

From: [Sharon Aitchison](#)
To: [RPS](#)
Cc: [Megan Justice](#)
Subject: Proposed Otago Regional Policy Statement 2021 - submission by Network Waitaki Ltd
Date: Friday, 3 September 2021 2:46:56 p.m.
Attachments: [Form 5 and Annex A - Network Waitaki Proposed RPS 21 Submission 3 9 21.pdf](#)
[Annexure A Final Network Waitaki Ltd Submission on Proposed Otago RPS 21.docx](#)

Attention: ORC Policy Team

Please find attached (PDF combined version, and MS Word version of Annexure A) a submission by **Network Waitaki Ltd** with respect to the Proposed Otago Regional Policy Statement 2021.

Please acknowledge receipt in due course.

Regards

Sharon (on behalf of Megan Justice)

 **Sharon Aitchison**
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FORM 5

**SUBMISSION ON NOTIFIED PROPOSAL FOR
POLICY STATEMENT OR PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Otago Regional Council
**Private Bag 1954
DUNEDIN**

Name Network Waitaki Limited (“**NWL**”)

1. **This is a submission on the following proposed policy statement (*the proposal*):**

Proposed Otago Regional Policy Statement 2021 (“**PORPS**”)

2. **NWL could not gain an advantage in trade competition through this submission.**

3. **The specific provisions of the proposal that their submission relates to are:**

- Definitions (Part 1)
- Domains (Part 3)
- Topics (Part 3)

*More specifically, those provisions listed in **Table 1 in Annexure A** attached.*

4. **NWL’s submission is:**

The interests that have determined the approach of NWL in preparing submissions on the PORPS are as follows:

- a) *NWL is an electricity distribution business, it offtakes electricity from the national grid and distributes it to homes, businesses, schools and communities in Oamaru and within rural areas of North Otago and parts of South Canterbury Regions.*
- b) *NWL is a network utility operator. Network utility operators are defined in the Resource Management Act 1991 (“the Act”) and specifically include electricity operators or electricity distributors for the purpose of line function services.*
- c) *The electricity network owned by NWL in the Otago region comprises high voltage (HV) power lines (above and below ground) which distribute electricity to local zone substations where the voltage is reduced before distribution through medium voltage (MV) power lines (overhead and underground) as seen throughout Otago.*

- d) *NWL is responsible for the distribution of electricity to 13,170 Waitaki customers. Network Waitaki's customers extend from the Waitaki River to Shag Point, and inland to Ohau and the Hakataramea Valley via a lines network spanning some 1,800km. Network Waitaki's infrastructure also includes 19 substations.*
- e) *Electricity is a vital resource for New Zealand, its economy and social and cultural wellbeing. Our network will require significant power system upgrades to support and enable the planned decarbonization of coal-based process heat in our district in line with New Zealand's transition to achieving 100% renewable electricity. The electrification of our transport fleet; and the forecast growth in our district. NWL seeks to ensure the ability to meet this demand in the most efficient and cost-effective manner. Due to the nature and scale of the NWL's critical assets, continual upgrade, maintenance and renewal are required to ensure security of supply of electricity to our existing and future customers.*
- f) *Network utility operators are often constrained in the selection of sites on which they locate, particularly when they are part of a regional distribution network. It is important to recognise the locational constraints in considering the overall impact of the environmental effects of network utilities and in designating sites for substations.*
- g) *Network Waitaki is a lifeline utility under the Civil Defence Emergency Management Act 2002. This places an obligation on Network Waitaki to ensure that our network is able to function to the fullest possible extent during and after an emergency. The implications of planning provisions may affect our ability to construct network assets to be sufficiently resilient to natural disasters to meet this obligation and support our communities in the event of an incident.*
- h) *Set against this background is a growing body of regulation which make the delivery of electricity network infrastructure difficult. NWL, therefore, seeks to ensure that the networks it manages are adequately recognised in the PORPS, are protected from the potential adverse effects of other activities, and that the networks' future upgrade, maintenance and renewal are not unnecessarily impeded.*

320.032

320.032

The particular parts of the PORPS that NWL either supports or opposes and the relief sought is outlined in **Table 1 in Annexure A** attached.

In summary, NWL:

- a) Opposes, opposes in part, supports and supports in part the PORPS as set out **Table 1 in Annexure A** attached.
- b) The reasons for NWL's opposition, opposition in part and support in part are that the PORPS, as notified and in the absence of amendments (or similar amendments) in accordance with this submission:

320.033

- (i) Will not promote the sustainable management of natural and physical resources, will not achieve the purpose of the Resource Management Act 1991 (“Act”), and is otherwise contrary to Part 2 and other relevant provisions of the Act, particularly when having regard to the efficiency and effectiveness of the provisions relative to other means;
- (ii) Will not promote the efficient use and development of natural and physical resources; and
- (iii) Does not represent sound resource management practice particularly with respect to infrastructure planning and surrounding land use management.

5. **I seek the following decision from the local authority:**

- a) *The relief sought as set out in Table 1 which is attached as Annexure A (or those with similar or like effect) be accepted; and*
- b) *Such further or other relief as is appropriate or desirable in order to take account of the concerns expressed and relief sought in this submission; and*
- c) *Any consequential amendments to the PORPS necessary to give effect to a) and b) above; and*
- d) *That, in the event that the amendments set out above are not implemented, the PORPS be withdrawn.*

320.034

6. NWL wishes to be heard in support of their submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature:



Tod Trotman, Network Waitaki Limited

(A signature is not required if you make your submission by electronic means.)

