

**From:** [Rebecca McGrouther](#)  
**To:** [RPS](#)  
**Subject:** Proposed RPS 2021 submission  
**Date:** Tuesday, 31 August 2021 1:22:05 p.m.  
**Attachments:** [Proposed RPS Submissions 31.8.21\\_FINAL.pdf](#)

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Kia ora koutou,

Please find attached Port Otago Limited's submission on the Proposed RPS 2021.

Port Otago has provided this submission via the "YourSay" portal, and this email is to ensure that our submission has been received.

Thank you for the opportunity to submit.

Ngā mihi



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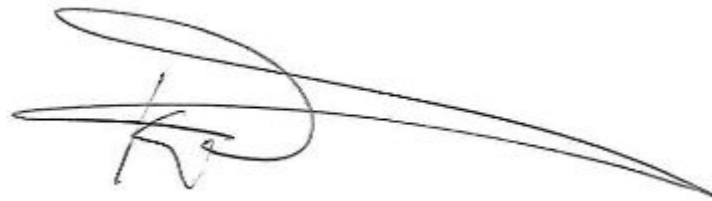
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## Written Submission on Proposed Otago Regional Policy Statement 2021

*(Submissions must be received by Otago Regional Council by 3 pm Friday 3 September 2021)*

**To: Otago Regional Council**

1. **Name of submitter:** Port Otago Ltd
  
2. This is a submission on the **Proposed Otago Regional Policy Statement 2021**.
3. I **could not** gain an advantage in trade competition through this submission.
4. I **am** directly affected by an effect of the subject matter of the submission that
  - a. adversely affects the environment; and
  - b. does not relate to trade competition or the effects of trade competition
5. I **wish** to be heard in support of my submission
6. If others make a similar submission, I **will** consider presenting a joint case with them at a hearing
7. **Submitter Details**



Kevin Winders  
Chief Executive  
Port Otago Ltd

### **Address for service of submitter**

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**8. My submissions are:**

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support</b> or <b>oppose</b> the <b>specific provisions</b> or wish to have them <b>amended</b> .	The <b>reasons</b> for my views are:	I seek the following <b>decision</b> from the local authority:
<p><b>Whole document</b></p>	<p>Amend</p>	<p>Port Otago owns the land based commercial port infrastructure at both Dunedin and Port Chalmers and has occupancy rights to the coastal marine area at and adjacent to its berths and commercial port area. Port Otago also maintains the commercial shipping channels, berths and swinging area within Otago Harbour.</p> <p>Port Otago is a nationally significant primary export port for New Zealand and both the Port Chalmers and Dunedin port areas are a fundamentally important part of the import/export supply chain for the lower South Island area of New Zealand, and for tourism, when border restrictions allow cruise ship operations to commence again.</p> <p>Port Otago is committed to wisely and sustainably managing its land-based facilities and the harbour resources on which it depends for its operation in combination with the community.</p> <p>In this regard, Port Otago has significant concerns with the Proposed RPS 2021. Of particular concern is the detrimental impact it will have on the Port's operational activities.</p> <p>Our high-level concerns are:</p> <ol style="list-style-type: none"> <li>1. Port Otago is still progressing its appeals on the previous RPS notified in 2015, and</li> <li>2. The Proposed RPS 2021 does not address the Port's concerns with the previous RPS nor does it provide satisfactory direction for sustainable management of the coastal environment.</li> </ol>	<p>Amend RPS to provide for a satisfactory resource management regime that enables the safe and efficient use and development of commercial port activities within the Otago Harbour.</p> <p>The remainder of this submission document sets out Port Otago's specific submissions on individual provisions.</p>

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons</b> for my views are:	I seek the following <b>decision</b> from the local authority:
<p><b>Commercial port activity</b> means commercial shipping operations associated with the Otago Harbor and the activities carried out at the ports at Port Chalmers and Dunedin, which include:</p> <p>(a) Operation of commercial ships in Otago Harbor;  (b) Loading and unloading of goods and passengers carried by sea;  (c) Facilities for the storage of goods carried by sea;  (d) Buildings, installations, other structures or equipment at or adjacent to a port and used in connection with the ports' operation or administration;  (e) Structures, facilities and pipelines for fuel storage, and refuelling of ships;  (f) Provision, maintenance and development of shipping channels and swing basins;  (g) Disposal of dredged materials at AO, Heyward Point, Aramoana and Shelly Beach;  (h) Installation and maintenance of beacons and markers for navigation safety; and  (i) Provision and maintenance of the mole at Aramoana.</p>	Support	This definition provides a clear description of essential port activities and facilities which take place on land and within the coastal marine area.	Retain definition as drafted.
<p><b>Highly valued natural features and landscapes</b> highly valued natural features, landscapes and seascapes are areas which contain attributes and values of significance under Sections 7(c) and 7(f) of the RMA 1991, which have been identified in accordance with APP9.</p>	Amend	Neither the definition nor APP9 (Appendix 9) provides any suitable guidance as to what constitutes highly valued natural features and landscapes identified in accordance with sections 7(c) and 7(f) of the RMA as compared to those meeting the outstanding classification with respect to section 6(b) of the RMA.	Amend definition or APP9 to provide suitable guidance on what the threshold is for highly valued landscapes and natural features.

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>Infrastructure</b> means— (a) ... (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)...</p>	Amend	<p>This is the RMA infrastructure definition, which in relation to (k) includes the following aspects for port activities:</p> <p><b>port related commercial undertaking</b>, in relation to any Harbour Board,—</p> <ol style="list-style-type: none"> <li>(a) means the property and rights of the Harbour Board that—</li> <li>(i) relate to the activities of commercial ships and other commercial vessels, and commercial hovercraft and commercial aircraft, or to the operation of facilities on a commercial basis for ships, vessels, hovercraft, and aircraft of any kind; or</li> <li>(ii) facilitate the shipping or unshipping of goods or passengers; and</li> <li>(b) without limiting the generality of paragraph (a), includes—</li> <li>(i) the provision by a Harbour Board of any building or facility wherever situated for use in connection with the handling, packing, or unpacking of goods for shipping or unshipping through any port; and</li> <li>(ii) items such as breakwaters and dredges and other items that, although they may not themselves be revenue producing and may have a number of purposes or uses, are nevertheless related to the operation of the port on a commercial basis; but</li> <li>(c) does not include any undertaking that is a statutory function or duty of the Harbour Board relating to safety or good navigation</li> </ol> <p>This reference does not include all of the infrastructure relied on by Port Otago Limited (most notably the commercial shipping channels) and the RMA Infrastructure definition should be expanded for the purposes of this Plan to include all facilities required for “commercial port activity”.</p>	<p>Amend to the beginning of the “infrastructure” definition to read</p> <p><u>“Is the same meaning as in Section 2 of the RMA 1991 (as set out in the box below) together with all facilities required for “commercial port activity”.</u></p>
<p><b>Lifeline utilities</b> means utilities provided by those entities listed in Schedule 1 of the Civil Defence Emergency Management Act 2002</p>	Amend	<p>Dunedin Port is a lifeline utility even though it is not specifically mentioned in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act, which creates uncertainty as to whether it is included in this definition. Both Dunedin and Port Chalmers are operated by the entity listed in the schedule, the problem is there is a level of uncertainty created as only Port Chalmers is identified, albeit legally both port locations are “utilities” operated by the entity listed. The applicable schedule states:</p> <p><i>The port company (as defined in section 2(1) of the Port Companies Act 1988) that carries out port-related commercial activities at Auckland, Bluff, Port Chalmers, Gisborne, Lyttelton, Napier, Nelson, Picton, Port Taranaki, Tauranga, Timaru, Wellington, Westport, or Whangarei.</i></p> <p>The RPS would be clearer if the definition was reworded, to avoid doubt as to whether the Port Otago facilities at Dunedin are regarded as a lifeline utility under the RPS.</p>	<p>Amend definition to read:</p> <p>means utilities provided by those entities listed in Schedule 1 of the Civil Defence Emergency Management Act 2002, <u>and for the avoidance of doubt includes all commercial port activity</u></p>
<p><b>Nationally significant infrastructure</b> 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) ... ... (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</p>	Amend	<p>Dunedin Port is nationally significant infrastructure because it is a lifeline utility even though it is not specifically mentioned in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act. The reference to the term “port facilities” of each port company listed introduces further terminology and uncertainty, which is different to other definitions in the PRS attempting to define the same activities – i.e. the proposed definition for “commercial port activity” will likely create uncertainty and circular interpretation challenges with the use of “port facilities” and “ancillary commercial activities” here. This definition could also mean that essential elements of Port Otago’s operation, such as navigation aids, may not be regarded as nationally significant infrastructure.</p>	<p>Replace (j) in the definition as follows:</p> <p><del>... (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</del></p> <p><u>(j) commercial port activity</u></p>

