

Section 42A Hearing Report

Proposed Otago Regional Policy Statement 2021

Chapter 6:

IM – Integrated management

Felicity Boyd



27 April 2022

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6. IM – Integrated Management

6.1. Introduction

1. The purpose of a regional policy statement is to provide an overview of the resource management issues of the region and the policies and methods to achieve integrated management of the natural and physical resources of the region.¹ Integrated management is an approach to environmental management that seeks to manage resources together under one regime rather than creating silos by managing different areas, resources, or effects separately. The concept of integrated management is consistent with the Kāi Tahu understanding that all parts of the environment (te taiao) are interconnected, and that it is important to reflect this through holistic management. A holistic approach to managing te taiao must value all parts of the environment and recognise and reflect the interconnections between these components.
2. The National Planning Standards provide for (but do not require) an RPS to include a chapter on integrated management, within Part 2 – Resource Management Overview. This allows for provisions to be included that address integrated management of resources across domains and topics, and as such ORC has incorporated such a chapter. The pORPS 2019 has been criticised for providing limited direction on how integrated management is to be achieved, particularly in relation to providing specific direction on matters that cross domains and topics, such as freshwater management. The Council considered that including an integrated management chapter, as provided for by the National Planning Standards, would assist with ensure this regional policy statement is more explicit and direct in setting out how integrated management is expected to occur.
3. The *IM – Integrated management* chapter is to be read alongside all of the other chapters of the pORPS 2021. It directs how integrated management is to be achieved in the management of Otago’s environment and provides specific direction on climate change adaptation and mitigation. It is intended that the provisions of this chapter will assist decision-makers to resolve tensions between provisions in other chapters of the pORPS.

IM-O1 – Long term vision

IM-O2 – Ki uta ki tai

IM-O3 – Environmentally sustainable impact

IM-O4 – Climate change

IM-P1 – Integrated approach

IM-P2 – Decision priorities

IM-P3 – Providing for mana whenua values in achieving integrated management

IM-P4 – Setting a strategic approach to ecosystem health

IM-P5 – Managing environmental interconnections

IM-P6 – Acting on best available information

IM-P7 – Cross boundary management

IM-P8 – Climate change impacts

¹ Section 59 of the RMA.

IM-P9 – Community response to climate change impacts
IM-P10 – Climate change adaptation and mitigation
IM-P11 – Enhancing environmental resilience to effects of climate change
IM-P12 – Contravening environmental bottom lines for climate change mitigation
IM-P13 – Managing cumulative effects
IM-P14 – Human impact
IM-P15 – Precautionary approach
IM-M1 – Regional and district plans
IM-M2 – Relationships
IM-M3 – Identification of climate change impacts and community guidance
IM-M4 – Climate change response
IM-M5 – Other methods
IM-E1 – Explanation
IM-PR1 – Principal reasons
IM-AER1
IM-AER2
IM-AER3
IM-AER4

6.2. Author

4. My full name is Felicity Ann Boyd and I am an Associate employed by Incite, a planning consultancy. I hold a Bachelor of Social Science and a Master of Environmental Policy (First Class Honours) from Lincoln University. I am a full member of the New Zealand Planning Institute and an accredited decision-maker under the Making Good Decisions programme.
5. I have over ten years of resource management and planning experience, largely in the public sector (including most recently in the private sector but primarily working for public sector clients). During this time, I have specialised in policy planning, including drafting provisions for regional policy statements, plans, and plan changes, along with associated section 32 evaluation reports, section 42A reports and reporting officer roles. I also have experience participating in Environment Court processes such as expert conferencing, mediation, and hearings on plans and plan changes. While I have a particular focus on freshwater management, I have a broad range of experience including coastal and air resources as well as urban planning.
6. I have been involved in the review of the Partially Operative ORPS 2019 and the preparation of the pORPS since January 2020. I have provided technical oversight for provision drafting, the section 32 evaluation report, and the suite of section 42A reports as well as being a technical lead for particular chapters, most recently the *LF – Land and freshwater* and *IM – Integrated management* chapters.

6.3. General themes

7. A number of submitters raised issues with the suite of provisions addressing climate change in this chapter. A range of general submissions were also made on this chapter that covered a range of topics. This section addresses all of those submission points.

6.3.1. Responding to climate change

8. There is a suite of provisions in the *IM* chapter addressing climate change and the region's response to the impacts of climate change:

- IM-O4 – Climate change
- IM-P8 – Climate change impacts
- IM-P9 – Community response to climate change impacts
- IM-P10 – Climate change adaptation and mitigation
- IM-P11 – Enhancing environmental resilience to effects of climate change
- IM-P12 – Contravening environmental bottom lines for climate change mitigation
- IM-M1(2) and (3) – Regional and district plans
- IM-M3 – Identification of climate change impacts and community guidance
- IM-M4 – Climate change response

9. A number of submitters have commented on a lack of clarity in these provisions, including whether they are addressing climate change adaptation or climate change mitigation or both as well as inconsistencies between policy headings and content and the boundaries between various policies. One submitter has sought to include new definitions to improve clarity.

10. Some of the climate change provisions refer to “climate change responses” or simply “responses”:

- IM-O4 – Climate change
- IM-P9 – Community response to climate change impacts
- IM-M1(2) – Regional and district plans
- IM-M4 – Climate change response

11. It is evident from the submissions on these provisions and there is a lack of clarity about what a “response” is and whether it is a formal strategy or something else. This section addresses submissions that, either generally or in relation to particular provisions, highlight issues with the suite of climate change provisions in the *IM* chapter.

6.3.1.1. Submissions

12. DCC submits that on current reading, climate change mitigation appears to be largely absent from the pORPS and that in several places it is unclear whether the pORPS is referring to climate change adaptation (preparing for the effects of climate change)

and/or climate change mitigation (reducing net greenhouse gas emissions).² The submitter states that it will be important to undertake both mitigation and adaptation and therefore both should be specifically referred to throughout the pORPS.

13. Wise Response seeks to include two new definitions for the terms “mitigation” and “adaptation” as follows:³

Mitigation as it applies to climate change, involves reducing the flow of heat – trapping greenhouse gases into the atmosphere, either by reducing sources of these gases (for example, the burning of fossil fuels for electricity, heat or transport) or enhancing the “sinks” that accumulate and store these gases (such as the oceans, forests and soil).

Adaptation as it applies to climate change involves adapting to life in a changing climate and involves adjusting to actual or expected future climate while deliberately husbanding our remaining resource base. (<https://climate.nasa.gov/solutions/adaptation-mitigation/>)

14. Wise Response states that mitigation can be used to imply action to reduce the cause of a problem (for example, the rate at which greenhouse gases are accumulating in the atmosphere) or to reduce the effects of the damage caused. The submitter also states that there can be confusion between mitigation and adaptation as some actions can achieve both (for example, building soil carbon to improve water holding capacity sequesters carbon but also mitigates the effect of climate change through drought frequency). The further submission by OWRUG opposes the relief sought to include a definition of “mitigation” and considers that the definition sought is wide ranging and includes a wide variety of concepts that are not clear or certain.⁴
15. Wise Response submits that the suite of policies intended to address climate change (specifically IM-P8 to IM-P13) would benefit from further rationalisation into simpler statements. The submitter also notes that the headings are confusing and the scope of, and boundaries between, each one is not always clear.⁵
16. In relation to IM-P9, OWRUG states that it is unclear who is responsible for establishing community responses and where they might sit within a planning framework. The submitter also has concerns about the 2030 deadline which does not take into account time for plan changes to make changes (particularly given the lag before the pORPS becomes operative).⁶ Although the submission point is made on IM-P9, I consider this submission point is applicable to the other provisions referring to climate change responses.

² 00139 DCC (uncoded submission point)

³ 00509.015 Wise Response

⁴ FS00235.091 OWRUG

⁵ 00509.044 Wise Response

⁶ 00235.066 OWRUG

17. In relation to IM-M1(2), Blackthorn Lodge submits that it is unclear what is required to occur by 2030 and which climate change responses are being referred to, respectively. The submitter seeks to delete those clauses or clarify their meaning.⁷
18. In relation to IM-M4, DCC submits that there is no legislative mandate for ORC to lead climate change responses for the region. The submitter seeks to replace “led by” with “coordinated by” or to delete the reference altogether.⁸ It is evident from the amendments sought by other submitters to this method that there is some confusion about the purpose of IM-M4 and what is required from a climate change response and in particular whether the response is designed to reduce greenhouse gas emissions in Otago or to outline how the effects of climate change will be managed.

6.3.1.2. Analysis

19. I agree with DCC that in some provisions there is a lack of clarity about whether the provision is referring to climate change mitigation or climate change adaptation or both. Similarly, I agree with Wise Response that climate change mitigation and climate change adaptation are two different concepts and that there are some provisions in the *IM* chapter that are either unclear about which concept they are applying or confuse the two. However, I also agree with OWRUG that the definition sought is very broad and introduces a number of unclear concepts. The IPCC (2014) defines the terms as follows:

- **Mitigation:** A human intervention to reduce the sources or enhance the sinks of greenhouse gases.
- **Adaptation:** The process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate or avoid harm or exploit beneficial opportunities. In some natural systems, human intervention may facilitate adjustment to expected climate and its effects.

20. I consider that these definitions more clearly articulate the concepts. “Mitigation” as it relates to climate change has a different meaning to the generally understood meaning of “mitigation” as it is used within the RMA context. In my opinion, including definitions of these terms would assist with the confusion between these terms in the IM chapter and assist with emphasising the difference between these types of mitigation. I consider that the defined terms should be “climate change adaptation” and “climate change mitigation” to clearly demonstrate that they relate to climate change. I prefer the definitions by the IPCC but recommend simplifying the definition of adaptation. I therefore recommend including the following new definitions:

Climate change mitigation means a human intervention to reduce the sources of, or enhance the sinks of, greenhouse gases

Climate change adaptation means the process of adjustment to actual or expected climate and its effects

⁷ 00119.006 Blackthorn Lodge

⁸ 00139.045 DCC

21. To improve clarity about the use of these terms and so that the terms are clearly linked to their definitions, I have reviewed all of the relevant provisions in the IM chapter and recommended a range of consequential amendments as a result of introducing these definitions.

22. Partly, I consider, as a result of the confusion about climate change adaptation and mitigation there is a corresponding lack of clarity about the policy framework intended to address these actions. I agree with OWRUG that there is a lack of clarity about what a climate change “response” is and where it might sit within a planning framework, both in IM-P9 but also in the associated objective (IM-O4) and methods (IM-M1(2) and IM-M4). I note that the section 32 report states that following (my emphasis added):

“IM–P8, IM–P9, IM–P10 and IM–P11 address IM–O4 by directing how the effects of climate change are to be identified and how the planning response to climate change will occur. IM–P8 requires identifying climate change impacts, including from a te ao Māori perspective, assessing how those impacts may change over time and anticipating those changes in resource management processes and decisions. The community’s response to climate change impacts is further elaborated in IM–P9. In addition, the response is timebound, at least in respect of when that response is occurring, with a clear link to Otago’s contribution to assist with the attainment of central government climate change response outcomes. IM–P10 requires implementing adaptation and mitigation methods that achieve specified results, including minimising the effects of climate change processes or risks to existing activities. IM–P11 seeks to enhance resilience by providing for activities that reduce human impacts on the environment.” (p.73)

23. In my opinion, the emphasised parts above demonstrate two potential avenues for responding to climate change: through resource management processes and decision-making (which is primarily climate change adaptation) and/or as part of the Government’s national-level policy framework for climate change (which is primarily climate change mitigation). This appears to have led to some confusion in the provisions about which avenue the IM chapter is directing that Otago’s response to climate change should occur through. I recognise that climate change adaptation and mitigation are not entirely distinct categories of activities and that there is a ‘grey area’ between the two where activities may be achieving both purposes.

24. The Government has established a national-level framework for responding to climate change that is primarily set out in the Climate Change Response Act 2002 (CCRA). The CCRA contains the following cascade of policy interventions (Ministry for the Environment, 2022):

- setting domestic emissions reduction targets,

- development of emissions budgets for chronological 5-year periods (except that the first budget will cover 2022-2025) to set out how the domestic emissions reduction targets will be achieved over time,⁹
 - development of an Emissions Reduction Plan that will describe how the emissions budgets will be met and include:
 - policies and strategies for specific sector (for example, transport, agriculture and forestry)
 - a multi-sector strategy to meet emissions budgets and improve the ability of those sectors to adapt to the effects of climate change,
 - ways to mitigate the impacts that reducing emissions will have on people, and
 - any other policies or strategies the Minister for Climate Change considers necessary.
25. This work is currently underway: the Government consulted on a draft Emissions Reduction Plan in late 2021 (Ministry for the Environment, 2022). In my opinion, this is primarily focused on climate change mitigation.
26. The recent *Otago climate change risk assessment* (Tonkin & Taylor Ltd, 2021, p. 4) states that:
- “In general, climate change projections for the Otago region include warmer temperatures, with more hot days and fewer frosts. Winter and spring are expected to be wetter, but with significant decreases in seasonal snow likely. In essence, the seasonality of climate in the Otago region is expected to become more pronounced. More severe extreme rainfall events are anticipated, as are the severity and frequency of windy days. Even with dramatic reduction of greenhouse gas emissions, sea level rise is expected for the next 100 years and more. Hazards associated with these changes in climate are likely to include increased flooding and landslides, drought, coastal inundation and erosion, and increased instances of wildfire.”*
27. The effects of climate change in Otago as described above are clearly relevant to resource management and planning as they will affect the environment as a whole, including people and communities. In my opinion, this is primarily climate change adaptation.
28. As pointed out by OWRUG and Blackthorn Lodge, with whom I agree, it is unclear what a climate change “response” is, who it will be prepared by, and how it relates to the planning framework. I consider there is also a lack of clarity about whether the response is intended to be in the form of climate change adaptation or climate change mitigation.
29. As I have stated previously, these actions are not distinct, and I consider that there are instances where both will occur. However, overall, I consider that the focus in the IM

⁹ “An emissions budget is a total quantity of emissions that is allowed during an emissions budget period. Emissions budgets will operate as ‘stepping stones’ that keep us on track to meeting our long-term emissions reductions targets.” (Ministry for the Environment, 2022).

chapter should be on the region's resource management response to the effects of climate change (i.e. climate change adaptation) and, to a lesser degree, promoting changes in resource use that support reducing greenhouse gases (i.e. climate change mitigation). Climate change mitigation has informed the development of many provisions in the pORPS outside the IM chapter, including in particular EIT-TRAN and UFD.

30. As this is an over-arching issue that is evident across a number of provisions, I recommend a suite of changes to clarify the policy framework, as set out below. I recommend changes to the following provisions:
- IM-O4 – Climate change
 - IM-P8 – Climate change impacts
 - IM-P10 – Climate change adaptation and mitigation
 - IM-P11 – Enhancing environmental resilience to effects of climate change
 - IM-M1 – Regional and district plans
 - IM-M3 – Identification of climate change impacts and community guidance
 - IM-M4 – Climate change responses
31. IM-O4 refers to "...climate change responses in the region, including adaptation and mitigation actions..." I recommend amending this to "responses to climate change, including climate change adaptation and mitigation...". This amendment means it is set out upfront in the chapter that "responses to climate change" is an umbrella term that includes both climate change adaptation and climate change mitigation. I also recommend changing "mitigation" to "climate change mitigation" as a consequential amendment to including a definition of the latter term.
32. I agree with Wise Response that the suite of climate change policies would benefit from simplification and rationalisation. I have made a number of recommendations in this vein in later parts of this report that address those policies specifically, including to incorporate IM-P11 into IM-P10 and delete IM-P9.
33. I also agree with Wise Response that the headings of the policies do not always reflect the scope of their content and that the boundaries between policies is not always clear. The title of IM-P8 is "Climate change impacts" but the chapeau seeks to recognise and provide for climate change processes and risks by implementing three actions, which focus on climate change impacts and how these may change over time. In IM-P10, the wording used is "the effects of climate change processes or risks" or simply "the effects of climate change". It does not appear that "climate change impacts" and "effects of climate change" are referring to different concepts and in my view it would be much clearer if there was consistency in the terminology used in these policies. I note that section 7(i) of the RMA requires having particular regard to the effects of climate change, and consider that this phrase is preferable to "climate change impacts".
34. To avoid confusion, and to reflect the title and the clauses of the policy, I recommend the following amendments to IM-P8:
- changing the title of the policy to "Effects of climate change",

- amending the chapeau to read “[r]ecognise and provide for the effects of climate change by...”,
 - replacing “climate change impacts” in clause (1) with “the effects of climate change”, and
 - replacing “impacts” with “effects”, and
35. I also recommend deleting “processes or risks” from IM-P10(1) so that the clause begins “minimise the effects of climate change...” for consistency with the rest of the clauses in this policy as well as IM-P8 (as recommended).
36. Later in this report I have recommended incorporating IM-P11 into IM-P10. In doing so, I consider that the policy does incorporate both climate change adaptation and climate change mitigation, as per the title. I do not recommend any further changes to that policy as a result of the submissions analysed in this section of the report.
37. I acknowledge that there is confusion in IM-P12 about whether this policy applies to climate change adaptation or climate change mitigation. I have addressed that in detail in the section of this report focused on that provision and, in summary, have recommended amendments to clarify that the policy is limited to climate change mitigation, not climate change adaptation.
38. I agree with Blackthorn Lodge that it is unclear what IM-M1(2) requires from regional and district plans. IM-M1(2) refers to the climate change response required to be developed by IM-M4. Both IM-M3 and IM-M4 require identifying various matters related to responding to climate change. I consider IM-M4(1) and (2) could be included in IM-M3 and the title of that method amended to reflect its broader scope. That leaves only clause (3) which requires “developing plans and agreements for implementation”. It is not clear what this means and, as I am recommending implementing these policies primarily through regional and district plans rather than a separate document, I consider this clause and therefore the remainder of IM-M4 can be deleted.
39. This leaves IM-M1(2) and IM-M(3). Clause (2) requires giving effect to any response to climate change developed under the pORPS, if applicable. I consider it would be clearer, and more accurately reflect the content of the policies, if IM-M1(2) instead required including provisions to manage the effects, resources, and communities that are required to be identified in IM-M3.
40. IM-M1(3) requires that plans “provide for activities that seek to mitigate or adapt to the effects of climate change or reduce greenhouse gas emissions.” In my opinion, this clause is confusing as it refers to mitigating the effects of climate change but also to reducing greenhouse gas emissions (which is climate change mitigation). I agree with DCC that there should be clarity in the provisions with regard to these actions. I recommend amending clause (3) to read “provide for activities that support climate change adaptation and climate change mitigation in accordance with IM-P10”.
41. Overall, I recommend accepting in part the submission points by DCC, Wise Response, and Blackthorn Lodge discussed in this section.

6.3.1.3. Recommendation

42. I recommend the following amendments:

- a. Including definitions for the terms “climate change adaptation” and “climate change mitigation”,
- b. In IM-O4, replacing “climate change responses” with “responses to climate change” and changing “mitigation” to “climate change mitigation”,
- c. In IM-P8:
 - i. changing the title of the policy to “Effects of climate change”,
 - ii. replacing “climate change processes and risks” with “the effects of climate change” in the chapeau,
 - iii. replacing “climate change impacts” with “the effects of climate change” in clause (1), and
 - iv. replacing “impacts” with “effects” in clause (2), and
- d. In IM-P10:
 - i. Changing “mitigation” in the title and chapeau to “climate change mitigation”,
 - ii. Deleting “processes or risks” from clause (1),
- e. In IM-M1:
 - i. Replace clause (1) with “include provisions to manage the effects, resources, and communities identified in IM-M3”, and
 - ii. Replace clause (2) with “provide for activities that support climate change adaptation and climate change mitigation in accordance with IM-P10”, and
- f. Incorporating IM-M4(1) and (2) into IM-M3 and deleting the remainder of IM-M4.

6.3.2. General submissions

43. Many submitters made general submissions on the *IM – Integrated management* chapter which are evaluated in this section of the report.

6.3.2.1. Submissions

44. Fish and Game and Ngāi Tahu ki Murihiku seek to retain the chapter subject to specific relief sought elsewhere in their submissions.¹⁰

45. Beef + Lamb and DINZ seek to overhaul the pORPS by making amendments sought by the submitter in relation to the SRMR, RMIA and IM chapters.¹¹

¹⁰ 00231.029 Fish and Game, 00223.053 Ngāi Tahu ki Murihiku

¹¹ 00237.018 Beef + Lamb and DINZ

46. Kāi Tahu ki Otago seeks to amend the IM provisions as set out separately to provide for better integration between freshwater and the coastal environment, and to make the link between land management and freshwater outcomes clearer.¹²
47. LAC, Lane Hocking, Maryhill, Mt Cardrona Station, and Universal Developments seek to include new (unspecified) provisions relevant to recognising positive benefits of the use and development of natural and physical resources.¹³ The submitters consider there is a policy gap in the pORPS, and particularly in the IM chapter, in recognising and providing for the positive elements of Part 2 of the RMA (i.e. the social, economic, and cultural benefits of the use and development of resources). The submitters state that post the King Salmon decision, there is a greater requirement for regional policy statements and plans to be complete on all Part 2 matters and it is imperative that planning documents recognise these positive elements in their own right.
48. Te Waihanga submits that it is unclear whether the pORPS intends to apply a holistic, integrated management (ki uta ki tai) approach to managing the environment and resources in Otago, or apply a hierarchy of obligations which places the environment ahead of people. The submitter seeks clarification about which framework the pORPS will apply, for the benefit of clarity and certainty for infrastructure providers and others operating under it.¹⁴
49. In relation to IM-M1, IM-M5, IM-E1, IM-PR1, IM-AER1, IM-AER2, and IM-AER3, Aurora Energy seeks any consequential amendments to give effect to their relief sought on those provisions.¹⁵

6.3.2.2. Analysis

50. I recommend accepting the submission points by Fish and Game and Ngāi Tahu ki Murihiku in part, noting that a number of provisions are recommended to be amended in response to submissions.
51. The submission points by Beef + Lamb and DINZ have been evaluated against the provisions they were made against, being the SRMR, RMIA, and specific IM provisions. It is not clear what the submitter means by “overhauling” the pORPS. I do not recommend accepting this submission point, noting that the specific points have been evaluated elsewhere.
52. I have evaluated and made recommendations on the specific submission points made by Kāi Tahu ki Otago against the relevant provisions below. As some of those submission points are recommended to be accepted and others rejected, I recommend accepting this submission in part.

¹² 00226.005 Kāi Tahu ki Otago

¹³ 00211.009 LAC, 00210.009 Lane Hocking, 00209.009, 00118.015 Maryhill, 00014.015 Mt Cardrona Station, 00209.009 Universal Developments

¹⁴ 00321.102 Te Waihanga

¹⁵ 00315.019 Aurora Energy

53. LAC, Lane Hocking, Maryhill, Mt Cardrona Station, and Universal Developments have sought similar relief on many provisions in the IM chapter. All of those submission points have been considered in relation to the specific provisions they were relevant to. It is unclear to me what additional relief the submitters seek and without further clarification I do not recommend accepting these submission points.
54. I consider that the submission point by Te Waihanga is addressed by the amendments I have recommended to IM-P2 and therefore recommend accepting the submission point in part.
55. I acknowledge the submission point by Aurora Energy and note that consequential amendments have been considered and made where necessary.

6.3.2.3. Recommendation

56. I do not recommend any amendments, noting that a range of amendments to other provisions in the pORPS are recommended which address these submission points.

6.4. Definitions

57. There are a range of submissions relating to defined terms used in this section, some of which are addressed in other parts of this report. In summary:
- Defined terms used throughout the pORPS, including in this section, are addressed in *Chapter 1: Introduction and general themes*.
 - Defined terms, including requests for new definitions of terms, used only in the IM chapter are addressed in this section of this report.
58. In relation to the second point above, I have addressed the following terms in this section:
- Natural environment
 - Integrated resource management

6.4.1. Natural environment

6.4.1.1. Submissions

59. Fish and Game, Trojan, and Wayfare all seek to include a definition of the term “natural environment”. Fish and Game seeks the following definition of the term:¹⁶

Natural environment means:

- (a) land, water, air, soil, minerals, energy, and all forms of plants, animals and other living organisms, whether native to New Zealand or introduced, and their habitats,
- (b) ecosystems, their constituent parts and the natural processes that sustain these,

¹⁶ 00231.016 Fish and Game

(c) the natural landscape and landforms that are formed by the interactions between (a) and (b), and

(d) excludes pests and domestic and farmed animals.

60. The submitter states that the term is used at critical points in the pORPS but is never defined and that any term using the word “natural” is difficult to use in practice as it means different things to different people.

61. Trojan and Wayfare seek the following definition:¹⁷

Natural environment means

(a) land, water, air, soil, minerals, energy, and all forms of plants, animals, and other living organisms (whether native to New Zealand or introduced) and their habitats; and

(b) ecosystems and their constituent parts.

62. As explanation, the submitters states that the term is used in the pORPS but is not defined.

6.4.1.2. Analysis

63. I agree with the submitters that the term “natural environment” is used in the pORPS but not defined and there are likely to be varying interpretations of the term. The term is used in the following places:

- MW – Mana whenua
 - Description of ki uta ki tai
 - Description of wai māori
 - Chapeau of MW-P3 – Supporting Kāi Tahu well-being
- SRMR-I4, Impact snapshots (Environmental and Social)
- SRMR-I7, Context
- SRMR-I9, Context
- SRMR-I10, Statement
- SRMR-I11, Statement
- RMIA-MKB-I1
- RMIA-CE-I2
- IM-P2(1)
- UFD-PR1

64. In my opinion, the term is mostly used in contextual or supporting information that is not a “provision” of the pORPS and therefore whether it is defined or not is largely inconsequential.

¹⁷ 00206.010 Trojan, 00411.016 Wayfare

65. The exceptions to this are the references in MW-P3 and IM-P2. I note that OWRUG submitted on MW-P3 seeking to replace the term “natural environment” with “natural and physical resources”. The author of that section of the report recommends rejecting that submission point and I agree. Supporting Kāi Tahu well-being requires more holistic management than only natural and physical resources, which is a term defined in the RMA. For example, concepts such as mauri are very important to Kāi Tahu well-being but would not be captured by the definition of the term “natural and physical resources.”

66. I have analysed the submissions on IM-P2 in more detail elsewhere in this report and, in summary, come to the same conclusion as set out above. Given the context that the term is used within, and its limited use in the pORPS, I do not consider that a definition is necessary.

6.4.1.3. Recommendation

67. I do not recommend any amendments.

6.4.2. Integrated resource management

6.4.2.1. Submissions

68. Wise Response seeks to include a new definition of the term “integrated resource management” as follows:

Integrated Resource Management is a process of managing natural and physical resource use in a way that is efficient and sustainable, and optimises overall benefit from a set of defined objectives, while minimising adverse effects and risks. This is facilitated by ensuring that all plans and policies are vertically and horizontally compatible and do not conflict with each other within the region and as far as possible, between regions. It brings together the likes of natural heritage management, land use planning, water management, bio-diversity conservation, and the future sustainability of industries like agriculture, mining, tourism, fisheries and forestry.

69. The submitter notes that IM-PR1 states that integrated management is the core of the RMA 1991 but there is no reference to how this is defined or what is trying to be achieved.

6.4.2.2. Analysis

70. As the term is only used in a Principal Reasons section, I do not consider a definition is necessary. The concept of integrated management has been in the RMA since its inception and I am not aware that there is confusion about its meaning. I do not recommend accepting this submission point.

6.4.2.3. Recommendation

71. I do not recommend any amendments.

6.5. New provisions: renewable electricity generation

72. A number of submitters have sought to include new provisions relating to renewable electricity generation in the IM chapter.

6.5.1. Submissions

73. Contact seeks the inclusion of new policies or clauses to recognise that renewable electricity generation activities are a critical part of achieving New Zealand's decarbonisation goals and the community response to climate change.¹⁸ No specific wording is provided.

74. Meridian submits that the pORPS does not give full effect to the NPSREG or Policy 4 of the NPSFM. To rectify this, the submitter seeks the inclusion of a new objective and policy in the IM chapter as follows:¹⁹

IM-O4 – Renewable electricity generation

The management of natural and physical resources in Otago recognises and provides for the national significance of renewable electricity generation activities, including their contribution within the Otago region and nationally to displacing greenhouse gas emissions and associated climate change, and increasing electricity generation capacity and security of supply.