Date: 3 September 2021

Electronic address for Service: megan.justice@mitchelldaysh.co.nz

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Mitchell Daysh Limited

PO Box 489

Dunedin

Contact person: Megan Justice

Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

ANNEXURE A

SUBMISSION POINTS BY NETWORK WAITAKI LTD – PROPOSED OTAGO REGIONAL POLICY STATEMENT 2021

Table 1

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
DEFINITIONS			
<p>Regionally Significant Infrastructure: <i>means:</i></p> <ol style="list-style-type: none"> 1. roads classified as being of regional importance in accordance with the One Network Road Classification, 2. electricity sub-transmission infrastructure, 3. renewable electricity generation facilities that connect with the local distribution network but not including renewable electricity generation facilities designed and operated principally for supplying a single premise or facility, 4. telecommunication and radiocommunication facilities, 5. facilities for public transport, including terminals and stations, 6. the following airports: Dunedin, Queenstown, Wanaka, Alexandra, Balclutha, Cromwell, Oamaru, Taieri, 	<p>Support</p>	<p>NWL owns electricity sub-transmission infrastructure and supports the inclusion of electricity sub-transmission infrastructure in this definition.</p> <p>The Otago Regional Policy Statement 2019 (“RPS19”) contained a definition for <i>Significant Electricity Distribution Infrastructure</i>, which has been removed from PRPS21.</p> <p>The term was picked up in Policy 4.4.5(e) of RPS19 such that those lines were identified and effects on those lines from potentially incompatible activities were managed through methods such as corridors. The use of corridors was then picked up in the methods section.</p> <p>NWL seeks to re-insert the definition of Significant Electricity Distribution Infrastructure into the definition of Regionally Significant Infrastructure.</p>	<p>Retain definition subject to amending clause (2) as follows:</p> <p>(2) <i>electricity sub-transmission infrastructure and significant electricity distribution infrastructure.</i></p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p>7. navigation infrastructure associated with airports and commercial ports which are nationally or regionally significant,</p> <p>8. defence facilities,</p> <p>9. community drinking water abstraction, supply treatment and distribution infrastructure that provides no fewer than 25 households with drinking water for not less than 90 days each calendar year, and community water supply abstraction, treatment and distribution infrastructure (excluding delivery systems or infrastructure primarily deployed for the delivery of water for irrigation of land or rural agricultural drinking-water supplies),</p> <p>10. community stormwater infrastructure,</p> <p>11. wastewater and sewage collection, treatment and disposal infrastructure serving no fewer than 25 households, and</p> <p>12. Otago Regional Council's hazard mitigation works including flood protection infrastructure and drainage schemes.</p>			
<p>Additional infrastructure: has the same meaning as in clause 1.3 of the National Policy Statement on Urban Development (as set out in the box below)</p>	<p>Oppose in part</p>	<p>Generally, NWL considers that the number of definitions to define the different parts of the electricity industry could be simplified. The proliferation of these definitions may result in confusion about the intent of the provisions, and how the provisions are implemented. NWL considers that the</p>	<p>Rationalise the definitions that relate to the electricity infrastructure and make consequential changes to the wording in the relevant provisions.</p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p><i>means:</i></p> <ul style="list-style-type: none"> <i>a. public open space.</i> <i>b. community infrastructure as defined in section 197 of the Local Government Act 2002.</i> <i>c. land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities.</i> <i>d. social infrastructure, such as schools and healthcare facilities.</i> <i>e. a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001).</i> <i>f. a network operated for the purpose of transmitting or distributing electricity or gas</i> 		<p>definitions from the National Policy Statement on Urban Development and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 that relate to electricity infrastructure should be combined/rationalised.</p>	
<p><i>Distribution network:</i> <i>has the same meaning as in regulation 3 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (as set out in the box below)</i></p> <ul style="list-style-type: none"> <i>a. means lines and associated equipment that are used for conveying electricity and are operated by a business engaged in the distribution of electricity; but</i> <p><i>does not include lines and associated equipment that are part of the national grid</i></p>	<p>Oppose in part</p>	<p>NWL questions the purpose of this definition as it does not relate to any provisions in the PORPS. Generally, NWL considers that the number of definitions to define the different parts of the electricity industry could be simplified. The proliferation of these definitions may result in confusion about the intent of the provisions, and how the provisions are implemented.</p>	<p>Rationalise the definitions that relate to the electricity infrastructure and make consequential changes to the wording in the relevant provisions.</p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p>Electricity sub-transmission infrastructure: <i>means electricity infrastructure which conveys electricity between energy generation sources, the National Grid and zone substations and between zone substations.</i></p>	Oppose in part	<p>NWL supports the inclusion of a definition of this infrastructure, and considers that the definition accurately describes this infrastructure.</p> <p>However, NWL considers that the number of definitions to define the different parts of the electricity industry could be simplified. The proliferation of these definitions may result in confusion about the intent of the provisions, and how the provisions are implemented.</p>	Rationalise the definitions that relate to the electricity infrastructure and make consequential changes to the wording in the relevant provisions.
<p>Functional need: <i>has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below).</i> <i>means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</i></p>	Support in part	<p>NWL supports the inclusion of this definition in the PORPS as it is relevant to electricity distribution and sub-transmission activities and adds clarity for determining when an activity has a functional need to locate in a specific area. NWL questions whether the definition enables the consideration of efficiency when considering where infrastructure is located. For instance, there may be situations where an alternative route for a line is possible, but it would add considerable length to the line, which would have correspondingly greater adverse effects on the environment, greater financial costs and will use more energy.</p>	<p>Amend definition as follows: <i>means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment, <u>taking into account the efficiency of the proposal or activity.</u></i></p> <p>Or other relief to give effect to this submission point.</p>
<p>Specified infrastructure: <i>has the same meaning as in clause 3.21 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)</i> <i>means any of the following:</i></p> <p>a. <i>infrastructure that delivers a service operated by a lifeline utility (as defined in</i></p>	Oppose in part	<p>Generally, NWL considers that the number of definitions to define the different parts of the electricity industry could be simplified. The proliferation of these definitions may result in confusion about the intent of the provisions, and how the provisions are implemented. NWL considers that the definitions from the National Policy Statement on Urban Development and the Resource Management (National</p>	Rationalise the definitions that relate to the electricity infrastructure and make consequential changes to the wording in the relevant provisions.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p><i>the Civil Defence Emergency Management Act 2002),</i></p> <p><i>b. regionally significant infrastructure identified as such in a regional policy statement or regional plan,</i></p> <p><i>c. any public flood control, flood protection, or drainage works carried out:</i></p> <p><i>i. by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1951, or</i></p> <p><i>ii. for the purpose of drainage by drainage districts under the Land Drainage Act 1908</i></p>		<p>Environmental Standards for Freshwater) Regulations 2020 that relate to electricity infrastructure should be combined/rationalised.</p>	
<p>Operational need:</p> <p><i>has the same meaning as in Standard 14 of the National Planning Standards 2019 (as set out in the box below)</i></p> <p><i>means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints</i></p>	<p>Support</p>	<p>NWL supports the inclusion of this definition in the PORPS as it is relevant to electricity distribution and sub-transmission activities and adds clarity for determining when an activity has an operational need to locate in a specific area.</p>	<p>Retain definition.</p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p>Other infrastructure: <i>has the same meaning as in regulation 3 of the National Environmental Standard for Freshwater 2020 (as set out in the box below) means infrastructure, other than specified infrastructure, that was lawfully established before, and in place at, the close of 2 September 2020.</i></p>	<p>Oppose in part</p>	<p>Generally, NWL considers that the number of definitions to define the different parts of the electricity industry could be simplified. The proliferation of these definitions may result in confusion about the intent of the provisions, and how the provisions are implemented. NWL considers that the definitions from the National Policy Statement on Urban Development and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 that relate to electricity infrastructure should be combined/rationalised.</p>	<p>Rationalise the definitions that relate to the electricity infrastructure and make consequential changes to the wording in the relevant provisions.</p>
<p>Infrastructure: <i>Has the same meaning as in section 2 of the Resource Management Act 1991 (as set out in the box below) means—</i></p> <ul style="list-style-type: none"> <i>a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:</i> <i>b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:</i> <i>c. a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:</i> <i>d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines</i> 	<p>Support</p>	<p>NWL supports the inclusion of this definition, as it reflects the RMA definition.</p>	<p>Retain definition.</p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p><i>used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—</i></p> <ul style="list-style-type: none"> <i>i. uses them in connection with the generation of electricity for the person's use; and</i> <i>ii. does not use them to generate any electricity for supply to any other person:</i> <p><i>e. a water supply distribution system, including a system for irrigation:</i></p> <p><i>f. a drainage or sewerage system:</i></p> <p><i>g. structures for transport on land by cycleways, rail, roads, walkways, or any other means:</i></p> <p><i>h. facilities for the loading or unloading of cargo or passengers transported on land by any means:</i></p> <p><i>i. an airport as defined in section 2 of the Airport Authorities Act 1966:</i></p> <p><i>j. a navigation installation as defined in section 2 of the Civil Aviation Act 1990:</i></p> <p><i>k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:</i></p>			

