NPSFM 2020 definition.	term within the LF chapter, to ensure it is not applied outside the specific NPSFM 2020 context.
	“Effects management hierarchy”	Oppose – while this definition is generally appropriate, the hierarchy uses the terms avoided / minimised / remedied, whereas the relevant policy ECO-P6 uses avoided / remedied / mitigated. This difference in wording would undermine the effectiveness of the effects management hierarchy.	Amend the definition of “effects management hierarchy” and/or Policy ECO-P6 to ensure consistency.
	“Highly valued natural feature and landscapes”	Oppose - incorrect reference to APP7 (Identifying wāhi tūpuna).	Replace “APP7” with “APP 9”.
	“Indigenous fauna”	The proposed ORPS contains references to indigenous fauna, but no definition of the term.	Insert a new definition of “indigenous fauna” as follows or words to like effect: <u>“means animals, including fish and invertebrates, that, in relation to a particular area, are native to the ecological district in which that area is located”</u>
	“Indigenous flora”	The proposed ORPS contains references to indigenous flora, which appears to be used interchangeably with “indigenous vegetation”, but only the latter term is defined.	Either: Replace references to “indigenous flora” with “indigenous vegetation”; or Insert a new definition of “indigenous flora” as follows or words to like effect: <u>“has the same meaning as indigenous vegetation”</u>
	“Indigenous vegetation”	Oppose in part – this definition is appropriate for terrestrial as it reflects the Draft NPS for Indigenous Biodiversity. However, that draft NPS does not apply to marine or freshwater environments, so is incomplete for RPS purposes. Also, the district plans within Otago use different definitions, so there is a need to ensure consistency.	Amend as follows or words to like effect: “means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located <u>and freshwater and marine plants and seaweed.</u> “ AND review to ensure consistency with district plan provisions relating to indigenous vegetation.
	“Naturally rare”	Oppose - the definition is based on the NZCPS but is used in the proposed ORPS to apply across all	Amend definition to ensure that it is appropriate whenever used throughout the pORPS.

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		domains and topics, including when considering biodiversity offsetting and compensation. It is not clear that the definition will be effective for such wider use.	
	“Regionally significant infrastructure”	<p>Oppose - the inclusion of ‘community stormwater infrastructure’ without any limit on scale, could potentially apply to any council-owned drainage structures, culverts etc.</p> <p>The inclusion of the Otago Regional Council’s hazard mitigation works could inappropriately promote such works in preference to non-structural or integrated responses to natural hazards and climate change.</p>	<p>Insert the following or words to like effect in Clause 10: <u>“community stormwater infrastructure serving no fewer than 25 households”</u></p> <p>Delete Clause 12. “ Otago Regional Council’s hazard mitigation works including flood protection infrastructure and drainage schemes “</p>
	“Significant natural area”	Oppose – the exclusion of the coastal environment will have the perverse outcome of excluding terrestrial and freshwater sites which meet significance criteria but happen to be located near the coast, and it will also exclude sites within the coastal marine area. S 6(c) of the RMA applies to significant areas regardless of their location, and the NZCPS supports rather than alters this.	Amend as follows or words to like effect: “means areas of significant indigenous vegetation and significant habitats of indigenous fauna that are located outside the coastal environment.”
Part 1- National Direction Instruments		Support in part – it is appropriate to record the instruments which applied at the time the pORPS was prepared. However, the wording should reflect the fact that the RPS must give effect to the NPSs and must be consistent with the WCO – it is insufficient to only state that the RPS has been reviewed without making a statement about compliance.	<p>Amend reference to NPSs and NZCPS as follows or words to like effect: “The following table provides an overview of whether any relevant review/s of the Otago Regional Policy Statement has been undertaken in relation to NPSs and the NZCPS sets out the NPSs and NZCPS which this RPS has been prepared to give effect to.”</p> <p>Review references to NESs, Regulations and WCOs for consistency with the above.</p>
Part 1 – Mana whenua	Entire MW chapter	Support this chapter, as it provides useful information on mana whenua interests and provisions which appropriately respond to those interests.	Retain as notified.
	Objective MW-01	Support this objective, as requiring that the principles of Te Tiriti o Waitangi be given effect will directly give effect to provisions of Part 2 of the RMA relating to	Retain as notified.

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		Māori interests and will also support giving effect to other provisions. This approach will also support transition to the new Natural and Built Environments Act, which is proposed to contain similar requirements.	
	Policies MW-P1 to P4	Support these policies as they are appropriate to achieve the Objective.	Retain as notified.
	Methods MW-M1 to M7	Support these methods as they are appropriate to give effect to the Objective and Policies.	Retain as notified.
Part 2 - SRMR	Entire chapter	Support in part – in general this chapter appropriately identifies the significant issues for the Otago region, including recognising the effects of human activities on the environment.	Retain as notified, except where specific amendments are sought below.
	Introduction	Oppose - this introduction only considers the environment in terms of its resource value to people. This is inconsistent with Part 2 of the RMA, and s6 (a)-(c) and 7 (c)-(h) in particular.	Amend the first two paragraphs to recognise the value of the environment in its own right.
SRMR-I1 – Natural Hazards	Context	Oppose - this needs to recognise that the risk arising from natural hazards reflects decisions made about human activities. Responses to natural hazards need to include managing the human activities not just the hazards themselves.	Add the following, or words to like effect: <u>“The risk resulting from natural hazards is not just due to the hazards themselves, but also whether human activities are located and operated in ways which make them vulnerable to those hazards.”</u>
SRMR-I2 – Climate change	Context	In discussing the effects of climate change exacerbating natural hazards, this section refers to South Dunedin, but the Taieri Plains are also at significant risk given their low-lying situation. This includes the nationally important Lakes Waipori and Waihola wetland which are at risk from changes in sea level.	Amend para 5 as follows or words to like effect: “...have been identified as being at risk, such as South Dunedin <u>and the Taieri Plains.</u> ”
SRMR-I8	Context	Oppose - the description of the coastal environment conflicts with NZCPS Policy 1.	Amend the first sentence as follows or words to like effect: “Otago’s coastal environment is generally considered to extend from the land that forms the first significant <u>ridgeline includes land adjoining the coast where coastal factors apply (as outlined in NZCPS Policy 1), and the coastal marine area</u> out to the twelve nautical mile seaward limit.”