IM-P8 – Renewable electricity generation

Recognise and provide for the national significance of renewable electricity generation activities, including their contribution within the Otago region and nationally to displacing greenhouse gas emissions and associated climate change, and increasing electricity generation capacity and security of supply.

6.5.2. Analysis

75. I agree with Contact and Meridian that the contribution of renewable electricity generation to achieving New Zealand's target for being carbon neutral has not been clearly articulated in the pORPS as notified. That said, I do not consider that the IM chapter is the appropriate location for that policy direction. The *EIT-EN – Energy* chapter contains specific policy direction for renewable electricity generation and I note that in response to similar submissions on that chapter, a range of amendments are recommended to the provisions, including:

- In EIT-EN-O2, incorporating reference to the generation capacity of renewable electricity generation supporting overall reduction in greenhouse gas emissions and the 2050 target for New Zealand to become carbon neutral,

¹⁸ 00318.008 Contact

¹⁹ 00306.088 Meridian, 00306.089 Meridian, 00306.018 Meridian, 00306.022 Meridian

- In EIT-EN-E1, additional text recognising that renewable electricity generation is a matter of national importance and a key component in responding to climate change.

76. The new provisions sought by Meridian in this chapter are repetitive and out of step with the content and direction of the rest of the provisions in this chapter. I consider that the amendments above to the EIT-EN address the submitters' concerns in relation to the IM chapter and therefore do not recommend accepting these submission points.

6.5.3. Recommendation

77. I do not recommend any amendments.

6.6. IM-O1 – Long term vision

6.6.1. Introduction

78. As notified, IM-O1 reads:

IM-O1 – Long term vision

The management of *natural and physical resources* in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves healthy, resilient, and safeguarded natural systems, and the ecosystem services they offer, and supports the well-being of present and future generations, *mō tātou, ā, mō kā uri ā muri ake nei*.

6.6.2. Submissions

79. CIAL, Ernslaw One and Greenpeace seek to retain LF – O1 as notified.²⁰ The remaining submitters seek various amendments.

80. DCC seeks to retain the intent of the objective but make (unspecified) amendments to improve clarity.²¹ The submitter also seeks more emphasis on outcomes for the well-being of people, such as the ability to have access to housing and work. Port Otago seeks to delete the objective or rewrite it to better reflect section 5 of the RMA.²² No specific amendments are provided. Yellow-eyed Penguin Trust seeks to split and reword the objective to ensure the sentence makes sense but no specific amendments are sought.²³

81. Some submitters seek to include greater emphasis and/or recognition of the well-being of people and communities. Federated Farmers seeks to include reference to social, cultural and economic well-being and make other minor clarifications to the wording.²⁴ The submitter considers the objective does not reflect these well-beings appropriately. Fonterra also seeks to include reference to economic, social and cultural well-being or,

²⁰ 00307.004 CIAL, 00412.002 Ernslaw One, 00407.008 Greenpeace

²¹ 00139.022 DCC

²² 00301.010 Port Otago

²³ 00120.023 Yellow-eyed Penguin Trust

²⁴ 00239.034 Federated Farmers

alternatively, to include an additional objective that recognises that the management of resources has to take into account the need for people to use those resources and hence social, cultural and economic consideration needs to be integrated into policy and regulatory decision-making.²⁵ Graymont and OWRUG seek the same amendment for similar reasons.²⁶

82. LAC, Lane Hocking, Universal Developments, Maryhill and Mt Cardrona Station seek to remove the term “safeguarded natural systems” and otherwise amend the objective to ensure it provide an appropriate balance between protection of natural resources and growth and development.²⁷
83. Transpower seeks to include reference to natural and physical resources supporting the health and safety, as well as well-being, of present and future generations.²⁸ The submitter also seeks consequential amendments to the policies that implement this objective.
84. Other submitters seek to strengthen the protections for the natural environment, and particularly ahead of providing for the well-being of people and communities. Forest and Bird seeks an amendment to clarify that achieving healthy, resilient, and safeguarded natural systems must come before supporting the well-being of present and future generations.²⁹ The submitter considers this is necessary to reflect the objectives of higher order documents such as the NPSFM.
85. Fish and Game seeks a range of amendments in order to embody the positive aspects of the NPSFM.³⁰

The management of natural and physical resources in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves, as a priority, a healthy, resilient, and safeguarded natural ~~systems~~ environment, and including the ecosystem services ~~they~~ it offers, and then ensures that actions by humans support~~s~~ the well-being of the natural environment and present and future generations, mō tātou, ā, mō kā uri ā muri ake nei.

86. Wise Response considers the objective needs to emphasise that transitioning our production functions and consumption expectations accordingly is our greatest challenge and will dictate policy needs for the foreseeable future. The submitter seeks to delete the objective and replace it with the following:³¹

By 2035, Otago’s communities are thriving within the strongest solar-driven economy in New Zealand, leading the national emissions reduction target, while

²⁵ 00233.021 Fonterra

²⁶ 00022.002 Graymont, 00235.059 OWRUG

²⁷ 00211.004 LAC, 00210.004 Lane Hocking, 00209.004 Universal Developments, 00118.005 Maryhill, 00014.005 Mt Cardrona Station

²⁸ 00314.010 Transpower

²⁹ 00230.028 Forest and Bird

³⁰ 00231.03 Fish and Game

³¹ 00509.028 Wise Response

embedded within well-functioning ecosystems and sustainable deployment and reuse of natural resources, mō tātou, ā, mō kā uri ā muri ake nei.

87. The remaining submitters seek more minor amendments, generally for clarification purposes:
- Ravensdown seeks to delete “and as expressed in all resource management plans and decision-making” on the basis that it is unnecessary.³²
 - University of Otago seeks to include “evidence-based” in front of “decision-making” to acknowledge the requirement for scientific research and monitoring.³³
 - Trustpower seeks to include reference to physical systems as well as natural.³⁴
 - Kāi Tahu ki Otago seeks to replace “including Kāi Tahu” with “and in partnership with Kāi Tahu” to reflect the position of Kāi Tahu as Treaty partners.³⁵

6.6.3. Analysis

88. In the absence of specific amendments to implement the relief sought by DCC, Port Otago, and Yellow-eyed Penguin Trust I do not recommend accepting these submissions.
89. A number of submitters have sought to include greater emphasis on the well-being of people and communities, and in particular their social, cultural, and economic well-being. I consider the objective is worded broadly and the term “well-being” encompasses all of these types of well-being. In my view, it is more appropriate to refer to all types of well-being than to specify particular types. I do not recommend accepting the submissions by Graymont and OWRUG.
90. Although I do not recommend accepting the part of Federated Farmers’ submission relating to well-being as described above, I consider the minor amendments sought improve the clarity of the objective and therefore recommend accepting in part the submission by Federated Farmers.
91. LAC, Lane Hocking, Universal Developments, Maryhill and Mt Cardrona Station seek to remove the term “safeguarded natural systems”. Deleting that phrase would mean the sentence reads “...achieves healthy, resilient and and the ecosystem services they...” which is unclear. For this reason, I recommend accepting the submission in part and deleting “safeguarded” but retaining “natural systems” and making other consequential amendments for grammatical reasons.
92. Transpower seeks to clarify that it is “natural and physical resources” that support well-being. I consider this changes the intent of the objective – as I read the objective, it is the management of natural and physical resources that is intended to support the well-being of present and future generations. Transpower also seeks to include reference to health

³² 00121.015 Ravensdown

³³ 00127.001 University of Otago

³⁴ 00311.006 Trustpower

³⁵ 00226.085 Kāi Tahu ki Otago

and safety as well as well-being of people and communities. I consider health and safety are part of well-being. I do not recommend accepting the submission by Transpower.

93. In my opinion, the amendment sought by Forest and Bird would require all natural systems to be healthy and resilient before the well-being of present and future generations can be supported. I do not consider this is an accurate reflection of section 5 of the RMA, and particularly the definition of sustainable management. Not all natural systems in Otago are healthy and resilient currently and I do not consider it would be appropriate to 'put off' providing for the well-being of present and future generations indefinitely until improvements are made. I do not recommend accepting the submission by Forest and Bird.
94. Fish and Game seek a range of amendments with similar reasoning to Forest and Bird. For the same reasons, I do not recommend accepting most of this submission. The exception to this is the submitter's amendments to replace "natural systems" with "natural environment". I consider this is a more common and better understood phrase and recommend accepting this part of the submission.
95. The alternative objective proposed by Wise Response is fundamentally different to notified IM-O1, primarily because it shifts the focus from the management of natural and physical resources to responding to climate change and the national emissions reduction target. I do not consider there is sufficient justification or evidence in the submission for this objective and do not recommend accepting the submission.
96. Trustpower seeks an amendment so the relevant part of the objective reads "...achieves healthy, resilient, and safeguarded natural and physical systems". I am unsure what the submitter considers to be a physical system, however I note that the definition of "natural and physical resources" in section 2 of the RMA is "land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures". In my opinion, all but structures in that definition is part of natural systems. I do not consider it would be practical to require healthy or safeguarded physical resources such as structures and therefore do not recommend accepting this submission.
97. I agree that the amendment sought by Ravensdown improves clarity and recommend accepting this submission. That recommendation would remove reference to decision-making and therefore remove the need for the amendment sought by University of Otago. Accordingly, I do not recommend accepting that submissions. I agree with the amendment sought by Kāi Tahu ki Otago for the reasons they have stated.

6.6.4. Recommendation

98. I recommend amending IM-O1 as follows:

IM-O1 – Long term vision

The management of *natural and physical resources in Otago*,³⁶ by and for the people of Otago, including in partnership with³⁷ Kāi Tahu, ~~and as expressed in all resource management plans and decision making,~~³⁸ achieves a healthy, and resilient, and safeguarded³⁹ natural systems environment,⁴⁰ and including⁴¹ the ecosystem services ~~they offer it provides,~~⁴² and supports the well-being of present and future generations; (mō tātou, ā, mō kā uri ā muri ake nei).⁴³

6.7. IM-O2 – Ki uta ki tai

6.7.1. Introduction

99. As notified, IM-O2 reads:

IM-O2 – Ki uta ki tai

Natural and physical resource management and decision making in Otago embraces ki uta ki tai, recognising that the *environment* is an interconnected system, which depends on its connections to flourish, and must be considered as an interdependent whole.

6.7.2. Submissions

100. Six submitters support IM-O2 and seek to retain it as notified.⁴⁴

101. Te Waihanga seeks general amendments to reflect the benefits that infrastructure can provide to the environment.⁴⁵ No specific amendments are sought.

102. DOC considers that ki uta ki tai requires a more active response than is indicated by the word “considered” and seeks to replace this term with “managed”.⁴⁶

103. Ravensdown seeks to delete the words “Natural and physical resource management and decision making in” on the basis that the phrase is unnecessary and that such direction, if used, should sit within policies rather than objectives.⁴⁷

³⁶ 00239.034 Federated Farmers

³⁷ 00226.085 Kāi Tahu ki Otago

³⁸ 00121.015 Ravensdown

³⁹ 00211.004 LAC, 00210.004 Lane Hocking, 00209.004 Universal Developments, 00118.005 Maryhill, 00014.005 Mt Cardrona Station

⁴⁰ 00231.03 Fish and Game

⁴¹ 00139.022 DCC

⁴² 00239.034 Federated Farmers

⁴³ 00239.034 Federated Farmers

⁴⁴ 00237.019 Beef + Lamb and DINZ, 00139.023 DCC, 00412.023 Ernslaw One, 00407.055 Greenpeace, 00226.086 Kāi Tahu ki Otago, 00230.029 Forest and Bird

⁴⁵ 00321.015 Te Waihanga

⁴⁶ 00137.039 DOC

⁴⁷ 00121.016 Ravensdown

104. Wise Response seeks the following change in order to link the objective more clearly to the integrated management concept:⁴⁸

...and must therefore be considered treated as a finite and interdependent whole if is to achieve integration and resilience.

6.7.3. Analysis

105. It is unclear what amendments are sought to address the submission by Te Waihanga. I do not consider that the benefits of infrastructure need to be specifically highlighted in an objective focuses on ki uta ki tai and do not recommend accepting the submission.

106. I agree with DOC that management is a more active and directive outcome and recommend accepting this submission.

107. I consider that the amendment sought by Ravensdown reduces clarity as it is unclear how ki uta ki tai is being embraced. However, I agree with the submitter that the introductory text to the objective could be simplified and recommend adopting the same wording as in IM-O1.

108. I do not consider the amendments sought by Wise Response improve clarity, and instead introduce uncertainty about the focus of the objective. I do not recommend accepting this submission.

109. For grammatical reasons, I consider there are unnecessary commas in this objective that should be deleted and recommend these changes in accordance with clause 16(2) of Schedule 1 of the RMA.

6.7.4. Recommendation

110. I recommend amending IM-O2 as follows:

IM-O2 – Ki uta ki tai

~~The management of natural and physical resources management and decision making in Otago~~⁴⁹ embraces ki uta ki tai, recognising that the *environment* is an interconnected system,⁵⁰ which depends on its connections to flourish,⁵¹ and must be ~~considered~~ managed⁵² as an interdependent whole.

6.8. IM-O3 – Environmentally sustainable impact

6.8.1. Introduction

111. As notified, IM-O3 reads:

⁴⁸ 00509.029 Wise Response

⁴⁹ 00121.016 Ravensdown

⁵⁰ Clause 16(2), Schedule 1, RMA

⁵¹ Clause 16(2), Schedule 1, RMA

⁵² 00137.039 DOC

IM-03 – Environmentally sustainable impact

Otago’s communities carry out their activities in a way that preserves environmental integrity, form, function, and *resilience*, so that the life-supporting capacities of air, *water*, soil, ecosystems, and indigenous *biodiversity* endure for future generations

6.8.2. Submissions

112. Four submitters seek to retain IM-03 as notified.⁵³
113. Te Waihanga seeks that the objective is reworded for consistency with ki uta ki tai wording but does not provide specific amendments.⁵⁴ Port Otago seeks that the objective is deleted or rewritten to better reflect section 5 of the RMA but does not provide specific amendments.⁵⁵ Similarly, Horticulture NZ seeks to either delete the provision or redraft it to be consistent with the purpose of the RMA but no specific amendments are sought.⁵⁶
114. OWRUG seeks its deletion in full on the basis that it does not reflect the purpose of the RMA and has a narrow focus on environmental integrity, form, function, and resilience.⁵⁷ The submitter considers it is not clear what those terms mean and that the objective does not assist when considered alongside IM-O1 and IM-O2.
115. LAC, Lane Hocking, Maryhill, Mt Cardrona Station, and Universal Developments seek to delete the phrase “preserves environmental integrity, form, function, and resilience” and otherwise amend the objective to ensure it provides an appropriate balance between protection of natural resources and growth and development.⁵⁸
116. Ravensdown considers that the objective introduces concepts and terms that do not reflect the purpose of the RMA as set out in section 5 and seeks a range of amendments to clarify the intent of the objective and align it more closely with section 5:⁵⁹
- Otago’s communities carry out their activities in a way that sustainably manages natural and physical resources ~~preserves environmental integrity, form, function, and resilience~~, so that the life-supporting capacities of air, water, soil, ecosystems is safeguarded, ~~and indigenous biodiversity endure~~ for future generations.
117. Federated Farmers seeks to include reference to providing for the social, cultural, and economic well-being of Otago’s communities.⁶⁰ The submitter considers this is not appropriately provided for in the objective as notified.

⁵³ 00307.005 CIAL, 00139.024 DCC, 00412.024 Ernslaw One, 00407.056 Greenpeace

⁵⁴ 00321.016 Te Waihanga

⁵⁵ 00301.011 Port Otago

⁵⁶ 00236.034 Horticulture NZ

⁵⁷ 00235.060 OWRUG

⁵⁸ 00211.005 LAC, 00210.005 Lane Hocking, 00118.006 Maryhill, 00114.006 Mt Cardrona Station, 00209.005 Universal Developments

⁵⁹ 00121.017 Ravensdown

⁶⁰ 00239.035 Federated Farmers

118. Fish and Game and Wayfare seek to delete “environmentally” from the title of the policy.⁶¹ The submitters consider the term is unnecessary. Forest and Bird seeks to include reference to restoration as well as preservation to recognise the need for restoring degraded ecosystems.⁶²
119. Kāi Tahu ki Otago seeks to clarify that the reference to water includes wai māori and wai tai to better reflect that integrated management is required.⁶³
120. Wise Response consider the objective needs to clearly link net improvements in ecological values with human activity and include the concept of achieving “net ecological gain” when considering development or activities. The submitter seeks the following amendments:⁶⁴

IM-O3 – ~~Environmentally sustainable impact~~ Net positive environmental outcomes

Otago’s communities develop initiatives which are undertaken in a manner that achieves net ecological gain in attributes such as ~~carry out their activities in a way that preserves environmental~~ integrity, form, function, and resilience, so that the life – supporting capacities of air, water, soil, ecosystems, and indigenous biodiversity are steadily restored and/or strengthened and can endure for future generations.

6.8.3. Analysis

121. Without further evidence about the specific amendments sought by Te Waihanga, Port Otago and Horticulture NZ, I do not recommend accepting these submissions.
122. I agree with OWRUG that the objective introduces terms that are not defined in the RMA or the pORPS 2021 and I consider this may introduce uncertainty in its implementation. However, I note that this is an objective and that the terms used are either defined or generally well understood on their plain meaning. On this basis, I do not recommend accepting the submission points by OWRUG or Ravensdown.
123. Deleting “preserving environmental integrity, form, function, and resilience” without making other amendments would mean the objective does not make sense. Without clarity about the additional amendments sought, I do not recommend accepting the submission points by LAC, Lane Hocking, Maryhill, Mt Cardrona Station, and Universal Developments.
124. I do not consider the amendments sought by Federated Farmers are necessary given that, as recommended, the revised objective includes reference to sustainable management which is defined in section 5 of the RMA as including enabling people and communities

⁶¹ 00231.031 Fish and Game, 00411.024 Wayfare

⁶² 00230.030 Forest and Bird

⁶³ 00226.087 Kāi Tahu ki Otago

⁶⁴ 00509.030 Wise Response

to provide for their social, economic, and cultural well-being. I do not recommend accepting this submission.

125. I agree with Fish and Game and Wayfare that sustainability is broader than just environmental sustainability and consider the amendment sought is more consistent with section 5 of the RMA. I recommend accepting these submissions.

126. The amendment sought by Kāi Tahu ki Otago would clarify that the term “water” includes fresh water (wai māori) and coastal water (wai tai). I do not consider this is necessary as the term “water” is defined in the RMA (and the pORPS) as including fresh water, coastal water, and geothermal water.

127. The amendments sought by Wise Response fundamentally alter the intent of the objective by requiring the development of initiatives that achieve net ecological gain. I do not consider there is justification in the submission for this approach and am unsure what is meant by “initiatives”. I am not convinced it is practical to require net ecological gain in every instance. I do not recommend accepting this submission.

6.8.4. Recommendation

128. I recommend amending IM-O3 as follows:

IM-O3 – ~~Environmentally Sustainable impact~~⁶⁵

Otago’s communities carry out their activities in a way that preserves environmental integrity, form, function, and *resilience*, so that the life-supporting capacities of air, *water*, soil, and ecosystems are safeguarded, ~~and indigenous biodiversity endure~~⁶⁶ for future generations.

6.9. IM-O4 – Climate change

6.9.1. Introduction

129. As notified, IM-O4 reads:

IM-O4 – Climate change

Otago’s communities, including Kāi Tahu, understand what *climate change* means for their future, and *climate change* responses in the region, including adaptation and mitigation actions, are aligned with national level *climate change* responses and are recognised as integral to achieving the outcomes sought by this RPS.

⁶⁵ 00231.031 Fish and Game, 00411.024 Wayfare

⁶⁶ 00121.017 Ravensdown

6.9.2. Submissions

130. Five submitters seek to retain the objective as notified.⁶⁷ One submission point was incorrectly logged in the SODR against IM-O4: submission 00237.020 from Beef + Lamb and DINZ relates to IM-P4 and will be summarised and assessed as part of that section.
131. COES and Lynne Stewart seek that the objective is to support the national objectives for climate change by reforming the economy and the pattern of settlement in Otago so as to reach zero net carbon emissions by 2050.⁶⁸ Forest and Bird seeks an amendment to clarify that climate change responses can be aligned with or stronger than national level responses in order to recognise that some actions in Otago may need to be stronger than required by national direction.⁶⁹
132. DCC seeks to include reference to local or regional level targets but does not provide these. The submitter notes that DCC has adopted a zero carbon 2030 target which is 20 years more ambitious than the Government’s target and it is unclear how the requirement in IM-O4 to have a strategy by 2030 aligns with DCC’s goal to achieve net carbon zero by 2030.⁷⁰
133. Trustpower seeks to include reference to strategic actions alongside adaptation and mitigation to better reflect the requirements of the NPSREG.⁷¹ Contact seeks to amend the objective or develop new region-wide provisions to recognise that the development and operation of new and existing renewable energy facilities will be a critical component in achieving New Zealand climate change responses.⁷²
134. Ravensdown seeks to delete everything after “national level climate change responses” on the basis that the remaining text is unnecessary.⁷³ Ngāi Tahu ki Murihiku also seeks to amend this part of the objective by including reference to the long term vision in IM-O1 and deleting “by this RPS”.⁷⁴
135. Wise Response consider that the objective should require reducing the rate of resource and energy use to sufficient “fair share” and concurrently promote a shift to essential renewable energy. The submitter seeks the following amendments:⁷⁵

Otago’s communities, including Kāi Tahu, understand what climate change means for their future ~~and climate change responses in the region, including adaptation and mitigation actions, are aligned with national level climate change responses and are recognised as integral to achieving the outcomes sought by this RPS. and~~ are rapidly transitioning from fossil fuel dependence to the use and development

⁶⁷ 00201.001 CODC, 00412.025 Ernslaw One, 00407.009 Greenpeace, 00226.088 Kāi Tahu ki Otago, 00235.061 OWRUG

⁶⁸ 00202.011 COES, 00030.008 Lynne Stewart

⁶⁹ 00230.031 Forest and Bird

⁷⁰ 00139.025 DCC

⁷¹ 00311.007 Trustpower

⁷² 00318.005 Contact

⁷³ 00121.018 Ravensdown

⁷⁴ 00223.054 Ngāi Tahu ki Murihiku

⁷⁵ 00509.031 Wise Response

of renewable energy which support district emission reduction plans that are aligned with national and international emission reduction limits.

Considered together, all policies in this RPS are intended to facilitate and not in any way frustrate, achieving the national goal for net zero carbon by 2050 and should be interpreted accordingly. Should this current target be revised, then the affected provisions and related plans will be brought into line within 6 months.

6.9.3. Analysis

136. It is not clear what specific amendments are sought by COES and Lynne Stewart and I consider that some of the amendments sought (in particular reforming the economy) are outside the scope of the RMA to manage. However, in response to submissions on IM-P9 in section 6.20 below **Error! Reference source not found.** I have recommended incorporating “assist with achieving the national target for emissions reduction” which includes the net-zero carbon target raised by the submitter. As I have set out I therefore recommend accepting this submission in part. Introducing this to IM-O4 makes the objective long and rather unwieldy, therefore I recommend consequential amendments to split the content into a chapeau and three clauses.
137. I do not consider that IM-O4 would prevent any local authority from achieving more ambitious targets than the national level targets. In my view, any local authority that is already progressing towards achieving this outcome, including on a shorter timeframe, is well-placed to implement the objective. I do not recommend accepting this submission.
138. I have not found any reference to strategic action in the NPSREG and am unsure what is meant by this term. Without further clarification, I do not recommend accepting the submission by Trustpower.
139. I agree with Contact that renewable electricity generation will play a role in responding to climate change, however I consider that the EIT-EN section is the more appropriate location for this type of direction and I note that amendments addressing the submitter’s concern have been recommended to that chapter, in particular EIT-EN-O2. I do not recommend accepting this submission point.
140. Many submissions made across the pORPS seek to include greater recognition of climate change. Although I agree with Ravensdown that IM-O4 must be read alongside all other objectives of the pORPS, I consider that the last part of IM-O4 assists readers to understand that responding to climate change will be required across all chapters of the pORPS in order to achieve the outcomes sought, not only in achieving the objectives of the IM chapter. I do not recommend accepting this submission point. The submission point by Ngāi Tahu ki Murihiku would narrow this application to only IM-O1, which is not what was intended by the text in the objective. I recommend rejecting that submission point.
141. The amendments sought by Wise Response would focus the objective solely on energy uses which is considerably narrower than the objective as notified, which includes reference to other types of actions such as adaptation and mitigation. In relation to the

additional paragraph sought, it is not clear whether this is intended to be part of the objective or an advice note. I am unsure whether it is practical to require all policies in the pORPS 2021 not to frustrate, in any way, achieving the national goal for net zero carbon. For these reasons, I do not recommend accepting this submission.

142. There are a number of submission points that raise broader issues with the suite of climate change provisions that I have addressed in section 6.3.1 of this report. In response to those submissions, I have recommended replacing “climate change responses” with “responses to climate change” and “mitigation” with “climate change mitigation” in IM-O4.

6.9.4. Recommendation

143. I recommend amending IM-O4 as follows:

IM-O4 – Climate change⁷⁶

Otago’s communities, including Kāi Tahu, understand what *climate change* means for their future, and responses to climate change responses⁷⁷ in the region, (including climate change adaptation and climate change mitigation actions),⁷⁸

(1) are aligned with national level climate change responses,

(2) assist with achieving the national target for emissions reduction,⁷⁹ and

(3) are recognised as integral to achieving the outcomes sought by this RPS.

6.10. New objectives

6.10.1. Submissions

144. Fonterra submits that the purpose of resource management under the RMA is the sustainable management of natural and physical resources but none of the IM objectives recognise the need to manage the physical resources of significance to the region when those resources, and the economic and social value they represent, are at risk. The submitter considers that the pORPS should not actively seek to promote the protection, use, and development (as appropriate) of physical resources but that it does this in part by recognising regionally significant infrastructure. The submitter considers it is appropriate for the pORPS to go beyond that by recognising regionally significant industry and seeks the following new objective:⁸⁰

IM-O5 – Regionally significant industry and infrastructure

⁷⁶ All formatting amendments recommended: Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendments arising from 00120.025 Yellow-eyed Penguin Trust, 00509.038 Wise Response

⁷⁷ Clause 16(2), Schedule 1, RMA

⁷⁸ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.015 Wise Response

⁷⁹ 00120.025 Yellow-eyed Penguin Trust, 00509.038 Wise Response

⁸⁰ 00233.022 Fonterra

The social, economic and cultural well-being of Otago’s communities is enabled through the appropriate protection, use and development of regionally significant infrastructure and regionally significant industry.

145. To support this objective, Fonterra also seeks to include a new definition of the term “regionally significant industry” as follows:⁸¹

Regionally significant industry means an economic activity based on the use of natural and physical resources in the region which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

146. Wise Response submits that in an economy predicated on growth using finite resources, shortage and degradation are inevitable and this is seen already in the quality and availability of freshwater, soils, energy sources, and fish stocks, for example. The submitter considers we must manage out consumption and impact and seeks to include the following new objective:⁸²

IM-O5 – Environmental limits

Given local and global environmental limits and growing stresses, Otago will work toward building biophysical capacity within environmental limits and greater self-reliance within a more self-reliant economy where moderation and “fair share” prevail, so as to husband and sustain key resources and capacities for the future.

6.10.2. Analysis

147. Infrastructure, including nationally and regionally significant infrastructure, is managed primarily by the provisions in the *EIT-Energy, infrastructure, and transport* chapter. I do not consider it is necessary to include additional management in this chapter for infrastructure, particularly as it is unclear what is meant by “appropriate protection, use and development”. Based on the definition proposed, I am unsure how “significance” would be assessed and am concerned that the definition could capture a very wide range of activities. While I appreciate the benefits of large industries to Otago’s communities, I also consider that these benefits are already provided collectively by smaller (potentially “less significant”) industries.

148. I agree with Fonterra that the pORPS does not specifically recognise that the protection, use, and development of natural and physical resources is important for supporting social, economic, and cultural well-being. I consider that an amendment could be made to IM-O3 to replace “Otago’s communities carry out their activities in a way” with “Otago’s communities provide for their social, economic, and cultural well-being in ways that...” In my view, this appropriately places the recognition sought by the submitter within the context of sustainable management. I recommend accepting this submission in part.

