Submission No RPS21_0321

NEW ZEALAND
INFRASTRUCTURE
COMMISSION
Te Waihanga

Submission to Otago Regional Council

Proposed Otago Regional Policy Statement

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Submission to Otago Regional Council on Proposed Otago Regional Policy Statement

Introduction

This submission is made by Te Waihanga / New Zealand Infrastructure Commission, an autonomous Crown entity established to *co-ordinate, develop, and promote an approach to infrastructure that encourages infrastructure, and services that result from the infrastructure, that improve the well-being of New Zealanders*.

This submission draws and expands upon our position on the Resource Management Reforms ('the Reform'). Our position on the Reform includes:

- Support for **Reform objectives**, including delivery of timely infrastructure and reducing system complexity
- Recognition that infrastructure provides benefits for the environment (e.g., flood protection, climate change adaptation and mitigation), housing affordability and other important government objectives. It therefore must be enabled
- Support for providing infrastructure within environmental limits, provided this allows projects to access the **effects management hierarchy in all circumstances** so they can offset and compensate for their effects in order to meet environmental limits
- Planning and consenting of timely infrastructure will need to be **efficient and effective** to enable cost-effective and timely delivery, which may require a fast-track process
- The **definition** of infrastructure needs to capture capital investments that provide shared services and public value, including the areas of: energy, the three waters, transport, telecommunications, health, education, defence, corrections, resilience to natural hazards, and climate change adaptation and mitigation
- The National Planning Framework will need to provide a mechanism for conflicts between the 16 Outcomes to be clearly resolved. A way to achieve this would be by creating **mandatory national direction** for infrastructure, and a "national priority statement" for the government to make clear the priorities of the day
- We take a principled approach to this submission on the proposed Otago Regional Policy Statement (pORPS), which our position on the Reform underpins.

Executive summary

Why proceed with the pORPS if it might be superseded by new legislation?

Te Waihanga have concerns with the Otago Regional Council developing a new pORPS now because:

- All plan refreshes bring a degree of uncertainty and disruption for infrastructure providers and others operating under the system. We would therefore like to see this uncertainty and disruption minimised to occurring when this is essential
- In that case, we recommend that the best time to revisit the pORPS is once the Reform is in place
- The Natural and Built Environments Act (NBA) will likely replace the Resource Management Act 1991 (RMA), and this is likely to be before the new ORPS becomes operative. This would mean that all national direction will need to be reviewed and potentially either removed or replaced. The Reform also proposes new requirements for regional councils to engage in, such as regional spatial planning and Natural and Built Environment Plans;
- There is a high likelihood that pORPS may, therefore, become superseded by new planning instruments.

Positive framework and provisions for infrastructure, which underpins wellbeing

If the ORC proceeds with the pORPS, Te Waihanga urges the council to place more emphasis on the benefits of infrastructure to society and the environment, and also on how the environment contributes to infrastructure. For example:

- Delivering affordable housing means we must increase the supply of new houses, particularly in growth centres like Queenstown, Central Otago and the Upper Clutha. Building new houses requires an environment where essential services like three waters, transport and telecommunications infrastructure can be delivered within certainty and efficiency;
- Meeting New Zealand's commitment to the Paris Climate Agreement of being carbon neutral by 2050 requires us to increase renewable electricity generation and invest in electricity distribution and transmission. The Government has committed to reaching 100% renewable electricity by 2030. Otago has an important role to play in this due to its abundance of wind, solar and water resources for renewable electricity generation. This will require us to increase our investment in new renewables, particularly through the construction of new windfarms, which needs to be emphasised in the pORPS. Otago has an important role to play in this due to its abundance of wind and water for renewable electricity generation;
- The ability to replace and renew infrastructure is an important part of delivering better environmental outcomes. For example, waste water upgrades can lead to fewer sewage overflows or reduce the need to discharge to harbours and other waterways, providing new public transport infrastructure can offset the carbon produced by private vehicles, and renewing electricity infrastructure at the end of its life is essential to maintaining a high proportion of renewable generation;
- For Otago specifically, winter (and spring) tourism is an essential part of the economy. It balances the summer-dominated seasonality of New Zealand tourist arrivals providing for year-round employment across Otago, surrounding regions and the wider New Zealand economy. This industry requires a certain and efficient consenting environment for construction and

renewal of infrastructure essential to its ongoing operation. It requires that policies be appropriately permissive of the ongoing construction, maintenance and operation of infrastructure in sensitive alpine environments subject to appropriate management techniques and needs to prioritise areas where these can occur in a practical way alongside the landscape and biodiversity protections these areas are typically granted. This includes specifically ensuring that ski fields have a consenting pathway that provides for the construction, operation and renewal of electricity, transport and water services, aerial and surface ropeways and snowmaking infrastructure along with appropriate development of buildings for shelter and dining;

- Otago, like all regions, relies on the quarrying of local materials for construction of housing and all forms of infrastructure. Otago also enjoys the economic and social benefits from the operation of mining activities. The quarrying and mining sector is an essential part of the Otago economy and relies on the timely and efficient provision of infrastructure, approval to: clear vegetation and strip overburden, use and treat water for dust suppression and processing, and a pathway for site restoration at the end of economic extraction of the resource. Like winter tourism activities, quarrying and mining operations occupy a tiny percentage of land use in Otago but contribute disproportionately to the wellbeing of the region. It is essential that the pORPS continues to foresee and provide for these activities in a practical, efficient and affordable way to ensure the housing and economic development needs of the region can continue to be met. The Queenstown Lakes District provides an example of the considerable environmental, social and economic burden that comes with not always having access to locally produced aggregates and sand of suitable quality. It is essential that plans and policies balance any local adverse effects of extracting the right quality material in the discrete locations they exist across Otago with the counter-factual case of transporting these low-value, high-volume materials from outside or within the region which can often produce greater noise, congestion and carbon emissions dispersed across a far greater area.
- Productive water infrastructure supports the Otago region's thriving agriculture, viticulture and horticultural economies and provides unique challenges for catchment management and allocation. Due consideration needs to be given to the necessary electricity, storage and distribution infrastructure associated with various productive water uses across Otago. This should include consideration of nationally significant infrastructure such as the Government's proposed Lake Onslow Pumped-Hydro facility, designed to address the electricity resilience risk New Zealand faces in dry years, noting that this would be a significant change of use for the current Lake Onslow and surrounding land. The Onslow scheme has been specifically referred to in the Climate Change Commission advice to Government and is the subject of a major Government study at present, "The New Zealand Battery Project".
- Infrastructure is critical for delivering on the general wellbeing and resilience needs across the region, for example through the provision of ports and airports, social infrastructure (hospitals, schools, prisons) and hazard-protection infrastructure to mitigate the risk of flooding, sea level rise, storm surges and other natural hazards, many of which are constructed in sensitive wetlands, waterways, outstanding natural landscapes or coastal areas. There are also national networks such as the electricity transmission grid, state highways and the main trunk railway line which traverse the Otago region and require a permissive planning and consenting framework which balances the importance of local factors specific to Otago with matters of national importance. Policies which prevent, prohibit or restrict the development, operation and maintenance of this infrastructure are likely to conflict with the many Government policies and legislation which enable it.

Is there evidence that development is a major contributor to biodiversity loss?

Numerous statements of the environmental issues in Otago are presented with no evidence, or lack context. If a number of Otago's environments are degraded, we would expect to see the pORPS provide evidence for this, given the important economic and social trade-offs that residents are being asked to consider.

For example, we question some of the assumptions made about the prevalence of wetlands. We understand central, regional and local government often rely on Statistics NZ data on wetland extent in New Zealand. However, we understand this data may not include wetlands of less than 0.5 hectares (approx. 70 metres x 70 metres) in area or wetlands above a certain altitude, which are prevalent in Otago. Wetlands in Otago are generally commonplace ecosystems, and the pORPS should reflect this fact.

We wish to see the evidence that supports certain statements made in the pORPS about the protection of biodiversity. For example, the pORPS cites "resource use, land use change and development" as the cause of biodiversity decline but provides no evidence of this. A strong evidence base exists to support the view that introduced pests are in fact a far greater cause of biodiversity decline in parts of Otago. The war against rabbits is far from won in Otago and 160 years later they, and the mustelids introduced to control them, continue to cause dramatic environmental impacts for Otago. If the pORPS seeks to call out "resource use, land use change and development" in the way it does, a strong evidence base needs to be provided to justify this claim and this evidence base ought to set out a hierarchy of factors so that it is clear to councils interpreting the pORPS what the greatest priorities should be. It appears that directing resources to restrict, control or monitor development at the expense of pest and weed control may be counter to the objectives of improving biodiversity in the Otago region.

Apply a holistic approach to resource management

The appropriate approach to biodiversity management in Otago (and elsewhere) is to focus on the major threats, and enable activities subject to the effects management hierarchy, instead of designating a large number of significant natural areas (SNA), and preventing land use, earthworks and development, including of infrastructure, in those areas.

It is unclear from the pORPS whether ORC plans to apply a holistic, integrated management (ki uta ki tai) approach to managing the environment and resources in Otago, or apply a hierarchy of obligations, placing the environment ahead of people. We encourage ORC to make clearer in the pORPS which framework it wishes to apply, for the benefit of clarity and certainty for infrastructure providers and others operating under it.

The pORPS' use of te mana o te wai, and of ki uta ki tai are also present in the National Policy Statement for Freshwater Management 2020 (NPS-FM). However, the ORC is not obliged to copy this framework.

Note: it is possible that the NPS-FM may become superseded by the National Planning Framework under the proposed NBA.

