

IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY.

I TE KŌTI MATUA O AOTEAROA

ŌTEPOTI ROHE
NO. CIV-2021-412-000089

UNDER THE Declaratory Judgements Act 1908 (the Act)

BETWEEN OTAGO REGIONAL COUNCIL

 Plaintiff

AND ROYAL FOREST AND BIRD PROTECTION SOCIETY
 OF NEW ZEALAND INCORPORATED

 Defendant

AND QUEENSTOWN LAKES DISTRICT COUNCIL

 Third Party

AFFIDAVIT OF ALYSON ANNE HUTTON FOR QUEENSTOWN LAKES
DISTRICT COUNCIL

SWORN 3 11/21

 **Simpson Grierson**
Barristers & Solicitors

Sarah Scott
Telephone: +64 3 968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
Christchurch

I, **ALYSON ANNE HUTTON**, Manager, of Queenstown **swear**

1. I am employed by the Queenstown Lakes District Council (**QLDC**), a third party in this proceeding, in the role of Manager, Planning Policy. I am authorised to make this affidavit on its behalf.
2. I have worked as a planner since 2000. I have the following qualifications:
 - (a) Bachelor of Resource Studies (Lincoln University 2000);
 - (b) Post Graduate Diploma in Business and Administration (Massey University 2009);
 - (c) Full Member of the New Zealand Planning Institute (2008); and
 - (d) Commissioner qualification under the Ministry for the Environments Making Good Decisions Programme (2017).
3. I commenced at QLDC as Manager – Policy Planning in late June 2021. Prior to that I worked as a self-employed planning consultant, as well as sub-contracting to Brown & Company Planning Group. From 2006 until 2013, I worked for QLDC as a Senior Policy Analyst.
4. One of my current core responsibilities in my role at QLDC is overseeing the current District Plan Review process, as well as managing the many Environment Court appeals made against the Queenstown Lakes Proposed District Plan (**PDP**). One of the key questions that is very relevant to our work, including the mediation of, and in some instances hearing in the Environment Court, of these appeals is whether the PDP gives effect to the operative Regional Policy Statement. The direction provided by the Proposed Otago Regional Policy Statement (**PORPS**) is of significant importance to QLDC and the subsequent content of its district plan.
5. Prior to working at QLDC, I worked at Civic Corporation Limited (2002-2006), during which period Civic Corporation Limited undertook all planning policy and resource consenting work on behalf of QLDC. Prior



to that, I worked at Beca Carter Hollings & Ferner (2001-2002) and the Bay of Plenty Regional Council (2000-2001).

6. The submission period for the PORPS had already commenced when I started my role as Manager – Policy Planning. Given the extent of the resource management issues covered by the PORPS and the topics traversed, the document was split between team members in order to create the substantial submission on behalf of QLDC. I assisted members of the team in collating comments and submission points to meet the submissions deadline.
7. I have read the High Court Code of Conduct for Expert Witnesses. My evidence complies with the Code in all respects and the opinions herein are within my area of expertise.
8. I have read the affidavits of:
 - (a) Anita Jane Dawe (for the Plaintiff);
 - (b) Claire Elizabeth Hunter and Alison Claire Paul (for Oceana Gold New Zealand Limited – third party);
 - (c) Andrew Parrish (for Canterbury Regional Council – third party);
 - (d) Victoria Jane van der Spek (for Waitaki District Council – third party); and
 - (e) Dr Anna Louise Johnson (for Dunedin City Council – third party).
9. In this affidavit I:
 - (a) explain the relevant provisions of the Resource Management Act 1991 (**RMA**) including the purpose of a Regional Policy Statement (**RPS**), the Freshwater Planning Process (**FPP**) and the standard process for progressing a plan change (the "**Schedule 1**" process);

NAK AM

- (b) explain the definition of "freshwater planning instrument" (FPI);
- (c) discuss QLDC's submission on the PORPS;
- (d) discuss the impact of progressing the PORPS through the FPP rather than the standard Schedule 1 process;
- (e) identify those aspects of the PORPS which relate to freshwater and those which do not; and
- (f) conclude that Section 30(A)(3) provides an appropriate pathway for aspects of the PORPS that do not relate to freshwater.

Regional Policy Statements and Plan Development under the RMA

10. Section 30 of the RMA details the functions of a regional council. These are wide ranging, and include the following:

30 Functions of regional councils under this Act

Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:

- (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:*
- (b) *the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:*
- (ba) *the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region:*
- (c) *the control of the use of land for the purpose of...*

- (e) *the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including—*
 - (i) *the setting of any maximum or minimum levels or flows of water:*
 - (ii) *the control of the range, or rate of change, of levels or flows of water:*
 - (iii) *the control of the taking or use of geothermal energy:*
- (f) *the control of discharges of contaminants into or onto land, air, or water and discharges of water into water:*
- (fa) *if appropriate, the establishment of rules in a regional plan to allocate any of the following:*
 - (i) *the taking or use of water (other than open coastal water):*
 - (ii) *the taking or use of heat or energy from water (other than open coastal water):*
 - (iii) *the taking or use of heat or energy from the material surrounding geothermal water:*
 - (iv) *the capacity of air or water to assimilate a discharge of a contaminant:*

11. Section 30 makes clear that the ambit of Otago Regional Council (**ORC**) is broad and covers all facets of resource management to achieve integrated management of the natural and physical resources of the region. District plans then implement (as required) any of these specific directions and must give effect to an operative RPS. The specific function in subclause (a) is the establishment, implementation, and review of objectives, policies, and methods, with the end goal to be achieved, being "integrated management". The function itself is not integrated management. I understand that the following functions are listed separately and are each specific in terms of their description.

AKL

12. Under the RMA, all regional councils must prepare a Regional Policy Statement. Section 59 of the RMA states the purpose of an RPS to be:

The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.

13. Section 61 then details all the matters that a regional council must prepare and change its RPS in accordance with. This includes its functions under section 30 (discussed above), the provisions of Part 2, section 32 obligations and any national policy statements, standards, and regulations. It also sets out the documents that the regional council must have regard to, and "deal with". Under section 62, RPSs must identify significant resource management issues in the region and set out objectives for addressing these. The RPS must then provide specific policies for each objective, and methods for implementation of the policies. They also then identify the environmental results anticipated.
14. Section 62(3) requires that a regional policy statement must not be inconsistent with any water conservation order and must give effect to national policy statements, the New Zealand Coastal Policy Statement, and to national planning standards.

Statutory process to create or change plans

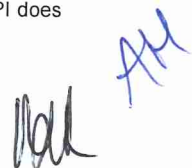
15. Schedule 1 of the RMA provides the statutory process to amend a plan or a part of a plan. A council prepares a plan change or a new proposed plan along with a "Section 32 evaluation report" (addressing, amongst other things, costs and benefits of the proposed changes). These are publicly notified, and submissions, then further submissions are made. In the case of the QLDC PDP, a Council officer or planner engaged by the Council then provides a "Section 42A report" to commissioners who issue a recommendation on submissions to the Council. The Council then ratifies the recommendation as a Council decision which is then publicly notified. Appeals can be made to the Environment Court by any submitter who disagrees with the decision of the Council.

AM
AM

16. By contrast, the Fresh Water Planning Process (**FPP**) (section 80A), provides a streamlined planning process for all Freshwater Planning Instruments (**FPIs**) prepared by a regional council.
17. Under section 80A(4) of the RMA, the FPI must be publicly notified for submissions. No later than 6 months after the FPI has been notified the regional council must submit the following to the Chief Freshwater Commissioner:
- (a) the FPI that was publicly notified;
 - (b) any variation made to the FPI under clause 16A of Schedule 1;
 - (c) the regional council's evaluation report prepared under section 32;
 - (d) the submissions on the FPI received by the closing date for submissions;
 - (e) the regional council's summary of the decisions requested by submitters;
 - (f) any further submissions on the FPI received by the closing date for further submissions;
 - (g) any submissions received after the closing date for submissions or further submissions;
 - (h) any information about when the submissions described in paragraph (g) were received;
 - (i) the planning documents that are recognised by an iwi authority and lodged with the regional council;
 - (j) any documentation relevant to any obligations arising under any relevant iwi participation legislation, joint management agreement, or Mana Whakahono a Rohe; and

- (k) any other relevant information.
- 18.** A hearings panel is convened by the Chief Freshwater Commissioner. The Chief Freshwater Commissioner is supported by Freshwater Commissioners to establish FPP processes and procedures, and appoint any panels that are required.
- 19.** Each Freshwater Hearings Panel must comprise five members consisting of two Freshwater Commissioners, two persons who are nominated by the relevant regional council (and may or may not be elected regional council members); and one person with an understanding of tikanga Māori and mātauranga Māori who is nominated by local tangata whenua.¹ If no nomination is made, a person with an understanding of tikanga Māori and mātauranga will be appointed by the Chief Freshwater Commissioner.
- 20.** When convening a freshwater hearings panel, the Chief Freshwater Commissioner must consider the need for the panel to collectively have knowledge of and expertise in relation to—
- (a) judicial processes and cross-examination;
 - (b) freshwater quality, quantity, and ecology;
 - (c) the RMA;
 - (d) tikanga Māori and mātauranga Māori;
 - (e) Te Mana o te Wai;
 - (f) water use in the local community; and
 - (g) subject areas likely to be relevant to the work of the panel.
- 21.** The Freshwater Hearings Panel then conducts the public hearings of submissions received. The Panel then makes recommendations to the

¹ Where the Chief Freshwater Commissioner considers that the scale and complexity of the FPI does not warrant the appointment of members, a minimum of three members may be appointed.



regional council on the FPI. The regional council may accept or reject the recommendation, however if a recommendation is rejected then the council must decide on an alternative solution. The regional council has 40 working days to complete this part of the process.

- 22.** Appeal rights for a FPP are limited, and for submitters can only be undertaken on the merits of a decision (as opposed to a point of law) if the submitter addressed the particular provision or matter at issue in their submission. Whether an appeal can be made to the Environment Court depends on whether the regional council accepts or rejects a recommendation of the Freshwater Hearings Panel, and whether the recommendation is within scope of submissions or not.
- 23.** In respect of recommendations accepted by the regional council it is only possible to appeal the High Courts on points of law.
- 24.** Effectively, the above process means that appeal rights are significantly more restricted under the FPP when compared with the Schedule 1 process. This may be appropriate in relation to freshwater issues, because these are the focus of the Panel, and the Freshwater Commissioners' are highly likely to have the necessary experience and expertise, given the requirements set out in paragraph 20 above.
- 25.** The PORPS, however, addresses a broad range of matters, including air, coastal environment, land and freshwater, ecosystems and indigenous biodiversity, energy, infrastructure and transport, hazards and risks, historical and cultural values, natural features and landscapes, and urban form and development. In my opinion, many of these are unrelated to freshwater and require examination through a hearings process by a panel who is tasked with reviewing the proposed changes through a broader resource management lens, rather than with a focus on freshwater management issues. It is also important that full appeal rights are available (not only on points of law) regarding such issues as urban growth or the protection of outstanding natural landscapes or features, which are important to a district such as Queenstown Lakes. These are inherently complex issues, and in my experience the Court-assisted mediation process has been invaluable in resolving issues that have eventuated in the PDP.



Freshwater Planning Instrument

26. The RMA defines a "Freshwater Planning Instrument" in section 80A(2) as:
- (a) a proposed regional plan or policy statement (or change) that gives effect to any national policy statement for freshwater management;
 - (b) a proposed regional plan or policy statement (or change) that relates to freshwater (other than for the purpose of giving effect to a national policy statement for freshwater management); or
 - (c) a change or variation to a proposed regional plan or policy statement if the change or variation is for the purpose of giving effect to a national policy statement for freshwater management; or otherwise relates to freshwater.
27. The last limb of this definition, set out in section 80A(2)(c), is irrelevant to the declarations that are subject to these proceedings.
28. The RMA defines "freshwater" as meaning "all water except coastal water and geothermal water".
29. The RMA also defines "water" in the following way:
- Water–*
- (a) Means water in all its physical forms whether flowing or not and whether over or under the ground*
 - (b) Includes fresh water, coastal water, and geothermal water*
 - (c) Does not include water in any form while in any pipe, tank, or cistern.*
30. Clearly the RMA distinguishes freshwater from coastal water and geothermal water. The former is particularly relevant to the PORPS and whether it "relates to freshwater", but is of no relevance to QLDC, given

Handwritten signature

the district is landlocked. The definition of water also confines water (and therefore freshwater) to its natural state by excluding water in any form while in pipes, tanks or cistern. This means that freshwater cannot capture water when located within QLDC's three waters infrastructure.

31. As discussed above, the freshwater planning process set out in section 80A and Part 4 of Schedule 1 of the RMA were introduced to address the need to improve freshwater management and outcomes expeditiously, by providing a more streamlined decision-making pathway and to assist regional councils to give effect to the National Policy Statement for Fresh Water Management 2020 (**NPS-FM**). Therefore, in my view it is inappropriate for the entire PORPS to be assessed as a "freshwater" planning instrument as water is only one element of the natural world that the PORPS deals with (such as Air, Land, Coastal).