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>Regionally significant infrastructure</b> means: ... (7) navigation infrastructure associated with airports and commercial ports which are nationally or regionally significant,...</p>	Amend	<p>This definition has the effect of excluding infrastructure that is nationally significant from consideration as regionally significant and by virtue of the cross reference contained within the definition for “specified infrastructure”, the consent pathway provided for this. It is submitted that all nationally significant infrastructure is also of significance to the Otago region and should therefore be captured in this defined term.</p> <p>This definition also implies that there may be navigation infrastructure associated with ports in the region that are only regionally significant, by reference to both nationally and regionally significant ports in clause (7), yet no regionally significant ports are identified. It is suggested that all nationally significant infrastructure should also be identified as regionally significant infrastructure, and assuming the submission above seeking amendment to the definition of nationally significant infrastructure is accepted, then the separate listing of navigation infrastructure can be removed as a consequential change.</p>	<p>Amend definition to read:</p> <p><b>Regionally significant infrastructure</b> means: (1) all infrastructure identified as <i>nationally significance infrastructure</i>, (4) (2) roads classified as being of regional importance in accordance with the One Network Road Classification...</p> <p>As a consequential change, assuming other changes to definitions requested in these submissions are adopted, remove item (7) as indicated here:</p> <p><del>... (7) navigation infrastructure associated with airports and commercial ports which are nationally or regionally significant,...</del></p>
<p><b>Specified infrastructure</b> 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,</p>	Amend	<p>Dunedin Port is not specifically mentioned as a lifeline utility in the Civil Defence Emergency Management Act. This definition uses slightly different wording to the linkage used above in the “nationally significant infrastructure” definition.</p> <p>This definition includes regionally significant but doesn’t include nationally significant infrastructure which has been separately defined in this planning document. This creates an anomaly in terms of application of the specified infrastructure term, such that the policies used in the RPS (and the National Environment Standard for Freshwater) would only apply to infrastructure of regional significance and not to the nationally significant infrastructure in the region.</p>	<p>Amend definition of regionally significant infrastructure as indicated above so that this definition also includes nationally significant infrastructure. Alternatively amend the definition of specified infrastructure directly to ensure it applies to both national and regionally significant infrastructure.</p>
<p><b>SRMR-110 – Economic and domestic activities in Otago use natural resources but do not always properly account for the environmental stresses or the future impacts they cause</b></p>	Amend	<p>Port Otago seeks to have the commentary recognise the potential conflict between the port’s operations and the environment.</p>	<p>Amend text in introductory statement as indicated below:</p> <p>Otago’s port moves freight to and from Otago and Southland, but operates alongside sensitive environments, including the Aramoana saltmarsh meaning the necessity for the port to operate safely and efficiently may have adverse environmental effects. Tourism, which relies on the environment, can also...</p>
<p><b>IM-01 – Long term vision</b> The management of natural and physical resources in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves healthy, resilient, and safeguarded natural systems, and the ecosystem services they offer, and supports the well-being of present and future generations, mō tātou, ā, mō kā uri ā muri ake nei</p>	Oppose	<p>This key integrated management objective specifies the overall long-term objective for resource management in Otago at a strategic or overall vision level but does so in a manner which is inconsistent with section 5 of the RMA. There are 4 integrated management objectives and as stated in the explanation to this section, these are intended to be the direction for resolving issues when multiple (and conflicting) RPS provisions need to be applied simultaneously.</p> <p>The key issue with this objective is it doesn’t mention or acknowledge the need to use and develop natural and physical resources which is clearly anticipated under the RMA as it is part of the definition of sustainable management in section 5 of the Act. Nor do any of the other integrated management objectives in this section. “Supports” wellbeing is a significantly lower level of priority than what is specified as “provide for” wellbeing in the RMA. This vision appears to completely ignore development and does not assist with resolving issues or integrating management of resources.</p>	<p>Delete or rewrite clause to better reflect section 5 of the RMA.</p>

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>IM-O3 – Environmentally sustainable impact</b>  <i>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.</i></p>	Oppose	The focus on “preserve” in this objective is misaligned with section 5 of the RMA and the objective is uncertain as to what specific resources are sought to be preserved. The objective of “preserve” appears to apply to processes rather than specific features which is the relevant application for use of the term “preserve”.	Delete or rewrite clause to better reflect section 5 of the RMA.
<p><b>IM-P1 – Integrated approach</b>  <i>The objectives and policies in this RPS form an integrated package, in which:</i>  <i>(1) all activities are carried out within the environmental constraints of this RPS,</i>  <i>(2) all provisions relevant to an issue or decision must be considered,</i>  <i>(3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and</i>  <i>(4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-O1 to IM-O4.</i></p>	Oppose	This policy is opposed because it does not assist with integrated decision making as it ignores development. It directs consideration of all provisions relevant to an issue and in the terms that they are expressed, which would occur as a matter of course, in the absence of this policy. The reference to “environmental constraints” in sub-clause (1) is uncertain as to what these are as they are not defined. Elsewhere in the RPS the term “environmental limits” is used which is also undefined.	Delete or rewrite clause to better reflect section 5 of the RMA and provide the specific approach for this RPS if this differs from a standard application of all provisions. .
<p><b>IM-P2 – Decision priorities</b>  <i>Unless expressly stated otherwise, all decision making under this RPS shall:</i>  <i>(1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment,</i>  <i>(2) secondly, promote the health needs of people, and</i>  <i>(3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</i></p>	Oppose	This policy gives priority to the natural environment in a manner which is not consistent with section 5 of the RMA which seeks environmental outcomes <u>while</u> providing for use and development of resources. It appears that the hierarchy in the NPS for Freshwater, which applies for freshwater, has been inappropriately applied to all natural and physical resources. Essential infrastructure activities are expected to face challenges under this decision-making priority hierarchy.	Delete or rewrite clause to better reflect section 5 of the RMA.
<p><b>IM-P12 – Contravening environmental bottom lines for climate change mitigation</b>  <i>Where a proposed activity provides or will provide enduring regionally or nationally significant mitigation of climate change impacts, with commensurate benefits for the well-being of people and communities and the wider environment, decision makers may, at their discretion, allow non-compliance with an environmental bottom line set in any policy or method of this RPS only if they are satisfied that:</i>  ...  ...</p>	Amend	This policy provides a practical balancing policy approach to facilitate climate change mitigation projects (i.e. projects that will reduce greenhouse emissions). It is unclear whether this was intended to relate to climate change adaptation also and it is submitted that should, as it would enable the use of offsets where a non-compliance with an environmental bottom line arises.	Retain policy but amend to encompass climate change adaptation as well as mitigation, as indicated:  <b>IM-P12 – Contravening environmental bottom lines for climate change mitigation and adaptation</b> Where a proposed activity provides or will provide enduring regionally or nationally significant mitigation of climate change impacts <u>or adaptation to reduce impacts</u> , with commensurate benefits for the well-being of people and communities and the wider environment, decision makers may, at their discretion, allow non-compliance with an environmental bottom line set in any policy or method of this RPS only if they are satisfied that: ... ...