Existing national direction will become superseded by the National Planning Framework

This leads to a consideration of the pORPS upholding of RMA statutory instruments, in particular, the New Zealand Coastal Policy Statement 2010, and the draft NPS for Indigenous Biodiversity, in addition to the 2020 freshwater policy reforms already alluded to.

At issue is that these instruments could potentially become obsolete or amended if the RMA is repealed and replaced with the NBA before the pORPS becomes operative.

For this reason, we question the merit of proceeding with the pORPS now and instead recommend waiting until the Reform is finalised. This is important for ensuring that infrastructure providers and others operating are not exposed to unnecessary uncertainty and disruption as a result of the review process.

Regional councils are unfairly transferring their biodiversity liability to private landowners

Protecting and improving indigenous biodiversity is important, but it also needs to be implemented fairly. Imposing SNAs on private landholdings places the cost of upkeeping ecological integrity onto a small number of landowners. This is inequitable because all Otago residents in, and visitors to, the region benefit from ecological integrity, yet are not being asked to make an equal contribution to its upkeep. Landowners who hold SNAs are further disadvantaged because SNAs restrict what those landowners can do with their land.

Through SNAs, regional councils are, therefore, discharging their responsibilities onto private landholders. Regional councils are expected to be the stewards and kaitiaki of our natural resources and therefore responsible for upholding te Oranga o te Taiao (to use terminology from the NBA Bill). A fairer approach would be for regional councils to incentivise or compensate private landowners for SNAs.

Compensation could take the form of meeting the costs of managing pests and weeds. Incentives could include payment for private landowners that create new SNAs, which would also reward landowners for the loss of being able to use their land for other activities. In other regions additional development rights (for example further subdivision rights), are granted in exchange for protecting areas of high ecological value through covenants and the like – this is an alternative non-monetary means by which Councils could reward landowners for proactively doing the right thing.

Enable infrastructure provision in outstanding natural areas

In light of the importance of infrastructure, the question, generally, should be not whether to deliver infrastructure but how to deliver it, noting its location is often functionally and operationally constrained.

This is relevant to a consideration of how to provide flexibility when managing the effects of infrastructure on areas designated as having outstanding natural landscapes (ONL) or features (ONF). The "avoid" all effects approach of the pORPS in respect of ONLs and ONFs is unworkable for much infrastructure in Otago. The Queenstown Lakes District Council submitted that "*The benefits of the development of renewable energy infrastructure should not be at the expense of the character and values of outstanding natural environments and features. 98% of the Queenstown Lakes District is comprised of ONL/F…*", which suggests that under an 'avoid all effects' regime, just 2% of the entire district land area would be available for infrastructure and development.

When local plan makers misinterpret the definition of a word as simple and plain-English as "outstanding" to this degree, extreme care must be taken in the setting of policies upon which it will be applied. In our view it rules out the use of the word "avoid" for these areas in the pORPS, given the demonstrable cases where this would have an untenable impact on community wellbeing and resilience.

Heritage should be appropriately balanced against infrastructure's essential contribution to societal wellbeing

The effects management hierarchy is important for managing the effects of infrastructure on heritage, of which there is vast coverage in Otago. This appears to be provided for in the provisions of the pORPS that enable infrastructure (note also our detailed submissions below); however, the list of all areas to be avoided in EIT–INF–P13 gives cause for concern given:

1. The 8 areas outlined are extensive and are often highly subjective;
2. There are no consistent or sufficiently detailed definitions of these areas to be avoided, or caps/maxima expressed in either geographical, hierarchical or 'total area' terms to avoid the situation in QLDC for example where 98% of the district is categorised as ONL or ONF;
3. There are examples of prolific and additive application of these areas driven by subjective interpretation of planning industry consultants and a strong trend of identifying new areas for protection, rather than testing the relevance, significance or consistency of existing areas identified for protection. A recent example from a 2014 report to QLDC on appropriate landscape classifications states: "In determining the appropriate location of the landscape lines an underlying assumption has been made that, in a general sense, the ONLs and ONFs that have been previously identified have been identified appropriately. Consequently the process has entailed identifying the boundaries of areas which have been previously identified, and identifying other similar areas"
4. There are concerns about the interpretation of areas defined in these 8 terms. 'Natural wetlands', as an example in a different context, have been applied so widely and absolutely by councils that the regulation has led to significant unintended consequences for infrastructure and development. This has required MfE to retrospectively consult on changes to Wetland Regulations just a short time after they were introduced. Our concern is the level of public pressure it took to amend these regulations and the cost, time and process required to do so for each of the 8, will create at best a drag on this occurring, and at worst, it simply won't reach the necessary political threshold required for change to occur, embedding the unintended consequences and misapplication of the proposed protections.
5. Recent experience and research commissioned by Te Waihanga confirms that the required evidence, time and cost of complying with provisions similar to those laid out in EIT–INF–P14 to determine whether or not it is possible to locate infrastructure outside of these areas is growing rapidly and is met by infrastructure providers which invariably causes delays and additional costs to communities who pay for the infrastructure. At a time when infrastructure costs are rising rapidly, imposing further costs on infrastructure providers is penalising communities who ultimately pay for the services that infrastructure provides.
6. The pORPS does not appear to give guidance on the reasonableness of the cost and time required to satisfy the guidance in EIT–INF–P14. With infinite resources and time available it is often strictly possible to reroute, redesign or relocate infrastructure, the question is whether this is a suitably efficient, fair, equitable or sustainable basis for causing infrastructure to be relocated from all of these 8 areas noting that longer networks consume more resources, produce more waste and impact the environment over a greater area than shorter, more direct routes or optimal locations. Simply leaving these matters to the courts to determine or interpret is a very costly approach at a time when cost pressures are severe.

Infrastructure definitions

Guidance on the definition of nationally significant infrastructure should be provided with reference to the Te Waihanga 30 Year Infrastructure Strategy which is due to be published in March 2022. Likewise, nationally consistent guidance on the "Regionally Significant" infrastructure would be beneficial. It should include infrastructure that is interdependent (ie one is of little value without the other) or interconnected (part of the same network without which the network as a whole fails) with existing nationally or regionally significant infrastructure. It should specifically reference that economic infrastructure without which the economies of Otago cannot function including for example those highlighted in this submission being unique to the Otago region and unable to locate outside of the areas listed in EIT–INF–P13 such as ski field infrastructure.

Form 5 matters

For completeness, Te Waihanga confirms that:

- It could not gain an advantage in trade competition through this submission;
- The specific provisions of the pORPS that Te Waihanga's submission relates to are set out in Annexure 1;
- Its submission on the specific provisions of the pORPS is set out in Annexure 1;
- It wishes to be heard in support of its submissions; and
- If others make a similar submission, Te Waihanga will consider presenting a joint case with them at a hearing.

STATUTORY CONSIDERATIONS AND RELIEF SOUGHT

For the reasons set out above, Te Waihanga is concerned that the pORPS as notified:

- Will not promote the sustainable management of resources, and will not achieve the purpose of the RMA;
- Is contrary to Part 2 and other provisions of the RMA;
- Will not meet the reasonably foreseeable needs of future generations;
- Will not promote the efficient use and development of natural and physical resources;
- Does not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of other reasonably practicable options, and are therefore not appropriate in terms of section 32 and other provisions of the RMA.

Accordingly, Te Waihanga seeks:

Amendments to the pORPS as appropriate to address the general concerns identified above;

Without limiting the generality of the above, the particular amendments outlined in Annexure 1 to this submission; and

Such other, further, consequential or alternative amendments as may be appropriate to address Te Waihanga's concerns.

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Annexure 1: Analysis of key provisions in the pORPS

Page #	Provision	Comment	Relief sought
	Definitions	Infrastructure definitions need to be broader, and could be consolidated	Amend infrastructure definitions as needed to capture necessary infrastructure, eg open space, educational facilities, hospitals, defence and corrections facilities
20	Development infrastructure - has the same meaning as in clause 1.4 of the National Policy Statement for Urban Development 2020 … means the following, to the extent that they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002): (a) network infrastructure for water supply, wastewater, or stormwater (b) land transport (as defined in section 5 of the Land Transport Management Act 2003)	Essentially this covers three waters and land transport to the extent provided by a council or CCO (so excluding state highways).	Retain
21	Effects management hierarchy - 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) and in this RPS also applies to natural wetland - in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river	Supported, as a holistic approach to managing the effects on the environment of development. It is also noted that the threshold here for 'stepping down' the hierarchy is that it is not 'practicable' to achieve the first priority action. That same approach (or 'reasonably practicable') should be	The term "mitigate" should be reintroduced because it means "to make less severe", as opposed to minimise or "remedy", which means to repair or fix or make good