Where part of the FPI relates to freshwater and part does not

32. Under section 80A(3)(b), if a council is satisfied that only part of the instrument relates to freshwater, the council **must**:
- (a) prepare that part in accordance with section 80A and Part 4 of Schedule 1 (the FPP); and
 - (b) prepare the parts that do not relate to freshwater in accordance with Part 1 of Schedule 1.²
33. Section 80A(3) provides two distinct pathways where a RPS or plan contains both provisions which relate to freshwater and those which do not. Where the changes relate to freshwater, those parts of the RPS will go through the FPP pathway in section 80A and be heard by a freshwater hearings panel. Those parts of the RPS which do not relate to freshwater **must** be processed in accordance with the standard Schedule 1 process. There is no default to a section 80(A) process (i.e. the streamlined FPP) just because a plan or plan change may *mostly* deal with freshwater.
34. It is concerning that ORC have not specified *why* they consider that the whole of the PORPS is a freshwater planning instrument, other than to

² Or the streamlined planning process set out in section 80B of applicable.

refer to an integrated planning approach. ORC also do not outline what consideration they have given to section 80A (for example whether the provisions "otherwise relate to freshwater"). This is a requirement of Clause 5(2A) of the Schedule 1, and requires a council to state which parts will undergo the freshwater planning process, and the reasons why. There has been no analysis (section by section or indeed in any further detail when there are some sections that might just relate to freshwater in part) as to the specific content of the PORPS, and if each section is related to freshwater. As discussed in this affidavit the PORPS covers many aspects of land use and not all are integrated with freshwater.

35. ORC consider that the RPS is a freshwater planning instrument in its entirety – the reason being is the integrated approach of natural and physical resources, ki uta ki tai and the interconnectedness of the provisions.³ Though I acknowledge that in resource management integration is important, I believe that if this was to be considered overall, then the RMA would not provide for section 80(A)(3) as an option at all, as it would be superfluous. That section 80(A)(3) is included, in my opinion, demonstrates that the intention was not for a document such as the PORPS to be considered a "freshwater instrument" in its entirety.

36. This view is supported by the report of the Environment Select Committee on section 80A, which recommended the inclusion of section 80A(3) on the following basis:

We recognise that what constitutes a "freshwater planning instrument" may not be clear-cut, and that some planning instruments may have some provisions that relate to freshwater, and other provisions that do not.

*New section 80A(4)(a) would require a regional council to notify the public of the new freshwater planning instrument. **Some of us think that, at that stage, the council should provide a statement about whether the whole instrument will undergo the freshwater planning process (under Part 4 of Schedule 1), or if only part of it will.** The part that does not would undergo the standard planning process (under Part 1 of Schedule 1). Some of*

³ Affidavit of Anita Dawe, Exhibit 1, page 395 at paragraph [26].

NGK AM

us believe this approach would provide greater transparency and reduce confusion.

37. Further guidance as to what is a FPI and when it is appropriate to "split" the progression of a RPS can be gleaned from the MFE technical guidance which provides that:

*... when preparing or changing regional policy statements and regional plans, councils will need to consider whether all or part of the proposed provisions must use the FPP. **Proposed provisions that do not relate to freshwater cannot be considered using the FPP** (our emphasis).*

This exercise will be straightforward if the proposed provisions are included in a specific regional freshwater plan, or a plan change that only gives effect to the NPS-FM 2020. In these situations, provisions will go through the FPP.

*However, it will be more complicated where proposed provisions are not limited to freshwater and NPS-FM 2020 matters. For example, when changes are proposed across a number of domains (such as freshwater, coast, air, urban etc) during the review of a regional policy statement, or development or review of a combined planning document (such as a combined regional policy statement and regional plan, or unitary plan). **In these situations, a regional council will need to identify which provisions will go through FPP and which provisions will go through the standard Schedule 1 process. Councils are required to provide reasons for which parts will undergo the FPP and which parts will not in the public notice, and reasons could be discussed in the relevant section 32 report.***

38. In my view, ORC have failed to provide adequate reasons, either in the public notice or section 32 report, as to why it considers the entire PORPS is a FPI.

QLDC's Submission on the PORPS

39. Attached as **Exhibit 1** is a copy of the submission made by QLDC on the PORPS.



40. In summary, QLDC supports the development of the PORPS but, with a focus on matters which are relevant to the Queenstown Lakes District:

- (a) Seeks amendments to the Significant Resource Management Issues (SRMR) identified;
- (b) Seeks some amendments to the Air (AIR) provisions;
- (c) Seeks some amendments to the provisions on Ecosystems and Indigenous Biodiversity (ECO);
- (d) Supports the provisions which relate to Land and Freshwater (LF-WAI) with a few amendments;
- (e) Supports some sections of the Energy and Infrastructure (EIT-EN) provisions, opposes other and seeks amendments;
- (f) Seeks amendments to the Transport (EIT) provisions;
- (g) Seeks amendments to the Hazards and Risks (HAZ) provisions;
- (h) Supports all provisions on Historical and Cultural Values (HCV);
- (i) Predominantly supports the Natural Feature and Landscapes (NFL) section; and
- (j) Conditionally supports the Urban Form and Development (UFD) section.

41. The PORPS contains many resource management matters that are important to the Queenstown Lakes District. For example, landscape is a key consideration to the District as the tourism economy relies on picturesque scenes of the mountain ranges and high-country farms. Approximately 97% of the District is an Outstanding Natural Landscape or Outstanding Natural Feature, and QLDC has spent considerable resources to ensure any proposed development is appropriate within its surroundings. The PORPS contains the NFL – Natural features and



landscapes topic, which contains policy direction on landscape. As such, the QLDC PDP must give effect to them.

42. Natural Hazards (HAZ – Hazards and Risks) of the PORPS provides a framework for natural hazards, this has the same meaning as in section 2 of the RMA and is defined as:

means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment
(emphasis added)

43. As is noted by the definition, not all hazards relate to water or have relationships with water. The QLDC submission makes a number of points in relation to hazards as the responsibility between district and territorial authorities can be uncertain. Given the dynamic nature of the landscapes in the region, and the requirement for appropriate risk reduction to take place it is important that greater clarity is provided within the PORPS, as provided for in the QLDC submission.
44. Urban Growth (Part 3 – Topic UFD – Urban form and development) of the PORPS provides a framework for urban areas and growth issues. QLDC is a Tier 2 Council under the National Policy Statement on Urban Development 2020, and accordingly has a number of obligations under the RMA to provide sufficient development capacity for urban development. QLDC submissions seek amendments concerning affordable housing (inclusions of a definition) and various policies changes to ensure integration with urban form and transport (for example). None of the submissions on Topic UFD – Urban form and development of the PORPS relate to water or freshwater in any manner.
45. Landscape, Natural Hazards and Urban Growth are all significant issues for QLDC and require specific and considered assessment as part of the plan making process. The Schedule 1 process allows the Council and the Queenstown Lakes community the opportunity to submit and test the provisions through a Council hearing process with appointed



commissioners who are experienced in these varied resource management issues and who have a broader focus than freshwater. Should there be disagreement in the decisions made there is an opportunity to appeal to the Environment Court. Given that a district plan must give effect to a RPS, it is important that the Queenstown Lakes community is afforded that opportunity through the Schedule 1 process.

The effect of treating the PORPS as a "Freshwater planning instrument" for QLDC

46. If the entire PORPS was to be processed via the FPP method, the opportunity for proper scrutiny of provisions not relating to freshwater will be lost. The Commissioners appointed to the Freshwater Panel are chosen for their skills and experience in freshwater issues (which I support) but may not have the same level of knowledge or give the same scrutiny to the other parts of the PORPS. With the limited appeal rights on the merits of provisions afforded by the FPP there is a risk that provisions that are impractical or inappropriate to implement at a district level are created through this process.
47. An example of this could be the complexities involved in the development of the policy approach that applies to ONLs. Section 6(c) requires that ONLs are protected from inappropriate development. At the same time there are certain types of development that, for reasons such as functional or operational need, may need to be located within an ONL given the geographical make-up of a particular district (for example, Transpower's National Grid). Finding a balance as to what is appropriate, is a complex task. Given the importance of an outstanding natural landscape a simplistic answer to protecting from inappropriate development might be make all development within the ONL extremely hard to consent.
48. Should the Council then give effect to this, then 90% of the District would be affected, potentially preventing opportunities for appropriate activities such as cycle tracks, public toilets, huts etc, or indeed potentially the National Grid in appropriate locations. Farm buildings on farms would also be prevented by such a rule. Given that 90% of the QLDC district is considered an ONL, it is appropriate that QLDC should have the ability



to rigorously test those provisions which relate to ONLs with the full appeal rights provided by the Schedule 1 process, rather than the restricted FPP.

Opinion on which aspects of the RPS relate to freshwater (within the scope of QLDC's submission)

49. As discussed above there are a number of chapters of the PORPS that are unrelated to freshwater but are important to the Queenstown Lakes District.
50. In determining which parts of the RPS could be subject to the FPP I have considered the definition contained in section 80A(2) of the RMA as well as the background to section 80A(3) (which provides for parts of a policy statement or plan to be processed under separate processes).
51. For a RPS (or part of a RPS) to be considered a Freshwater Planning Instrument, it must be "for the purpose of giving effect to any national policy statement for freshwater management" or "relates to freshwater (other than for the purpose of giving effect to the NPS-FM)". There is no case law as yet to guide what these provisions mean and "relates to freshwater" is a very broad statement. However, given the clear intention that there are two pathways for progressing provisions of the RPS it would seem that the provision must relate to freshwater in a more than tangential way.
52. ORC have not provided detail as to why they consider that the PORPS is a "freshwater planning instrument" in its entirety other than reference to the RMA's integrated approach to the management of natural and physical resources, ki uta ki tai and the interconnectedness of the provisions.⁴ This is not supported by any analysis in the section 32 report prepared in May 2021. The vague reasoning given also does not appear to be supported by the language in section 80A in determining what is and what is not a FPI.
53. There are a number of parts of the PORPS that QLDC have submitted on that I do not consider are either (a) for the purpose of giving effect to

⁴ Affidavit of Anita Dawe, Exhibit 1, page 395 at paragraph [26].

[Handwritten mark]

[Handwritten signature]

the NPS-FM, or (b) relate to freshwater (other than for the purpose of giving effect to the NPS-FM). The chapters or topics that I consider should progress through a Schedule 1 process (and that QLDC have submitted on) as specifically provided for in section 80A(3) of the RMA are:

- (a) Significant Resource Management Issues, with the exception of SRMR-15 and SRMR-17, and potentially SRMR-12 in relation to climate change;
- (b) Air; and
- (c) Urban form and development.

54. There are other chapters/sections of the PORPS that QLDC have submitted on, that have parts that are arguably captured by section 80A(2)(a) or (b), and significant other parts of the chapter / section that are not. These include:

- (a) Integrated Management (for example IM-P2 and IM-P7 do not relate to freshwater);
- (b) Ecosystems and indigenous biodiversity;
- (c) Energy, infrastructure and transport, with the only parts of the topic that fall within section 80A(2) being those which relate to structures on or near freshwater, or water based transport;
- (d) Hazards and risks, with the only parts of the topic that fall within section 80A(2) being those hazards relating to flooding or other hazards arising from water;
- (e) Historical and cultural values, with the only parts of the topic that fall within section 80A(2) being where wāhi tūpuna is a freshwater body (ie a lake); and
- (f) Natural features and landscapes, with the only parts of the topic that fall within section 80A(2) are potentially an outstanding natural feature that is a river.

55. ORC has not considered any of the parts of these chapters, and whether they fall into section 80A(2)(a) or (b).
56. In terms of giving more context around the sections of the PORPS that clearly relate to a certain topic (i.e. infrastructure, transport) but have some limited provisions that may 'relate to freshwater' but not for the purposes of giving effect to the NPS-FM, I give some explanation for context to my assessment.
57. **Natural hazards:** Significant Resource Management Issue I1 is: Natural hazards pose a risk to many Otago communities. The Statement for this SRMI refers to both earthquakes (not related to freshwater) and also to flooding (which I acknowledge is a hazard related to freshwater). The Context then refers to a wide range of natural hazard threats, with those 'related to freshwater' being limited to flooding and riverbank breaches. The hazards provisions are however generally geared towards hazard management, rather than improvement of freshwater management / outcomes, as intended to progress through the FPP. For this reason, I consider all of the hazards, whilst relating to a limited number of hazards that 'relate to freshwater', should be subject to the Schedule 1 process.
58. **Infrastructure:** The topic clearly does not 'relate to freshwater', but some of the provisions address the location of infrastructure on or near water. In my view, this link through to a relationship to freshwater is tenuous and what the provision itself relates to, and is regulating, is infrastructure.
59. **Transport:** again transport as a subject matter clearly does not relate to freshwater. There are however some provisions that relate to water based transport. In my view, these provisions primarily relate to the manner of transport, rather than the regulation of freshwater per se, so should be subject to the Schedule 1 process along with the rest of the transport provisions.
60. If the Court was to decide that some specific provisions within a certain chapter or section of the PORPS 'relate to freshwater', I do not consider

that then means the entire chapter or section, where it does not relate to freshwater, should be subject to the FPP.

Affirmed at Queenstown)
By **Alyson Anne Hutton**)
this 3 December 2021)
before me:)


.....


.....

A Solicitor of the High Court of New Zealand

Philippa Roberts
Solicitor
Queenstown

EXHIBIT 1

QLDC SUBMISSION ON THE PORPS

Handwritten signature in black ink, appearing to be 'AM' with a flourish below it.



3 September 2021

Via Email: ros@orc.govt.nz

This is the exhibit marked "1" referred to in the annexed affidavit of *Alyson Anne Hutton* sworn at *Queenstown* before me this *3rd* day of *December* 2021

A Solicitor of the High Court of New Zealand
Philippa Roberts

**Solicitor
Queenstown**

Dear Sir / Madam,

SUBMISSION ON THE PROPOSED OTAGO REGIONAL POLICY STATEMENT

Thank you for providing the Queenstown Lakes District Council (QLDC) with the opportunity to submit on the abovementioned document.