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p><i>l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.</i></p>			
<p>New Definition</p>	<p>N/A</p>	<p>The term “electricity transmission network” has been used in the below provisions but has not been defined:</p> <ul style="list-style-type: none"> • EIT–INF–O6 – Long-term planning for electricity transmission infrastructure • EIT–INF–P16 – Providing for electricity transmission and the National Grid • EIT–INF–M5 – District plans <p>The drafting of the provisions suggests that the term refers to infrastructure for electricity transmission other than the National Grid. Therefore, it is concluded that these provisions are referring to the electricity distribution network, as defined by PORPS.</p>	<p>Replace all instances of the term “electricity transmission network” with “electricity distribution network”.</p>
<p>New definition</p>	<p>N/A</p>	<p>The RPS19 contained a definition for <i>Significant Electricity Distribution Infrastructure</i>, which has been removed from the PORPS.</p> <p>This definition was referred to in Policy 4.4.5(e) of RPS19 which sought to manage potentially incompatible activities through methods such as corridors. The use of corridors was then picked up in the methods section of the RPS19.</p>	<p>Add a new definition for <i>significant electricity distribution infrastructure</i> as follows:</p> <p><u><i>Significant Electricity Distribution Infrastructure means electricity distribution infrastructure which supplies:</i></u></p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
		<p>The s 32 Report contains no discussion on the reason for removing this protection from these important lines. That is a critical issue for NWL given the lines serve an important role in providing for the social, economic, cultural and health and safety of the community. The defined activity does this by identifying key functions, places and communities for which the resilience of the electricity distribution network is particularly important, including:</p> <ul style="list-style-type: none"> - Maintaining the functionality of healthcare infrastructure such as hospitals and other emergency services; - Maintaining electricity supply to other regionally significant infrastructure including ports, airports, etc; and - Ensuring the resilience of the electricity supply to isolated communities is protected. 	<ol style="list-style-type: none"> 1. <u>Essential and emergency services (such as hospitals and lifeline facilities);</u> 2. <u>Other regionally significant infrastructure or individual consumers requiring supply of 1MW or more;</u> 3. <u>700 or more consumers; or</u> 4. <u>Communities that are isolated and which do not have an alternative supply in the event the line or cable is compromised and where the assets are difficult to replace in the event of failure.</u>
<p>New definition</p>	<p>N/A</p>	<p>The existing definition of “effect management hierarchy” applies only to natural inland wetlands and rivers. However, the term can usefully be applied to managing adverse effects arising from other types of activities, particularly infrastructure.</p> <p>The addition of the term is also important in terms of providing an appropriate carve-out for provisions which are highly prohibitive of activities in outstanding water bodies despite there being a functional or operational need for those activities to be located in that environment.</p>	<p>Add a new definition for “effects management hierarchy (Other Matters)” as follows:</p> <p><u>Effects Management Hierarchy (other matters) means</u></p> <p><u>An approach to managing the adverse effects (including cumulative effects and loss of potential value) of an activity on the extent or values of a</u></p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
			<p><i>significant natural area, outstanding natural feature or landscape, outstanding water bodies (excluding rivers and natural wetlands), area of high or outstanding natural character, area or place of significant or outstanding historic heritage, wahi tapu, wahi taoka, areas with protected customary rights, and areas of high recreational and high amenity value that requires that:</i></p> <p>(a) <i>Adverse effects are avoided where practicable,</i></p> <p>(b) <i>Where adverse effects cannot be avoided, they are minimised where practicable,</i></p> <p>(c) <i>Where adverse effects cannot be minimised, they are remedied where practicable,</i></p> <p>(d) <i>Where adverse effects cannot be remedied, they are mitigated to the extent practicable,</i></p> <p>(e) <i>Where more than minor adverse effects cannot be avoided, minimised, remedied or mitigated offsetting and/or environmental compensation</i></p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
			<p><i>must be considered, where appropriate.</i></p> <p>(f) <i>If offsetting and/or environmental compensation is not appropriate the activity itself is to be avoided.</i></p>
IM INTEGRATED MANAGEMENT			
<p>IM-P2- Decision Priorities</p> <p><i>Unless expressly stated otherwise, all decision making under this RPS shall:</i></p> <ol style="list-style-type: none"> <i>1. Firstly, secure the long term life support capacity and mauri of the natural environment,</i> <i>2. Secondly, promote the health and safety needs of people, and</i> <i>3. Thirdly, safeguard the ability of people and communities to provide for their social, economic and cultural well being now and in the future.</i> 	Oppose	<p>This approach is almost directly derived from the National Policy Statement for Freshwater Management 2020. Applying this hierarchy as a mandatory decision making framework within Otago, for <i>all</i> decision making, is likely to cause implementation difficulties as in certain circumstances there will need to be a more nuanced approach taken to resource management.</p>	Delete.
<p>IM-P14- Human Impact</p> <p><i>Preserve opportunities for future generations by:</i></p> <ol style="list-style-type: none"> <i>1. identifying limits to both growth and adverse effects of human activities beyond which the environment will be degraded,</i> 	Oppose	<p>NWL opposes the uncertainty that is inherent within the drafting of this policy. There is no certainty provided within the PORPS as to what is meant by the term “limits” and how these are intended to be developed or implemented. For example, are these “limits” intended to be used as consenting triggers, or are they intended to act as “environmental limits” or bottom lines?</p>	Delete.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p>2. <i>requiring that activities are established in places, and carried out in ways, that are within those limits and are compatible with the natural capabilities and capacities of the resources they rely on, and</i></p> <p>3. <i>regularly assessing and adjusting limits and thresholds for activities over time in light of the actual and potential environmental impacts.</i></p>			
LAND AND FRESHWATER			
<p>LF-FW-P9 – Protecting Natural Wetlands</p> <p><i>Protect natural wetlands by:</i></p> <p>1. <i>avoiding a reduction in their values or extent unless:</i></p> <p><i>(a) the loss of values or extent arises from:</i></p> <ul style="list-style-type: none"> <i>i. the customary harvest of food or resources undertaken in accordance with tikata Maori,</i> <i>ii. restoration activities,</i> <i>iii. scientific research,</i> <i>iv. the sustainable harvest of sphagnum moss,</i> <i>v. the construction or maintenance of wetland utility structures,</i> 	Oppose in part	<p>NWL understands that this policy is to give effect to the National Policy Statement for Freshwater Management 2020 and the Regulations relating to Freshwater Management (NESFW). However, NWL is concerned that this policy does not provide a consenting pathway for other activities which are also locationally or functionally constrained, such as electricity sub-transmission and distribution activities.</p> <p>As outlined in submissions below, NWL is also concerned that even if the effects management hierarchy was available to ‘other infrastructure’ activities, the limits as to how and when this can be applied under ECO-P3, ECO-P6 and APP3 and APP4 are unlikely to result in positive environmental and economic outcomes. This is discussed further with respect to these matters specifically.</p>	<p>Add the following clause to this policy:</p> <p><i>(b) the Regional Council is satisfied that:</i></p> <ul style="list-style-type: none"> <i>i. the activity is necessary for the construction or upgrade of specified infrastructure <u>or significant electricity distribution infrastructure,</u></i> <i>ii. the specified infrastructure or <u>significant electricity distribution infrastructure</u> will provide significant natural or regional benefits,</i> <i>iii. there is a functional need for the specified infrastructure</i>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p>vi. the maintenance of operation of specific infrastructure, or other infrastructure,</p> <p>vii. natural hazards 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 natural 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>Further, NWL does not support the inclusion of clause 1(b)(ii) “the specified infrastructure will provide significant national or regional benefits” this is requirement goes beyond regulation 45 of the NESFW.</p>	<p><u>significant electricity distribution in that location,</u></p> <p>...</p> <p>Delete clause 1(b)(ii)</p> <p>Or other relief to include electricity sub-transmission and distribution activities.</p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<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 for the effects management hierarchies in (1)(b)(iv) and (1)(b)(v).</p>			
ECO- Ecosystems and Indigenous Biodiversity			
<p>ECO-P2- Identifying significant natural areas and taoka</p> <p><i>Identify:</i></p> <p>(1) the areas and values of significant natural areas in accordance with APP2, and</p> <p>(2) indigenous species and ecosystems that are taoka in accordance with ECO-M3.</p>	<p>Oppose in part</p>	<p>NWL is concerned that this policy, combined with the criteria in APP2, will result in a large portion of the Otago region being identified as an SNA. This policy does not require any areas to be clearly mapped or scheduled in any lower order plans, instead it requires SNA to be identified in accordance with the criteria set out in APP2. This approach lacks necessary precision.</p> <p>The criteria set out in APP2 also differs from the criteria that was recommended to the ORC by its consultants, Wildlands (refer Appendix 17 of the section 32 report). It appears that the Wildlands criteria were used for informing the section 32 analysis, however there is no clear understanding provided in the documentation as to why there has then been a shift to that what was notified (i.e. the criteria differs to that set out in Appendix 17). NWL is therefore concerned that the criteria as</p>	<p>Delete ECO-P2 or amend as follows:</p> <p><i>Identify:</i></p> <p>(1) the areas and values of significant natural areas in accordance with APP2, and</p> <p>(2) indigenous species and ecosystems that are taoka in accordance with ECO-M3.</p> <p><u>Significant natural areas will be identified by local authorities using the criteria in APP2 and these areas will be mapped at an appropriate scale in the relevant regional and district plans.</u></p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
		<p>set out in APP2 has not been tested and found to be suitably robust under section 32 of the RMA.</p> <p>NWL is also concerned that the only significant mapping that was submitted as part of the supporting documentation relates to faunal SNA values. Mapping of flora SNAs has not yet been undertaken, and as noted, NWL is concerned that by applying the criteria in APP2, large areas of the region may exude qualities that would trigger one or more of the criteria and be deemed to comprise a SNA as a result. The land that may qualify as a SNA in the region is therefore currently uncertain. As evidenced in other regions such as Northland, approximately 42% of the Far North District was found to qualify as a SNA. Widespread qualification of land as a SNA within the Otago region (in conjunction with the associated ECO policies) is likely to result in significant developmental constraints and the Council has not quantified the commensurate economic and social costs of this. These costs should have been properly accounted for in terms of the Council meeting the requirements of section 32 of the Act.</p>	<p><u>Indigenous species and ecosystems that are taoka will be identified by local authorities in accordance with ECO-M3, and these areas will be mapped in the relevant regional and district plans.</u></p>
<p>ECO-P3 – Protecting significant natural areas and taoka</p> <p><i>Except as provided for by ECO-P4 and ECO-P5, protect significant natural areas and indigenous species and ecosystems that are taoka by:</i></p>	Oppose	<p>This policy is effectively a prohibition on the operation, maintenance and upgrade of existing electricity networks. The policy does not take into account the functional or operational needs of NWL's infrastructure networks, nor any future development of it.</p>	<p>Delete Policy ECO-P3 or amend as necessary to provide for the development of and ongoing operation, maintenance and upgrade of NWL infrastructure, and to give effect to the (draft) NPSIB.</p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p>1) <i>avoiding adverse effects that result in:</i></p> <p>a) <i>any reduction of the area or values (even if those values are not themselves significant) identified under ECO–P2(1), or</i></p> <p>b) <i>any loss of Kāi Tahu values, and</i></p> <p>2) <i>after (1), applying the biodiversity effects management hierarchy in ECO–P6, and</i></p> <p>3) <i>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.</i></p>		<p>The policy, without significant amendment, would constrain the ability to develop regionally significant infrastructure, which has regional benefits.</p> <p>Furthermore, it is unclear how this policy will give effect to the impending national policy statement for indigenous biodiversity.</p>	
<p>ECO-P4 – Provision for new activities</p> <p><i>Maintain Otago’s indigenous biodiversity by following the sequential steps in the effect management hierarchy set out in ECO-P6 when making decisions on plans, applications for resource consents or notices of requirements for the following activities in significant natural areas, or where they may adversely affect indigenous species and ecosystems that are taoka:</i></p> <p>(1) <i>The development or upgrade of nationally and regionally significant infrastructure that has a functional or operational need to</i></p>	<p>Oppose in part</p>	<p>NWL supports the provision insofar as it enables consideration of consent applications for the development or upgrading of nationally and regionally significant infrastructure, despite their potential effect on SNAs. NWL considers that the policy should also provide for distribution networks where they have a functional or operational need to locate within an SNA to ensure the provision of electricity to the community is not precluded in these situations.</p> <p>Further, NWL has concerns with ECO-P6 and its reference to APP3 and APP4. The reasons for this are set out below in subsequent rows in this table.</p>	<p>Amend ECO-P4 (1) as follows:</p> <p>(1) <i>The development or upgrade of nationally and regionally significant infrastructure <u>and significant electricity distribution infrastructure</u> that has a functional or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka.</i></p>