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Part 2 - RMIA	Entire chapter	Support this chapter, as it provides a valuable outline of the significant issues to Kāi Tahu, which is important for understanding and interpreting the remainder of the proposed RPS.	Retain as notified, except where specific amendments are sought below.
	RMIA-MBK-11 Indigenous species	Support in part – while this recognises the place of indigenous fish as mahika kai and taoka, it does not recognise the role of other species such as freshwater mussels / kākahi and freshwater crayfish / kōura.	Amend the 6 th bullet point as follows, or words to like effect: “Loss of indigenous fish <u>freshwater</u> species, many of which are taoka and mahika kai, through displacement and predation.”
Part 2 - IM	Entire chapter	Support in part - Providing for integrated management is the core purpose of an RPS. It is appropriate that this be explicitly recognised, and that it be contained within the Overview section of the RPS to make it clear that this section has an overarching role.	Retain as notified, except where specific amendments are sought below.
	IM-O2 Ki uta ki tai	Oppose - it is appropriate to recognise ki uta ki tai, but it requires an active response, not just to be considered.	“...recognising that the <i>environment</i> is an interconnected system, which depends on its connections to flourish, and must be considered <u>managed</u> as an interdependent whole.”
	IM-P2 Decision priorities	Support – although this policy is included in the overall support for this chapter outlined above, it has such fundamental importance that it warrants specific further mention. This policy is the key provision for addressing conflicts or competition between different resource management interests. Where it is not possible to give mutual effect to differing provisions of the RPS and/or subservient documents, this policy is an appropriate guide to decision- provides for consistency and integrated management.	Retain as notified.
	IM-P4 Ecosystem health	Given existing degradation, healthy ecosystems will not be achieved through protection alone, but require enhancement.	Amend as follows or words to like effect: “...1. protects <u>and enhances</u> their intrinsic values...”
	IM-P6 Acting on best available information	Policy IM-15 on the precautionary principle is also directly relevant to decisions covered by this policy. It	Amend as follows or words to like effect: “...and reliable partial data, <u>taking into account the</u>

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		would assist clarity of interpretation to have an explicit link.	<u>precautionary principle in accordance with IM-P15</u> "
	IM-P9 Community responses to climate change impacts	Support in part – this provision is worded as an objective or outcome, not as a policy.	Retain intent but amend to function as a policy, including specific actions to be undertaken.
	IM-P10 Climate change adaptation and mitigation	Oppose – this policy only addresses human interests and fails to recognise the importance of climate change adaptation and mitigation to the wider environment. The policy also fails to provide sufficiently strong direction to avoid new activities exacerbating risks	Amend as follows, or words to like effect: (1) minimise the effects of climate change processes or risks to existing activities <u>and the environment</u> , (2) prioritise avoiding <u>avoid</u> the establishment of new activities..."
	IM-P13 Managing cumulative effects	Support in part – this provision is worded as an objective or outcome, not as a policy.	Retain intent but amend to function as a policy or action.
	IM-P14 Human impact	Oppose - this policy would enable "managing down" to limits, so should also recognise positive measures which can occur above those limits.	Insert the following, or words to like effect: "x. <u>advocating for and incentivising activities that reduce, mitigate or eliminate risk of environmental degradation.</u> "
Part 3 - Domains – COASTAL ENVIRONMENT	Entire chapter	Support in part – these provisions recognise and provide for the coastal environment, and generally align with the RMA and higher order documents. However, significant amendment and additions are required in order to fully address coastal issues.	Retain as notified, except where specific charges are requested below.
	Entire chapter	Oppose in part – these provisions do not adequately address mana whenua values and interests in the coastal environment.	Revise to ensure that mana whenua values and interests are appropriately addressed.
	CE-O1 Safeguarding the coastal environment	Oppose – Clause 1 does not provide for enhancement of mauri and could be interpreted such that both protection and enhancement only apply where mauri is already degraded. Clause 3 would better support positive outcomes by requiring maintenance <i>and</i> enhancement. Clause 4 - Representativeness is an element of significance (APP2), and the wording of the policy could better reflect the wording used in the NZCPS.	Amend clause 1 as follows or words to like effect: "the mauri of coastal water is protected <u>and enhanced</u> , and restored where it has become degraded <u>it is restored</u> . AND amend clause 3 as follows or words to like effect: "the dynamic and interdependent natural biological and physical processes in the coastal environment are maintained or <u>and enhanced</u> " AND amend clause 4 as follows or words to like effect:

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			“representative of <u>areas of significant areas of indigenous biodiversity</u> (as identified in APP2) are protected, and...”
	CE-O2 Highly valued areas	Oppose – this objective would better support positive outcomes by requiring both maintenance and enhancement.	Amend as follows or words to like effect: “Public access, recreation opportunities, and highly valued natural features and landscapes in the coastal environment are maintained or <u>and enhanced</u> ”
	CE-O3 Natural character and NFLs	Oppose – this Objective fails to provide sufficiently strong direction on restoration.	Amend as follows, or words to like effect: “...and restoration is encouraged <u>restored</u> where the values of those areas have been compromised.”
	CE-P1 Links with other chapters	Oppose - the ECO section is directly relevant when considering coastal and marine ecosystems and biodiversity.	Insert the following or words to like effect: “x. <u>Ecosystems and indigenous biodiversity must be managed in accordance with the ECO – Ecosystems and indigenous biodiversity section of this RPS.</u> ”
	CE-P2 Identification	Oppose - this policy does not cover significant indigenous taxa and ecosystems, so fails to give effect to NZCPS Policy 11. Clause 2 should include indigenous vegetation and fauna as well as ecosystems for completeness.	Insert the following or words to like effect: “x. Areas of significant indigenous taxa and ecosystems” AND Amend clause 2 as follows or words to like effect: “...significant adverse effect on ecosystems, natural habitats, <u>indigenous vegetation or fauna</u> , or water-based recreational activities...”
	CE-P3 Coastal water quality	Oppose - this policy includes an incorrect reference, and Clause 1 should include indigenous vegetation and fauna as well as ecosystems for completeness.	Correct the reference regarding water quality effects from CE-P1(2) to CE-P2(2) AND Amend Clause 1 as follows or words to like effect: “healthy coastal ecosystems, indigenous habitats provided by the coastal environment, <u>indigenous vegetation and fauna</u> , and the migratory patterns”
	CE-P5 Coastal Indigenous biodiversity	Oppose - given existing degradation, there is a need to enhance coastal indigenous biodiversity, not just	Amend as follows or words to like effect: “Protect <u>and enhance</u> indigenous biodiversity in the