⁸¹ 00213.006 Fonterra

⁸² 00509.032 Wise Response

149. The new objective sought by Wise Response contains many terms and phrases that are unclear and undefined. While I understand and do not oppose the sentiment behind the objective sought, I consider that IM-O1 and IM-O3 collectively set out a similar but more readily understood outcome for Otago. I recommend rejecting this submission point.

6.10.3. Recommendation

150. I recommend amending IM-O3 to include reference to communities providing for their social, economic, and cultural well-being.

6.11. Policies – General submissions

6.11.1. Submissions

151. QLDC submits that the provisions in the IM chapter do not go far enough in setting out what critical cross-boundary resource management issues need to be managed in a more integrated way, and in particular, the management of the risks from natural hazards. The submitter seeks that the IM chapter (and particularly IM-P7, IM-P8, and IM-P10) is amended to set out a clearer framework for how 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.⁸³

152. Wise Response considers that the suite of policies intended to address climate change (IM-P8 to IM-P13) would benefit from further rationalisation into simpler statements. The submitter states that the headings are confusing and the scope of, and boundaries between, each one is not always clear.⁸⁴

6.11.2. Analysis

153. I agree with QLDC that it is important that local authorities work together on complex and cross-boundary issues, including natural hazard management. I note that the methods in the *HAZ – NH – Natural hazards* section set out the responsibilities of the regional council and territorial authorities and the requirements for assessing the level of natural hazard risk in their jurisdictions and amending their plans. Without further clarification, I am unsure what else the submitter is seeking and therefore, at this stage, do not recommend accepting this submission. QLDC may wish to clarify the specific amendments sought in their evidence.

154. I agree with Wise Response that rationalisation of policies IM-P8 to IM-P13 would improve their clarity and application. In response to other submissions evaluated in relation to each of those policies, I have recommended a number of amendments to improve the suite of policy, including deleting some policies and incorporating others into different provisions for clarity. I recommend accepting this submission.

⁸³ 00138.009 QLDC

⁸⁴ 00509.044 Wise Response

6.11.3. Recommendation

155. I recommend retaining the policies in the IM chapter, noting that I have recommended amendments to the policies in response to other submissions.

6.12. IM-P1 – Integrated approach

6.12.1. Introduction

156. As notified, IM-P1 reads:

IM-P1 – Integrated approach

The objectives and policies in this RPS form an integrated package, in which:

- (1) all activities are carried out within the environmental constraints of this RPS,
- (2) all provisions relevant to an issue or decision must be considered,
- (3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and
- (4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM–O1 to IM–O4.

6.12.2. Submissions

157. Kāi Tahu ki Otago and Waka Kotahi seek the provision be retained as notified.⁸⁵ Boxer Hill Trust, Queenstown Airport, Ravensdown and Waterfall Park seek to delete the provision.⁸⁶ Boxer Hill Trust, Queenstown Airport, and Waterfall Park consider the ordinary principles of interpretation should apply to the pORPS. Ravensdown considers the provision is not technically a policy and is more akin to guidance. Port Otago seeks to delete the provision or rewrite it to better reflect section 5 of the RMA and provide the specific approach for this RPS if this differs from the standard application of provisions.⁸⁷

158. Lauder Creek Farming seeks unspecified amendments to clarify how integrated management will be implemented in practical terms for all parties involved.⁸⁸

159. Contact seeks unspecified amendments to ensure that IM-P1 provides for an integrated approach that does not result in constraints that prevent effective pathways for developing new renewables or threaten existing ones and thereby foreclose consideration of options for renewable electricity that are needed to meet New Zealand’s climate change commitments.⁸⁹

⁸⁵ 00226.089 Kāi Tahu ki Otago, 00305.006 Waka Kotahi

⁸⁶ 00025.002 Boxer Hill Trust, 00313.004 Queenstown Airport, 00121.019 Ravensdown, 00023.002 Waterfall Park

⁸⁷ 00301.012 Port Otago

⁸⁸ 00406.004 Lauder Creek Farming

⁸⁹ 00318.006 Contact

160. DCC seeks that the provision is amended so that where there are clear conflicts between pORPS requirements there is clear guidance within the policy wording on how these should be managed.⁹⁰ The submitter seeks a range of amendments to clarify the intent and application of the policy.
161. Submitters seek a range of amendments to the wording of clause (1):
- OWRUG seeks to delete clause (1) because the submitter considers the pORPS does not identify any measurable environmental constraints.⁹¹
 - Toitū te Whenua seeks to broaden clause (1) to enable flexibility going forward but does not specify amendments.⁹²
 - Horticulture NZ seeks to replace “constraints” with “limits and thresholds” on the basis that the notified wording is confusing and inconsistent.⁹³
 - Fish and Game seeks to replace “constraints” with “limits directed by” the pORPS.⁹⁴
 - Ngāi Tahu ki Murihiku seeks to retain “constraints” but amend “of” to “described in” the pORPS.⁹⁵
 - Wayfare seeks to replace “the environmental constraints of this RPS” with “within limits of natural environmental attributes”.⁹⁶
 - Wise Response seeks to include “and focus on the restoration, enhancement, and protection of ecological processes” at the end of clause (1).⁹⁷
162. Upper Clutha Angling Club considers that clause (2) needs specificity and clarity but does not seek specific amendments.⁹⁸ Meridian seeks amendments to clarify that the provisions referenced in clause (2) are the provisions of the pORPS 2021 and a consequential amendment to (4) to reflect an additional objective sought by the submitter.⁹⁹ Toitū te Whenua seeks to amend clause (2) to “all foreseeable provisions related to an issue or decision should be considered”.¹⁰⁰ The submitter considers it is sometimes difficult for planners to determine all that is applicable to an issue and the suggested wording allows for more leeway.
163. Forest and Bird seek to delete the first part of clause (4) so that it reads: “achieves the integrated management objectives IM-O1 to IM-O4”.¹⁰¹ The submitter considers there could be unforeseen consequences arising from applying integrated management as overriding the interpretation of all other provisions in the pORPS 2021.

⁹⁰ 00139.026 DCC

⁹¹ 00235.062 OWRUG

⁹² 00101.020 Toitū te Whenua

⁹³ 00236.035 Horticulture NZ

⁹⁴ 00231.032 Fish and Game

⁹⁵ 00223.055 Ngāi Tahu ki Murihiku

⁹⁶ 00411.025 Wayfare

⁹⁷ 00509.033 Wise Response

⁹⁸ 00220.005 Upper Clutha Angling Club

⁹⁹ 00306.019 Meridian

¹⁰⁰ 00101.021 Toitū te Whenua

¹⁰¹ 00230.032 Forest and Bird

164. Trustpower seeks to include a new clause (5) as follows:¹⁰²
- (5) except that clauses (3) – (4) of this policy, and all provisions of the RPS other than those contained in EIT-EN, do not apply to renewable electricity generation activities.
165. The submitter considers that this avoids confusion and misinterpretation of priorities and ensures that the NPSREG is given effect to.
- 6.12.3. Analysis
166. I agree with Boxer Hill Trust, Queenstown Airport, and Waterfall Park that the ordinary principles of interpretation apply to the IM chapter. When considering the provisions of an RPS, I consider it is standard practice to consider all of the provisions together and according to the terms in which they are expressed. For the same reasons, I also agree with the submission by Ravensdown. I note that the submitter considers that the content of IM-P1 is more akin to guidance, and I agree that is the case.
167. Despite this, I do not recommend deleting the policy. Other submitters have sought clarification about how the *IM – Integrated management* chapter relates to the other chapters of the pORPS. Given that this chapter is relevant to all other chapters of the pORPS, I consider it may assist plan readers to retain the policy so that there is clarity on this relationship. I therefore do not recommend accepting the submissions by Boxer Hill Trust, Queenstown Airport, Waterfall Park, and Ravensdown.
168. I do not consider any amendments are necessary in response to the submission by Lauder Creek Farming. How integrated management will be implemented in practical terms will depend largely on how the provisions of the pORPS 2021 are implemented through regional and district plans. I do not recommend accepting this submission.
169. Contact has not specified the amendments sought and I do not consider that the policy as notified constrains the development of renewable electricity. I do not recommend accepting this submission.
170. I consider that the amendments sought by DCC generally improve the clarify of the policy and I recommend the submission is accepted in part. I consider it is more appropriate that the chapeau retains the reference to the objectives and policies of the pORPS being an integrated package and that the policy requires that decision-makers “must” rather than “should” implement the sub-clauses in order to provide certainty about applying the IM provisions. I also recommend a range of grammatical amendments to improve readability.
171. My recommendation regarding the submission by DCC includes deleting clause (1) which addresses or makes irrelevant a number of the issues raised by other submitters. For this reason, I recommend accepting the submission by OWRUG but not those by Toitū te Whenua, Horticulture NZ, Fish and Game, Ngāi Tahu ki Murihiku, Wayfare or Wise Response.

¹⁰² 00311.008 Trustpower

172. Without clarification about the amendments sought by Upper Clutha Angling Club, I do not recommend accepting this submission as I do not consider that clause (2) is unclear. I agree with Meridian that the amendment sought to (2) clarifies the application of this part of the policy and recommend accepting the submission in part. In my opinion, it is the role of planners to identify and apply all relevant provisions when using planning documents and it would not be appropriate to provide “leeway” for some to be missed, as sought by Toitū te Whenua. I recommend rejecting this submission point.
173. I do not recommend the amendments sought by Meridian to (4) as I have not recommended including the additional objective sought by the submitter. I agree with Forest and Bird that there is some uncertainty in the wording of clause (4) and the potential for unforeseen consequences arising from its interpretation. I recommend accepting this submission point in part and deleting clause (4).
174. In my opinion, the amendment sought by Trustpower could prevent the objectives of other national policy statements (such as the NPSFM and NZCPS) being achieved which would not be appropriate. I do not recommend accepting this submission point.
175. I consider that the title of the policy could more clearly set out its intent and recommend, in accordance with clause 16(2) of Schedule 1 of the RMA, a minor amendment to change the title from “Integrated approach” to “Integrated approach to decision-making”.
176. I note that I have recommended an additional clause (3a) in this policy as a result of my evaluation of the submission points on IM-P2. That evaluation and my recommendations are set out in section 6.13.3.

6.12.4. Recommendation

177. I recommend amending IM-P1 as follows:

IM-P1 – Integrated approach to decision-making¹⁰³

Giving effect to the integrated package of objectives and policies in this RPS requires decision-makers to consider all provisions relevant to an issue or decision and apply them according to the terms in which they are expressed, and if there is a conflict between provisions that cannot be resolved by the application of higher order documents, prioritise:

- (1) the life-supporting capacity and mauri of the natural environment and the health needs of people, and then
- (2) the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.¹⁰⁴

¹⁰³ Clause 16(2), Schedule 1, RMA

¹⁰⁴ 00139.026 DCC, 00235.062 OWRUG, 00314.011 Transpower, 00239.036 Federated Farmers, 00139.027 DCC, 00231.033 Fish and Game, 00314.011 Transpower, 00230.032 Forest and Bird, 00230.033 Forest and Bird, 00206.016 Trojan, 00411.026 Wayfare, 00306.020 Meridian

~~The objectives and policies in this RPS form an integrated package, in which:~~

- ~~(1) all activities are carried out within the environmental constraints of this RPS,~~
- ~~(2) all provisions relevant to an issue or decision must be considered,~~
- ~~(3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and~~
- ~~(4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-O1 to IM-O4.~~

6.13. IM-P2 – Decision priorities

6.13.1. Introduction

178. As notified, IM-P2 reads:

IM-P2 – Decision priorities

Unless expressly stated otherwise, all decision making under this RPS shall:

- (1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment,
- (2) secondly, promote the health needs of people, and
- (3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future

6.13.2. Submissions

179. DOC, Greenpeace, John Highton, Kāi Tahu ki Otago and WAI Wanaka seek to retain the policy as notified.¹⁰⁵ Thirteen submitters seek to delete the policy in its entirety.¹⁰⁶ Those submitters seeking deletion raise a range of concerns about the policy:

- The policy does not reflect the purpose of the RMA.¹⁰⁷
- The policy creates a hierarchy that does not exist in section 5 of the RMA and it is inappropriate to ‘borrow’ an objective from the NPSFM and apply it to the management of all natural and physical resources.¹⁰⁸

¹⁰⁵ 00137.040 DOC, 00407.010 Greenpeace, 00114.020 John Highton, 00226.090 Kāi Tahu ki Otago, 00222.001 WAI Wanaka

¹⁰⁶ 00016.001 Alluvium and Stoney Creek, 00315.016 Aurora Energy, 00025.016 Boxer Hill Trust, 00017.001 Danny Walker and Others, 00322.007 Fulton Hogan, 00320.013 Network Waitaki, 00235.063 OWRUG, 00511.013 PowerNet, 00313.005 Queenstown Airport, 00121.020 Ravensdown, 00122.005 Sanford, 00314.011 Transpower, 00023.003 Waterfall Park

¹⁰⁷ 00121.020 Ravensdown, 00315.016 Aurora Energy, 00322.007 Fulton Hogan, 00235.063 OWRUG

¹⁰⁸ 00314.011 Transpower

- The policy seeks to prioritise the natural environment over the health needs of people and the ability of people and communities to provide for their social, economic, and cultural well-being.¹⁰⁹
 - The policy adopts the objective of the NPSFM and will cause implementation difficulties as in certain circumstances there will need to be a more nuanced and balanced approach to decision-making.¹¹⁰
 - In some circumstances, decision-making will need to balance the priorities stated against other national direction instruments that may be applicable.¹¹¹
 - The section 32 analysis is very high level and provides no comfort that the ramifications of this policy have been fully considered, assessed, and justified.¹¹²
180. Trustpower seeks to replace the provision with a more considered approach to prioritisation but does not provide specific wording.¹¹³ NZ Pork and Port Otago seek to delete the policy or redraft it to be consistent with Part 2 and section 5 of the RMA.¹¹⁴ Horticulture NZ seeks to delete the policy or amend it to address concerns raised in the submission, including the inconsistency with section 5 of the RMA.¹¹⁵ Oceana Gold also seeks to delete the policy or alternatively make extensive (unspecified) changes elsewhere in the RPS to recognise that promoting sustainable management will often require a more nuanced approach.¹¹⁶
181. DCC considers the policy as drafted is unclear and seeks the following:¹¹⁷
- Amend or add a new policy to reflect Part 2 of the RMA and clarify how ‘long-term life-supporting capacity and mauri of the natural environment’ will be considered when conflicts arise.
 - Amend to instead of creating a hierarchy between the natural environment and people, consider an approach which better reflects part 2 of the RMA which allows a focus on providing for human wellbeing but within environmental limits and in a way which maintains long-term life-supporting capacity and mauri of the natural environment.
182. Contact seeks to delete the policy or alternatively make specific reference to the importance of renewable electricity generation in achieving the priorities set out.¹¹⁸ Te Waihanga seeks to reword the policy for consistency with ki uta ki tai wording but does not specify amendments.¹¹⁹ QLDC seeks that the ‘decision priority’ framework in IM-P2

¹⁰⁹ 00016.001 Alluvium and Stoney Creek, 00017.001 Danny Walker and Others, 00023.003 Waterfall Park

¹¹⁰ 00025.016 Boxer Hill Trust, 00320.013 Network Waitaki, 00511.013 PowerNet

¹¹¹ 00313.005 Queenstown Airport

¹¹² 00122.005 Sanford

¹¹³ 00311.009 Trustpower

¹¹⁴ 00240.012 NZ Pork, 00301.013 Port Otago

¹¹⁵ 00236.036 Horticulture NZ

¹¹⁶ 00115.010 Oceana Gold

¹¹⁷ 00139.027 DCC

¹¹⁸ 00318.007 Contact

¹¹⁹ 00321.017 Te Waihanga

be limited to decisions made on freshwater or those matters managed under the NPSFM.¹²⁰

183. CIAL, Graymont, Harbour Fish, Southern Inshore Fisheries, and Toitū te Whenua seek to delete the words “firstly”, “secondly”, and “thirdly” from the start of clauses (1) to (3).¹²¹ The submitters consider this creates a hierarchy that is inappropriate for managing natural and physical resources. Trojan and Wayfare seek to amend the chapeau so that it requires promoting the matters in clauses (1) to (3) and to delete “secure” and “long-term” from clause (1).¹²²

184. Federated Farmers question the appropriateness of extending Te Mana o te Wai beyond freshwater and across the entire environment. The submitter considers that clause (1) mirrors the purpose statement from section 5 of the RMA so the same wording should be used. The submitter considers that the policy should reflect the hierarchy in Part 2 of the RMA, not Te Mana o te Wai, and seeks the following amendments (or similar):¹²³

Unless expressly stated otherwise, all decision making under this RPS shall

(1) ~~secure~~ safeguard the long-term life-supporting capacity (and mauri), of air, water, soil, and ecosystems ~~the natural environment, while enabling~~

(2) ~~secondly, promote the health needs of people, and~~

(3) ~~thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.~~

185. Meridian considers that no decision can secure the long-term life-supporting capacity and mauri of the natural environment as required by clause (1) and seeks to amend “secure” to “contribute to”.¹²⁴

186. Forest and Bird support the intent of the policy but consider it would be helpful to have the term “natural environment” defined. The submitter states that consideration should be given to going further than long-term life supporting capacity or the suggesting that it should not be secured in the short-term and retained into the long-term for future generation. The following amendments are sought to clause (1):¹²⁵

(1) firstly, secure the ~~long-term~~ life-supporting capacity and mauri of ~~the natural resources environment~~ environment for current and future generations

187. Fish and Game submit that the phrase “life-supporting capacity” should be broadened to include the health, well-being and resilience of the natural environment as these phrases encapsulate life-supporting capacity but are more holistic in nature and provide a cumulative check that decisions will consider the natural environment in its entirety. The submitter acknowledges that Fish and Game has a clear focus on the natural environment

¹²⁰ 00138.008 QLDC

¹²¹ 00307.006 CIAL, 00022.003 Graymont, 00126.003 Harbour Fish, 00124.003 Southern Inshore Fisheries, 00101.023 Toitū te Whenua

¹²² 00206.016 Trojan, 00411.026 Wayfare

¹²³ 00239.036 Federated Farmers

¹²⁴ 00306.020 Meridian

¹²⁵ 00230.033 Forest and Bird

but that the pORPS also deals with the anthropogenic realm. The submitter supports the hierarchical approach of this provision and the clear direction which will apply to most of the document and expects that the second and third tiers will create positive outcomes for humans. The following amendments are sought to clause (1):¹²⁶

- (1) firstly, secure the long-term health, well-being, resilience and mauri of the natural environment

6.13.3. Analysis

188. I consider that there are two main elements to this policy: when it applies (i.e. the circumstances under which this policy would be relied on) and what it requires (i.e. in terms of weighting different matters during decision-making).

6.13.3.1. When IM-P2 applies

189. From my reading of the submissions, it appears that many submitters have interpreted IM-P2 as applying to all decision-making – that is, that it ‘overrides’ the direction in the remainder of the pORPS 2021. As a result, a number of submitters have sought to delete the policy in its entirety. The section 32 evaluation report for the *IM – Integrated management* chapter states that:

“If tensions arise between provisions in other domains or topics, IM-P2 provides a pathway for resolving them.”¹²⁷

190. I understand that this is what the opening phrase (“Unless as expressly stated otherwise”) refers to. However, I appreciate that the policy also refers to “all decision-making” which may make its application unclear. If applied to all decision-making, I agree with submitters that the policy as notified may not assist with achieving some parts of the purpose of the RMA and that a more nuanced approach will be required in some instances. I also agree with Trustpower, in particular, that a more considered approach to prioritisation is necessary.

191. Despite my agreement with some of the concerns raised by submitters, I do not agree that full deletion is appropriate. Based on the context provided by the section 32 evaluation report, and the (relatively unclear) qualifier at the beginning of the policy, I consider that many of the concerns of these submitters can be addressed by clarifying the circumstances in which this policy is to be used.

192. I note that IM-P1 provides direction for decision-makers on applying the provisions of the pORPS and consider that the type of direction provided by IM-P2 would be better included in that policy. In my view, IM-P1 sets out the basic approach to interpretation of provisions (i.e. readers are to consider all relevant provisions and then consider them on the terms in which they are expressed). I consider that the intent of IM-P2 as described in the section 32 evaluation report is the next step in this process of consideration and

¹²⁶ 00231.033 Fish and Game

¹²⁷ Section 32 Evaluation Report for the pORPS 2021, p.72.

recommend incorporating IM-P2 into a new clause (3a) in IM-P1, between clauses (3) and (4) as notified.

193. Following on, I therefore consider that the current chapeau of the policy needs amendment so that it is clear it does not apply to all decision-making. I recommend deleting the existing wording and replacing it with the following:

(3a) if there is a conflict between provisions in this pORPS that cannot be resolved by the application of higher order documents, prioritise:

194. This also clarifies, as highlighted by Queenstown Airport, that in some circumstances there will be relevant higher order documents that can be relied on for guidance on decision-making.

195. I do not agree with the relief sought by QLDC to limit the application of this policy to only decisions affecting freshwater. The NPSFM contains a clear framework for managing freshwater and I do not consider that an additional policy applying in a similar but not entirely consistent way would assist plan users.

196. On this basis, I recommend accepting in part the submissions by Ravensdown, Aurora Energy, Fulton Hogan, OWRUG, Transpower, Alluvium and Stoney Creek, Danny Walker and Others, Waterfall Park, Boxer Hill Trust, Network Waitaki, Powernet, Queenstown Airport, Trustpower, NZ Pork, Port Otago, Horticulture NZ, Oceana Gold, and QLDC.

6.13.3.2. What IM-P2 requires in decision-making

197. The section 32 report (p.72) states that:

“[The approach in IM-P2] is based on the management hierarchy laid out in the NPSFM 2020, reflecting the fundamental importance of environmental health, considering first the long-term life-supporting capacity of the environment, second people’s health, and third other facets of wellbeing.”

198. I agree with Transpower and Federated Farmers that it may not be appropriate to adopt a concept developed for freshwater management for management of the wider environment. However, I do not consider that section 5 of the RMA prevents prioritising the natural environment over other matters in some situations. I note that section 5(2) is explicit that “protection of natural and physical resources” forms a part of sustainable management and therefore I consider that prioritising this protective element in some instances is appropriate.

199. The Ministry for the Environment and Stats NZ produce regular environmental reports. In 2019, they released a synthesis report titled *Our environment 2019* which took a broader view of the environment as a whole and reported on nine priority issues. Those issues were (Ministry for the Environment & Stats NZ, 2019):

- Our native plants, animals, and ecosystems are under threat.
- Changes to the vegetation on our land are degrading the soil and water.
- Urban growth is reducing versatile land and native biodiversity.

- Our waterways are polluted in farming areas.
- Our environment is polluted in urban areas.
- Taking water changes flows which affects our freshwater ecosystems.
- The way we fish is affecting the health of our ocean environment.
- New Zealand has high greenhouse gas emissions per person.
- Climate change is already affecting Aotearoa New Zealand.

200. The report notes that New Zealand’s economy “has been built on our environment, our population continues to grow, and climate change is amplifying many current pressures” (Ministry for the Environment & Stats NZ, 2019, p. 4). There is evidence of many of these issues in Otago, for example:

- Widespread loss and modification of indigenous vegetation and habitats in lowland and montane areas has profoundly affected populations of indigenous fauna, and those that are sensitive to predation have retreated to refuge habitats. (Wildlands, 2021)
- Coastal forest has been significantly depleted along much of the Otago coast. Coastal treelands are experiencing attrition and will not persist long-term if current management continues (Wildlands, 2021, pp. 11-12)
- The limited remaining extent of outwash plain herbfield and grassland in Otago has diminished ecological functioning of this ecosystem.
- The last State of the Environment report by ORC demonstrated that all seven monitored estuaries in Otago had elevated levels of nutrients (Wildlands, 2021, p. 13)
- Arrowtown, Otago, had the highest number of average daily exceedances of the 24-hour PM10 NESAQ standards per year across the country (Ministry for the Environment and Stats NZ, 2021, p. 10)
- In parts of Otago, computer modelling in 2017/18 of the total volume of water takes allowed by resource consents (excluding hydroelectricity generation) from many catchments was greater than the estimated natural median flow of the rivers in those catchments, meaning they would run dry if the full allocation was taken (Ministry for the Environment & Stats NZ, 2020, p. 7)
- When using the freshwater fish index of biotic integrity (IBI), sites with low fish IBI scores nationally were mostly in Southland, Otago, and the centre of the North Island (Ministry for the Environment & Stats NZ, 2020, p. 20).
- Water quality in Otago is variable: of the 78 monitored sites (Ozanne, 2021):
 - 46 did not meet the NOF bottom line for *E.coli*,
 - 40 did not meet the NOF bottom line for suspended fine sediment,
 - 14 did were graded ‘D’ band for dissolved reactive phosphorus,
 - 25 (for total nitrogen) and 23 (dissolved reactive phosphorus) were elevated above the 20% exceedance criteria which is the level at which there is some risk that the chlorophyll a response will exceed the desired chlorophyll a thresholds,

- No lake sites meet the bottom lines for chlorophyll a,
 - 20 year trends were mostly degrading for all variables except ammoniacal nitrogen.
201. In my opinion, there is sufficient evidence to demonstrate that various natural resources in Otago have degraded, in some cases significantly, under previous and existing resource management frameworks. With climate change likely to exacerbate some of these negative effects in future, I consider that when there is a tension between provisions in the pORPS, it is appropriate to favour environmental caution.
202. DCC has sought general amendments to better reflect Part 2 of the RMA and to focus on providing for human well-being within environmental limits and in a way which maintains long-term life-supporting capacity and mauri of the natural environment. Many other submitters have also sought greater alignment with section 5 of the RMA. Fish and Game has highlighted that the pORPS addresses anthropogenic matters as well as the natural environment.
203. I agree that aligning the language more closely with section 5 will assist with interpretation and application. I consider that the priorities set out in IM-P2 should be amended so that decision-makers prioritise both natural resources and the health and safety of people, ahead of the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. In my view, this is consistent with other provisions in the pORPS 2021 which encourage environmentally conservative approaches to decision-making, such as requiring the adoption of the precautionary approach (IM-P15). On this basis, I recommend accepting in part the submission points by Trustpower, Transpower, Federated Farmers, and DCC.
204. I do not consider that a reference to renewable electricity generation, as sought by Contact, is necessary. The priorities are not a matter to be ‘achieved’ as understood by the submitter, rather they are a guide for decision-making. I recommend rejecting this submission point. I am unsure what relief Te Waihanga seeks and, without further evidence, also recommend rejecting this submission point at this stage.
205. I agree with CIAL, Graymont, Harbour Fish, Southern Inshore Fisheries and Toitū te Whenua that the hierarchy expressed in IM-P2 as notified is inappropriate for managing natural and physical resources. I consider that the amendments I have recommended above to the prioritisation requirements address these concerns and therefore recommend accepting these submission points in part.
206. Trojan and Wayfare seek to delete “secure” and “long-term” from clause (1). I agree that “secure” is a high bar that would be difficult to achieve and that it may be unclear what will achieve long-term life-supporting capacity. In my view, amending the chapeau to require promotion of the matters in (1) to (3) would considerably weaken the provision and not achieve the outcome sought. I recommend accepting this submission in part. Meridian seeks to replace “secure” with “contribute to” and for the same reasons as those for Trojan and Wayfare I recommend accepting this submission in part.
207. While I have recommended accepting the part of Federated Farmers’ submission point relating to the alignment with section 5, I do not recommend accepting the remainder of

the submission point. If the policy simply restates the content of section 5 then I do not see any value in its inclusion.

208. I agree with Forest and Bird that clarity about the definition of the term “natural environment” would assist implementation. Rather than replace “natural environment” with “natural resources” as sought by the submitter, however, I consider it would be simpler to adopt the language of section 5(2)(b) and refer instead to “air, water, soil, and ecosystems”. While I understand the point made by the submitter regarding the use of “long-term” in the policy as notified, I consider that my recommended amendments address this concern by removing the time-bound element of the policy. I recommend accepting this submission in part.
209. I note Fish and Game’s support for retaining a hierarchy in IM-P2. I consider that amending the policy as sought by this submitter would increase its stringency considerably. I do not consider this is appropriate as the RMA is not a “no effects” statute. I also consider that the terms sought to be included by the submitter are uncertain and would not assist implementation. I recommend accepting this submission in part.

