

From: [Melissa Brook](#)
To: [RPS](#)
Subject: QAC submission to the Proposed Otago Regional Policy Statement
Date: Friday, 3 September 2021 1:16:12 p.m.
Attachments: [ATT00001.png](#)
[2021_09_03 - Submission PORPS.pdf](#)

Kia ora,

Please find attached Queenstown Airport Corporation's submission to the Proposed Otago Regional Policy Statement.

Ngā mihi

Melissa

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Form 5

Submission on notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Otago Regional Council

Name of submitter: Queenstown Airport Corporation (QAC)

This is a submission on the Proposed **Otago Regional Policy Statement**

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

QAC's submission is:

QAC owns and operates the nationally and regionally significant Queenstown Airport and manages the regionally significant Wanaka Airport.

Queenstown Airport Corporation (QAC)

QAC is a council-controlled trading organisation for the purposes of the Local Government Act 2002. The company is owned by one majority and one minority shareholder:

75.01% by the Queenstown Lakes District Council (QLDC)

24.99% by Auckland International Airport Limited.

QAC's primary activity is the safe and efficient operation of Queenstown Airport, facilitating air connectivity through the provision of infrastructure in the region, to meet the needs of our customers, the residents of, and visitors to the lower South Island. This includes the provision of appropriate and sound aeronautical and associated infrastructure and facilities for the operations at the airport. QAC also manages Wanaka Airport and the Glenorchy Airfield on QLDC's behalf.

QAC is responsible for:

- Ensuring effective stewardship of Queenstown and Wanaka airports, including meeting all relevant statutory obligations
- Providing airfield, airside, terminal and landside facilities and infrastructure at the airports that deliver the required outcomes for all operators and users
- Ensuring the operational resilience of Queenstown Airport as a life-line utility, as required under the Civil Defence Emergency Management Act 2002.

QAC is a requiring authority in terms of the Resource Management Act 1991 for Queenstown Airport. The airport is subject of two designations in the Queenstown Lakes District Plan: the "Aerodrome Purposes" designation (Designation 2) which relates to the land on which the airport is situated, and the "Approach and Land Use Control" designation (Designation 4) which relates to the airspace around the airport.

QLDC is the requiring authority for Wanaka Airport, with QAC managing operations of this airport on the requiring authority's behalf. Wanaka Airport is the subject of designations in the Queenstown Lakes District Plan for "Aerodrome Purposes" (Designation 64) and for "Approach and Land Use Control" (Designation 65).

QAC therefore has a significant interest in planning documents, such as the proposed Otago Regional Policy Statement (PORPS), that might influence or affect its ability to maintain and operate the airports, and in the case of Queenstown Airport, to develop and upgrade the airport, in an efficient and effective manner.

Queenstown Airport

At Queenstown Airport, QAC provides for scheduled domestic and international air services, commercial and private general aviation operations and is the Lakes District base for the Otago Rescue Helicopter service.

Wanaka Airport

Wanaka Airport is owned by QLDC. QAC manages Wanaka Airport under a Management Services Agreement with QLDC. Wanaka Airport facilitates scheduled domestic air services, and both commercial and private general aviation operations. Sounds Air introduced scheduled domestic services between Wanaka and Christchurch in November 2020. In addition, Wanaka Airport hosts the biennial Warbirds over Wanaka airshow and is one of seven locations used globally for NASA's Scientific Balloon Programme.

Glenorchy Airfield

QAC provides grounds maintenance services and airstrip management at Glenorchy on QLDC's behalf.

Submission

Use of the freshwater planning process

QAC acknowledges that, under section 80A of the Resource Management Act (Act), ORC is required to use the freshwater planning process set out in Part 4 of Schedule 1 of the Act when:

- preparing a freshwater planning instrument; or relevantly here,
- for the parts of the planning instrument that relate to freshwater, when preparing an instrument that relates to freshwater and other matters.

In the case of the latter, above, section 80A(3) is very clear that for the other matters addressed by the planning instrument, a conventional (Schedule 1, Part 1) or streamlined (Schedule 1, Part 5) process must be followed.

QAC submits that, while the freshwater planning process must be followed for the parts of the PORPS that relate to freshwater, it must not be followed for the parts that do not. In this regard, the issues and topics addressed by the PORPS, pursuant to sections 59 and 62 of the Act, are plainly much broader than freshwater, and include ecosystems and indigenous biodiversity; energy, infrastructure and transport; hazards and risks; historical and cultural values; natural features and landscapes, and urban form and development.

Given the breath of these matters, and the clear direction in section 80A(3) of the Act, QAC submits that the use of the freshwater planning process for the entire PORPS is inappropriate. It is also unavailable and invalid at law, and thus subject to review.