	(including cumulative effects and loss of potential value) that requires that: (a) adverse effects are avoided where practicable, (b) where adverse effects cannot be avoided, they are minimised where practicable, (c) where adverse effects cannot be minimised, they are remedied where practicable, (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided, and (e) if aquatic compensation is not appropriate, the activity itself is avoided	applied to other policies, rather than "possible" which is a very different test. Note the term "hierarchy" here refers to a process, not to the overall approach to managing environmental effects	
23	Functional need - has the same meaning as in Standard 14 of the National Planning Standards 2019 - 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	Supported, noting the need for clarification of "can only occur" One could build a school a two-hour drive away from where the students live but that would hardly be a desirable outcome	Include a criterion of feasibility, practicality and cost-effectiveness, noting this is to an extent already covered by "operational need" for infrastructure
25-26	Infrastructure - has the same meaning as in section 2 of the Resource Management Act 1991 - means— (a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy: (b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001: (c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989: (d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for	Covers energy, telecommunications, three waters, land transport (including ports) Note the overlap with "development infrastructure", which is a subset Missing are: defence, corrections, health and educational facilities (these facilities can be authorised by	We suggest: - Adding defence, corrections, health and educational facilities to this definition - Rationalising infrastructure definitions for clarity, and/or adding further explanation as to the different contexts in which they are used (i.e. some subset definitions are used in the Urban Form and Development policies in terms of regulating when other development can occur, while others are used in relation to

	lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person— (i) uses them in connection with the generation of electricity for the person's use; and (ii) does not use them to generate any electricity for supply to any other person: (e) a water supply distribution system, including a system for irrigation: (f) a drainage or sewerage system: (g) structures for transport on land by cycleways, rail, roads, walkways, or any other means: (h) facilities for the loading or unloading of cargo or passengers transported on land by any means: (i) an airport as defined in section 2 of the Airport Authorities Act 1966: (j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990: (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: (l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166	designation because their responsible Ministers are requiring authorities, but are not themselves the subject of regulations under section 166). Should also include tourism infrastructure e.g. associated with ski fields	providing direction as to how the effects of infrastructure itself are to be managed)
28-29	Nationally significant infrastructure - has, to the extent applicable to the Otago Region, the same meaning as in clause 1.4(1) of the National Policy Statement for Urban Development 2020 - means all of the following: (a) State highways (b) the national grid electricity transmission network (c) renewable electricity generation facilities that connect with the national grid (d) the high-pressure gas transmission pipeline network	A subset of the above. Excludes telecommunications, defence and corrections infrastructure, all of which are nationally significant	Include telecommunications (or a subset of telecommunications that are nationally significant e.g. key links between regions), and defence and corrections infrastructure, for the same region. These sets of services benefit all New Zealanders, regardless of where they are located.

	operating in the North Island (e) the refinery pipeline between Marsden Point and Wiri (f) the New Zealand rail network (including light rail) (g) rapid transit services (as defined in this clause) (h) any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers (j) the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002		
30	Operational need - has the same meaning as in Standard 14 of the National Planning Standards 2019 - 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	Operational need has a different and slightly broader meaning than functional need, and is appropriate.	Retain this definition and ensure it is also used in all objectives and policies that relate to the constraints on infrastructure's ability to manage adverse effects
30	Other infrastructure - has the same meaning as in regulation 3 of the National Environmental Standard for Freshwater 2020 - means infrastructure, other than specified infrastructure, that was lawfully established before, and in place at, the close of 2 September 2020	Means existing infrastructure that does not qualify as 'specified infrastructure'	

33	Regionally significant infrastructure –means: (1) roads classified as being of regional importance in accordance with the One Network Road Classification,7 (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. (7) navigation infrastructure associated with airports and commercial ports which are nationally or regionally significant, (8) defence facilities, (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) (10) community stormwater infrastructure, (11) wastewater and sewage collection, treatment and disposal infrastructure serving no fewer than 25 households, and (12) Otago Regional Council's hazard mitigation works including	Includes most aspects of infrastructure missed under nationally significant (i.e. three waters, telecommunications) but not corrections or health. Generally this definition is supported (noting that it may be broader in some respects (eg by including defence) than the definition of "infrastructure", rather than a subset, which does not really make sense).	We consider that defence facilities are nationally significant and should be moved into that category.

	flood protection infrastructure and drainage schemes		
35-36	Specified infrastructure - has the same meaning as in clause 3.21 of the National Policy Statement for Freshwater Management 2020 -	Could miss schools, and corrections facilities	Amend as suggested in our comments

	means any of the following: (a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002), (b) regionally significant infrastructure identified as such in a regional policy statement or regional plan, (c) any public flood control, flood protection, or drainage works carried out: (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 (ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908	Should this not take account of nationally significant infrastructure also, as well as regional?	
	Holism or hierarchy	Conflict between a hierarchy of obligations, and integrated management	This conflict needs to be resolved. The holistic, integrated approach is preferred.
10	To achieve integration, those involved in resource management need to coordinate their policies, plans and actions. This is encompassed by the philosophy "ki uta ki tai" – from the mountains to the sea	Supported	
50	Kai tahu whakatauki - He taura whiri kotahi mai anō te kōpunga tai nō ī te pū au - "From the source to the mouth of the sea, all things are joined together as one"	Supported, as a holistic approach to the environment and people	
51	Ki uta ki tai is the concept used to describe holistic natural resource management, recognising all environmental elements are interconnected and must be managed as a whole.	As above	

69	SRMR–I3 – Pest species pose an ongoing threat to indigenous biodiversity, economic activities and landscapes	The problem definition should include insufficient funding for pest management and control	Infrastructure access to the effects management hierarchy can help resource pest control, and this should be recognised as part of the solution to the problem
78	Biodiversity mapping indicates Otago is one of the most modified regions in New Zealand. This can be attributed to habitat loss, land use changes, vegetation clearance and the presence of pests and predators. Further, many of these effects are a result of the cumulative changes of past and current development	Infrastructure could be part of the solution to resolving the concern	Text is needed on the benefits that infrastructure can provide to the environment, to provide appropriate context
96	Natural and physical resource management and decision making in Otago embraces ki uta ki tai, recognising that the environment is an interconnected system, which depends on its connections to flourish, and must be considered as an interdependent whole.	As above	
96	Otago's communities carry out their activities in a way that preserves environmental integrity, form, function, and resilience, so that the life-supporting capacities of air, water, soil, ecosystems, and indigenous biodiversity endure for future generations	No recognition of the trade-offs between effects on the environment and other benefits. This is a hierarchical statement and contradicts ki uta ki tai	Reword for consistency with ki uta ki tai wording
97	Integrated management IM–P2 – Decision priorities Unless expressly stated otherwise, all decision making under this RPS shall: (1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment, (2) secondly, promote	This statement contradicts ki uta ki tai	

	the health needs of people, and (3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.		
98	IM–P10 – Climate change adaptation and mitigation Identify and implement climate change adaptation and mitigation methods for Otago that: (1) minimise the effects of climate change processes or risks to existing activities, (2) prioritise avoiding the establishment of new activities in areas subject to risk from the effects of climate change, unless those activities reduce, or are resilient to, those risks, and (3) provide Otago's communities, including Kāi Tahu, with the best chance to thrive, even under the most extreme climate change scenarios.	Supported. Achieving this outcome will affect the achievement of others, as written. This objective can be supported by provision that enable the timely and efficient delivery of climate adaptation infrastructure.	We need a holistic and integrated approach, as provided for here.
98-99	IM–P12 – Contravening environmental bottom lines for climate change mitigation Where a proposed activity provides or will provide enduring regionally or nationally significant mitigation of climate change impacts, with commensurate benefits for the well-being of people and communities and the wider environment, decision makers may, at their discretion, **allow noncompliance with an environmental bottom line** set in any policy or method of this RPS only if they are satisfied that: (1) the activity is designed and carried out to	Supported. This should be the approach to all trade offs, integrated, holistic and workable solutions for resolving conflicts between outcomes	Retain as notified, and apply this approach to other provisions that regulate the effects of nationally and regionally significant infrastructure (in particular)

	have the smallest possible environmental impact consistent with its purpose and functional needs, (2) the activity is consistent and coordinated with other regional and national climate change mitigation activities, (3) adverse effects on the environment that cannot be avoided, remedied, or mitigated are offset, or compensated for if an offset is not possible, in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is: (a) undertaken where it will result in the best ecological outcome, (b) close to the location of the activity, and (c) within the same ecological district or coastal marine biogeographic region, (4) the activity will not impede either the achievement of the objectives of this RPS or the objectives of regional policy statements in neighbouring regions, and (5) the activity will not contravene a bottom line set in a national policy statement or national environmental standard.		
100	(5) adopt a ki uta ki tai approach to resource management by establishing policy and implementation frameworks that treat Otago's environments as an integrated system …	Supported, as above	
101	IM–E1 – Explanation The policies in this chapter provide direction on integrated management across the region, to achieve the revitalisation, resilience and safeguarding of Otago's environment and ensure that it supports ka takata and the community's cultural, social, and economic well-being. The policies seek to apply	Supported	

	a **ki uta ki tai** approach and ensure that the effects of climate change are understood and responded to across the region. Further, they are designed to ensure that **environmental integrity, form, function, and resilience are at the centre** of all resource management decision making and that changes are made where necessary to ensure the environment's life-supporting capacity continues to support people's health and well-being both now and into the future.		
144-145	ECO–P10 – Integrated management Implement an integrated and co-ordinated approach to managing Otago's ecosystems and indigenous biodiversity that: 145 (1) ensures any permitted or controlled activity in a regional or district plan rule does not compromise the achievement of ECO–O1, (2) recognises the interactions **ki uta ki tai** (from the mountains to the sea) between the terrestrial environment, fresh water, and the coastal marine area, including the migration of fish species between fresh and coastal waters, (3) promotes collaboration between individuals and agencies with biodiversity responsibilities, (4) supports the various statutory and non-statutory approaches adopted to manage indigenous biodiversity, (5) recognises the critical role of people and communities in actively managing the remaining indigenous biodiversity occurring on private land, and (6) adopts regulatory and non-regulatory regional pest management programmes.	The integrated management approach would be consistent with access for infrastructure to the effects management hierarchy in all situations	