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>IM-P15 – Precautionary approach</b>  <i>Adopt a precautionary approach towards proposed activities whose effects are uncertain, unknown or little understood, but could be significantly adverse, particularly where the areas and values within Otago have not been identified in plans as required by this RPS.</i></p>	Amend	This policy would be more useful and directive if it included a specific reference to adaptive management, as this an essential tool for dealing with situations where uncertain or incomplete information is available.	Amend policy as indicated:  Adopt a precautionary approach, <u>including through use of adaptive management</u> , towards proposed activities whose effects are uncertain, unknown, or little understood, but could be significantly adverse, particularly where the areas and values within Otago have not been identified in plans as required by this RPS.
<p><b>CE-O3 – Natural character, features and landscapes</b>  <i>Areas of natural character, natural features, landscapes and seascapes within the coastal environment are protected from inappropriate activities, and restoration is encouraged where the values of these areas have been compromised.</i></p>	Amend	This objective is not consistent with the NZCPS as it requires “protection” and “restoration” of natural character, natural features and landscapes and seascapes within all coastal environment areas and not just outstanding and high value natural character areas and outstanding landscapes as per P13 and P15 of the NZCPS.	Amend objective as indicated:  Areas of <u>outstanding and high</u> natural character, <u>and outstanding</u> natural features, landscapes and seascapes within the coastal environment are protected from inappropriate activities, and restoration is encouraged <u>for other areas</u> where <del>the values of these areas</del> have been compromised.
<p><b>CE-O5 – Activities in the coastal environment</b>  <i>Activities in the coastal environment:</i>  <i>(1) make efficient use of space occupied in the coastal marine area,</i>  <i>(2) are of a scale, density and design compatible with their location,</i>  <i>(3) are only provided for within appropriate locations and limits, and</i>  <i>(4) maintain or enhance public access to and along the coastal marine area, including for customary uses.</i></p>	Amend	<p>This objective (sub-clause 4) does not provide for the needs of Port Otago to restrict public access for health and safety, as provided for in the NZCPS (O4 and P19).</p> <p>Subclause (3) is uncertain, as it references “only...within appropriate locations and limits”. The location of no-go locations and the nature of any other limits intended by this objective are not identified in the RPS.</p>	Amend objective as indicated:  Activities in the coastal environment: (1) make efficient use of space occupied in the coastal marine area, (2) are of a scale, density and design compatible with their location, <del>(3) are only provided for within appropriate locations and limits, and</del> (4) <del>(3)</del> maintain or enhance public access to and along the coastal marine area, including for customary uses, <u>except where restriction is necessary for safety or security requirements.</u>
<p><b>CE-P1 – Links with other chapters</b>  <i>Recognise that:</i>  <i>(1) coastal hazards must be identified in accordance with CE-P2(4) and managed in accordance with the HAZ-NH – Natural hazards section of this RPS;</i>  <i>(2) port activities must be managed in accordance with the TRAN – Transport section of this RPS; and</i>  <i>(3) historic heritage must be managed in accordance with the HCV – Historical and cultural values section of this RPS.</i></p>	Amend	<p>Port Otago support the inclusion of a policy link to the transport section of the RPS (TRAN provisions) as provided in sub-clause (2), to enable specific consideration of the unique policy direction in the NZCPS which requires decision makers and policy documents to provide for port activities (i.e. P9).</p> <p>However, by virtue of the drafting of the TRAN-Transport section drafting, this policy is circular as while it purports to state that the Transport section of the RPS is directive on the management of port activities, the TRAN policy simply reiterates the Coastal Environment (CE) objectives and policies as having primacy, negating the effect of any other enabling provisions. So, this fails to recognise constraints as it requires complete adherence to “environmental limits” albeit these are undefined in the RPS so they are uncertain. Furthermore, this ineffective linkage clause means the RPS is not aligned with the requirement to simply provide for ports in P9 of the NZCPS.</p> <p>Furthermore, it is submitted that the policy should use terminology that is included in the interpretation section of the RPS, to assist with clarity and consistent interpretation, i.e., it should refer to “commercial port activities”, rather than “port activities” and the specific integrating clause intended (assumed to be EIT-TRAN-P23) rather than the whole TRAN section of the RPS.</p>	Amend policy as follows:  Recognise that: (1) coastal hazards must be identified in accordance with CE-P2(4) and managed in accordance with the HAZ-NH – Natural hazards section of this RPS; (2) <u>commercial</u> port activities must be managed in accordance with <u>policy P23 in the EIT-</u> TRAN – Transport section of this RPS; and (3) historic heritage must be managed in accordance with the HCV – Historical and cultural values section of this RPS. <p>This submission is subject to our submission seeking amendments to the provision that is referenced in sub-clause (2) of the policy (refer to our submission on EIT-TRAN-P23).</p>