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		protect what remains. Plan clarity would be improved by an explicit link to APP2.	coastal environment, <u>including by:...</u> " AND insert the following or words to like effect: x. <u>assessing significance in accordance with APP2.</u>
	CE-P9 Activities on land within the coastal environment	Oppose – this policy fails to take into account the effects of sea level change	Insert the following or words to like effect: x. <u>allowing for the effects of sea level change</u>
	CE-P11 Aquaculture	Oppose - this policy does not add anything to NZCPS Policy 8. Given likely interest in aquaculture in Otago within the life of the RPS, the policy needs to provide more direction on what places may be appropriate or inappropriate for aquaculture. This would include effects on indigenous species, habitats and ecosystems, biosecurity etc.	Amend the policy to provide clearer direction on appropriate and inappropriate locations for aquaculture AND insert the following additional clauses, or words to like effect: "x. <u>effects on indigenous species, habitats and ecosystems;</u> " AND "x. <u>best practice to minimise biosecurity risks.</u> "
	CE-M1 Identifying the coastal environment	Oppose – best practice would be to identify the Coastal Environment at the RPS level for consistency and effectiveness.	Amend the RPS to identify and map the Coastal Environment
	CE-M4 District plans	Oppose – Integrated management requires that District plans should also recognise and control activities on land outside the coastal marine area that can have downstream effects on the coastal environment (sediment, sewage, nutrients etc).	Insert a new clause as follows or words to like effect: "x. <u>control land use activities which could cause direct or indirect effects on the coastal environment.</u> "
	CE-M5 Other incentives and mechanisms	Oppose – Given that policy is only to consider these measures, this should be a requirement to ensure effectiveness. The method should also include research to improve the understanding of the coastal environment (including ecological research), as this is a basic need to allow improved management of that environment.	Amend the method as follows or words to like effect: "Local authorities are encouraged to <u>shall</u> consider the use of other mechanisms or incentives... AND Amend clause 8 as follows or words to like effect: "research relevant to <u>the coastal environment, and research relevant to the effects of activities...</u> "
	CE-M1 to M5	Oppose – these methods do not require monitoring and reporting on their implementation, which is	Insert a new method as follows or words to like effect: "x. Local authorities must:

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		necessary to ensure effectiveness and for consistency with other domains and topics.	1. establish a long term monitoring programme that incorporates cultural health monitoring; 2. record information (including monitoring data) about the state of the coastal environment, including the coastal marine area, and the challenges to their health and well-being; and 3. regularly prepare reports in the matters in (1) and (2) and publish those reports.”
Part 3 - Domains – LAND AND FRESHWATER		Support in part – these provisions recognise and provide for the land and freshwater environments, and generally align with the RMA and higher order documents. However, significant amendment and additions are required in order to fully address land and freshwater issues.	Retain as notified, except where specific charges are requested below.
	LF-WAI-P3 Integrated management/ Ki uta ki tai	Oppose - Clause 3 fails to provide a clear recognition of, or link to, the ECO policies which will be highly relevant when considering this policy Clause 4 recognises health and well-being, but in this context it would assist to also recognise the importance of resilience.	Insert the following or words to like effect: “3. sustains and, wherever possible, restores the habitats of mahika kai and indigenous species, including taoka species associated with the <i>water body</i> , <u>including consideration of the relevant ECO policies in this RPS...</u> ” AND Amend clause 4 as follows or words to like effect: “... maintain or enhance the health, and <u>well-being and resilience</u> of fresh water and coastal water,
	LF-VM-O2 to P6 freshwater visions	Oppose – these visions are inconsistent in their structure and content, creating a risk that relevant matters are missed or inappropriately weighted. Timeframes are also too long, especially those out to 2050, and in catchments containing threatened populations of indigenous fish the visions lack staged targets which would help ensure that the final dates are effective.	Amend all freshwater visions to provide a consistent and clear structure and to appropriately recognise the relevant values and issues in every FMU / rohe, provide appropriate timeframes and staged targets, and incorporate further specific relief as set out below.
	LF-VM-O2 Clutha / Mata-au vision	Oppose - this vision is inconsistent with the approach taken to wetlands in other FMUs. In particular, Lake Tuakitoto has significant values which warrant specific recognition in the same way as the Waipori /	Insert the following new clause or words to like effect: “x. <u>healthy wetlands</u> are restored in the upper and lower <u>catchment wetland complexes, including Lake Tuakitoto</u> ”

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		<p>Waihola wetlands in LF-VM-O4 for the Taieri FMU.</p> <p>This vision also fails to recognise the significant issues with flooding and climate change in this catchment.</p>	<p>AND</p> <p>Insert the following new clause or words to like effect: <u>“x. land and water management practices improve resilience to the effects of flooding and climate change”</u></p>
	<p>LF-VM-O2 Clutha / Mata-au vision – Dunstan, Manuherikia and Roxburgh rohe</p>	<p>Oppose – this vision fails to recognise the dryland nature of much of this rohe.</p> <p>This vision also fails to recognise the significant populations of indigenous fish within this FMU, particularly threatened non-diadromous galaxiids.</p>	<p>Insert the following new clause or words to like effect: <u>“x. water and land management recognise the drylands nature of much of this FMU and the resulting low water availability.”</u></p> <p>AND</p> <p>Insert the following new clause or words to like effect: <u>“x. Populations of threatened indigenous fish are stable or increasing”</u></p>
	<p>LF-VM-O3 North Otago vision</p>	<p>Oppose – this vision fails to recognise the dryland nature of much of North Otago.</p> <p>This vision also fails to recognise the significant populations of indigenous fish within this FMU, which include Threatened non-diadromous galaxiids and Canterbury mudfish.</p>	<p>Insert the following new clause or words to like effect: <u>“x. water and land management recognise the drylands nature of much of this FMU and the resulting low water availability.”</u></p> <p>AND</p> <p>Insert the following new clause or words to like effect: <u>“x. Populations of threatened indigenous fish are stable or increasing”</u></p>
	<p>LF-VM-O4 Taieri vision</p>	<p>Oppose – this vision fails to recognise the Taieri River’s status as a Ngā Awa catchment.</p> <p>This vision also fails to recognise the significance of all indigenous fish rather than only galaxiid species, which include the threatened kanakana / lamprey and at risk tuna / longfin eel.</p> <p>This vision also fails to recognise the significant issues with flooding and climate change in this catchment.</p>	<p>Amend Clause 1 as follows or words to like effect: <u>“1. fresh water is managed in accordance with the LF-WAI objectives and policies, and consistent with the status of the catchment as a Ngā Awa river.”</u></p> <p>AND</p> <p>Amend Clause 6 as follows or words to like effect: <u>“6. water bodies support healthy populations of galaxiid species, kanakana / lamprey and tuna / longfin eel.”</u></p> <p>AND</p> <p>Insert the following new clause or words to like effect: <u>“x. land and water management practices improve resilience to the effects of flooding and climate change”</u></p>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	LF-VM-O6 Catlins vision	Oppose – this vision fails to recognise the importance of fish passage to indigenous fish, which include the threatened kanakana / lamprey and at risk tuna / longfin eel.	Insert the following new clause or words to like effect: “x. <u>indigenous species can migrate easily and as naturally as possible to and from the coastal environment.</u> ”
	LF-VM-M4 Other methods	Oppose – this fails to recognise that methods in the ECO chapter will be equally relevant.	Amend as follows or words to like effect: “...the methods in LF-WAI, LF-FW, and LF-LS, <u>and ECO</u> sections are also applicable.”
	LF-FW-O8 Fresh water	<p>Oppose – this is the key objective in terms of freshwater values and fails to address a number of significant issues.</p> <p>The objective also seeks that indigenous fish can migrate but fails to recognise that that in some cases it is not appropriate to provide for fish passage (as recognised in NPSFM 3.26), which can be a particular risk to threatened indigenous non-diadromous fish. As an alternative to the relief sought, ORC could instead insert NPSFM 3.26.</p>	<p>Insert the following new clauses or words to like effect: “x. <u>fresh water sustains indigenous aquatic life</u>”,</p> <p>AND “x. <u>non-diadromous galaxiid and Canterbury mudfish populations and their habitats are protected</u>”</p> <p>AND “x. <u>habitats that are essential for specific components of the life cycle of indigenous species, including breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways, are protected</u>”</p> <p>AND “x. <u>changes to flows, fish passage or fish barriers only occur where doing so would not enable the passage of undesirable fish species where it is considered necessary to prevent their passage in order to protect desired fish species, their life stages, or their habitats.</u>”</p>
	LF-FW-O9 Natural wetlands	<p>Oppose – this policy is inconsistent with Policy 6 of the NPSFW, which requires that wetland values be protected, <i>and</i> their restoration is promoted.</p> <p>Ephemeral wetlands can have significant natural and biodiversity values but are not always recognised as wetlands, so for the avoidance of doubt should be specifically included under this policy.</p>	<p>Amend as follows or words to like effect: “Otago’s natural wetlands, including ephemeral wetlands, are protected or <u>and</u> restored so that...”</p> <p>AND insert the following new clause or words to like effect: “5. <u>their provision of habitat for mobile species such as waterfowl and rails is maintained.</u>”</p>