6.13.4. Recommendation

210. I recommend deleting IM-P2 as follows:

~~**IM-P2 – Decision priorities**~~

~~Unless expressly stated otherwise, all decision-making under this RPS shall:~~

- ~~(1) firstly, secure the long term life supporting capacity and mauri of the natural environment,~~
- ~~(2) secondly, promote the health needs of people, and~~
- ~~(3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well being, now and in the future.¹²⁸~~

211. In addition, I recommend incorporating the content of IM-P2 into IM-P1 as follows:

IM-P1 – Integrated approach to decision-making¹²⁹

Giving effect to the integrated package of objectives and policies in this RPS requires decision-makers to consider all provisions relevant to an issue or decision and apply them according to the terms in which they are expressed, and if there is a conflict between provisions that cannot be resolved by the application of higher order documents, prioritise:

¹²⁸ 00121.020 Ravensdown, 00315.016 Aurora Energy, 00322.007 Fulton Hogan, 00235.063 OWRUG, 00314.011 Transpower, 00016.001 Alluvium and Stoney Creek, 00017.001 Danny Walker and Others, 00023.003 Waterfall Park, 00025.016 Boxer Hill Trust, 00320.013 Network Waitaki, 00511.013 PowerNet, 00313.005 Queenstown Airport, 00311.009 Trustpower, 00240.012 NZ Pork, 00301.013 Port Otago, 00236.036 Horticulture NZ, 00115.010 Oceana Gold, 00138.008 QLDC

¹²⁹ Clause 16(2), Schedule 1, RMA

- (1) the life-supporting capacity and mauri of the natural environment and the health needs of people, and then
- (2) the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.¹³⁰

~~The objectives and policies in this RPS form an integrated package, in which:~~

- ~~(1) all activities are carried out within the environmental constraints of this RPS,~~
- ~~(2) all provisions relevant to an issue or decision must be considered,~~
- ~~(3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and~~
- ~~(4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-O1 to IM-O4.~~

6.14. IM-P3 – Providing for mana whenua cultural values in achieving integrated management

6.14.1. Introduction

212. As notified, IM-P3 reads:

IM-P3 – Providing for *mana whenua* cultural values in achieving integrated management

Recognise and provide for Kāi Tahu’s relationship with natural resources by:

- (1) enabling *mana whenua* to exercise rakatirataka and kaitiakitaka,
- (2) facilitating active participation of *mana whenua* in resource management decision making,
- (3) incorporating mātauraka Māori in decision making, and
- (4) ensuring resource management provides for the connections of Kāi Tahu to *wāhi tūpuna*, *water* and *water bodies*, the coastal environment, mahika kai and habitats of taoka species.

6.14.2. Submissions

213. DCC and Greenpeace seek that the provision be retained as notified.¹³¹ A submission point by John Highton has been recorded against IM-P3 in the SODR but is a request for a new provision and is therefore addressed in section 6.14 of this report. The submission point by Waitaki Irrigators is made throughout the pORPS 2021 provisions and is addressed in section 9.5.2.1 of *Report 9: LF – Land and freshwater*.

¹³⁰ 00139.026 DCC, 00235.062 OWRUG, 00314.011 Transpower, 00239.036 Federated Farmers, 00139.027 DCC, 00231.033 Fish and Game, 00314.011 Transpower, 00230.032 Forest and Bird, 00230.033 Forest and Bird, 00206.016 Trojan, 00411.026 Wayfare, 00306.020 Meridian

¹³¹ 00139.028 DCC, 00407.011 Greenpeace

214. Kāi Tahu ki Otago seeks amendments to specify a deeper level of engagement, better express Kāi Tahu perspectives, and provide for integrated management. Specifically, Kāi Tahu ki Otago seeks the following amendments to clauses (2) to (4):¹³²

- (2) Facilitating active participation of mana whenua in resource management processes and decision making,
- (3) Incorporating mātauraka Māori in processes and decision making, and
- (4) Ensuring resource management provides for the connections of Kāi Tahu to wāhi tūpuna, wai māori and wai tai, awa, roto and water and water bodies, the coastal environment, te takutai moana, and mahika kai and habitats of taoka species.

6.14.3. Analysis

215. I consider that the amendments sought by Kāi Tahu ki Otago to clauses (2) and (3) reflect the provisions of the *MW – Mana whenua* chapter. I understand the importance of expressing Kāi Tahu perspectives in culturally appropriate ways and do not oppose the amendments sought to clause (4). However, I consider the amendments could be incorporated differently to improve readability and assist users who may not be familiar with te reo. I note that there is a broader discussion of the use of te reo terms in section 1.4.10 of *Report 1: Introduction and general themes* which recommends using English terms in brackets after te reo terms wherever possible. I have adopted this approach in my recommendations to clause (4).

216. I also recommend an additional amendment of minor effect to improve the grammar in the chapeau and align it more closely with the wording of section 6(e) of the RMA, in accordance with clause 16(2) of Schedule 1 of the RMA.

6.14.4. Recommendation

217. I recommend amending IM-P3 as follows:

IM-P3 – Providing for *mana whenua* cultural values in achieving integrated management

Recognise and provide for the relationship of Kāi Tahu ~~'s relationship~~¹³³ with natural resources by:

- (1) enabling *mana whenua* to exercise rakatirataka and *kaitiakitaka*,
- (2) facilitating active participation of *mana whenua* in resource management processes and¹³⁴ decision-making,

¹³² 00226.091 Kāi Tahu ki Otago / Aukaha

¹³³ Clause 16(2), Schedule 1, RMA

¹³⁴ 00226.091 Kāi Tahu ki Otago

- (3) incorporating mātauraka Māori in processes and¹³⁵ decision-making,¹³⁶ and
- (4) ensuring resource management provides for the connections of Kāi Tahu to wāhi tūpuna, ~~water and water bodies~~, the coastal environment, wai māori (including awa [rivers] and roto [lakes]) and wai tai (including te takutai moana [coastal marine area]) and¹³⁷ ~~māhika kai~~ māhika kai¹³⁸ and habitats of taoka species.¹³⁹

6.15. IM-P4 – Setting a strategic approach to ecosystem health

6.15.1. Introduction

218. As notified, IM-P4 reads:

IM-P4 – Setting a strategic approach to ecosystem health

Healthy ecosystems and ecosystem services are achieved through a planning framework that:

- (1) protects their *intrinsic values*,
- (2) takes a long-term strategic approach that recognises changing *environments*,
- (3) recognises and provides for ecosystem complexity and interconnections, and
- (4) anticipates, or responds swiftly to, changes in activities, pressures, and trends.

6.15.2. Submissions

219. Greenpeace seek to retain IM-P4 as notified.¹⁴⁰

220. LAC, Lane Hocking, Maryhill, Mt Cardrona Station, and Universal Developments seek unspecified amendments to remove protective elements of the policy where those do not reflect Part 2 of the RMA and otherwise make amendments to ensure it provides an appropriate balance between protection of natural resources and growth and development.¹⁴¹

221. Wise Response considers the policy lacks precision and teeth and seeks the following amendments:¹⁴²

¹³⁵ 00226091 Kāi Tahu ki Otago

¹³⁶ Clause 16(2), Schedule 1 RMA

¹³⁷ 00226.091 Kāi Tahu ki Otago / Aukaha

¹³⁸ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

¹³⁹ 00226.091 Kāi Tahu ki Otago

¹⁴⁰ 00407.012 Greenpeace

¹⁴¹ 00211.006 LAC, 00210.006 Lane Hocking, 00118.007 Maryhill, 00014.007 Mt Cardrona Station, 00209.006 Universal Developments

¹⁴² 00509.034 Wise Response

Healthy ecosystems and ecosystem services are achieved and maintained through a planning framework that:

- (1) promotes ecological resilience and protects their intrinsic function and,
- (2) takes a long-term strategic approach that recognises and addresses changing environments,
- (3) recognises and provides for ecosystem complexity and interconnections, and
- (4) anticipates, or responds swiftly to, changes in activities, pressures, and trends over time and space.

222. Ravensdown submits that it is not necessary to state “through a planning framework” in the chapeau and the wording of clause (1) does not reflect the obligation in section 7(d) of the RMA. The submitter seeks to delete “through a planning framework that”, replace “protects” with “recognising” in clause (1), and make consequential grammatical amendments to the remainder of the provision.¹⁴³
223. DOC seeks to amend clause (1) to require intrinsic values to be enhanced as well as protected to recognise that some intrinsic values have been degraded.¹⁴⁴ OWRUG seeks to replace “protects” in (1) with “has regard to” so as to align with section 7(d) of the RMA.¹⁴⁵
224. DCC seeks to amend clause (2) as follows:¹⁴⁶
- (2) takes a long-term strategic partnership approach that recognises changing environments, recognising the issues addressed in RMIA-MKB-15 regarding different pieces of legislation for biodiversity management
225. The submitter considers that reference to RMIA-MKB-15 would acknowledge that a strategic approach to ecosystems health requires a partnership approach. The submitter also seeks clarification about the meaning of “changing environments”.
226. Kāi Tahu ki Otago seeks to include reference to the impacts of climate change in clause (2) to improve the integration of climate change policy direction through the IM chapter.¹⁴⁷
227. Beef + Lamb and DINZ seek to include a new clause (5) as follows:¹⁴⁸
- (5) provides for integrated systems and land use
228. The submitter considers that integrated management should provide for managing natural resources not only through the resources in isolation, but also where they interact with humans and human systems.

¹⁴³ 00121.021 Ravensdown

¹⁴⁴ 00137.041 DOC

¹⁴⁵ 00235.064 OWRUG

¹⁴⁶ 00139.029 DCC

¹⁴⁷ 00226.092 Kāi Tahu ki Otago

¹⁴⁸ 00237.020 Beef + Lamb and DINZ

229. Similar to Beef + Lamb and DINZ, Trojan and Wayfare consider that the use and development of resources can result in benefit through ecological and conservation enhancement and restoration initiatives. They seek to include a new clause (5) as follows:¹⁴⁹

(5) promotes use and development of resources which support 1-3 above.

230. Federated Farmers seeks to include a new clause (5) as follows:¹⁵⁰

(5) relies on scientifically robust data, or where data is incomplete, utilises appropriate and robust modelling that is updated with or replaced by robust data or science as it becomes available.

231. The submitter considers that ensuring that robust is obtained (and continually updated) is an important part of the planning framework and should be reflected in IM-P4.

232. Fish and Game seek to include reference to ecosystems being resilient as well as healthy in the chapeau of the policy and to include two new clauses as follows:¹⁵¹

(5) measures cumulative effects on the environment and requires their proactive management, and

(6) identifies and implements environmental limits in at least the following matters:

(a) air,

(b) coastal waters,

(c) estuaries,

(d) freshwater,

(e) wetlands, and

(f) soil.

233. Fish and Game submits that ecosystem health is often undermined by cumulative effects and, as notified, IM-P4 does not address this issue. For similar reasons, Forest and Bird seek the same amendments to the chapeau and the inclusion of new (5) as set out above.¹⁵²

6.15.3. Analysis

234. Section 7(d) of the RMA requires having particular regard to the intrinsic values of ecosystems when managing the use, development, and protection of natural and physical resources. I agree with the submitters who consider that the language in clause (1) should align with section 7(d) and therefore recommend accepting in part the submissions by LAC, Lane Hocking, Maryhill, Mt Cardrona Station, Universal Developments, OWRUG, and

¹⁴⁹ 00206.017 Trojan, 00411.027 Wayfare

¹⁵⁰ 00239.037 Federated Farmers

¹⁵¹ 00231.034 Fish and Game

¹⁵² 00230.034 Forest and Bird

- Ravensdown. Rather than any of the specific wording proposed by those submitters, I recommend replacing “protects” with “has particular regard to” as this is the direction in section 7(d). I consider that the additional amendments sought by Ravensdown are mostly stylistic and would improve the clarity of the provision.
235. DOC seeks to include reference to enhancing intrinsic values in (1). I consider that the amendment I have recommend above remove the need for this amendment as having particular regard to intrinsic values provides an opportunity to consider enhancement where this is considered appropriate. I do not recommend accepting this submission point.
236. In relation to the amendments sought by DCC, it is unclear to me which organisations (or otherwise) are intended to form part of the partnership approach proposed. While I agree that RMIA – KMB – 15 is a relevant consideration for this provision, there are a number of relevant issues in the SRMR and RMIA sections of the pORPS 2021 aside from RMIA – MKB – 15. I consider that the provisions in the *ECO – Ecosystems and indigenous biodiversity* chapter set out the collaborative approach required to manage biodiversity, and in particular ECO – O3, ECO – P10, and ECO – M6. I consider the meaning of “changing environments” is self-explanatory, being environments that are changing (for whatever reason). I do not recommend accepting this submission point.
237. Kāi Tahu ki Otago seek to include reference to the impacts of climate change in clause (2). I agree that this is a pressing issue for ecosystems that should be included in clause (2) and recommend accepting this submission point.
238. Beef + Lamb and DINZ, Trojan, and Wayfare seek to include a new clause referencing resource use. Policy IM-P4 focuses on setting out the considerations necessary to achieve healthy ecosystems and ecosystem services, not the various uses of resources that contribute to those ecosystems. I do not consider it is appropriate to include the type of additional clause sought by these submitters and recommend rejecting those submission points. I note that policy IM-P6 recognises the need to act on the best available information and therefore consider that the amendment sought by Federated Farmers is not necessary. I recommend rejecting this submission point.
239. I agree with Fish and Game and Forest and Bird that it is important ecosystems are resilient as well as healthy, particularly in light of the challenges posed by climate change. I also agree that cumulative effects are a threat to ecosystems, however I am unsure how the submitters envisage these being measured. In my experience, it can be difficult to identify cumulative effects in the first place, and I consider it would be similarly challenging to measure them. It is also unclear what the submitters consider would be a proactive management approach for these types of effects. Without further evidence, I do not recommend accepting the request for a new clause (5) at this stage. The submitters may wish to provide additional information about their relief sought in their evidence.
240. The new clause (6) sought by Fish and Game relates to environmental limits, which is the topic of IM-P14. While I acknowledge that environmental limits will also be relevant to

IM-P4, I do not consider it is helpful to duplicate the policy direction and therefore I do not recommend accepting this part of the submission point by Fish and Game.

6.15.4. Recommendation

241. I recommend amending IM-P4 as follows:

IM-P4 – Setting a strategic approach to ecosystem health

Healthy and resilient¹⁵³ ecosystems and ecosystem services are achieved by ~~through a planning framework that~~.¹⁵⁴

- (1) ~~protects~~ having particular regard to their *intrinsic values*,¹⁵⁵
- (2) ~~takes~~ taking¹⁵⁶ a long-term strategic approach that recognises changing *environments and the impacts of climate change*,¹⁵⁷
- (3) ~~recognises~~ recognising and ~~provides~~ providing¹⁵⁸ for ecosystem complexity and interconnections, and
- (4) ~~anticipates~~ anticipating, or ~~responds~~ responding¹⁵⁹ swiftly to, changes in activities, pressures, and trends.

6.16. IM-P5 – Managing environmental interconnections

6.16.1. Introduction

242. As notified, IM-P5 reads:

IM-P5 – Managing environmental interconnections

Coordinate the management of interconnected *natural and physical resources* by recognising and providing for:

- (1) situations where the value and function of a *natural or physical resource* extends beyond the immediate, or directly adjacent, area of interest,
- (2) the effects of activities on a *natural or physical resource* as a whole when that resource is managed as sub-units, and
- (3) the impacts of management of one *natural or physical resource* on the values of another, or on the *environment*.

¹⁵³ 00231.034 Fish and Game, 00230.034 Forest and Bird

¹⁵⁴ 00121.021 Ravensdown

¹⁵⁵ 00211.006 LAC, 00210.006 Lane Hocking, 00118.007 Maryhill, 00014.007 Mt Cardrona Station, 00209.006 Universal Developments, 00121.021 Ravensdown, 00235.064 OWRUG

¹⁵⁶ 00121.021 Ravensdown

¹⁵⁷ 00226.092 Kāi Tahu ki Otago

¹⁵⁸ 00121.021 Ravensdown

¹⁵⁹ 00121.021 Ravensdown

6.16.2. Submissions

243. DCC, Meridian and Ravensdown seek to retain IM-P5 as notified.¹⁶⁰
244. LAC, Lane Hocking, Maryhill, Mt Cardrona Station, and Universal Developments seek unspecified amendments to remove protective elements of the policy where those do not reflect Part 2 of the RMA and otherwise make amendments to ensure it provides an appropriate balance between protection of natural resources and growth and development.¹⁶¹ The submitters consider that management of adjacent land resources beyond the immediate site of interest could result in unnecessary litigation and opposition to planning proposals which would otherwise deliver on necessary outcomes for communities.
245. Ngāi Tahu ki Murihiku consider that the intent of the provision is to recognise the effects of activities and it would not be appropriate to also “provide for” those effects. The submitter considers it is recognition that will assist to coordinate the management of interconnected natural and physical resources. For this reason, the submitter seeks to delete “and providing for” from the chapeau.¹⁶²
246. Kāi Tahu ki Otago submits that the policy direction on integrated management is not fully reflected in policies and methods through the pORPS 2021 and seeks to include a new clause (1) as follows:¹⁶³
- (1) The effects of land usage and upstream activities on water quality for wai māori and wai tai
247. Greenpeace seeks general amendments to clarify that sub-units should sit within catchments and within broader ecosystems, including the impacts on and of freshwater management also impacting marine and terrestrial ecology and broader systems such as the climate.¹⁶⁴
248. Fish and Game submits that the value and function of a natural or physical resource may extent geographically or through time and uses the example of young of the year salmonids which have no fishery value in and of themselves but are part of a lifecycle which will lead to a cohort of these salmonids becoming a fishable population of adults in time. The submitter also submits that the policy should refer to natural environments as well as natural and physical resources in order to ensure that the broader natural environment is considered. The submitter seeks the following amendments:¹⁶⁵
- (1) situations where the value and function of a natural or physical resource, or the natural environment, extends beyond the immediate, or directly adjacent, area of interest, in time or space,

¹⁶⁰ 00139.030 DCC, 00306.021 Meridian, 00121.022 Ravensdown

¹⁶¹ 00211.055 LAC, 00210.055 Lane Hocking, 00118.055 Maryhill, 00014.008 Mt Cardrona Station, 00209.055 Universal Developments

¹⁶² 00223.056 Ngāi Tahu ki Murihiku

¹⁶³ 00226.093 Kāi Tahu ki Otago

¹⁶⁴ 00407.014 Greenpeace

¹⁶⁵ 00231.035 Fish and Game

- (2) the effects of activities on a natural or physical resource, or the natural environment, as a whole when that resource is managed as sub-units, and
- (3) the impacts of management of one natural or physical resource, or the natural environment, on the values of another, or on the environment.

249. Wise Response submits that recognising and providing for impact means permitting potentially adverse effects between connections and considers that the provision is written back to front. The submitter seeks the following amendments:¹⁶⁶

~~Coordinate the management of~~ Manage the interconnected natural and physical resources by avoiding or minimising ~~recognising and providing for~~:

...

- (4) the risk of exceeding sustainable resource limits and biophysical capacities in any one resource

6.16.3. Analysis

250. In my opinion, managing land resources in the manner suggested by LAC, Lane Hocking, Maryhill, Mt Cardona Station, and Universal Developments would result in land being managed in a 'silo' without necessary consideration being given to the effects of land uses on other parts of the environment. I do not consider this would achieve the purpose of the RMA or implement policy 3 of the NPSFM which requires that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments. I recommend rejecting these submission points.

251. I agree with Ngāi Tahu ki Murihiku that the chapeau of the policy should not "provide for" the matters in (1) to (3) for the reasons set out in their submission. I recommend accepting this submission point in full.

252. I do not disagree with the content of the new clause (1) as proposed by Kāi Tahu ki Otago, however I consider this is a much narrower type of consideration than the policy currently provides for. I consider that the connections between land, wai maori, and wai tai are well-recognised elsewhere in the pORPS 2021, including in LF-WAI-O1, LF-WAI-P3, LF-VM-O7, LF-LS-O12, LF-LS-P16, LF-LS-P18 and LF-LS-P21. I do not recommend accepting this submission point.

253. I agree with Greenpeace that it is important that any sub-units sit within a broader catchment and consider this is consistent with the intent of clause (2). I recommend including reference to the environment, in addition to natural or physical resources as a whole in clause (2). I am unsure what specific amendments would address the remaining issues raised by the submitter. I therefore recommend accepting this submission point in part.

¹⁶⁶ 00509.035 Wise Response

254. In relation to clause (1), I agree with Fish and Game that it may be necessary to consider the wider natural environment in these situations rather than only particular natural or physical resources and recommend accepting the amendment sought. I consider that my recommendation in response to the submission by Greenpeace also responds to the relief sought by Fish and Game in clause (2) and therefore recommend accepting this submission point in part. I prefer the term “environment” which is defined in the RMA rather than “natural environment” which is not defined. I consider that the amendments sought by the submitter to clause (3) introduce uncertainty. When read as a sentence, it is not clear what another natural environment would be. I do not recommend accepting this submission point.

255. The amendments to the chapeau requested by Wise Response are sought for similar reasons to Ngāi Tahu ki Murihiku and I consider that my recommendation in response to that submission addresses the concerns of Wise Response as well. I consider that the intent of the new clause (4) as proposed by the submitter is largely already provided for by clause (3). I am also unsure what is meant by “biophysical capacities”. I recommend accepting this submission in part.

6.16.4. Recommendation

256. I recommend amending IM-P5 as follows:

IM-P5 – Managing environmental interconnections

Coordinate the management of interconnected *natural and physical resources* by recognising and providing for:¹⁶⁷

- (1) situations where the value and function of a *natural or physical resource* extends beyond the immediate, or directly adjacent, area of interest,
- (2) the effects of activities on a *natural or physical resource* as a whole, or on the environment,¹⁶⁸ when that resource is managed as sub-units, and
- (3) the impacts of management of one *natural or physical resource* on the values of another, or on the *environment*.

6.17. IM-P6 – Acting on best available information

6.17.1. Introduction

257. As notified, IM-P6 reads:

IM-P6 – Acting on best available information

Avoid unreasonable delays in decision-making processes by using the best information available at the time, including but not limited to mātauraka Māori, local knowledge, and reliable partial data.

¹⁶⁷ 00223.056 Ngāi Tahu ki Murihiku

¹⁶⁸ 00407.014 Greenpeace

6.17.2. Submissions

258. Kāi Tahu ki Otago seeks to retain IM-P6 as notified.¹⁶⁹
259. DOC seeks to include a requirement to take into account the precautionary principle in accordance with IM-P15 as the submitter considers this is also relevant to decision-making.¹⁷⁰ John Highton seeks a similar amendment: that the policy should include adopting a precautionary approach when there is a lack of adequate data.¹⁷¹
260. DCC considers the policy should recognise the benefits of having more complete information and seeks to include the following:¹⁷²

Determine whether delays in decision-making are unreasonable by balancing the advantages of more rapid decisions, which may rely on incomplete information, with any benefits that may be derived from having a more complete information set.

261. Federated Farmers submits that decisions ought to be made in the context of robust scientific data and is concerned that the current wording of the policy places too much emphasis on speedy decision-making and not enough emphasis on reliable data. The submitter seeks the following amendments:¹⁷³

~~Avoid unreasonable delays in decision-making processes~~ Decision making is informed by complete and scientifically robust data or, where obtaining such data is not practicable, by consideration of best available information including modelling, ~~by using the best information available at the time, including but not limited to~~ mātauraka Māori, local knowledge, and reliable partial data.

262. OWRUG seeks the same amendments as Federated Farmers for similar reasons.¹⁷⁴

263. Also similar to Federated Farmers, Fonterra considers there is a threshold of information and a quality of information that is necessary to make robust decisions and the policy does not adequately capture this point which could leave to poor decision-making and perverse outcomes. The submitter notes that there is nothing in the policy to guide how judgement should be exercised in cases where there are multiple sources of conflicting information. Fonterra seeks the inclusion of the following:¹⁷⁵

Except that councils should:

- (a) use complete scientifically robust and/or professionally researched data where available;

¹⁶⁹ 00226.094 Kāi Tahu ki Otago

¹⁷⁰ 00137.042 DOC

¹⁷¹ 00014.022 John Highton

¹⁷² 00139.031 DCC

¹⁷³ 00239.038 Federated Farmers

¹⁷⁴ 00235.065 OWRUG

¹⁷⁵ 00233.023 Fonterra

- (b) where the data described in (a) above is not available or is incomplete, prefer sources of information that provide the greatest degree of certainty; and
- (c) take all practical steps to reduce uncertainty.

264. Lauder Creek Farming seeks a general amendment to ensure that “best available information” include robust science.¹⁷⁶ The submitter considers that this is necessary for decision-making. Yellow-eyed Penguin Trust seeks to include an initial statement to the policy that scientific information should be used to guide the decision-making process.¹⁷⁷
265. Harbour Fish and Southern Inshore Fisheries submit that “local knowledge” is not specific enough and seek to include “stakeholder input.”¹⁷⁸ The submitters also seek to delete “reliable partial data” but do not provide reasons.¹⁷⁹
266. University of Otago supports acting on the best available information but only when there is ongoing research and monitoring and seeks to replace “partial data” with “evidence-based data”.¹⁸⁰
267. Wise Response submits that knowledge is seldom perfect and best information needs to be used in a timely way. The submitter seeks the following amendments:¹⁸¹

IM-P6 – ~~Acting on the~~ Timely action based on the best available information

Avoid unreasonable delays in decision-making processes commensurate with the urgency of the need, by using the best information available at the time...

6.17.3. Analysis

268. I agree with DOC and John Highton that IM-P6 and IM-P15 both assist with managing uncertainties in decision-making. I recommend accepting these submissions in part and including IM-P15 into IM-P6 as an additional clause.
269. I agree with Federated Farmers that decisions should be made in the context of robust data and that the policy as notified may encourage fast decision-making over ensuring data relied on is robust. I consider that the main purpose of relying on data and other information in decision-making is to reduce uncertainties about actual and potential effects on the environment, including their nature, scale, and intensity. For that reason and to accommodate use of the precautionary approach, while I generally agree with the specific amendments sought by Federated Farmers and OWRUG I consider that the opening line of the policy should include reference to managing uncertainties in decision-making rather than informing decision-making. I recommend accepting the submission points by Federated Farmers and OWRUG in part.

¹⁷⁶ 00406.005 Lauder Creek Farming

¹⁷⁷ 00120.024 Yellow-eyed Penguin Trust

¹⁷⁸ 00126.004 Harbour Fish, 00124.004 Southern Inshore Fisheries

¹⁷⁹ 00126.005 Harbour Fish, 00124.005 Southern Inshore Fisheries

¹⁸⁰ 000127.002 University of Otago

¹⁸¹ 00509.036 Wise Response

270. I agree that the amendments sought by Fonterra provide additional guidance to decision-makers and assist with balancing the need for quality information with timely decision-making. I recommend accepting this submission point in part. I consider that my recommendations to accept in part the submissions by Federated Farmers, OWRUG, and Fonterra assist with addressing the concerns raised by Lauder Creek Farming and Yellow-eyed Penguin Trust and therefore recommend accepting these submissions in part.
271. In response to the concern of Harbour Fish and Southern Inshore Fisheries regarding the specificity of local knowledge and the proposed inclusion of “stakeholder input”, I note that the policy lists these types of information and explicitly states that best information includes but is not limited to those information types meaning there is scope to include other types of information not listed. On this basis, I recommend rejecting these submission points.
272. I do not consider that reliable partial data would generally not be evidence-based and consider the amendment sought by University of Otago is unnecessary. I recommend rejecting this submission point.
273. While I do not agree with the specific amendments sought by Wise Response, I agree that there is a balance to be achieved between making decisions in a timely manner and using the best information available. I consider the amendments I have recommended in response to other submissions addresses this issue and recommend accepting this submission point in part.

