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**Cc:** [Don Chittock \(don.chittock@fultonhogan.com\)](mailto:don.chittock@fultonhogan.com)  
**Subject:** Submission from Fulton Hogan Limited  
**Date:** Monday, 6 September 2021 5:10:01 p.m.  
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[image002.png](#)  
[ATT00001.png](#)  
[FH Submission on Proposed ORC RPS \(Final\\_06\\_09\\_21\).pdf](#)

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Kia ora

Please find attached a submission from Fulton Hogan Limited on the proposed Regional Policy Statement.

Please get in touch on the details below if you have any questions or comments.

Ngā Mihi | Kind regards,

**Tim Ensor | Principal Planner**

BSc, BA(hons), PGDip Planning

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*He waka eke noa - we're all in this together :)*

T+T is well placed to provide continuity of service as the COVID-19 situation evolves, with the wellbeing of our people, clients, suppliers and communities remaining our highest priorities.

Please see our website for the latest update, or get in touch if there is anything we can do to support you.

Our physical offices are closed during Level 4, but our people are working from home. Please [see our website](#) for the latest update, or get in touch if there is anything we can do to support you.

## Submission on Proposed Otago Regional Policy Statement June 2021

**To:** Otago Regional Council  
144 Rattray Street  
Dunedin 9016

**Submitter:** Fulton Hogan Limited.

This is a submission by Fulton Hogan Limited (Fulton Hogan) on the proposed Otago Regional Policy Statement 2021 June 2021 (**pRPS**).

Fulton Hogan:

- (a) could not gain an advantage in trade competition through this submission.
- (b) is directly affected by an effect of the subject matter of the submission that—
  - (i) adversely affects the environment; and
  - (ii) does not relate to trade competition or the effects of trade competition.
- (c) Fulton Hogan wishes to be heard in support of its submission and would consider presenting a joint case with others making a similar submission at any hearing.

### Background

#### Fulton Hogan Limited

1. Fulton Hogan is one of New Zealand's largest roading and infrastructure construction companies. Within New Zealand, Fulton Hogan employs close to 4700 staff.
2. Within Otago, Fulton Hogan has operated since 1933 and currently employs approximately 700 staff. In the Otago region we operate two regional businesses, based in Dunedin and Central Otago.
3. Fulton Hogan undertakes numerous activities in the Otago Region including:
  - 3.1 Gravel extraction, both within river beds and within land-based quarries/pits;
  - 3.2 Aggregate processing and storage; and
  - 3.3 Infrastructure development and maintenance activities.
4. Fulton Hogan wishes to ensure the regulatory regime under the pRPS does not curtail its existing lawfully established activities. Fulton Hogan also wishes to ensure that the policy framework does not unnecessarily constrain future activities or have unintended consequences through not adequately recognising the breadth of activities associated with quarrying activities.
5. The activities of Fulton Hogan contribute to the sustainable management of resources for the wider benefit of people and communities. Where aggregates and aggregate-based products are not available (including at a reasonable cost), this has a fundamental effect on the ability of communities to provide for roading, building and other infrastructural requirements vital to their needs. Disruptions to this critical link in the construction supply chain also has significant implications for the resilience of the region in the face of climate change and other natural hazard risks.

## General submissions

6. In order to ensure that the pRPS promotes sustainable management and provides for the efficient use and development of natural resources, Fulton Hogan is seeking the following general relief:
7. Fulton Hogan is concerned that the pRPS does not recognise the importance of aggregate to many aspects of life in Otago. Aggregate literally forms the foundation of the infrastructure and buildings that we rely on. Aggregate is used for:
  - 7.1 Road, footpath, car park and driveway construction foundation materials;
  - 7.2 Asphalt and chip seal surfacing materials;
  - 7.3 Foundation materials for a wide variety of buildings;
  - 7.4 Concrete – for industrial, commercial, public and residential building construction, bridges, tunnels, port structures and dams;
  - 7.5 Clay and concrete pipe and culvert manufacture;
  - 7.6 Bedding and trench restoration materials for piping and cabling;
  - 7.7 Railway ballast;
  - 7.8 Airport runway foundation and surfacing materials;
  - 7.9 General filling, river embankments and retaining wall construction;
  - 7.10 Field and other drainage systems; and
  - 7.11 Bricks, tiles and paving manufacture.
8. Aggregate, and particularly a local supply is key to achieving many of the development and infrastructure aspirations of the region in a cost-effective manner. Aggregate is a low cost but high volume material meaning that transportation plays a significant role in the overall cost of the product. Land use decisions that force supply away from the locations where it is used all contribute the cost of construction and therefore impact economic and social wellbeing.
9. Policy statements and plans regularly overlook the significant role aggregate plays in community wellbeing through providing a ready, local supply of aggregate for infrastructure and housing construction. This often leads to plan provisions that are hostile to the establishment of secure aggregate supplies, but also allows other incompatible land uses to encroach on existing quarrying or aggregate extraction activities, or to establish on or adjacent to land that contains valuable aggregate resource. Reverse sensitivity and the potential for encroachment by incompatible land uses are therefore significant issues for the aggregates industry.
10. The pRPS focuses on environmental resilience. However, social and economic resilience and the ability to recover in the face of natural hazard and climate change risks is also important. For example, a local ready source of aggregate played a significant role in the ability of Christchurch to recover from the Canterbury Earthquake Sequence, and recently in the recovery of Southland floods with river bank armouring rock and roading repairs. This significant part of the construction supply chain meant that construction materials were available, and in Christchurch, that land improvement techniques relying on aggregate allowed the city to build back better.

11. Fulton Hogan is concerned that the pRPS fails to provide an appropriate level of guidance through objectives and policies relating to freshwater management. The pRPS does little to give region specific context to the NPSFM and fails to address some potential conflict that exists between competing water uses.
12. The pRPS also lacks clarity through some objectives and policies (for example in relation to indigenous biodiversity and freshwater). The pRPS needs to be reviewed and amended so as to rely on plain language where possible, and to ensure that there is a logical and coherent connection between objectives and policies, and related sets of provisions (e.g. the freshwater and land provisions).
13. The s32 evaluation for the pRPS fails to address the benefits aggregate provides, and the costs associated with not having an accessible local supply. These could potentially be significant, especially in the context of the pRPS direction on indigenous biodiversity. The application of the significance criteria for indigenous biodiversity contained in APP2, has the potential to cover vast amounts of the Queenstown Lakes District. A majority of aggregate (80%+) is already imported to the district from areas outside, and the pRPS proposal for indigenous biodiversity would likely force this to continue.
14. An example that exists currently in the Wakatipu Basin is the coverage of the Outstanding Natural Landscapes overlay over a vast majority of the land area, and the impact this has on activities. This significantly impacts the ability of activities to occur and / or results in significant regulatory costs. ORC needs to be careful that the identification of Significant Natural Areas (SNAs) does not result in a similar situation.
15. The costs associated with SNAs for infrastructure development and resilience (for example), are absent from the evaluation. Without a clear understanding of these costs, the implications for the efficiency of the policy approach in the pRPS is unknown. Fulton Hogan requests that the ORC undertake a full assessment of the costs and benefits of the indigenous biodiversity policy framework and amend the approach to recognise these.

### **Relief sought**

16. The specific submissions of Fulton Hogan and specific relief sought are contained in **Appendix A**. Where additions are proposed to provisions, these are shown by underline, and any deletions are shown by strikeout. While specific wording has been provided, there may be other or better ways of achieving the relief sought in Appendix A and above. Fulton Hogan also seeks any consequential relief to that sought in this submission.

Signed on behalf of  
**Fulton Hogan Limited**



**Dated 6/9/2021**

### **Address for Service of Submitter:**

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Christchurch

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**Appendix A: Submissions**

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:  Oppose/ Support	Reasons	Fulton Hogan seek the following decisions from Otago Regional Council:
<b>Definitions</b>				
1.	<b>Quarrying Activities</b>	Support	The pRPS does not currently have a definition of 'Quarrying Activity'. Quarries and quarrying activities are critical to the development, upgrade and maintenance of infrastructure and play a significant role in supporting urban growth and development across the region through supplying critical materials. It is therefore appropriate that the activity is identified and recognised at a regional level through the pRPS. This relief assists with achieving relief sought by Fulton Hogan on Part 2 of the pRPS.	Include the definition of Quarrying Activities included in Chapter 14 of the National Planning Standards.  <u>Quarrying Activities</u> <u>means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.</u>
2.	<b>Primary Production</b>	Support	While Primary Production is defined in Chapter 14 of the National Planning Standards, the inclusion of this definition in the pRPS 2021 clearly signals that Primary Production includes quarrying, and that quarrying is an activity that is often necessarily located in rural environments.	Include the definition of Primary Production included in Chapter 14 of the National Planning Standards. <u>Primary Production</u> <u>means:</u> <u>(a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and</u> <u>(b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);</u> <u>(c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but</u> <u>(d) excludes further processing of those commodities into a different product.</u>
3.	<b>Highly valued natural features and landscapes</b>  highly valued natural features, landscapes and seascapes are areas which contain attributes and values of significance under Sections 7(c) and 7(f) of the RMA 1991, which have been identified in accordance with APP7	Oppose in part	This definition appears to refer to the incorrect appendix.	Amend the definition to refer to the correct appendix. <b>Highly valued natural features and landscapes</b>  highly valued natural features, landscapes and seascapes are areas which contain attributes and values of significance under Sections 7(c) and 7(f) of the RMA 1991, which have been identified in accordance with APP7.