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		This policy also fails to recognise the importance of wetlands to mobile species such as waterfowl and rails.	
	LF-FW-P7 Fresh water	Oppose – Clause 6 refers to “environmental limits”, whereas the relevant terms in the NPS-FM are the more general “limits on resource use” and the more specific “environmental flows and levels”. The current wording could encourage “managing down” to limits, which would fail to give effect to the Act and NPSFM.	Amend as follow, or words to like effect: “...6. freshwater is allocated within environmental limits <u>flows and levels</u> and used efficiently.”
	LF-FW-P8 Identifying natural wetlands	Oppose – in the Otago context, saline wetlands should be recognised along with ephemeral wetlands.	Amend Clause 2 as follows, or words to like effect: “... less than 0.05 hectares in extent (such as an ephemeral <u>or saline</u> wetland)...
	LF-FW-P13 Natural character	Oppose – Clause 2 limits consent considerations to the Otago Regional Council, but the natural character of margins could be affected by land use consents issued by district councils.	Amend as follows, or words to like effect: “2. not granting consents for activities in (1) unless Otago Regional Council <u>the council</u> is satisfied that:...”
	LF-FW-M10 Other methods	Oppose – this fails to recognise that methods in the ECO chapter will be equally relevant.	Amend as follows or words to like effect: “...the methods in LF-WAI, LF-VM, and LF-LS, <u>and ECO</u> sections are also applicable.”
	LF-LS objectives	Oppose - the existing objectives fail to address terrestrial values and fails to recognise the potential consequential effects of land use activities.	Insert new objectives as follows or words to like effect: “x. Otago’s land environments support healthy habitats for indigenous species and ecosystems” AND “x. Land use activities in Otago are managed in a way which recognises and protects terrestrial, freshwater and coastal values which land use activities could affect either directly or indirectly.”
	LF-LS-M11 Regional plans	Oppose – this method fails to recognise or address matters relating to land other than a narrow range of effects on water, and so fails to give effect to the rest of the RPS or higher order documents.	Revise to ensure that regional plans give effect to all relevant matters relating to land.
	LF-LSM13 Management of beds and riparian margins	Oppose – reference to biodiversity should be to indigenous biodiversity to align with the rest of the RPS and higher order documents.	Amend Clause 1 as follows or words to like effect: “maintain existing <u>indigenous</u> biodiversity values”

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	LF-LS-M14 Other methods	Oppose – this fails to recognise that methods in the ECO chapter will be equally relevant	Amend as follows or words to like effect: “...the methods in LF-WAI, LF-VM, and LF-FW, and ECO sections are also applicable.”
	LF-LS-M11 to M14 Methods	Oppose – these methods do not require monitoring and reporting on their implementation, which is necessary to ensure effectiveness and for consistency with other domains and topics.	Insert a new method as follows or words to like effect: “x. <u>Local authorities must:</u> 1. <u>establish a long term monitoring programme that incorporates cultural health monitoring;</u> 2. <u>record information (including monitoring data) about the state of land and soils and the challenges to their health and well-being; and</u> 3. <u>regularly prepare reports in the matters in (1) and (2) and publish those reports.</u> ”
Part 3 - Topics – Ecosystems and indigenous biodiversity		Support in part – these provisions recognise and provide for the indigenous biodiversity, and generally align with the RMA and higher order documents. However, significant amendment and additions are required in order to fully address indigenous biodiversity issues.	Retain as notified, except where specific charges are requested below.
	ECO-O1 Indigenous biodiversity	Oppose – this objective fails to address all relevant points and would fail to give effect to the Act.	Insert the following additional points into the objective: <ul style="list-style-type: none"> • <u>“That there is no worsening of the threat classification of indigenous threatened species in Otago;</u> • <u>In the term of the RPS the threat classification of threatened indigenous species in Otago will be improved;</u> • <u>Areas of significant indigenous biodiversity will be mapped and protected; and</u> • <u>Threatened ecosystems will be protected in Otago”</u>
	ECO-P3 SNAs and taoka	Oppose – the loss of values and extent can arise indirectly as well as directly, so it would provide greater certainty and protection if this was explicitly addressed in the policy	Amend the policy as follows or words to like effect: “...1. avoiding <u>direct and indirect</u> adverse effects that result in...”
	ECO-P6 Maintaining indigenous biodiversity	Oppose – while this approach is generally appropriate, the policy uses the terms avoided / remedied / mitigated whereas the definition of	Amend the definition of “effects management hierarchy” and/or Policy ECO-P6 to ensure consistency.