The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>CE-P2 – Identification</b>  <b>Identify the following in the coastal environment:</b></p> <p>...(d) areas at risk from coastal hazards as identified in CE-P2(4),            ...(i) physical resources and built facilities, including infrastructure, that have modified the coastal environment,            ...(4) areas that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected, and            (5) the nationally significant surf breaks at Karitane, Papatowai, The Spit, and Whareakeake and any regionally significant surf breaks.</p>	Oppose	<p>Port Otago oppose the reference to regionally significant surf breaks in this policy on the basis that there is no indication of where these are located or how they will be identified. In addition, it is submitted that there is no statutory requirement to identify or protect such areas in the higher order planning documents (e.g., the NZCPS) and there are already numerous parts of the coastal environment likely to be subject to restriction by virtue of the presence of a plethora of significant coastal values, it seems unnecessary to introduce more of these where there is no statutory basis.</p> <p>Furthermore, it is unclear why coastal hazards are listed in this policy twice and how “physical facilities including infrastructure that have modified the coast” will be identified, if indeed that is the intention of listing the sub-clauses in item (1) of the policy? These sub-clauses read more like a definition for “coastal environment” so could be moved to the Interpretation section if they are needed.</p>	<p>Delete policy and remove all related references to regionally significant surf breaks in the Proposed RPS.</p> <p>Clarify whether mapping of the listed components of the “coastal environment” as per (1) is intended, or if just the boundary will be mapped in the regional plan?</p>
<p><b>CE-P3 – Coastal water quality</b>  <i>Coastal water quality is improved where it is considered to have deteriorated to the extent described within CE-P1(2), and otherwise managed, so that:</i></p> <p>(1) healthy coastal ecosystems, indigenous habitats provided by the coastal environment, and the migratory patterns of indigenous coastal water species are maintained or enhanced,            (2) Kāi Tahu relationships with and customary uses of coastal water are sustained,            (3) recreation opportunities and existing uses of coastal water are maintained or enhanced, and            (4) within identified areas where takata whenua have a particular interest, adverse effects on these areas and values are remedied or where remediation is not practicable, are mitigated.</p>	Amend	<p>This water quality policy specifically links to port activities (via reference to CE-P1(2)). The reason for this linkage, or the impact of it on port activities is not clear. It could be an error. Port Otago suspects that this is meant to refer to CE-P2(2).</p>	<p>Delete reference to CE-P1(2) or correct reference to CE-P2(2).</p>
<p><b>CE-P7 – Surf breaks</b>  <i>Manage Otago’s nationally and regionally significant surf breaks so that:</i></p> <p>(1) nationally significant surf breaks are protected by avoiding adverse effects on the surf breaks, including on access to and use and enjoyment of them, and            (2) the values of and access to regionally significant surf breaks are maintained.</p>	Amend	<p>Port Otago is committed to working collaboratively with surfing interest groups to monitor the effects of its activities and adaptively manage operations to ensure its activities do not adversely affect the nationally significant surf breaks at The Spit (Aramoana) and Whareakeake in the Otago Harbour.</p> <p>The introduction of a policy requirement for unidentified regionally significant surf breaks is not supported due to the uncertainty and the potential effect on Port Otago’s operations that may arise if such areas are in close proximity to the Port’s operational areas.</p> <p>The policy should be identical to that contained in Policy 16 of the NZCPS 2010.</p>	<p>Amend policy as follows:</p> <p><u>Protect the surf breaks of national significance for surfing listed in Schedule 1 of the NZCPS 2010 by:</u></p> <p>(1) <u>Ensuring that activities in the coastal environment do not adversely affect the surf breaks; and</u>            (2) <u>Avoiding adverse effects of other activities on access to, and use and enjoyment of the surf breaks.</u></p> <p><del>Manage Otago’s nationally and regionally significant surf breaks so that:            (1) nationally significant surf breaks are protected by avoiding adverse effects on the surf breaks, including on access to and use and enjoyment of them, and            (2) the values of and access to regionally significant surf breaks are maintained.</del></p>

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>CE-P8 – Public access</b>  Maintain or enhance public access to and along the coastal marine area, unless restricting public access is necessary:  (1) to protect public health and safety,  ...  (8) to ensure a level of security consistent with the operational requirements of a lawfully established activity.</p>	Support	This policy provides suitable recognition of the need to restrict public access to the coastal marine area in specific circumstances.	Retain policy as drafted.
<p><b>CE-P9 – Activities on land within the coastal environment</b>  The strategic and co-ordinated use of land within the coastal environment is achieved by:  (1) avoiding sprawling or sporadic patterns of subdivision, use and development,  (2) considering the rate at which built development should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the values of the coastal environment,  (3) recognising the importance of the provision of infrastructure to the social, economic and cultural well-being of people and communities,  (3) maintaining or enhancing public access to the coastal environment, and  (4) considering where activities that maintain the character of the existing built environment should be encouraged, and where activities resulting in a change in character would be acceptable.</p>	Support	Port Otago supports the recognition of the importance of the provision of infrastructure to the social, economic, and cultural well-being of people and communities.	Retain policy as drafted.
<p><b>CE-P12 – Reclamation</b>  Avoid reclamation in the coastal marine area, unless:  (1) land outside the coastal marine area is not available for the proposed activity,  (2) the activity to be established on the reclamation can only occur immediately adjacent to the coastal marine area,  (3) there are no practicable alternative methods of providing for the activity, and  (4) the reclamation will provide significant regional or national benefit.</p>	Support	This policy is consistent with NZCPS and provides a pathway for essential reclamation that may be required to maintain port facilities in the region.	Retain policy as drafted.

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support</b> or <b>oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons</b> for my views are:	I seek the following <b>decision</b> from the local authority:
<p><b>CE-M2 – Identifying other areas</b></p> <p>...</p> <p>(4) prioritise identification under (1) – (3) in areas that are:</p> <p>... likely to contain outstanding natural character areas, outstanding natural features or landscapes, and areas of significant indigenous biodiversity, including the areas in the table below.</p> <p>Oamaru Harbour Breakwater  Moeraki Beach  Moeraki Peninsula  Shag Point &amp; Shag River Estuary  Stony Creek Estuary  Pleasant River Estuary  Hawksbury Inlet  Waikouaiti River Estuary  Karitane Headland  Puketeraki  Blueskin Bay  Orokonui Inlet  Mapoutahi  Purakanui Inlet  Aramoana  Otago Harbour Historic Walls  Otakou &amp; Taiaroa Head  Pipikaretu Point  Te Whakarekaiwi  Papanui Inlet  Hoopers Inlet  Kaikorai Estuary  Brighton  Akatore Creek Estuary  Tokomairiro Estuary  Wangaloa  Clutha River Mata-au, Matau Branch  Nugget Point  Surat Bay  Catlins Lake Estuary  Jacks Bay  Waiheke Beach  Tahakopa Estuary  Oyster Bay  Tautuku Estuary  Waipati Estuary &amp; Kinakina Island</p>	<p>Oppose</p>	<p>Port Otago opposes the listing of locations in this method, because there is no evidence base to support the listings, no boundaries are identified in the planning document and the identification process for regional and district plans should not be based on areas “likely to contain” values, rather, they should be identified and confirmed through the adoption of a robust methodology relevant to the applicable values.</p>	<p>Remove list of specific locations from this method and/or replace with areas previously identified through a robust scientific and community process and include maps within the RPS to provide certainty.</p>

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>CE-M3 – Regional plans</b>  Otago Regional Council must prepare or amend and maintain its regional plans no later than 31 December 2028 to:</p> <p>...</p> <p>(2) map the areas and characteristics of, and access to, nationally and regionally significant surf breaks,</p>	Oppose	Port Otago opposes the inclusion of a method requiring mapping of regionally significant surf breaks, as there is no national policy requirement to identify regionally significant surf breaks.	Amend method as follows:  Otago Regional Council must prepare or amend and maintain its regional plans no later than 31 December 2028 to: ... (2) map the areas and characteristics of, and access to, nationally <del>and regionally</del> significant surf breaks,
<p><b>CE-E1 – Explanation</b>  In addition to the policies in this chapter, the values of the coastal environment are recognised and provided for in the following chapters of the ORPS where they provide direction on the management of the coastal environment or activities within the coastal environment:</p> <ul style="list-style-type: none"> <li>• ECO – Ecosystems and indigenous biodiversity</li> <li>• LF – Land and freshwater</li> <li>• EIT – Energy, infrastructure and transport</li> <li>• HCV – Historical and cultural values</li> <li>• NFL – Natural features and landscapes</li> <li>• HAZ – Hazards and risks</li> </ul>	Oppose	This explanation text undermines the directive for port activities in CE-P1(2) and broadens/duplicates and potentially conflicts with the provisions for all activities taking place in the coastal environment – i.e., ecosystems and natural features and landscapes are already covered in the Coastal Environment chapter for example.	Remove this explanatory text and amend RPS to remove duplication of provisions applying to coastal activities and provide clarity on the policy direction. i.e., fully contain to the CE chapter, and remove application of ECO, LF, EIT, HCV, NFL and HAZ provisions from applying to the coastal environment. Or otherwise amend document to avoid duplication of provisions managing environmental values that are already addressed within the CE chapter of the document.
<p><b>ECO-O1 – Indigenous biodiversity</b></p> <p><b>ECO-O2 – Restoring or enhancing</b></p> <p><b>ECO-O3 – Kaitiakiaka and stewardship</b></p>	Amend	Amendments are required to make this chapter clearer. The chapter is muddled, as in one respect it doesn't apply within the coastal environment (with reference to definition for "significant natural area" which excludes areas within the coastal environment). However, in respect of "indigenous species and ecosystems that are taoka" this could apply when these values are within the coastal environment – which is duplicative of the provisions in the CE chapter (e.g. CE-O1, CE-O4, CE-P5). This duplication would create interpretation and implementation challenges as the ECO chapter sets different policy tests than that applying to activities assessed under the CE chapter.	Remove duplication with provisions covered in the CE chapter and provide greater clarity for any provisions within the ECO chapter which apply to the coastal environment. For example, by including "coastal icons" within the ECO chapter for any specific provisions which are not duplicative and are necessary to apply to the coastal environment.
<p><b>ECO-P1 – Kaitiakitaka</b></p> <p><b>ECO-P2 – Identifying significant natural areas and taoka</b></p>	Amend	Amendments are required to make this chapter clearer. The chapter is muddled, as in one respect it doesn't apply within the coastal environment (with reference to definition for "significant natural area" which excludes areas within the coastal environment). However, in respect of "indigenous species and ecosystems that are taoka" this could apply when these values are within the coastal environment – which is duplicative of the provisions in the CE chapter (e.g. CE-O1, CE-O4, CE-P5). This duplication would create interpretation and implementation challenges as the ECO chapter sets different policy tests than that applying to activities assessed under the CE chapter.	Remove duplication with provisions covered in the CE chapter and provide greater clarity of any provisions within the ECO chapter which apply to the coastal environment. For example, by including "coastal icons" within the ECO chapter for any specific provisions which are not duplicative and are necessary to apply to the coastal environment.