88	**RMIA-MKB: Mahika kai and biodiversity**		
89	Currently there are not enough protected and secure areas for biodiversity in Otago. To ensure the long-term survival of our region's most threatened species, a series of protected areas must be established, ideally in a network connected by corridors so that each individual population is more resilient as well as the species' overall population.	This idea needs more study to determine its workability.	There are other ways of safeguarding mahika kai and biodiversity in Otago, and a ki uta ki tai approach would promote an integrated solution to this problem
90	In many instances there is a lack of information on species. This absence of information on matters such as life histories, current and previous distributions and habitat preferences makes it difficult to make decisions about how best to manage these species	This data deficiency makes setting of SNAs problematic.	Resolve this issue via application of the effects management hierarchy
142	**Topic: ECO - Ecosystems and biodiversity**		
143	ECO–P3 – Protecting **significant natural areas** and taoka Except as provided for by ECO–P4 and ECO–P5, protect significant natural areas and indigenous species and ecosystems that are taoka by: (1) avoiding adverse effects that result in: (a) any reduction of the area or values (even if those values are not themselves significant) identified under ECO–P2(1), or (b) any loss of Kāi Tahu values, and (2) after (1), applying the biodiversity	The implications of this depends how extensive these SNAs are (and thus whether they can practically be avoided), in terms of how infrastructure activities are affected. However ECO–P4 and P6 provide a 'pathway' for new nationally and regionally significant infrastructure (or upgrades).	Broad carve out for infrastructure is needed to access the effects management hierarchy (ECO-P4). There is also a need to rationalise and reconcile the many similar polices that apply to the management of effects from infrastructure, and/or clarify which takes precedence.

	effects management hierarchy in ECO–P6, and (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		
143	ECO–P4 – Provision for new activities Maintain Otago's indigenous biodiversity by following the sequential steps in the effects management hierarchy set out in ECO–P6 when making decisions on plans, applications for resource consent or notices of requirement for the following activities in significant natural areas, or where they may adversely affect indigenous species and ecosystems that are taoka: (1) the development or upgrade of **nationally and regionally significant infrastructure** 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	Needs to be broader than "nationally and regionally significant infrastructure", eg should include schools	Provide more clarity on infrastructure definitions to ensure all appropriate infrastructure is captured
143	ECO–P5 – Existing activities in significant natural areas Except as provided for by ECO–P4, provide for existing activities within significant natural areas and that may adversely affect indigenous species and ecosystems that are taoka, if: (1) the continuation of an existing activity will not lead to the loss (including through	This policy is supported in part, but needs to be amended to provide for the operation, maintenance, and minor upgrading of existing infrastructure	As per our comment to the left

	cumulative loss) of extent or degradation of the ecological integrity of any significant natural area or indigenous species or ecosystems that are taoka, and (2) the adverse effects of an existing activity are no greater in character, spatial extent, intensity or scale than they were before this RPS became operative.		
144	ECO–P6 – Maintaining indigenous biodiversity 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: (1) avoid adverse effects as the first priority, (2) where adverse effects demonstrably cannot be completely avoided, they are remedied, (3) where adverse effects demonstrably cannot be completely avoided or remedied, they are mitigated, (4) where there are residual adverse effects after avoidance, remediation, and mitigation, then the residual adverse effects are offset in accordance with APP3, and (5) if biodiversity offsetting of residual adverse effects is not possible, then: (a) the residual adverse effects are compensated for in accordance with APP4, and (b) if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.	This should apply broadly for all infrastructure. This policy should also be rationalised with the 'effects management hierarchy' as defined, in particular: - The threshold of 'cannot' is too high, as it implies that all effects should always be avoided where possible (i.e. where they 'can' be), regardless of cost, practicality, implications for the effectiveness and efficiency of the infrastructure, and potential effects on other environments - Instead, a threshold of 'cannot practicably' (or similar, consistent with the requirement to avoid 'where reasonably practicable) should be used.	See text above on definitions Amend so that the 'test' to step down the hierarchy is where a given step cannot reasonably or practicably be achieved, rather than "cannot" be achieved.

		It is noted that the 'effects management hierarchy' as defined uses a threshold of 'practicable' and the different approach in this policy is inconsistent and confusing.	
144-145	ECO–P10 – Integrated management Implement an **integrated and co-ordinated approach** to managing Otago's ecosystems and indigenous biodiversity that: 145 (1) ensures any permitted or controlled activity in a regional or district plan rule does not compromise the achievement of ECO–O1, (2) recognises the interactions ki uta ki tai (from the mountains to the sea) between the terrestrial environment, fresh water, and the coastal marine area, including the migration of fish species between fresh and coastal waters, (3) promotes collaboration between individuals and agencies with biodiversity responsibilities, (4) supports the various statutory and non-statutory approaches adopted to manage indigenous biodiversity, (5) recognises the critical role of people and communities in actively managing the remaining indigenous biodiversity occurring on private land, and (6) adopts regulatory and non-regulatory regional pest management programmes.	Supported, as providing for the effects management hierarchy	

146	(5) in the following areas, prioritise identification under (1) no later than 31 December 2025: (a) intermontane basins that contain indigenous vegetation and habitats, (b) areas of dryland shrubs, (c) braided rivers, including the Makarora, Mātukituki and Lower Waitaki Rivers, (d) areas of montane tall tussock grasslands, and (e) limestone habitats.	It is noted this could cover large areas of Otago. This is a further argument in favour of flexibility for infrastructure.	
146-147	ECO–M4 – Regional plans Otago Regional Council must prepare or amend and maintain its regional plans to: (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: (a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and 147 (b) the maintenance and use of existing structures (including infrastructure), and (c) **infrastructure that has a functional or operational need** to be sited or operated in a particular location, (2) require: (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 (b) that consents are not granted if the sequential steps in the effects management hierarchy in ECO–P6 have not been followed, and (3) provide for activities undertaken for the purpose of restoring or enhancing the habitats of indigenous fauna.	Supported, as providing for the effects management hierarchy	Retain

146-147	ECO–M5 – District plans Territorial authorities must prepare or amend and maintain their district plans to: (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: (a) activities undertaken for the purposes of pest control or maintaining or enhancing the habitats of indigenous fauna, and (b) the maintenance and use of existing structures (including infrastructure), and (c) infrastructure that has a functional or operational need to be sited or operated in a particular location	Supported, as above	Retain
121	**LF-WAI: Land and freshwater**	Upholds the NPS-FM as a statutory requirement	
121	LF–WAI–P1 – Prioritisation In all management of fresh water in Otago, prioritise: (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, (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 (3) third, the ability of people and communities to provide for their	Not holistic, contradicts ki uta ki tai, integrated management	

	social, economic, and cultural wellbeing, now and in the future.		
121	LF–WAI–P3 – **Integrated management/ki uta ki tai** Manage the use of fresh water and land in accordance with tikaka and kawa, using an integrated approach that: (1) recognises and sustains the connections and interactions between water bodies (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral), (2) sustains and, wherever possible, restores the connections and interactions between land and water, from the mountains to the sea, (3) sustains and, wherever possible, restores the habitats of mahika kai and indigenous species, including taoka species associated with the water body, (4) **manages the effects** of the use and development of land to maintain or enhance the health and well-being of fresh water and coastal water, (5) encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable, (6) has regard to foreseeable climate change risks, and (7) has regard to cumulative effects and the need to apply a precautionary approach where there is limited available information or uncertainty about potential adverse effects.	Supported, noting this contradicts the above	
124	(6) the national significance of the Clutha hydro-electricity generation scheme is recognised	Supported, noting this could provide for connecting the whakapapa of water in Lake Onslow with the Clutha hydroelectricity schemes	

129	LF–FW–O9 – Natural wetlands Otago's natural wetlands are protected or restored so that: (1) mahika kai and other mana whenua values are **sustained and enhanced** now and for future generations, (2) there is no decrease in the range and diversity of indigenous ecosystem types and habitats in natural wetlands, (3) there is no reduction in their ecosystem health, hydrological functioning, amenity values, extent or water quality, and if degraded they are improved, and (4) their flood attenuation capacity is maintained.	Supported, as providing for offsets and compensation in the event of wetland disturbance	
129	LF–FW–O10 – Natural character The natural character of wetlands, lakes and rivers and their margins is preserved and protected from inappropriate subdivision, use and development	This objective is opposed in the absence of clear explanation in associated policies that nationally or regionally significant infrastructure that has a functional and/or operational need to be located in an area (and/or which is consistent with the relevant effects management hierarchy) is not "inappropriate" for the purposes of this objective. (Case law otherwise suggests that, in the absence of such a clarification, 'appropriateness' will be determined solely on the value of the natural character in question rather than whether or not the development/infrastructure could be considered 'appropriate' in a broader/everyday sense)	Provide clarity on what 'inappropriate' means for the purposes of this policy

137	Policies LF–LS–P16 – Integrated management Recognise that maintaining soil quality requires the integrated management of land and freshwater resources including the interconnections between soil health, vegetative cover and water quality and quantity.	Supported	Retain
175	**HCV: Historic and cultural values**	A need for consistency with the HNZPTA 2014, which provides for the modification of heritage in certain circumstances	
178	HCV–HH–P5 – Managing historic heritage Protect historic heritage by: (1) requiring the use of accidental discovery protocols, (2) **avoiding** adverse effects on areas or places with special or outstanding historic heritage values or qualities, (3) avoiding significant adverse effects on areas or places with historic heritage values or qualities, 179 (4) avoiding, as the first priority, other adverse effects on areas or places with historic heritage values or qualities, (5) where adverse effects demonstrably cannot be completely avoided, remedying or mitigating them, and (6) recognising that for **infrastructure**, EIT–INF–P13 applies instead of HCV–HH–P5(1) to (5).	Supported in principle, except that the threshold of 'cannot' may be too high in some circumstances, and 'cannot practicably be avoided' would be preferred.	As per our comment to the left.