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		"effects management hierarchy" uses the terms avoided / minimised / remedied. This difference in wording would undermine the effectiveness of the effects management hierarchy.	
	ECO-P8 Enhancement	Oppose – there is no justification for limiting the enhancement of ecosystem functioning with the qualifier "important", as enhancement can and should apply to all elements of indigenous biodiversity.	Amend the policy as follows or words to like effect: "...2 improving the health and resilience of indigenous biodiversity, including ecosystems, species, important ecosystem function, and intrinsic values, and..."
	ECO-P9 Wilding conifers	Oppose – the location and content of this policy implies that wilding conifers are only an issue for biodiversity when they can also significantly impact other matters such as agricultural land use and catchment hydrology, and when they are planted for plantation forestry. The reference to buffers is ineffective without specifying distances.	Relocate this policy to the LF-LS section and review the content of the policy to address other values which can be affected by wilding conifers, to provide buffer distances, and to cover other types of plantings.
	ECO-P1 to P10	Oppose - While pest species and biosecurity risks are addressed in reasonable detail in the Resource Management Overview sections, wilding pines are the only species specifically addressed in these policies.	Insert a new policy to complement ECO-P9 and addressing other pest species.
	ECO-M1 Statement of responsibilities	Oppose – this method does not support integrated management, as it leaves regional and district councils to operate separately in terms of their functions and areas. The land and water regional plan can and should provide an overall framework.	Insert a new sub-clause in clause 2 as follows or words to like effect: "d. <u>on land, where those objectives, policies and methods are relevant to the overall Otago Region and/or provide a framework for territorial authority plans.</u> "
	ECO-M7 Monitoring	Oppose – incorrect reference to areas in Clause 1.	Replace "ECO-P1" with "ECO-P2".
Part 3 – Topics - Energy, infrastructure and transport	Entire chapter	Support in part - Providing for energy, infrastructure and transport is appropriate, while also ensuring that it operates within environment limits and minimises adverse effects.	Retain as notified, except where specific amendments are sought below.
Part 3 – Topics - Energy, infrastructure	EIT-EN-01 to O3	Oppose – these objectives do not clearly address the development of new renewable energy generation,	Retain as notified, except to either amend Objective EIT-EN-02, or add a new objective, to specifically recognise

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and transport: Energy		including renewable electricity generation, and fail to give effect to the NPSREG.	the benefits of new renewable energy generation.
	EIT-EN-P2 Recognising REG	Oppose – this policy limits the recognition of the benefits of renewable electricity generation to existing activities. Even without allowing for any overall increases in energy use, the amount of renewable electricity generation available will need to increase to enable a shift from fossil fuels to renewable sources and reduction in greenhouse gas emissions.	Amend as follows, or words to like effect: "...1. Recognise the national, regional and local benefits of existing renewable electricity generation activities, 2. take into account the needs to at least maintain current renewable electricity generation capacity <u>and to provide for increased capacity to enable a shift from non-renewable energy</u> , and..."
	EIT-EN-P3 Development and upgrade of REG	Oppose in part - this policy only recognises security of supply, not other benefits of renewable electricity generation, so fails to give effects to the NPSREG.	Amend as follows, or words to like effect: "The security benefits of renewable electricity generation supply is <u>are</u> maintained or improved..."
Part 3 – Topics - Energy, infrastructure and transport: Infrastructure	EIT-INF-04 and O5 Provision of infrastructure and Integration	Oppose – The combined effect of these two policies is that only new infrastructure which is nationally or regionally significant is required to minimise its adverse effects. All other infrastructure has no requirement to minimise effects as long as its effects are above environmental limits, which is inconsistent with the RMA and higher order documents, and does not provide an adequate basis for Policies EIT-INF-P10 to P17.	Amend EIT-INF-04 and/or EIT-INF-05 to ensure that adverse effects are required to be minimised in all cases.
	EIT-INF-P10 to P17 Policies	Oppose – these policies need to be consistent with the approach sought above for EIT-INF-04 and O5.	Amend as required for consistency with relief sought for EIT-INF-04 and O5.
	EIT-INF-P13 Locating and managing effects	Oppose in part – this policy is limited to new infrastructure outside the coastal environment, but there are no parallel provisions for new infrastructure within the coastal environment, which are required in order to give effect to the NZCPS	Amend EIT-INF-P13, or insert a new policy, to address new infrastructure within the coastal environment, in accordance with the relevant provisions of the NZCPS.
	EIT-INF-P14 Decision-making considerations	Support – subject to relief sought above for EIT-INF-P10 to P17, this policy provides appropriate guidance to decision-makers.	Subject to relief sought above for EIT-INF-P10 to P17, retain as notified.
Part 3 – Topics - Energy, infrastructure and transport: transport	EIT-TRAN-07 to O10 and P18 to P23	Support in part - Providing for transport is appropriate, while also ensuring that it operates within environment limits and minimises adverse effects.	Retain as notified, except where specific amendments are sought below.

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	EIT-TRAN-O10 Commercial port activities	Oppose – this does not require adverse effects to be avoided, remedied or mitigated if they are above environmental limits, which is inconsistent with the NZCPS and with the effect of the coastal environment policies referenced in the subservient policy EIT-TRAN-P23.	Amend as follows or words to like effect: “...and within environmental limits <u>and in accordance with other requirements.</u> ”
	EIT-TRAN-P23	Oppose – this refers to “environmental limits” in the Coastal Environment policies CE-P3 to P12, but those policies include various requirements to improve, restore, encourage, promote, and enhance, so do not function just as limits.	Amend clauses 1 and 2 as follows, or words to like effect: “within environmental limits <u>and in accordance with other requirements</u> as set out in Policies CE-P3 to CE-P12...”
Part 3 – Topics - Natural hazards	HAZ-NH-O1 to O2 Objectives	Support in part – these objectives are appropriate in terms of protecting people, property and communities. However, in setting up the framework for the NH policies, these objectives rely on other objectives of the proposed RPS to ensure that the environmental effects of hazard responses are accounted for.	Retain as notified, provided that policies HAZ-NH-P1 to P11 retain recognition of the environmental effects of hazard responses. Otherwise, amend objectives HAZ-NH-O1 to O2 to ensure appropriate recognition of the environmental effects of hazard responses.
	HAZ-NH-P1 to P11 Policies	Support – these policies would appropriately achieve the NH objectives, while also recognising the need to manage the environmental effects of hazard responses, including the need to minimise the use of hard structures and similar engineering responses.	Retain as notified.
	HAZ-NH-M1 Responsibilities	Oppose – incorrect reference to CE section.	Amend clause 2.c as follows or words to like effect: “...as required by CE-P2(3 4)
	HAZ-NH-M2 to M5 Methods	Support – these methods would appropriately implement the NH policies, including by managing and modifying land use to reduce risk.	Retain as notified.
Part 3 – Topics - Contaminated land	Entire section	Support – these provisions appropriately address the management of existing contaminated land and avoid creating new contamination.	Retain as notified.
Part 3 – Topics - Historical and cultural values	Entire section	Support in part – these provisions appropriately address the management of historical and cultural values.	Retain as notified, except where specific amendments are sought below.
	HCV-WT-P2 Management of wāhi tupuna	Oppose in part – the drafting of this policy is inconsistent with the drafting of the similar policy HCV-HH-P5, meaning that it is less clear how the	Insert a new clause after clause 1 as follows, or words to like effect: “x. <u>Avoiding, as the first priority, other adverse effects on</u>