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>ECO-P3 – Protecting significant natural areas and taoka</b>            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 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.</p>	Amend	<p>Port Otago supports the exemption provided by ECO-P4 and ECO-P5, recognising nationally and regionally significant infrastructure activities.</p> <p>Amendments are sought (as described above) to make this chapter clear on which provisions apply to the coastal environment, whilst avoiding duplication between this chapter and the CE chapter.</p>	Remove duplication with provisions covered in the CE chapter and provide greater clarity of any provisions within the ECO chapter which apply to the coastal environment by including “coastal icons”.
<p><b>ECO-P4 – Provision for new activities</b>            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            ....</p>	Amend	<p>Port Otago supports the policy for new nationally and regionally significant infrastructure to follow the effects management hierarchy where development or upgrade may adversely affect indigenous species and ecosystems.</p> <p>Amendments are sought (as described above) to make this chapter clear on which provisions apply to the coastal environment, whilst avoiding duplication between this chapter and the CE chapter.</p>	Remove duplication with provisions covered in the CE chapter and provide greater clarity of any provisions within the ECO chapter which apply to the coastal environment by including “coastal icons”.
<p><b>ECO-P5 – Existing activities in significant natural areas</b>            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 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</p>	Amend	Noting that this policy does not apply in the coastal environment. Port Otago is supportive of the intent, specifically, the enablement of existing activities where the effects are not increased. Port Otago considers this policy should be amended to apply to ecosystem values within the coastal environment also.	Amend this policy to also apply to the coastal environment or add a similar provision that enables the continuation of existing activities where effects on ecosystem values are not increased into the CE chapter.
<p><b>ECO-P7 – Coastal indigenous biodiversity</b>            Coastal indigenous biodiversity is managed by CE-P5, and implementation of CE-P5 also contributes to achieving ECO-O1.</p>	Oppose	This policy has a cross reference to CE-P5 for activities within the coastal environment, but it does not acknowledge that CE-P1 directs consideration of port activities to the TRAN chapter provisions. The policy statement structure is poor and needs fixing to avoid confusion and implementation challenges.	Amend as necessary to clarify which provisions in the RPS apply to activities in the coastal environment and where this might differ to enable port activities consistent with P9 of the NZCPS.

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>ECO-E1 – Explanation</b></p> <p>... Although the objectives of this chapter apply within the coastal environment, the specific management approach for biodiversity is contained in the CE – Coastal environment chapter. Given the biodiversity loss that has occurred in Otago historically, restoration or enhancement will play a part in achieving the objectives of this chapter and these activities are promoted....</p>	Amend	The provisions in this chapter are unclear and duplicative in so far as their application in the coastal environment, and to port activity specifically.	Remove duplication with provisions covered in the CE chapter and provide greater clarity of any provisions within the ECO chapter which apply to the coastal environment by including “coastal icons” or similar notations.
<p><b>EIT-INF-04 – Provision of infrastructure</b></p> <p>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.</p>	Oppose	Port Otago opposes the qualification within this objective of “within environmental limits”. If the intent is for the RPS to be read as a whole, and all provisions are to be considered, then the enabling provisions shouldn’t be qualified, just like the protection provisions don’t have exemptions, particularly in the CE chapter. Furthermore, the RPS does not contain any specific limits other than duplication of NZCPS avoidance policies, so it is very difficult to understand what the objective is with the statement “within environmental limits”.	Redraft objective so it is enabling. E.g. as indicated here:  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 <del>within environmental limits</del> .
<p><b>EIT-INF-05 – Integration</b></p> <p>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.</p>	Support	This sets a different environmental standard to INF-04 above. INF-04 specifies within (non-specific) environmental limits, whereas this objective sets a test of “minimise adverse effects on the environment”.  This objective is consistent with the anticipated environmental results, whereas INF-04 is not.	Retain objective as drafted.
<p><b>EIT-INF-P10 – Recognising resource requirements</b></p> <p>Decision making on the allocation or use of natural and physical resources must take into account the needs of nationally and regionally significant infrastructure.</p>	Support	Port Otago supports this policy.	Retain policy as drafted.
<p><b>EIT-INF-P11 – Operation and maintenance</b></p> <p>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.</p>	Amend	While this policy is supported, the RPS is unclear on the relationship of this policy with the other more restrictive policy requirements around natural character, indigenous biodiversity, and natural features. It is also noted that this policy is only for operation and maintenance activities which are not defined.  The effect of including this policy is yet another “environmental effects” test for infrastructure beyond that in the CE and ECO chapters for biodiversity. The “except as provided for by ECO-P4” stem seems confusing, as to which policy should apply in what situation.	Amend to include definitions to distinguish between the following activities that have differing policy tests in the RPS: <ul style="list-style-type: none"><li>• operation and maintenance of infrastructure</li><li>• upgrades and development of existing infrastructure</li><li>• new infrastructure</li></ul> Clarify how the effects test within this policy should be read in conjunction with other effects policies within other chapters of the RPS through including cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure.