Queenstown-Lakes District Council broadly supports the intent of the ORC with regard to the development of the Regional Policy Statement (RPS). This submission outlines key details and recommendations under each section. In summary, QLDC supports some provisions of the proposed RPS, and seeks amendments to other provisions in the below sections:

- QLDC seeks amendments to the Significant Resource Management Issues
- QLDC generally supports the policy statement with a few amendments sought for Air
- The section on Ecosystems and Indigenous Biodiversity has some amendments sought
- Land and Freshwater is for the most part supported by QLDC with a few amendments
- In Energy and Infrastructure, there are sections supported and opposed by QLDC and some amendments sought
- QLDC seeks amendments are made to the Transport Provisions
- Hazards and Risks provisions have several amendments sought
- QLDC supports all provisions on Historical and Cultural Values
- Natural Feature and Landscapes section is predominantly supported by QLDC and,
- Urban Form and Development section has conditional support

QLDC would welcome the opportunity to be heard on its submission. It should be noted that this submission represents the view of officers and has not yet been ratified by full council.

Yours faithfully,

**Jim Boulton
Mayor**

**Mike Theelen
Chief Executive**

1.0 Background

- 1.1 The Queenstown Lakes District Council is a high growth area and a high-profile tourist destination. The district includes both rural and urban areas, large and small population centres and townships that are geographically remote.
- 1.2 A significant percentage of the district is either an outstanding natural landscape or national park. Not only do such landscapes need to be protected but improved environmental health must be ensured.
- 1.3 In June 2019, the Council declared a climate and ecological emergency and has since established a Climate Action Plan, focusing on emissions reduction mitigation activities as well as adaptation considerations. Residents of the district have significant climate change aspirations, in terms of both mitigation and adaptation activity.

2.0 Introduction

- 2.1 Queenstown-Lakes District Council supports the development of a Regional Policy Statement and its overall intent to provide effective long-term limits on environmental impact in response to climate change and new direction to manage the effects of significant urban growth pressures.
- 2.2 Queenstown-Lakes District Council is generally supportive of the various sections and limits within the proposed Regional Policy statement, however, provide advice on amendments and refinement relevant to this district.

3.0 Specific Provision Responses to Proposed ORC Regional Policy Statement

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<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> <i>Additions indicated as <u>underlines</u> and deletions indicated as strikethroughs</i>
SRMR – Significant Resource Management Issues			
SRMR-I1	Amend	The first paragraph of the context section (page 65) includes a range of hazards but does not include reference to fire/wildfire. This is a hazard that has been identified in recently published reports as a hazard that is likely to become more prevalent in the coming years as a result of the effect of climate change.	That fire hazard be referenced in the first paragraph of the context of SRMR-I1
SRMR-I1	Amend	The fifth paragraph of the context section (page 65) suggests that natural hazards 'may be exacerbated by climate change'. There is a	That a more definitive statement is provided within the fifth paragraph of SRMR-I1 with respect to the impact of climate change on

		<p>significant body of technical evidence available which outlines that, in many cases, natural hazards will be exacerbated by effects of climate change. For Otago this is outlined within the Otago Climate Change Risk Assessment¹, and for Queenstown, this is outlined within the Bodeker Scientific report². It is considered that a more decisive statement about the impacts of climate change on natural hazards is included in this paragraph.</p>	<p>natural hazards within Otago. Attention should also be drawn to the body of evidence that has been produced, and will continue to be developed, with regard to the impacts of climate change on natural hazards.</p>
SRMR-I1	Amend	<p>The 'social' impact snapshot paragraph (page 66) should reference the transient nature of the Queenstown Lakes District population associated with its tourism based economy and the impacts that natural hazard events may have in them in comparison to more permanent members of the community, such as not having the same resources or connections within the community to be resilient to the impacts of natural hazard events.</p>	<p>That the 'social' impact snapshot paragraph (page 66) include reference the transient nature of the Queenstown Lakes District population and their unique set of social characteristics and associated impacts.</p>
SRMR-I2	Amend	<p>The 'environment' impact snapshot (page 67/68) should reference the impact that climate change is likely to have on the visual appearance and recreational enjoyment on Otago's environment. In particular, the Queenstown Lakes District is world renowned for its high value landscape and environmental characteristics. These are unique environments that are likely to be impacted by any increase to the severity or intensity of hazard events.</p>	<p>That the 'environmental' impact snapshot paragraph (page 66/68) include reference to the effects of climate change on the visual appearance and recreational enjoyment of Otago's highly valued landscapes.</p>
SRMR-I2	Amend	<p>The 'economy' impact snapshot (page 68/69) should provide greater context in regard to the impact that climate change will have on the significant contribution that the tourism sector, particularly in the Queenstown Lakes District' has on Otago's economy. This impact is not likely to be limited to impacts on the ski industry.</p>	<p>That the 'economic' impact snapshot paragraph (page 68/69) include reference to the effects of climate change on Otago's significant tourism industry.</p>
SRMR-I2	Amend	<p>The 'economy' impact snapshot (page 69) places emphasis on the impacts of flooding on the built environment from climate change. While this tends to be the most well-known type of hazard, it may be that greater damage to the built environment may be experienced from other types of climate change driven</p>	<p>That the 'economic' impact snapshot paragraph (page 68/69) include reference to impacts to built environment from the range of natural hazards that are likely to be exacerbated by the effects of climate change, such as fire, wind, and mass movement (ie debris flow and landsliding).</p>

		hazards, such as fire, wind, and mass movement (ie debris flow and landsliding).	
SRMR-14	Amend	<p>The 'economic' impact snapshot (page 73) suggests that Otago has provided more affordable housing for people than the NZ average in recent years. This is not the case for the community within the Queenstown Lakes District and this should be identified more clearly within this impact statement.</p> <p>This impact statement should also draw attention to the unique pressure that the tourism industry places on housing supply in the Queenstown Lakes District, in particular, the use of housing for visitor accommodation purposes.</p>	That the 'economic' impact snapshot paragraph (page 73) be amended so that it more accurately describes the long established and growing housing affordability challenges that are present in the Queenstown Lakes District, such as constrained supply and diversity of housing, and the use of housing for non-residential activities within the Queenstown Lakes District such as short term visitor accommodation.
SRMR-14	Amend	The 'social' impact snapshot (page 73/74) suggests that Otago has traditionally been relatively affordable. This is not the case for the community within the Queenstown Lakes District and this should be identified more clearly within this impact statement. It is important that this regional planning document does not ignore outliers within the wider region in regard to housing affordability.	That the 'economic' impact snapshot paragraph (page 73/74) be amended so that it more accurately describes the long established and growing housing affordability challenges that are present in the Queenstown Lakes District and the adverse effects this has had on its community.
SRMR-14	Amend	The environmental impact snapshot (page 73/74) does not mention the impact of the form of urban growth on carbon emissions and Climate Change. Where and how urban areas grow impacts the carbon footprint of those communities. It's important that the imperative to increase the supply of residential dwellings does not impede the region's ability to meet emission reduction targets. Therefore, it is important that urban growth occurs in areas that can be adequately serviced by the electricity network, public transport, and active travel networks. It's also important that the location and form of urban growth reduces the lifecycle carbon footprint of the materials and infrastructure required to build, develop and service it.	That the 'environmental impact snapshot paragraph (page 73/74) be amended to refer to the impact poorly managed urban growth can have on carbon emissions and climate change. The paragraph should refer to the impact of location and urban form and the need for urban areas to reduce lifecycle carbon footprint in line with emissions reduction targets.
SRMR-15	Amend	The context statement should acknowledge that different uses of water have different effects on the environment (including people and communities) and that s30 RMA enables the Council to allocate water amongst competing uses based on those effects (s30(fa)(1) and s30(4)(e))	That the second paragraph of the context statement be amended as follows: Population growth and land-use intensification in urban and rural environments can create increased demand for freshwater for human consumption, irrigation and other economic uses. <u>Some of</u>

			<p><u>these uses are more efficient and have greater beneficial effects on the environment and communities than others.</u> Freshwater resources in some places are reaching, or are beyond, their sustainable abstraction limits. <u>The RMA enables the allocation of water amongst competing activities.</u> However, there continues to be debate in the community about how historical freshwater allocations can be adjusted to achieve a balance of economic, environmental, social and cultural needs.</p>
SRMR-17	Amend	<p>The Environmental snapshot (page 79) mentions the impact of climate change on biodiversity decline but does not mention the positive contribution that biodiversity makes to climate change mitigation and adaptation. Conserved or restored habitats can remove carbon dioxide from the atmosphere, helping to address climate change by storing carbon. In addition, conserving ecosystems such as wetlands and estuaries can help reduce the impacts of climate change by reducing flooding and storm surges</p>	<p>Amend the Environmental snapshot on page 79 to acknowledge the contribution that biodiversity, including restored habitats, makes to climate change adaptation and mitigation.</p>
SRMR-110	Amend	<p>The 'context' paragraph (page 83) for this issue suggests that tourism 'partially relies on the natural values of the region'. It is considered that this statement underestimates the significant reliance that tourism has on the natural values of the region, and in particular, those present within the Queenstown Lakes District.</p>	<p>That the 'context' paragraph (page 83) for this issue more accurately presents that significant reliance that tourism has on has on the natural values of the region, and in particular, those present within the Queenstown Lakes District.</p>
SRMR-110	Amend	<p>The 'economic' impact snapshot (page 84) does not draw sufficient attention to the impact that adverse effects on the visual and amenity related characteristics of high valued landscapes can have on the economy of the Otago region, and in particular the Queenstown Lakes District. This should be acknowledged as an important resource management issue given the significant reliance of tourism on these highly valued landscapes (ie 18.1% of GDP) as noted in SRMR-110. It is important that this regional planning document does not ignore outliers within the wider region in regard to the landscape resource.</p>	<p>That the 'economic' impact snapshot (page 84) for this issue more accurately draws attention to the impact that adverse effects on the characteristics of highly valued landscapes can have on the economy of the Otago region, and in particular the Queenstown Lakes District.</p>
IM-P2	Amend	<p>Policy IM-P2 states the following:</p> <p>IM-P2 – Decision priorities</p>	<p>That the 'decision priority' framework in IM-P2 be limited to decision made on</p>

		<p>Unless expressly stated otherwise, all decision making under this RPS shall:</p> <p>(1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment,</p> <p>(2) secondly, promote the health needs of people, and</p> <p>(3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p> <p>The RPS s32 evaluation states that this approach is based on the NPSFM 2020. While this approach may be relevant to the management of matters specified within the NPSFM 2020, its wider application is not an established principle under the RMA and, as such, should be reconsidered.</p>	<p>freshwater/those matters managed under the NPSFM 2020.</p>
IM-P7, IM-P8, IM-P10	Amend	<p>This section of the RPS sets out a useful framework for undertaking a more proactive and collaborate approach to managing the significant resource management issues that have been identified within Otago. However, it is not considered that the set of objectives and policies goes far enough in setting out what critical cross boundary resource management issues need to be managed in a more integrated way, in particular, the management of risks from natural hazards. This section should helpfully set the framework for how this cross boundary resource management issue should be managed to compliment the section set out in the natural hazards section and its accompanying method framework.</p>	<p>That the IM section (in particular, IM-P7, IM-P8, IM-P10) are amended to set out a clearer framework for the regional council and territorial authorities will work together on complex and cross boundary resource management issues that have shared responsibility under the RMA, such as managing the risk from natural hazards.</p>
IM-M2(1)	Amend	<p>The first limb of this policy sets out the expectation that local authorities must partner with Kāi Tahu to ensure mana whenua involvement in resource management. While the intent of this policy is supported by QLDC it is considered that additional guidance is necessary within the policy on the specific meaning and implementation of the words 'partner' and 'involvement' to ensure that the role of local authorities and of mana whenua is more clearly set out to achieve the effective and efficient implementation of this policy.</p>	<p>That IM-M2(1) be amended to set out more specific meaning with respect to the words 'partner' and 'involvement'.</p>

Integrated management section methods	Amend	IM-M3 sets out a timeframe for ORC to identify climate change risks. It is considered that a similar policy be included setting out a timeframe for local authorities to undertake their region wide natural hazard identification and risk assessment work specified in HAZ-NH-M1(2)(b) and HAZ-NH-M2(1). This will provide a greater level of certainty for local authorities in planning for natural hazard risk, and for other plan users when considering undertaking land use, subdivision and development in areas subject to natural hazards.	That policies be included in the 'Integrated management' method section which set out specific timeframes for the implementation of natural hazard identification and risk assessments outlined in other parts of the RPS, including HAZ-NH-M1(2)(b) and HAZ-NH-M2(1).
AIR – Air			
AIR-O1	Support	The provision is generally supported.	That AIR-O1 be retained as notified.
AIR-O2	Support	The provision is generally supported.	That AIR-O2 be retained as notified.
AIR-P1	Amend	Use of the word 'good' in this submission does not provide sufficient context or direction where Limb 2 of the policy needs to be replied on. This policy should provide a more directive approach in regard to the standard of air quality that is necessary to achieve AIR-O1. It is not clear how the word 'good' interacts with the intention of Limb 2 in terms of effects being 'no more than minor'.	That the word 'good' be replaced with a more directive term which ensures that Objective AIR-O1 is able to be achieved, or the word 'good' is removed from the policy as Limbs 1 and 2 provide sufficient direction in regard to the action that needs to be undertaken.
AIR-P2	Amend	Reference to the word 'poor' does not appear to have any substantive meaning in this section of the RPS and as such, does not appear to invoke any action.	That additional context is provided to substantiate action around the word 'poor' with respect to air quality.
AIR-P2(1) and (2)	Support	The provisions are generally supported.	That the intent of AIR-P2 be retained as notified.
AIR-P3	Support	The provision is generally supported.	That AIR-P3 be retained as notified.
AIR-P4	Support	The provision is generally supported.	That AIR-P4 be retained as notified.
AIR-P5	Support	The provision is generally supported.	That AIR-P5 be retained as notified.
AIR-P6	Support	The provision is generally supported.	That AIR-P6 be retained as notified.
AIR-M1	Support	The provision is generally supported.	That AIR-M1 be retained as notified.