182	**NFL: Natural features and landscapes**		
182	NFL–P2 – **Protection** of outstanding natural features and landscapes Protect outstanding natural features and landscapes by: (1) **avoiding** adverse effects on the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding, and (2) avoiding, remedying or mitigating other adverse effects.	Opposed. More flexibility is needed for infrastructure in parts of Otago, eg QLD, of which 97% of the land area is deemed to be an ONL. There is a need to provide clarity on how this policy direction should be 'read together' with enabling policies in other topics that refer to the functional and operational needs of infrastructure to locate in certain environments. It is not clear what is meant by "value" in the context of contributing to an ONL or ONF, so we recommend clarifying this. We are concerned about the implication that conditions could be impose by values that are "non-outstanding".	Delete or revise to address the concern in the previous column
185	The provisions in this chapter assist in **protecting** Otago's outstanding and highly valued natural features and landscapes by requiring: • the identification of outstanding and highly valued natural features and landscapes using regionally consistent criteria, • the protection of outstanding natural features and landscapes and maintenance of highly valued natural features and landscapes, • an ongoing	Opposed, for the reasons above. More flexibility is needed. These provisions are more restrictive than for biodiversity, land and freshwater	

	reduction in the impact of wilding conifers on natural features and landscapes, and • specified actions on the part of Otago's local authorities in managing natural features and landscapes		
	Coastal environment	A statutory requirement to uphold the NZ Coastal Policy Statement, which is problematic for infrastructure	The RM reforms to override the NZCPS and require its amendment, at the very least to provide for modifications to sea ports, and other coastal infrastructure
111	Protect indigenous biodiversity in the coastal environment by: (1) identifying and avoiding adverse effects on the following ecosystems, vegetation types and areas: (a) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, (b) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened, (c) indigenous ecosystems and vegetation types in the coastal environment that are threatened or are naturally rare, (d) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare, (e) areas containing nationally significant examples of indigenous community types, and (f) areas set aside for full or partial protection of indigenous biodiversity under other legislation, and (2) identifying and avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on the following ecosystems, vegetation types and areas: (a) areas of predominantly indigenous vegetation in the coastal environment, (b) habitats in the coastal	Unworkable for infrastructure in certain situations containing significant values	Infrastructure will need access to the effects management hierarchy in situations containing significant values

	environment that are important during the vulnerable life stages of indigenous species, (c) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable, (d) areas sensitive to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh, (e) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes, (f) habitats, including areas and routes, important to migratory species, and (g) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.		
151	**EIT: Energy, infrastructure and transport**		
	Objectives		
151	EIT–EN–O1 – Energy and social and economic well-being Otago's communities and economy are supported by renewable energy generation within the region that is safe, secure, and resilient	This objective is supported	Retain as notified (or with amendments consistent with Te Waihanga's general submission above)
151	EIT–EN–O2 – Renewable electricity generation The generation capacity of renewable electricity generation activities in Otago:	This objective is supported in part, but does not go quite far enough to recognise the imperative to transition to renewable energy to meet our 2050	Amend to read (or words to similar effect): EIT–EN–O2 – Renewable electricity generation

	(1) is maintained and, if practicable maximised, within environmental limits, and (2) contributes to meeting New Zealand's national target for renewable electricity generation	Target for emissions reductions. Given the threat of climate change it is inappropriate to constrain this (within the same objective) with reference to environmental limits without the capacity to offset and compensate for the effects of renewable electricity generation in order to meet environmental limits.	The generation capacity of renewable electricity generation activities in Otago: (1) is maintained and, if practicable maximised, within environmental limits that can be met through offsetting and compensation measures and (2) contributes to meeting New Zealand's national target for renewable electricity generation and the 2050 Target
151	EIT–EN–O3 – Energy use Development is located and designed to facilitate the efficient use of energy and to reduce demand if possible, minimising the contribution that Otago makes to total greenhouse gas emissions	This objective is supported	Retain as notified
	Policies		
151	EIT–EN–P1 – Operation and maintenance The operation and maintenance of existing renewable electricity generation activities is provided for while minimising its adverse effects.	This objective is generally supported except that an unqualified direction to 'minimise' adverse effects is inappropriate in light of the imperative to increase renewable electricity generation and reduce emissions.	Remove requirement to 'minimise' adverse effects
151	EIT–EN–P2 – Recognising renewable electricity generation activities in decision making	This policy is largely supported, but should go further by actually directing that the attainment of increases in	Amend to strengthen the policy support for increasing renewable electricity generation capacity

	Decisions on the allocation and use of natural and physical resources, including the use of fresh water and development of land: (1) recognise the national, regional and local benefits of existing renewable electricity generation activities, (2) take into account the need to at least maintain current renewable electricity generation capacity, and recognise that the attainment of increases in renewable electricity generation capacity will require significant development of renewable electricity generation activities.	renewable electricity generation should be provided for (rather than simply making the obvious point that increasing capacity requires increasing generation).	
151	EIT–EN–P3 – Development and upgrade of renewable electricity generation activities The security of renewable electricity supply is maintained or improved in Otago through appropriate provision for the development or upgrading of renewable electricity generation activities and diversification of the type or location of electricity generation activities.	This policy provides stronger support for renewable electricity generation than EIT–EN–P2, and is supported in that regard. However it should either be broadened to apply to the capacity (rather than just security) of renewable electricity supply, and/or combined with Policy EIT–EN–P2 so as to provide strong support for increasing both security and capacity.	Amended to address the concerns in our comments to the left.
151-152	EIT–EN–P4 – Identifying new sites or resources	This policy provides support for the process of investigating and identifying potential sites of renewable	Amend this policy to:

	Provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation and, when selecting a site for new renewable electricity generation, prioritise those where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised.	electricity generation, and to that extent is supported. However, with regard to the substantive decisions as to site selection it then inappropriately prioritises the avoidance of effects rather than the suitability of the site (and thus the efficiency and productivity of the asset). That is fundamentally misguided given the imperative to maximise renewable electricity generation and reduce emissions, and risks the proliferation of sub-optimal facilities (e.g. wind farms) over a wider area.	- Also recognise that the suitability of the site/resource or electricity generation must also be a central consideration in site selection - Remove the requirement to avoid or minimise adverse effects, or in the alternative: o Provide greater clarity as to the kinds of values to be managed. For example any such direction should be limited to irreversible effects on ecological values rather than (say) reversible effects on landscape values; and/or o Apply a threshold such that it is only outstanding or significant values that the policy direction applies to.
152	EIT–EN–P5 – Non-renewable energy generation Avoid the development of non-renewable energy generation activities in Otago and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in energy generation.	This policy is generally supported, although it is considered the formula "generally discourage" is more appropriate than "avoid" (which may be taken to require prohibited activity status at the plan level).	As per our comments to the left
152	EIT–EN–P6 – Managing effects Manage the adverse effects of renewable electricity generation activities by:	This policy and particularly the considerations at (2) with respect to functional and operational need are generally supported.	Amend so that the policy only applies to managing the effects of new renewable electricity generation activities.

	(1) applying EIT–INF–P13, (2) having regard to: (a) the functional need to locate renewable electricity generation activities where resources are available, (b) the operational need to locate where it is possible to connect to the National Grid or electricity sub-transmission infrastructure, and (c) the extent and magnitude of adverse effects on the environment and the degree to which unavoidable adverse effects can be remedied or mitigated, or residual adverse effects are offset or compensated for; and (3) requiring consideration of alternative sites, methods and designs, and offsetting or compensation measures (in accordance with any specific requirements for their use in this RPS), where adverse effects are potentially significant or irreversible.	However, it should be amended to clarify that it applies to new development (and perhaps significant upgrades), rather than operation, maintenance and minor upgrades. In that regard it is noted that Policy EIT–INF–P13 specifically applies to 'new' infrastructure.	
152	EIT–EN–P7 – Reverse sensitivity Activities that may result in reverse sensitivity effects or compromise the operation or	This is generally supported. While the direction to 'minimise' may be appropriate with respect to reverse sensitivity (when it is not reasonably	Activities that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities are, as the first priority, prevented from establishing and only if

	maintenance of renewable electricity generation activities are, as the first priority, prevented from establishing and only if that is not reasonably practicable, managed so that reverse sensitivity effects are minimised.	practicable to avoid establishing the activity), the policy should also clarify what the expectation is with regard to activities that will have a more direct effect on the function of renewable electricity generation activities.	that is not reasonably practicable, managed so that reverse sensitivity effects are minimised and effects on the operation or maintenance of renewable electricity generation are avoided.
152	EIT–EN–P8 – Small and community scale distributed electricity generation Provide for small and community scale distributed electricity generation activities that increase the local community's resilience and security of energy supply.	This is supported	Retain as notified
152	EIT–EN–P9 – Energy conservation and efficiency Development is designed, including through roading, lot size, dimensions, layout, and orientation so that energy use is efficient, energy waste is minimised, and solar gain is optimised.	This is supported	Retain as notified
156	**INF – Infrastructure**		
	Objectives		
156	EIT–INF–O4 – Provision of infrastructure 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.	This objective is generally supported, however Te Waihanga has reservations about the phrase "within environmental limits" in the absence of any clear definition or explanation of what that term means.	Delete the reference to development being within 'environmental limits'. In the alternative, provide a definition of 'environmental limits' consistent with that contained in the NBA Exposure Draft, i.e. to confirm that such limits: - only apply to ecological integrity or human health (not more amorphous or subjective

		While such a formulation might conceivably be appropriate where said limits are in the nature of environmental 'bottom lines' prescribed in national direction, the pORPS uses the phrase in an open ended way that could see it used at a local level to inappropriately protect (for example) landscape or amenity values in a way that undermines overall wellbeing.	values such as amenity, character, or landscape) - must be set by, or in strict accordance with, national direction - can be met through offsetting and compensation.
156	EIT–INF–O5 – Integration Development of nationally and regionally significant infrastructure, as well as land use change, occurs in a co-ordinated manner to minimise adverse effects on the environment and increase efficiency in the delivery, operation and use of the infrastructure.	This objective is supported	Retain as notified
156	EIT–INF–O6 – Long-term planning for electricity transmission infrastructure Long-term investment in, and planning for, electricity transmission infrastructure, and its integration with land use, is sustained.	This objective is generally supported but could go further. For example, the development and upgrading of electricity transmission infrastructure should be provided for over the longer term, not just planned for and invested in.	As per our comments to the left
	Policies		
156	EIT–INF–P10 – Recognising resource requirements	This policy is supported	Retain as notified