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:  Oppose/ Support                      Reasons	Fulton Hogan seek the following decisions from Otago Regional Council:
<b>Part 2 – Resource Management Overview</b>			
<b>SRMR – Significant resource management issues for the region</b>			
4.	<b>NEW</b> statement describing the importance of quarrying	Support  Aggregates are a vital, if under recognised component of everyday life. Without them there would be none of the infrastructure on which modern society relies. While the pRPS recognises the importance of regionally and nationally significant infrastructure, no mention is made either in the pRPS or the s32 evaluation of the vital links in the supply chain that allows this infrastructure to be constructed, upgraded and maintained.  Transportation is often the single most important factor in determining the delivered price of aggregates highlighting the importance of establishing and protecting local sources of aggregate.  Often the aggregate resources required are physically available but access to them may become constrained by, amongst other matters:  a) A lack of appropriate importance being placed on them by the local planning framework, b) Land use planning provisions that either fail to appropriately facilitate extraction opportunities or are overtly inhospitable to extraction activities, c) Establishment of incompatible land use activities on or adjacent to resources.  Consequently, it is vital that the importance of aggregate and the role that aggregate plays in the social and economic wellbeing of the Otago Region is recognised in the pRPS.	Include a new statement in Part 2 of the pRPS that recognises the importance of aggregate to the wellbeing of the Otago Region, the role aggregates play in the construction, upgrade and maintenance of infrastructure, and the potential challenges that face to region in terms of maintaining a secure, cost-effective source of aggregate.  <u>Aggregates are a vital component of everyday life including as a key construction material for regionally and nationally significant infrastructure. While district and regional plans need to address the potential adverse effects of quarrying activities, it is important that district and regional plans also recognise the importance of aggregates and the constraints that can be placed on quarrying activities and river based aggregate extraction. These constraints include:</u>  a) <u>A lack of appropriate emphasis being placed on the importance of aggregate to wellbeing.</u> b) <u>Land use planning provisions that either fail to appropriately facilitate aggregate extraction opportunities or are unreasonably restrictive to aggregate extraction activities, and</u> c) <u>Establishment of incompatible land use activities on or adjacent to resources leading to reverse sensitivity effects or resource sterilisation.</u>
5.	SRMR– 14 – Poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community well-being.	Oppose in part  Reverse sensitivity effects resulting from urban growth can be significant for activities such as quarrying. It is therefore imperative that this is highlighted early in the pRPS.	Amend Issue SRMR-14 as follows:  Include reference to urban growth having the potential to adversely affect or constrain existing lawfully established activities through reverse sensitivity effects under the 'Context' sub-section as a precursor to UFD-Urban form and development and policies such as UFD-P4 as follows: [...] <u>Where Urban growth, especially if it exceeds infrastructure capacity (either through sheer pace and scale or by lack of planning) or if it occurs in a way or at a rate that mean that appropriate infrastructure is not provided, is lagging or is inefficient, or encroaches on lawfully established activities or land valued for primary production, can result in adverse impacts (including reverse sensitivity effects) on the environment, existing residents, business and wider society. Quality urban environments are those that maximise the positive aspects of urban areas and minimise the negative.</u>  Sub-section 'Impact snapshot' uses the term 'rural production activities', and 'productive land' when referring to reverse sensitivity effects and other issues associated with urban growth. Substitute these terms for the defined term 'Primary Production' throughout the pRPS to make it clear what activities the issues relate to.
6.	SRMR– 14 – Poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community well-being.	Support in part  Reverse sensitivity effects resulting from urban growth can be significant for activities such as quarrying. Cost effective infrastructure and urban development relies on a relatively local source of aggregate which is used in many aspects of this development. Encroachment of urban development into areas used for quarrying can result in constraints on these activities, adversely affecting output and therefore the cost of the final product.  Fulton Hogan therefore supports the inclusion of reverse sensitivity effects in the list of economic impacts listed under Sub-heading 'Impact snapshot'.	Retain reference to the direct and indirect (through reverse sensitivity effects) impact on land used for Primary Production within the economic 'Impact snapshot'. See submission point above relating to the use of the defined term "Primary Production".

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:  Oppose/ Support	Reasons	Fulton Hogan seek the following decisions from Otago Regional Council:
<b>IM - Integrated management</b>				
7.	<p><b>IM-P2 – Decision Priorities</b></p> <p>Unless expressly stated otherwise, all decision making under this RPS shall:</p> <p>(1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment,</p> <p>(2) secondly, promote the health needs of people, and</p> <p>(3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p>	Oppose	<p>Policy IM-P2 introduces a hierarchy for making decisions. This appears to be based on the hierarchy of obligations set out in the NPSFM as applicable to the freshwater environment.</p> <p>Applying this approach to the wider environment raises serious concerns.</p> <p>Fulton Hogan is concerned that applying this hierarchy to all environments puts in place a significantly different planning regime than the one envisaged through the Resource Management Act 1991 and particularly Part 2. This policy creates a situation where the RPS may not achieve the purpose of the RMA. In addition, any subordinate documents would find conflict in seeking to achieve the purpose of the RMA and give effect to the RPS.</p> <p>Fulton Hogan is concerned that applying this hierarchy to the wider environment could have significant unintended consequences including foreclosing the ability of current communities in Otago to continue to provide for their existing needs. The level of uncertainty surrounding this policy makes it extremely difficult to understand the full consequences of the position.</p> <p>The potential challenges associated with this approach for water management, which is relatively confined to one domain, are still being worked through. The concept of Te Mana o te Wai that underpins the NPSFM approach also contains a requirement to establish what Te Mana o te Wai means in a region or district through a consultative process with mana whenua and the community. This is missing from Policy IM-P2 and the potential for interpretation and implementation challenges are likely to be significant.</p>	<p>Delete Policy IM-P2 – Decision Priorities.</p> <p><b>IM-P2 – Decision Priorities</b></p> <p>Unless expressly stated otherwise, all decision making under this RPS shall:</p> <p>(1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment,</p> <p>(2) secondly, promote the health needs of people, and</p> <p>(3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p>
8.	<p><b>NEW Policy - Resilience</b></p>	Support	<p>Environmental resilience is discussed within the IM chapter but the pRPS makes limited mention of social, economic and cultural resilience to the effects of natural hazard and climate change risk.</p> <p>Having systems and facilities in place to enable recovery is a key part of building resilience to natural hazard and climate change risk given that avoidance is not always practicable.</p> <p>This includes access to materials for rebuild and recovery.</p>	<p>Insert a new policy that recognises the role of activities that allow communities to recover from the adverse effects of natural hazards and climate change in providing for social, economic and cultural resilience.</p> <p><b>IM-PX</b></p> <p><u>Provide for activities that enhance social, economic and cultural resilience to the adverse effects of natural hazards and climate change including activities that enhance the community's ability to recover.</u></p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
9.	<p><b>IM-M1-Regional and district plans</b></p> <p>Local authorities must prepare or amend and maintain their regional and district plans to:</p> <p>[...]</p> <p>(4) ensure cumulative effects of activities on natural and physical resources are accounted for in resource management decisions by recognising and managing such effects, including:</p> <p>(a) the same effect occurring multiple times,</p> <p>(b) different effects occurring at the same time,</p> <p>(c) different effects occurring multiple times,</p> <p>(d) one effect leading to different effects occurring over time,</p> <p>(e) different effects occurring sequentially over time,</p> <p>(f) effects occurring in the same place,</p> <p>(g) effects occurring in different places,</p> <p>(h) effects that are spatially or temporally distant from their cause or causes, and,</p> <p>(i) more than minor cumulative effects resulting from minor or transitory effects,</p> <p>[...]</p>	Oppose	What constitutes a cumulative effect is well established under the RMA. Method IM-M1 unnecessarily defines this term.	<p>Amend Method IM-M1 to remove the description of what constitutes a cumulative effect.</p> <p><b>IM-M1-Regional and district plans</b></p> <p>Local authorities must prepare or amend and maintain their regional and district plans to:</p> <p>[...]</p> <p>(4) ensure cumulative effects of activities on natural and physical resources are accounted for in resource management decisions by <del>recognising and managing such effects, including:</del></p> <p><del>(a) the same effect occurring multiple times,</del></p> <p><del>(b) different effects occurring at the same time,</del></p> <p><del>(c) different effects occurring multiple times,</del></p> <p><del>(d) one effect leading to different effects occurring over time,</del></p> <p><del>(e) different effects occurring sequentially over time,</del></p> <p><del>(f) effects occurring in the same place,</del></p> <p><del>(g) effects occurring in different places,</del></p> <p><del>(h) effects that are spatially or temporally distant from their cause or causes, and,</del></p> <p><del>(i) more than minor cumulative effects resulting from minor or transitory effects,</del></p> <p>[...]</p>



Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:  Oppose/ Support	Reasons	Fulton Hogan seek the following decisions from Otago Regional Council:
<b>Part 3 – Domains and Topics</b>				
<b>Domains</b>				
<b>AIR - Air</b>				
10.	<p><b>AIR-P1 – Maintain good ambient air quality</b></p> <p>Good ambient air quality is maintained across Otago by:</p> <p>(1) ensuring discharges to air comply with ambient air quality limits where those limits have been set, and</p> <p>(2) where limits have not been set, only allowing discharges to air if the adverse effects on ambient air quality are no more than minor.</p>	Oppose in part	<p>The “no more than minor” threshold relates to notification tests under the RMA and introduces ambiguity into the policy approach.</p> <p>Where limits have not been set discharges to air should be assessed based on the merits of the individual situation. Relying on the phrase ‘no more than minor’ provides no useful guidance to this process.</p>	<p>Amend Policy AIR-P1 to remove the ‘no more than minor’ threshold and include direction that encourages discharges to be assessed based on the merits of the particular discharge scenario.</p> <p><b>AIR–P1 – Maintain good ambient air quality</b></p> <p>Good ambient air quality is maintained across Otago by:</p> <p>(1) ensuring discharges to air comply with ambient air quality limits where those limits have been set, and</p> <p>(2) where limits have not been set, only allowing discharges to air if the adverse effects on ambient air quality are <u>no more than minor acceptable</u>.</p>
11.	<p><b>AIR-P3 – Providing for discharges to air</b></p> <p>Allow discharges to air provided they do not adversely affect human health, amenity and mana whenua values and the life supporting capacity of ecosystems.</p>	Oppose	<p>The language used in AIR-P3 is broad and could be interpreted to mean that only discharges that do not cause any effects can be allowed or authorised, including by resource consents.</p> <p>The policy needs to be tightened up so as to only refer to permitted activities and to more directly reflect the intent of the policy as described in the policy title by using ‘provided’ rather than ‘allowed’.</p>	<p>Amend AIR-P3 to refer to permitted activities only:</p> <p><b>AIR-P3 – Providing for discharges to air</b></p> <p>Allow <u>Provide for</u> discharges to air <u>as permitted activities provided where</u> they do not adversely affect human health, amenity and mana whenua values and the life supporting capacity of ecosystems.</p>
12.	<p><b>AIR–P4 – Avoiding certain discharges</b></p> <p>Avoid discharges to air that cause offensive, objectionable, noxious or dangerous effects.</p>	Oppose	<p>As notified, Policy AIR-P4 has the potential to foreclose activities that may give rise to effects (even temporary effects) within the boundary of a property. This has the potential to unnecessarily restrict activities even though the activity will have no offensive, objectionable, noxious or dangerous effect on the wider environment or community.</p>	<p>Amend AIR-P4 to limit the avoidance of effects to beyond the boundary of the property where the discharge originates.</p> <p><b>AIR–P4 – Avoiding certain discharges</b></p> <p>Avoid discharges to air that cause offensive, objectionable, noxious or dangerous effects <u>beyond the boundary of the property where the discharge originates</u>.</p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:  Oppose/ Support	Reasons	Fulton Hogan seek the following decisions from Otago Regional Council:
<b>CE-Coastal Environment</b>				
13.	<p><b>CE-P10 – Activities within the coastal marine area</b></p> <p>Use and development in the coastal marine area must:</p> <p>(1) enable multiple uses of the coastal marine area wherever reasonable and practicable,</p> <p>(2) maintain or improve the integrity, form, function and resilience of the coastal marine area, and</p> <p>(3) have a functional or operational need to be located in the coastal marine area, or</p> <p>(4) have a public benefit or opportunity for public recreation that cannot practicably be located outside the coastal marine area.</p>	Oppose in part	<p>The requirement for activities to enable multiple uses of the coastal environment potentially sets a very high bar and would be subject to interpretation challenges in terms of scale and significance. It is highly likely that activities in the coastal environment may be appropriate, but that they do not enable multiple uses. For example, activities may not enable but do not foreclose multiple activities, and therefore would not be aligned with this policy.</p> <p>As a minimum it is necessary for this requirement to be qualified by the words “<i>wherever reasonable and practicable</i>”.</p>	<p>Amend Policy CE-P10 to remove reference to the mandatory requirement to enable multiple uses and instead provide for multiple uses. This could be achieved through the following amendments:</p> <p><b>CE-P10 – Activities within the coastal marine area</b></p> <p>Use and development in the coastal marine area must:</p> <p>(1) enable <u>provide for</u> multiple uses of the coastal marine area wherever reasonable and practicable,</p> <p>(2) maintain or improve the integrity, form, function and resilience of the coastal marine area, and</p> <p>(3) have a functional or operational need to be located in the coastal marine area, or</p> <p>(4) have a public benefit or opportunity for public recreation that cannot practicably be located outside the coastal marine area.</p> <p>As a minimum, if the requirement for enablement is retained, the qualifying words “<i>wherever reasonable and practicable</i>” in Policy CE-P10 need to be retained so as to recognise that activities may need to occur in the coastal environment that cannot reasonably or practicably enable multiple uses of the coastal environment.</p>
14.	CE-PR1- Principal reasons	Support	The principal reasons recognise that mineral extraction does and can occur in the coastal environment and that activities such as these can be “ <i>important contributors to the existing and future health and well-being of communities</i> ”. Fulton Hogan has interests in sand extraction activities and therefore supports these statements of fact being included in the pRPS.	Fulton Hogan supports the recognition that mineral extraction activities do occur in the Coastal Environment and that these can be important contributors to the existing and future health and well-being of communities. Fulton Hogan requests that these statements are retained.
15.	<p>CE-AER1</p> <p>The values of the coastal environment are not adversely affected or lost because of inappropriate uses of the natural and physical resources in the coastal environment.</p>	Oppose in part	The requirement to have no adverse effect, even if the effect is temporary or able to be mitigated or remedied has the potential to lead to district and regional plans putting in place policies and methods that are overly restrictive. This may result in the foreclosure of activities can be “ <i>important contributors to the existing and future health and well-being of communities</i> ”.	<p>Amend CE-AER1 to remove the reference to adverse effects</p> <p>CE-AER1</p> <p>The values of the coastal environment are not <del>adversely affected or lost</del> because of inappropriate uses of the natural and physical resources in the coastal environment.</p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:  Oppose/ Support	Reasons	Fulton Hogan seek the following decisions from Otago Regional Council:
<b>LF – Land and freshwater</b>				
<b>LF–WAI – Te Mana o te Wai</b>				
16.	<p><b>LF–WAI–P1 – Prioritisation</b></p> <p>In all management of fresh water in Otago, prioritise:</p> <p>(1) first, the health and well-being of water bodies and freshwater ecosystems, te hauora o te wai and te hauora o te taiao, and the exercise of mana whenua to uphold these,</p> <p>(2) second, the health and well-being needs of people, te hauora o te tangata; interacting with water through ingestion (such as drinking water and consuming harvested resources) and immersive activities (such as harvesting resources and bathing), and</p> <p>(3) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p>	Oppose	<p>Policy LF–WAI–P1 – Prioritisation, provides very little additional guidance to that provided by the Objective of the NPSFM. The pRPS needs to give effect to the NPSFM but should provide a regional context to the priorities. The S32 evaluation report identifies the pRPS as “...the primary vehicle for setting out the region-wide framework for managing freshwater.”</p> <p>This region wide framework does not necessarily need to occur in Policy LF–WAI–P1 alone. However, the LF-Land and freshwater chapter of the pRPS does not appear to have done this in any substantial way. In at least one example, the pRPS potentially introduces greater uncertainty as to how the NPSFM and LF–WAI–P1 priorities will be implemented rather than provide clarity.</p> <p>For example, it is unclear how “<b>providing</b> for a range of customary uses, including mahika kai, specific to each water body” (emphasis added) in Policy LF–WAI–P2 – Mana whakahaere, aligns with the hierarchy set out through Policy LF–WAI–P1. Subclause 3 of Policy LF–WAI–P2 provides for customary uses but it is unclear where these uses fit within the priorities set through Policy LF–WAI–P1. If customary uses are providing for cultural well-being (as a third order priority), then it would be inappropriate to ‘provide’ for these activities without similar policy support for other activities within priority three.</p> <p>An example of where regional level guidance is required is in relation to drinking and community water supplies. Drinking water (a second order priority use of water) is often provided as a component of water taken and distributed through reticulated networks for wider community use. This can include a number of activities that would be third order priority uses, including uses within an individual’s home. There is generally no practical way of separating drinking water from water used for wider community uses. Practical policy guidance is therefore required as to how this tension will be addressed in Otago.</p> <p>These examples highlight an overarching issue with the provisions under the LF chapter of the pRPS in that it sets in place priorities, but does not provide policy guidance for how activities that sit under each level of the hierarchy will be managed, or even what these activities might actually be. As notified, the pRPS does not meet the goal of being the primary vehicle for setting out the region-wide framework for managing freshwater.</p>	<p>Provide a comprehensive suite of policies in the LF-Land and Freshwater chapter that addresses “...how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region”<sup>1</sup> including the activities that sit under each priority level and how the potential tensions between these activities are to be resolved.</p> <p>Part 3 of the NPSFM places the responsibility for this task on regional councils.</p>

<sup>1</sup> Part 3.2 of the NPSFM 2020.

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
17.	<p><b>LF-WAI-P2 – Mana whakahaere</b></p> <p>Recognise and give practical effect to Kāi Tahu rakatirataka in respect of fresh water by:</p> <p>(1) facilitating partnership with, and the active involvement of, mana whenua in freshwater management and decision-making processes,</p> <p>(2) sustaining the environmental, social, cultural and economic relationships of Kāi Tahu with water bodies,</p> <p>(3) providing for a range of customary uses, including mahika kai, specific to each water body, and</p> <p>(4) incorporating mātauraka into decision making, management and monitoring processes.</p>	Oppose in part	<p>It is unclear how “<b>providing</b> for a range of customary uses, including mahika kai, specific to each water body” (emphasis added), aligns with the hierarchy set out through Policy LF-WAI-P1 – Prioritisation.</p> <p>See comments in relation to Policy LF-WAI-P1 – Prioritisation above.</p>	Provide a comprehensive suite of policies that address the activities that sit under each priority level and address the potential tensions between these where they exist.
<b>LF-VM – Visions and management</b>				
18.	<p><b>Objectives - FMU Visions</b></p>	Oppose in part	<p>The visions for all FMU require that “fresh water is managed in accordance with the LF-WAI objectives and policies.” As discussed in relation to Policy LF-WAI-P1 – Prioritisation, the LF-WAI objectives and policies do not resolve tension that exists between the priorities for freshwater management. Therefore, reference to these objectives and policies does not assist in the implementation of the NPSFM as described in Part 3 of the NPSFM.</p>	Delete the phrase “fresh water is managed in accordance with the LF-WAI objectives and policies” from the FMU visions unless a comprehensive set of policies addressing “...how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region” is included amongst the LF-WAI objectives and policies.

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
<b>LF-FW – Fresh water</b>				
19.	<p><b>LF-FW-09 – Natural wetlands</b></p> <p>Otago's natural wetlands are protected or restored so that:</p> <p>(1) mahika kai and other mana whenua values are sustained and enhanced now and for future generations,</p> <p>(2) there is no decrease in the range and diversity of indigenous ecosystem types and habitats in natural wetlands,</p> <p>(3) there is no reduction in their ecosystem health, hydrological functioning, amenity values, extent or water quality, and if degraded they are improved, and</p> <p>(4) their flood attenuation capacity is maintained.</p>	Oppose in part	<p>This objective gives effect to the NPSFM and provides regional context around the regulations contained in the NES-F.</p> <p>However, significant challenges have been identified with the NES-F regulations for natural wetlands and Minister Parker has recognised that the government made a “clear mistake” and “went a bit hard and chose a prohibited status for nixing of any wetlands” and that the government is “in the process of fixing”<sup>2</sup> this.</p> <p>Examples cited by the Minister where exceptions to the prohibition contained in the NES-F may be appropriate include quarry expansion.</p> <p>The requirement for no decrease or reduction in subclauses 2 and 3 of the objective may perpetuate the mistake identified. It is therefore important that this objective is clearly contextualised so that the objective is for the region, and that it is not to result in policy that requires no decrease or no reduction in wetland extent and value at a project level in all cases.</p>	<p>Objective LF-FW-09 – Natural wetlands, is amended so that reference to “no decrease” or no reduction” in subclauses 2 and 3 is clearly placed in the context of what is to be achieved on a regional scale rather than at an activity scale.</p> <p><b>LF-FW-09 – Natural wetlands</b></p> <p>Otago's natural wetlands are protected or restored so that:</p> <p>(1) mahika kai and other mana whenua values are sustained and enhanced now and for future generations,</p> <p>(2) there is no decrease in the range and diversity of indigenous ecosystem types and habitats <del>in</del> natural wetlands <u>across the region</u>,</p> <p>(3) <del>there is no reduction in their</del> <u>regionally, wetland</u> ecosystem health, hydrological functioning, amenity values, <u>and</u> extent or water quality <u>is maintained</u>, and if degraded <del>they are</del> <u>is</u> improved, and</p> <p>(4) their flood attenuation capacity is maintained.</p>

<sup>2</sup> NZ Energy and Environment Business Alert, 12 August 2021.