AIR-M1(3)	Amend	Reference to the word 'poor' in Limb 3 does not appear to have any substantive meaning in this section of the RPS and as such, does not appear to invoke any action.	That additional context is provided to substantiate action around the word 'poor' with respect to air quality.
AIR-M2	Support	The provision is generally supported.	That AIR-M2 be retained as notified.
AIR-M3	Amend	Reference to the word 'poor' in AIR-M3 does not appear to have any substantive meaning in this section of the RPS and as such, does not appear to invoke any action.	That additional context is provided to substantiate action around the word 'poor' with respect to air quality.
AIR-M3(1)	Support	The provision is generally supported.	That AIR-M3(1) be retained as notified.
AIR-M3(2)	Amend	<p>Limb 2 sets out that the spatial distribution of activities is to be 'managed'. This provision should specify in more detail what is intended to be achieved in terms of spatial distribution and in regard to what activities. For example, are there particular polluting activities that should be distributed in a certain way.</p> <p>As Territorial Authorities do not have the specific range of expertise necessary to inform the management of activities to achieve good air quality, more specific direction is needed in the policy to ensure the effective and efficient implement this method.</p>	That AIR-M3(2) provide greater clarity and direction as to what aspects of urban form and what specific activities need to be managed, and how they are best spatially distributed to achieve good air quality. Additionally in our view this method should state that it would be weighed against other matters to be considered in determining the spatial distribution of activities, and should not be determinative in itself.
AIR-M4	Support	The provision is generally supported.	That AIR-M4 be retained as notified.
AIR-M5	Support	The provision is generally supported.	That AIR-M5 be retained as notified.
AIR-AER2	Amend	There should be greater linkages of this AER to the urban development section of the RPS.	<p>That AIR-AER2 provides more detail on acceptable urban form that would give effect to this AER. For example,</p> <ul style="list-style-type: none"> - what does this urban form look like - does this take into account any trade-offs - Specific requirements for spatial plans and future development strategies, <p>Or that this direction is linked into the urban form and development section of the RPS.</p>
ECO – Ecosystems and Indigenous Biodiversity			

Indigenous vegetation (definitions)	Amend	The definition of Indigenous vegetation contained in QLDC's Proposed District Plan definitions chapter (Chapter 2) should be used in the RPS. This definition has very recently been through a publicly notified plan review process of which ORC have been party.	That the definition of Indigenous vegetation be amended as follows: means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located. <u>Means vegetation that occurs naturally in New Zealand or arrived in New Zealand without human assistance including both vascular and non-vascular plants.</u>
Ecological district (definitions)	Oppose	A definition of Ecological district is not provided in the RPS. The definition contained in the proposed national policy statement for indigenous biodiversity should be used in the RPS.	That the following definition of Ecological district be included in the RPS: <u>Means the ecological districts as shown in McEwen, W Medium (ed), 1987. Ecological regions and districts of New Zealand. Wellington: Department of Conservation.</u>
Definitions	Amend	A definition of biodiversity offsetting should be included in the RPS.	That the following definition of biodiversity offsetting be included in the RPS as adapted from the proposed national policy statement for indigenous biodiversity: <u>Means a measurable conservation outcome resulting from actions designed to compensate for residual, adverse biodiversity effects arising from activities after appropriate avoidance, remediation, and mitigation measures have been applied. The goal of a biodiversity offset is to achieve no-net-loss, and preferably a net-gain, of indigenous biodiversity values.</u>
Definitions	Amend	The notified RPS does not contain a definition of environmental compensation.	That a definition of environmental compensation be included in the RPS.
Definitions	Amend	The notified RPS does not contain a definition of taoka.	That a definition for taoka be included in the RPS.

ECO-01	Support	The provision is generally supported.	That ECO-01 be retained as notified.
ECO-02	Amend	This objective could be reworded to improve its clarity and focus on the intended outcome. It is recommended that the words associated with the action to achieve the objective (ie through restoration and enhancement) be moved to the policy suite.	That ECO-02 be amended as follows: A net increase in the extent and occupancy of Otago's indigenous biodiversity has a net increase, results from restoration or enhancement.
ECO-P3 (3)	Support	The provision is generally supported.	That ECO-P3 (3) be retained as notified.
ECO-P3	Amend	The interpretation of this policy could be improved as recommended.	That ECO-P3 be amended as follows: 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 <u>identified under ECO-M3</u> , 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 <u>and ECO-M3</u> , adopt a precautionary approach towards activities in accordance with IM-P15.
ECO-P4	Amend	The policy titles should be consistent throughout this section when similar issues are being addressed i.e. in relation to <u>significant natural areas and taoka</u> .	That ECO-P4 be amended as follows: Provision for new activities: <u>significant natural areas and taoka</u>
ECO-P5	Amend	The policy titles should be consistent throughout this section when similar issues are being addressed i.e. in relation to <u>significant natural areas and taoka</u> .	That ECO-P5 be amended as follows: Existing activities: <u>significant natural areas and taoka</u>
ECO-P6	Amend	The intent of ECO-P4 is not represented in ECO-P6 with respect to its application to plan change processes. As notified it only	That ECO-P6 be amended to identify its role in considering plan change processes.

		references resource consent and notice of requirements.	
ECO-P8	Amend	It is recommended that the policy be considered in terms of how the resiliency and health of intrinsic values can be measured and achieved.	That ECO-P8 be amended as follows: The <u>intrinsic values</u> , extent, occupancy and condition of Otago's indigenous biodiversity is increased by: (1) restoring and enhancing habitat for indigenous species, including taoka and mahika kai species, (2) improving the health and resilience of indigenous biodiversity, including ecosystems, species, important ecosystem function, and <u>intrinsic values</u> , and (3) buffering or linking ecosystems, habitats and ecological corridors and <u>recognising the interaction ki uta ki tai</u>
ECO-P9	Amend	The policy does not recognise the unique challenges that different District's face in managing the effects of wilding species, nor the range of different wilding species that have impacts on indigenous biodiversity. The policy should be amended to reflect that avoidance may be necessary in landscapes that are more susceptible to the spread of wilding species. Greater control should be provided for the planting of wilding species outside of significant natural habitats and their associated buffer zones.	That ECO-P9 be amended to strengthen the application of land use rules to avoid the planting of a range of wilding species that have impacts on indigenous biodiversity.
ECO-P9 (new limb)	Amend	That a policy limb be added with an adapted version of 34.2.1.2 of the QLD Chapter 34 (Wilding Exotic Trees) to ensure more effective and efficient management of wilding species.	That ECO-P9 be amended as follows by adding the following limb: <u>Ensure that any planting and ongoing management of conifer species listed in APP5 is effective and can be practicably managed to avoid the adverse effects of the spread of wilding conifers.</u>
ECO-P9 (new limb)	Amend	That a policy limb be added with an adapted version of QLDC's 34.2.1.3 of the QLD Chapter 34 (Wilding Exotic Trees) to ensure more effective and efficient management of wilding species.	That ECO-P9 be amended as follows by adding the following limb: <u>That any proposal for the planting and ongoing management of conifer species listed in APP5 shall consider the following to ensure the spread of wilding trees can be contained:</u> a) <u>The location and potential for wilding take-off, having specific</u>

			<p><u>regard to the slope and exposure to wind;</u></p> <p>b) <u>The surrounding land uses and whether these would reduce the potential for wilding spread;</u></p> <p>c) <u>The ownership of the surrounding land and whether this would constrain the ability to manage wilding spread;</u></p> <p>d) <u>Whether management plans are proposed for the avoidance or containment of wilding spread;</u></p> <p>e) <u>Whether a risk assessment has been completed and the results are favourable to the proposal</u></p>
Topic ECO New Policy	Amend	This section of the RPS should consider potential impacts of species choice for biological carbon sequestration planting in relation to climate change mitigation.	<p>That a new policy be added as follows:</p> <p><u>ECO-PX – Carbon sequestration</u> <u>Control the impact of carbon sequestration on indigenous biodiversity by:</u></p> <p>a) <u>Avoiding planting species which are invasive or a naturalised weed (I recommend including list of species in this part of the policy), or likely to become either</u></p> <p>b) <u>Supporting carbon sequestration planting initiatives which improve or enhance indigenous biodiversity.</u></p>
ECO-P10	Support	The provision is generally supported.	That the intent of ECO-P10 to promote integrated management is retained as notified.
ECO-P10	Amend	ORC has the experience and expertise to most effectively and efficiently implement the intent of this policy and it is therefore recommended that ORC lead the approach to regional integrated management. The policy should reflect this lead role.	<p>That ECO-P10 be amended as follows:</p> <p><u>Otago Regional Council will</u> implement an integrated and co-ordinated approach to managing Otago’s ecosystems and indigenous biodiversity that:</p> <p>....</p>
ECO-M3	Support	The provision is generally supported.	That ECO-M3 be retained as notified.
ECO-M3	Amend	The method should provide direction around roles and responsibilities, in particular that regional authorities either take the lead on identification of taoka, or alternatively provide financial and technical support to local authorities through the taoka identification and plan implementation process.	<p>That ECO-M3 be amended as follows:</p> <p>Local authorities <u>Otago Regional Council</u> must:</p> <p>(1) work together with mana whenua to agree a process for:</p> <p>(a) identifying indigenous species and ecosystems that are taoka,</p>

			<p>(b) describing the taoka identified in (1)(a),</p> <p>(c) mapping or describing the location of the taoka identified in (1)(a), and</p> <p>(d) describing the values of each taoka identified in (1)(a), and</p> <p>(2) notwithstanding (1), recognise that mana whenua have the right to choose not to identify taoka and to choose the level of detail at which identified taoka, or their location or values, are described, and</p> <p>(3) to the extent agreed by mana whenua, amend their regional <u>plans</u> to include matters (1)(b) to (1)(d) above and</p> <p><u>(4) Aid local authorities through financial and technical support in the amendment of district plans if deemed necessary</u> to include matters (1)(b) to (1)(d) above.</p>
ECO-M5	Amend	That the method be amended so that the regional council support any changes needed to the district plan through technical and financial assistance	That ECO-M5 be amended as follows: Territorial authorities must prepare or amend and maintain their district plans <u>and will be aided by Otago Regional Council through technical and financial assistance</u> to: ...
ECO-M5(1)(b)	Amend	The policy as worded provides little assistance in regard to what type or scale of structures and infrastructure should be provided for. It is important that the policy provides greater direction to ensure that the type of structures and infrastructure anticipated are provided for only.	That ECO-M5(1)(b) be amended to provide direction in regard to the type and scale of structures and infrastructure that are anticipated by the policy.
ECO-M5(6)	Amend	As per the submission point above in regard to ECO-P9, Limb 6 of this policy does not recognise the range of different wilding species that have impacts on indigenous biodiversity. The policy should be amended to reflect that avoidance may be necessary in landscapes that are more susceptible to the spread of wilding species. Greater control should be provided for the planting of wilding species outside of significant natural habitats and their associated buffer zones	That ECO-M5(6) be amended to strengthen the application of land use rules to avoid the planting of a range of wilding species that have impacts on indigenous biodiversity.

ECO-M7	Amend	Regional authorities should take the lead on monitoring on account of their experience and range of expertise on this matter, or alternatively provide financial and technical support to local authorities to undertake the required monitoring.	That ECO-M7 be amended as follows: Local authorities Otago Regional Council will: ...
APP5 Table 5	Amend	Table 5 does not recognise the range of other species that are wilding that have impacts on indigenous biodiversity. The table should be amended to recognise the full range of damaging wilding species in the wider Otago region.	That Table 5 be amended to identify the wilding species contained in Rule 34.4 of QLDC's Proposed District Plan Chapter 34 (Wilding Exotic Trees).
APP4 (2)(b)	Amend	Species choice should be listed as a criteria of assessment.	That APP4 (2)(b) be amended as follows: ... (b) compensation is undertaken where it will result in the best practicable outcome and preferably: (i) close to the location of the activity, and (ii) within the same ecological district or coastal marine biogeographic region, <u>and</u> (iii) <u>that appropriate ecological choices for compensation are made, including species choice</u>
LF Land and Freshwater			
LF-WAI – O1	Support	The provision is generally supported.	That LF-WAI – O1 be retained as notified.
LF-WAI-P1	Support	The provision is generally supported.	That LF-WAI-P1 be retained as notified noting the request for the additional policy outlined below.
LF-WAI-PX	Amend	LF-WAI-P1 addresses the priorities for the management of freshwater resources. QLDC agrees with priorities 1-3 as required by the NPSFM, however it the policy framework does not give any further guidance in terms of the allocation of water. The RPS acknowledges that freshwater demand exceeds capacity in some places – this is identified as a significant issue for the region (SRMR-15). It also acknowledges the debate around water allocation. How water is allocated shapes our communities; different uses have different effects. As the climate changes and the region grows, competition for water will only increase. QLDC would like to note that the RPS does not provide guidance as to how the allocation and re-purposing of water should be prioritised amongst the third-tier priorities in LF-WAI-P1 (3).	That an additional policy is added to address the gap in its policy framework and provide further direction to guide the allocation and reallocation of water amongst the 'third tier' priorities.