	Decision making on the allocation or use of natural and physical resources must take into account the needs of nationally and regionally significant infrastructure.		
156	EIT–INF–P11 – Operation and maintenance Except as provided for by ECO–P4, allow for the operation and maintenance of existing nationally and regionally significant infrastructure while: (1) avoiding, as the first priority, significant adverse effects on the environment, and (2) if avoidance is not practicable, and for other adverse effects, minimising adverse effects	The framing of this policy is inconsistent with, and fails to achieve, Objective EIT–INF–O4 above which focusses on the benefits of effective, efficient and resilient infrastructure. The operation and maintenance of existing infrastructure (be it nationally/regionally significant or not) is not something to be "allowed for" under conditions (which is generally the framing applied to new facilities or significant upgrades), but to be enabled and encouraged.	Delete the policy or revise to be more enabling of operation and maintenance of all infrastructure
156	EIT–INF–P12 – Upgrades and development Provide for upgrades to, and development of, nationally or regionally significant infrastructure while ensuring that: (1) infrastructure is designed and located, as far as practicable, to maintain functionality during and after natural hazard events, (2) it is, as far as practicable, co-ordinated with long-term land use planning, and	This policy is generally supported (and oddly is framed in more enabling terms than EIT-INF-P11, which only relates to the operation and maintenance of infrastructure). However it is likely to be undermined by other more 'avoidance-based' policies in the pORPS.	Retain the policy as notified and/or provide clarity as to the extent to which it prevails over policies in other topics.

	(3) increases efficiency in the delivery, operation or use of the infrastructure.		
156	EIT–INF–P13 – Locating and managing effects of infrastructure When providing for new infrastructure outside the coastal environment: (1) avoid, as the first priority, locating infrastructure in all of the following: (a) significant natural areas, (b) outstanding natural features and landscapes, (c) natural wetlands, (d) outstanding water bodies, (e) areas of high or outstanding natural character, (f) areas or places of significant or outstanding historic heritage (g) wāhi tapu, wāhi taoka, and areas with protected customary rights, and (h) areas of high recreational and high amenity value, and (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:	It is unworkable and unrealistic to require the avoidance of (for example) any natural wetlands wherever "possible" (as per clause (2)) and before considering any other factors. "Possible" is an inappropriate threshold, and could drive undue cost, inefficient development, and potentially broader adverse effects on other environmental values in the single minded pursuit of avoidance. Instead, a formulation such as "reasonably practicable" should be used. It may for example be entirely appropriate for a transmission line to briefly traverse through (over) natural wetland rather than having to extend its length and go through other environments just because this is a "possible" alternative. (With regard to the difference in policy terms between thresholds of "possible" and "reasonably practicable", see the High Court's recent decision in a case involving Transpower in the Bay of Plenty region.	Revise the policy to adopt a threshold of "reasonably practicable" rather than the current threshold of "possible", at Clause (2).

	a) for nationally or regionally significant infrastructure: (i) in significant natural areas, in accordance with ECO–P4 (ii) in natural wetlands, in accordance with the relevant provisions in the NESF, (iii) in outstanding water bodies, in accordance with LF–P12, (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 (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.		
157	EIT–INF–P14 – Decision making considerations When considering proposals to develop or upgrade infrastructure: (1) require consideration of alternative sites, methods and designs if adverse effects are potentially significant or irreversible, and	This policy is broadly supported, however: - clause (1) should refer to consideration of "alternative sites, methods and/or designs" (recognising that consideration of alternative sites does not make sense for minor upgrade works)	Amend as follows (or to similar effect): When considering proposals to develop or upgrade infrastructure: (1) require consideration of alternative sites, methods and/or designs if adverse effects are potentially significant or irreversible, and (2) utilise the opportunity of substantial upgrades of infrastructure to reduce

	(2) utilise the opportunity of substantial upgrades of infrastructure to reduce adverse effects that result from the existing infrastructure, including on sensitive activities.	- clause (2) appears to be modelled on Policy 6 of the NPS on Electricity Transmission (NPSET), except that that policy contains the important qualifier "where appropriate". That should be added here as well – recognising that it may not always be feasible, practical, or proportionate to utilise such 'opportunities'.	adverse effects that result from the existing infrastructure, including on sensitive activities <u>where appropriate</u>.
157	EIT–INF–P15 – Protecting nationally or regionally significant infrastructure Seek to avoid the establishment of activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure, and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure.	This Policy partly duplicates, but is less clear than, Policy 10 of the NPSET, which the pORPS is required to give effect to. Policy 10 reads: *In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to* *ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.* Consistent with the need to give effect to the NPSET, EIT-INF-P15 should be amended so that: - the requirement or direction is strengthened: "seek to avoid" is not as strong as (in effect)	Amendments to this policy as per the previous column

		'avoid to the extent reasonably possible' - the focus is on avoiding both reverse sensitivity and direct effects on the operation, maintenance, upgrading, and development of the electricity transmission network. (It doesn't really make sense to talk about 'compromising' functional and operational needs – those are more in the nature of technical requirements or constraints; the focus of NPSET Policy 10 is rightly on not compromising the function of the transmission line itself)	
157	EIT–INF–P16 – Providing for electricity transmission and the National Grid Maintain a secure and sustainable electricity supply in Otago by: (1) providing for development of, and upgrades to, the electricity transmission network and requiring, as far as practicable, its integration with land use, (2) considering the requirements of and constraints on the functional or operational needs of the electricity transmission network,	This policy is largely supported, and resembles a grab-bag of directions from the NPSET. However: - clause (2) appears intended to reflect NPSET Policy 3 (technical and operational requirements of the network) but is somewhat muddled in referring to "constraints *on*" the operational and technical needs of the transmission network. It would be more	Amendments to this policy to address the concerns in the previous column, and give effect to the NPSET

	(3) providing for the efficient and effective development, operation, maintenance, and upgrading of the National Grid, (4) enabling the reasonable operation, maintenance and minor upgrade requirements of established electricity transmission assets, and (5) minimising the adverse effects of the electricity transmission network on urban amenity, and avoiding adverse effects on town centres, areas of high amenity or recreational value and existing sensitive activities.	sensible to just recognise/consider the constraints associated with the technical and operational requirements of the network (or, 'operational and functional needs', if that language is preferred) - Clause 5 (reflecting NPSET Policy 7) is somewhat out of place and not sensibly an item of this list of directions to 'Maintain a secure and sustainable electricity supply in Otago by'. It should perhaps be a standalone policy direction. - In addition, it is important to note that Policy 7 NPSET focusses on the planning and development of the transmission system (in essence, deciding where to put new lines/assets); it should not be read as requiring complete avoidance of all effects on town centres (which is the effect of this wording, taken out of context, in clause (5)).	
158	EIT–INF–P17 – Urban growth and infrastructure	This policy is supported	Retain as notified

	Provide for development infrastructure and additional infrastructure required to service existing, planned and expected urban growth demands in the short, medium and long term, taking in account UFD–P1 to UFD–P10.		
161	**TRAN – Transport**		
	Objectives		
161	EIT–TRAN–O7 – Effective, efficient, and safe transport Otago has an integrated air, land and sea transport network that: (1) is effective, efficient and safe, (2) connects communities and their activities within Otago, with other regions, and internationally, and (3) is resilient to natural hazards.	This objective is supported as far as it goes, but would be improved by incorporating low-carbon and efficient transport, including walking and cycling, as a core principle here (rather than as an additional consideration below)	Amend the objective to incorporate low carbon transport and active transport modes (walking and cycling) as core design principles
161	EIT–TRAN–O8 – Transport system The transport system within Otago supports the movement of people, goods and services, is integrated with land use, provides a choice of transport modes and is adaptable to changes in demand.	Support	Retain as notified
161	EIT–TRAN–O9 – Effects of the transport system	This objective is too weak, and insufficient to support the significant change that is required for New	Significantly strengthen this objective to direct significant and meaningful reductions in greenhouse

	The contribution of transport to Otago's greenhouse gas emissions is reduced and communities are less reliant on fossil fuels for transportation.	Zealand to meet its 2050 Target (as established in section 5Q of the Climate Change Response Act 2002). The heading of this Objective ("effects of the transport system") also treats greenhouse gas emissions as an effect to be managed, rather than a fundamental design consideration.	gas emissions associated with transport in order to meet the 2050 Target.
161	EIT–TRAN–O10 – Commercial port activities Commercial port activities operate safely and efficiently, and within environmental limits.	Support, except for the reference to 'environmental limits' in the absence of a clear definition/explanation of what this is intended to mean and how limits can be met.	Delete reference to environmental limits, or provide a definition in the manner set out above in respect of EIT–INF–O4.
	Policies		
161	EIT–TRAN–P18 – Integration of the transport system The transport system contributes to the social, cultural and economic well-being of the people of Otago through: (1) integration with land use activities and across transport modes, and (2) provision of transport infrastructure that enables service delivery as demand requires.	Support	Retain as notified
161	EIT–TRAN–P19 – Transport system design	This policy is supported (particularly clauses (1) and (2))	Retain as notified