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
20.	<p><b>LF-FW-P9 – Protecting natural wetlands</b> Protect natural wetlands by:</p> <p>(1) avoiding a reduction in their values or extent unless:</p> <p>(a) the loss of values 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 wetland utility structures,</p> <p>(vi) the maintenance of operation of specific infrastructure, or other infrastructure,</p> <p>(vii) natural hazard works, or</p> <p>(b) the Regional Council is satisfied that:</p> <p>(i) the activity is necessary for the construction or upgrade of specified infrastructure,</p> <p>(ii) the specified infrastructure will provide significant national or regional benefits,</p> <p>(iii) there is a functional need for the specified infrastructure in that location,</p> <p>(iv) the effects of the activity on indigenous biodiversity are managed by applying either ECO-P3 or ECO-P6 (whichever is applicable), and</p> <p>(v) the other effects of the activity (excluding those managed under (1)(b)(iv)) are managed by applying the effects management hierarchy, 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 effects management hierarchies in (1)(b)(iv) and (1)(b)(v) will be applied to the loss of values or extent of the natural wetland, and</p> <p>(b) any consent is granted subject to conditions that apply the effects management hierarchies in (1)(b)(iv) and (1)(b)(v).</p>	Oppose in part	<p>Fulton Hogan recognises that the ORC is required to give effect to the NPSFM and NES-F as it currently exists.</p> <p>As discussed in relation to Objective LF-FW-O9 – Natural wetlands, there are significant challenges associated with the ‘avoid’ approach taken by the NPSFM, NES-F and perpetuated in the pRPS. Taking wider view of the protection of natural wetlands that centres on a ‘no net loss’ approach allows activities to occur, provided there is no net loss of natural wetland. In the context of Policy LF-FW-P9, this can be achieved through applying either ECO-P3 or ECO-P6, and the effects management hierarchy.</p> <p>The suggested amendments give effect to Policy 6 of the NPSFM, while recognising the issues with the NES-F identified above. The amendment is also aligned with the anticipated environmental result LF-FW-AER11; There is no reduction in the extent or quality of Otago’s natural wetlands.</p>	<p>Amend Policy LF-FW-P9 – Protecting natural wetlands, to recognise that activities that have an adverse effect on natural wetlands can occur provided measures are implemented to ensure the activity results in no net loss of natural wetland.</p> <p><b>LF-FW-P9 – Protecting natural wetlands</b> Protect natural wetlands by:</p> <p>(1) avoiding a reduction in their values or extent unless:</p> <p>(a) the loss of values 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 wetland utility structures,</p> <p>(vi) the maintenance of operation of specific infrastructure, or other infrastructure,</p> <p>(vii) natural hazard works, or</p> <p>(b) the Regional Council is satisfied that:</p> <p>(i) the activity is necessary for the construction or upgrade of specified infrastructure,</p> <p>(ii) the specified infrastructure will provide significant national or regional benefits,</p> <p>(iii) there is a functional need for the specified infrastructure in that location,</p> <p>(iv) the effects of the activity on indigenous biodiversity are managed by applying either ECO-P3 or ECO-P6 (whichever is applicable), and</p> <p>(v) the other effects of the activity (excluding those managed under (1)(b)(iv)) are managed by applying the effects management hierarchy, <u>and or</u></p> <p><u>(c) the Regional Council is satisfied that:</u></p> <p><u>(i) the activity will result in no net loss of natural wetland, and</u></p> <p>(2) not granting resource consents for activities under (1)(b) <u>or (c)</u> unless the Regional Council is satisfied that:</p> <p>(a) the application demonstrates how each step of the effects management hierarchies in (1)(b)(iv) and (1)(b)(v) will be applied to the loss of values or extent of the natural wetland, and</p> <p>(b) any consent is granted subject to conditions that apply the effects management hierarchies in (1)(b)(iv) and (1)(b)(v).</p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
<b>LF-LS – Land and soil</b>				
21.	<p><b>LF-LS-O11 – Land and soil</b></p> <p>The life-supporting capacity of Otago's soil resources is safeguarded and the availability and productive capacity of highly productive land for primary production is maintained now and for future generations.</p>	Oppose in part	<p>Fulton Hogan is supportive of the use of the term "highly productive land" as it reflects the reality that there are factors other than soil properties that influence whether land has productive value.</p> <p>Primary production is defined by Chapter 14 of the national planning standards and includes quarrying alongside activities such as farming. It is quite possible (even usual) that the ideal soil or land characteristics are different for quarrying than some other types of primary production (e.g. farming).</p> <p>It is important that land used for primary production is protected against encroachment by other land uses. However, the reference to soils specifically creates a tension within the definition of primary production.</p> <p>Fulton Hogan requests that Objective LF-LS-O11 relies on the term 'highly productive land' only as this recognises the many components that contribute to its value (which includes soil characteristics) while avoiding unnecessary conflict within the objective at a time where future national direction on this issue is expected.</p>	<p>Amend Objective LF-LS-O11 to remove reference to soil resources and to instead rely on the term highly productive land.</p> <p><b>LF-LS-O11 – Land and soil</b></p> <p>The life-supporting capacity of Otago's soil resources is safeguarded and the availability and productive capacity of highly productive land for primary production is maintained now and for future generations.</p> <p>Associated amendments to LF-LS-E4 – Explanation, and LF-LS – PR4 – Principal reasons, may be required to align these statements with the proposed amendments.</p>
22.	<p><b>LF-LS-O12 – Use of land</b></p> <p>The use of land in Otago maintains soil quality and contributes to achieving environmental outcomes for fresh water.</p>	Oppose in part	<p>Objective LF-LS-O11 is similar to Objective LF-LS-O12 as far as it provides an objective for soils. Based on the comments in relation to Objective LF-LS-O11 above, an additional objective addressing soil is not necessary and it is possible to leave this objective addressing land use and freshwater outcomes only.</p>	<p>Amend LF-LS-O12 – Use of land, to remove reference to soil quality as this is addressed through Objective LF-LS-O11.</p> <p><b>LF-LS-O12 – Use of land</b></p> <p>The use of land in Otago maintains soil quality and contributes to achieving environmental outcomes for fresh water.</p> <p>Associated amendments to LF-LS-E4 – Explanation, and LF-LS – PR4 – Principal reasons, may be required to align these statements with the proposed amendments.</p>
23.	<p><b>LF-LS-P19 – Highly productive land</b></p> <p>Maintain the availability and productive capacity of highly productive land by:</p> <p>(1) identifying highly productive land based on the following criteria:</p> <p>(a) the capability and versatility of the land to support primary production based on the Land Use Capability classification system,</p> <p>(b) the suitability of the climate for primary production, particularly crop production, and</p> <p>(c) the size and cohesiveness of the area of land for use for primary production, and</p> <p>(2) prioritising the use of highly productive land for primary production ahead of other land uses, and</p> <p>(3) managing urban development in rural areas, including rural lifestyle and rural residential areas, in accordance with UFD-P4, UFD-P7 and UFD-P8.</p>	Oppose in part.	<p>Primary production is defined by Chapter 14 of the national planning standards and includes quarrying alongside activities such as farming. It is quite possible (even usual) that the ideal soil or land characteristics are different for quarrying than some other types of primary production (e.g. farming).</p> <p>It is important that land used for primary production is protected against encroachment by other land uses. However, the reference to soils specifically creates a tension within the definition of primary production. This is unnecessary at a Regional Policy Statement level and reference to 'the capability and versatility of the land' does not exclude the use of the LUC at the regional plan level.</p> <p>Fulton Hogan is supportive of a reference to the capability and versatility of the land to support primary production without relying solely on the LUC classification system to describe the 'capability and versatility of land' so as to minimise this tension. This will also assist in avoid possible inconsistencies with any future NPS for highly productive land.</p>	<p>Amend Policy LF-LS-P19 to remove reference to the Land Use Capability classification system.</p> <p><b>LF-LS-P19 – Highly productive land</b></p> <p>Maintain the availability and productive capacity of highly productive land by:</p> <p>(1) identifying highly productive land based on the following criteria:</p> <p>(a) the capability and versatility of the land to support primary production based on the Land Use Capability classification system,</p> <p>(b) the suitability of the climate for primary production, particularly crop production, and</p> <p>(c) the size and cohesiveness of the area of land for use for primary production, and</p> <p>(2) prioritising the use of highly productive land for primary production ahead of other land uses, and</p> <p>(3) managing urban development in rural areas, including rural lifestyle and rural residential areas, in accordance with UFD-P4, UFD-P7 and UFD-P8.</p> <p>Associated amendments to LF-LS-E4 – Explanation, and LF-LS – PR4 – Principal reasons, may be required to align these statements with the proposed amendments.</p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
24.	<b>LF-LS-E4 – Explanation</b>	Oppose in part	Fulton Hogan is supportive of the recognition that "land used for primary production that provides economic and employment benefits. Providing for and managing such land types is essential to ensure its sustainability".  While generally primary production activities occur on rural land, this is not always the case, and the explanation needs to recognise this.	Retain the statement within LF-LS-E4 – Explanation with the following amendments:  Highly productive land is land used for primary production that provides economic and employment benefits. Providing for and managing such land types is essential to ensure its sustainability. The policies seek to identify and prioritise land used for productive purposes managing urban encroachment into rural environments <u>this land</u> where appropriate.
25.	<b>LF-LS-AER12</b>  The life-supporting capacity of soil is maintained or improved throughout Otago.  <b>LF-LS-AER13</b>  The availability and capability of Otago's highly productive land is maintained.	Oppose in part	As discussed in relation to Objective LF-LS-O11, it is important that land used for primary production is protected against encroachment by other land uses. However, the reference to soils specifically, creates a tension within the definition of primary production.  Fulton Hogan requests that LF-LS-AER12 and LF-LS-AER13 refer to the term 'highly productive land' only as this recognises the many components that contribute to its value (which includes soil characteristics) while avoiding unnecessary conflict.	Combine LF-LS-AER12 and LF-LS-AER13 to remove reference to soil resources and to instead rely on the term highly productive land.  <b>LF-LS-AER12</b>  The life-supporting capacity of soil is <u>availability and capability of Otago's highly productive land</u> is maintained or improved throughout Otago.  <b>LF-LS-AER13</b>  <del>The availability and capability of Otago's highly productive land is maintained.</del>
<b>TOPICS</b>				
<b>ECO – Ecosystems and indigenous biodiversity</b>				
26.	<b>ECO-O2 – Restoring or enhancing</b>  A net increase in the extent and occupancy of Otago's indigenous biodiversity results from restoration or enhancement.	Oppose	Objective ECO-O2 is not clear in the outcomes to be achieved by restoration and enhancement. The term 'occupancy' is assumed to mean 'relative proportion of species' within the region. This term is unclear and the objective should be drafted to clearly state the outcomes sought.	Amend Objective ECO-O2 so it more clearly states the outcomes expected.  <b>ECO-O2 – Restoring or enhancing</b>  <u>Restoration or enhancement results in A net increase in the extent and occupancy of Otago's indigenous biodiversity, and an increase in the relative proportion of indigenous species, results from restoration or enhancement.</u>
27.	<b>ECO-P2 – Identifying significant natural areas and taoka</b> Identify: (1) the areas and values of significant natural areas in accordance with APP2, and  (2) indigenous species and ecosystems that are taoka in accordance with ECO-M3.	Oppose	The application of APP2 has the potential to identify very large areas of the region as significant natural areas (SNA). Coupled with the proposed policy framework for indigenous biodiversity in the pRPS, this has the potential to significantly impact activities that are of critical importance to the wellbeing of the region such as aggregate extraction and the subsequent use of this material.  While identifying SNA is important in order to manage the potential effects on these areas, the implications of doing so in the context of the pRPS need to be fully understood before requiring local authorities to undertake this task.	Delete the policy on the basis that the costs and benefits of the indigenous biodiversity framework as a whole are not known at this time.



Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
28.	<p><b>ECO-P3 – Protecting significant natural areas and taoka</b></p> <p>Except as provided for by ECO-P4 and ECO-P5, protect significant natural areas and indigenous species and ecosystems that are taoka by:</p> <p>(1) avoiding adverse effects that result in:</p> <p>(a) any reduction of the area or values (even if those values are not themselves significant) identified under ECO-P2(1), or</p> <p>(b) any loss of Kāi Tahu values, and</p> <p>(2) after (1), applying the biodiversity effects management hierarchy in ECO-P6, and</p> <p>(3) prior to significant natural areas and indigenous species and ecosystems that are taoka being identified in accordance with ECO-P2, adopt a precautionary approach towards activities in accordance with IM-P15.</p>	Oppose in part	<p>Policy ECO-P3 is to protect both significant natural areas and taoka. These may not be one in the same and the pRPS sets out criteria and processes for identifying both. Policy ECO-P3(1)(b) is to protect ecosystems that are taoka by avoiding any adverse effects that result in a loss of Kāi Tahu values. The pRPS provides some guidance as to what taoka encompasses and provides a guide to assist in understanding Kāi Tahu values. The latter is potentially much broader and therefore has the potential to change the purpose of the policy. Consistent terms should be used where possible.</p> <p>The pRPS also contains a process for identifying indigenous species and ecosystems that are taoka. As notified, it is unclear whether or not areas that have not been identified as taoka, or have only been identified at a very coarse resolution (in terms of ECO-M3(2)). Making direct reference to areas identified through this process in the policy provides greater certainty for pRPS users.</p> <p>Policy ECO-P3(1)(a) requires the avoidance of adverse effects where these may result in any loss of area or value. This approach ignores the potential for activities to occur while appropriately managing effects (e.g. in a way that results in no net loss of indigenous biodiversity value through the application of the effects management hierarchy). Local authorities have a duty under sections 30 and 31 of the RMA to have objectives, policies and methods to maintain indigenous biological biodiversity. This does not require effects on SNA to be avoided. The s32 evaluation underplays the opportunity costs associated with Policy ECO-P3 and overplays the economic benefits associated with the pathways for new activities within SNAs). The pathways are limited to a small number of identified activities, ignore key components of these activities such as the supply of materials for nationally and regionally significant infrastructure, and ignore the potential challenges associated with Policy ECO-P6 as notified.</p> <p>Policy ECO-P3(1)(a) requires the avoidance of adverse effects that result in a reduction in values even where these values are not significant. This has the potential to unnecessarily curtail activities that might not adversely affect significant natural areas or indigenous species and ecosystems.</p> <p>Avoiding effects on values that are not significant is not required in order to achieve s6(c) of the RMA.</p> <p>Consequently, ECO-P3 should apply to areas and values of significance only.</p>	<p>Amend Policy ECO-P3 to only apply to avoiding no net loss of values of significance, to refer to the process of identifying taoka and to use common terms to provide clarity for users of the pRPS and to avoid curtailing activities unnecessarily.</p> <p><b>ECO-P3 – Protecting significant natural areas and taoka</b></p> <p>Except as provided for by ECO-P4 and ECO-P5, protect significant natural areas and indigenous species and ecosystems that are taoka by:</p> <p>(1) avoiding adverse effects that result in:</p> <p>(a) any reduction <del>a net loss</del> of the area <del>or</del> values (even if those values are not themselves significant) identified under ECO-P2(1), or</p> <p>(b) any <del>loss of Kāi Tahu</del> reduction of the area or values <u>that have been identified as being taoka under ECO-M3(1)</u>, and</p> <p><del>(2) after (1), applying the biodiversity effects management hierarchy in ECO-P6, and</del></p> <p><del>(3) prior to significant natural areas and indigenous species and ecosystems that are taoka being identified in accordance with ECO-P2, adopt a precautionary approach towards activities in accordance with IM-P15.</del></p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
29.	<p><b>ECO-P6 – Maintaining indigenous biodiversity</b></p> <p>Maintain Otago's indigenous biodiversity (excluding the coastal environment and areas managed under ECO-P3) by applying the following biodiversity effects management hierarchy in decision-making on applications for resource consent and notices of requirement:</p> <p>(1) avoid adverse effects as the first priority,</p> <p>(2) where adverse effects demonstrably cannot be completely avoided, they are remedied,</p> <p>(3) where adverse effects demonstrably cannot be completely avoided or remedied, they are mitigated,</p> <p>(4) where there are residual adverse effects after avoidance, remediation, and mitigation, then the residual adverse effects are offset in accordance with APP3, and</p> <p>(5) if biodiversity offsetting of residual adverse effects is not possible, then:</p> <p>(a) the residual adverse effects are compensated for in accordance with APP4, and</p> <p>(b) if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.</p>	Oppose	<p>While Fulton Hogan recognises the value of the effects hierarchy, Policy ECO-P6 introduces the hierarchy without any form of discretion as to whether a consent applicant (for example) will apply the hierarchy, and what pathway is taken. It may not be practical or advantageous to follow the sequential steps as set out. However, Policy ECO-P6 provides no allowance for deviation from the sequential approach.</p> <p>Given that it is often possible to simply not do an activity, it would seem unlikely that many activities would be able to progress beyond the first step (avoidance). This is compounded by the language at each step (e.g. where adverse effects demonstrably cannot be completely avoided). Simply not doing an activity of course ignores the costs associated with this. For example, the costs of transporting aggregate from outside a district as opposed to having a local supply.</p> <p>As notified, this hierarchy applies to areas with values that are not necessarily significant (as per Policy ECO-P3). This goes far beyond what is necessary to achieve s6(c) of the RMA.</p> <p>The effects hierarchy is relatively well understood and therefore does not need to be included in the pRPS for it to be available as an effects management approach.</p>	<p>Delete Policy ECO-P6 and make any associated changes to other policies and methods that rely on Policy ECO-P6, and any explanatory text.</p> <p><b>ECO-P6 – Maintaining indigenous biodiversity</b></p> <p>Maintain Otago's indigenous biodiversity (excluding the coastal environment and areas managed under ECO-P3) by applying the following biodiversity effects management hierarchy in decision-making on applications for resource consent and notices of requirement:</p> <p>(1) avoid adverse effects as the first priority,</p> <p>(2) where adverse effects demonstrably cannot be completely avoided, they are remedied,</p> <p>(3) where adverse effects demonstrably cannot be completely avoided or remedied, they are mitigated,</p> <p>(4) where there are residual adverse effects after avoidance, remediation, and mitigation, then the residual adverse effects are offset in accordance with APP3, and</p> <p>(5) if biodiversity offsetting of residual adverse effects is not possible, then:</p> <p>(a) the residual adverse effects are compensated for in accordance with APP4, and</p> <p>(b) if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.</p>
30.	<p><b>ECO-P8 – Enhancement</b></p> <p>The extent, occupancy and condition of Otago's indigenous biodiversity is increased by:</p> <p>(1) restoring and enhancing habitat for indigenous species, including taoka and mahika kai species,</p> <p>(2) improving the health and resilience of indigenous biodiversity, including ecosystems, species, important ecosystem function, and intrinsic values, and</p> <p>(3) buffering or linking ecosystems, habitats and ecological corridors.</p>	Oppose in part	<p>As discussed in relation to Objective ECO-O2, Policy ECO-P8 should use language that better articulates what is to be done or achieved.</p>	<p>Amend Policy ECO-P8 to remove the term 'occupancy'.</p> <p><b>ECO-P8 – Enhancement</b></p> <p>The extent, <del>occupancy</del> and condition of Otago's indigenous biodiversity, <u>and relative proportion of indigenous species</u> is increased by:</p> <p>(1) restoring and enhancing habitat for indigenous species, including taoka and mahika kai species,</p> <p>(2) improving the health and resilience of indigenous biodiversity, including ecosystems, species, important ecosystem function, and intrinsic values, and</p> <p>(3) buffering or linking ecosystems, habitats and ecological corridors.</p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
31.	<p><b>ECO-M3 – Identification of taoka</b></p> <p>Local authorities must:</p> <p>(1) work together with mana whenua to agree a process for:</p> <p>(a) identifying indigenous species and ecosystems that are taoka,</p> <p>(b) describing the taoka identified in (1)(a),</p> <p>(c) mapping or describing the location of the taoka identified in (1)(a), and</p> <p>(d) describing the values of each taoka identified in (1)(a), and</p> <p>(2) notwithstanding (1), recognise that mana whenua have the right to choose not to identify taoka and to choose the level of detail at which identified taoka, or their location or values, are described, and</p> <p>(3) to the extent agreed by mana whenua, amend their regional and district plans to include matters (1)(b) to (1)(d) above.</p>	Oppose in part	<p>It is understood that mana whenua may choose not to identify taoka or may choose to identify these at a resolution that does not reveal the specifics of values or location.</p> <p>However, it is uncertain what this means for the implementation of Policy ECO-P3, and any subordinate policy or rules within district and regional plans.</p> <p>Clarity is required in either Method ECO-M3 or Policy ECO-P3 as to how areas that have not been identified, or identified but with limited detail, will be addressed at an activity level.</p>	<p>Provide clarification that areas not identified using the ECO-M3(1) process are not afforded the protection anticipated through ECO-P3.</p> <p><b>ECO-M3 – Identification of taoka</b></p> <p>Local authorities must:</p> <p>(1) work together with mana whenua to agree a process for:</p> <p>(a) identifying indigenous species and ecosystems that are taoka,</p> <p>(b) describing the taoka identified in (1)(a),</p> <p>(c) mapping or describing the location of the taoka identified in (1)(a), and</p> <p>(d) describing the values of each taoka identified in (1)(a), and</p> <p><del>(2) notwithstanding (1), recognise that mana whenua have the right to choose not to identify taoka and to choose the level of detail at which identified taoka, or their location or values, are described, and</del></p> <p><del>(3)</del> to the extent agreed by mana whenua, amend their regional and district plans to include matters (1)(b) to (1)(d) above.</p>
32.	<p><b>ECO-M4 – Regional plans</b></p> <p>Otago Regional Council must prepare or amend and maintain its regional plans to:</p> <p>(1) if the requirements of ECO-P3 and ECO-P6 can be met, provide for the use of lakes and rivers and their beds, including:</p> <p>(a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and</p> <p>(b) the maintenance and use of existing structures (including infrastructure), and</p> <p>(c) infrastructure that has a functional or operational need to be sited or operated in a particular location,</p> <p>(2) require:</p> <p>(a) resource consent applications to include information that demonstrates that the sequential steps in the effects management hierarchy in ECO-P6 have been followed, and</p> <p>(b) that consents are not granted if the sequential steps in the effects management hierarchy in ECO-P6 have not been followed, and</p> <p>(3) provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna.</p>	Oppose in part	<p>As discussed in relation to Policy ECO-P6 the hierarchy includes no discretion as to what effects management path is taken and goes far beyond what is necessary to achieve s6(c) of the RMA.</p>	<p>Remove the requirement to follow the process set out in Policy ECO-P6.</p> <p><b>ECO-M4 – Regional plans</b></p> <p>Otago Regional Council must prepare or amend and maintain its regional plans to:</p> <p>(1) if the requirements of ECO-P3 and ECO-P6 can be met, provide for the use of lakes and rivers and their beds, including:</p> <p>(a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and</p> <p>(b) the maintenance and use of existing structures (including infrastructure), and</p> <p>(c) infrastructure that has a functional or operational need to be sited or operated in a particular location,</p> <p><del>(2) require:</del></p> <p><del>(a) resource consent applications to include information that demonstrates that the sequential steps in the effects management hierarchy in ECO-P6 have been followed, and</del></p> <p><del>(b) that consents are not granted if the sequential steps in the effects management hierarchy in ECO-P6 have not been followed, and</del></p> <p><del>(3)</del> provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna</p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
33.	<p><b>ECO-M5 – District plans</b></p> <p>Territorial authorities must prepare or amend and maintain their district plans to:</p> <p>(1) if the requirements of ECO-P3 and ECO-P6 are met, provide for the use of land and the surface of water bodies including:</p> <p>(a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and</p> <p>(b) the maintenance and use of existing structures (including infrastructure), and</p> <p>(c) infrastructure that has a functional or operational need to be sited or operated in a particular location,</p> <p>(2) control the clearance or modification of indigenous vegetation,</p> <p>(3) promote the establishment of esplanade reserves and esplanade strips, particularly where they would support ecological corridors, buffering or connectivity between significant natural areas,</p> <p>(4) require:</p> <p>(a) resource consent applications to include information that demonstrates that the sequential steps in the effects management hierarchy in ECO-P6 have been followed, and</p> <p>(b) that consents are not granted if the sequential steps in the effects management hierarchy in ECO-P6 have not been followed, and</p> <p>(5) provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna, and</p> <p>(6) prohibit the planting of wilding conifer species listed in APP5 within areas identified as significant natural areas.</p>	Oppose in part	As discussed in relation to Policy ECO-P6 the hierarchy includes no discretion as to what effects management path is taken and goes far beyond what is necessary to achieve s6(c) of the RMA.	<p>Remove the requirement to follow the process set out in Policy ECO-P6.</p> <p><b>ECO-M5 – District plans</b></p> <p>Territorial authorities must prepare or amend and maintain their district plans to:</p> <p>(1) if the requirements of ECO-P3 and ECO-P6 are met, provide for the use of land and the surface of water bodies including:</p> <p>(a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and</p> <p>(b) the maintenance and use of existing structures (including infrastructure), and</p> <p>(c) infrastructure that has a functional or operational need to be sited or operated in a particular location,</p> <p>(2) control the clearance or modification of indigenous vegetation,</p> <p>(3) promote the establishment of esplanade reserves and esplanade strips, particularly where they would support ecological corridors, buffering or connectivity between significant natural areas,</p> <p><del>(4) require:</del></p> <p><del>(a) resource consent applications to include information that demonstrates that the sequential steps in the effects management hierarchy in ECO-P6 have been followed, and</del></p> <p><del>(b) that consents are not granted if the sequential steps in the effects management hierarchy in ECO-P6 have not been followed, and</del></p> <p><del>(5) provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna, and</del></p> <p><del>(6) prohibit the planting of wilding conifer species listed in APP5 within areas identified as significant natural areas.</del></p>
<b>INF – Infrastructure</b>				
34.	<p><b>NEW Policy– Recognising materials requirements</b></p>	Support	<p>Access to physical materials can have a significant impact on the cost of infrastructure. It is therefore important that a ready local supply of key physical materials such as aggregate is available so as to provide effective, efficient and resilient infrastructure.</p> <p>The importance of these materials to achieving infrastructure objectives needs to be highlighted to decision makers throughout the region.</p>	<p>Insert a new policy that requires decision makers to recognise that access to the physical materials required for the construction, upgrade and maintenance of infrastructure is an important component of achieving Objective EIT-INF-O4.</p> <p><b><u>NEW Policy – Recognising materials requirements</u></b></p> <p><u>Decision making on the allocation or use of natural and physical resources must take into account the physical construction materials requirements of infrastructure.</u></p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
<b>NFL – Natural features and landscapes</b>				
35.	<p><b>NFL-P3 – Maintenance of highly valued natural features and landscapes</b></p> <p>Maintain or enhance highly valued natural features and landscapes by:</p> <p>(1) avoiding significant adverse effects on the values of the natural feature or landscape, and</p> <p>(2) avoiding, remedying or mitigating other adverse effects.</p>	Oppose in part	<p>The definition of highly valued natural features and landscapes introduces a level of significance that is potentially inappropriate given the broad description of some of the areas in APP7 (e.g. Cliff areas).</p> <p>It would appear that the definition actually refers to the incorrect appendix and the reference should be to APP9. If this is the case the comments still apply. APP9 contains very broad descriptions of attributes which in most cases are unlikely to indicate significance.</p> <p>The subsequent 'avoidance' stance is therefore potentially unjustified where the particular values of a specific site have not been confirmed. This may result in the foreclosure of activities that in reality do not result in an effect, or where an activity may result in significant adverse effects on the values of the area, but are none the less still appropriate with the relevant effects management in place.</p> <p>APP7/APP9 does not put in place a process for identifying highly valued natural features and landscapes using regionally consistent attributes (as described in NFL-E1 – Explanation and FL-PR1 – Principal reasons), rather it just provides an incomplete list of wāhi tupuna in Otago or a broad list of features. The result is a level of uncertainty surrounding the impact or otherwise of Policy NFL-P3.</p>	<p>Qualify 'avoidance' within Policy NFL-P3 so as to only require this when it is necessary to maintain or enhance confirmed natural features or landscapes.</p> <p><b>NFL-P3 – Maintenance of highly valued natural features and landscapes</b></p> <p>Maintain or enhance highly valued natural features and landscapes by:</p> <p>(1) <u>where necessary</u>, avoiding significant adverse effects on the values of the <u>confirmed</u> natural feature or landscape, and</p> <p>(2) avoiding, remedying or mitigating other adverse effects.</p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
<b>UFD – Urban form and development</b>				
36.	<p><b>UFD–02 – Development of urban areas</b> The development and change of Otago’s urban areas:</p> <ul style="list-style-type: none"> <li>(1) improves housing choice, quality, and affordability,</li> <li>(2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,</li> <li>(3) respects and wherever possible enhances the area’s history, setting, and natural and built environment,</li> <li>(4) delivers good urban design outcomes, and improves liveability,</li> <li>(5) improves connectivity within urban areas, particularly by active transport and public transport,</li> <li>(6) minimises conflict between incompatible activities,</li> <li>(7) manages the exposure of risk from natural hazards in accordance with the HAZ–NH – Natural hazards section of this RPS,</li> <li>(8) results in sustainable and efficient use of water, energy, land, and infrastructure,</li> <li>(9) achieves integration of land use with existing and planned development infrastructure and additional infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure,</li> <li>(10) achieves consolidated, well designed and located, and sustainable development in and around existing urban areas as the primary focus for accommodating the region’s urban growth and change, and</li> <li>(11) is guided by the input and involvement of mana whenua.</li> </ul>	Oppose in part	<p>Reverse sensitivity effects resulting from urban growth can be significant for activities such as quarrying, and examples exist in the region where urban growth is encroaching on established quarrying activities.</p> <p>Consequently, the avoidance of reverse sensitivity effects needs to be recognised as an objective for urban development.</p>	<p>Amend Objective UFD-02 to include a requirement to avoid reverse sensitivity effects.</p> <p><b>UFD–02 – Development of urban areas</b> The development and change of Otago’s urban areas:</p> <ul style="list-style-type: none"> <li>(1) improves housing choice, quality, and affordability,</li> <li>(2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,</li> <li>(3) respects and wherever possible enhances the area’s history, setting, and natural and built environment,</li> <li>(4) delivers good urban design outcomes, and improves liveability,</li> <li>(5) improves connectivity within urban areas, particularly by active transport and public transport,</li> <li>(6) minimises conflict between incompatible activities,</li> <li><u>(7) avoids reverse sensitivity effects.</u></li> <li><del>(7)</del> manages the exposure of risk from natural hazards in accordance with the HAZ–NH – Natural hazards section of this RPS,</li> <li><del>(8)</del> results in sustainable and efficient use of water, energy, land, and infrastructure,</li> <li><del>(9)</del> achieves integration of land use with existing and planned development infrastructure and additional infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure,</li> <li><del>(10)</del> achieves consolidated, well designed and located, and sustainable development in and around existing urban areas as the primary focus for accommodating the region’s urban growth and change, and</li> <li><del>(11)</del> is guided by the input and involvement of mana whenua</li> </ul>
37.	<p><b>UFD–03 – Strategic planning</b> Strategic planning is undertaken in advance of significant development, expansion or redevelopment of urban areas to ensure that</p> <ul style="list-style-type: none"> <li>(1) there is sufficient development capacity supported by integrated infrastructure provision for Otago’s housing and business needs in the short, medium and long term,</li> <li>(2) development is located, designed and delivered in a way and at a rate that recognises and provides for locationally relevant regionally significant features and values identified by this RPS, and</li> <li>(3) the involvement of mana whenua is facilitated, and their values and aspirations are provided for.</li> </ul>	Oppose in part	<p>Reverse sensitivity effects resulting from urban growth can be significant for activities such as quarrying. Objective UFD-04(3) “...only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through <b>strategic planning</b> or zoned within district plans as suitable for such development (emphasis added).”</p> <p>It is therefore imperative that reverse sensitivity is recognised as a key issue to be addressed through strategic planning for urban development.</p>	<p>Amend Objective UFD-03 to include reverse sensitivity as a matter to be considered when locating, designing and delivering urban development.</p> <p><b>UFD–03 – Strategic planning</b> Strategic planning is undertaken in advance of significant development, expansion or redevelopment of urban areas to ensure that</p> <ul style="list-style-type: none"> <li>(1) there is sufficient development capacity supported by integrated infrastructure provision for Otago’s housing and business needs in the short, medium and long term,</li> <li>(2) development is located, designed and delivered in a way and at a rate that recognises and provides for locationally relevant regionally significant features and values identified by this RPS, <u>and avoids reverse sensitivity effects</u>, and</li> <li>(3) the involvement of mana whenua is facilitated, and their values and aspirations are provided for.</li> </ul>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
38.	<p><b>UFD-04 – Development in rural areas</b></p> <p>Development in Otago's rural areas occurs in a way that:</p> <p>(1) avoids impacts on significant values and features identified in this RPS,</p> <p>(2) avoids as the first priority, land and soils identified as highly productive by LF-LS-P19 unless there is an operational need for the development to be located in rural areas,</p> <p>(3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and</p> <p>(4) outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities</p>	Oppose in part	<p>Reverse sensitivity effects and the sterilisation of the aggregate resource by urban development is a significant issue for the quarrying industry. Poorly planned urban development can lead to local sources of aggregate being unavailable as a construction resource, impacting the cost of housing and infrastructure construction.</p> <p>Primary production includes quarrying activities and needs to be recognised alongside other rural land uses such as farming as being susceptible to impacts from urban growth.</p>	<p>Amend Objective UFD-04 to align with submission points relating to highly productive land, and to recognise that primary production includes activities that are not farming (such as quarrying), and that the long term viability of these activities needs to be recognised.</p> <p><b>UFD-04 – Development in rural areas</b></p> <p>Development in Otago's rural areas occurs in a way that:</p> <p>(1) avoids impacts on significant values and features identified in this RPS,</p> <p>(2) avoids as the first priority, land and soils identified as highly productive by LF-LS-P19 unless there is an operational need for the development to be located in rural areas,</p> <p>(3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and</p> <p>(4) outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector, and rural communities <u>and primary production</u>.</p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
39.	<p><b>UFD-P1 – Strategic planning</b></p> <p>Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:</p> <p>(1) ensure integration of land use and infrastructure, including how, where and when necessary development infrastructure and additional infrastructure will be provided, and by whom,</p> <p>(2) demonstrate at least sufficient development capacity supported by integrated infrastructure provision for Otago’s housing and business needs in the short, medium and long term,</p> <p>(3) maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing demand, needs, preferences and climate change,</p> <p>(4) minimise risks from and improve resilience to natural hazards, including those exacerbated by climate change, while not increasing risk for other development,</p> <p>(5) indicate how connectivity will be improved and connections will be provided within urban areas,</p> <p>(6) provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values,</p> <p>(7) facilitate involvement of the current community and respond to the reasonably foreseeable needs of future communities, and</p> <p>(8) identify, maintain and where possible, enhance important features and values identified by this RPS.</p>	Oppose in part	<p>Reverse sensitivity effects resulting from urban growth can be significant for activities such as quarrying. Objective UFD-O4(3) “...only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through <b>strategic planning</b> or zoned within district plans as suitable for such development (emphasis added).”</p> <p>It is therefore imperative that reverse sensitivity is recognised as a key issue to be addressed through strategic planning for urban development.</p>	<p>Amend Policy UFD-P1 to include the avoidance of reverse sensitivity effects as a matter to be planned for prior to urban growth and development occurring.</p> <p><b>UFD-P1 – Strategic planning</b></p> <p>Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:</p> <p>(1) ensure integration of land use and infrastructure, including how, where and when necessary development infrastructure and additional infrastructure will be provided, and by whom,</p> <p>(2) demonstrate at least sufficient development capacity supported by integrated infrastructure provision for Otago’s housing and business needs in the short, medium and long term,</p> <p>(3) maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing demand, needs, preferences and climate change,</p> <p>(4) minimise risks from and improve resilience to natural hazards, including those exacerbated by climate change, while not increasing risk for other development,</p> <p>(5) indicate how connectivity will be improved and connections will be provided within urban areas,</p> <p>(6) provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values,</p> <p>(7) facilitate involvement of the current community and respond to the reasonably foreseeable needs of future communities, and</p> <p>(8) identify, maintain and where possible, enhance important features and values identified by this RPS, <u>and</u></p> <p>(9) <u>ensure reverse sensitivity effects are avoided.</u></p>