LF-WAI-P2	Support	The provision is generally supported.	That LF-WAI-P2 be retained as notified.
LF-WAI-P3 and interpretation	Amend	The policy incorporates Te Reo terms 'tikaka' and 'kawa'. These terms are not defined in the RPS. This lack of definition may create uncertainty around the implementation of this policy.	That definitions be included for the terms 'tikaka' and 'kawa'.
LF-WAI-P3(4) and (5)	Amend	With regard to limb (4), it is not clear how environmental bottom lines can be achieved through the application of a manage approach alone. If a bottom line is already present in the environment a restrict approach will also be needed to ensure the bottom line threshold is not breached. With regard to limb (4), the use of the word 'sustainable' is open to interpretation and may not efficiently or effectively achieve environmental bottom lines.	(4) manages <u>and restricts</u> the effects of use.... (5) ...to ensure it is sustainable <u>that sustainable extraction limits are not exceeded and freshwater quality is not adversely affected.</u>
LF-WAI-P4	Support	The provision is generally supported.	That LF-WAI-P2 be retained as notified.
LF-WAI-M1 and LF-WAI-M2	Support	The provisions are generally supported.	That LF-WAI-M1 and M2 be retained as notified.
LF-VM-O2	Support	The provision is generally supported.	That LF-VM-O2 be retained as notified.
LF-VM-O7	Support	The provision is generally supported.	That LF-VM-O7 be retained as notified.
LF-VM-P5 - LF-VM-P6	Support	The provisions are generally supported.	That LF-WAI-P5 and P6 be retained as notified.
LF-VM-M3 - LF-VM-M4	Support	The provisions are generally supported.	That LF-VM-M3 and M4 be retained as notified.
LF-VM-AER3	Support	The provision is generally supported.	That LF-VM-AER3 be retained as notified.
LF-FW-O8 - LF-FW-O10	Support	The provisions are generally supported.	That LF-FW-O8 - O10 be retained as notified.
LF-FW-P7 - LF-FW-P15	Support	The provisions are generally supported.	That LF-WAI-P7 - P15 be retained as notified.
LF-FW-M5	Amend	If district plans are to be amended to include the outstanding water bodies and their	That LF-FW-M5 be amended as follows:

		associated values then territorial authorities within Otago should also be partners in the directions set out within this method.	(2) in partnership with Kāi Tahu <u>and Territorial Authorities</u> , identify the outstanding values of those water bodies (if any) in accordance with APP1
LF-FW-M5(4)	Amend	The provision suggests that there are two types of values that need to be considered, being 'outstanding and significant' values. It is not clear what the intent of these two words are or if there is intended to be a hierarchy of values that are to be identified with 'significant' being highest priority.	That LF-FW-M5(4) be amended to provide additional context in regard to the intent and difference between 'outstanding' and 'significant' values.
LF-FW-M6(5)(d)	Amend	The application of a 'manage' approach as specified in this provision may not provide for the inclusion of limits as is intended.	That the word 'manage' be replaced with 'control' or 'restrict' in LF-FW-M6(5)(d).
LF-FW-M7	Support	As per the relief requested above for LF-FW-M5, territorial authorities are a key partner in the identification of these values. This provision should also be amended to reflect this role.	That LF-FW-M7 be amended as follows: (1) map outstanding water bodies and identify their outstanding and significant values using the information gathered through Otago Regional Council in LF-FW-M5, and
LF-FW-M8 – LF-FW-M10	Support	The provisions are generally supported.	That LF-FW-M8 – M10 be retained as notified.
LF-FW AER section	Amend	Overall allocation and competition for water is a significant and unresolved issue for the region. The PRPS also acknowledges the debate about how historical freshwater allocations can be adjusted to achieve a balance of economic, environmental, social and cultural needs (page 74). Despite this there is no anticipated environmental outcome that the allocation of water will deliver good social and environmental outcomes for Otago's communities.	That an additional LF-FW-AER be added in line with desired outcomes as follows: <u>Fresh water is allocated in a way that will deliver a balance of good social, cultural and environmental outcomes that ensure the wellbeing of local communities.</u>
LF-FW-AER4 – 11	Support	The provision is generally supported.	That LF-FW-AER4 - 11 be retained as notified.
LF-LS-O11 – LF-LS-O12	Support	The provisions are generally supported.	That LF-LS-O11 and O12 be retained as notified.
LF-LS-P16 - LF-LS-P18	Support	The provisions are generally supported.	That LF-LS-P16 - LF-LS-P18 be retained as notified.
LF-LS-P19	Amend	Important to consider the receiving environment and any existing sensitive receptors that makes farming less viable due to reverse sensitivity effects.	That LF-LS-P19 be amended as follows: (c) the size and cohesiveness of the area of land for use for primary production, and

		<p>Other factors also contribute to land being highly productive. For example, the Gibbston wine area might not have the best soils or climate, but it has access to a tourism market, benefits from agglomeration economies/spatial clustering and an existing productive system that supports it.</p> <p>Spatial clustering allows for a variety of external benefits such as labour pooling, sharing of suppliers, and specialization; these in turn contribute to increased productivity and economic growth.</p>	<p><u>(d) the receiving environment, and</u></p> <p><u>(e) other factors that contribute to the land being highly productive, such as access to markets and the existing productive systems or agglomeration economies (Spatial clustering) in place</u></p>
LF-LS-P20 - LF-LS-P22	Support	The provisions are generally supported.	That LF-LS-P20 - LF-LS-P22 be retained as notified.
Methods LF-LS-M11 - LF-LS-M14	Support	The provisions are generally supported.	That LF-LS-M11 - M12 be retained as notified.
LF-LS-AER12 - 14	Support	The provision is generally supported.	That LF-LS-AER12 - 14 be retained as notified.
Energy and Infrastructure			
Definition of Regionally Significant Infrastructure	Amend	The notified definition of Regionally Significant Infrastructure does not include municipal landfills and associated solid waste sorting and transfer facilities. Management of the solid waste stream is a critical municipal infrastructure function required to service local communities, and it should be afforded recognition to the same level as other municipal infrastructure functions such as waste water collection, treatment and disposal.	That the definition of Regionally Significant Infrastructure is amended to include: <u>(13) Municipal landfills and associated solid waste sorting and transfer facilities.</u>
EIT-EN-P5 Non-renewable energy generation	Amend	As worded currently, the policy would preclude the use of fossil fuels for the development of renewable energy generation.	That EIT-EN-P5 be amended to use more specific language regarding the use of fossil fuels, such as avoiding burning fossil fuels for energy generation.
EIT-EN-P5 Non-renewable energy	Amend	As worded currently, the policy is unclear as to the policy direction for the operation and maintenance of existing non-renewable energy generation activities.	That EIT-EN-P5 be amended (and if necessary the associated methods be amended also) to provide greater certainty regarding the policy direction for the operation and maintenance of existing non-renewable energy generation activities.

generation EIT-EN-M2 District Plans		Is 'development' intended to capture the operation and maintenance of existing non-renewable energy generation activities?	
EIT-EN-P6	Support	The provision is generally supported.	That EIT-EN-P6 be retained as notified.
EIT-EN-P7	Support	The provision is generally supported.	That EIT-EN-P7 be retained as notified.
EIT-EN-P8	Support	The provision is generally supported.	That EIT-EN-P8 be retained as notified.
EIT-EN-P9	Support	The provision is generally supported.	That EIT-EN-P9 be retained as notified.
EIT-EN-M2 (7)	Amend	<p>This method relates to infrastructure or transport rather than energy, and has presumably been numbered incorrectly.</p> <p>This method requires district plans to be amended to require design of infrastructure to provide for multi-modes for rural residential areas. In general, bike lanes and pedestrian footpaths are not currently a requirement in rural residential areas, nor are these areas generally serviced by public transport, and we have been given no certainty of the future provision of public transport to these areas from our public transport provider.</p> <p>If we require footpaths and cycle lanes in new areas of rural residential development they may be disconnected from other established urban bike or pedestrian networks – ie an island of cycle lanes and footpaths.</p> <p>Our rural residential areas are not all located in close proximity to urban areas, whereas that may be the case in other Otago districts.</p>	<p>That EIT-EN-M2 (7) be renumbered so it sits within either the infrastructure or transport sub-sections.</p> <p>That EIT-EN-M2 (7) be amended so that it is not a requirement in all instances, and rather so that it is required when there is an opportunity to connect with an existing transport infrastructure network.</p>
EIT-INF-04	Support	The provision is generally supported.	That EIT-INF-04 be retained as notified.
EIT-INF-05	Support	The provision is generally supported.	That EIT-INF-05 be retained as notified.
EIT-INF-06	Oppose	The objective suggests that regional and district plans provide investment in transmission infrastructure.	That EIT-INF-06 be deleted.

EIT-IN-P10	Amend	<p>The policy is vague and uncertain because it does not include what the 'needs' of nationally and regionally significant infrastructure are, nor does it provide guidance on how the 'needs' are to be determined.</p>	<p>That EIT-IN- P10 be amended so it states the 'needs' that must be taken into account. Consider replacing the word 'needs' with a more specific alternative, such as 'functional needs' and/or 'operational needs'.</p> <p>The policy could be combined with policy EIT-INF-P15.</p>
EIT-INF-P11	Amend	<p>Amend the policy to replace 'allow for' and to re-draft (2) so the policy is more clearly drafted.</p>	<p>That EIT-INF-P11 be amend by replacing the words 'allow for' with 'provide for'.</p> <p>That EIT-INF-P11 be amended by redrafting (1) and (2) so they are linked with an 'or', as they provide alternatives.</p>
EIT-INF-P12	Amend	<p>The policy provides direction for the upgrade and development of nationally or regionally significant infrastructure only, leaving a gap in the consideration of upgrades and development of other infrastructure.</p> <p>Policy EIT-INF-P14 lists matters to consider when considering proposals to develop or upgrade infrastructure.</p>	<p>That EIT-INF-P12 be amended so the policy applies to upgrades and development of other infrastructure.</p> <p>Consider combining with EIT-INF-P14.</p>
EIT-INF-P13	Amend	<p>It is unclear how (h) would be determined, as recreational and amenity values are subjective.</p> <p>Some areas of high recreational and amenity value may have positive impacts from infrastructure, such as irrigation and structures for transport on land by cycleways and walkways.</p> <p>Some forms of infrastructure (such as subterranean infrastructure) may have minimal impacts on areas of high recreational and amenity value.</p> <p>The policy requires avoidance at (1), however limb (2)(b) seeks to manage the effects in instances when avoidance is not possible, by further avoidance. This appears to apply a regime that is excessively restrictive and may impede implementation of EIT-INF-04.</p>	<p>That EIT-INF-P13 be amended to provide guidance as to how 'high' recreational and amenity values referred to in (h) are to be measured or determined.</p> <p>Amend (2)(b) to use a different method to manage adverse effects on values, rather than avoidance as currently drafted.</p>

EIT-INF-P14	Amend	It is unclear whether this policy applies to nationally and regionally significant infrastructure.	That EIT-INF-P14 be amend to state whether or not it applies to nationally and regionally significant infrastructure. Amend the title of the policy so that it refers to upgrades and development of infrastructure. Consider combining with EIT-INF-P12.
EIT-INF-P15	Amend	The word 'Protecting' suggests blanket protection of nationally or regionally significant infrastructure, whereas the policy seeks avoidance of activities causing reverse sensitivity effects on infrastructure.	That EIT-INF-P15 be amended by replacing the word 'Protecting' with an alternative word, or rename the policy so it refers to reverse sensitivity (as per EIT-EN-P7).
EIT-INF-P16	Amend	The word 'Maintain' suggests that regional and district plans can directly maintain electricity supply.	That EIT-INF-P16 be amend by replacing the word 'Maintain' with 'Provide for' or 'Enable'.
EIT-INF-P17	Support	This provision implements the NPS-UD and is generally supported.	That EIT-INF-P17 be retained as notified.
EIT-INF-M5(1)	Oppose	Method (1) requires district plans to be amended and maintained to require a strategic approach to the integration of land use and nationally or regionally significant infrastructure. It is uncertain what value this method adds, as it appears that Methods (2) to (6) will achieve the outcomes sought by Method (1). Furthermore, the strategic integration of land uses and nationally or regionally significant infrastructure will be provided by the Future Development Strategy required by the NPS-UD, which would subsequently be implemented by the district plan, rather than the district plan itself setting out the strategic approach. Implementing Method (1) in district plans may result in unintended duplication, which would be inefficient and burdensome to local authorities required to undertake a schedule 1 RMA process.	That EIT-INF-M5(1) be deleted.
EIT – Transport			
Public Transport	Amend	As currently drafted, the definition of Public Transport is unclear as to what constitutes a 'planned' public transport service.	That the definition of Public Transport be amended to provide more certainty as to what constitutes a planned public transport service. We suggest that a planned Public Transport service should only include services that have

		Existing and planned public transport services will influence traffic demand management measures, and will assist with determining the extent to which on-site car parking should be provided in conjunction with development by informing Territorial Authorities' Comprehensive Parking Management Plans.	a high degree of certainty that they will be delivered and be provided on an ongoing basis.
EIT-TRAN-O7	Support	The provision is generally supported.	That EIT-TRAN-O7 be retained as notified.
EIT-TRAN-O8	Amend	Transport system needs to be enabling, not merely supportive	That EIT-TRAN-O8 be amended as follows: The transport system within Otago supports <u>enables</u> the movement of people, goods and services, is integrated with land use, provides a choice of transport modes and is adaptable to changes in demand.
EIT-TRAN-O9	Support	The provision is generally supported.	That EIT-TRAN-O9 be retained as notified.
EIT-TRAN-P18	Amend	This relates to integrating amongst other things public transport into design of development. We agree this would be very beneficial, however it is very difficult to achieve without certainty over future public transport routes and that certainty would need to come from the ORC.	That clarification is provided as to whether the proposed definition of Public Transport limits the application of this policy to existing and planned public transport services only. That clarification or guidance is provided on what 'planned' service means in the proposed definition of Public Transport.
EIT-TRAN-P19	Amend	Policy needs to speak to catering for growth.	That EIT-TRAN-P19 be amended to refer to catering for growth.
EIT-TRAN-P20	Amend	Needs to speak to what the alternatives are.	That EIT-TRAN-P20 be amended as set out below: Providing safe and reliable alternatives to private vehicle transport, <u>active and public transport networks</u>
EIT-TRAN-P21	Amend	(1) is drafted like an objective rather than a policy.	That EIT-TRAN-P21 be amended so it is more specific about how the outcomes will be achieved.
EIT-TRAN-P22	Amend	Sustainable transport networks that enhance the uptake of new technologies and reduce reliance on fossil fuels are developed throughout Otago.	That EIT-TRAN-P22 be amended to specify which new technologies will be supported.
EIT-TRAN-M8 - (2)	Amend	This relates to integrating high trip generating activities with public transport services. This intimates reference to 'existing' public transport services. Whilst we note that there is a definition of Public Transport in the interpretation section, it is unclear whether	That clarification is provided as to whether the proposed definition of Public Transport limits the application of this method to existing and planned public transport services only.