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I <b>seek the following decision</b> from the local authority:
<p><b>EIT-INF-P12 – Upgrades and development</b> Provide for upgrades to, and development of, nationally or regionally significant infrastructure while ensuring that:</p> <p>(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 (3) increases efficiency in the delivery, operation or use of the infrastructure</p>	Amend	<p>While this policy is supported as it does not conflate effects tests with support for good infrastructure planning, there is no clarity (i.e., definition) on what constitutes “operation and maintenance”, what is “upgrades and development”, and what is “new infrastructure”.</p> <p>The drafting in (3) does not link with the policy stem, and the expectation for all upgrades and development of infrastructure to be for reasons of efficiency may not provide for an upgrade that is for other reasons, e.g. to increase use or reduce an environmental impact.</p>	<p>Amend to include definitions to distinguish between the following activities that have differing policy tests in the RPS:</p> <ul style="list-style-type: none"> <li>• operation and maintenance of infrastructure</li> <li>• upgrades and development of existing infrastructure</li> <li>• new infrastructure</li> </ul> <p>Amend to include cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure.</p> <p>Fix drafting for sub-clause (3).</p>
<p><b>EIT-INF-P13 – Locating and managing effects of infrastructure</b> When providing for new infrastructure outside the coastal environment:</p> <p>(1) avoid, as the first priority, locating infrastructure in all of the following: ...</p>	Amend	<p>This policy contains a long list of areas to avoid for new infrastructure outside of the coastal environment. It is noted that none are mapped in the RPS, nor is there direction to identify all these areas so it is unclear what constitutes many of these. E.g., what is an “area of high recreational and high amenity value”? It is not defined in the RPS or elsewhere.</p> <p>The policy also duplicates “protection provisions” in other chapters – ECO, NFL, HCV. Where this occurs, it creates a different test for infrastructure versus other activities. Cross referencing is required to identify where there is duplication which chapter takes precedence.</p>	<p>Amend to include cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure. Remove references to areas or values that are not defined or identified through the RPS.</p>
<p><b>EIT-INF-P15 – Protecting nationally or regionally significant infrastructure</b> 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.</p>	Support	<p>This is a key reverse sensitivity policy, which is important for managing the adverse effects of other activities on the safe and efficient operation of commercial port activity.</p>	<p>Retain policy as drafted.</p>
<p><b>EIT-INF-E2 – Explanation</b> ... For infrastructure in the coastal environment, the provisions of the CE – Coastal environment chapter are also applicable to ensure the NZCPS is given effect....</p>	Amend	<p>This explanation section indicates policies in this chapter apply to the coastal environment, but the likes of EIT-INF-P13 states that it does not apply to the coast. It would be helpful if the RPS was clearer and consistent in this regard. E.g. through use of “coastal icons” or similar coding.</p>	<p>Provide greater clarity throughout the RPS on which provisions apply to the coastal environment by including “coastal icons” or similar.</p>
<p><b>EIT-TRAN-O10 – Commercial port activities</b> Commercial port activities operate safely and efficiently, and within environmental limits.</p>	Oppose	<p>Port Otago opposes the qualification within this objective of “within environmental limits”. If the intent is for the RPS to be read as a whole, and all provisions are to be considered, then the enabling provisions shouldn’t be qualified, just like the protection provisions don’t have exemptions, particularly in the CE chapter. Furthermore, the RPS does not contain any specific limits other than duplication of NZCPS avoidance policies, so it is very difficult to understand what is expected by the statement “within environmental limits”.</p>	<p>Amend objective as indicated:  Commercial port activities operate safely and efficiently, <del>and within environmental limits.</del></p>

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>EIT-TRAN-P23 – Commercial port activities</b>  <i>Recognise the national and regional significance of the commercial port activities associated with the ports at Port Chalmers and Dunedin (respectively) by:</i>  <i>(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,</i>  <i>(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</i>  <i>(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.</i></p>	<p>Oppose</p>	<p>The “carve out” clause in CE-P1 for port activities directs that port activities <u>must be</u> managed in accordance with the TRAN -Transport section. This means that the intention is for the TRAN section of the document to direct management of resources in the case of conflicts between enabling and protective policies in the CE chapter.</p> <p>This policy is the only policy directly relevant to port activities in the TRAN chapter (along with objective EIT-TRAN-O9). The concept of a carve out directing to a specific management regime for port activities is supported and necessary to assist with refining the competing requirements of the NZCPS in a manner which is suitable for the unique challenges of the Otago Harbour. However, the drafting of EIT-TRAN-P23 is flawed in its construct, as it sends plan users on a circular route back to CE chapter to look for environmental limits which TRAN-P23 identifies as taking precedence in all situations.</p> <p>The matters described in CE-P3 to CE-P12 are not clear “limits” or bottom lines. They have a range of approaches and evaluative discretion built into them and some are not relevant to port activities (e.g., CE-P3, P9-P11).</p> <p>The requirement of P9 in the NZCPS is to provide for ports and their development. The RPS fails to do this.</p> <p>In providing for port activities, it is appropriate for the RPS to set out how relevant environmental values will be considered for port activities. This requires a clear policy approach which the RPS does not provide in either TRAN-P23 or the CE or ECO policies. Port Otago seeks that activities related to the safe operation of port facilities receive the opportunity for consideration via a resource consent process, rather than a blanket avoid policy regime, which will likely result in prohibited activity status in future plan reviews to give effect to the RPS.</p> <p>It is noted that the drafting of EIT-TRAN-P23 implies that the commercial port activity at Port Otago’s site in Dunedin is of regional significance, with Port Chalmers regarded as nationally significant. Port Otago has significantly constrained operational areas and relies on both its locations and indeed all the facilities identified in the definition for “commercial port activities” to fulfil its function as an international shipping port. Depending on operational requirements at any specific time, international goods will be loaded and unloaded at its facilities at Dunedin as well as at Port Chalmers, in particular bulk goods such as fertilizer, fuel, and logs, as well as cruise ships that are not too large to travel down the Victoria Channel to Dunedin berth and unload/load passengers into Dunedin. Both ports are managed as part of a nationally significant integrated operation.</p>	<p>Replace with a new policy that is generally consistent with the outcome sought through the current Port Otago appeals on the previous RPS before the Court of Appeal. Wording to be as set out below, or to similar effect:</p> <p><u>Recognise the functional needs of commercial port activities at Port Chalmers and Dunedin and manage their effects by:</u></p> <p><u>(1) ensuring that other activities in the coastal environment do not adversely affect commercial port activities.</u></p> <p><u>(2) providing for the efficient and safe operation of these ports and effective connections with other transport modes.</u></p> <p><u>(3) providing for the development of those ports' capacity for national and international shipping in and adjacent to existing commercial port activities.</u></p> <p><u>(4) if any of the policies in this regional policy statement that require avoidance of adverse effects on areas having significant or outstanding values cannot be implemented while providing for the safe and efficient operation of commercial port activities then, consider through a resource consent process, whether adverse effects are caused by safety considerations which are paramount or by transport efficiency considerations and determine whether consent should be granted notwithstanding the adverse effects, with that consent having sufficient conditions to ensure the adverse effects on the protected areas are the minimum possible (through adaptive management or otherwise), and</u></p> <p><u>(5) in respect of nationally significant surf breaks avoid, remedy or mitigate the adverse effects.</u></p>