The implications for submitters concerned with matters other than freshwater, and related outcomes, are significant. For example:

- The constitution of the freshwater hearings panel is focused on freshwater aspects and not on the other important matters addressed by the PORPS, and
- Appeal rights are very limited.

QAC submits that ORC should, and is obligated at law, to adopt a conventional (Schedule 1, Part 1) or streamlined (Schedule 1, Part 5) process for the parts of the PORPS that do not relate to freshwater, which includes provision for and protection of Nationally and Regionally Significant Infrastructure.

Infrastructure outcomes

QAC submits that infrastructure outcomes must be more strongly provided for in the PORPS. Alongside the protection of natural environments, the PORPS must efficiently and effectively provide for the wellbeing and development of people and communities. Infrastructure, particularly nationally and regionally significant infrastructure, encapsulates the fundamental physical structures and facilities needed for the operation of society.

QAC is concerned that the PORPS as currently drafted does not effectively promote or provide for the needs of nationally and regionally significant infrastructure, including its ongoing maintenance, use, development and upgrading, which in some instances, must occur in sensitive parts of the Region. In this regard, QAC submits that the provisions for nationally and regionally significant infrastructure included in the partially operative 2019 Otago Regional Policy Statement, which were resolved after extensive mediation involving multiple parties and stakeholders over the course of several years, and which have been tested and confirmed by the Environment Court, are generally appropriate and achieve the purpose of the PORPS and the RMA.

QAC submits that the PORPS should be amended in manner that ensures it is consistent with the partially operative 2019 Otago Regional Policy Statement, in so far as and to the extent that that planning instrument recognises, provides for and protects nationally and regionally significant infrastructure. In addition, nationally and regionally significant infrastructure should be subject to its own bespoke management regime within the PORPS, so that it is clear which objectives, policies and methods apply in any given case, so to avoid potential conflicting policy approaches within the PORPS to such infrastructure, and to ensure efficient and certain administration and implementation.

The specific provisions of the proposal that QAC's submission relates to are set out in Appendix A attached.

In summary, QAC's submission seeks to ensure that the Otago Regional Policy statement provides policies and methods that will achieve integrated management of the natural and physical resources of the whole region, including importantly, nationally and regionally significant infrastructure.

QAC seeks the following decision from the Otago Regional Council:

- a) That a conventional or streamlined planning process is used for those parts of the Proposed Otago Regional Policy Statement that do not genuinely relate to freshwater, in accordance with section 80A(3) of the Act;
- b) That the provisions relating to nationally and regionally significant infrastructure are amended so that they are consistent with, offer no less protection and are no less enabling than, the provisions relating to nationally and regionally significant infrastructure contained in the partially operative 2019 Otago Regional Policy Statement, and so that there is a clear

hierarchy within the PORPS as to the objectives, policies and methods that apply to nationally and regionally significant infrastructure;

- c) That the relief sought in this submission and in Appendix A, which is attached to and forms part of this submission, is accepted, or that the Proposed Otago Regional Policy Statement be amended in a similar or such other way as may be appropriate to address the submission points raised in this part and in Appendix A; and
- d) Any consequential changes, amendments or decisions that may be required to give effect to the matters raised in QAC's submission.

QAC wishes to be heard in support of its submission.

If others make a similar submission, QAC would be prepared to consider presenting a joint case with them at any hearing.

Signature:



Rachel Tregidga

General Manager, Property and Planning, Queenstown Airport Corporation

Dated at Queenstown this 3rd day of September 2021

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NOTE TO PERSON MAKING A SUBMISSION

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by [clause 6\(4\)](#) of Part 1 of Schedule 1 of the Resource Management Act 1991.

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

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

APPENDIX A

<p><i>The specific provisions of the proposal that my submission relates to are:</i></p>	<p><i>I support or oppose the specific provisions or wish to have them amended.</i></p>	<p><i>The reasons for my views are:</i></p>	<p><i>I seek the following decision from the local authority:</i></p>
<p>Definitions: Regionally Significant Infrastructure</p>	<p>Support</p>		<p>Retain the definition as notified.</p>
<p>Definitions: Nationally Significant infrastructure</p>	<p>Support</p>		<p>Retain the definition as notified.</p>
<p>Definitions: Specified infrastructure</p>	<p>Support</p>		<p>Retain the definition as notified.</p>
<p>IM-P1- Integrated approach</p> <p>The objectives and policies in this RPS form an integrated package, in which:</p> <ul style="list-style-type: none"> [1] all activities are carried out within the environmental constraints of this RPS, [2] all provisions relevant to an issue or decision must be considered, [3] if multiple provisions are relevant, they must be considered together and 	<p>Oppose</p>	<p>QAC submits that the ordinary principles of interpretation should apply to the PORPS. In this circumstance clauses 1, 2 and 3 do not further assist with interpretation. Clause 4 results in IM-O1 to IM-04 being paramount and it is unclear what this will mean in implementation.</p>	<p>Delete Policy IM-P1-Integrated approach</p>