		<p>this definition is intended to apply, as the term is not italicised in this provision. Our preference is for the definition to apply, as it refers to <u>existing or planned</u> services.</p>	<p>That clarification or guidance is provided as to what 'planned' service means in the proposed definition of Public Transport.</p>
EIT-TRAN-M8 – (3)	Amend	<p>It is unclear what infrastructure design standards could minimise private vehicle use. Does that relate to providing for alternative modes or restricting vehicle access? With regard to enabling public transport networks, this is difficult to achieve (in terms of developer acceptance) without certainty of planned future public transport routes as there is no arguable purpose for the provision of public transport infrastructure in developments if there is no existing or planned public transport routes in the area.</p> <p>As with the feedback on EIT-TRAN-M8 - (2), the words 'public transport' are not italicised in this provision, however in our view the definition of Public Transport should apply so it is clear that the provision applies to existing and planned public transport networks only. Additionally, the provision would benefit from referring to 'transport infrastructure design standards', rather than 'infrastructure design standards', which would have a far broader interpretation. Term 'transport infrastructure' is used at EIT-TRAN-M8- (4) & (5).</p>	<p>That clarification is provided as to whether the proposed definition of Public Transport limits the application of this method to existing and planned public transport services only.</p> <p>That clarification or guidance is provided as to what 'planned' service means in the proposed definition of Public Transport.</p> <p>That EIT-TRAN-M8 – (3) be amended to refer to "...transport infrastructure design standards...".</p>
EIT-TRAN-M9	Support	<p>The provision is generally supported.</p>	<p>That EIT-TRAN-M9 be retained as notified.</p>
EIT-TRAN-AER9	Amend	<p>Structure planning and district plans make explicit provision for all modes of transport.</p>	<p>The use of structure planning needs to be reflected higher up in the methods. It would be useful if the role of the Regional Public Transport Plan was acknowledged as a means to achieve this.</p>
EIT-TRAN-AER10-14	Support	<p>The provisions are generally supported.</p>	<p>That EIT-TRAN-AER10-14 are retained as notified.</p>
HAZ – Hazards and Risks			
HAZ-NH-01	Support	<p>The objective provides strong and specific guidance for regional and district plans. The setting of a 'maximum' level of risk for people, properties and communities is supported, particularly where that level is risk is defined, as is the case for the pRPS.</p> <p>However, Policy 3 requires that where risk is acceptable, that level of risk should be maintained. It could be argued that is going</p>	<p>That the intent of HAZ-NH-01 to set a maximum level of risk of tolerable is retained, with an amendment to clarify that acceptable levels of risk should be maintained.</p>

		<p>further than the objective requires. The policy intent in Policy 3 is supported, and an amended to Objective 1 is sought to provide greater support for Policy 3. If the intent is that acceptable levels of risk are maintained for new development, then this should be supported through a more specific objective that doesn't aim for higher levels of risk (tolerable) at the outset.</p>	
HAZ-NH-O2	Amend	<p>The objective uses the term 'adaption'. It would be more appropriate to use the more generally accepted and applied term of 'adaptation'.</p>	<p>That the word 'adaption' in the title of the objective be replaced with the more accepted term of 'adaptation'.</p>

HAZ–NH–P1	Amend	<p>The policy approach of identifying the location of natural hazards in the Region is supported. However, the more fundamental step of identifying which hazards need to be considered in the Region has been missed. In addition, the list of matters to assess in limbs (1) to (6) is not considered to be helpful in the policy. Rather than assessment, description is what is needed for the identified hazards. The assessment comes in the later policies that require consideration of risk. Also, not all of the listed information may be available for all hazards in all locations, and the lack of some information should not stop those hazards or locations being identified.</p> <p>A more effective policy approach would be to identify natural hazards of interest in the Region, and requiring information about the characteristics of those natural hazards, including the locations where they affect people, communities and property, to be identified and described in a schedule to the RPS. This would simplify and clarify the policy, and leave the detail to an appendix. The appendix could also include reference to the relevant report/evidence that supports the description.</p>	<p>That HAZ–NH–P1 be amended as follows:</p> <p>Identify areas where <i>natural hazards</i>, <u>including those in the following list</u>, may adversely affect Otago’s people, communities and property, <u>and describe the characteristics of those hazards in Appendix X:</u></p> <ul style="list-style-type: none"> - <u>Flooding and erosion</u> - <u>Land instability, including subsidence, landslip and rockfall</u> - <u>Faultlines and liquefaction</u> - <u>Avalanche</u> - <u>Tsunami/seiche</u> - <u>Fire</u> <p>by — assessing:</p> <ol style="list-style-type: none"> (1) the hazard type and characteristics, (2) multiple and cascading hazards, where present; (3) any cumulative effects, (4) any effects of climate change, (5) likelihood, using the best available information, and (6) any other exacerbating factors.
HAZ–NH–P2	Amend	<p>Reference to ‘the level’ of risk is incorrect in this policy, as it implies that is only one level of risk for each hazard. In reality, there will be a range of risks associated with any hazard. The requirement should be just to ‘assess the risk’.</p>	<p>That HAZ–NH–P2 be amended as follows:</p> <p>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>
APP6	Support	<p>The intent to include a method for assessing natural hazard risk within the RPS is supported, subject to the specific</p>	<p>That the RPS include a method for assessing natural hazard risk that includes a requirement to consider the range of likelihoods and consequences possible for types of hazards,</p>

		<p>amendments sought in the following rows of this table.</p> <p>The incorporation of a method for determining natural hazard risk within the RPS will improve the efficiency and effectiveness of natural hazard management within Otago. There is currently no national or regional level guidance for assessing natural hazards which creates a high level of uncertainty and varying approaches.</p> <p>The incorporation of a method in the RPS will ensure that a consistent approach is applied across the Region and sets clear expectations for plan users as to what actions need to be undertaken when proposing land use or subdivision activities in areas subject to natural hazards.</p> <p>The method will also be of assistance to territorial authorities when reviewing or considering variations to their district plans.</p>	and which defines acceptable, tolerable and significant risk.
APP6 Step 1	Amend	<p>Step 1 should include two steps:</p> <ol style="list-style-type: none"> 1. assess the range of likelihoods of the hazard under consideration, <i>then</i> 2. Use the table to determine which of the likelihood descriptors apply to the hazard under consideration. <p>The table of descriptors should not 'force' the likelihoods that are considered in the risk assessment.</p> <p>It is also noted that 'median' is not the correct term to use in this context. This should be replaced with 'medium'.</p> <p>A requirement to consider the effects of climate change on the magnitude and frequency of the natural hazard being considered should be included in Step 1. This should be directive, in that it should state which RPC scenario is to be considered in the assessment.</p>	<p>That the text above the table in APP6 Step 1 is replaced with the following:</p> <ol style="list-style-type: none"> 1. <u>Assess the range of likelihoods for the hazard under consideration, by determining the likelihood of at least the maximum credible event, an event of medium likelihood, and an event with a high likelihood.</u> 2. <u>Use Table 6 to assign a likelihood descriptor to the results of the assessment required by (1).</u> <p><u>The assessment of likelihood must account of the effects of climate change, considering RPC scenario</u></p>
		<p>The 'indicative frequencies' listed in Table 6 are not considered appropriate. This is because they exclude low frequency events,</p>	That the likelihood table in APP6 (Table 6) is amended so that:

	<p>which have the potential to cause significant consequences and therefore pose a high risk.</p> <p>By way of example, QLDC has recently undertaken a risk assessment for rockfall and debris flow for two developed alluvial fans close to the Queenstown CDB. This assessment used the methodology set out in the Australian Geomechanics Society 2007 Guidelines for Landslide Risk Management, which assigns the descriptor 'rare' to landslides with a recurrence interval of 100,000 years, whereas Table 6 of APP6 uses a recurrence interval of 2,500 years for a 'rare' event. The implications of excluding low frequency, or long return period, events from Table 6 is that the risk assessment results from APP6 will be lower than under the AGS methodology, meaning it is a much less conservative approach to managing risk (not more conservative as suggested in the GNS review, s32 evaluation Appendix 19 page 14).</p> <p>To illustrate this point further, the QLDC assessment identified above results in what would be significant risk in accordance with Step 4 of APP6 – the quantitative assessment, as AIFR results are above 1×10^{-4}. However, the maximum likelihoods range from 2,500 years for small event, 6,700 for medium event, and 20,000 for large event for one of the fans. Under Table 6 of APP6, the small event would be 'unlikely' and both the medium and large events would be 'rare' (taking the maximum likelihoods). When these are applied to Table 8 (risk table), it is only possible for the risk to be acceptable or tolerable, as there is no 'red' for significant risk on the 'unlikely' and 'rare' rows of the table. This does not correspond with the AIFR assessment undertaken, which identified significant risk. Under the APP6 methodology, there would be no requirement to proceed to a quantitative assessment in this situation.</p> <p>This case study suggests that the qualitative methodology in Steps 1 to 3 of APP6 is not aligned with the quantitative methodology in Step 4. This inconsistency needs to be remedied. It is suggested that the qualitative methodology should be amended, rather than</p>	<ul style="list-style-type: none"> - it includes low frequency events, such as the likelihood table included in the AGS 2007 methodology - there is alignment between the results expected through the qualitative assessment methodology and the quantitative assessment methodology - if appropriate, there is a distinction between the likelihood table that applies to life-threatening hazards that are difficult to mitigate (such as debris flows) and hazards that are less likely to kill people (such as liquefaction).
--	--	---

		Step 4, including by adjusting the likelihood table (Table 6).	
APP6 Step 2 Table 7	Amend	<p>The list (1) to (11) in Step 2 of APP6 includes a wide range of matters. Some of the matters are considered to be inappropriate and should be removed. The following concerns are identified:</p> <ul style="list-style-type: none"> - It is not clear why items (1) to (5) and (7) and (8) are included in the list, as they overlap directly with Table 7. - Risk reduction measures should not be included in the assessment of consequences, unless they are already in place. It is necessary to know what the risk is first, in order to understand how to design mitigation structure to reduce the risk (item 6). - 'The changing natural hazard environment' is a very vague reference and it is not clear what is meant by it, particularly when climate change is referenced in a separate matter (item 9). - It would be very difficult and complicating to consider the consequences of multiple and cascading hazards in the APP6 framework when it is only the likelihood of one hazards that is considered in Step 2 (item 10). - It is difficult to understand what a factor that exacerbates a natural hazard might be, particularly when this matter is listed under the consequences assessment, rather than the likelihood assessment. The effects of climate change will be on the magnitude and frequency of the hazard event, so should be considered under the likelihood assessment, rather than the consequence assessment (item 11). 	That the list (1) to (11) in Step 2 be deleted. If guidance for using Table 7 is considered necessary, this should be provided through descriptive text rather than the list.
		It is not clear how Table 7 would work in practice. For example, how is the hazard 'zone' identified? Zone is a planning term, but it is not clear that it is used in its planning context in Table 7. Is it the area over which each of the hazard scenarios extends, in which case is it a	That Step 2 and Table 7 is amended to clarify how Table 7 is applied in terms of the meaning of 'hazard zone', and to clarify that any death from a natural hazard event is no less than a major consequence.