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		provisions apply to adverse effects which are not significant.	<u>the cultural values associated with wāhi tupuna,”</u>
	HVC-HH-P3	Oppose in part – the heritage elements listed do not recognise the Heritage New Zealand Pouhere Taonga Act, which is a directly relevant matter to historic heritage.	Insert a new clause as follows, or words to like effect: “x. And includes any historic place within the meaning under Section 6 of the <u>Heritage New Zealand Pouhere Taonga Act 2014.</u> ”
	HCV-HH-P4 Identifying historic heritage	Oppose in part – this policy does not provide adequate certainty, or clarity for plan users, as there are no criteria (either in this policy or the referenced APP8) to determine whether the heritage values or qualities of a place or area are special or outstanding. Refer to the HNZPT <i>Significance Assessment Guidelines</i> March 2019.	Amend to provide criteria or other guidance to determine whether the heritage values or qualities of a place or area are special or outstanding.
	HCV-HH-P5 Managing historic heritage	Oppose in part – this policy places different levels of protection depending on whether or not heritage values or qualities are special or outstanding, without first understanding what the triggers are that would make those values or qualities special or outstanding. Refer to the HNZPT <i>Significance Assessment Guidelines</i> March 2019.	Amend for consistency with relief sought above for HCV-HH-P5, to ensure that the levels of protection are appropriate to the identified values or qualities.
	HCV-HH-P5 Managing historic heritage – Clause 2	Oppose in part – this clause potentially conflicts with policy HCV-HH-P7, as in some cases integration or adaptive reuse or upgrade may have adverse effects which are justified by the long-term protection provided.	Amend as follows, or words to like effect: 2. avoiding adverse effects on areas or places with special or outstanding historic heritage values or qualities, <u>except where adverse effects result from integration of historic heritage values into new activities and adaptive reuse or upgrade as provided for in Policy HCV-HH-P7.</u> ”
Part 3 – Topics – Natural features and landscapes	Entire section	Support in part – these provisions appropriately address the management of natural features and landscapes and give effect to the RMA and NZCPS.	Retain as notified, except where specific amendments are sought below.
	NFL-P2 Outstanding NFLs	Oppose – this provision limits the protection to the “values” of outstanding natural features and landscapes, not the features and landscapes themselves. This is inconsistent with the approach taken in the coastal environment under CE-P6 and NZCPS Policy 15(a), and so does not promote integrated management.	Amend as follows or words to like effect: “...1 avoiding adverse effects on the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding... ”

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	NFL-P3 Highly valued NFLs	Oppose – this provision limits the maintenance to the “values” of natural features and landscapes, not the features and landscapes themselves. This is inconsistent with the approach taken in the coastal environment under CE-P6 and NZCPS Policy 15(a), and so does not promote integrated management.	Amend as follows or words to like effect: “...1 avoiding adverse effects on the values of the natural feature or landscape...”
	NFL-P5 Wilding conifers	Oppose – (see also submission point on ECO-P9) the location and content of this policy implies that wilding conifers are only an issue for natural features and landscapes, when they can also significantly impact other matters such as agricultural land use and catchment hydrology. The reference to buffers is ineffective without specifying distances.	Relocate this policy to the LF-LS section and review the content of the policy to address other values which can be affected by wilding conifers, and to provide buffer distances.
Part 3 – Topics – Urban form and development	Entire section	Support in part – these provisions generally provide appropriate management of urban values. However, they fail to adequately recognise, and integrate with, other values.	Retain as notified, except where specific amendments are sought below.
	UFD-O1 to O4 Objectives	Oppose –in addition to inconsistent and inadequate provision for other values as addressed below, these objectives also take an inconsistent approach to whether values and features are to be maintained or enhanced / sustainably used / recognised and provided for / or have impacts avoided. There is no rationale for these differing approaches, which fails to give effect to integrated management and could lead to inconsistent level of protection.	Review and amend all objectives to provide a clear and consistent approach to the levels and types of protection provided to values and features.
	UFD-O1 Form and function of urban areas	Oppose – the limitation of consideration of other values to “significant” values fails to provide for many other values, noting that the RPS itself identifies values using other terms such as “outstanding” and “highly valued” for some values, and no such term for other values such as historic heritage.	Amend as follows or words to like effect: “...2. maintains or enhances the significant values and features...”
	UFD-O2 Development of urban areas	Oppose – this objective fails to recognise or manage the effects of urban development on other values.	Insert a new clause as follows or words to like effect: “...x. <u>does not directly or indirectly result in significant adverse effects on ecosystems, indigenous biodiversity the coastal environment, air, water, energy, land or infrastructure</u> ”

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	UFD-O3 Strategic planning	Oppose – the limitation of consideration of other values to “locationally relevant regionally significant” features and values fails to provide for many other values, noting that the RPS itself identifies values using other terms such as “outstanding” and “highly valued” for some values, and no such term for other values such as historic heritage.	Amend as follows or words to like effect: “...2. ...recognises and provides for locationally relevant regionally significant values and features...”
	UFD-O4 Development in rural areas	Oppose – the limitation of consideration of other values to “significant” values fails to provide for many other values, noting that the RPS itself identifies values using other terms such as “outstanding” and “highly valued” for some values, and no such term for other values such as historic heritage.	Amend as follows or words to like effect: “...1. avoids impacts on significant values and features...”
Part 4 – Evaluation and Monitoring	Entire section	Support – it is both a regulatory requirement and good practice that the Council monitors the efficiency and effectiveness of the RPS. Although environmental indicators are to be developed outside of the RPS, these should include biodiversity values, and the threat status of indigenous species and ecosystems.	Retain as notified
Part 5 – Appendices and Maps	APP1 Outstanding water bodies	Oppose – these criteria fail to recognise other values which could justify a water body being considered outstanding (e.g., ecosystem values, human perception of natural character), and fail to provide guidance on what levels and types of values should be considered outstanding.	Amend the criteria to include all appropriate values and provide clear guidance for assessing whether values are outstanding.
	APP2 Indigenous biodiversity	Oppose – while these criteria are generally appropriate, they require amendment for completeness, clarity and effectiveness.	Replace APP 2 with the Criteria attached below as Attachment 2 to this submission.
	APP3 Biodiversity offsetting	Oppose – the inclusion of specific direction on offsetting and compensation is supported, but to be effective these provisions must be reasonably achievable and incentivise positive measures and must accord with the best scientific practice.	Replace APP 3 with the Criteria attached below as Attachment 3 to this submission
	APP4 Biodiversity compensation	Oppose – the inclusion of specific direction on offsetting and compensation is supported, but in	Replace APP 4 with the Criteria attached below as Attachment 4 to this submission

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		order to be effective these provisions must be reasonably achievable and incentivise positive measures, and must accord with the best scientific practice	
	APP8 Historic heritage	Support – these criteria are consistent with Heritage NZ Pouhere Taonga criteria and good practice.	Retain as notified
	APP9 Natural features, landscapes and seascapes	Support in part – these criteria are generally appropriate and align with the NZCPS. However, there is ongoing development in the understanding of natural features, landscapes and seascapes, and potential to update and further develop these criteria.	Retain as notified, subject to any amendments which update or further develop the criteria.