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<p><i>locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka.</i></p> <p><i>(2) the development of papakaika, marae and ancillary facilities associated with customary activities on Maori land,</i></p> <p><i>(3) the use of Maori land in a way that will make a significant contribution to enhancing the social, cultural or economic wellbeing of takata whenua,</i></p> <p><i>(4) activities that are for the purpose of protecting, restoring or enhancing a significant natural area or indigenous species or ecosystems that are taoka, or</i></p> <p><i>(5) activities that are for the purpose of addressing a severe and immediate risk to public health and safety.</i></p>			<p>Or other relief to give effect to his submission.</p>
<p>ECO-P6 – Maintaining indigenous biodiversity</p> <p><i>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 consents and notices of requirement:</i></p> <p><i>(1) Avoid adverse effects as the first priority,</i></p> <p><i>(2) Where adverse effects demonstrably cannot be avoided, they are remedied,</i></p>	<p>Oppose in part</p>	<p>NWL generally agrees with the cascading approach that has been developed within this policy on a principled basis. However, it submits that when this policy is considered alongside the limits or constraints which are set out in APP3 and APP4 as to when offsetting and compensation are available, the policy becomes unworkable in certain circumstances. APP3 and APP4 contain a set of criteria as to when both offsetting and compensation is not an available method. These criteria are limiting and are written as a bottom line or hard limit. If they are not met, the option of offsetting</p>	<p>Amend to be consistent with the national direction such as the Draft NPSIB and NPSFW. Amendments to APP3 and APP4 are also necessary.</p>