6.17.4. Recommendation

274. I recommend amending IM-P6 as follows:

IM-P6 – Acting on best available information

Avoid unreasonable delays and manage uncertainties¹⁸² in decision-making processes by using the best information available at the time, including ~~but not limited to complete and scientifically robust data, mātauraka Māori, local knowledge, and reliable partial data.~~ and.¹⁸³

(1) in the absence of complete and scientifically robust data, using information obtained from modelling, reliable partial data, and local knowledge, but in doing so:

(a) prefer sources of information that provide the greatest level of certainty, and

(b) take all practicable steps to reduce uncertainty, and¹⁸⁴

¹⁸² 00239.038 Federated Farmers, 00235.065 OWRUG

¹⁸³ 00137.042 DOC, 00014.022 John Highton, 00239.038 Federated Farmers, 00235.065 OWRUG, 00233.023 Fonterra, 00406.005 Lauder Creek Farming, 00120.024 Yellow-eyed Penguin Trust, 00509.036 Wise Response

¹⁸⁴ 00137.042 DOC, 00014.022 John Highton, 00239.038 Federated Farmers, 00235.065 OWRUG, 00233.023 Fonterra, 00406.005 Lauder Creek Farming, 00120.024 Yellow-eyed Penguin Trust, 00509.036 Wise Response

(2) adopt a precautionary approach towards activities whose effects are uncertain, unknown, or little understood, but potentially significantly adverse.¹⁸⁵

6.18. IM-P7 – Cross boundary management

6.18.1. Introduction

275. As notified, IM-P7 reads:

IM–P7 – Cross boundary management

Coordinate the management of Otago’s *natural and physical resources* across jurisdictional boundaries and, whenever possible, between overlapping or related agency responsibilities.

6.18.2. Submissions

276. ECan, CODC, CIAL, DCC, John Highton and Kāi Tahu ki Otago seek to retain IM-P7 as notified.¹⁸⁶ Fish and Game seeks to include reference to the natural environment as well as natural and physical resources to reflect amendments sought elsewhere in the IM chapter.¹⁸⁷

6.18.3. Analysis

277. In my opinion, the policy should recognise the connections between natural and physical resources and the wider environment within which they occur as Fish and Game has sought in relation to IM-P5 and elsewhere. I do not agree that “natural environment” is the appropriate term and consider “the environment” is preferable. Physical resources are often located in urban environments and are important to the health and well-being of people and communities, which are part of the environment as defined in the RMA. I recommend accepting this submission in part.

278. I note that this policy applies to cross-boundary management and therefore it may not be entirely accurate to refer to “Otago’s natural and physical resources”. I recommend deleting “Otago’s” and consider this is an amendment of minor effect in accordance with clause 16(2) of Schedule 1 of the RMA.

6.18.4. Recommendation

279. I recommend amending IM-P7 as follows:

IM-P7 – Cross boundary management

¹⁸⁵ 00139.040 DCC, 00121.027 Ravensdown,

¹⁸⁶ 00013.004 ECan, 00201.002 CODC, 00307.007 CIAL, 00139.032 DCC, 00014.023 John Highton, 00226.095 Kāi Tahu ki Otago

¹⁸⁷ 00231.036 Fish and Game

Coordinate the management of Otago's¹⁸⁸ *natural and physical resources and the environment*¹⁸⁹ across jurisdictional boundaries and, whenever possible, between overlapping or related agency responsibilities.

6.19. IM-P8 – Climate change impacts

6.19.1. Introduction

280. As notified, IM-P8 reads:

IM-P8 – Climate change impacts

Recognise and provide for *climate change* processes and *risks* by identifying *climate change* impacts in Otago, including impacts from a te ao Māori perspective, assessing how the impacts are likely to change over time and anticipating those changes in resource management processes and decisions.

6.19.2. Submissions

281. CIAL, CODC, Greenpeace and Ravensdown seek to retain IM-P8 as notified.¹⁹⁰

282. Wise Response submits that the suite of policies intended to address climate change (specifically IM-P8 to IM-P13) would benefit from further rationalisation into simpler statements. The submitter also notes that the headings are confusing and the scope of, and boundaries between, each one is not always clear.¹⁹¹

283. LAC, Lane Hocking, Universal Developments, Maryhill and Mt Cardrona Station seek to remove any avoidance provisions and ensure that risks to or from climate change are appropriately weighted against provisions to allow growth and development.¹⁹² Maryhill and Mt Cardrona Station also submit that policies need flexibility to assess when an activity might have environmental and climate change impacts that should be outweighed by other social considerations such as low cost and affordable housing and community resources.¹⁹³

284. Harbour Fish and Southern Inshore Fisheries seek to include a consultation requirement for identifying impacts.¹⁹⁴

285. Kāi Tahu ki Otago submit that it is inappropriate and inconceivable that the diversity of Māori society can be distilled into a single perspective and seek to replace the reference to te ao Māori to “the perspectives of Kāi Tahu as mana whenua”.¹⁹⁵

¹⁸⁸ Clause 16(2) Schedule 1 RMA

¹⁸⁹ 00231.036 Fish and Game

¹⁹⁰ 00307.008 CIAL, 00201.003 CODC, 00407.015, 00121.023 Ravensdown

¹⁹¹ 00509.044 Wise Response

¹⁹² 00211.007 LAC, 00210.007 Lane Hocking, 00209.007 Universal Developments, 00118.009 Maryhill, 00014.009 Mt Cardrona Station

¹⁹³ 00118.009 Maryhill, 00014.009 Mt Cardrona Station

¹⁹⁴ 00126.006 Harbour Fish, 00124.006 Southern Inshore Fisheries

¹⁹⁵ 00226.096 Kāi Tahu ki Otago

286. Federated Farmers has concerns about how decision-makers will be required to “anticipate” climate change impacts and states that councils do not have the power to require emission reductions. The submitter seeks the following amendments:¹⁹⁶

...change over time and appropriately managing those impacts and anticipating those changes in resource management processes and decisions.

287. DCC submits that anticipating changes is aspirational but unclear and beyond what should be included in an RPS and seeks the following amendments:¹⁹⁷

Recognise and provide for climate change processes and risks by identifying and considering climate change impacts in Otago, including impacts from a te ao Māori perspective, ~~assessing how the impacts are likely to change over time and anticipating those changes~~ in resource management processes and decisions.

288. Graymont notes that any decisions made as a result of anticipated climate change impacts should be based on robust scientific information and take into account the needs of existing activities in order to remain viable. The submitter seeks the following amendments:¹⁹⁸

Recognise and provide for climate change processes and risks by utilising robust scientific information to identify ~~identifying~~ climate change impacts in Otago, including impacts from a te ao Māori perspective, assessing how the impacts are likely to change over time and anticipating those changes in resource management processes and decisions, while taking into account the sustainable needs of existing activities.

289. Wise Response considers the policy needs more direction and seeks the following amendments:

IM-P8 – Preparation for climate change impacts

Recognise and provide for climate change processes and risks by identifying climate change impacts in Otago, including impacts from a te ao Māori perspective, assessing how the impacts are likely to ~~affect change over time and anticipating those changes in~~ resource management processes and decisions so these can be anticipated in action plans.

6.19.3. Analysis

290. I have addressed the submission point by Wise Response in section 6.3.1 of this report. In summary, I agree that there are consistencies between the title, chapeau, and clauses of this policy, as well as with other related policies, such as IM-P10. To address this, I recommend a range of amendments to refocus this policy on “the effects of climate change” as per the wording in section 7(h) of the RMA, rather than on climate change impacts or climate change processes and risks.

¹⁹⁶ 00239.039 Federated Farmers

¹⁹⁷ 00139.033 DCC

¹⁹⁸ 00022.005 Graymont

291. IM-P8 does not contain the term “avoid” so I am unsure whether the submission point by LAC, Lane Hocking, Universal Developments, Maryhill and Mt Cardrona Station was intended to apply to this provision. The submitters do not seek specific amendments to resolve their concerns regarding the need to “appropriately weight” the risks from climate change against provisions to allow growth and development and I am unsure what they consider to be an appropriate weighting. I do not recommend accepting these submissions.
292. I do not agree with Harbour Fish and Southern Inshore Fisheries that the policy should require consultation as part of identifying climate change impacts. The RMA has particular requirements for consultation as part of plan-making processes and councils also have obligations under the LGA to consult communities on a range of matters. I do not recommend accepting these submission points.
293. I agree with Kai Tahu ki Otago for the reasons stated in their submission and recommend accepting this submission point in full.
294. I agree with Federated Farmers and DCC that there is uncertainty in how decision-makers could anticipate climate change impacts as required by the policy. I do not consider that the wording proposed by Federated Farmers is clearer as what “appropriately managing” impacts means is likely to be subjective. I note that in addition to deleting the reference to anticipating changes, DCC also seeks to delete the requirement to assess how climate change impacts are likely to change over time. In my view, this is an important consideration as the impacts of climate change are not static and, in some cases, will intensify over time. I also disagree that “considering” climate change impacts is the appropriate direction. Achieving IM-O4 requires action which is more active than consideration. I recommend accepting these submissions in part and replacing “anticipating” with “taking into account”.
295. In my opinion, this policy contains a number of requirements that would be more clearly expressed in separate clauses. I consider that breaking the policy into a chapeau and three clauses is an amendment of minor affect in accordance with clause 16(2) of Schedule 1.

6.19.4. Recommendation

296. I recommend amending IM-P8 as follows:

IM-P8 – ~~Effects of Climate change impacts~~¹⁹⁹

Recognise and provide for ~~the effects of climate change processes and risks~~²⁰⁰ by:

~~(1)~~²⁰¹ identifying ~~the effects of climate change impacts~~²⁰² in Otago, including ~~impacts from a te ao Māori~~ the perspectives of Kāi Tahu as mana whenua,²⁰³

¹⁹⁹ 00509.044 Wise Response
²⁰⁰ 00509.044 Wise Response
²⁰¹ Clause 16(2), Schedule 1, RMA
²⁰² 00509.044 Wise Response
²⁰³ 00226.096 Kāi Tahu ki Otago

- (2) assessing how the ~~impacts~~ effects²⁰⁴ are likely to change over time, and
- (3) ~~anticipating taking into account~~²⁰⁵ those changes in resource management processes and decisions.

6.20. IM-P9 – Community response to climate change impacts

6.20.1. Introduction

297. As notified, IM-P9 reads:

IM–P9 – Community response to *climate change* impacts

By 2030 Otago’s communities have established responses for adapting to the impacts of *climate change*, are adjusting their lifestyles to follow them, and are reducing their *greenhouse gas* emissions to achieve net-zero carbon emissions by 2050.

6.20.2. Submissions

298. Six submitters seek to retained IM-P9 as notified.²⁰⁶ CODC supports the policy but has concerns that the timeframes may not be achievable for some communities.²⁰⁷ DOC seeks to retain the intent of the policy but amend it to function as a policy, including specific actions to be undertaken.²⁰⁸ Similarly, Yellow-eyed Penguin Trust consider that the policy is an objective and should be rewritten or combined with one of the other climate change policies.²⁰⁹
299. Waitaki Irrigators seek to either delete IM-P9 or change it into an anticipated environmental result.²¹⁰ Federated Farmers questions whether the policy is in line with the requirements of the RMA and submits that it is a matter for climate change legislation or regulations. The submitter seeks that the policy is deleted.²¹¹ Beef + Lamb and DINZ seek to first establish what the greenhouse gas emissions are in the region, where reductions are required and by how much, and then redraft this provision accordingly.²¹²
300. LAC, Lane Hocking, Universal Developments, Maryhill and Mt Cardrona Station seek to remove any avoidance provisions and ensure that risks to or from climate change are appropriately weighted against provisions to allow growth and development.²¹³ Maryhill and Mt Cardrona Station also submit that policies need flexibility to assess when an

²⁰⁴ 00509.044 Wise Response

²⁰⁵ 00239.039 Federated Farmers, 00139.033 DCC

²⁰⁶ 00307.009 CIAL, 00139.034 DCC, 00022.006 Graymont, 00306.023 Meridian, 00121.024 Ravensdown, 00305.007 Waka Kotahi

²⁰⁷ 00201.004 CODC

²⁰⁸ 00137.043 DOC

²⁰⁹ 00120.025 Yellow-eyed Penguin Trust

²¹⁰ 00213.011 Waitaki Irrigators

²¹¹ 00239.040 Federated Farmers

²¹² 00237.021 Beef + Lamb and DINZ

²¹³ 00211.056 LAC, 00210.056 Lane Hocking, 00209.007 Universal Developments, 00118.010 Maryhill, 00014.010 Mt Cardrona Station

activity might have environmental and climate change impacts that should be outweighed by other social considerations such as low cost and affordable housing and community resources.²¹⁴

301. Greenpeace submits that agriculture is New Zealand’s main cause of climate change and that the pORPS 2021 must seek to reduce the impacts of dairying on ecosystems and the climate. The submitter seeks to phase out the use of synthetic nitrogen fertiliser by 2024.²¹⁵

302. OWRUG states that it is unclear who is responsible for establishing community responses and where they might sit within a planning framework. The submitter also has concerns about the 2030 deadline which does not take into account time for plan changes to make changes (particularly given the lag before the pORPS becomes operative). The submitter seeks to amend the provision as follows:²¹⁶

~~By 2030 Otago’s communities have~~ shall established responses for adapting to the impacts of climate change, including provision for how they are adjusting their lifestyles to ~~follow them,~~ and ~~are~~ reducing their greenhouse gas emissions to achieve net-zero carbon emissions by 2050.

303. Wise Response submits that climate change is a global issue and that IM-P9 needs to be clear that local responses are in line with national and international agreements and seeks the following amendments:²¹⁷

IM-P9 – Community response to climate change hazard impacts

By 2030 Otago’s communities have established responses for adapting to the impacts of climate change, are adjusting their lifestyles to follow them, and are reducing their greenhouse gas emissions to achieve net – zero carbon emissions in line with prevailing government policy and international agreements ~~by 2050.~~

304. Kāi Tahu ki Otago seek to include specific reference to Kāi Tahu in the policy so that it is clear that Kāi Tahu form part of the communities referenced.²¹⁸ Queenstown Airport seeks a minor amendment to replace “reducing” with “providing for the net reduction” on the basis that this would assist with interpretation.²¹⁹ Wayfare seeks an amendment to clarify that these are initial responses as there will be a need to continually adapt over time.²²⁰

6.20.3. Analysis

305. IM-P9 does not contain the term “avoid” so I am unsure whether the submission point by LAC, Lane Hocking, Universal Developments, Maryhill and Mt Cardrona Station was

²¹⁴ 00118.009 Maryhill, 00014.009 Mt Cardrona Station

²¹⁵ 00407.016 Greenpeace

²¹⁶ 00235.066 OWRUG

²¹⁷ 00509.038 Wise Response

²¹⁸ 00226.097 Kāi Tahu ki Otago

²¹⁹ 00313.006 Queenstown Airport

²²⁰ 00411.028 Wayfare

intended to apply to this provision. The submitters do not seek specific amendments to resolve their concerns regarding the need to “appropriately weight” the risks from climate change against provisions to allow growth and development and I am unsure what they consider to be an appropriate weighting. I do not recommend accepting these submissions.

306. Subpart 4 of the NESF manages the application of synthetic nitrogen fertiliser to pastoral land. While I acknowledge that it does not require phasing out the use of these fertilisers by 2024, it does introduce a nitrogen cap. The submitter has not provided an evaluation of the potential costs and benefits of phasing out synthetic nitrogen fertilisers entirely. Without more evidence, I recommend rejecting this submission point.
307. Policies are the courses of action to achieve or implement an objective.²²¹ I agree with the submitters who have questioned whether IM-P9 is expressed as a policy or as some other type of provision – in particular, I agree that the reference to achieving net-zero carbon emissions by 2050 is an outcome rather than an action. In my view, the key requirement of the policy is that communities have established responses for adapting to the impacts of climate change by 2030. The two other requirements (that communities are adjusting their lifestyles and reducing greenhouse gas emissions) suggest a requirement for an interim target prior to the 2050 goal. I consider those to be methods, which are the means by which policies are implemented.
308. Yellow-eyed Penguin Trust considers the policy is an objective and seeks that IM-P9 be rewritten or combined with one of the other policies. I recommend accepting this submission in part and incorporating the target to achieve net-zero carbon emissions by 2050 into IM-O4. Below, in response to a submission point by Wise Response, I recommend some alternative wording for this phrase when it is incorporated into IM-O4.
309. Without the reference to the target, it is unclear what this policy is seeking to achieve or how it relates to the other climate change policies and methods. For these reasons, I recommend accepting in part the submissions by Waitaki Irrigators and Federated Farmers that seek to delete the remainder of the policy. I consider this also goes some way in addressing the concerns by OWRUG regarding the uncertainty about who is responsible for developing responses and therefore recommend this submission point is accepted in part.
310. I agree with Wise Response that climate change is a global issue, but consider that the link between regional climate change responses and national level policy is set out clearly in IM-O4. I do not consider it is necessary to separately refer to international agreements as these types of agreements must be implemented through national-level regulation. However, I note that the target for 2050 as set out in the CCRA does not specifically mention carbon and, additionally, contains two parts: a target for emissions of greenhouse gasses other than biogenic methane and a target for emissions of biogenic methane. I consider it would be more accurate for the pORPS to adopt the language of

²²¹ Quality Planning. (2013). *Plan steps: writing provisions for regional and district plans*. Retrieved from <https://qualityplanning.org.nz/sites/default/files/2018-11/Writing%20Provisions%20for%20Plans.pdf>

the CCRA for clarity about the outcome sought. I recommend accepting this submission in part and changing “net-zero carbon emissions by 2050” to “the national target for emissions reduction” to align with section 5Q(1) of the CCRA.

311. If my recommendation to incorporate the policy into other provisions is accepted, the amendments sought by Kāi Tahu ki Otago, Queenstown Airport, and Wayfare are no longer relevant and therefore I recommend rejecting those submission points.

6.20.4. Recommendation

312. I recommend deleting IM-P9 as follows:

~~**IM-P9 – Community response to climate change impacts**~~

~~By 2030 Otago’s communities have established responses for adapting to the impacts of *climate change*, are adjusting their lifestyles to follow them, and are reducing their *greenhouse gas* emissions to achieve net-zero carbon emissions by 2050.²²²~~

313. In addition, I recommend incorporating the reference to the national target for emissions reduction into IM-O4 as follows:

IM-O4 – Climate change

Otago’s communities, including Kāi Tahu, understand what *climate change* means for their future, and responses to climate change ~~responses~~²²³ in the region; (including *climate change* adaptation and *climate change* mitigation actions);²²⁴

...

(2) assist with achieving the national target for emissions reduction,²²⁵ and

...

6.21. IM-P10 – Climate change adaptation and mitigation

6.21.1. Introduction

314. As notified, IM-P10 reads:

IM-P10 – *Climate change* adaptation and mitigation

Identify and implement *climate change* adaptation and mitigation methods for Otago that:

(1) minimise the *effects* of *climate change* processes or *risks* to existing activities,

²²² 00213.011 Waitaki Irrigators, 00239.040 Federated Farmers

²²³ Clause 16(2), Schedule 1, RMA

²²⁴ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.015 Wise Response

²²⁵ 00120.025 Yellow-eyed Penguin Trust, 00509.038 Wise Response

- (2) prioritise avoiding the establishment of new activities in areas subject to *risk* from the *effects of climate change*, unless those activities reduce, or are resilient to, those *risks*, and
- (3) provide Otago’s communities, including Kāi Tahu, with the best chance to thrive, even under the most extreme *climate change* scenarios.

6.21.2. Submissions

- 315. Greenpeace, Horticulture NZ, Te Waihanga, Ravensdown and Waka Kotahi seek to retain IM-P10 as notified.²²⁶ CODC supports the policy in principle but again notes concerns about how achievable the timeframes for adaptation are.²²⁷
- 316. Wise Response submits that the suite of policies intended to address climate change (specifically IM-P8 to IM-P13) would benefit from further rationalisation into simpler statements. The submitter also notes that the headings are confusing and the scope of, and boundaries between, each one is not always clear.²²⁸
- 317. LAC, Lane Hocking, Universal Developments, Maryhill and Mt Cardrona Station seek to remove any avoidance provisions and ensure that risks to or from climate change are appropriately weighted against provisions to allow growth and development.²²⁹ Maryhill and Mt Cardrona Station also submit that policies need flexibility to assess when an activity might have environmental and climate change impacts that should be outweighed by other social considerations such as low cost and affordable housing and community resources.²³⁰
- 318. Federated Farmers seek to delete the term ‘mitigation’ from the title and content of the policy to ensure that the use of terminology is in line with other government documents and to avoid confusion or uncertainty.²³¹ Oceana Gold seeks to insert new provisions that support and encourage climate change mitigation and decarbonisation initiatives by landowners and initiatives, but does not seek specific wording.²³²
- 319. DOC considers that the policy only addresses human interests and fails to recognise the importance of climate change adaptation and mitigation to the wider environment and also fails to provide sufficiently strong direction to avoid new activities that exacerbate risks. The submitter seeks to include reference to the environment as well as existing activities in clause (1) and to replace “prioritise avoiding” with “avoid” in clause (2).²³³ Kāi Tahu ki Otago seek to delete “existing activities” and instead include reference to “the

²²⁶ 00407.017 Greenpeace, 00236.037 Horticulture NZ, 00321.018 Te Waihanga, 00121.025 Ravensdown, 00305.008 Waka Kotahi

²²⁷ 00201.005 CODC

²²⁸ 00509.044 Wise Response

²²⁹ 00211.057 LAC, 00210.057 Lane Hocking, 00209.057 Universal Developments, 00118.011 Maryhill, 00014.011 Mt Cardrona Station

²³⁰ 00118.009 Maryhill, 00014.009 Mt Cardrona Station

²³¹ 00239.041 Federated Farmers

²³² 00115.011 Oceana Gold

²³³ 00137.044 DOC

environment, including wai māori and wai tai, whenua ki uta and whenua ki tai, and air and atmosphere” for similar reasons.²³⁴

320. DCC considers that the policy only covers climate change adaptation and should focus on this, with more detail about mitigation in the next policy. DCC also submits that it may not always be appropriate to minimise effects of climate change on existing activities and seeks to delete “minimise the effects of climate change processes or risks to existing activities” from clause (1).²³⁵
321. Blackthorn Lodge, Trojan and Wayfare seek to delete “prioritise” from clause (2) and amend the references to “risk” to “significant risk”.²³⁶ Trojan and Wayfare also the meaning of the term “prioritise” and state that the policy should focus on new zoned land and new activities not anticipated in a plan, but no specific amendments are sought.
322. Graymont submits that mineral extraction and processing activities must occur where the mineral resource is located and those areas may be subject to climate change risks. The submitter seeks to include “where practicable” in clause (2) which it considers to be well-understood and more measurable and certain than alternative terms such as “possible”.²³⁷
323. Four submitters seek to include a new clause (4) in IM-P10. Fish and Game consider the policy should place a preference on choosing climate change adaptation and mitigation actions that avoid contravening environmental limits unless it is absolutely necessary. The submitter seeks the following additional clause (noting it has sought additional relief in relation to IM-P12):²³⁸

(4) preferentially chooses actions which avoid contravening environmental bottom lines, unless consistent with IM-P12.

324. Forest and Bird submits that the policy needs to ensure that climate change adaptation and mitigation efforts do not negatively impact on other desired environmental outcomes and seeks the following additional clause:²³⁹

(4) provide for ecological migration and adaptation.

325. Trustpower considers the policy does not recognise the role that renewable electricity generation plays in reducing carbon reliance or in working towards climate change reductions and goals. The submitter seeks the following additional clause:²⁴⁰

(4) recognise and provide for renewable electricity generation activities as part of achieving national climate change obligations.

326. OWRUG submits that the impacts of climate change are significant for Otago’s rural water users, including drought, flooding, and likely changes in pasture composition and

²³⁴ 00226.098 Kāi Tahu ki Otago

²³⁵ 00139.035 DCC

²³⁶ 00119.002 Blackthorn Lodge, 00206.018 Trojan, 00411.029 Wayfare

²³⁷ 00022.007 Graymont

²³⁸ 00231.037 Fish and Game

²³⁹ 00230.035 Forest and Bird

²⁴⁰ 00311.010 Trustpower

intensification with uncertain impacts on animal productivity and nutrient balances. The submitter considers the policy should recognise and prioritise adaptation and mitigation methods over all timescales to support resilience in rural communities and seeks the following additional clause:²⁴¹

- (4) provide short, medium and long term measures that enable rural communities to adapt and provides certainty to support the investment required to implement change.

327. Wise Response considers the policy does not address the cause of climate change and does not permit only activities that comply with the Government's Zero Carbon objectives. The submitter seeks a range of amendments and new clauses as follows:²⁴²

- (1) minimise the causes and effects of climate change processes and ~~or~~ risks to existing activities to promote the use and development of renewable energy,
- (2) prioritise avoiding the establishment of new activities in areas subject to risk from the effects of climate change, unless those activities reduce, ~~or are~~ resilient to, those risks, and
- (3) provide Otago's communities, including Kāi Tahu, with the best chance of retaining essentials for survival and life with fulfilment as climate change and its direct and indirect effects become more challenging. ~~to thrive, even under the most extreme climate change scenarios.~~
- (4) do not enable activities that do not comply with the governments zero carbon objective and that are inconsistent with best climate science
- (5) actively promote changes to enterprise that will be able to function in a zero net carbon economy
- (6) enhance environmental resilience by facilitating transition to activities that reduce human impacts on the environment and that will be viable in a net zero carbon economy.

6.21.3. Analysis

328. LAC, Lane Hocking, Universal Developments, Maryhill, and Mt Cardrona Station seek to remove IM-P10 because it requires avoiding particular activities. I do not consider it is appropriate to delete the policy simply because it uses highly directive language and the submitters have not provided any evidence in their submissions that demonstrates why use of the term "avoiding" in IM-P10 specifically is problematic. I am unsure what the submitters envisage by the term "appropriately weighting" and consider this is likely to be subjective. I do not recommend accepting these submission points.

²⁴¹ 00235.067 OWRUG

²⁴² 00509.039 Wise Response

329. I have addressed the submission point by Wise Response regarding the suite of climate change policies in section 6.3.1 of this report. In summary, I agree that there are consistencies between the terminology in this policy and that used in other related policies which does not assist interpretation. To address this, I recommend deleting “processes or risks” from clause (1) to align the language with IM-P8 and section 7(h) of the RMA.
330. I have also addressed wider submission points by DCC and Wise Response in section 6.3.1 of this report regarding the difference between climate change mitigation and climate change adaptation. In summary, I agree that these terms refer to different concepts and that there is confusion in the IM provisions about which concept is being referred to. I have recommended incorporating definitions of these terms as follows:
- Climate change mitigation** means a human intervention to reduce the sources of, or enhance the sinks of, greenhouse gases
- Climate change adaptation** means the process of adjustment to actual or expected climate and its effects
331. I have also recommended reviewing and amending their use in the IM chapter, including in IM-P10. As a result, I have recommended replacing “mitigation” with “climate change mitigation” throughout IM-P10.
332. Federated Farmers and DCC both seek to remove the mitigation component of this policy – Federated Farmers in its entirety and DCC by moving it instead to IM-P11. I agree with DCC that, as notified, IM-P10 is focused on climate change adaptation rather than climate change mitigation. I also agree that IM-P11 is a form of adaptation, and potentially also mitigation depending on the human impacts being reduced (for example, reductions in greenhouse gas emissions). For this reason, I recommend accepting the submission by DCC in part and including IM-P11 in IM-P10. In my view, this means that the IM-P10 as recommended addresses both climate change adaptation and climate change mitigation and therefore I recommend rejecting the submission point by DCC seeking to narrow its application only to climate change adaptation. I also recommend rejecting the submission point by Federated Farmers as I consider climate change mitigation is a relevant matter for this policy to address.
333. I support the general intent of the new provisions sought by Oceana Gold but in the absence of specific amendments by the submitter I do not recommend accepting the submission point.
334. I agree with DOC and Kāi Tahu ki Otago that the policy should recognise the effects of climate change on the wider environment, not only existing activities, and recommend accepting these submissions in part. Although I appreciate the desire of Kāi Tahu ki Otago to incorporate more te reo into the pORPS, I do not consider it is necessary in this instance as the term “environment” encompasses all of the parts identified by Kāi Tahu ki Otago. I consider this addresses the concern DCC raises regarding whether it will always be appropriate to minimise effects on existing activities and therefore recommend accepting that submission in part.