The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>Methods</b>  <b>EIT-TRAN-M7 – Regional plans</b>  Otago Regional Council must prepare or amend and maintain its regional plans to:  (1) provide for the development, operation, maintenance, or upgrade of the transport system that:  (a) is within the beds of lakes and rivers or the coastal marine area, or  (b) involves the taking, use, damming or diversion of water and discharge of water and contaminants  (2) manage the adverse effects of infrastructure activities that:  (a) provide for the establishment of transport infrastructure that supports modes of transport that are not reliant on fossil fuels, and  (b) include policies and methods that provide for the commercial port activities associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin, and  (3) within environmental limits, facilitate the safe and efficient operation and development of commercial port activities at Port Chalmers and Dunedin. This includes previously approved resource consents for the following activities in the coastal development area mapped in MAP2:  (a) dredging of Otago lower harbor (to 17.5m for entrance channel, and 14.5m through to Port Chalmers),  (b) dredging of Otago upper harbour to 10.5m,  (c) management of upper and lower harbour navigation beacons,  (d) discharge of dredging spoil to the disposal grounds at Heyward Point, Aramoana, Shelley Beach, and AO, and  (e) placement and use of scientific buoys.</p>	Amend	<p>Clause 2 is poorly drafted and doesn't make sense. Port Otago supports the list of activities in (3)(a-e), but it is unclear if these are intended to be subject to the "within environmental limits" qualifier? If they are, then this could undermine the future use of these existing operational areas and provides a lack of clarity on the expectations of the future regional coastal plan for Otago with respect to commercial port activities. In facilitating the safe and efficient operation and development of the port, regional plans should provide for current activities, including those facilitated by resource consents and previously identified permitted activities, as well as planned future activities.</p>	<p>Redraft method as follows:</p> <p>Otago Regional Council must prepare or amend and maintain its regional plans to:  (1) provide for the development, operation, maintenance, or upgrade of the transport system that:  (a) is within the beds of lakes and rivers or the coastal marine area, or  (b) involves the taking, use, damming or diversion of water and discharge of water and contaminants  <del>(2) manage the adverse effects of infrastructure activities that:</del>  (2a) provide for the establishment of transport infrastructure that supports modes of transport that are not reliant on fossil fuels, and  (3b) include policies and methods that provide for the commercial port activities associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin, and  (43) <del>within environmental limits,</del> facilitate the safe and efficient operation and development of commercial port activities at Port Chalmers and Dunedin <u>with the minimum practicable adverse effect on the environment, including. This includes previously approved resource consents for</u> the following activities in the coastal development area mapped in MAP2:  (a) dredging of Otago lower harbor (to 17.5m for entrance channel, and 14.5m through to Port Chalmers),  (b) dredging of Otago upper harbour to 10.5m,  (c) management of upper and lower harbour navigation beacons,  (d) discharge of dredging spoil to the disposal grounds at Heyward Point, Aramoana, Shelley Beach, and AO, and  (e) placement and use of scientific buoys.</p>
<p><b>EIT-TRAN-M8 – District plans</b>  Territorial authorities must prepare or amend and maintain their district plans to:  ...  (6) include policies and methods that provide for commercial port activities associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin</p>	Support	<p>This method is supported as it is consistent with P9 of the NZCPS in providing for commercial port activities in an unqualified manner.</p>	<p>Retain method as drafted.</p>
<p><b>HAZ-NH-P2 – Risk assessments</b>  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</p>	Amend	<p>No clarity is provided within this policy or the applicable appendix (APP6) as to how /if the hazard policies apply to infrastructure projects. Methods HAZ-NH-M3 and HAZ-NH-M4 indicates that it is only intended to be applied to land use change where the regional and district plan changes to identify hazard areas has not been completed. The policies are not drafted in a manner which reinforces this, leaving uncertainty that they (and the APP6 process) ought to be applied to any proposal.</p>	<p>Clarify application triggers for the APP6 process and associated policies within the hazard policies and/or APP6, so that the RPS is clear whether these provisions apply to infrastructure projects requiring resource consent from regional council and/or apply to plan changes by the applicable territorial authority.</p>

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>HAZ-NH-P3 – New activities</b>  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.</p>	Amend	<p>The hazard risk assessment process set out in APP6 of the RPS is very complex. This, combined with the policy drafting at HAZ-NH-P3 means there is a risk that some projects aimed at improving hazard and climate change resilience might struggle to pass the “avoid” test included in this policy.</p> <p>Port Otago is also concerned how parties using the RPS would distinguish between new and existing activities as they are not defined and invariably most infrastructure related activity affected by the hazard provisions of the RPS would likely be somewhere in between a new and existing activity – e.g., a modification (e.g. construction of a new structure to protect an existing asset) or re-siting of an existing facility to a new safer site.</p> <p>The policy should remove or refine the use of “avoid” so that activities that do not increase the risk of harm from hazards, and those that provide an overall improvement do not face a policy hurdle. The suggested approach is consistent with the NZCPS (e.g. P25). For example, an activity might improve resilience to the hazard risk, but the hazard risk might remain in the significant classification following the risk assessment – in this situation, the activity would need to be avoided by the policy as drafted, despite the risk improvement offered.</p> <p>In practice, it can be very difficult to move through to tolerable and acceptable even for hazard mitigation projects and inevitably, hazard improvements in one location often need to be balanced against some deterioration in other less important locations, making avoidance a challenging bar to satisfy.</p>	<p>Delete HAZ-NH-P3 and amend heading of HAZ-NH-P4 so it can be relied on for both new and existing activities.</p> <p>Alternatively, define what constitutes an existing versus new activity and remove or refine the use of “avoid” so that activities that do not increase the risk of harm from hazards are not inadvertently prevented from occurring.</p>
<p><b>HAZ-NH-P4 – Existing activities</b>  Reduce existing natural hazard risk by:  ...  (6) enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services.</p>	Amend	<p>This policy is supported as it encourages and enables investment in resilience works, albeit hazard protection work is likely to be hampered by the need to comply with other policies, e.g., those in the CE chapter.</p> <p>As noted above, it is unclear what will be regarded as development/upgrade of existing activities/ infrastructure (this policy) versus new (previous policy above). It is submitted that this policy is suitable to cover both scenarios and HAZ-NH-P3 is not needed.</p>	<p>Amend heading as indicated below so that this policy guides all activities without the need to distinguish between new and existing activities, as this is impracticable.</p> <p><b>HAZ-NH-P4 – New and Existing activities</b>  Reduce existing natural hazard risk by:  ...</p>

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I seek the following <b>decision</b> from the local authority:
<p><b>HAZ–NH–P7 – Mitigating natural hazards</b>  <i>Prioritise risk management approaches that reduce the need for hard protection structures or similar engineering interventions, and provide for hard protection structures only when:</i>  <i>(1) hard protection structures are essential to manage risk to a level the community is able to tolerate,</i>  <i>(2) there are no reasonable alternatives that result in reducing the risk exposure,</i>  <i>(3) hard protection structures would not result in an increase in risk to people, communities and property, including displacement of risk off-site,</i>  <i>(4) the adverse effects of the hard protection structures can be adequately managed, and</i>  <i>(5) the mitigation is viable in the reasonably foreseeable long term or provides time for future adaptation methods to be implemented, or</i>  <i>(6) the hard protection structure protects a lifeline utility, or a facility for essential or emergency services.</i></p>	Amend	<p>Port Otago may need to build or replace seawalls/hard protection structures in the future to retain the functionality of commercial port activities in response to climate change. It is concerned whether this policy can be practically satisfied.</p> <p>Clauses (1) and (2) seem to be repeating/reinforcing the same thing and “essential” is a high bar to satisfy. Clause (3) doesn’t allow any increase/balancing of risk. Often risk reduction measures do increase hazard risk to a minor level in other, less strategic, locations, but overall improve resilience to essential community infrastructure.</p>	<p>Amend policy as follows:</p> <p>Prioritise risk management approaches that reduce the need for hard protection structures or similar engineering interventions, and provide for hard protection structures only when:  <del>(1) hard protection structures are essential to manage risk to a level the community is able to tolerate,</del>  (2) there are no reasonable alternatives <u>available</u> that <del>result in</del> <u>would reduce</u> <del>ing</del> the risk exposure,  (3) hard protection structures would not result in an increase in risk to <u>lifeline utility, or a facility for essential or emergency services, or a more than</u> <del>minor risk to other</del> 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.</p>
<p><b>HAZ–NH–P10 – Coastal hazards</b>  <i>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:</i>  <i>(1) avoid increasing the risk of social, environmental and economic harm from coastal hazards,</i>  <i>(2) ensure no land use change or redevelopment occurs that would increase the risk to people and communities from that coastal hazard,</i>  <i>(3) encourage land use change or redevelopment that reduces the risk from that coastal hazard, and</i>  <i>(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.</i></p>	Amend	<p>While this policy is reflective of the NZCPS (policy 25), the RPS needs to be clearer on why this policy is necessary in addition to hazard policies AZ–NH–P1 to HAZ–NH–P9 above. As a result of this duplication, there are currently differing and conflicting policy tests applying to hazard consideration within the coastal environment, which is unnecessary and is likely to frustrate effective decision making. It is also unclear how this policy relates to the risk assessment process outlined in the appendix (APP6).</p>	<p>Amend or delete this provision, so that policy duplication is avoided within the coastal environment.</p> <p>Provide clarification on the relationship of this policy with the hazard risk assessment process in APP6.</p>