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<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 effects cannot be compensated for in accordance with APP4, the activity is avoided.</p>		<p>and/or compensation is no longer available to be used as part of any effects management response. In these circumstances, the method directs the decision maker back to the first management tier – which is to “avoid”.</p> <p>NWL submits that this policy and the way it draws on APP3 and APP4 is inconsistent with national direction such as the Draft National Policy Statement for Indigenous Biodiversity (“NPSIB”) and NPSFW as to when, and under what circumstances, the full suite of the effects management methods can be applied. It is also inconsistent with section 104(1)(ab) of the RMA which requires a decision maker to have regard to <u>any</u> measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.</p>	
<p>APP2 – Significance Criteria</p> <p>An area is considered to be a significant natural area if it meets any one or more of the criteria below:</p> <p>(a) An area that is an example of an indigenous vegetation type or habitat that is typical or characteristic of the original natural diversity of the relevant ecological district or coastal marine biogeographic region. This may include degraded examples of their type or represent all that</p>	<p>Oppose in part</p>	<p>NWL is concerned that the significance criteria within APP2 whilst similar to, differs to that contained in anticipated national direction (i.e. the Draft NPSIB). Parts of this criteria also differ to the technical advice provided by Wildlands in Appendix 17 of the supporting documentation to the PORPS (clauses (b) and (d)(iv)). It is uncertain whether APP2 has been properly evaluated in terms of section 32 of the Act.</p> <p>NWL is also concerned that the application of these criteria will mean a large proportion of the Otago region will be</p>	<p>Amend Appendix 2 – Significance criteria for indigenous biodiversity to ensure the significance criteria for indigenous biodiversity are specific and targeted to avoid the inclusion of inappropriate areas within SNAs.</p> <p>Ensure consistency with best practice or national policy direction when finalising this criteria.</p>

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<p><i>remains of indigenous vegetation and habitats of indigenous fauna in some areas.</i></p> <p><i>(b) An indigenous marine ecosystem (including both intertidal and sub-tidal habitats, and including both faunal and floral assemblages) that makes up part of at least 10% of the natural extent of each of Otago's original marine ecosystem types and reflecting the environmental gradients of the region.</i></p> <p><i>(c) An indigenous marine ecosystem, or habitat of indigenous marine fauna (including both intertidal and sub-tidal habitats, and including both faunal and floral components), that is characteristic or typical of the natural marine ecosystem diversity of Otago.</i></p> <p><i>(d) An area that supports:</i></p> <p><i>(i) An indigenous species that is threatened, at risk, or uncommon, nationally or within an ecological district or coastal marine biogeographic region, or</i></p> <p><i>(ii) Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district, coastal marine biogeographic</i></p>		<p>identified as an SNA. This issue has arisen in other parts of New Zealand where similar criteria have been used. For example, the Far North District Council identified 42% of its district as SNAs.</p> <p>Widespread qualification of land as a SNA within the Otago region (in conjunction with the associated ECO policies) is likely to result in significant developmental constraints and the Council has not quantified the commensurate economic and social costs of this. These costs should have been properly accounted for in terms of the Council meeting the requirements of section 32 of the Act.</p>	

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<p><i>region or freshwater environment including wetlands, or</i></p> <p><i>(iii) Indigenous vegetation and habitats within originally rare ecosystems, or</i></p> <p><i>(iv) The site contains indigenous vegetation or an indigenous species that is endemic to Otago or that are at distributional limits within Otago.</i></p> <p><i>(e) An area that supports a high diversity of indigenous ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients.</i></p> <p><i>(f) An area that supports or provides habitat for:</i></p> <p><i>(i) Indigenous species at their distributional limit within Otago or nationally, or</i></p> <p><i>(ii) Indigenous species that are endemic to the Otago region, or</i></p> <p><i>(h) Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors.</i></p> <p><i>(i) The relationship of the area with its surroundings (both within Otago and</i></p>			

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<p><i>between Otago and the adjoining regions), including:</i></p> <p>(i) <i>An area that has important connectivity value allowing dispersal of indigenous flora and fauna between different areas, or</i></p> <p>(ii) <i>An area that has an important buffering function that helps to protect the values of an adjacent area or feature, or</i></p> <p>(iii) <i>An area that is important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, resting, nesting, breeding, spawning or refuges from predation, or</i></p> <p>(j) <i>A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a river or coastal ecosystem.</i></p>			
<p>APP3 – Criteria for Biodiversity Offsetting</p> <p>(1) <i>Biodiversity offsetting is not available if the activity will result in:</i></p> <p>(a) <i>the loss of any individuals of Threatened taxa, other than kānuka (Kunzea robusta and Kunzea serotina), under the New Zealand Threat</i></p>	Oppose	<p>NWL submits that the effect of APP3 is to unduly limit biodiversity offsetting as an available environmental effects management option.</p> <p>NWL considers that APP3 sets the threshold as to when offsetting can occur is too high. This will likely foreclose offsetting as a method, even where it is likely to result in significant beneficial ecological or biodiversity outcomes.</p>	Remove the limitations that are imposed which restrict when offsetting can be offered (in clause (1)). Or otherwise align to achieve consistency with national direction via the Draft NPSIB.