		<p>different size for each of the three events being considered? Or is it the extent the maximum credible event could cover?</p> <p>Table 7 includes a column for health and safety, which specifies ranges for numbers of people killed or injured in a natural hazard event. This indicates that a minor event could include 1 person dead or 1 – 10 people injured. In our view, any number of people that could be killed from an event should be representative of a major consequence.</p>	
APP6 Step 3	Amend	<p>The list (1) to (5) should be removed from Step 3. Step 3 is a simple ‘fill out the table’ exercises to understand how the likelihood and consequence combine to provide a level of risk. There should be no ability to modify where on the table an event is placed based on the list above the table. The list is out of place in Step 3 and brings confusion to the Step.</p>	<p>That the list (1) to (5) in Step 3 be deleted, and the introductory text to Step 3 amended as follows:</p> <p>Using the information within steps 1 and 2 above, and complete Table 8 for each of the hazard scenarios considered, and identify if the risk from each of the scenarios is assess whether the natural hazard scenarios will have an acceptable, tolerable, or significant risk to people, property and communities, by considering:</p>
		<p>The colour coding of Table 8 in order to define default levels of acceptable, tolerable and significant risk is supported. However, the colour coding within Table 8 may need to be amended to reflect the amendments requested above to the likelihood table.</p> <p>It is noted that the colour coding and risk level definitions do not align with results from a site-specific community tolerance exercise that QLDC conducted in 2019, and so the note to the table, and the intention in HAZ-M2(1), for the APP6 Table 8 to be a default until community consultation is undertaken, is supported.</p>	<p>That the colour coding and risk level definitions are amended, if required, is response to changes sought to the likelihood table.</p>
APP6 Step 4	Support	<p>The use of AIFR and APR values to define acceptable, tolerable and significant risk is supported. It is considered that these levels are appropriate and in accordance with international best practice (e.g. AGS 2007). In particular, the distinction between existing development, with a higher tolerance than for new development, is supported.</p>	<p>Retain the definitions of acceptable, tolerable and significant risk as set out in Step 4(4), including the distinction between new and existing development.</p>

Amend	<p>The requirement for a qualitative risk assessment should apply in two situations: where there is a risk to life that needs to be managed, and where the qualitative risk assessment in Step 3 indicates a level of risk that is tolerable or above.</p> <p>Risk of death by a natural hazard is a serious concern, and we should apply a high level of understanding to our management of risk to life. Particular hazards, such as rock fall and debris flows, have a higher potential to kill people without warning, than do hazards such as flooding and liquefaction. A quantitative assessment should be required in these situations, regardless of what the qualitative assessment suggests.</p> <p>Quantitative assessments are much more accurate than qualitative assessments, and so they are able to narrow the margin of error and provide better definition of areas where significant risk is a concern. With a qualitative assessment, it would be possible for a 'false tolerable' result to be returned, that is, a tolerable risk identified, that when assessed quantitatively, is found to be significant. With an objective to manage risk to tolerable levels, we should be sure the levels are tolerable, and a quantitative assessment should be required when the qualitative assessment identifies tolerable or significant risk.</p>	That Step 4 be amended to require a quantitative assessment where the hazard being considered poses a real risk to life, and where the qualitative assessment under Step 3 shows a tolerable or significant risk.
	<p>It is not clear why step (1) of Step 4 requires consideration of at least five hazard scenarios. Three is considered to be sufficient.</p> <p>Step (2) of Step 4 uses the term 'zone', which should be clarified in this context as it does not appeal to meaning planning zone, but it is not clear what the hazard zone is. This step also uses quite technical terminology, for example it is not clear what 'loss exceedance probabilities' are or how they help in the assessment. This comment applies to step (3) as well. A better approach would be to refer to a document outside the plan that sets out the methodology for the AIFR and APR assessment, and leave the technical terminology and instructions to that document. The AGS 2007 document is recommended.</p>	<p>That (1) to (5) of Step 4 are amended as follows:</p> <ul style="list-style-type: none"> - (1) is amended to require at least 3 hazard scenarios. - Delete steps (2) and (3) and replace with a requirement to follow the methodology in AGS 2007 to calculate AFIR and APR. - Delete step (5) as it appears unnecessary when step (5) identifies the risk to be assigned to the area.

		<p>It is not clear why a 'first past the post' principle is necessary for a quantitative assessment. The results are what they are, and there is no need to restrict the management response so that either life or property risk takes precedence. This appears to be a case of 'over thinking' the process.</p> <p>It appears to foreclose a nuanced approach to the management of risk. For example, in the debris flow example QLDC are currently working through, results indicate that AIFR and APR range from 1×10^{-6} to above 1×10^{-3} across the alluvial fan surfaces, and different management responses are being considered within each 'band' of risk level – there is no need to apply the 'significant' risk label to the whole area, which would result in unnecessary restrictions in areas of acceptable or tolerable risk.</p>	<p>That step (4) of Step 4 be amended to remove reference to a 'first past the post' principle, so that it simply sets out what acceptable, tolerable and intolerable means in terms of AIFR and APR, and the explanatory paragraph following (5) that discussed the 'first past the post' principle is deleted.</p>
HAZ–NH–P3	Amend	<p>The policy approach to have three levels of direction, or response, to the three levels of risk is supported. This sets up a targeted and specific approach to managing levels of risk that will allow measures commensurate with the level of risk to be applied, which is a fair approach.</p> <p>Specifically:</p> <ul style="list-style-type: none"> - the requirement to avoid significant risk is supported. - The requirement for tolerable risk to not become significant conflicts with objective HAZ–NH–O1 as it suggests that levels of risk for new activities could lie between tolerable and significant. It is suggested that this limb should ensure that new activities are managed so that a tolerable level of risk is not exceeded. - The requirement to maintain acceptable levels of risk is supported. 	<p>That the three level policy direction in HAZ–NH–P3 is retained, subject to the following amendment:</p> <p>(2) when the <i>natural hazard risk</i> is tolerable, manage the level of <i>risk</i> so that it does not become significant <u>exceed tolerable</u>, and</p>

HAZ-NH-P4	Amend	<p>The policy should specify what level risk is to be reduced to. To be consistent with Objective 1, the policy must set out that risk is to be reduced to a level that is not greater than tolerable. This is also necessary to achieve the result set out in HAZ-NH-ARE4.</p> <p>Limbs 1 and 2 appear to suggest that risk be reduced or community vulnerability be reduced. It is not clear why these limbs present an either or option when both are important and should be sought.</p> <p>Limb 3 should also reference property alongside people and communities. This ensures that the built environment is recognised in this policy and would improve consistency with other policies in the chapter.</p> <p>As drafted, only limb 3 provides the capability to 'reduce' risk. The other limbs appear to keep risk at their current levels and either stop risk getting worse, or slow the rate at which risk increases. It is important for this policy to acknowledge that risk can only be reduced when the existing characteristics of people, property and communities are changed. Risk cannot be reduced simply by managing the future characteristics of people, property and communities. Additional amendments should be considered to ensure it provides helpful direction as to how risk can be reduced.</p> <p>The policy should consider timelines for reducing risk and different methods for reduction i.e. in some instances reduction may be necessary now, or it may be necessary over a longer timeframe.</p> <p>The policy should provide additional context as to what constitutes vulnerable activities. This may include more traditional vulnerable activities (i.e. aged care facilities) as well as other types of activities that accommodate vulnerable populations such as tourists or transient populations.</p> <p>It is recommended that the policy outline when existing risk needs to be reduced i.e. when risk exceeds tolerable/is significant. This would be more directive and consistent with the policy directions set out in other parts of his chapter.</p>	<p>That HAZ-NH-P4 be amended to clarify it and make it more directive and specific to address the concerns raised, including the following specific change:</p> <p>Reduce existing <i>natural hazard risk</i> <u>to a tolerable or lower level</u> by...</p>
-----------	-------	---	--

		<p>The policy could consider non-RMA methods to reduce risk as there are other effective methods to assist in reducing risk.</p> <p>It is recommended that limbs 5 and 6 are moved to HAZ-NH-P8.</p>	
--	--	--	--

HAZ-NH-P4(4)(a)	Amend	Limb 4(a) does not support the policy's intent to reduce risk. In particular, the reference to recovery, while an important component of post event response, with the use of 'or' implies that a design which provides for recovery alone will reduce risk. This limb appears to sit better with HAZ-NH-P3(3) relating to new activities.	That HAZ-NH-P4(4)(a) be deleted and relocated to be associated with HAZ-NH-P3(3).
HAZ-NH-P5	Amend	The application of a precautionary approach that seeks to avoid development in situations of uncertainty is supported. This is the best way to ensure we do not inadvertently create new areas of significant risk. Amendments are sought to remove possible confusion from the policy and improve clarity.	That HAZ-NH-P5 be amended as follows: Where the <i>natural hazard risk</i> ,— either individually or cumulatively, is uncertain or unknown, but potentially significant or irreversible, apply a precautionary approach to identifying, assessing and managing that <i>risk</i> by adopting an avoidance or adaptive management response to diminish the risk and uncertainty
HAZ-NH-P6	Support	This policy is supported as it is consistent with achieving the objectives.	That HAZ-NH-P6 be retained as notified.
HAZ-NH-P7	Amend	It is considered that limb 1 does not provide a sufficiently directive approach to the use of hard protection/engineering structures in the management of natural hazards. In some cases, it may be argued that hard protection/engineering structures are the only means by which significant or intolerable risk can be reduced to tolerable. This conflicts with the intent of the RPS to avoid such levels of risk, and does not convey the position that that engineering structures should be a last resort. Limb 2 more effectively conveys the intent of this policy, i.e. that hard protection/engineering structures are a last resort. As such, it is recommended that limb 1 be deleted.	That HAZ-NH-P7 be amended as follows: Prioritise <i>risk</i> management approaches that reduce the need for <i>hard protection structures</i> or similar engineering interventions, and provide for <i>hard protection structures</i> only when: (1) hard protection structures are essential to manage risk to a level the community is able to tolerate, (2) there are no reasonable alternatives that result in reducing the <i>risk</i> exposure, (3) <i>hard protection structures</i> would not result in an increase in <i>risk</i> to people, communities and property, including displacement of <i>risk</i> off-site, (4) the adverse <i>effects</i> of the <i>hard protection structures</i> 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 <i>hard protection structure</i> protects a <i>lifeline utility</i> , or a facility for essential or emergency services.
HAZ-NH-P8	Support	This policy is supported as it is consistent with achieving the objectives.	That HAZ-NH-P8 be retained as notified.

HAZ-NH-P9	Support	This policy is supported as it is consistent with achieving the objectives.	That HAZ-NH-P9 be retained as notified.
HAZ-NH-M1	Amend	<p>The statement of responsibilities method is very important, as under the RMA both regional councils and territorial authorities have overlapping responsibilities for managing natural hazards. This method should go further than the RMA and provide specific and clear responsibilities between the two levels of local government. Where both levels retain overlapping responsibilities, there should be an additional method for resolved who does what, such as an agreement outside of the RMA relevant to a particular hazard issue.</p> <p>Limb (1) should be deleted, as it is repetition of the RMA and does not provide helpful direction.</p> <p>ORC has the power to create land use rules in a regional plan to manage risks from natural hazards. In particular, only regional land use rules (rather than district land use rules) are able to reduce risk to existing communities, through the management of existing uses. This power should also be included in this method.</p> <p>HAZ-NH-M1(3)(b) creates dual responsibilities with respect to mapping or identifying natural hazards. While it is anticipated that territorial authorities will update their hazard registers in association with the development of district plans and when new information is made available, it is considered that the regional council is best placed to undertake the mapping and identification of hazards within the region as per the responsibility outlined in HAZ-NH-M1(2). The regional council has the specific range of professional staff needed to undertake this activity. In addition, territorial authorities to not have the responsibility of managing land use within the areas identified in (2)(a). It appears that HAZ-NH-M1(3) references back to (2)(b) and (2)(c) in error rather than 2(a)(i) – (iii).</p>	<p>That HAZ-NH-M1 be amended as follows:</p> <p>In accordance with section 62(1)(i)(i) of the RMA 1991, the responsibilities for the control of <i>land</i> use to avoid or mitigate <i>natural hazards</i> or any group of hazards are as follows:</p> <p>(1) the Regional Council and territorial authorities are both responsible for specifying objectives, policies and methods in regional and district plans for managing land subject to natural hazard risk,</p> <p>(2) the Regional Council is responsible for:</p> <p>(a) specifying objectives, policies and methods in <i>regional plans</i>:</p> <p>(i) in the <i>coastal marine area</i>,</p> <p>(ii) in <i>wetlands, lakes and rivers</i>, and</p> <p>(iii) in, on or under the <i>beds of rivers and lakes</i>,</p> <p>(iv) <u>on land in relation to risk reduction</u>,</p> <p>(b) identifying areas in the region subject to <i>natural hazards</i> and describing their characteristics as required by Policy HAZ-NH-P1, mapping the extent of those areas in the relevant <i>regional plan(s)</i> and including those maps on a <i>natural hazard</i> register or database,</p> <p>(c) in the coastal environment, identifying the coastal hazards as required by CE-P2(3) in accordance with Policy 24 of the NZCPS, mapping the extent of those areas in the relevant <i>regional plan(s)</i> and including those maps on a <i>natural hazard</i> register or database, and</p> <p>(3) <i>territorial authorities</i> are responsible for</p> <p>(a) specifying objectives, policies and methods in <i>district plans</i> for <i>land</i> outside of the areas listed in (2)(a) <u>for purposes other than risk reduction, and</u></p>

			(b) <i>mapping or identifying via the natural hazard register or database, areas identified in 2(a), (b) and (c) above subject to natural hazards and describing the characteristics and the extent of those areas in the relevant district plan(s).</i>
HAZ-NH-M2	Amend	<p>It is considered that this method doesn't assist in assigning roles and responsibilities i.e. either ORC or TAs should be assigned the responsibility for assessing natural hazard risk. It would be preferable for the method to outline a requirement for ORC and TAs to develop collaboration agreements on how to assess risk in accordance with the requirements which follow.</p> <p>Greater specificity should be outlined in this policy about what ORC will do and what TAs will do in defining risk and undertaking consultation. As drafted, the method has the potential for overlapping tasks and associated inefficiencies.</p>	That HAZ-NH-M2 state that ORC 'and' TAs should do this task in a collaborative manner and set out how this collaboration is to be achieved and over what timeframe.
HAZ-NH-M3	Amend	This method is generally supported, as it provides appropriate direction to regional plans. It is suggested that the term 'risk' is inserted into limb (2).	<p>That HAZ-NH-M3 be retained as notified, with the exception of the addition of the term 'risk' as follows:</p> <p>(2) include <i>natural hazard risk</i> reduction measures, such as removing or restricting existing <i>land</i> uses, where there is significant <i>risk</i> to people or property</p>
HAZ-NH-M4	Amend	HAZ-NH-M4(1) sets out that territorial authorities must amend their district plans to achieve policy HAZ-NH-P2 – Risk assessments. This direction appears to place the onus of undertaking risk assessments on	<p>That Method 4 is amended to:</p> <p>Provide greater clarity in regard to which authority is responsible for undertaking risk assessments and how local authorities will</p>