<p>applied according to the terms in which they are expressed, and [4] notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-O1 to IM-O4.</p>			
<p>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 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.</p>	<p>Oppose</p>	<p>This policy reflects the objective of the National Policy Statement for Freshwater Management 2020. Applying these priorities as a mandatory decision-making framework across all resource types within Otago is likely to cause implementation difficulties. Certain circumstances will require decision making to balance these priorities against other national direction that may be applicable.</p>	<p>Delete Policy IM-P2 – Decision Priorities</p>
<p>IM-P9 – Community response to <i>climate change</i> impacts By 2030 Otago’s communities have established responses for adapting to the impacts of <i>climate change</i>, are adjusting their lifestyles to follow them, and are reducing their <i>greenhouse gas</i> emissions to achieve net-zero carbon emissions by 2050.</p>	<p>Support in part.</p>	<p>QAC supports the intention of the policy but considers that a slight drafting change would assist in the interpretation of the policy.</p>	<p>Amend the policy as follows: IM-P9 – Community response to <i>climate change</i> impacts By 2030 Otago’s communities have established responses for adapting to the impacts of <i>climate change</i>, are adjusting their lifestyles to follow them, and are reducing <u>providing for the net reduction of</u> their <i>greenhouse gas</i> emissions to achieve net-zero carbon emissions by 2050.</p>
<p>IM-P14- Human Impact Preserve opportunities for future generations by:</p>	<p>Oppose</p>	<p>The PORPS does not provide any certainty as to what is meant by the term ‘limits’, the process for setting limits and how they will be</p>	<p>Delete Policy IM-P14</p>

<p>1. Identifying limits to both growth and adverse effects of human activities beyond which the environment will be degraded,</p> <p>2. requiring that activities are established in places, and carried out in ways, that are within those limits and are compatible with the natural capabilities and capacities of the resources they rely on, and</p> <p>3. regularly assessing and adjusting limits and thresholds for activities over time in light of the actual and potential environmental impacts.</p>		<p>expressed in regional or district plans is not explained, nor how 'degraded' will be defined. This opens the policy to subjective interpretation.</p>	
<p>AIR-O2- Discharges to air</p> <p>Human health, amenity and mana whenua values and the life-supporting capacity of ecosystems are protected from the adverse effects of discharges to air.</p>	<p>Oppose in part</p>	<p>QAC is concerned that this objective does not recognise safety aspects in respect to visibility for operations in an around the region's airports and flight paths. QAC is concerned that without further clarification of this aspect AIR-P4 may be narrowly interpreted and not offer the protection necessary.</p>	<p>Amend the objective as follows:</p> <p>Human health <u>and safety</u>, amenity and mana whenua values and the life-supporting capacity of ecosystems are protected from the adverse effects of discharges to air.</p>
<p>AIR-P4 – Avoiding certain discharges</p> <p>Avoid discharges to air that cause offensive, objectionable, noxious or dangerous effects.</p>	<p>Support</p>	<p>Visibility is an issue with respect to operations in and around an airport, certain air discharges can have dangerous effects on visibility in and around the region's airports and flight paths and such effects should be avoided.</p>	<p>Retain the policy as notified.</p>

<p>LF-FW-P12 – Protecting outstanding water bodies</p> <p>The significant and outstanding values of outstanding water bodies are: (1) identified in the relevant regional and district plans, and (2) protected by avoiding adverse effects on those values.</p>	<p>Oppose</p>	<p>The policy has no regard for the scale or significance of adverse effects that ought to be avoided. Rather, it requires the blanket avoidance of adverse effects, even if such effects are minor, which is inappropriate.</p>	<p>Amend the policy as follows:</p> <p>The significant and outstanding values of outstanding water bodies are: (1) identified in the relevant regional and district plans, and (2) protected by avoiding adverse effects on those values.</p>
<p>LF-FW-P13 – Preserving natural character</p> <p>Preserve the natural character of lakes and rivers and their beds and margins by: (1) avoiding the loss of values or extent of a river, unless: (a) there is a functional need for the activity in that location, and (b) the effects of the activity are managed by applying: (i) for effects on indigenous biodiversity, either ECO-P3 or ECO-P6 (whichever is applicable), and (ii) for other effects, the effects management hierarchy</p>	<p>Oppose in part</p>	<p>No rationale has been provided as to why indigenous biodiversity should be treated differently from other aspects of the policy.</p>	<p>Amend the policy as follows:</p> <p>Preserve the natural character of lakes and rivers and their beds and margins by: (1) avoiding the loss of values or extent of a river, unless: (a) there is a functional need for the activity in that location, and (b) the effects of the activity are managed by applying: (i) for effects on indigenous biodiversity, either ECO-P3 or ECO-P6 (whichever is applicable), and (ii) for other effects, the effects management hierarchy.</p>
<p>ECO-P4- Provision for new activities</p> <p>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</p>	<p>Support in part</p>	<p>QAC supports the intent of the policy to provide a consenting pathway for regionally significant infrastructure that may affect indigenous biodiversity values.</p>	<p>Amend the policy to ensure that regionally significant infrastructure is appropriately provided for.</p>