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<p><i>Classification System (Townsend et al, 2008), or</i></p> <p>(b) <i>reasonably measurable loss within the ecological district to an At Risk-Declining taxon, other than manuka (Leptospermum scoparium), under the New Zealand Threat Classification System (Townsend et al, 2008).</i></p> <p>....</p>		<p>The approach taken in APP3 and APP4 (limits and outcomes required) is not consistent with national direction such as that contained within the (currently) Draft NPSIB. For comparative purposes, the Council should note that the Draft NPSIB states that biodiversity offsetting is not an appropriate option where:</p> <ul style="list-style-type: none"> (i) <i>Residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected.</i> (ii) <i>There are no technically feasible or socially acceptable options by which to secure gains within acceptable timeframes.</i> (iii) <i>Effects on indigenous biodiversity are uncertain, unknown or little understood, but potential effects are significantly adverse.</i> <p>The section 32 report states that APP3 and APP4 align with the relevant Environment Court decisions on similar provisions in the 2010 RPS. NWL notes that this Environment Court drafting of the compensation criteria was considered in the preparation of the Draft NPSIB. The NPSIB discussion document specifically invited stakeholders to consider the Environment Court (or Jackson Provisions) version as an alternative approach to that which was being promulgated in the Draft NPSIB Appendices 3 and 4. It is understood that this alternative approach was not favoured by the majority of the submitters (only one in favour). It is therefore highly unlikely that these alternative provisions will ultimately be preferred by the Government in its final drafting of the NPSIB.</p>	<p>Amend the offsetting requirements and outcomes so as to achieve consistency with recommended best practice for offsetting and/or national direction via the Draft NPSIB.</p>

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		<p>The Jackson Provisions have also not been adopted for SNA provisions recently developed elsewhere in New Zealand. The West Coast RPS, which was made operative in July 2020, aligns more closely to the Draft NPSIB as to when offsetting and compensation proposals can be considered.</p> <p>NWL is also concerned that APP3 and APP4 have not been thoroughly evaluated and tested in terms of section 32 of the RMA. These appendices still come within the definition of “provisions” of the PORPS which must be evaluated under section 32. For the purpose of its analysis under section 32, the Council appears to have only considered “provisions”, being the policies and the methods of the PORPS. NWL considers this to be a flawed approach.</p>	
<p>APP4 – Criteria for Biodiversity Compensation</p> <p>(1) <i>Biodiversity compensation is not available if the activity will result in:</i></p> <p>(a) <i>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,</i></p> <p>(b) <i>removal or loss of viability of habitat of a Threatened or At Risk indigenous species of fauna or flora under the</i></p>	Oppose	<p>NWL submits that the effect of APP4 is to unduly limit biodiversity compensation as an available environmental effects management option.</p> <p>NWL considers that APP4 sets the threshold as to when compensation can occur is too high. This will likely foreclose compensation as a method even where it is likely to result in significant beneficial ecological or biodiversity outcomes.</p> <p>The section 32 report states that APP3 and APP4 align with the relevant Environment Court decisions on similar provisions in the 2010 RPS. NWL notes that this Environment</p>	<p>Remove the limitations that are imposed which restricts when biodiversity compensation can be offered in clause (1). Or otherwise align to achieve consistency with national direction via the Draft NPSIB.</p> <p>Amend the compensation requirements and outcomes so as to achieve consistency with recommended best practice for</p>

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<p><i>New Zealand Threat Classification System (Townsend et al, 2008),</i></p> <p>(c) <i>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</i></p> <p>(d) <i>worsening of the New Zealand Threat Classification System (Townsend et al, 2008) conservation status of any Threatened or At Risk indigenous fauna</i></p>		<p>Court drafting of the compensation criteria was considered in the preparation of the Draft NPSIB. The NPSIB discussion document specifically invited stakeholders to consider the Environment Court (or Jackson Provisions) version as an alternative approach to that which was being promulgated in the Draft NPSIB Appendices 3 and 4. It is understood that this alternative approach was not favoured by the majority of the submitters (only one in favour). It is therefore highly unlikely that these alternative provisions will ultimately be preferred by the Government in its final drafting of the NPSIB.</p> <p>The Jackson Provisions have also not been adopted for SNA provisions recently developed elsewhere in New Zealand. The West Coast RPS, which was made operative in July 2020, aligns more closely to the Draft NPSIB as to when offsetting and compensation proposals can be considered.</p> <p>NWL is also concerned that APP3 and APP4 have not been thoroughly evaluated and tested in terms of section 32 of the RMA. These appendices still come within the definition of “provisions” of the PORPS, which must be evaluated under section 32. For the purpose of its analysis under section 32, the Council appears to have only considered “provisions”, being the policies and the methods of the PORPS. NWL considers this to be a flawed approach.</p>	<p>compensation and/or national direction via the Draft NPSIB.</p>

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EIT – ENERGY, INFRASTRUCTURE AND TRANSPORT			
<p>EIT-INF-O4 – Provision of Infrastructure</p> <p><i>Effective, efficient and resilient infrastructure enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth within the region within environmental limits.</i></p>	Oppose in part	<p>NWL supports the intent of this policy. However, it opposes the requirement for infrastructure to be managed within “environmental limits”. As the environmental limits are not yet known this creates uncertainty as to what this means, and how this policy will be implemented.</p> <p>Further, the inclusion of the “environmental limits” qualifier in a policy, which is intended to be enabling, erodes the intent of the policy and is unnecessary given the range of other provisions contained in the PORPS, that impose restrictions on activities.</p>	Amend policy to be enabling of infrastructure, and remove the requirement for infrastructure to only be provided for where it achieves “environmental limits”.
<p>EIT-INF-P11 – Operation and Maintenance</p> <p><i>Except as provided for by ECO–P4, allow for the operation and maintenance of existing nationally and regionally significant infrastructure while:</i></p> <p>(1) <i>avoiding, as the first priority, significant adverse effects on the environment, and</i></p> <p>(2) <i>if avoidance is not practicable, and for other adverse effects, minimising adverse effects.</i></p>	Oppose in part	<p>NWL is concerned about the implementation difficulties associated with this policy, particularly as it only relates to the operation and maintenance of existing infrastructure. The policy requires the avoidance of significant adverse effects as the first priority, and only when avoidance is not practicable, other management methods are available.</p> <p>In some circumstances, there will be adverse effects from the conveyance of electricity that cannot be avoided, yet the broader community benefits arising from the supply of electricity to the community and businesses are such that the economic and social outcomes that accrue are so significant as to outweigh these effects.</p>	<p>Delete Policy, or amend this policy as follows:</p> <p>–Except as provided for by ECO–P4, a <i>Allow for the operation and maintenance of existing nationally and regionally significant infrastructure. while:</i></p> <p>(1)–avoiding, as the first priority, significant adverse effects on the environment, and</p> <p>(2)–if avoidance is not practicable, and for other adverse effects, minimising adverse effects.</p>