335. I agree with DOC, Blackthorn Lodge, Trojan, and Wayfare that the pORPS 2021 should not be providing for the establishment of new activities in areas subject to risk from the effects of climate change and recommend accepting the amendment sought by these submitters to delete the term “prioritise” in (2). I do not consider it would assist the interpretation or application of this policy to include “where practicable” as sought by Graymont. I note that while “avoid” is a very strong directive, the remainder of the clause does provide for new activities in these areas where they reduce, or are resilient to, those risks. I do not recommend accepting the submission point by Graymont.
336. Blackthorn Lodge, Trojan, and Wayfare seek to amend the references to “risk” in (2) to “significant risk”. As most parts of the region will experience some risk from the effects of climate change, I agree with the submitters that it is appropriate to avoid establishing new activities where that risk is significant. I note that many of the significant risks from the effects of climate change are likely to be natural hazards and the term “significant risk” is used in both section 6(h) of the RMA in relation to natural hazards and in the HAZ-NH section of the pORPS 2021.
337. Fish and Game seeks to include a new clause establishing a preference for actions which avoid contravening environmental limits unless consistent with IM-P12. Given the many prerequisites required before environmental limits can be contravened under IM-P12, I do not consider the amendment sought is necessary. Additionally, the two policies will need to be read and applied together. I recommend rejecting this submission point.
338. Forest and Bird seek to include a new clause providing for ecological migration and adaptation. I am unsure what the submitter means by these terms and so, without further evidence or clarity, I do not recommend accepting this submission point.
339. I consider that the amendments sought by Trustpower are more appropriately addressed through the *EIT-EN – Energy* section of the pORPS which contains provisions specific to the management of renewable electricity generation. I note that amendments are recommended to that chapter to recognise the contribution of renewable electricity generation to achieving national climate change obligations as sought by Trustpower in this chapter. I recommend accepting this submission point in part.
340. The effects of climate change will be felt by all communities, both rural and urban. While I acknowledge that some rural areas in Otago will likely face significant impacts in the future, so will some urban areas. I do not consider the additional clause sought is necessary and recommend rejecting this submission point by OWRUG.
341. Wise Response has sought a range of amendments to and additional clauses in IM-P10. In response to the amendments sought to each clause:
- a. In clause (1), the amendments do not make grammatical sense and would make the clause unclear, however the submitter’s relief sought highlights an inconsistency with the wording of this clause (“the effects of climate change processes and risks”) and the remainder of the policy (“the effects of climate change”)

- b. In clause (2), I consider it is appropriate for activities to establish in new areas if they are resilient to the risks of those areas,
- c. In clause (3), the amendments do not significantly alter the intent of the clause but do increase its length and uncertainty,
- d. In new clause (4), it is not clear what the submitter means by compliance with the Government's zero carbon objective (as no one activity will achieve the 2050 target) or inconsistency with best climate science and therefore the amendments significantly decrease the clarity of the policy,
- e. In new clause (5), it is not possible to identify whether individual businesses will be able to function in a net-zero carbon economy because their contribution to carbon emissions will need to be considered alongside the contributions of all other businesses, and
- f. In new clause (6), I have addressed this submission point below in relation to IM-P11.

6.21.4. Recommendation

342. I recommend the following amendments to IM-P10:

IM-P10 – *Climate change adaptation and climate change mitigation*²⁴³

Identify and implement *climate change adaptation* and *climate change mitigation*²⁴⁴ methods for Otago that:

- (1) minimise the *effects* of *climate change* ~~processes or risks~~²⁴⁵ ~~to existing activities~~ on the environment,²⁴⁶
- (2) ~~prioritise avoiding~~²⁴⁷ the establishment of new activities in areas subject to significant²⁴⁸ risk from the *effects of climate change*, unless those activities reduce, or are resilient to, those significant²⁴⁹ risks, and
- (3) provide Otago's communities, including Kāi Tahu, with the best chance to thrive, even under the most extreme *climate change scenarios*, and
- (4) enhance environmental, social, economic, and cultural²⁵⁰ *resilience* to the *adverse effects of climate change*, including²⁵¹ by facilitating activities that reduce negative²⁵² human impacts on the *environment*.²⁵³

²⁴³ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.015 Wise Response

²⁴⁴ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.015 Wise Response

²⁴⁵ 00509.044 Wise Response

²⁴⁶ 00137.044 DOC, 00226.098 Kāi Tahu ki Otago

²⁴⁷ 00137.044 DOC

²⁴⁸ 00119.002 Blackthorn Lodge, 00206.018 Trojan, 00411.029 Wayfare

²⁴⁹ 00119.002 Blackthorn Lodge, 00206.018 Trojan, 00411.029 Wayfare

²⁵⁰ 00322.008 Fulton Hogan

²⁵¹ 00307.011 CIAL

²⁵² 00235.068 OWRUG

²⁵³ 00509.040 Wise Response

6.22. IM-P11 – Enhancing environmental resilience to effects of climate change

6.22.1. Introduction

343. As notified, IM-P11 reads:

IM-P11 – Enhancing environmental *resilience to effects of climate change*

Enhance environmental *resilience* to the adverse *effects of climate change* by facilitating activities that reduce human impacts on the *environment*.

6.22.2. Submissions

344. Graymont, Greenpeace, Horticulture NZ, Kāi Tahu ki Otago, and Meridian seek to retain IM-P11 as notified.²⁵⁴ Wise Response seeks that the policy is integrated with IM-P10.²⁵⁵

345. LAC, Lane Hocking, Universal Developments, Maryhill and Mt Cardrona Station seek to remove any avoidance provisions and ensure that risks to or from climate change are appropriately weighted against provisions to allow growth and development.²⁵⁶ Maryhill and Mt Cardrona Station also submit that policies need flexibility to assess when an activity might have environmental and climate change impacts that should be outweighed by other social considerations such as low cost and affordable housing and community resources.

346. OWRUG submits that the policy fails to acknowledge that environmental resilience may be improved by human intervention and seeks the following amendments:²⁵⁷

Enhance environmental resilience to the adverse effects of climate change by facilitating activities that ~~reduce human impacts on the environment~~ support this.

347. CIAL considers the policy should signal that there are other ways to enhance environmental resilience and be non-exhaustive and seeks to add “including” in front of “by facilitating...”²⁵⁸ DCC submits that the policy should include more detail and seek to include the following additional text:²⁵⁹

Including by:

(1) working towards minimisation of net greenhouse gas emissions in accordance with national level climate change responses

(2) offsetting of remnant emissions

²⁵⁴ 00022.008 Graymont, 00407.018 Greenpeace, 00236.038 Horticulture NZ, 00226.099 Kāi Tahu ki Otago, 00306.024 Meridian

²⁵⁵ 00509.040 Wise Response

²⁵⁶ 00211.058 LAC, 00210.058 Lane Hocking, 00209.058 Universal Developments, 00118.012 Maryhill, 00014.012 Mt Cardrona Station

²⁵⁷ 00235.068 OWRUG

²⁵⁸ 00307.011 CIAL

²⁵⁹ 00139.036 DCC

348. The submission by DCC on IM-P10 is also relevant to IM-P11. The submitter has noted that although IM-P10 applies to both adaptation and mitigation, IM-P10 is more focused on adaptation while IM-P11 is more focused on mitigation.

6.22.3. Analysis

349. I have evaluated the submission by DCC on IM-P10 and recommended incorporating IM-P11 as notified into IM-P10 as a new clause (4). On this basis, I recommend accepting the submission point by Wise Response to integrate IM-P11 into IM-P10. The remainder of this section evaluates the submission points made on the wording of IM-P11.

350. IM-P11 does not contain the term “avoid” so I am unsure whether the submission point by LAC, Lane Hocking, Universal Developments, Maryhill and Mt Cardrona Station was intended to apply to this provision. The submitters do not seek specific amendments to resolve their concerns regarding the need to “appropriately weight” the risks from climate change against provisions to allow growth and development and I am unsure what they consider to be an appropriate weighting. I do not recommend accepting these submissions.

351. I agree with OWRUG that environmental resilience may be improved by human intervention but consider the amendments sought reduce the clarity of the provision. I recommend including “negative” before “human impacts” to clarify that it is negative impacts sought to be reduced, not positive. I recommend accepting this submission point in part. I also agree with CIAL that there are other ways to enhance environmental resilience and recommend accepting the submission point in full.

352. While I agree with DCC that minimising net greenhouse gases and offsetting remnant emissions, in my view these are both activities that reduce negative human impacts on the environment and are therefore already provided for. I recommend rejecting this submission point.

6.22.4. Recommendation

353. I recommend deleting IM-P11 as follows:

~~**IM-P11 – Enhancing environmental resilience to effects of climate change**~~

~~Enhance environmental resilience to the adverse effects of climate change by facilitating activities that reduce human impacts on the environment.~~²⁶⁰

354. In addition, I recommend incorporating the following content in IM-P10(4):

IM-P10 – Climate change adaptation and climate change mitigation²⁶¹

Identify and implement *climate change adaptation* and climate change mitigation²⁶² methods for Otago that:

²⁶⁰ 00509.040 Wise Response

²⁶¹ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.015 Wise Response

²⁶² Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.015 Wise Response

...

- (4) enhance environmental, social, economic, and cultural²⁶³ resilience to the adverse effects of climate change, including²⁶⁴ by facilitating activities that reduce negative²⁶⁵ human impacts on the environment.²⁶⁶

6.23. IM-P12 – Contravening environmental bottom lines for climate change mitigation

6.23.1. Introduction

355. As notified, IM-P12 reads:

IM–P12 – Contravening environmental bottom lines for *climate change* mitigation

Where a proposed activity provides or will provide enduring regionally or nationally significant mitigation of *climate change* impacts, with commensurate benefits for the well-being of people and communities and the wider *environment*, decision makers may, at their discretion, allow non-compliance with an environmental bottom line set in any policy or method of this RPS only if they are satisfied that:

- (1) the activity is designed and carried out to have the smallest possible environmental impact consistent with its purpose and *functional needs*,
- (2) the activity is consistent and coordinated with other regional and national *climate change* mitigation activities,
- (3) adverse *effects* on the *environment* that cannot be avoided, remedied, or mitigated are offset, or compensated for if an offset is not possible, in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is:
 - (a) undertaken where it will result in the best ecological outcome,
 - (b) close to the location of the activity, and
 - (c) within the same ecological district or coastal marine biogeographic region,
- (4) the activity will not impede either the achievement of the objectives of this RPS or the objectives of regional policy statements in neighbouring regions, and
- (5) the activity will not contravene a bottom line set in a national policy statement or national environmental standard.

²⁶³ 00322.008 Fulton Hogan

²⁶⁴ 00307.011 CIAL

²⁶⁵ 00235.068 OWRUG

²⁶⁶ 00509.040 Wise Response

6.23.2. Submissions

356. DCC, Kāi Tahu ki Otago, Waitaki Irrigators, and Te Waihanga seek to retain IM-P12 as notified.²⁶⁷ Te Waihanga also seeks to apply this approach to other provisions that regulate the effects of nationally and regionally significant infrastructure.
357. Blackthorn Lodge, Fish and Game, Meridian, Trojan, and Wayfare submit that the term “environmental bottom line” should be replaced with “environmental limits” because not all of the types of provisions applicable to this policy will be framed as bottom lines.²⁶⁸
358. LAC, Lane Hocking, Maryhill, Mt Cardrona Station, and Universal Developments seek to broaden IM-P12 or include new provisions allowing environmental bottom lines to be breached or exceeded where there will be positive social, economic, cultural, and climate outcomes achieved.²⁶⁹
359. Federated Farmers considers that the policy sets the bar for these activities so high that it is unlikely any activities would meet the criteria and seeks a general amendment to provide a reasonable pathway that does not involve offsetting or compensating for all residential adverse effects.²⁷⁰
360. Wise Response considers that the Government will legislate for individual projects if they are important enough and seeks to either delete the policy or require approval from the Minister of Conservation to breach bottom lines.²⁷¹ OWRUG also seeks either deletion of the policy or unspecified amendments for consistency with the purpose of the RMA.²⁷² The submitter considers that it is not clear whether this policy achieves the purposes of the RMA or if it can be reconciled with other highly directive provisions within relevant NPSs or the pORPS 2021 itself.
361. Port Otago considers the policy provides a practical balancing approach to facilitate climate change mitigation projects but notes that it is unclear whether the policy was intended to relate also to climate change adaptation. The submitter seeks to include reference to adaptation in the title and chapeau of the policy.²⁷³
362. Greenpeace notes a concern that climate change mitigation may cause disruption to ecological systems and considers that it is preferable to address the causes of climate change. The submitter seeks to amend IM-P12 to require phasing out the use of synthetic nitrogen fertiliser, reducing pressure on natural systems (including by reducing dairy herds and water extraction) and returning river and coastal margins to wild buffers.²⁷⁴

²⁶⁷ 00139.037 DCC, 00226.100 Kāi Tahu ki Otago, 00321.019 Te Waihanga, 00213.012 Waitaki Irrigators

²⁶⁸ 00119.003 Blackthorn Lodge, 00231.038 Fish and Game, 00306.025 Meridian, 00206.019 Trojan, 00411.030 Wayfare

²⁶⁹ 00211.059 LAC, 00210.059 Lane Hocking, 00118.013 Maryhill, 00014.013 Mt Cardrona Station, 00209.059 Universal Developments

²⁷⁰ 00239.042 Federated Farmers

²⁷¹ 00509.041 Wise Response

²⁷² 00235.069 OWRUG

²⁷³ 00301.014 Port Otago

²⁷⁴ 00407.019 Greenpeace

363. Contact submits that the drafting of the policy, its inherent subjectiveness, its extensive use of qualifiers and its imposition of constraints means that it is unlikely to be particularly useful in assisting a renewable electricity generation project to be assessed on its merits. The submitter seeks a range of amendments to the policy, including to amend the chapeau as follows:

Where a proposed activity provides or will provide enduring regionally or nationally significant mitigation of climate change impacts or assists in achieving national climate change obligations, with commensurate benefits for the well – being of people and communities and the wider environment, decision makers may, ~~at their discretion~~, allow non-compliance with an environmental bottom line set in any policy or method of this RPS ~~only~~ if they are satisfied that:

364. Meridian considers that it is not appropriate for decision makers to have full discretion as to whether non-compliance with a limit is allowed and seeks the following amendments:²⁷⁵

~~Despite other policies within this RPS, w~~Where a proposed activity provides or will provide enduring regionally or nationally significant mitigation of climate change impacts, with commensurate benefits for the well – being of people and communities and the wider environment, ~~decision makers may, at their discretion,~~ ~~allow~~ non-compliance with an environmental bottom line or environmental limit set in, or resulting from, any policy or method of this RPS is enabled provided that only if they are satisfied that:

365. In relation to clause (1), Blackthorn Lodge, Trojan, and Wayfare seek to replace “smallest possible” with “minimise adverse” environmental impacts as the former is an extremely onerous and cost prohibitive test.²⁷⁶ Meridian, Contact and Trustpower share similar views but seek different amendments:

- Meridian: the activity is designed and carried out to have the smallest possible environmental impact consistent with its purpose and functional needs, adverse effects on the environment resulting from the activity are avoided, remedied or mitigated as fully as reasonably practicable;²⁷⁷
- Contact: (1) the activity is designed and carried out to appropriately manage its ~~have the smallest possible~~ environmental impact consistent with its purpose and functional needs,²⁷⁸
- Trustpower: the activity is designed and carried out to avoid, remedy or mitigate environmental effects ~~have the smallest possible environmental impact consistent with its purpose and functional needs~~²⁷⁹

²⁷⁵ 00306.025 Meridian

²⁷⁶ 00119.003 Blackthorn Lodge, 00206.019 Trojan, 00411.030 Wayfare

²⁷⁷ 00306.025 Meridian

²⁷⁸ 00318.009 Contact

²⁷⁹ 00311.011 Trustpower

366. Graymont considers that amendments are required to IM-P12 to ensure the policy enables lime extraction and processing activities to remain operationally viable and is clear, measurable, and applicable to Otago. The submitter seeks a range of amendments to the policy, including to clause (1) as follows:²⁸⁰

the activity is designed and carried out to have the smallest possible environmental impact consistent with its purpose and functional needs, while remaining operationally viable,

367. Meridian considers that clause (2) is unclear in terms of how ‘consistency’ will be determined and seeks its deletion.²⁸¹

368. Forest and Bird submits that the policy provides inappropriately broad powers to contravene other aspects of the pORPS and that the extent of offsetting and compensation allows provides few limits on how they can be used, resulting in continued loss of important and significant values in the region. The submitter seeks to amend clause (3) to require adverse effects to be avoided, remedied, or mitigated, deleting all other text relating to offsetting and compensation.²⁸² This is supported by the further submission of Kāi Tahu ki Otago²⁸³ but opposed by Contact, Federated Farmers, Meridian, Oceana Gold, and Waka Kotahi.²⁸⁴ Except Federated Farmers, which does not specify the reason for its opposition, the other submitters oppose removing the ability to offset or compensate adverse effects.

369. Toitū te Whenua considers that activities which create adverse effects that cannot be avoided, remedied, or mitigated should not be consented if those effects are offset. The submitter seeks to delete clause (3) because it considers offsetting is inherently complex and hard to measure or do well so runs the risk of significant damage to inherent values and the fragility and high values in Otago should not be traded off.²⁸⁵

370. Blackthorn Lodge, Trojan, and Wayfare seek amendments to clarify that the matters in (3)(a) to (c) only apply to offsetting for ecological matters as there are other types of offsetting.²⁸⁶

371. Trustpower submits that clause (3) does not reflect a holistic approach to the issue of offsetting and may not be appropriate in every circumstance. The submitter seeks the following amendments.²⁸⁷

(3) adverse effects on the environment that cannot be avoided, remedied, or mitigated are offset, or compensated for if an offset is not possible, in

²⁸⁰ 00022.009 Graymont

²⁸¹ 00306.025 Meridian

²⁸² 00230.036 Forest and Bird

²⁸³ FS00226.420 Kāi Tahu ki Otago

²⁸⁴ FS00318.051 Contact, FS00239.167 Federated Farmers, FS00306.014 Meridian, FS00115.072 Oceana Gold, FS00305.031 Waka Kotahi

²⁸⁵ 00101.024 Toitū te Whenua

²⁸⁶ 00119.003 Blackthorn Lodge, 00206.019 Trojan, 00411.030 Wayfare

²⁸⁷ 00311.011 Trustpower

accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is:

- ~~(a) — undertaken where it will result in the best ecological outcome,~~
- ~~(b) — close to the location of the activity, and~~
- ~~(c) — within the same ecological district or coastal marine biogeographic region,~~

372. Contact considers the constraints and limits in relation to offsetting and compensation are too restrictive and too subjective and seeks to amend clause (3) as follows:²⁸⁸

(3) adverse effects on the environment that cannot be avoided, remedied, or mitigated are offset, or compensated for if an offset is not possible, ~~in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is:~~

- ~~(a) — undertaken where it will result in the best ecological outcome,~~
- ~~(b) — close to the location of the activity, and~~
- ~~(c) — within the same ecological district or coastal marine biogeographic region,~~

373. Meridian is concerned that clause (3) creates a hierarchy between offsetting and environmental compensation that is not consistent with the NPSREG, and particularly Policy C2 which requires that “[w]hen considering any residential environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting or environmental compensation including measures or compensation which benefit the local environment and community affected.” The submitter states that the reference to “any specific criteria” is not sufficiently clear, and that the clause is too inclusive and should be restricted to either significant or more than minor adverse effects. The following amendments to clause (3) are sought:²⁸⁹

(3) significant adverse effects on the environment that cannot be avoided, remedied, or mitigated are offset in accordance with APP3, or compensated for ~~if an offset is not possible,~~ in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is: APP4; and

- ~~(a) — undertaken where it will result in the best ecological outcome,~~
- ~~(b) — close to the location of the activity, and~~
- ~~(c) — within the same ecological district or coastal marine biogeographic region,~~

²⁸⁸ 00318.009 Contact

²⁸⁹ 00306.025 Meridian

374. Graymont seeks to replace “the best ecological outcome” with “a net improvement in the ecological outcome” in clause (3) for reasons that are unclear.²⁹⁰
375. ECan seeks to retain clause (4) which requires that the activity does not impede the achieve of the objectives of the pORPS 2021 or regional policy statements in neighbouring regions. Five submitters seek to delete clause (4) for the following reasons:
- it is ultra vires,²⁹¹
 - it is inappropriate to include conditions in a policy on the achievement of objectives in regional policy statements in neighbouring regions when these may not be relevant to the proposal in question and could change without the ability to consider their impact on Otago,²⁹² and
 - unstated or unclear reasons.²⁹³
376. Meridian accepts that the achievement of the objectives of the pORPS should not be impeded by an activity that this policy applies to, but considers it is not appropriate for the implementation of a pORPS policy to be reliant on the content of a neighbouring regional policy statement.²⁹⁴ The submitter seeks the following amendments to clause (4):²⁹⁵
- (4) the activity will not impede either the achievement of the objectives of this RPS, ~~or the objectives of regional policy statements in neighbouring regions,~~ and
377. Meridian considers that clause (5) is unnecessary because the relationship between a limit set in a regional policy statement or plan and a limit set in a national policy statement or national environmental standard is set within the relevant national direction instrument.
378. Forest and Bird and Fish and Game seek to include a new clause (6) as follows:²⁹⁶
- (6) there are no other reasonable alternatives, including changes in the nature or scale of associated activities.
379. The inclusion above is supported by the further submission of Kāi Tahu ki Otago²⁹⁷ but opposed by Contact, Federated Farmers, Meridian, Oceana Gold, and Waka Kotahi.²⁹⁸ Contact and Oceana Gold consider that requiring alternatives assessments in all circumstances is not consistent with the RMA and Waka Kotahi considers there is uncertainty about what is considered “reasonable”.

²⁹⁰ 00022.009 Graymont

²⁹¹ 00119.003 Blackthorn Lodge, 00206.019 Trojan, 00411.030 Wayfare

²⁹² 00311.011 Trustpower

²⁹³ 00022.009 Graymont, 00318.009 Contact

²⁹⁴ 00306.025 Meridian

²⁹⁵ 00306.025 Meridian

²⁹⁶ 00230.036 Forest and Bird, 00231.038 Fish and Game

²⁹⁷ FS00226.420 Kāi Tahu ki Otago

²⁹⁸ FS00318.051 Contact, FS00239.167 Federated Farmers, FS00306.014 Meridian, FS00115.072 Oceana Gold, FS00305.031 Waka Kotahi

380. Graymont seeks to include the following as an advice note:²⁹⁹

For the avoidance of doubt, where there is no ability to reduce greenhouse gas emissions, carbon offsetting may be employed, further, methods such as fuel swapping can be utilised to support emission reduction.

6.23.3. Analysis

381. I have addressed a range of submission points regarding the use of “environmental limits” in section 1.4.3 of *Report 1: Introduction and general themes*, including the submission points by Blackthorn Lodge, Fish and Game, Meridian, Trojan and Wayfare. Relevantly for this policy, I have recommended replacing the term “environmental bottom lines” with “environmental limits” and therefore recommend accepting the submission points by Blackthorn Lodge, Fish and Game, Meridian, Trojan, and Wayfare.

382. I do not agree with Te Waihanga that the approach in IM-P12 should be expanded to other provisions that regulate the effects of nationally and regionally significant infrastructure. Climate change is a global threat which requires urgent and significant action world-wide and, in my opinion, is not comparable to the effects of regionally or nationally significant infrastructure. For the same reasons, I do not recommend accepting the submission points by LAC and others seeking to allow environmental limits to be breached where there will be positive social, economic, cultural, and climate outcomes achieved.

383. I agree with Federated Farmers that IM-P12 sets a very high bar for considering these types of activities. I consider that is appropriate, given the risk of degradation posed by breaching environmental limits (which may be significant in some cases, depending on the proposal). I have discussed the requirement for offsetting and compensation later in this section of the report and, for the reasons I have set out there, do not recommend accepting the submission point by Federated Farmers.

384. Wise Response submits that the Government will legislate for individual projects if they are important enough. I do not consider that anyone can predict what the Government may or may not legislate for. Additionally, I do not consider that the Minister of Conservation is the appropriate person to approval breaches of limits as the Minister’s role under the RMA is restricted to specific matters relating to the coastal environment, including approval of regional coastal plans and the NZCPS. I recommend rejecting this submission point.

385. I am unsure which part (or parts) of the policy OWRUG considers are inconsistent with the purpose of the RMA and therefore do not recommend accepting this submission without further evidence. I agree with Greenpeace that it is preferable to address the causes of climate change but do not consider the amendment sought are clear or directive enough to reduce greenhouse gas emissions.

²⁹⁹ 00022.009 Graymont

386. I agree with Port Otago that it is unclear whether the policy applies to climate change adaptation or climate change mitigation or both. As I have set out in relation to IM-P10, The IPCC (2014) defines the terms as follows:
- **Adaptation:** The process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate or avoid harm or exploit beneficial opportunities. In some natural systems, human intervention may facilitate adjustment to expected climate and its effects.
 - **Mitigation:** A human intervention to reduce the sources or enhance the sinks of greenhouse gases.
387. I note that the title and clause (2) refer only to climate change mitigation, but the chapeau refers to “mitigation of climate change impacts” which is more aligned with adaptation. In my opinion, environment limits are important to protecting the health of natural resources and breaches should only be provided for in limited circumstances. Climate change mitigation assists to reduce the sources or enhance the sinks of greenhouse gases, meaning that less adaptation may be required. I consider that breaching environmental limits for this purpose could be appropriate in certain circumstances due to the national and potentially international benefits of climate change mitigation. For these reasons, I consider the policy should be clearly focused only on climate change mitigation, not climate change adaptation, and therefore do not recommend accepting the submission point by Port Otago. To clarify, I recommend replacing “regionally or nationally significant mitigation of climate change impacts” with “regionally or nationally significant climate change mitigation”.
388. It appears that Greenpeace has misunderstood the term “climate change mitigation”. I consider the policy does focus on addressing the causes of climate change, which is what is meant by climate change mitigation. The submitter has not provided any evidence that the activities it seeks to include in the policy would achieve the outcome sought. I do not recommend accepting this submission point.
389. It is not clear what the national climate change obligations referred to in the amendments by Contact are. There are a range of national-level climate change policies, including the domestic emissions reduction target set out in the Climate Change Response (Zero Carbon) Amendment Act 2019 as well as emissions budgets and an emissions reduction plan. Without clarity about the obligations referred to, I do not recommend accepting this submission point.
390. The interpretation and application of policies is always, to some degree, at the discretion of the decision-maker. I do not consider that it is unusual to include discretion as set out in IM-P12 and am unsure how compliance with the requirements of the policy would be determined if not by a decision-maker. I do not recommend accepting the amendments sought by Meridian that seek to address this matter, however I consider other minor amendments also sought to the chapeau clarify its application and therefore recommend accepting this submission point in part.
391. As notified, clause (1) requires the activity to be designed and carried out to have the smallest possible environmental impact consistent with its purpose and functional needs.

I agree with Blackthorn Lodge, Trojan, and Wayfare that this is a very stringent test and it is not entirely clear what the test for consistency with purpose and functional needs would mean in practice. From reading clause (3) it is clear that the policy expects effects to be avoided, remedied, or mitigated, but does not state this. I consider that the amendments sought by Meridian and Trustpower reflect an implicit requirement in the wording as notified and therefore recommending accepting that submission point in part. In my opinion, “as fully as reasonably practicable” is not a test that is comparable to the high threshold set by this policy, and particularly in clause (1). I consider that it would better retain the intent of clause (1) as notified, while still addressing the gap between (1) and (3) to replace clause (1) with the following:

(1) adverse effects on the environment resulting from the activity are avoided, remedied, or mitigated so that they are reduced to the smallest amount reasonably practicable

392. I do not agree with the amendments sought by Contact to clause (1). In my view, those amendments would significantly weaken the policy direction by removing the directive to minimise environmental impacts, instead requiring those impacts to simply be “appropriately managed”. Given the potential scale and significance of activities using this policy, I do not consider that provides the appropriate level of safeguards for the environment and therefore do not recommend accepting this part of the submission point.
393. The Climate Change Response Act sets up the policy framework for climate change action in New Zealand. It includes a domestic emissions reduction target (commonly referred to as the 2050 target) and requires the preparation of emissions budgets that each cover a period of five years, except the first which will cover three years (2022 to 2025). To implement these budgets, the Government is preparing an emissions reduction plan which will describe how the country will meet the emissions budgets and make progress towards achieving the 2050 target. Given that IM-P12 also relates to climate change mitigation (i.e. the reduction of greenhouse gas emissions), I consider it is important that the application of this policy is consistent with the broader policy framework for climate change mitigation. I therefore do not recommend accepting the submission point by Meridian seeking to delete clause (2).
394. IM-P12 is intended to provide an alternative pathway for activities that will provide enduring regionally or nationally significant climate change mitigation. That is a high threshold and, in my opinion, is likely to only be reached by large projects that have a range of adverse effects. In this context, I consider it is appropriate and practical for the policy to recognise that not all adverse effects will be able to be avoided, remedied, or mitigated, and therefore do not recommend accepting the submission points by Forest and Bird or Toitū te Whenua seeking to delete reference to offsetting and compensation.
395. I agree with Blackthorn Lodge, Trojan and Wayfare that sub-clauses (3)(a) to (c) are designed for ecological or biodiversity offsetting and compensation. I note that Meridian has identified this also by seeking to refer to APP3 (Criteria for biodiversity offsetting) and APP4 (Criteria for biodiversity compensation). I consider that, where offsetting or

compensation relates to adverse effects on biodiversity, then APP3 and APP4 should be complied with, but that those criteria should not apply to other types of offsetting or compensation. This includes retaining the hierarchy set out in the *ECO* chapter where offsetting must be considered before compensation. I recommend accepting the submission points by Blackthorn Lodge, Trojan, and Wayfare in part.