<p>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>		<p>However, QAC has concerns with the pathway provided by ECO-P6, and its reference to APP3 and APP4.</p>	
<p>ECO-P6- Maintaining indigenous biodiversity</p> <p>Maintaining 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 notice of requirement:</p> <p>(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,</p>	<p>Support in part</p>	<p>QAC considers that the policy needs to be more explicit that when regionally significant infrastructure has an effect on an area it is the effects on the values that contribute to the area’s importance that need to be managed by way of ECO-P6.</p> <p>QAC generally agrees with the cascading approach that has been developed within this policy on a principled basis, however it submits that when this policy is considered alongside the limits or constraints which are set out in APP3 and APP4 as to when offsetting and compensation are available, the policy becomes</p>	<p>Amend the policy to ensure that regionally significant infrastructure is appropriately provided for.</p>

<p>(4) where there are residual adverse effects after avoidance, remediation, and mitigation, then the residual adverse effects are offset in accordance with APP3, and</p> <p>(5) if biodiversity offsetting of residual adverse effects is not possible, then:</p> <p>(a) the residual adverse effects are compensated for in accordance with APP4, and</p> <p>(b) if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.</p>		<p>unworkable in certain circumstances. APP3 and APP4 contain a set of criteria as to when both offsetting and compensation is not an available method. These criteria are limiting and are written as a bottom line or hard limit. If they are not met the option of offsetting and/or compensation is no longer available to be used as part of any effects management response. In these circumstances the method directs the decision maker back to the first management tier – which is to avoid.</p> <p>QAC submits that this policy and the way it draws on APP3 and APP4 is inconsistent with national direction such as the Draft NPSIB and NPSFW as to when and under what circumstances the full suite of the effects management methods can be applied. It is also inconsistent with section 104(1)(ab) of the RMA which requires a decision maker to have regard to <u>any</u> measure proposed or agreed to by the applicant for the purpose of ensuring positive</p>	
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		effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.	
<p>ECO-M2- Identification of significant natural areas</p> <p>Local authorities must: (4) require ecological assessments to be provided with applications for resource consent and notices of requirement that identify whether affected areas are significant natural areas in accordance with APP2</p>	Oppose	QAC is concerned that as drafted this method will require LA's to require <u>all</u> applications for resource consent / notice of requirement to provide an ecological assessment. This would be onerous and excessive for many applications, particularly those within developed urban environments.	Amend the method to identify when it would be appropriate that LA's would require an ecological assessment to be furnished with an application for resource consent / notice of requirement.
<p>EIT-INF-04 – Provision of infrastructure</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 in part	<p>QAC is concerned that the objective to 'provide for infrastructure' is weakened by the addition of the condition 'within environmental limits' and that when read in light of the entire PORPS may not adequately provide for regionally and nationally significant infrastructure.</p> <p>The objective is softly worded and should be strengthened to explicitly provide for the protection, maintenance and enablement of infrastructure to meet the needs of people and communities and to recognise the</p>	<p>Amend the objective as follows:</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 <u>environmental limits</u>.</p> <p>Or</p> <p>Include new objective: <u>Provide for the ongoing operation and development of nationally or regionally significant infrastructure and protect nationally and regionally significant</u></p>

		functional need of infrastructure to sometimes locate in sensitive natural environments.	<u>infrastructure from the establishment of incompatible activities.</u>
<p>EIT-INF-O5 – Integration</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>	Oppose in part	<p>QAC considers that the term ‘minimise’ is problematic as it is not defined in the PORPS. Use of the terms avoid, remedy or mitigate are directly from the RMA and are more appropriate.</p> <p>QAC considers that the objective as drafted does not have the correct balance between enabling and protecting infrastructure while managing potential adverse effects on the environment.</p>	<p>Amend the objective as follows:</p> <p>Development of nationally and regionally significant infrastructure, as well as land use change, occurs in a co-ordinated manner to: minimise</p> <p><u>1. avoid, remedy or mitigate</u> adverse effects on the environment, <u>and</u></p> <p><u>2. ensure the operational and functional needs of the infrastructure is not compromised</u> and increase efficiency in the delivery, operation and use of the infrastructure.</p>
<p>EIT-INF-P10 – Recognising resource requirements</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		Retain the policy as notified.