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		<p>NWL also submits that it is not clear what would be required by “minimising adverse effects”. This does not appear to be consistent with the avoid, remedy or mitigate RMA regime, and the literal definition of minimise is to achieve “the smallest possible amount”. In this context, the requirement to minimise adverse effects is not too dissimilar to an outright avoidance requirement.</p>	
<p>EIT-INF-P13 – Locating and managing effects on infrastructure</p> <p><i>When providing for new infrastructure outside the coastal environment:</i></p> <p>(1) <i>avoid, as the first priority, locating infrastructure in all of the following:</i></p> <ul style="list-style-type: none"> (a) <i>significant natural areas,</i> (b) <i>outstanding natural features and landscapes,</i> (c) <i>natural wetlands,</i> (d) <i>outstanding water bodies,</i> (e) <i>areas of high or outstanding natural character,</i> (f) <i>areas or places of significant or outstanding historic heritage,</i> (g) <i>wāhi tapu, wāhi taoka, and areas with protected customary rights, and</i> (h) <i>areas of high recreational and high amenity value, and</i> 	<p>Oppose</p>	<p>NWL is concerned that this policy seeks to adopt a wholesale prevention of activities in areas of significance or higher value, regardless of the degree of effect (i.e. its significance) or the significance of the value being affected, and regardless of the importance of the infrastructure.</p> <p>NWL is concerned that it might not always be possible for an operationally feasible proposal to be identified that did not affect one or some of the matters listed in (1) of this policy. This policy means that an alternatives assessment will be necessary to accompany any application if it affects one or more of these areas, and as currently drafted, this alternative assessment would need to occur regardless of the scale of effect on that value or resource. This is inconsistent with the requirements of the RMA. When the consideration of alternatives is required, both the applicant and the decision maker will then need to consider whether they are ‘possible’. Both parties will need to be satisfied that such alternatives are not possible.</p>	<p>Delete this policy.</p>

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<p><i>(2) if it is not possible to avoid locating in the areas listed in (1) above because of the functional or operational needs of the infrastructure manage adverse effects as follows:</i></p> <p><i>(a) for nationally or regionally significant infrastructure:</i></p> <p><i>(i) in significant natural areas, in accordance with ECO-P4,</i></p> <p><i>(ii) in natural wetlands, in accordance with the relevant provisions in the NESF,</i></p> <p><i>(iii) in outstanding water bodies, in accordance with LF-P12,</i></p> <p><i>(iv) in other areas listed in EIT-INF-P13 (1) above, minimise the adverse effects of the infrastructure on the values that contribute to the area's importance, and</i></p> <p><i>(b) for all infrastructure that is not nationally or regionally significant, avoid adverse effects on the values that contribute to the area's outstanding nature or significance.</i></p>		<p>An alternative may be considered 'possible' if it is technically feasible, whatever the cost. That is, whether something is 'possible' or not (e.g., 'avoid locating in higher value areas unless this is not possible') does not require a consideration of costs. Disregarding the consideration of costs is not a realistic proposition for infrastructure providers.</p> <p>NWL is also concerned that clause 2(b) requires all "additional infrastructure" to avoid adverse effects on the values that contribute to these identified areas, even where it is demonstrated that the infrastructure has a functional or operational need to locate in this area. This policy will foreclose options for important infrastructure in Otago.</p> <p>NWL also submits that there are implementation issues with ECO-P4 and its reference to ECO-P6, and the effects management hierarchy is flawed as a result.</p> <p>There also appears to be an issue with reference to (2)(1)(a)(iii) – LF-P12. LF-P12 identifies outstanding water bodies - it does not relate to managing adverse effects.</p>	

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<p>EIT-INF-M5 – District plans</p> <p><i>Territorial authorities must prepare or amend and maintain their district plans to:</i></p> <ol style="list-style-type: none"> 1) <i>require a strategic approach to the integration of land use and nationally or regionally significant infrastructure,</i> 2) <i>enable planning for the electricity transmission network and National Grid to achieve efficient distribution of electricity,</i> 3) <i>map the electricity transmission network, and in relation to the National Grid, identify a buffer corridor within which sensitive activities shall generally not be allowed, and</i> 4) <i>manage the subdivision, use and development of land to ensure nationally or regionally significant infrastructure can develop to meet increased demand,</i> 5) <i>manage the adverse effects of developing, operating, maintaining, or upgrading nationally or regionally significant infrastructure that are on:</i> <ol style="list-style-type: none"> a) <i>the surface of rivers and lakes and on land outside the coastal marine area, and</i> b) <i>the beds of lakes and rivers,</i> 6) <i>ensure that development is avoided where:</i> 	<p>Oppose in part</p>	<p>NWL is aware that the RPS19 included provisions to ensure District Plan appropriately recognised and provided for important infrastructure. NWL therefore seeks that this provision be amended such that it provides a framework for the types of provisions that have been agreed to by various parties to those district plan review processes.</p> <p>In particular, amendments are required to:</p> <ul style="list-style-type: none"> - replace the use of the non-defined term “electricity transmission network” to be replaced with Electricity Sub-transmission infrastructure; or Significant Electricity Distribution Infrastructure; or Electricity Distribution Network where appropriate. - Expand the scope of the “buffer corridor” beyond the National Grid to include Electricity Sub-Transmission Infrastructure and Significant Electricity Distribution Infrastructure as previously provided for in RPS19. - Require prioritisation of sites in accordance with the effects management hierarchy (other matters) as set out above. 	<p>Delete EIT-INF-M5 District Plans or amend as follows</p> <p><i>Territorial authorities must prepare or amend and maintain their district plans to:</i></p> <ol style="list-style-type: none"> 1) <i>require a strategic approach to the integration of land use and nationally or regionally significant infrastructure,</i> 2) <i>provide for the operation and maintenance of the National Grid and Electricity Distribution Network to achieve a resilient electricity supply,</i> 3) <i>enable planning for the development and upgrade of the National Grid and Electricity Distribution Network,</i> 4) <i>map the National Grid, Electricity Sub-transmission infrastructure and Significant Electricity Distribution Infrastructure and identify a buffer corridor within which sensitive activities shall generally not be allowed, and</i>