		<p>territorial authorities. This contrasts with HAZ–NH–M2(1) which states that ‘local authorities’ must assess natural hazard risk in accordance with HAZ–NH–P2. Greater clarity is sought on which authority will be responsible for undertaking risk assessments. As outlined elsewhere in this submission. It is more appropriate for the regional council and territorial authorities to undertake risk assessments in a collaborative manner.</p> <p>Limb (2) requires district plans to implement risk reduction measures. This is not legally possible, as district rules are forward looking and cannot apply to existing activities (see s10 RMA). The best a district plan can do is provide a pathway for changes in use to less vulnerable uses, but this cannot be ‘forced’ or achieved proactively.</p> <p>Limb (7) states that territorial authorities must amend their district plans to require a risk assessment when an activity will increase the risk from natural hazards. If a risk assessment is required to then it cannot be clear at the outset if risk will increase as a result of the plan change or resource consent. The method should more appropriately set out that a risk assessment is required to be undertaken when a plan change or resource consent is within an area that is known to be subject to a natural hazard.</p>	<p>work together to undertake this risk assessment.</p> <p>Delete the requirement for district plans to implement risk reduction measures.</p> <p>Change limb (7) as follows: require a natural hazard risk assessment be undertaken where an activity requires a plan change or resource consent to change the use of land which will increase the risk from natural hazards <u>be located</u> within areas subject to natural hazards, and where the application is lodged prior to the natural hazard risk assessment required by HAZ–NH–M2(1) being completed, the natural hazard risk assessment must include...</p>
HAZ–NH–M5	Amend	The provision of a method to support the application of ‘other incentives and mechanisms’ is supported, subject to the specific modifications requested below.	That the intent of this method be retained.
		Limb (4) should provide clarification as to who information and guidance is to be provided to, in what form and by who.	That greater clarity be provided within the method in regard to what information and guidance could be provided and to who.
		It would be helpful to reference mechanisms outside of the RMA that could be employed to reduce risk i.e. creating reserves, property purchase, Public Works Act etc.	That the method reference the full range of mechanisms outside of the RMA that could be employed to reduce risk including the creation of reserves, property purchase, and the Public Works Act.
New method		The approach to risk management in this chapter of the RPS requires some degree of monitoring risk to understand how levels of risk change overtime. It is not clear within the methods how this risk monitoring is intended to take place nor whose responsibility this monitoring will be.	That a new method is included to set out expectations with regard to monitoring of risk levels, in order to understand if the objectives are being achieved or not.

HAZ-NH-AER2	Amend	As well as individual developments being subject to significant risk, specific areas might be identified as having significant risk. Both situations should be avoided, rather than just the 'development' situation.	That HAZ-NH-AER2 is amended as follows: No developments <u>result in</u> proceed that have a significant level of risk.
HAZ-NH-AER4	Support	The result set out in this provision is supported. But note earlier submission that Policy HAZ-NH-P4 does not specifically set out what the risk level must be reduced to for existing developments.	That HAZ-NH-AER4 be retained as notified.
HAZ-NH-AER5	Amend	The result should also reference 'community' alongside life and property to be consistent with other provisions within the chapter and to acknowledge the wider range of community characteristics and values that necessitate the management of natural hazards. In addition, it is considered that the reference to natural hazards and climate change being 'managed' fails to provide a measurable outcome for the provisions within this chapter. The result should specify to what level risk is to be managed or for what overall purpose.	That HAZ-NH-AER5 be incorporated within HAZ-NH-AER4 or amended to provide a more specific and measurable result that the provisions of the chapter are to achieve.

HCV – Historical and Cultural Values			
HCV-WT-01 HCV-WT-02	Support	These objectives are supported and align with the approach taken in the QLDC Proposed District Plan.	That HCV-WT-01 – 02 be retained as notified.
HCV-WT-P1 to HCV-WT-P2	Support	QLDC have recently included a schedule of wāhi tūpuna into the QLDC Proposed District Plan.	That HCV-WT-P1 – P2 be retained as notified.
HCV-WT-M1 to HCV-WT-M3	Support	These three methods are appropriate ways to achieve the objective and policy framework and are supported. QLDC have recently included a schedule of wāhi tūpuna into the PDP.	That HCV-WT-M1 – M3 be retained as notified.
APP7	Support	The guidance set out in APP7 is generally supported	That APP7 be retained as notified.

HCV-WT-PR1	Support	The provision is generally supported.	That HCV-WT-PR1 be retained as retain as notified.
HCV-WT-AER1 to AER2	Support	The provisions are generally supported.	That HCV-WT-AER1 to AER2 be retained as retain as notified.
HCV-HH-03	Support	The objective is generally supported.	That HCV-HH-03 be retained as notified.
HCV-HH-P3 to HCV-HH-P7	Support	The provisions are generally supported.	That HCV-HH-P3 to HCV-HH-P7 be retained as notified.
APP8	Support	The identification criteria for places and areas of historic heritage are generally supported.	That APP8 be retained as notified.
HCV-HH-M5 to M6	Support	The provisions are generally supported.	That HCV-HH-M5 to M6 be retained as notified.
HCV-HH-E2	Support	The explanation is generally supported.	That HCV-HH-E2 be retained as notified.
HCV-HH-PR2	Support	The principal reasons are generally supported.	That HCV-HH-PR2 be retain as notified.
HCV-HH-AER3 to HCV-HH-AER5	Support	The provisions are generally supported.	That HCV-HH-AER3 – AER5 be retain as notified.
NFL – Natural Features and Landscapes			
NFL-O1 NFL-P1 to NFL-P5	Support	<p>The objective and policy framework for managing natural landscapes and features is supported as it aligns well with the approach taken in the QLDC PDP. In particular, the use of 'capacity' as a key aspect of the policy approach is supported, as this provides a clearer and more certain management framework.</p> <p>Significant time and resources have been put into the Environment Court process that has resulted in the QLDC PDP approach to landscape management, with significantly more resource required to implement the approach, particularly the values identification framework. The fact that this investment will not be wasted is supported.</p>	That NFL-O1 and NFL-P1 to NFL-P5 be retained as notified.

NFL-M1 to MFL-M3	Support	These three methods are appropriate ways to achieve the objective and policy framework and are supported.	That NFL-M1 to MFL-M3 be retained as notified.
NFL-M4	Amend	<p>Three of the 'other incentives and mechanisms' listed in method 4 are opposed because of the disproportional cost they would have for QLDC. The three methods opposed are:</p> <p><i>(2) purchase of land that forms part of a natural feature or landscape</i></p> <p><i>(4) rates relief for land that is protected due to its status as an outstanding natural feature or landscape,</i></p> <p><i>(6) waiver or reduction of processing fees for activities where the primary purpose is to enhance the values of highly valued natural features or landscapes</i></p> <p>Approximately 95% of the Queenstown Lakes District is classified as a natural feature or landscape. It is unfeasible to suggest that QLDC (or ORC) could consider purchasing even a small proportion of this land. Similarly, rates relief for this land is also not feasible. These two methods ((2) and (4)) should be deleted, as they set an unreasonable expectation that could never be fulfilled.</p> <p>Method 6 is considered to be too uncertain for inclusion in the RPS. Whether the 'primary purpose' of a resource consent application is for enhancement would be a matter of some debate, particularly for applications covering multiple activities. This becomes a significant issue given the scale of land in the Queenstown Lakes District to which this could apply. A better alternative is to provide a more permissive activity status for these activities, which would result in lower transaction costs and therefore provide an incentive. No amendments are needed to the RPS to provide for this to happen, because it is provided for by NFL-P4.</p> <p>The other methods in NFL-M4 are supported.</p>	That limbs (2), (4) and (6) be deleted from NFL-M4, and the other limbs of the method be retained.
NFL-E1, NFL-PR1, NFL-AER1 to NFL-AER3	Support	The explanation, reasons and anticipated environmental results are supported as they provide helpful support to the objective and policy framework.	That NFL-E1, NFL-PR1, NFL-AER1 to NFL-AER3 be retained as notified.

APP9	Support	The identification criteria are supported as they accord with good practice and are consistent with the approach taken in the QLDC PDP.	That APP9 be retained as notified.
UFD - Urban Form and Development			
Definitions	Amend	The notified RPS refers to housing affordability but does not contain a definition of affordable housing.	That a definition of affordability is added to the Interpretation section. The following definition is suggested: Affordability: where a low- or moderate-income household spends no more than 35% of their gross annual income on rent or mortgage (principal and interest) repayments.
UFD-01	Support	The policy gives effect to Part 2 of the RMA and is generally supported.	That UFD-01 be retained as notified.
UFD-02	Amend	(8) – remove sustainable and replace with use within environmental limits	That UFD-02(8) be amended so it results in sustainable and efficient use of <i>water, energy, land, and infrastructure</i> <u>that does not exceed environmental limits.</u>
UFD-02	Amend	(1) What is the definition of affordability?	That the word 'affordability' be defined in the interpretation section.
UFD-03	Support	The provision is generally supported.	That UFD-03 is retained as notified.
UFD-04	Conditional support	The provision is generally supported.	That UFD-04 is retained as notified, subject to relief on <i>LF-LS-P19</i>
UFD-05	Support	The provision is generally supported.	That UFD-05 be retained as notified.
UFD-P1	Amend	Add: integration of land use and transportation planning	That UFD-P1(9) is amended in the following manner: integrate <i>land</i> use and public transport planning (EIT-TRAN-08, EIT-TRAN-P18)
UFD-P2	Support	The provision is generally supported.	That UFD-P2 is retained as notified.
UFD-P3	Amend	Protection sometimes means avoiding adverse effects not just managing it. Especially for environmental bottom lines. Example – avoid adverse effects on the ONL values.	That UFD-P3(6) is amended so that it manages <u>or avoids</u> adverse effects on values or resources identified by this RPS that require specific management or protection.
UFD-P4	Conditional Support	Subject to relief on LF-LS-P19	That UFD-P4(5) be amended to manage <u>or avoid</u> adverse effects on other values or

			<p>resources identified by this RPS that require specific management or protection.</p> <p>That UFD-P4(6) be retained as notified, subject to acceptance of the relief sought on LF-LS-P19</p> <p>That the balance of UFD-P4 be retained as notified.</p>
UFD-P5	Support	The provision is generally supported.	That UFD-P5 be retained as notified.
UFD-P6	Support	The provision is generally supported.	That UFD-P6 be retained as notified.
UFD-P7	Conditional support	In some cases, the important features and values identified in the RPS would need protection and the word "maintenance" is not directive enough.	<p>That UFD-P7(1) be amended to provide for the maintenance, <u>protection</u> and wherever possible, enhancement, of important features and values identified by this RPS.</p> <p>That UFD-P7(3) be retained, subject to acceptance of the relief sought on LF-LS-P19.</p> <p>That the balance of UFD-P7 be retained as notified.</p>
UFD-P8	Conditional support	In some cases, the important features and values identified in the RPS would need protection and the word "maintenance" is not directive enough.	<p>That UFD-P8 be amended as set out below:</p> <p>(6) Provides for the maintenance, <u>protection</u> and wherever possible, enhancement, of important features and values identified by this RPS.</p> <p>(4) avoids, as the first priority, highly productive land identified in accordance with LF-LS-P169,</p> <p>Retain (4) as amended above – subject to the relief on LF-LS-P19</p> <p>That the balance of UFD-P8 be retained as notified.</p>
UFD-P9	Support	The provision is generally supported.	That UFD-P9 be retained as notified.
UFD-P10	Amend	Should also still maintain and protect the important features and values identified in the RPS	<p>That UFD-P10 be amended to include:</p> <p>(6) Provides for the maintenance, <u>protection</u> and wherever possible, enhancement, of</p>

		Add requirement to provide affordable housing.	important features and values identified by this RPS. <u>(7) The proposal adds to the affordable housing stock in the district.</u>
UFD-M1	Support	The provision is generally supported.	That UFD-M1 be retained as notified.
UFD-M2	Amend	Error in reference numbers	Amend to correct the error in reference numbers from UFD- P3- onwards.
UFD-M3	Support	The provision is generally supported.	That UFD-M3 be retained as notified.
UFD-E1	Support	The provision is generally supported.	That UFD-E1 be retained as notified.
UFD-PR1	Support	The provision is generally supported.	That UFD-PR1 be retained as notified.
UFD-AER1 – 8, 10 and 11	Support	The provision is generally supported.	That UFD-AER 1-8, 10 and 11 be retained as notified.
UFD-AER9	Amend	Affordable housing has not been defined. It would be helpful for this to be defined to avoid ambiguity.	That the interpretation section be amended to include a definition of 'affordability' or 'affordable housing'.

4.0 Summary

4.2 In summary, QLDC supports the development of a Regional Policy Statement but with advice relevant to this district:

- QLDC seeks amendments to the Significant Resource Management Issues
- QLDC generally supports the policy statement with a few amendments sought for Air
- The section on Ecosystems and Indigenous Biodiversity has some amendments sought
- Land and Freshwater is for the most part supported by QLDC with a few amendments
- In Energy and Infrastructure, there are sections supported and opposed by QLDC and some amendments sought
- QLDC seeks amendments are made to the Transport Provisions
- Hazards and Risks provisions have several amendments sought
- QLDC supports all provisions on Historical and Cultural Values
- Natural Feature and Landscapes section is predominantly supported by QLDC and,
- Urban Form and Development section has conditional support