<p>EIT-INF-P11 – Operation and maintenance</p> <p>Except as provided for by ECO-P4, allow for the operation and maintenance of existing nationally and regionally significant infrastructure while:</p> <ul style="list-style-type: none"> (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>Oppose in part</p>	<p>ECO-P4 discusses development or upgrade of RSI. This policy relates to the operation and maintenance of existing infrastructure. The exception is unnecessary and could result in confusion.</p>	<p>Amend the policy as follows:</p> <p>Except as provided for by ECO-P4, allow for <u>Enable</u> the operation and maintenance of existing nationally and regionally significant infrastructure while:</p> <ul style="list-style-type: none"> (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 <u>remedying or mitigating</u> adverse effects.
<p>EIT-INF-P12- Upgrades and development</p> <p>Provide for upgrades to, and development of, nationally or regionally significant infrastructure while ensuring that:</p> <ul style="list-style-type: none"> (1) infrastructure is designed and located, so far as is practicable, to maintain functionality during and after natural hazard events, (2) it is, as far as is practicable, co-ordinated with long-term land use planning, and (3) increases efficiency in the delivery, operation or use of the infrastructure. 	<p>Support in part</p>	<p>QAC supports the intent of the policy to provide for upgrades and development but it is unclear how potential conflicts between long-term land use planning goals and reverse sensitivity effects on nationally and regionally significant infrastructure will be weighed when interpreting the policy.</p>	<p>Amend the policy to ensure that regionally significant infrastructure is appropriately provided for.</p>

<p>EIT-INF-P13- Locating and managing effects of infrastructure</p> <p>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> <ul style="list-style-type: none"> (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 <p>(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:</p> <p>(a) for nationally or regionally significant infrastructure:</p> <ul style="list-style-type: none"> (i) in significant natural areas, in accordance with ECO-P4, (ii) in natural wetlands, in accordance with the relevant provisions in the NESF, 	<p>Oppose</p>	<p>Most of QLDC district is an outstanding natural landscape or feature (clause 1(b)) or an amenity landscape (clause 1(f)), meaning that the first limb of this policy would likely be engaged for any infrastructure proposal within the Queenstown Lakes District, outside an urban area. The policy would have such proposals avoided as a first priority. This is clearly unworkable and inappropriate.</p> <p>QAC considers that this policy needs to more closely align with section 6 of RMA and not conflate section 6 with section 7 where different management approaches are required.</p> <p>QAC considers that the term 'minimise' is problematic as it is not defined in the PORPS. Use of the terms avoid, remedy or mitigate are directly from the RMA and are more appropriate.</p>	<p>As first preference, delete EIT-INF-P13 and replace with drafting comparable with Policy 4.3.4 in the 2019 RPS and clarify that this policy solely applies to nationally or regionally significant infrastructure proposals located in the areas identified in clause (1).</p> <p>Or as lesser preferred relief:</p> <p>Amend the policy as follows:</p> <p>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> <ul style="list-style-type: none"> (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, <u>and</u> (g) wāhi tapu, wāhi taoka, and areas with protected customary rights, and (h) areas of high recreational and high amenity value, and <p>(2) if it is not possible <u>practicable</u> 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:</p>
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<p>(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.</p>			<p>(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, <u>minimise remedy or mitigate</u> the adverse effects of the infrastructure on the values that contribute to the area's importance.</p> <p>And clarify that this policy solely applies to nationally or regionally significant infrastructure proposals located in the areas identified in clause (1).</p>
<p>EIT-INF-P14 – Decision making considerations</p> <p>When considering proposal to develop or upgrade infrastructure: (1) require consideration of alternative sites, methods and designs if adverse effects are potentially significant or irreversible, (2) utilise the opportunity of substantial upgrades of infrastructure to reduce adverse effects that result from the existing infrastructure, including on sensitive activities.</p>	<p>Oppose</p>	<p>QAC considers that this policy is contradictory to the other provisions that have been drafted to enable and protect regionally significant infrastructure. Implementation of this policy will likely result in conflict with other provisions and reduce the effectiveness of the provisions established to enable regionally significant infrastructure and protect it from incompatible activities and reverse sensitivity effects.</p>	<p>Delete policy.</p>