The <b>specific provisions</b> of the proposal that my submission relates to are:	I <b>support or oppose</b> the specific provisions or wish to have them <b>amended</b> .	The <b>reasons for my views</b> are:	I <b>seek the following decision</b> from the local authority:
<p><b>HAZ–NH–M3 – Regional plans</b>  Otago Regional Council must prepare or amend and maintain its regional plans to:</p> <p>...</p> <p>(7) require a natural hazard risk assessment be undertaken where an activity requires a resource consent to change the use of land which will increase the risk from natural hazards within areas subject to natural hazards, and where the resource consent is lodged prior to the natural hazard risk assessment required by HAZ–NH–M2(1) being completed, the natural hazard risk assessment must include: (a) an assessment of the level of natural hazard risk associated with the proposal in accordance with APP6, and (b) an assessment demonstrating how the proposal will achieve the outcomes set out in Policies HAZ–NH–P3 and HAZ–NH–P4.</p>	Amend	<p>This method is unclear as to what regional consent activity constitutes land use change, as land use change is not typically regulated through regional plans. Assessment of hazard risk through land use change aspects of regional plans would not provide a robust or complete approach. Either this should be managed through district plans (as per M4) or this method should specify which regional resource consents are relevant to implement the policies.</p>	<p>Delete clause 7 from this method.</p> <p>Alternatively, clarity should be provided as to the specific situation where regional resource consents will be required to follow the APP6 process and if applicable, some exemptions should be provided for small scale activities and/or identify low risk activities where the APP6 process will not be required.</p>
<p><b>HAZ–CL–P14 – Managing contaminated land</b>  Actively manage contaminated or potentially contaminated land so that it does not pose an unacceptable risk to people and the environment, by:</p> <p>(1) assessing and monitoring contaminant levels and environmental risks,  (2) protecting human health in accordance with regulatory requirements,  (3) avoiding, as the first priority, and only where avoidance is not practicable, mitigating or remediating, adverse effects of the contaminants on the environment, and  (4) requiring closed landfills to be managed in accordance with a closure plan that sets out monitoring requirements and, where necessary, any remedial actions required to address ongoing risks.</p>	Support	<p>Port Otago support this policy as it provides for an appropriate policy pathway, including an alternative mitigation approach where adverse effects cannot be avoided or remediated.</p>	<p>Retain policy as drafted.</p>
<p><b>NFL–O1 – Outstanding and highly valued natural features and landscapes</b>  The areas and values of Otago’s outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago’s natural and physical resources results in:</p> <p>(1) the protection of outstanding natural features and landscapes, and  (2) the maintenance or enhancement of highly valued natural features and landscapes.</p> <p><b>NFL–P6 – Coastal features and landscapes</b>  Natural features and landscapes located within the coastal environment are managed by CE–P6 and implementation of CE–P6 also contributes to achieving NFL–O1.</p>	Amend	<p>Port Otago is concerned that the objective duplicates similar provisions in the CE chapter and the structure of the supporting policies, which would appear to apply to the whole region until you get to NFL-P6. Policy NFL-P6 indicates natural features and landscapes within the coastal environment are managed by CE-P6 and implementation of CE-P6 also contributes to achieving NFL-O1. In practice, this would still mean the objective here would apply to an activity within the coastal environment but the policies would not. Furthermore, the objective here is not quite consistent with the CE objective on the same matter.</p> <p>A clearer means of indicating provisions which do and do not apply to the coastal environment should be adopted throughout the RPS (e.g., through use of “coastal icons” and an explanation that only provisions with those icons apply within the coastal environment).</p>	<p>Clarify, e.g., through use of “coastal icons” throughout the RPS, which (if any) of the NFL provisions apply within the coastal environment, in a manner which avoids any duplication and/or conflict with the contents of that chapter and the need for separate policies functioning only as cross referencing.</p> <p>Consequential change – delete policy NFL-P6 as it is simply a cross reference, rather than a specific policy.</p>

<i>The specific provisions of the proposal that my submission relates to are:</i>	<i>I support or oppose the specific provisions or wish to have them amended.</i>	<i>The reasons for my views are:</i>	<i>I seek the following decision from the local authority:</i>
<b>APP6 – Methodology for natural hazard risk assessment</b>	Amend	<p>This methodology is very onerous and rather hard to follow.</p> <p>No clarity is provided as to how /if the hazard policies and this appendix applies to infrastructure projects or activities within the coastal marine area. Methods HAZ–NH–M3 and HAZ–NH–M4 indicate that it is only intended to be applied to land use change where the regional and district plan changes to identify hazard areas has not been completed. The policies and this appendix are not drafted in a manner which reinforces this intention, leaving uncertainty that the APP6 process could be applied to other resource consent applications.</p> <p>If it is intended to apply to a wider range of proposals for which resource consent is sought, the assessment methodology needs to be made more straight forward for resource consent applications vs plan changes and/or exemptions to this process should be clearly allowed for, for small scale and low-risk projects.</p>	Amendments that provide clarity on the application of the APP6 process and a simplified process depending on its application.
<b>APP9 – Identification criteria for outstanding and highly valued natural features, landscapes and seascapes</b>	Oppose	No guidance is provided as to what constitutes outstanding versus highly valued natural features, landscapes and seascapes, i.e., the same attributes are listed for both, with no guidance or methodology or actual criteria provided for determination as to what constitutes the different levels of significance.	Either map the features within the RPS or provide clear criteria that will assist with mapping the different levels of significance within plans.
<b>MAP2 – EIT–TRAN–M7 Port Activities</b>	Amend	Port Otago supports the inclusion of map identifying the key commercial port activities within Otago Harbour. It is noted however, that the Upper Harbour navigation beacons are missing from the map. For operational reasons, the position of the beacons should be described as “indicative only” on the map.	Amend map to include the indicative position of Upper Harbour navigation beacons, and amend legend on map to provide that the position of all navigational beacons is “indicative only”.
All	Amend	As identified throughout this submission, there is duplication between the CE chapter provisions and others throughout the RPS and a lack of clarity. Clarity can be achieved through a simple coding system, e.g., through use of “coastal icons” and explanatory text, similar to the icons used within the Proposed Natural Resources Regional Plan for Wellington.	Include “coastal icons” or similar that make it clear throughout the RPS, which provisions apply within the coastal environment, and by omission, which do not apply, along with explanatory text to confirm this.
All	Amend	Consequential changes may be required as a result of the submissions identified in these submissions.	Any consequential change required to give effect to the key points outlined in this submission.