	Resilience and adaptability of the transport system supports efficient networks for the transport of people and goods that are sustained and improved by: (1) promoting a consolidated urban form that integrates land use activities with the transport system, (2) placing a high priority on active transport and public transport and their integration into the design of development and transport networks, and (3) encouraging improved access to public spaces, including the coastal marine area, lakes and rivers		
161-162	EIT–TRAN–P20 – Public transport Plans and proposals for maintenance and development of the transport system enhance the uptake of public transport by: (1) providing safe and reliable alternatives to private vehicle transport, (2) including measures to ensure pedestrian and cyclist safety and amenity, and (3) taking into consideration the accessibility needs of the community.	Support	Retain as notified
162	EIT–TRAN–P21 – Operation of the transport system	Support	Retain as notified (or with wording improvements)

	The efficient and effective operation of the transport system is maintained by: (1) avoiding adverse effects of activities on the functioning of the transport system, (2) avoiding the impacts of incompatible activities, including those that may result in reverse sensitivity effects, (3) avoiding development that forecloses an opportunity to adapt, upgrade or develop the transport system to meet future transport demand, (4) promoting the development and use of transport hubs that enable an efficient transfer of goods for transport and distribution across different freight and people transport modes, (5) promoting methods that provide more efficient use of, or reduce reliance on, private motor vehicles, including ridesharing, park and ride facilities, demand management and alternative transport modes, and (6) encouraging a shift to using renewable energy sources.		
	EIT–TRAN–P22 – Sustainable transportation	Support	Retain (or consolidate with other policies)

	Sustainable transport networks that enhance the uptake of new technologies and reduce reliance on fossil fuels are developed throughout Otago.		
162	EIT–TRAN–P23 – Commercial port activities Recognise the national and regional significance of the commercial port activities associated with the ports at Port Chalmers and Dunedin (respectively) by: (1) within environmental limits as set out in Policies CE–P3 to CE–P12, providing for the efficient and safe operation of these ports and efficient connections with other transport modes, (2) within the environmental limits set out in Policies CE–P3 to CE–P12, providing for the development of the ports' capacity for national and international shipping in and adjacent to existing port activities; and (3) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes.	This policy is supported in part, however Te Waihanga is concerned that constraining it inflexibly by the 'environmental limits' in CE–P3 to CE–P12 (which effectively prevail over or override this policy) is likely to prevent the substantive aspects of this policy being achieved.	Revise the policy to enable greater consideration of the need to provide for the efficient and safe development and operation of commercial port activities, as well as the considerations in CE–P3 to CE–P12.
165	**HAZ – Hazards and risk**		
	Objectives		
165	HAZ–NH–O1 – Natural hazards	Support	Retain

	Levels of risk to people, communities and property from natural hazards within Otago do not exceed a tolerable level.		
165	HAZ–NH–O2 – Adaption Otago's people, property and communities are prepared for and able to adapt to the effects of natural hazards, including climate change.	Broadly supported, except it is somewhat odd to describe climate change as itself a category of 'natural hazard'. It would be more helpful to refer to the specific kinds of hazard events that the objective is directed to (which will be exacerbated by climate change).	Reword to (for example) refer to adaptation to the effects of climate change (including risks associated with flooding, storm surge, and sea level rise) and natural hazards.
	Policies		
165	HAZ–NH–P1 – Identifying areas subject to natural hazards Identify areas where natural hazards may adversely affect Otago's people, communities and property by assessing: (1) the hazard type and characteristics, (2) multiple and cascading hazards, where present, (3) any cumulative effects, (4) any effects of climate change, (5) likelihood, using the best available information, and	Support	Retain

	(6) any other exacerbating factors.		
165	HAZ–NH–P2 – Risk assessments Assess the level of natural hazard risk by determining a range of natural hazard event scenarios and their potential consequences in accordance with the criteria set out within APP6.	It would be useful to clarify the circumstances in which such assessments are directed to be carried out	
165	HAZ-NH-P3 – New Activities Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZ–NH–P2, manage new activities to achieve the following outcomes: (1) when the natural hazard risk is significant, the activity is avoided, (2) when the natural hazard risk is tolerable, manage the level of risk so that it does not become significant, and (3) when the natural hazard risk is acceptable, maintain the level of risk.	Broadly support, although it is unclear how in particular coastal hazard risks would be maintained over time, given they are expected to worsen over time due to climate change.	Generally retain but revise or expand on clause (3)
165-166	HAZ-NH-P4 – Existing activities Reduce existing natural hazard risk by: (1) encouraging activities that reduce risk, or reduce community vulnerability, (2) restricting activities that increase risk, or increase community vulnerability, (3) managing existing land uses within areas of	This policy is broadly supported, although it is unclear whether it is intended to be focussed on existing activities (as per the heading) or new activities (as per clauses (1) and (2)). The Policy is also uncertain as to how (or if) it relates to the risk assessment	Amend to clarify the intention and application of this policy

	significant risk to people and communities, (4) encouraging design that facilitates: (a) recovery from natural hazard events, or (b) relocation to areas of acceptable risk, or (c) reduction of risk, (5) relocating lifeline utilities, and facilities for essential and emergency services, away from areas of significant risk, where appropriate and practicable, and (6) enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services.	conducted under HAZ–NH–P2, and whether there are any circumstances (or degrees of risk) in which case other existing activities (e.g. dwellings) would have to be relocated	
166	HAZ–NH–P5 – Precautionary approach to natural hazard risk Where the natural hazard risk, either individually or cumulatively, is uncertain or unknown, but potentially significant or irreversible, apply a precautionary approach to identifying, assessing and managing that risk by adopting an avoidance or adaptive management response to diminish the risk and uncertainty.	Supported, in principle.	
166	HAZ–NH–P6 – Protecting features and systems that provide hazard mitigation Protect natural or modified features and systems that contribute to mitigating the effects of natural hazards and climate change.	Support	Retain
166	HAZ-NH-P7 – Mitigating natural hazards	Te Waihanga supports clause (6) confirming that protection of lifeline	

	Prioritise risk management approaches that reduce the need for hard protection structures or similar engineering interventions, and provide for hard protection structures only when: (1) hard protection structures are essential to manage risk to a level the community is able to tolerate, (2) there are no reasonable alternatives that result in reducing the risk exposure, (3) hard protection structures would not result in an increase in risk to people, communities and property, including displacement of risk off-site, (4) the adverse effects of the hard protection structures can be adequately managed, and (5) the mitigation is viable in the reasonably foreseeable long term or provides time for future adaptation methods to be implemented, or (6) the hard protection structure protects a lifeline utility, or a facility for essential or emergency services.	utilities is a reason for providing hard protection structures, but seeks that this be widened to cover other kinds of significant infrastructure. Hard protection structures should also be prioritised if the cost of the non-physical option significantly exceeds that of the hard protection structure.	
166-167	HAZ-NH-P8 – Lifeline utilities and facilities for essential or emergency services Locate, relocate, and design lifeline utilities and facilities for essential or emergency services to:	Support	Retain

	(1) maintain their ability to function to the fullest extent possible, during and after natural hazard events, and (2) take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.		
167	HAZ–NH–P9 – Protection of hazard mitigation measures Protect the functional needs of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by: (1) avoiding significant adverse effects on those measures, utilities or services, (2) avoiding, and only where avoidance is not practicable, remedying or mitigating other adverse effects on those measures, utilities or services, (3) maintaining access to those measures, utilities or services for maintenance and operational purposes, and (4) restricting the establishment of other activities that may result in reverse sensitivity effects on those measures, utilities or services.	'Functional need' is defined as follows: '*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*'. As such, it does not make sense to include a direction to 'protect the functional need' of lifeline utilities. Instead, it is their ongoing operation/ maintenance/ performance /function that should be protected and/or provided for.	Amend as per previous column
167	HAZ–NH–P10 – Coastal hazards	Support	Retain

	In addition to HAZ–NH–P1 to HAZ–NH–P9 above, on any land that is potentially affected by coastal hazards over at least the next 100 years: (1) avoid increasing the risk of social, environmental and economic harm from coastal hazards, (2) ensure no land use change or redevelopment occurs that would increase the risk to people and communities from that coastal hazard, (3) encourage land use change or redevelopment that reduces the risk from that coastal hazard, and (4) ensure decision making about the nature, scale and location of activities considers the ability of Otago's people and communities to adapt to, or mitigate the effects of, sea level rise and climate change.		
186	**UFD – Urban form and development**		
	Objectives		
186	UFD–O1 – Form and function of urban areas The form and functioning of Otago's urban areas:	Te Waihanga supports the first part of this objective, in terms of providing for the changing needs of people and communities into the future.	Amend this objective to prioritise providing for the changing needs of people into the future (which will include housing, efficient and low carbon transport, and so on) over the maintenance of existing character.