<p>EIT-INF-P15 – Protecting nationally or regionally significant infrastructure</p> <p>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>	<p>Oppose</p>	<p>The intent of the policy is supported, however, QAC has concerns that ‘protection’ of nationally and regionally significant infrastructure will not be achieved by seeking to avoid the establishment of incompatible activities. The use of the term “Seek to avoid” is less direct than terms used in other areas of the PORPS. QAC submits that wording similar to that included in EIT-TRAN-P21- Operation of the transport system would better achieve the purposes of the Act.</p>	<p>Amend the policy as follows:</p> <p>EIT-INF-P15 – Protecting nationally or regionally significant infrastructure</p> <p>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> <p><u>Protect the efficient and effective operation of nationally and regionally significant infrastructure by:</u></p> <p><u>(1) Avoiding activities that may give rise to an adverse effect on the functional or operational needs of nationally or regionally significant infrastructure,</u></p> <p><u>(2) Avoiding activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure,</u></p> <p><u>(3) Avoiding activities and development that forecloses an opportunity to adapt, upgrade or develop nationally or regionally significant infrastructure to meet future demand.</u></p>
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<p>EIT-INF-M4 – Regional Plans and EIT-INF-M5 – District Plans</p>	<p>Oppose in part</p>	<p>QAC considers that the term ‘minimise’ or ‘minimised’ is problematic as it is not defined in the PORPS. Use of the terms remedy or mitigate are directly from the RMA and are more appropriate.</p>	<p>Amend EIT-INF-M4 – Regional Plans and EIT-INF-M5 – District Plans, to delete the word ‘minimised’ and replace it with ‘remedied or mitigated’.</p>
<p>EIT-TRAN-O7 – Effective, efficient, and safe transport</p> <p>Otago has an integrated air, land and sea transport network that:</p> <p>(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.</p>	<p>Support</p>	<p>QAC considers it is appropriate to acknowledge the integrated transport network and the role that the existing air transport network plays in connecting local communities both nationally and internationally.</p>	<p>Retain the objective as notified.</p>
<p>HAZ-NH-P4 – Existing activities</p> <p>Reduce existing natural hazard risk by:</p> <p>...</p> <p>(5) enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services.</p>	<p>Support in part</p>	<p>Airports are resilient to impacts from natural disasters and extreme weather events, as such they play a critical role in connecting people and regions when other land-based networks are compromised. QAC considers that it is appropriate to enable the development and ongoing use and maintenance of lifeline utilities within the region.</p>	<p>Retain HAZ-NH-P4 – Existing activities, subclause (5) as notified.</p>
<p>HAZ-NH-P9 – Protection of hazard mitigation measures</p> <p>Protect the functional needs of hazard mitigation measures, lifeline utilities,</p>	<p>Support in part</p>	<p>QAC considers that it is appropriate to protect lifeline utilities, particularly as it relates to reverse sensitivity effects. QAC submits that the operational as</p>	<p>Amend the policy as follows: HAZ-NH-P9 – Protection of hazard mitigation measures</p>

<p>and essential or emergency services, including by:</p> <p>(1) avoiding significant adverse effects on those measures, utilities or services,</p> <p>(2) avoiding, and only where avoidance is not practicable, remedying or mitigating other adverse effects on those measures, utilities or services,</p> <p>(3) maintaining access to those measures, utilities or services for maintenance and operational purposes, and</p> <p>(4) restricting the establishment of other activities that may result in reverse sensitivity effects on those measures, utilities or services.</p>		<p>well as the functional needs of lifeline utilities should be protected.</p>	<p>Protect the functional <u>and operational</u> needs of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by:</p> <p>(1) avoiding significant adverse effects on those measures, utilities or services,</p> <p>(2) avoiding, and only where avoidance is not practicable, remedying or mitigating other adverse effects on those measures, utilities or services,</p> <p>(3) maintaining access to those measures, utilities or services for maintenance and operational purposes, and</p> <p>(4) restricting the establishment of other activities that may result in reverse sensitivity effects on those measures, utilities or services.</p>
<p>HAZ-CL-P15 – New contaminated land</p> <p>Avoid the creation of new contaminated land or, where this is not practicable, minimise adverse effects on the environment and mana whenua values.</p>	<p>Oppose</p>	<p>QAC considers that the term ‘minimise’ is problematic as it is not defined in the PORPS. Use of the terms remedy or mitigate are directly from the RMA and are more appropriate.</p>	<p>Amend the policy as follows:</p> <p>Avoid the creation of new contaminated land or, where this is not practicable, <u>minimise remedy or mitigate</u> adverse effects on the environment and mana whenua values.</p>
<p>HCV-HH-P5 – Managing historic heritage</p> <p>Protect historic heritage by:</p> <p>(1) requiring the use of accidental discovery protocols,</p> <p>(2) avoiding adverse effects on areas or places with special or outstanding historic heritage values or qualities,</p>	<p>Oppose in part</p>	<p>QAC opposes this policy, while it is appropriate to protect historic heritage from inappropriate subdivision use and development in accordance with section 6(f) of the RMA, QAC is concerned that this policy goes further than this.</p>	<p>Amend the policy as follows:</p> <p>HCV-HH-P5 – Managing historic heritage</p> <p>Protect historic heritage <u>from inappropriate subdivision, use and development</u> by:</p> <p>(1) requiring the use of accidental discovery protocols,</p>