40.	<p><b>UFD-P4 – Urban expansion</b></p> <p>Expansion of existing urban areas is facilitated where the expansion:</p> <p>(1) contributes to establishing or maintaining the qualities of a well-functioning urban environment,</p> <p>(2) will not result in inefficient or sporadic patterns of settlement and residential growth,</p> <p>(3) is integrated efficiently and effectively with development infrastructure and additional infrastructure in a strategic, timely and co-ordinated way,</p> <p>(4) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,</p> <p>(5) manages adverse effects on other values or resources identified by this RPS that require specific management or protection,</p> <p>(6) avoids, as the first priority, highly productive land identified in accordance with LF-LS-P19,</p> <p>(7) locates the new urban/rural zone boundary interface by considering:</p> <p>(a) adverse effects, particularly reverse sensitivity, on rural areas and existing or potential productive rural activities beyond the new boundary, and</p> <p>(b) key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defensible long-term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future development infrastructure expansion and connectivity beyond the new boundary does not need to be provided for, or</p> <p>(c) reflects a short or medium term, intermediate or temporary zoning or infrastructure servicing boundary where provision for future development infrastructure expansion and connectivity should not be foreclosed, even if further expansion is not currently anticipated</p>	Oppose in part	<p>Reverse sensitivity effects and the sterilisation of the aggregate resource by urban development is a significant issue for the quarrying industry. Poorly planned urban development can lead to local sources of aggregate being unavailable as a construction resource, impacting the cost of housing and infrastructure construction.</p> <p>Primary production includes quarrying activities and needs to be recognised alongside other rural land uses such as farming as being susceptible to impacts from urban growth.</p>	<p>Amend Policy UFD-P4 to recognise that primary production includes activities that are not farming (such as quarrying), and that these need to be considered as susceptible to reverse sensitivity effects.</p> <p><b>UFD-P4 – Urban expansion</b></p> <p>Expansion of existing urban areas is facilitated where the expansion:</p> <p>(1) contributes to establishing or maintaining the qualities of a well-functioning urban environment,</p> <p>(2) will not result in inefficient or sporadic patterns of settlement and residential growth,</p> <p>(3) is integrated efficiently and effectively with development infrastructure and additional infrastructure in a strategic, timely and co-ordinated way,</p> <p>(4) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,</p> <p>(5) manages adverse effects on other values or resources identified by this RPS that require specific management or protection,</p> <p>(6) avoids, as the first priority, highly productive land identified in accordance with LF-LS-P19,</p> <p>(7) locates the new urban/rural zone boundary interface by considering:</p> <p>(a) adverse effects, particularly <u>the avoidance of reverse sensitivity effects</u>, on rural areas and existing or potential <u>primary production</u> rural activities beyond the new boundary, and</p> <p>(b) key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defensible long-term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future development infrastructure expansion and connectivity beyond the new boundary does not need to be provided for, or</p> <p>(c) reflects a short or medium term, intermediate or temporary zoning or infrastructure servicing boundary where provision for future development infrastructure expansion and connectivity should not be foreclosed, even if further expansion is not currently anticipated</p>
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Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
41.	<p><b>UFD-P7 –Rural Areas</b></p> <p>The management of rural areas:</p> <p>(1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,</p> <p>(2) outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas,</p> <p>(3) enables primary production particularly on land or soils identified as highly productive in accordance with LF-LS-P19,</p> <p>(4) facilitates rural industry and supporting activities,</p> <p>(5) directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,</p> <p>(6) restricts the establishment of residential activities, sensitive activities, and non-rural businesses which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive land, primary production and rural industry activities, and</p> <p>(7) otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate an operational need to be located in rural areas.</p>	Support	<p>Reverse sensitivity effects and the sterilisation of the aggregate resource by urban development is a significant issue for the quarrying industry. Poorly planned urban development can lead to local sources of aggregate being unavailable as a construction resource, impacting the cost of housing and infrastructure construction.</p> <p>Primary production includes quarrying activities and needs to be recognised alongside other rural land uses such as farming as being susceptible to impacts from urban growth.</p>	<p>Amend Policy UFD-P7 to align with submission points relating to highly productive land.</p> <p><b>UFD-P7 –Rural Areas</b></p> <p>The management of rural areas:</p> <p>(1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,</p> <p>(2) outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas,</p> <p>(3) enables primary production particularly on land or soils identified as highly productive in accordance with LF-LS-P19,</p> <p>(4) facilitates rural industry and supporting activities,</p> <p>(5) directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,</p> <p>(6) restricts the establishment of residential activities, sensitive activities, and non-rural businesses which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive land, primary production and rural industry activities, and</p> <p>(7) otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate an operational need to be located in rural areas.</p>