ATTACHMENT 2: Significance criteria for indigenous biodiversity

APP2: Significance criteria for indigenous biodiversity

Criteria	Definition	Rationale	Examples
<p>Representativeness</p>	<p>a. An area that is an example of an indigenous community or vegetation type or habitat that is typical or characteristic of the original natural diversity of the relevant ecological district or coastal marine or freshwater biogeographic region. Within anthropogenically modified environments, this may include degraded examples of their type or represent all that remains of indigenous vegetation and habitats of indigenous fauna in some areas.</p> <p>b. Ecosystems or indigenous vegetation or habitat of indigenous fauna that is a relatively large example of its type within the relevant ecological district or coastal marine or freshwater biogeographic region.</p> <p>c. An indigenous marine ecosystem (including both intertidal and sub-tidal habitats and including both faunal and floral assemblages) that makes up at least 10% of the natural extent of each of Otago’s original marine ecosystem types and reflects the environmental gradients of the region.</p> <p>d. An indigenous marine ecosystem, or habitat of indigenous marine fauna (including both intertidal and sub-tidal habitats, and including both faunal and floral components), that is characteristic or typical of the natural marine ecosystem diversity of Otago.</p> <p>e. An indigenous freshwater ecosystem (including both faunal and floral assemblages) that makes up at least 10% of the natural extent of each of Otago’s original freshwater ecosystem types and reflects the environmental gradients of the region.</p> <p>f. An indigenous freshwater habitat (including both faunal and floral components), that is characteristic or typical of the natural freshwater ecosystem diversity of Otago.</p> <p>g. An area with a comparatively higher degree of naturalness as a result of the lack of or low level of human-induced disturbance or degradation.</p>	<ul style="list-style-type: none"> • The emphasis in this criterion is on the commonplace, as that accounts for most indigenous biodiversity. • Full consideration must be given to secondary and successional communities as well as to mature communities that were originally present • Degraded ecosystems of habitats are an important consideration especially in more modified Ecological District’s or coastal areas 	

<p>Vulnerability, Fragility, Sensitivity, or slow recovery</p>	<p>Areas that contain a relatively high proportion of sensitive habitats, biotopes or species that are functionally fragile (highly susceptible to degradation or depletion by human activity) or with slow recovery.</p>	<p>In the absence of protection, associated biodiversity may not be able to persist.</p>	<p>Areas containing predominantly indigenous vegetation in the coastal environment.</p> <p>Indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, intertidal zones rocky reef systems, eelgrass and saltmarsh.</p> <p>Biogenic habitats, including bryozoan beds, sponge communities and coldwater corals. Low fecundity and, or high longevity (fish) species such as bramble sharks, hapuku, king tarakihi, orange roughy.</p> <p>Non-diadromous galaxiid habitat, e.g., headwater streams</p>
<p>Uniqueness/Rarity/Endemism</p>	<p>Areas which contain:</p> <ul style="list-style-type: none"> (i) unique (“the only one of its kind”, rare (occurs only in a few locations) or endemic species, populations or communities; and/or (ii) unique, rare or distinct, habitats or ecosystems; and/or (iii) unique or unusual geomorphological or oceanography features. <p>Indigenous vegetation and/or fauna that is threatened, at risk, or uncommon, nationally or within an ecological district or coastal marine biogeographic region, or</p> <p>Ecosystems, 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</p>	<p>These areas contain biodiversity that is irreplaceable; non-representation in protected areas may result in loss or reduction in biodiversity or features.</p>	<p>Marine examples: Hydrothermal vents; seeps; areas containing co-occurring geographically restricted species; biogenic habitats.</p> <p>Water bodies: ephemeral saline wetlands</p>

	<p>environment, ecological district, coastal marine biogeographic region or freshwater environment including wetlands, or</p> <p>Indigenous vegetation and habitats within originally rare ecosystems, or</p> <p>A site that contains indigenous vegetation or an indigenous species that is endemic to Otago or that are at distributional limits within Otago, or</p> <p>An ecosystem that has been considerably reduced from its former extent</p>		
Importance for threatened / declining species and habitats	Indigenous vegetation or habitat of indigenous species that is threatened, at risk, uncommon nationally or within the relevant ecological district or coastal biogeographic region or an area with significant assemblages of such species.	Protection may enable recovery or persistence of these threatened / declining species or habitats.	Estuaries with populations of threatened shorebirds; foraging areas for marine mammals and seabirds.
Special importance for life history stages	<p>Areas that are required for a population to survive and thrive at key points in its biological cycles.</p> <p>A site that provides important refugia habitat or important habitat for feeding, breeding, or resting) for a population of a threatened or at risk indigenous species, either seasonally or permanently.</p> <p>Aquatic habitat (excluding artificial water bodies, except for those created for the maintenance and enhancement of biodiversity or as mitigation as part of a consented activity) within a stream, river, lake, groundwater system, wetland, intertidal mudflat or estuary, or any other part of the coastal marine area and their margins, that is critical to the self-sustainability of an indigenous species within a catchment, or within the coastal marine area. In this context “critical” means essential for a specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats</p>	Species’ particular requirements make some areas more suitable for carrying out life history stages.	Fish spawning or nursery grounds; pinniped breeding colonies; migratory corridors; sites where animals aggregate for feeding.
Diversity	Areas containing comparatively higher diversity of ecosystems, habitats, communities or indigenous species, or which has higher	These areas are important for evolutionary processes, for	Structurally complex communities such as deepwater sponge and

	<p>genetic diversity.</p> <p>An area that supports a high diversity of indigenous ecosystem types, indigenous <i>taxa</i> or has changes in species composition reflecting the existence of diverse natural features or ecological gradients.</p> <p>Area containing a diversity of ecosystem services; and/or areas of particular importance for ecosystem services.</p>	<p>species and ecosystem resilience and contribute towards large-scale biodiversity.</p>	<p>coral communities; seamounts.</p> <p>Areas with high diversity of fish and invertebrate species.</p> <p>Areas containing dense populations of filter-feeding invertebrates; areas important for seafood provisioning. Areas important for supporting or regulating ecosystem services (e.g., areas of nutrient regeneration, biogenic habitat provision, carbon sequestration, sediment retention, gas balance, bioremediation of contaminants, storm protection) that underpin the delivery of provisioning or cultural ecosystem services.</p>
Distinctiveness	<p>An area that supports or provides habitat for:</p> <ol style="list-style-type: none"> Indigenous species that are endemic to the Otago region, 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, or species, populations or communities with comparatively higher natural biological productivity, or ecosystems or communities that nationally, regionally or within the ecological district or marine biogeographical area, are unique, distinctive, notable, unusual, or of restricted occurrence. 		<p>Hydrothermal vents; frontal zones; areas of upwelling.</p>
Ecological context	<p>A site or area where the relationship of the area with its surroundings (both within Otago and between Otago and the adjoining regions), shows:</p>		<p>Soft sediment habitats containing high densities of bioturbators; areas of high functional trait diversity; areas with functionally important</p>