<p>(3) avoiding significant adverse effects on areas or places with historic heritage values or qualities, (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).</p>			<p>(2) avoiding adverse effects on areas or places with special <u>significant</u> or outstanding historic heritage values or qualities, (3) avoiding significant adverse effects on areas or places with historic heritage values or qualities, (4) avoiding, as the first priority, other <u>remedying or mitigating</u> 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).</p>
<p>NFL-P2-Protection of outstanding natural features and landscapes</p> <p>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, and (2) avoiding, remedying or mitigating other adverse effects.</p>	<p>Oppose</p>	<p>QAC is concerned that the blanket requirement to “avoid” adverse effects leaves no room to provide for important physical resources such as infrastructure or other activities common in areas of outstanding natural value. For example, the installation of obstacle lighting may be required in areas of outstanding natural landscapes or features in response to Civil Aviation regulations.</p> <p>The policy has no regard for the scale or significance of adverse effects that ought to be avoided. Rather, it requires the blanket avoidance of adverse effects,</p>	<p>Amend the policy as follows:</p> <p>Protect outstanding natural features and landscapes by: (1) avoiding <u>significant</u> adverse effects on the values that contribute to the natural feature or landscape being considered outstanding, and (2) avoiding, remedying or mitigating other adverse effects <u>on the values that contribute to the natural feature or landscape being considered outstanding.</u> <u>(3) recognising that for infrastructure, EIT-INF-P13 applies instead of NFL-P2(1) and (2).</u></p>

		even if such effects are minor, which is inappropriate.	
<p>UFD-O2- Development of urban areas</p> <p>The development and change of Otago's urban areas:</p> <p>(6) minimises conflict between incompatible activities</p> <p>(9) achieves integration of land use with existing and planned development infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure.</p>	Supports in part	QAC supports development directives that are cognisant of the potential for reverse sensitivity effects to occur when incompatible activities are permitted to establish in proximity to existing regionally significant infrastructure.	<p>Retain subclause (6) as notified.</p> <p>Amend subclause (9) as follows:</p> <p>(9) achieves integration of land use with existing and planned development infrastructure and facilitates the safe and efficient ongoing <u>maintenance, use, development of and upgrades to</u> regionally significant infrastructure.</p>
<p>UFD-P1- Strategic planning</p> <p>Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:</p> <p>(1) ensure integration of land use and infrastructure, including how, where and when necessary development infrastructure and additional infrastructure will be provided, and by whom,</p> <p>(2) demonstrate at least sufficient development capacity supported by integrated infrastructure provision for Otago's housing and business needs in the short, medium and long term,</p> <p>(3) maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing</p>	Supports in part	QAC supports the use of strategic planning prior to urban growth and development to ensure integrated development for land use activities and locates incompatible land uses in way that avoids conflict as much as possible. QAC submits that a further clause is needed in the policy to identify that strategic planning will protect existing infrastructure from incompatible or conflicting land use.	<p>Amend the policy through the addition of a further clause:</p> <p>Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:</p> <p>(1) ensure integration of land use and infrastructure, including how, where and when necessary development infrastructure and additional infrastructure will be provided, and by whom,</p> <p>(2) demonstrate at least sufficient development capacity supported by integrated infrastructure provision for Otago's housing and business needs in the short, medium and long term,</p> <p>(3) maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing demand, needs, preferences and climate change,</p>

<p>demand, needs, preferences and climate change, (4) minimise risk from and improve resilience to natural hazards, including those exacerbated by climate change, while not increasing risk for other development, (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.</p>			<p>(4) minimise risk from and improve resilience to natural hazards, including those exacerbated by climate change, while not increasing risk for other development, (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, <u>and</u> <u>(9) ensure impacts on the operation of regionally and nationally significant infrastructure are avoided.</u></p>
<p>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,</p>	<p>Support in part</p>	<p>QAC supports the intent of this policy, but submits that the protection of existing nationally and regionally significant infrastructure should be made more explicit through the policy.</p>	<p>Amend the policy through the addition of a further clause: Within urban areas intensification is enabled where it: (1) contributes to establishing or maintaining the qualities of a well-functioning urban environment,</p>

<p>(3) meets the greater of demonstrated demand for housing and/or business use or the level of accessibility provided for by existing or planned active transport or public transport, (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 require specific management or protection.</p>			<p>(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 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 require specific management or protection, <u>and</u> (7) <u>avoids adverse effects, including reverse sensitivity effects, on nationally or regionally significant infrastructure.</u></p>
<p>APP2 – Significance Criteria <i>An area is considered to be a significant natural area if it meets any one or more of the criteria below:</i> (a) <i>An area that is an example of an indigenous vegetation type or habitat that is typical or characteristic of the original natural diversity of the relevant ecological district or coastal marine biogeographic region. This may include degraded examples of their type or represent all that remains of</i></p>	<p>Oppose</p>	<p>QAC considers that the drafting of APP2 is too broadly framed and would ultimately result in any areas that “support”, “provide habitat for” or are “important for” indigenous species being classified as Significant Natural Areas. This appears to be inconsistent with the current national direction being the draft National Policy Statement for Indigenous Biodiversity.</p>	<p>Amend APP2 – Significance Criteria to ensure the significance criteria for indigenous biodiversity are aligned with best practice or national policy direction and are specific and targeted enough to avoid the classification of inappropriate areas as SNAs.</p>