396. I disagree with Meridian’s interpretation of Policy C2 of the NPSREG. I consider that establishing a hierarchy between offsetting and compensation does not prevent a decision-maker from having regard to those actions, only that their regard must be in accordance with the hierarchy set out in the pORPS. Meridain seeks to restrict the application of clause (3) to only significant adverse effects. I consider that is not appropriate because this is a policy providing for the breaching of environmental limits, and therefore all effects should be managed through either clause (1) or (3). As I have stated above, I agree with the amendments sought by Meridian to refer to APP3 and APP4 and therefore recommend accepting this submission point in part.
397. I agree with Trustpower and Contact that sub-clauses (3)(a) to (c) are unclear and consider this issue is addressed by my recommendations above to differentiate between biodiversity offsetting and compensation in accordance with APP3 and APP4 and other types of offsetting and compensation. I recommend accepting these submission points in part.
398. I agree with Blackthorn Lodge, Trojan, and Wayfare that achievement of objectives in adjacent regional policy statements may not be appropriate and that those objectives may change in ways not anticipated by the pORPS. I note that IM-P7 requires coordinating management across jurisdictional boundaries and, wherever possible, between overlapping or related agency responsibilities. In my opinion, this provides the same type of outcome as that sought by IM-P12(4) and therefore the reference in (4) can be deleted. I recommend accepting in part the submission points by Blackthorn Lodge, Trojan, and Wayfare and accepting in full the submission point by Meridian.
399. I agree with Meridian regarding clause (5), however in the interests of clarity I consider it is helpful for this policy to clearly identify that it cannot condone the breaching of environmental limits set in higher order documents. I do not recommend accepting this part of the submission point.
400. I consider that meeting the criteria required to apply this policy in practice will be a very high threshold to meet. I do not consider that the additional clause sought by Fish and Game and Forest and Bird is necessary as I believe the remainder of the policy already establishes an appropriate threshold for application. Given the stringency of this policy, I consider it would be unlikely that a proponent for an activity would pursue this avenue if there were other reasonable alternatives available so I am not convinced this clause is necessary. I do not recommend accepting this submission point.

6.23.4. Recommendation

401. I recommend the following amendments to IM-P12:

IM-P12 – Contravening ~~environmental bottom lines~~ limits³⁰⁰ for climate change mitigation

Despite other provisions in this RPS, ~~where~~³⁰¹ a proposed activity provides or will provide enduring regionally or nationally significant climate change mitigation³⁰² ~~of climate change impacts~~, with commensurate benefits for the well-being of people and communities and the wider *environment*, decision makers may, at their discretion, allow non-compliance with an ~~environmental bottom line limit~~³⁰³ set in, or resulting from,³⁰⁴ any policy or method of this RPS only if they are satisfied that:

- (1) ~~the activity is designed and carried out to have the smallest possible environmental impact consistent with its purpose and functional needs, adverse effects on the environment resulting from the activity are avoided, remedied, or mitigated so that they are reduced to the smallest amount reasonably practicable,~~³⁰⁵
- (2) the activity is consistent and coordinated with other regional and national *climate change mitigation* activities,
- (3) adverse *effects* on the *environment* that cannot be avoided, remedied, or mitigated are offset, or compensated for, and for adverse effects on indigenous biodiversity: if an offset is not possible, in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is:
 - (aa) where there are residual adverse effects after avoidance, remediation, and mitigation, residual adverse effects are offset in accordance with APP3, and
 - (ab) if biodiversity offsetting of residual adverse effects is not possible, then those residual adverse effects are compensated for in accordance with APP4,
 - ~~(a) undertaken where it will result in the best ecological outcome,~~
 - ~~(b) close to the location of the activity, and~~
 - ~~(c) within the same ecological district or coastal marine biogeographic region,~~³⁰⁶

³⁰⁰ 00119.003 Blackthorn Lodge, 00231.009 Fish and Game, 00231.038 Fish and Game, 00306.025 Meridian, 00206.019 Trojan, 00411.030 Wayfare

³⁰¹ 00306.025 Meridian

³⁰² 00301.014 Port Otago

³⁰³ 00231.009 Fish and Game

³⁰⁴ 00306.025 Meridian

³⁰⁵ 00306.025 Meridian, 00311.011 Trustpower

³⁰⁶ 00119.003 Blackthorn Lodge, 00206.019 Trojan, 00411.030 Wayfare, 00306.025 Meridian, 00311.011 Trustpower, 00318.009 Contact

- (4) the activity will not impede ~~either the achievement of the objectives of this RPS or the objectives of regional policy statements in neighbouring regions,~~³⁰⁷ and
- (5) the activity will not contravene ~~a bottom line~~ an *environmental limit*³⁰⁸ set in a national policy statement or national environmental standard.

6.24. IM-P13 – Managing cumulative effects

6.24.1. Introduction

402. As notified, IM-P13 reads:

IM-P13 – Managing cumulative effects

Otago’s environmental integrity, form, function, and *resilience*, and opportunities for future generations, are protected by recognising and specifically managing the cumulative *effects* of activities on *natural and physical resources* in plans and explicitly accounting for these *effects* in other resource management decisions.

6.24.2. Submissions

- 403. ECan, Greenpeace, WAI Wanaka, and Waka Kotahi seek to retain IM-P13 as notified.³⁰⁹ DOC seeks to retain the intent of the policy but make unspecified amendments so that it functions as a policy or action.³¹⁰
- 404. OWRUG and Ravensdown seek to delete the policy on the basis that cumulative effects are part of the definition of “effect” in section 3 of the RMA and therefore the policy is unnecessary.³¹¹ OWRUG also considers that the policy could be very difficult to apply as cumulative effects by their nature are not always able to be explicitly accounted for.
- 405. Toitū te Whenua considers that cumulative effects should be given equal weight to any actual or immediate effects of a proposed activity but does not seek specific amendments.³¹²
- 406. DCC supports the policy in principle but considers that the need to manage cumulative effects should go beyond effects of activities on natural and physical resources. The submitter seeks to replace IM-P13 with the following:³¹³

Decision-makers and plans must consider and manage the potential cumulative of effects of activities where these may impact on:

- (1) Otago’s environmental integrity, form, function, and resilience;

³⁰⁷ 00306.025 Meridian

³⁰⁸ 00231.009 Fish and Game

³⁰⁹ 00013.006 ECan, 00407.020 Greenpeace, 00222.004 WAI Wanaka, 00305.009 Waka Kotahi

³¹⁰ 00137.045 DOC

³¹¹ 00235.070 OWRUG, 00121.026 Ravensdown

³¹² 00101.025 Toitū te Whenua

³¹³ 00139.038 DCC

- (2) opportunities for future generations;
- (3) environmental bottom-lines, or
- (4) the ability to provide for the health and well-being of communities.

407. Blackthorn Lodge, Trojan, and Wayfare seek to replace “natural and physical resources” with “the environment” as the latter incorporates the former and considers that “accounting for” has a financial connotation and should be replaced with “addressing”.³¹⁴ Fish and Game also seeks to reference “the environment” instead.³¹⁵ Federated Farmers is concerned that it is unlikely to be practicable (or possible) to “account for” all cumulative effects and seeks to delete this.³¹⁶ The submitter also seeks to replace “recognising and specific managing” cumulative effects with “taking into account” cumulative effects.
408. Kāi Tahu ki Otago seek to clarify that the reference to resilient in IM-P13 includes resilience to climate change in order to better integrated climate change provisions throughout the pORPS 2021.³¹⁷
409. Fish and Game seeks that all cumulative activities ultimately support the health, well-being, and resilient of the natural environment by including “such that the sum of human activity in Otago supports the health, well-being, and resilience of the natural environment” at the end of IM-P13.³¹⁸

6.24.3. Analysis

410. The definition of “effect” in section 3 of the RMA states that the term effect includes any cumulative effect which arises over time or in combination with other effects, regardless of the scale, intensity, duration, or frequency of the effect.³¹⁹ I agree with OWRUG and Ravensdown that it is not necessary to specifically seek to manage cumulative effects as these are required to be considered through plan-making and resource consent processes. I also agree with OWRUG that some cumulative effects are not able to be explicitly accounted for. I recommend accepting these submission points and deleting the policy. For the same reasons, I recommend rejecting the submission point by Toitū te Whenua because the definition of effect does not prioritise or place greater weight on some types of effects over others.
411. I agree with DOC that the policy is not clearly a course of action given that it includes reference to a desired outcome. I consider that the revised wording proposed by DCC is an improvement in this regard, however in my view the matters listed in the policy proposed by DCC are all required through normal plan-making and resource consent processes when effects of activities are considered. As above, I do not consider the policy

³¹⁴ 00119.004 Blackthorn Lodge, 00206.020 Trojan, 00411.031 Wayfare

³¹⁵ 00231.039 Fish and Game

³¹⁶ 00239.043 Federated Farmers

³¹⁷ 00226.101 Kāi Tahu ki Otago

³¹⁸ 00231.039 Fish and Game

³¹⁹ Section 3(d), RMA

is necessary and therefore recommend rejecting the submission point by DCC and rejecting in part the submission point by DOC.

412. On the basis that I recommend deleting the policy, I have not evaluated the submission points seeking specific amendments and recommend rejecting those submission points.

6.24.4. Recommendation

413. I recommend deleting IM-P13 as follows:

~~**IM-P13 – Managing cumulative effects**~~

~~Otago’s environmental integrity, form, function, and *resilience*, and opportunities for future generations, are protected by recognising and specifically managing the cumulative effects of activities on *natural and physical resources* in plans and explicitly accounting for these effects in other resource management decisions.~~³²⁰

6.25. IM-P14 – Human impact

6.25.1. Introduction

414. As notified, IM-P14 reads:

IM-P14 – Human impact

Preserve opportunities for future generations by:

- (1) identifying limits to both growth and adverse *effects* of human activities beyond which the *environment* will be degraded,
- (2) requiring that activities are established in places, and carried out in ways, that are within those limits and are compatible with the natural capabilities and capacities of the resources they rely on, and
- (3) regularly assessing and adjusting limits and thresholds for activities over time in light of the actual and potential environmental impacts.

6.25.2. Submissions

415. DCC and Greenpeace seek to retain IM-P14 as notified.³²¹ Twelve submitters seek to delete the policy entirely, for a range of reasons:

- The concept of environmental limits is uncertain in the context of the pORPS and the policy may prevent activities occurring beyond undefined limits.³²²
- There is no certainty as to what is meant by the term “limits” or what is “degraded” or how these are intended to be developed or implemented.³²³

³²⁰ 00235.070 OWRUG, 00121.026 Ravensdown

³²¹ 00139.039 DCC, 00407.021 Greenpeace

³²² 00315.017 Aurora Energy, 00314.012 Transpower

³²³ 00318.010 Contact, 00320.014 Network Waitaki, 00115.012 Oceana Gold, 00511.014 PowerNet, 00313.007 Queenstown Airport, 00122.006 Sanford, 00221.002 Silver Fern Farms

- The policy may create significant uncertainty and insecurity for existing land uses and investments, particularly if it leads to short consent terms or frequent reviews of consent conditions.³²⁴
- The policy does not provide certainty about how, when, where, or who will set limits, how regularly and by what process those are reviewed and how this provides for responsive planning.³²⁵ The submitters note limits are also applicable to human uses.
- Some activities consumptively use natural resources (for example, mineral extraction) and cannot preserve these for future generations.³²⁶
- It is unclear what the meaning of “growth” is.³²⁷
- The policy is attempting to pre-empt the content of the Natural and Built Environment Bill but is not operating under this framework.³²⁸

416. As an alternative to deleting the policy, OWRUG seek amendments to clarify how the policy will be implemented and what it applies to:³²⁹

Preserve opportunities for future generations by when preparing Regional and District Plans:

- (1) identifying limits ~~to both growth and adverse effects of human activities~~ beyond which the environment will be degraded,

417. Also as an alternative to deleting, LAC, Lane Hocking, Maryhill, Mt Cardrona Station, and Universal Developments seek unspecified amendments to clarify how limits are applied and managed, and how those relate to human use limits as well as natural limits.³³⁰

418. Blackthorn Lodge, Trojan and Wayfare consider that opportunities for future generations will be preserved by operating within the limits of the natural environment, not other environmental limits as these are human centric and significantly influenced by cultural conditions and individual/social perceptions, and readily change over time. The submitters seek to include “natural” in front of “environment” in clause (1).³³¹

419. Wise Response submits that the policy needs more strength and seeks to amend the title of the policy to “Managing and mitigating human impact” and amending clause (1) as follows:

³²⁴ 00239.044 Federated Farmers

³²⁵ 00118.014 Maryhill, 00211.008 LAC, 00210.008 Lane Hocking, 00014.014 Mt Cardrona Station, 00209.008 Universal Developments

³²⁶ 00115.012 Oceana Gold

³²⁷ 00221.002 Silver Fern Farms

³²⁸ 00235.071 OWRUG

³²⁹ 00235.071 OWRUG

³³⁰ 00211.008 LAC, 00210.008 Lane Hocking, 000118.014 Maryhill, 00014.014 Mt Cardrona Station, 00209.008 Universal Developments

³³¹ 00206.021 Trojan, 00411.032 Wayfare

- (1) identifying limits to growth and adverse effects of human activities which are inconsistent with long term safe environmental limits both locally and globally

420. Fish and Game considers this policy will better assist with achieving the long-term vision of the pORPS if it is clear that all activities are to support the health, well-being, and resilience of the natural environment. The submitter seeks to amend clause (2) to this effect.³³²

421. In relation to clause (3), John Highton submits that one of the shortcomings of the current system is failing to adequately monitor the environment and seeks much more support for active monitoring of the environment but no specific amendments.³³³ Kāi Tahu ki Otago seek amendments to clarify that clause (3) includes impacts related to climate change.³³⁴

422. Graymont submits that due to the significance of minerals and aggregate in building and infrastructure, enabling the extraction of locally sourced low-cost minerals and aggregate is important to the economic wellbeing and the efficient use and development of resources. Graymont considers that in order to provide for future generations, there is a need to find new sources of minerals and aggregate to meet demand well into the future and that any adjustment to limits and thresholds for activities are made in consultation with those that may be affected. The submitter seeks the following amendments to the policy:³³⁵

Provide ~~Preserve~~ opportunities for future generations by:

- (1) identifying limits to both growth and adverse effects of human activities beyond which the environment will be degraded,
- (2) recognising the functional, locational and operational needs of particular activities, while requiring that activities are established in places, and carried out in ways, that are within those limits and are compatible with the natural capabilities and capacities of the resources they rely on, and
- (3) regularly assessing and adjusting limits and thresholds for activities over time via plan change and / or variation processes, in consultation with the appropriate stakeholders, in light of the actual and potential environmental impacts.

423. CIAL supports the intent of the policy but considers the thresholds are subjective and it is unclear how various terms within the policy will be interpreted (such as degradation). The submitter notes that some activities, such as significant infrastructure, have a functional and operational need to locate in particular areas. A new clause (3) is sought, to follow notified clause (2).³³⁶

³³² 00231.04 Fish and Game

³³³ 00014.024 John Highton

³³⁴ 00226.102 Kāi Tahu ki Otago

³³⁵ 00022.010 Graymont

³³⁶ 00307.012 CIAL

(3) recognising that regionally significant infrastructure provides an important public benefit and may have functional or operational needs which should be recognised and taken into account, and

424. DOC considers the policy would enable “managing down” to limits and so should also recognise positive measures which can occur above those limits. The submitter seeks an additional clause as follows:³³⁷

(4) advocating for and incentivising activities that reduce, mitigate, or eliminate risk of environmental degradation

6.25.3. Analysis

425. The issues raised by submitters in relation to use of the terms “limit” and “threshold” have been described and analysed in detail in section 1.4.3 of *Report 1: Introduction and general themes*. In summary, I recommend replacing the references to “limits” with “environmental limits” and including a definition of that term based on the NBEB.

426. I consider that the amendments sought by OWRUG to the chapeau and clause (1) of IM-P14 assist with clarifying the intent and application of the policy. In my opinion, the readability could be improved by rearranging the chapeau. I also consider that clause (1) could simply read “identifying environmental limits wherever practicable” as the definition of “environmental limits” I have recommended sets out their form and application. I recommend accepting this submission point in part.

427. I consider that my recommendation to include a definition of “environmental limits” addresses the relief sought by LAC, Lane Hocking, Maryhill, Mt Cardrona Station, and Universal Developments and therefore recommend accepting in part those submission points.

428. I agree with Blackthorn Lodge, Trojan, and Wayfare that opportunities will be preserved by operating within environmental limits and consider that this is clarified in the amendments I have recommended in response to the submission point by OWRUG. I recommend accepting these submission points in part.

429. I do not consider that the amendment sought by Wise Response assist with clarifying the application of this policy. It is not clear what global environmental limits are being referred to by the submitter or how that could be incorporated into a planning document. I consider that my recommendation to include a definition of the term “environmental limits” goes some way in responding to the submitter’s concerns and therefore recommend accepting this submission point in part.

430. In my opinion, the purpose of establishing environmental limits is to support the health, well-being, and resilience of the natural environment. Including a definition of “environmental limits” which clarifies this term means the amendments sought by Fish and Game to clause (2) are unnecessary. I do not recommend accepting this submission point.

³³⁷ 00137.046 DOC

431. Part 4 of the pORPS sets out ORC’s approach to monitoring the efficiency and effectiveness of the pORPS, including by developing a Regional Monitoring Strategy. I do not consider that including reference to more monitoring as sought by John Highton is necessary in this policy and do not recommend accepting this submission point.
432. I agree with Kāi Tahu ki Otago that a key reason for adjusting environmental limits over times will be reflecting changes in the environment due to the impacts of climate change. I recommend accepting this submission point.
433. While I understand the points made by Graymont in regard to the importance of sourcing local minerals and aggregate for a range of activities, I do not consider it is appropriate to ‘carve out’ particular activities from the application of this policy. Whether and how a specific activity should be provided for within the framework of environmental limits are matters to be considered in the development of environmental limits. I do not recommend accepting this submission point. For the same reasons, I do not recommend accepting the submission point of CIAL.
434. I agree with DOC that opportunities for future generations can be preserved by encouraging activities with lower environmental impacts. It is not clear to me who, or through what form, advocating would occur and I am not convinced it will always be possible or desirable to incentivise particular activities. I recommend the following alternative wording:

(4) promoting activities that reduce, mitigate, or avoid adverse effects on the environment.

6.25.4. Recommendation

435. I recommend amending IM-P14 as follows:

IM-P14 – Human impact

When preparing regional plans and district plans, Ppreserve³³⁸ opportunities for future generations by:

- (1) identifying environmental³³⁹ limits wherever practicable,³⁴⁰ ~~to both growth and adverse effects of human activities beyond which the environment will be degraded,~~
- (2) requiring that activities are established in places, and carried out in ways, that are within those environmental³⁴¹ limits and are compatible with the natural capabilities and capacities of the resources they rely on, ~~and~~

³³⁸ 00235.071 OWRUG

³³⁹ 00231.009 Fish and Game

³⁴⁰ 00235.071 OWRUG

³⁴¹ 00231.009 Fish and Game

- (3) regularly assessing and adjusting environmental limits and thresholds³⁴² for activities over time in light of the actual and potential environmental impacts, including those related to climate change, and³⁴³
- (4) promoting activities that reduce, mitigate, or avoid adverse effects on the environment.³⁴⁴

6.26. IM-P15 – Precautionary approach

6.26.1. Introduction

436. As notified, IM-P15 reads:

IM–P15 – Precautionary approach

Adopt a precautionary approach towards proposed activities whose *effects* are uncertain, unknown or little understood, but could be significantly adverse, particularly where the areas and values within Otago have not been identified in plans as required by this RPS.

6.26.2. Submissions

437. Greenpeace, John Highton, and Kāi Tahu ki Otago seek to retain IM-P15 as notified.³⁴⁵ Harbour Fish and Southern Inshore Fisheries oppose the policy but it is unclear what relief is sought.³⁴⁶ Five submitters seek to delete IM-P15 for various reasons:

- The policy lacks specificity and if the other provisions in the pORPS 2021 are implemented accordingly there should be clarity in resource management such that the policy is unnecessary.³⁴⁷
- Deleting the policy does not prevent a precautionary approach from being adopted on a case-by-case basis.³⁴⁸
- The policy is unneeded because the pORPS is already highly precautionary and it is inconsistent with the requirement in IM-P6 to rely on the best information available.³⁴⁹
- Where areas and values have not been identified as required by the pORPS, this policy potentially operates as a holding pattern that prevent activities that achieve the purpose of the RMA from commencing which is not reasonable or appropriate.³⁵⁰

³⁴² 00231.009 Fish and Game

³⁴³ 00226.102 Kāi Tahu ki Otago

³⁴⁴ 00137.046 DOC

³⁴⁵ 00407.022 Greenpeace, 00014.025 John Highton, 00226.103 Kāi Tahu ki Otago

³⁴⁶ 00126.007 Harbour Fish, 00124.007 Southern Inshore Fisheries

³⁴⁷ 00315.018 Aurora Energy, 00314.013 Transpower

³⁴⁸ 00315.018 Aurora Energy, 00314.013 Transpower

³⁴⁹ 00239.045 Federated Farmers

³⁵⁰ 00235.072 OWRUG

- The wording is vague, subjective, and open to differences in interpretation and it is inappropriate to condition a policy on actions that are required to be undertaken in the future (i.e. identifying areas and values) particularly by third parties.³⁵¹
438. Yellow-eyed Penguin Trust seeks to include a definition of the precautionary approach but does not suggest one.³⁵²
439. City Forests Limited submits that plantation forestry is a long-term investment that requires certainty which is not provided by adopting a precautionary approach. The submitter considers this could have a chilling effect on forestry as an economic land use in Otago and seeks to remove the precautionary approach with respect to plantation forestry and acknowledge the efficacy of the NES-PF for managing future uncertainties.³⁵³
440. DCC seeks unspecified amendments to clarify policy wording.³⁵⁴ The submitter supports the policy in principle subject to other submission points on the areas and values that are to be identified in plans and submits that the phrasing “significantly adverse” is unusual. Fish and Game consider the precautionary approach should not be reserved only for times when effects could be potentially adverse and seeks to deleting “but could be significantly adverse”.³⁵⁵
441. Ravensdown supports the first half of the policy which is considered to be a concept adopted throughout New Zealand in the circumstances expressed in the policy. However, Ravensdown opposes applying a precautionary approach in circumstances where areas and values have not yet been identified as it would be inappropriate to unduly restrict resource users due to the tardiness of councils. The submitter seeks to delete this part of the policy.³⁵⁶
442. Trojan and Wayfare seek to include reference to areas and values that are in a degraded state as well as those that have not been identified in plans as required by the pORPS.³⁵⁷
443. Port Otago considers that adaptive management is an essential tool for dealing with situations where uncertain or incomplete information is available and seeks to include specific reference to adaptive management as included in adopting a precautionary approach.³⁵⁸
444. Graymont submits that it is important that a precautionary approach does not result in over-regulation or unnecessary restrictions on use and development and considers there is a risk that this provision is overused and applied to situations where the effects are not potentially significant. The submitter states that overuse of a precautionary approach is likely to lead to a higher burden on applicants to ‘prove’ the scale of potential effects and this in turn can lead to unreasonable costs and unnecessarily constrained development.

³⁵¹ 00314.013 Trustpower

³⁵² 00120.026 Yellow-eyed Penguin Trust

³⁵³ 00024.003 City Forests Limited

³⁵⁴ 00139.040 DCC

³⁵⁵ 00231.041 Fish and Game

³⁵⁶ 00121.027 Ravensdown

³⁵⁷ 00206.022 Trojan, 00411.033 Wayfare

³⁵⁸ 00301.015 Port Otago

445. Graymont seeks two alternative forms of relief. Firstly, to amend IM-P15 as follows:³⁵⁹

Adopt a precautionary approach towards proposed activities whose effects are uncertain, unknown or little understood, and where there is a realistic prospect that ~~but could~~ be significantly adverse effects could be generated by the proposed activities, particularly where the areas and values within Otago have not been identified in plans as required by this RPS.

The application of the precautionary approach may include the adoption of adaptive management methods.

446. Alternatively, if IM-P15 is retained as notified, add the following explanation to the policy:³⁶⁰

Any decision that has been made based on limited information or partial data must be revisited as information becomes available / data is captured and analysed, and a plan change /variation advanced as necessary. This is required to ensure that the ultimate position does not come at the expense of people and communities' ability to provide for their social, economic and cultural wellbeing, and for their health and safety.

447. In addition to this explanation, Graymont seeks to include the following guidance:³⁶¹

- Precautionary approach guidance should at least include:
- the process for deciding whether a proactive approach is necessary;
- the precautionary approach and how it is to be implemented with respect to climate change;
- further steps to be undertaken upon the receipt of robust data / full information;
- how the adaptive management approach is to be implemented.

6.26.3. Analysis

448. DOC and John Highton highlighted in their submissions on IM-P6 the links between IM-P6 regarding information to inform decision-making and IM-P15 regarding use of a precautionary approach. In response to those submissions, I have recommended combining the two policies and focusing the new policy on managing uncertainties in decision-making. In this section, I evaluate the submissions on IM-P15 as they were made but my recommendations are made on the basis that IM-P15 is deleted and its content incorporated into IM-P6.

449. A number of submitters consider IM-P15 should be deleted for a range of reasons. Generally, I do not consider the policy is inappropriate. Adopting a precautionary approach in the coastal environment has been required by the NZCPS since 2010, so although I appreciate that it may be a less well-known concept outside the coastal

³⁵⁹ 00022.011 Graymont

³⁶⁰ 00022.011 Graymont

³⁶¹ 00022.011 Graymont

environment, there is considerable practice and case law on its meaning and application. I do not agree that the policy should be unnecessary due to the clarity provided by the remaining provisions in the pORPS 2021. There will always be uncertainties in resource management, as well as evolving information and new activities occurring. In my view, the degraded state of many parts of the environment in Otago (particularly fresh water and indigenous biodiversity) demonstrates that decisions have perhaps not been precautionary enough in the past. I recommend rejecting the submissions by Aurora Energy, Transpower, Federated Farmers, OWRUG, and Trustpower.

450. Yellow-eyed Penguin Trust seeks a definition of precautionary approach. As I have set out above, the concept has been established for some time under the NZCPS and I consider there is sufficient practice and case law available to inform its application. I recommend rejecting this submission point.
451. While I agree that adopting a precautionary approach may affect some activities more than others, I do not consider City Forests Limited has provided sufficient justification to warrant an exclusion for plantation forestry. I note that those activities are managed under the NESPF rather than through regional or district plans. I do not recommend accepting this submission.
452. I note that the term “potentially significantly adverse” is the same as that used in Policy 3 (Precautionary approach) in the NZCPS and consider that it is not unusual as suggested by DCC. Fish and Game seek to delete this part of the policy on the basis that the precautionary approach should be adopted more broadly. I consider that if the potential adverse effects are not significant then there is less need for precaution in decision-making. I agree with other submitters that it would not be appropriate for this concept to be over-used and consider the amendment sought by Fish and Game may encourage that. I recommend accepting in part the submission point by DCC and rejecting the submission point by Fish and Game.
453. I agree with Ravensdown that lack of identification in a plan does not mean there is a lack of information about particular areas of values and that decision-making should not be delayed by planning processes, which generally take years to be completed. I recommend accepting this submission point. Accordingly, I recommend rejecting the amendments sought by Trojan and Wayfare as they relate to part of the policy I recommend deleting.
454. I understand that adaptive management is a form of ‘experimental’ management, where management decisions cannot wait for full and complete information to be available. The concept is used in the management of the Exclusive Economic Zone³⁶² and I am aware that there is case law regarding the meaning of the term and the factors to consider when determining whether an adaptive management approach would or would not allow an activity to be undertaken in relation to both the EEZ Act and the RMA.
455. I note that under the EEZ Act, adaptive management must be considered if favouring caution and environmental protection means that an application for a marine consent is likely to be refused. In my view, this suggests that adaptive management is a

³⁶² Under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

consideration after a precautionary approach is applied. In essence, it is only after a precautionary approach is adopted that adaptive management is considered as an option for management. In my view, IM-P15 does not prevent an adaptive management approach being used and therefore I recommend rejecting the submission by Port Otago. For the same reasons, I recommend rejecting the part of the submission by Graymont seeking to include reference to adaptive management.