	<ul style="list-style-type: none"> i. connectivity allowing the dispersal of indigenous flora and fauna between different areas, or ii. buffering function that helps to protect the values of an adjacent area or feature, or iii. ecosystems, habitats or species that have comparatively higher contributions to supporting ecosystem function or provides biophysical linkages or buffering functions. iv. importance for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, resting, nesting, breeding, spawning or refuges from predation, or v. a wetland which plays an important hydrological, biological or ecological role in the natural functioning of a river or coastal ecosystem or springs, lakes and streams. 		<p>mesopelagic communities (including myctophids).</p>
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ATTACHMENT 3: Criteria for biodiversity offsetting

APP3 – Criteria for biodiversity offsetting

(1) Biodiversity offsetting proposals must meet the following criteria:

- (a) the offset addresses residual adverse effects that remain after implementing the sequential steps required by ECO–P6(1) to (3);
- (b) the offset demonstrates that it can reasonably achieve no net loss and preferably a net gain in indigenous biodiversity, as measured by type, amount and condition at both the impact and offset sites using an explicit loss and gain calculation;
- (c) the offset is undertaken where it will result in the best ecological outcome, and is preferably:
 - (i) close to the location of the activity, and
 - (ii) within the same ecological district or coastal marine biogeographic region;
- (d) Where offsetting with biodiversity of higher value (trading up), the gains must be demonstrably higher than the values lost and the values lost must not be listed as Threatened, At-risk or Data deficient in the New Zealand Threat Classification System lists, or be considered vulnerable or irreplaceable;
- (e) the offset considers the landscape scale, including the interactions between species, habitats and ecosystems, spatial connections and ecosystem function at the impact site and compensation site;
- (f) the offset is applied so that the ecological values being achieved are the same as those being lost;
- (g) the positive ecological outcomes of the offset endure at least as long as the impact of the activity and preferably in perpetuity;
- (h) the offset achieves biodiversity outcomes beyond results that would have occurred if the offset was not proposed, and are additional to any remediation or mitigation undertaken in relation to the adverse effects of the activity;
- (i) the time delay between the loss of biodiversity and the gain or maturation of the offset’s biodiversity outcomes is the least necessary to achieve the best ecological outcome;
- (j) the outcome of the offset is achieved within the duration of the resource consent;
- (k) any offset developed in advance of an application for resource consent must be shown to have been created or commenced in anticipation of the specific effect of the proposed activity and would not have occurred if that effect was not anticipated, and
- (l) a separate biodiversity offset management plan is prepared in accordance with good practice and involves adaptive management informed by monitoring and evaluation, and addresses mātauraka considerations;
- (m) the limits to offsetting are assessed and the offset is not undertaken where:

- (i) the proposed activity may result in 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; or
- (ii) the proposed activity may result in the removal or loss of viability of a naturally rare or uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna; or
- (iii) the proposed activity may result in the loss (including through cumulative loss) of irreplaceable or vulnerable indigenous biodiversity; or
- (iv) the proposed activity may result in the worsening of the conservation status of any indigenous biodiversity as listed under the New Zealand Threat Classification System; or
- (v) there are no technically feasible or socially acceptable options by which to secure gains within acceptable timeframes; or
- (vi) the effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse; or
- (vii) the proposed activity may contradict anticipated environmental results ECO-AER1 to ECO-AER4; or
- (viii) the compensation cannot be reasonably demonstrated to achieve a successful compensation outcome; or
- (ix) the compensation may displace activities harmful to indigenous biodiversity to other locations.

ATTACHMENT 4: Criteria for biodiversity compensation

APP4 – Criteria for biodiversity compensation

(1) Biodiversity compensation proposals must meet the following criteria:

- (a) compensation addresses residual adverse effects that remain after implementing the sequential steps required by ECO-P6 (1) to (4);
- (b) the compensation yields positive ecological effects that are commensurate to the ecological values lost;
- (c) compensation is undertaken where it will result in the best ecological outcome and preferably:
 - (i) is close to the location of the activity,
 - (ii) is within the same ecological district or coastal marine biogeographic region, and
 - (iii) delivers indigenous biodiversity gains on the ground;
- (d) Where compensating with biodiversity of higher value (trading up), the gains must be demonstrably higher than the values lost and the values lost must not be listed as Threatened, At-risk or Data deficient in the New Zealand Threat Classification System lists, or be considered vulnerable or irreplaceable;
- (e) compensation considers the landscape scale, including interactions between species, habitats and ecosystems, spatial connections and ecosystem function at the impact site and compensation site;
- (f) compensation achieves positive biodiversity outcomes that would not have occurred without that compensation, and are additional to any remediation, mitigation or offset undertaken in relation to the adverse effects of the activity;
- (g) the positive biodiversity outcomes of the compensation are enduring, lasting preferably in perpetuity;
- (h) the time delay between the loss of biodiversity at the impact site and the gain or maturation of the compensation's biodiversity outcomes is the least necessary to achieve the best ecological outcome;
- (i) the outcome of the compensation is achieved within the duration of the resource consent;
- (j) biodiversity compensation developed in advance of an application for resource consent must be shown to have been created or commenced in anticipation of the specific effect of the proposed activity and would not have occurred if that effect was not anticipated;
- (k) the biodiversity compensation outcome is demonstrably achievable;

- (l) financial contributions are only considered when APP4(1)(c)(iii) cannot be met and must be directly linked to a specific indigenous biodiversity gain or benefit;
- (m) a separate biodiversity compensation management plan is prepared which outlines the activities, who is responsible for executing the compensation, timeframe for implementation, financial aspects, monitoring, risks, adaptive management considerations, mātauraka considerations, and reporting requirements; and
- (n) the limits to compensation are assessed and the compensation is not undertaken where:
 - (i) the proposed activity may result in 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, or
 - (ii) the proposed activity may result in the removal or loss of viability of a naturally rare or uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna, or
 - (iii) the proposed activity may result in the loss (including through cumulative loss) of irreplaceable or vulnerable indigenous biodiversity, or
 - (iv) the proposed activity may result in the worsening of the conservation status of any indigenous biodiversity as listed under the New Zealand Threat Classification System, or
 - (v) there are no technically feasible or socially acceptable options by which to secure gains within acceptable timeframes; or
 - (vi) the effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse; or
 - (vii) the proposed activity may contradict anticipated environmental results ECO-AER1 to ECO-AER4, or
 - (viii) the compensation cannot be reasonably demonstrated to achieve a successful compensation outcome; or
 - (ix) the compensation may displace activities harmful to indigenous biodiversity to other locations.