<p><i>indigenous vegetation and habitats of indigenous fauna in some areas.</i></p> <p><i>(b) An indigenous marine ecosystem (including both intertidal and sub-tidal habitats, and including both faunal and floral assemblages) that makes up part of at least 10% of the natural extent of each of Otago's original marine ecosystem types and reflecting the environmental gradients of the region.</i></p> <p><i>(c) An indigenous marine ecosystem, or habitat of indigenous marine fauna (including both intertidal and sub-tidal habitats, and including both faunal and floral components), that is characteristic or typical of the natural marine ecosystem diversity of Otago.</i></p> <p><i>(d) An area that supports:</i></p> <p><i>(i) An indigenous species that is threatened, at risk, or uncommon, nationally or within an ecological district or coastal marine biogeographic region, or</i></p> <p><i>(ii) Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district, coastal marine</i></p>			
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<p><i>biogeographic region or freshwater environment including wetlands, or</i></p> <p><i>(iii) Indigenous vegetation and habitats within originally rare ecosystems, or</i></p> <p><i>(iv) The site contains indigenous vegetation or an indigenous species that is endemic to Otago or that are at distributional limits within Otago.</i></p> <p><i>(e) An area that supports a high diversity of indigenous ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients.</i></p> <p><i>(f) An area that supports or provides habitat for:</i></p> <p><i>(i) Indigenous species at their distributional limit within Otago or nationally, or</i></p> <p><i>(ii) Indigenous species that are endemic to the Otago region, or</i></p> <p><i>(h) Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors.</i></p> <p><i>(i) The relationship of the area with its surroundings (both within Otago and between Otago and the adjoining regions), including:</i></p>			
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<p>(i) An area that has important connectivity value allowing dispersal of indigenous flora and fauna between different areas, or</p> <p>(ii) An area that has an important buffering function that helps to protect the values of an adjacent area or feature, or</p> <p>(iii) An area that is important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, resting, nesting, breeding, spawning or refuges from predation, or</p> <p>(j) A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a river or coastal ecosystem.</p>			
<p>APP3 – Criteria for Biodiversity Offsetting</p> <p>(1) Biodiversity offsetting is not available if the activity will result in:</p> <p>(a) the loss of any individuals of Threatened taxa, other than kānuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i>), under the New Zealand Threat Classification System (Townsend et al, 2008), or</p> <p>(b) reasonably measurable loss within the ecological district to an At Risk-Declining taxon, other than manuka (<i>Leptospermum scoparium</i>), under the</p>	<p>Oppose in part</p>	<p>QAC considers that as drafted APP3 and APP4 contain a set of criteria as to when both offsetting and compensation is not an available method. These criteria are written as a hard limit. If they are not met the option of offsetting and/or compensation is no longer available to be used as part of any effects management response. In these circumstances the method directs the decision maker back to the first</p>	<p>Delete clause 1 that sets unreasonable limits on when biodiversity offsetting is available as a management response.</p> <p>Amend the biodiversity offsetting requirements and outcomes so as to achieve consistency with recommended best practice for biodiversity offsetting.</p>

<p>New Zealand Threat Classification System (Townsend et al, 2008).</p> <p>....</p>		<p>management tier – which is to <u>avoid</u>.</p> <p>This is inconsistent with any national direction and inconsistent with section 104(1)(ab) of the RMA which requires a decision maker to have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.</p>	
<p>APP4 – Criteria for Biodiversity Compensation</p> <p>(1) Biodiversity compensation is not available if the activity will result in:</p> <p>(a) the loss of an indigenous taxon (excluding freshwater fauna and flora) or of any ecosystem type from an ecological district or coastal marine biogeographic region,</p> <p>(b) removal or loss of viability of habitat of a Threatened or At Risk indigenous species of fauna or flora under the New Zealand Threat Classification System (Townsend et al, 2008),</p>	<p>Oppose in part</p>	<p>As above in APP3.</p>	<p>Delete clause 1 that sets unreasonable limits on when biodiversity offsetting is available as a management response.</p> <p>Amend the biodiversity compensation requirements and outcomes so as to achieve consistency with recommended best practice for biodiversity compensation.</p>

<p>(c) removal or loss of viability of a naturally rare or uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna, or</p> <p>(d) worsening of the New Zealand Threat Classification System (Townsend et al, 2008) conservation status of any Threatened or At Risk indigenous fauna</p>			
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