	(1) reflects the diverse and changing needs and preferences of Otago's people and communities, now and in the future, and (2) maintains or enhances the significant values and features identified in this RPS, and the character and resources of each urban area.	However, it is concerned that this is incompatible with a competing direction to 'maintain' (i.e. avoid change to) the 'character' of each urban area.	
186	UFD–O2 – Development of urban areas The development and change of Otago's urban areas: (1) improves housing choice, quality, and affordability, (2) allows business and other non-residential activities to meet the needs of communities in appropriate locations, (3) respects and wherever possible enhances the area's history, setting, and natural and built environment, (4) delivers good urban design outcomes, and improves liveability, (5) improves connectivity within urban areas, particularly by active transport and public transport, (6) minimises conflict between incompatible activities,	Te Waihanga considers that while this objective contains many laudable goals, the length of the list means that the objective fails to give any real direction as there is no guidance as to how the sometimes competing aspirations are to be prioritised. For example, it seeks that the direction in clauses (1), (5) and (8) be prioritised over clause (3); it is impossible to fully achieve all of these at the same time without compromise, and the need for affordable housing and efficient transport should be prioritised. The reference to "good urban design outcomes" in clause (4) could also be used to preserve the status quo, which could undermine many of the other objectives, particularly housing choice, quality and affordability.	Amend the objective to provide clearer direction and give priority to the matters identified in the previous column

	(7) manages the exposure of risk from natural hazards in accordance with the HAZ–NH – Natural hazards section of this RPS, (8) results in sustainable and efficient use of water, energy, land, and infrastructure, (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, (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 (11) is guided by the input and involvement of mana whenua		
186-187	UFD–O3 – Strategic planning Strategic planning is undertaken in advance of significant development, expansion or redevelopment of urban areas to ensure that: (1) there is sufficient development capacity supported by integrated infrastructure provision for Otago's	This policy is broadly supported, however it is unclear quite what is intended by clause (2). We have concerns this clause could be used to preserve the status quo.	Amend to clarify intention

	housing and business needs in the short, medium and long term, (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 (3) the involvement of mana whenua is facilitated, and their values and aspirations are provided for.		
187	UFD–O4 – Development in rural areas Development in Otago's rural areas occurs in a way that: (1) avoids impacts on significant values and features identified in this RPS, (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, (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	There may be a need for quarrying of aggregate for infrastructure development in rural areas. This should be explicitly recognised.	Refer to our comment to the left

	(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		
187	UFD–O5 – Urban development and climate change The impacts of climate change are responded to in the development and change of Otago's urban areas so that: (1) the contributions of current communities and future generations to climate change impacts are reduced, (2) community resilience increases, (3) adaptation to the effects of climate change is facilitated, (4) energy use is minimised, and energy efficiency improves, and (5) establishment and use of small and community-scale distributed electricity generation is enabled.	Support. However, we question whether it is necessary to single out climate change as a risk given there are several natural hazard risks that need to be planned for as part of urban development. We would also note that climate change itself is not a risk, but the results of climate change – coastal inundation, more extreme and frequent weather events, for example – are the risks to urban development and infrastructure.	Refer to our comment to the left

	Policies		
187	UFD–P1 – Strategic planning Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and: (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, (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, (3) maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing demand, needs, preferences and climate change, (4) minimise risks from and improve resilience to natural hazards, including those exacerbated by climate change, while not increasing risk for other development,	Support	Retain

	(5) indicate how connectivity will be improved and connections will be provided within urban areas (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, (7) facilitate involvement of the current community and respond to the reasonably foreseeable needs of future communities, and (8) identify, maintain and where possible, enhance important features and values identified by this RPS.		
187-188	UFD-P2 – Sufficiency of development capacity Sufficient urban area housing and business development capacity in urban areas, including any required competitiveness margin, is provided in the short, medium and long term by: (1) undertaking strategic planning in accordance with UFD–P1 (2) identifying areas for urban intensification in accordance with UFD–P3, (3) identifying areas for urban expansion	Support	Retain

	in accordance with UFD–P4, (4) providing for commercial and industrial activities in accordance with UFD–P5 and UFD–P6 (5) responding to any demonstrated insufficiency in housing or business development capacity by increasing development capacity or providing more development infrastructure as required, as soon as practicable, and (6) requiring Tier 2 urban environments to meet, at least, the relevant housing bottom lines in APP10.		
188	UFD-P3 – Urban intensification Within urban areas intensification is enabled where it: (1) contributes to establishing or maintaining the qualities of a well-functioning urban environment, (2) is well-served by existing or planned development infrastructure and additional infrastructure, (3) meets the greater of demonstrated demand for housing and/or business use or the level of accessibility provided for by	Support on the condition that the term "well-functioning" in clause (1) is clarified so it cannot be used to preserve the status quo and precent future development.	Retain

	existing or planned active transport or public transport, (4) addresses an identified shortfall for housing or business space, in accordance with UFD-P2, (5) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents, and (6) manages adverse effects on values or resources identified by this RPS that requires specific management or protection		
188-189	UFD-P4 – Urban expansion Expansion of existing urban areas is facilitate[d] where the expansion: (1) contributes to establishing or maintaining the qualities of a well-functioning urban environment, (2) will not result in inefficient or sporadic patterns of settlement and residential growth, (3) is integrated efficiently and effectively with development infrastructure and additional infrastructure in a strategic, timely and co-ordinated way, (4) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents,	Support, particularly clause (3)	Retain

	(5) manages adverse effects on other values or resources identified by this RPS that require specific management or protection, (6) avoids, as the first priority, highly productive land identified in accordance with LF–LS–P19, (7) locates the new urban/rural zone boundary interface by considering: (a) adverse effects, particularly reverse sensitivity, on rural areas and existing or potential productive rural activities beyond the new boundary, and (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 defendable 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 (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.		
189	UFD-P5 Commercial activities Provide for commercial activities in urban areas by: (1) enabling a wide variety and scale of commercial activities, social activities, and cultural activities in central business districts, town centres and commercial areas, especially if they are highly accessible by public transport and active transport, (2) enabling smaller local and neighbourhood centres and rural settlements to accommodate a variety of commercial activities, social activities and cultural activities of a scale appropriate to service local community needs, (3) providing for the expansion of existing areas or establishment of new areas identified in (1) and (2) by first applying UFD–P1 and UFD–P2, and (4) outside the areas described in (1) and (2), allow for small scale retail and service activities, home occupations and community services to establish within or close to the communities they serve.	Support	Retain

189-190	UFD-P6 – Industrial activities Provide for industrial activities in urban areas by: (1) identifying specific locations and applying zoning suitable for accommodating industrial activities and their reasonable needs and effects including supporting or ancillary activities, (2) identifying a range of land sizes and locations suitable for different industrial activities, and their operational needs including land-extensive activities, (3) managing the establishment of non-industrial activities, in industrial zones, by avoiding activities likely to result in reverse sensitivity effects on industrial activities, or likely to result in an inefficient use of industrial zoned land or infrastructure, particularly where: (a) the area provides for a significant operational need for a particular industrial activity or grouping of industrial activities that are unlikely or are less efficiently able to be met in alternative locations, or (b) the area contains nationally or regionally significant infrastructure and the requirements of EIT–INF–P15 apply, and	Support	Retain

	(4) in areas that are experiencing or expected to experience high demand from other urban activities, and the criteria in (3)(a) or (3)(b) do not apply, managing the establishment of non-industrial activities and the transition of industrial zoned areas to other purposes, by first applying (1) and (2).		
190	UDF-P7 – Rural Areas The management of rural areas: (1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS, (2) outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas, (3) enables primary production particularly on land or soils identified as highly productive in accordance with LF–LS–P19, (4) facilitates rural industry and supporting activities, (5) directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD–P8,	This policy is broadly supported, however it would be appropriate to also include recognition of infrastructure, eg a new clause to the following effect: (8) recognises that infrastructure activities including renewable electricity generation activities and electricity transmission activities will often have a functional need and operational need to be located within (or continue to operate within) urban environments, and to that extent should be enabled to do so Other references in the existing clauses to 'operational' need should also be expanded to refer to 'functional need' as well (noting that the two defined concepts are related but different in	Retain, with the addition of a new clause along the lines of that in the previous column to recognise the need to enable infrastructure activities in urban environments

	(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 (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.	important ways – so both need to be included)	
190-191	UFD–P8 – Rural lifestyle and rural residential zones The establishment, development or expansion of rural lifestyle and rural residential zones only occurs where: (1) the land is adjacent to existing or planned urban areas and ready access to employment and services is available, (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	Broadly supported in substance, particularly clause (5). It is noted that clauses (2) to (4) do not have a clear subject (i.e. it is not clear what it is that must avoid, minimise or avoid the specified matters). For example, should these clauses all begin with "it"?	Retain, with amendments to remedy grammatical issues

	or reduce efficient realisation of that urban development potential, (3) minimises impacts on rural production potential, amenity values and the potential for reverse sensitivity effects to arise, (4) avoids, as the first priority, highly productive land identified in accordance with LF–LS–P16, (5) the suitability of the area to accommodate the proposed development is demonstrated, including (a) capacity for servicing by existing or planned development infrastructure (including self-servicing requirements), (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 (c) likely future demands or implications for publicly funded		

	services and additional). infrastructure, and (6) provides for the maintenance and wherever possible, enhancement, of important features and values identified by this RPS.		
191	UFD–P9 – Iwi, hapū and whānau Facilitate the development of Native Reserves and Te Ture Whenua Maori land, for papakāika, kāika, nohoaka, and marae, where existing or planned development infrastructure of sufficient capacity is or can be provided (including allowance for self-servicing systems).	Support	Retain
191	UFD–P10 – Criteria for significant development capacity 'Significant development capacity' is provided for where a proposed plan change affecting an urban environment meets all of the following criteria: (1) the location, design and layout of the proposal will positively contribute to achieving a well-functioning urban environment, (2) the proposal is well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors,	"well-functioning urban environment" in clause (1) needs to be defined.	See comment to the left.

	(3) required development infrastructure can be provided effectively and efficiently for the proposal, and without material impact on planned development infrastructure provision to, or reduction in development infrastructure capacity available for, other feasible, likely to be realised developments, in the short-medium term, (4) the proposal makes a significant contribution to meeting a need identified in a Housing and Business Development Capacity Assessment, or a shortage identified in monitoring for: (a) housing of a particular price range or typology, particularly more affordable housing, (b) business space or land of a particular size or locational type, or (c) community or educational facilities, and (5) when considering the significance of the proposal's contribution to a matter in (4), this means that the proposal's contribution: (a) is of high yield relative to either the forecast demand or the identified shortfall,		

	(b) will be realised in a timely (i.e. rapid) manner, (c) is likely to be taken up, and (d) will facilitate a net increase in district-wide up-take in the short to medium term.		