Sub #	The provisions of the proposed RPS that the Fulton Hogan submission relates to are:	The Fulton Hogan submission is that:		Fulton Hogan seek the following decisions from Otago Regional Council:
		Oppose/ Support	Reasons	
42.	<p><b>UFD-P8 – Rural lifestyle and rural residential zones</b></p> <p>The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:</p> <p>(1) the land is adjacent to existing or planned urban areas and ready access to employment and services is available,</p> <p>(2) despite the direction in (1), also avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,</p> <p>(3) minimises impacts on rural production potential, amenity values and the potential for reverse sensitivity effects to arise,</p> <p>(4) avoids, as the first priority, highly productive land identified in accordance with LF-LS-P16,</p> <p>(5) the suitability of the area to accommodate the proposed development is demonstrated, including</p> <p>(a) capacity for servicing by existing or planned development infrastructure (including self-servicing requirements),</p> <p>(b) particular regard is given to the individual and cumulative impacts of domestic water supply, wastewater disposal, and stormwater management including self-servicing, on the receiving or supplying environment and impacts on capacity of development infrastructure, if provided, to meet other planned urban area demand, and</p> <p>(c) likely future demands or implications for publicly funded services and additional infrastructure, and</p> <p>(6) provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.</p>	Oppose in part	<p>Reverse sensitivity effects and the sterilisation of the aggregate resource by rural lifestyle and rural residential zones is a significant issue for the quarrying industry. Poorly planned development can lead to local sources of aggregate being unavailable as a construction resource, impacting the cost of housing and infrastructure construction.</p> <p>It is therefore imperative that reverse sensitivity effects are avoided when planning for rural lifestyle and rural residential development.</p>	<p>Amend Policy UFD-P8 to include a requirement to avoid reverse sensitivity effects on primary production activities.</p> <p><b>UFD-P8 – Rural lifestyle and rural residential zones</b></p> <p>The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where:</p> <p>(1) the land is adjacent to existing or planned urban areas and ready access to employment and services is available,</p> <p>(2) despite the direction in (1), also avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,</p> <p>(3) minimises impacts on rural production potential, amenity values <del>and the potential for reverse sensitivity effects to arise,</del></p> <p><u>(4) avoids the potential for reverse sensitivity effects to arise.</u></p> <p><del>(4)</del> avoids, as the first priority, highly productive land identified in accordance with LF-LS-P16,</p> <p><del>(5)</del> the suitability of the area to accommodate the proposed development is demonstrated, including</p> <p>(a) capacity for servicing by existing or planned development infrastructure (including self-servicing requirements),</p> <p>(b) particular regard is given to the individual and cumulative impacts of domestic water supply, wastewater disposal, and stormwater management including self-servicing, on the receiving or supplying environment and impacts on capacity of development infrastructure, if provided, to meet other planned urban area demand, and</p> <p>(c) likely future demands or implications for publicly funded services and additional infrastructure, and</p> <p><del>(6)</del> provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.</p>