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<p>a. <i>it cannot be adequately served with infrastructure,</i></p> <p>b. <i>it utilises infrastructure capacity for other planned development, or</i></p> <p>c. <i>the required upgrading of infrastructure is not funded, and</i></p> <p>d. <i>require the prioritisation of sites where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised.</i></p>			<p>5) <i>manage the subdivision, use and development of land to ensure nationally or regionally significant infrastructure can develop to meet increased demand,</i></p> <p>6) <i>manage the adverse effects of developing, operating, maintaining, or upgrading infrastructure that are on:</i></p> <p style="padding-left: 20px;">a. <i>the surface of rivers and lakes and on land outside the coastal marine area, and</i></p> <p style="padding-left: 20px;">b. <i>the beds of lakes and rivers,</i></p> <p>7) <i>ensure that development is avoided where:</i></p> <p style="padding-left: 20px;">a. <i>it cannot be adequately served with infrastructure,</i></p> <p style="padding-left: 20px;">b. <i>it utilises infrastructure capacity for other planned development, or</i></p> <p style="padding-left: 20px;">c. <i>the required upgrading of infrastructure is not funded, and</i></p> <p style="padding-left: 20px;">d. <i>require the prioritisation of sites in accordance with the</i></p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
			<i>effects management hierarchy (other matters).</i>
NFL – NATURAL FEATURES AND LANDSCAPES			
<p>NFL-P2 – Protection of Outstanding Natural Features and Landscapes</p> <p><i>Protect outstanding natural features and landscapes by:</i></p> <p>(1) <i>Avoiding adverse effects on the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding, and</i></p> <p>(2) <i>Avoiding, remedy or mitigating other adverse effects.</i></p>	Oppose	This policy requires the blanket avoidance of all adverse effects regardless of scale or severity. This is unreasonable and goes further than the requirements of section 6 of the RMA. Further, this policy conflicts with other provisions that recognise that, in some situations, some activities may generate adverse effects. NWL is concerned that this provision will override other provisions that make allowances for certain infrastructure activities in certain areas.	Delete this policy.
<p>NFL-P3 – Maintenance of highly valued natural features and landscapes</p> <p><i>Maintain or enhance highly valued natural features and landscapes by:</i></p> <p>(1) <i>Avoiding significant adverse effects on the values of the natural feature or landscape, and</i></p> <p>(2) <i>Avoiding, remedying or mitigating other adverse effects.</i></p>	Oppose	NWL submits that there is uncertainty regarding the term “highly valued natural features and landscapes”. These are defined in the PORPS as being section 7(c) and 7(f) type landscapes, however NWL is concerned that there appears to be little to distinguish these and the management of these types of landscapes from those recognised as being outstanding natural features and landscapes. For example, the criteria to identify both landscape types appear to be the same (refer APP9) and this policy is very similar to the requirements set out in NFL-P2. While this policy seeks to maintain and enhance highly valued landscapes, the	Delete this policy, or amend so as to achieve the following: <i>Maintain or enhance highly valued natural features and landscapes by:</i> (1) Avoiding significant adverse effects on the values of the natural feature or landscape, and (2) Avoiding, remedying or mitigating other adverse effects.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
		management requirement is essentially the same as what is required in NFL-P2, which seeks instead to “protect” outstanding natural landscapes and features. Because these highly valued landscapes are not yet known, NWL is concerned that this policy regime sets too high a bar for lesser valued landscapes.	<u>Avoiding, remedying or mitigating adverse effects on the values of the natural feature or landscape.</u>
UFD – URBAN FORM AND DEVELOPMENT			
<p>UFD–O2 – Development of urban areas</p> <p><i>The development and change of Otago’s urban areas:</i></p> <p>(1) <i>improves housing choice, quality, and affordability,</i></p> <p>(2) <i>allows business and other non-residential activities to meet the needs of communities in appropriate locations,</i></p> <p>(3) <i>respects and wherever possible enhances the area’s history, setting, and natural and built environment,</i></p> <p>(4) <i>delivers good urban design outcomes, and improves liveability,</i></p> <p>(5) <i>improves connectivity within urban areas, particularly by active transport and public transport,</i></p> <p>(6) <i>minimises conflict between incompatible activities,</i></p>	Support	NWL supports this policy as it establishes clear outcomes for urban environments and includes the provision of infrastructure.	Retain this policy.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p>(7) manages the exposure of risk from natural hazards in accordance with the HAZ–NH – Natural hazards section of this RPS,</p> <p>(8) results in sustainable and efficient use of water, energy, land, and infrastructure,</p> <p>(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,</p> <p>(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</p> <p>(11) is guided by the input and involvement of mana whenua.</p>			
<p>UFD-O4- Development in rural areas</p> <p><i>Development in Otago’s rural areas occurs in a way that:</i></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>	Oppose	<p>NWL is concerned that this objective will act as a prohibition to a significant number of activities within the rural environment. It requires the avoidance of all impacts on significant values and features identified in this PORPS and does not allow for any ability to manage those effects via mitigation, remediation, offsetting or compensation / enhancement type measures. A blanket “avoidance of impact approach” is not necessarily going to be the answer in every circumstance to achieving the best environmental and</p>	Delete this objective.

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p>(3) <i>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</i></p> <p>(4) <i>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.</i></p>		<p>economic outcomes, and this needs to be better recognised and balanced throughout the PORPS.</p> <p>It is also unclear how this objective will be considered and reconciled against other provisions in the PORPS which provide (to an extent) a pathway for activities to develop and operate within areas of value.</p>	
<p>UFD–P3 – Urban intensification</p> <p><i>Within urban areas intensification is enabled where it:</i></p> <p>(1) <i>contributes to establishing or maintaining the qualities of a well-functioning urban environment,</i></p> <p>(2) <i>is well-served by existing or planned development infrastructure and additional infrastructure,</i></p> <p>(3) <i>meets the greater of demonstrated demand for housing and/or business use or the level of accessibility provided for by existing or planned active transport or public transport,</i></p> <p>(4) <i>addresses an identified shortfall for housing or business space, in accordance with UFD–P2,</i></p>	<p>Support in part</p>	<p>NWL supports this policy as it establishes clear outcomes for urban intensification and acknowledges the importance of infrastructure in achieving this outcome.</p>	<p>Retain this policy.</p>

PROVISION	POSITION	REASONS	RELIEF SOUGHT (or other such similar outcome that has the same effect as the relief sought)
<p><i>(5) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents, and</i></p> <p><i>(6) manages adverse effects on values or resources identified by this RPS that require specific management or protection.</i></p>			