43.	<p><b>UFD-M2 – District plans</b></p> <p>Territorial authorities must prepare or amend their district plans as soon as practicable, and maintain thereafter, to:</p> <p>(1) identify and provide for urban expansion and intensification, to occur in accordance with:</p> <p>(a) any adopted future development strategy for the relevant district or region, which must be completed in time to inform the 2024 Long Term Plan, or</p> <p>(b) where there is no future development strategy, a local authority adopted strategic plan developed in accordance with UFD-P1, for the relevant area, district or region,</p> <p>(2) in accordance with any required Housing and Business Development Capacity Assessments or monitoring, including any competitiveness margin, ensure there is always sufficient development capacity that is feasible and likely to be taken up and, for Tier 2 urban environments, at a minimum meets the bottom lines for housing in APP-10, and meets the identified land size and locational needs of the commercial and industrial sectors,</p> <p>(3) ensure that urban development is designed to:</p> <p>(a) achieve a built form that relates well to its surrounding environment, including by identifying and managing impacts of urban development on values and resources identified in this RPS,</p> <p>(b) provide for a diverse range of housing, commercial activities, industrial and service activities, social and cultural opportunities,</p> <p>(c) achieve an efficient use of land, energy, water and infrastructure,</p> <p>(d) promote the use of water sensitive design wherever practicable,</p> <p>(e) minimise the potential for reverse sensitivity effects to arise, by managing the location of incompatible activities, and</p> <p>(f) reduce the adverse effects of Otago's cooler winter climate through designing new subdivision and development to maximise passive winter solar gain and</p>	Oppose in part	<p>The requirement to minimise reverse sensitivity effects does not reflect the gravity of the issue. New urban or rural residential activities occurring in proximity to lawfully established activities such as quarrying can have a significant impact on the viability of these established activities.</p> <p>Avoidance is the only certain method for addressing reverse sensitivity effects. Any other method (e.g. mitigation) provides little certainty to established activities, developers or the community. Given the range of potential effects that can result from primary productive activities, it is very difficult to adequately address reverse sensitivity through mitigation.</p>	<p>Amend Method UFD-M2 to require reverse sensitivity effects to be avoided.</p> <p><b>UFD-M2 – District plans</b></p> <p>Territorial authorities must prepare or amend their district plans as soon as practicable, and maintain thereafter, to:</p> <p>(1) identify and provide for urban expansion and intensification, to occur in accordance with:</p> <p>(a) any adopted future development strategy for the relevant district or region, which must be completed in time to inform the 2024 Long Term Plan, or</p> <p>(b) where there is no future development strategy, a local authority adopted strategic plan developed in accordance with UFD-P1, for the relevant area, district or region,</p> <p>(2) in accordance with any required Housing and Business Development Capacity Assessments or monitoring, including any competitiveness margin, ensure there is always sufficient development capacity that is feasible and likely to be taken up and, for Tier 2 urban environments, at a minimum meets the bottom lines for housing in APP-10, and meets the identified land size and locational needs of the commercial and industrial sectors,</p> <p>(3) ensure that urban development is designed to:</p> <p>(a) achieve a built form that relates well to its surrounding environment, including by identifying and managing impacts of urban development on values and resources identified in this RPS,</p> <p>(b) provide for a diverse range of housing, commercial activities, industrial and service activities, social and cultural opportunities,</p> <p>(c) achieve an efficient use of land, energy, water and infrastructure,</p> <p>(d) promote the use of water sensitive design wherever practicable,</p> <p>(e) minimise <u>avoid</u> the potential for reverse sensitivity effects to arise, by managing the location of incompatible activities, and</p> <p>(f) reduce the adverse effects of Otago's cooler winter climate through designing new subdivision and development to maximise passive winter solar gain and winter heat retention, including through roading, lot size, dimensions, layout and orientation,</p> <p>(4) identify and provide for locations that are suitable for urban intensification in accordance with UFD-P2,</p> <p>(5) identify and provide for locations that are suitable for urban expansion, if any, in accordance with UFD-P3,</p> <p>(6) identify and provide for commercial activities in accordance with UFD-P5,</p> <p>(7) identify and provide for industrial activities in accordance with UFD-P6,</p> <p>(8) manage development in rural areas in accordance with UFD-P7,</p> <p>(9) manage rural residential and rural lifestyle activities in rural areas in accordance with UFD-P8,</p> <p>(10) provide for papakāika, kāika, nohoaka, and marae, in accordance with UFD-P9, and</p> <p>(11) must involve mana whenua and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for at the local level.</p>
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	<p>winter heat retention, including through roading, lot size, dimensions, layout and orientation,</p> <p>(4) identify and provide for locations that are suitable for urban intensification in accordance with UFD–P2,</p> <p>(5) identify and provide for locations that are suitable for urban expansion, if any, in accordance with UFD–P3,</p> <p>(6) identify and provide for commercial activities in accordance with UFD–P5,</p> <p>(7) identify and provide for industrial activities in accordance with UFD–P6,</p> <p>(8) manage development in rural areas in accordance with UFD–P7,</p> <p>(9) manage rural residential and rural lifestyle activities in rural areas in accordance with UFD–P8,</p> <p>(10) provide for papakāika, kāika, nohoaka, and marae, in accordance with UFD–P9, and</p> <p>(11) must involve mana whenua and provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values and ensure the requirements of the MW chapter are met, and the issues and values identified in RMIA are recognised and provided for at the local level.</p>			
<b>Appendices</b>				
44.	<b>APP2 - Significance criteria for indigenous biodiversity</b>	Oppose	<p>The application of APP2 has the potential to identify very large areas of the region as SNA. Coupled with the proposed policy framework for indigenous biodiversity in the pRPS, this has the potential to significantly impact activities that are of critical importance to the wellbeing of the region such as aggregate extraction and the subsequent use of this material.</p> <p>While identifying SNA is important in order to manage the potential effects on these areas, the implications of doing so in the context of the pRPS need to be fully understood before requiring local authorities to undertake this task.</p> <p>The s32 evaluation report states that the criteria have been amended from the operative in part 2019 RPS to incorporate elements of the draft National Policy Statement for Indigenous Biodiversity (draft NPSIB. This NPS is still under development and has no legal effect. It is therefore unnecessary and inappropriate to include elements of the draft NPSIB in APP2.</p>	Delete Appendix APP2 on the basis that the costs and benefits of the indigenous biodiversity framework as a whole are not known at this time.

45.	<p><b>APP3 – Criteria for biodiversity offsetting</b></p> <p>(1) Biodiversity offsetting is not available if the activity will result in:</p> <p>(a) the loss of any individuals of Threatened taxa, other than kānuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i>), under the New Zealand Threat Classification System (Townsend et al, 2008), or</p> <p>(b) reasonably measurable loss within the ecological district to an At Risk-Declining taxon, other than manuka (<i>Leptospermum scoparium</i>), under the New Zealand Threat Classification System (Townsend et al, 2008).</p> <p>(2) Biodiversity offsetting is available if the following criteria are met:</p> <p>(a) the offset addresses residual adverse effects that remain after implementing the sequential steps required by ECO–P6(1) to (3),</p> <p>(b) the offset achieves 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,</p> <p>(c) the offset is undertaken where it will result in the best ecological outcome, and as the first priority be:</p> <p>(i) close to the location of the activity, and</p> <p>(ii) within the same ecological district or coastal marine biogeographic region,</p> <p>(d) the offset is applied so that the ecological values being achieved are the same or similar to those being lost,</p> <p>(e) the positive ecological outcomes of the offset endure at least as long as the impact of the activity and preferably in perpetuity,</p> <p>(f) the offset achieves biodiversity outcomes beyond results that would have occurred if the offset was not proposed,</p> <p>(g) the time delay between the loss of biodiversity and the realisation of the offset is the least necessary to achieve the best possible outcome,</p>	Oppose	<p>The 'criteria' listed in APP3 have been derived from the biodiversity offsetting guidance document (Guidance on good practice biodiversity offsetting in New Zealand, August 2014). It is inappropriate to translate guidance, which is by its very nature less specific, into something as specific as criteria. The certainty required to apply criteria is lacking from APP3.</p> <p>Fulton Hogan requests that the 'criteria' are referred to as 'principles' in line with the guidance document.</p> <p>It is also important that these principles align with the guidance where possible. E.g. offsetting is limited to addressing significant residual adverse effects.</p> <p>Some construction related resource consents have a relatively short consent duration. This makes achieving an offset within the duration of the resource consent potentially problematic. This should not rule out offsetting as an option.</p>	<p>Amend APP3 to align with the guidance document, and to recognise the practicalities of offsetting as an effects management proposal.</p> <p><b>APP3 – Criteria Principles for biodiversity offsetting</b></p> <p>(1) Biodiversity offsetting is not available if the activity will result in:</p> <p>(a) the loss of any individuals of Threatened taxa, other than kānuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i>), under the New Zealand Threat Classification System (Townsend et al, 2008), or</p> <p>(b) reasonably measurable loss within the ecological district to an At Risk-Declining taxon, other than manuka (<i>Leptospermum scoparium</i>), under the New Zealand Threat Classification System (Townsend et al, 2008).</p> <p>(2) Biodiversity offsetting is available if the following criteria are met:</p> <p>(a) the offset addresses <u>the significant</u> residual adverse effects that <del>remain after implementing the sequential steps required by ECO–P6(1) to (3)</del> <u>cannot otherwise be avoided, remedied or mitigated</u>,</p> <p>(b) the offset achieves 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,</p> <p>(c) the offset is undertaken where it will result in the best ecological outcome, and as the first priority be:</p> <p>(i) close to the location of the activity, and</p> <p>(ii) within the same ecological district or coastal marine biogeographic region,</p> <p>(d) the offset is applied so that the ecological values being achieved are the same or similar to those being lost,</p> <p>(e) the positive ecological outcomes of the offset endure at least as long as the impact of the activity and preferably in perpetuity,</p> <p>(f) the offset achieves biodiversity outcomes beyond results that would have occurred if the offset was not proposed,</p> <p>(g) the time delay between the loss of biodiversity and the realisation of the offset is the least necessary to achieve the best possible outcome,</p> <p>(h) <u>where practicable</u>, the outcome of the offset is achieved within the duration of the resource consent, and</p> <p>(i) 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.</p>
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	<p>(h) the outcome of the offset is achieved within the duration of the resource consent, and</p> <p>(i) 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.</p>			

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46.	<p><b>APP4 – Criteria for biodiversity compensation</b></p> <p>(1) Biodiversity compensation is not available if the activity will result in:</p> <ul style="list-style-type: none"> <li>(a) 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,</li> <li>(b) removal or loss of viability of habitat of a Threatened or At Risk indigenous species of fauna or flora under the New Zealand Threat Classification System (Townsend et al, 2008),</li> <li>(c) 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</li> <li>(d) worsening of the New Zealand Threat Classification System (Townsend et al, 2008) conservation status of any Threatened or At Risk indigenous fauna.</li> </ul> <p>(2) Biodiversity compensation is available if the following criteria are met:</p> <ul style="list-style-type: none"> <li>(a) compensation addresses only residual adverse effects that remain after implementing the sequential steps required by ECO–P5(1) to (4),</li> <li>(b) compensation is undertaken where it will result in the best practicable outcome and preferably: <ul style="list-style-type: none"> <li>(i) close to the location of the activity, and</li> <li>(ii) within the same ecological district or coastal marine biogeographic region,</li> </ul> </li> <li>(c) compensation achieves positive biodiversity outcomes that would not have occurred without that compensation,</li> <li>(d) the positive biodiversity outcomes of the compensation are enduring,</li> <li>(e) the time delay between the loss of biodiversity through the proposal and the gain or maturation of the compensation's biodiversity outcomes is the least necessary to achieve the best possible outcome,</li> <li>(f) the outcome of the compensation is achieved within the duration of the resource consent,</li> <li>(g) 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, and</li> <li>(h) the biodiversity compensation is demonstrably achievable.</li> </ul>	Oppose	<p>Fulton Hogan requests that the 'criteria' are referred to as 'principles' in line with the guidance document and APP4.</p> <p>Some construction related resource consents have a relatively short consent duration. This makes achieving compensation within the duration of the resource consent potentially problematic. This should not rule out compensation as an option.</p>	<p>Amend APP4 to align with the language used in APP4, and to recognise the practicalities of compensation as an effects management proposal.</p> <p><b>APP4 – Criteria Principles for biodiversity compensation</b></p> <p>(1) Biodiversity compensation is not available if the activity will result in:</p> <ul style="list-style-type: none"> <li>(a) 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,</li> <li>(b) removal or loss of viability of habitat of a Threatened or At Risk indigenous species of fauna or flora under the New Zealand Threat Classification System (Townsend et al, 2008),</li> <li>(c) 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</li> <li>(d) worsening of the New Zealand Threat Classification System (Townsend et al, 2008) conservation status of any Threatened or At Risk indigenous fauna.</li> </ul> <p>(2) Biodiversity compensation is available if the following <u>criteria principles</u> are met:</p> <ul style="list-style-type: none"> <li>(a) compensation addresses only <u>significant</u> residual adverse effects that remain after implementing the sequential steps required by ECO–P5(1) to (4) <u>where offsetting is not demonstrably possible</u>,</li> <li>(b) compensation is undertaken where it will result in the best practicable outcome and preferably: <ul style="list-style-type: none"> <li>(i) close to the location of the activity, and</li> <li>(ii) within the same ecological district or coastal marine biogeographic region,</li> </ul> </li> <li>(c) compensation achieves positive biodiversity outcomes that would not have occurred without that compensation,</li> <li>(d) the positive biodiversity outcomes of the compensation are enduring,</li> <li>(e) the time delay between the loss of biodiversity through the proposal and the gain or maturation of the compensation's biodiversity outcomes is the least necessary to achieve the best possible outcome,</li> <li>(f) <u>where practicable</u> the outcome of the compensation is achieved within the duration of the resource consent,</li> <li>(g) 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, and</li> <li>(h) the biodiversity compensation is demonstrably achievable.</li> </ul>