456. I am unsure why Graymont considers there is a risk that the policy is used in situations where potential adverse effects are not significant as that is the threshold set in the policy. In my view, that would be an incorrect application of the policy. I do not consider the amendments sought by Graymont assist with clarifying the policy. For example, the term “a realistic prospect” is subjective and would likely be debated by parties in each situation. I note that the definition of “effect” in section 3 of the RMA includes any past, present, or future effect and any cumulative effects. In my view, that may include effects that are not necessarily “generated by [a] proposed activit[y]” as sought by the submitter but are a result of the activity. I recommend rejecting this part of the submission.
457. If Graymont’s initial relief sought is not accepted, the submitter seeks alternative relief in the form of an explanation to the policy and guidance. In relation to the explanation, I do not consider this is an appropriate inclusion. Decisions made in the context of plans (for example, developing plans or plan changes) cannot easily be revisited and would require considerable resourcing by councils which may not be available as soon as additional information comes available. While it is relatively common for private plan changes to be sought to district plans, this is very uncommon in relation to regional plans. In the context of decisions on applications for resource consent, there are limited circumstances where consent conditions can be reviewed³⁶³ and none whereby the substantive decision (i.e. to grant or decline) can be revisited unless there is an appeal made to the Environment Court, which is only an option available immediately after the decision is made. While I do not disagree with the general intent of the amendments sought by Graymont, I do not consider they can be practically implemented and therefore recommend rejecting this part of the submission point.
458. I am unsure what type of provision Graymont envisages would include the suggested guidance material in. In my experience, guidance for interpreting and applying provisions is better developed and published outside the plan itself so that it can be updated as practice evolves. I recommend rejecting this submission point.

6.26.4. Recommendation

459. I recommend deleting IM-P15 as follows:

~~IM P15 – Precautionary approach~~

~~Adopt a precautionary approach towards proposed activities whose effects are uncertain, unknown or little understood, but could be significantly adverse,~~

³⁶³ Set out in s128, RMA

particularly where the areas and values within Otago have not been identified in plans as required by this RPS.³⁶⁴

460. In addition, I recommend incorporating most of the content of IM-P15 into IM-P6(2), as follows:

IM-P6 – Acting on best available information

Avoid unreasonable delays and manage uncertainties³⁶⁵ in decision-making processes by using the best information available at the time, including ~~but not limited to~~ complete and scientifically robust data, mātauraka Māori, local knowledge, and reliable partial data.³⁶⁶

...

(2) adopt a precautionary approach towards activities whose effects are uncertain, unknown, or little understood, but potentially significantly adverse.³⁶⁷

6.27. New policies

6.27.1. Submissions

461. Fulton Hogan submits that the IM chapter makes limited mention of social, economic, and cultural resilience to the effects of natural hazard and climate change risk. The submitter considers that having systems and facilities in place to enable recovery is a key part of building resilience to natural hazard and climate change risk given that avoidance is not always practicable. The following new policy is sought:³⁶⁸

IM-PX

Provide for activities that enhance the social, economic and cultural resilience to the adverse effects of natural hazards and climate change including activities that enhance the community's ability to recover.

462. COES and Lynne Stewart seek to include a policy that requires councils to consider ways for reducing carbon emissions and achieving energy efficiency in all their planning documents.³⁶⁹

6.27.2. Analysis

463. I agree with Fulton Hogan that social, economic, and cultural resilience to climate change is important and not recognised in the pORPS as notified. I have previously recommended

³⁶⁴ 00137.042 DOC, 00014.022 John Highton

³⁶⁵ 00239.038 Federated Farmers, 00235.065 OWRUG

³⁶⁶ 00137.042 DOC, 00014.022 John Highton, 00239.038 Federated Farmers, 00235.065 OWRUG, 00233.023 Fonterra, 00406.005 Lauder Creek Farming, 00120.024 Yellow-eyed Penguin Trust, 00509.036 Wise Response

³⁶⁷ 00139.040 DCC, 00121.027 Ravensdown,

³⁶⁸ 00322.008 Fulton Hogan

³⁶⁹ 00202.012 COES, 00030.009 Lynne Stewart

that the policy on environmental resilience, IM-P11, be incorporated into IM-P10. I consider that incorporating some of the wording sought by Fulton Hogan into this new clause in IM-P10 would be consistent with my earlier recommendation. In the context of IM-P10, which is to identify and implement climate change adaptation and mitigation methods for Otago that achieve specified outcomes, I do not consider it is necessary to include reference to providing for activities as that is an action. I do not recommend including the reference to enhancing the community's ability to recover as it is unclear what this means, including what the community is recovering from. I recommend accepting this submission in part.

464. The new policy sought by COES and Lynne Stewart is similar, but far more general, to the new methods sought by Wise Response which I have evaluated in section 6.33. For the same reasons I have set out in that evaluation, I do not recommend accepting this submission point.

6.27.3. Recommendation

465. I recommend including reference to social, economic, and cultural resilience in IM-P10(4).

6.28. IM-M1 – Regional and district plans

6.28.1. Introduction

466. As notified, IM-M1 reads:

IM–M1 – Regional and district plans

Local authorities must prepare or amend and maintain their *regional and district plans* to:

- (1) establish, by December 2030, policy frameworks designed to achieve the objectives for Otago set out in IM–O1 to IM–O4,
- (2) give effect to any response to *climate change* developed under this RPS, if applicable,
- (3) provide for activities that seek to mitigate or adapt to the effects of *climate change* or reduce greenhouse gas emissions,
- (4) ensure cumulative *effects* of activities on *natural and physical resources* are accounted for in resource management decisions by recognising and managing such *effects*, including:
 - (a) the same *effect* occurring multiple times,
 - (b) different *effects* occurring at the same time,
 - (c) different *effects* occurring multiple times,
 - (d) one *effect* leading to different *effects* occurring over time,
 - (e) different *effects* occurring sequentially over time,

- (f) *effects* occurring in the same place,
 - (g) *effects* occurring in different places,
 - (h) *effects* that are spatially or temporally distant from their cause or causes, and,
 - (i) more than minor cumulative *effects* resulting from minor or transitory *effects*,
- (5) adopt a *ki uta ki tai* approach to resource management by establishing policy and implementation frameworks that treat Otago’s *environments* as an integrated system, including collaboration between local authorities to achieve consistent management of resources or *effects* that cross jurisdictional boundaries, and
- (6) establish clear thresholds for, and limits on, activities that have the potential to adversely affect healthy ecosystem services and *intrinsic values*.

6.28.2. Submissions

467. Horticulture NZ and Fisheries NZ seek to retain IM-M1 as notified.³⁷⁰ COES and Lynne Stewart seek that regional and district plans are required to include policies and methods in their plans for reducing climate change emissions.³⁷¹
468. Blackthorn Lodge considers it is unclear in clauses (1) and (2) what is required to occur by 2030 and which climate change responses are being referred to, respectively. The submitter seeks to delete those clauses or clarify their meaning.³⁷²
469. Ngāi Tahu ki Murihiku seeks a minor amendment in clause (1) to replace “if applicable” with “where applicable”.³⁷³ DCC supports the high-level aspiration and intent of the IM objectives but considers they are vague as objective touchstones and it would be difficult and arguably very subjective to determine if a policy framework would achieve them, as required by IM-M1(1). The submitter also states that it would be inappropriate to create a time-framed requirement to review a plan and seeks to delete the time-framed requirement to complete plan reviews in terms of the objectives in clause (1).³⁷⁴
470. Federated Farmers also seek to delete the date (December 2030) from clause (1) on the basis that this timeframe does not take into account time for plan changes to make changes, particularly in terms of the timeframe for the pORPS to become operative.³⁷⁵
471. WAI Wanaka seeks to retain IM-M1(4) in particular which requires ensuring that cumulative effects are recognised and managed.³⁷⁶ Fish and Game seeks to improve the

³⁷⁰ 00236.039 Horticulture NZ, 00303.002 Fisheries NZ

³⁷¹ 00202.013 COES, 00030.010 Lynne Stewart

³⁷² 00119.006 Blackthorn Lodge

³⁷³ 00223.057 Ngāi Tahu ki Murihiku

³⁷⁴ 00139.042 DCC

³⁷⁵ 00239.046 Federated Farmers

³⁷⁶ 00222.005 WAI Wanaka

method by replacing “natural and physical resources” with “the natural environment”.³⁷⁷ Federated Farmers is concerned that it is unlikely to be practicable (or possible) to “account” for all cumulative effects in a quantifiable manner and seek to include “where practicable” at the beginning of clause (4) and to replace “accounted for” with “take into account”.³⁷⁸

472. Blackthorn Lodge, Trojan, and Wayfare consider that the criteria in clause (4) will create unreasonable cost and administrative burden and do not provide clear guidance that will actually deal with cumulative adverse effects, particularly where the existing environment is already degraded or where key values that should be protected have not been identified. The submitters seek to delete sub-clauses (a) to (i) and amend clauses (4) and (5) as follows:³⁷⁹

(4) ensure cumulative effects of activities on the environment ~~natural and physical resources~~ are ~~accounted for~~ addressed in resource management decisions by recognising and managing such effects, ~~including:~~

...

(5) adopt a ki uta ki tai approach to resource management by establishing policy and implementation frameworks that ~~treat~~ reinforce Otago’s environments as an integrated system, including collaboration between local authorities to achieve consistent management of resources or effects that cross jurisdictional boundaries, and ...

473. Trojan and Wayfare consider the environment is integrated so there should be no need to “treat” them as such and instead the method should reinforce this understanding. Fish and Game seeks the same amendment to (5) but does not provide reasoning.³⁸⁰

474. Fulton Hogan also seeks to delete sub-clauses (4)(a) to (i) as the submitter considers that what constitutes a cumulative effect is well-established under the RMA so to define it in the method is unnecessary.³⁸¹

475. Kāi Tahu ki Otago considers that reference to cumulative effects should clearly identify the need to coordinate and manage activities across regional boundaries, which the submitter seeks to include in a new sub-clause (4)(h). The submitter also seeks to include reference to regional authorities alongside local authorities in clause (5) for similar reasons.³⁸² ECan seeks to retain IM-M1(5) as notified or to preserve the original intent.³⁸³

476. Kāi Tahu ki Otago seeks amendments to clause (6) to ensure that clear thresholds for, and limits on, activities that have the potential to adversely affect mana whenua values are

³⁷⁷ 00231.042 Fish and Game

³⁷⁸ 00239.046 Federated Farmers

³⁷⁹ 00119.006 Blackthorn Lodge, 00206.023 Trojan, 00411.034 Wayfare

³⁸⁰ 00231.042 Fish and Game

³⁸¹ 00322.009 Fulton Hogan

³⁸² 00226.104 Kāi Tahu ki Otago

³⁸³ 00013.007 ECan

established in plans.³⁸⁴ Similarly, Greenpeace seeks to include reference to ecosystems themselves in clause (6).³⁸⁵

477. Federated Farmers submits that clarification and refinement of the wording in clause (6) will reduce uncertainty and disagreement on its meaning and application and seeks the following amendments:³⁸⁶

(6) establish clear thresholds for, and limits on, activities that ~~have the potential to degrade adversely affect~~ healthy ecosystem services and ~~intrinsic values~~.

478. Beef + Lamb and DINZ seek to delete clause (6) which requires establishing thresholds for or limits on activities. The submitter considers the clause needs qualification so that insignificant effects are not captured. Additionally, Beef + Lamb and DINZ submit that thresholds and limits cannot be set unless ORC has undertaken proposal analysis and evaluation on the state of its natural resources, pressures, and resilience.³⁸⁷

479. Waitaki Irrigators submits that the concept of thresholds could provide some certainty to applicants seeking permits for various activities if it is understood what the term means and how thresholds are to be implemented. The submitter seeks a definition for the term “threshold” and guidance for those preparing regional and district plans as to how they are to be implemented and how they differ from limits.³⁸⁸ No specific wording is provided.

480. Wise Response seeks the following amendments to IM-M1:³⁸⁹

(1) establish, by December ~~2027~~ 2030, policy frameworks designed to achieve the objectives for Otago set out in IM-O1 to IM-O45,

(2) ~~give effect to all policies in the RPS according to the specified timetables~~ give effect to any response to climate change developed under this RPS, if applicable,

(3) provide for activities that seek to mitigate or adapt to the effects of climate change or reduce greenhouse gas emissions, based on reliable district and regional emissions budgets

(4) ensure cumulative effects of activities on natural and physical resources are accounted for in resource management decisions by recognising and managing such effects, including:

...

(6) establish clear thresholds for, and limits on, activities that have the potential to adversely affect healthy ecosystem services and intrinsic values and implement avoidance.

³⁸⁴ 00226.104 Kāi Tahu ki Otago

³⁸⁵ 00407.023 Greenpeace

³⁸⁶ 00239.046 Federated Farmers

³⁸⁷ 00237.022 Beef + Lamb and DINZ

³⁸⁸ 00213.014 Waitaki Irrigators

³⁸⁹ 00509.047 Wise Response

481. The submitter's reasons for these amendments are:
- For clause (1), responses need to be made as soon as possible for all provisions in the pORPS.
 - For clause (2), It is not clear why climate change is singled out above, for example, working within resource limits or other policies.
 - For clause (3), to improve clarity.
 - For clause (4), this is a requirement under the RMA and is therefore redundant.
 - For clause (6), the requirement needs to result in action.

6.28.3. Analysis

482. I agree with DCC that the objectives in the IM chapter are high level, however I consider that this is important strategic direction for the region as a whole that all planning documents should contribute towards achieving. I also agree with DCC and Federated Farmers that the timeframe may be unrealistic. I recommend accepting these submission points in part and amending clause (1) to remove the date and clarify that any plans being prepared or amended in the region should contribute to achieving the objectives for Otago set out in IM-O1 to IM-O4.

483. In addition to the submissions above, some submitters (including DCC and Wise Response) have made general submission points on the IM chapter in relation to the consistency and interpretation of the climate change policies and how the chapter addresses climate change mitigation and climate change adaptation. Additionally, OWRUG has made a submission on IM-P9 regarding climate change responses that is also relevant for IM-M1. I have addressed these submissions in detail in section 6.3.1 of this report. For the reasons I have set out in that section, I have recommended:

- Replacing clause (2) with "include provisions to manage the effects, resources, and communities identified in IM-M3", and
- Amending clause (3) to read "provide for activities that support climate change adaptation and climate change mitigation in accordance with IM-P10".

484. These amendments are primarily to address the lack of clarity about what clause (2) requires raised by Blackthorn Lodge and to differentiate more clearly between climate change mitigation and climate change adaptation as sought by DCC, as well as address the inconsistencies in the suite of policies raised by Wise Response. On this basis, I recommend accepting in part the submission points by COES, Lynne Stewart, and Blackthorn Lodge. I do not recommend accepting the submission point by Ngāi Tahu ki Otago on clause (2) as I am recommending deleting that part of the clause.

485. I agree with Fish and Game, Blackthorn Lodge, Trojan, and Wayfare that cumulative effects may affect the wider environment, not just natural and physical resources. I consider that cumulative effects are relevant to non-natural parts of the environment (for example, physical structures) and therefore prefer to wording proposed by

Blackthorn Lodge, Trojan, and Wayfare. I recommend accepting these submission points, and the submission point by Fish and Game, in part.

486. I agree with Federated Farmers that it is unclear how cumulative effects could be accounted for in a plan. Federated Farmers seeks to replace this test with “taken into account” and Blackthorn, Trojan, and Wayfare seek to replace “accounted for” with “addressed”. In my view, this part of the clause is unnecessary as the direction is ultimately to recognise and manage cumulative effects in plans. I therefore recommend accepting the submission points by Federated Farmers, Blackthorn Lodge, Trojan, and Wayfare in part and deleting “accounted for in resource management decisions” as well as making other minor grammatical corrections as a result.
487. I agree with Fulton Hogan that what constitutes a cumulative effect is well-established, however in my opinion resource management planning and decision-making has historically not managed cumulative effects well. I consider it is a helpful reminder to councils to consider the full extent of cumulative effects in their plans and therefore do not recommend accepting the submission point by Fulton Hogan seeking to delete clause (4).
488. I disagree with Blackthorn Lodge, Trojan, and Wayfare that the criteria in clause (4) will create unreasonable cost and administrative burden. Councils are already required to manage these types of effects under the RMA as they are all part of the definition of “effect” in the RMA. I acknowledge that “accounting for” these effects will not always be possible, and have recommended amending this language as set out above. I recommend accepting these submission points in part and retaining sub-clauses (4)(a) to (i).
489. I agree with Kāi Tahu ki Otago that effects occurring across regional boundaries are a relevant consideration, particularly in North Otago where the Waitaki district spans both Canterbury and Otago regions. I recommend accepting this part of the submission point and incorporating a new clause between (4)(g) and (4)(h).
490. “Local authority” is defined in the LGA as meaning a regional council or territorial authority. I do not consider the amendments sought by Kāi Tahu ki Otago to clause (5) are necessary, partly because I am unsure whether by “regional authorities” the submitter means “regional councils” or some other body, and, if the former, the term “local authority” already incorporates those organisations. I recommend rejecting this submission point.
491. I note that clause (5) refers to “Otago’s environments” however the clause also refers to cross-boundary management of resources or effects. I recommend deleting “Otago’s environments” and instead referring simply to “the environment”. I consider this is an amendment of minor effect in accordance with clause 16(2) of Schedule 1 of the RMA.
492. In section 1.4.3 of *Report 1: Introduction and general themes* I have analysed a range of submissions relating to the terms “limits” and “thresholds” and recommended replacing those terms with “environmental limits” along with a definition of that term. The definition makes most of clause (6) unnecessary and consequential amendments are also

required for consistency with amendments I have recommended to IM-P14. I therefore recommend the following amendments to clause (6):

- (6) ~~establish environmental limits wherever practicable to support clear thresholds for, and limits on, activities that have the potential to adversely affect healthy ecosystem services and intrinsic values.~~

493. I consider that these amendments address a range of the concerns raised by submitters and therefore recommend accepting in part the submission points by Federated Farmers, Beef + Lamb and DINZ, and Waitaki Irrigators. I do not recommend accepting the submission points by Kāi Tahu ki Otago or Greenpeace.

6.28.4. Recommendation

494. I recommend amending IM-M1 as follows:

IM-M1 – Regional plans³⁹⁰ and district plans

Local authorities must prepare or amend and maintain their regional plans³⁹¹ and district plans to:

- (1) ~~establish, by December 2030, policy frameworks designed to achieve~~ ensure that regional plans and district plans contribute to achieving the objectives for Otago set out in IM-O1 to IM-O4,³⁹²
- (2) ~~give effect to any response to climate change developed under this RPS, if applicable,~~ include provisions to manage the effects, resources, and communities identified in accordance with IM-M3,³⁹³
- (3) provide for activities that support climate change adaptation and climate change mitigation in accordance with IM-P10 ~~seek to mitigate or adapt to the effects of climate change or reduce greenhouse gas emissions,~~³⁹⁴
- (4) ensure cumulative effects of activities on ~~natural and physical resources~~ the environment³⁹⁵ ~~are accounted for in resource management decisions by recognising and managing such effects~~ recognised and managed, including:³⁹⁶
 - (a) the same effect occurring multiple times,
 - (b) different effects occurring at the same time,
 - (c) different effects occurring multiple times,
 - (d) one effect leading to different effects occurring over time,
 - (e) different effects occurring sequentially over time,

³⁹⁰ Clause 16(2), Schedule 1, RMA

³⁹¹ Clause 16(2), Schedule 1, RMA

³⁹² 00139.042 DCC, 00239.046 Federated Farmers

³⁹³ 00119.006 Blackthorn Lodge, 00509.044 Wise Response

³⁹⁴ 00139 DCC (uncoded submission point)

³⁹⁵ 00119.006 Blackthorn Lodge, 00206.023 Trojan, 00411.034 Wayfare, 00231.042 Fish and Game

³⁹⁶ 00239.046 Federated Farmers, 00119.006 Blackthorn Lodge, 00206.023 Trojan, 00411.034 Wayfare

- (f) effects occurring in the same place,
 - (g) effects occurring in different places,
 - (ga) effects occurring across regional boundaries,³⁹⁷
 - (h) effects that are spatially or temporally distant from their cause or causes, and,
 - (i) more than minor cumulative effects resulting from minor or transitory effects,
- (5) adopt a ki uta ki tai approach to resource management by establishing policy and implementation frameworks that treat Otago’s environments as an integrated system, including collaboration between local authorities to achieve consistent management of resources or effects that cross jurisdictional boundaries, and
- (6) establish environmental limits wherever practicable to support³⁹⁸ ~~clear thresholds for, and limits on, activities that have the potential to adversely affect~~ healthy ecosystem services and intrinsic values.

6.29. IM-M2 – Relationships

6.29.1. Introduction

495. As notified, IM-M2 reads:

IM–M2 – Relationships

Starting immediately, *local authorities* must:

- (1) partner with Kāi Tahu to ensure *mana whenua* involvement in resource management,
- (2) work together and with other agencies to ensure consistent implementation of the objectives, policies and methods of this RPS, and
- (3) consult with Otago’s communities to ensure policy frameworks adequately respond to the diverse facets of environmental, social, cultural, and economic well-being.

6.29.2. Submissions

496. CODC, Graymont, and Fisheries NZ seek to retain IM-M2 as notified.³⁹⁹ Federated Farmers is concerned at the requirement for “immediate” responses from territorial authorities and seeks to ensure that territorial authorities are comfortable with the timeframes set for actions required by them.⁴⁰⁰ University of Otago seeks that the method provides for scientific research that provides information to achieve policy IM-

³⁹⁷ 00226.104 Kāi Tahu ki Otago

³⁹⁸ 00231.009 Fish and Game

³⁹⁹ 00201.006 CODC, 00022.012 Graymont, 00303.003 Fisheries NZ

⁴⁰⁰ 00239.047 Federated Farmers

P6 (cumulative effects) and supports the objectives to address what the submitter considers is poor information in Otago.⁴⁰¹

497. Kāi Tahu ki Otago seek include reference to resource management processes and decision-making to clarify the partnership relationship with mana whenua.⁴⁰² QLDC seeks clarification about the specific meanings of “partner” and “involvement” in clause (1) to ensure that the role of local authorities and mana whenua is more clearly set out.⁴⁰³
498. ECan considers that clause (2) should give stronger recognition to working with local authorities in neighbouring regions, in part to implement the management of cumulative effects and the coordinated managed of natural and physical resources which may involve cross boundary matters. The submitter seeks to include reference to local authorities in neighbouring regions in clause (2).⁴⁰⁴ Similarly, Harbour Fish and Southern inshore Fisheries seek to include reference to stakeholders in this clause.⁴⁰⁵
499. DCC submits that it is unclear what the expectation might be for ensuring consistent implementation and seeks to amend clause (2) by replacing “ensure” with “enable” and including “where appropriate” at the end of the clause.⁴⁰⁶
500. Fish and Game, Trojan, and Wayfare consider that the reference to environmental well-being in clause (3) should be ecological well-being as the other aspects of the environment are also listed (being social, cultural, and economic well-being).⁴⁰⁷ WAI Wanaka submits that collaborating with communities, rather than consulting communities, would help encourage partnerships with communities that would better identify relevant values and encourage the changes required to meet the challenges to our environment and quality of life.⁴⁰⁸

6.29.3. Analysis

501. I do not share the concern of Federated Farmers about resourcing in relation to the requirement to implement IM-M2 “starting immediately.” However, I consider the opportunities to implement clauses (1) to (3) may not be immediately available. I recommend accepting in part the submission by Federated Farmers and deleting “starting immediately”.
502. The amendment sought by Kāi Tahu ki Otago is consistent with the requirements of the *MW – Mana whenua* chapter, including MW-P2(1) which requires facilitating Kāi Tahu involvement in decision-making and MW-P2(2) which requires including Kāi Tahu in resource management processes and implementation to the extent desired by mana whenua. I recommend accepting this submission point. I consider the provisions of the

⁴⁰¹ 00127.003 University of Otago

⁴⁰² 00226.105 Kāi Tahu ki Otago

⁴⁰³ 00138.010 QLDC

⁴⁰⁴ 00013.008 ECan

⁴⁰⁵ 00126.008 Harbour Fish, 00124.008 Southern Inshore Fisheries

⁴⁰⁶ 00139.043 DCC

⁴⁰⁷ 00231.043 Fish and Game, 00206.024 Trojan, 00411.035 Wayfare

⁴⁰⁸ 00222.019 WAI Wanaka

MW – Mana whenua chapter provide the clarity about the meaning of partnership and involvement sought by QLDC and recommend rejecting this submission point.

503. I agree with ECan that working with local authorities in neighbouring regions will be important, particularly in relation to the Waitaki district and Waitaki River which are managed by both the Otago and Canterbury regional councils. I recommend accepting this submission point.
504. I agree with DCC that it may not always be possible to ensure consistent implementation, given the differences between the different districts and regions, and the different purposes of other agencies. I also agree that working together will not be necessary in every instance. I recommend accepting this submission point.
505. The term “environment” is defined in section 2 of the RMA as:
- Includes–*
- (a) *ecosystems and their constituent parts, including people and communities; and*
 - (b) *all natural and physical resources; and*
 - (c) *amenity values; and*
 - (d) *the social economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters*
506. I do not agree that “ecological, social, cultural, and economic well-being” covers all aspects of the environment set out in the definition above and therefore recommend rejecting the submission points by Fish and Game, Trojan, and Wayfare.
507. Consultation and collaboration are forms of community engagement in public participation processes. The International Association for Public Participation (IAP2) has produced a model called the “spectrum of public participation” which is provided below in Figure 1.⁴⁰⁹

⁴⁰⁹ https://www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Figure 1: IAP2 spectrum of community engagement (IAP2, 2018)

508. I am aware that ORC, along with many other councils, uses this model as a guide for decision-making on the appropriate form of engagement with communities. This method will apply to plan-making processes and I note that under section 34A of the RMA, local authorities cannot delegate their decision-making on a policy statement or plan. I do not consider it is appropriate to replace “consult” with “collaborate” given that the normal understanding of collaboration would not be possible for these types of processes. I therefore recommend rejecting this submission point.

6.29.4. Recommendation

509. I recommend amending IM-M2 as follows:

IM-M2 – Relationships

~~Starting immediately,~~ Local authorities must.⁴¹⁰

- (1) partner with Kāi Tahu to ensure *mana whenua* involvement in resource management processes and decision-making,⁴¹¹
- (2) work together and with other agencies (including local authorities in neighbouring regions)⁴¹² to ~~ensure enable~~⁴¹³ consistent implementation of the objectives, policies and methods of this RPS where appropriate,⁴¹⁴ and

⁴¹⁰ 00239.047 Federated Farmers
⁴¹¹ 00226.105 Kāi Tahu ki Otago
⁴¹² 00013.008 ECan
⁴¹³ 00139.043 DCC
⁴¹⁴ 00139.043 DCC

- (3) consult with Otago’s communities to ensure policy frameworks adequately respond to the diverse facets of environmental, social, cultural, and economic well-being.

6.30. IM-M3 – Identification of climate change impacts and community guidance

6.30.1. Introduction

510. As notified, IM-M3 reads:

IM–M3 – Identification of *climate change* impacts and community guidance

By December 2025, Otago Regional Council must:

- (1) identify the specific types and locations of *climate change* impacts in Otago by undertaking a *climate change risk* assessment, including an assessment that incorporates a Kāi Tahu approach to *climate change risk* identification and evaluation, and
- (2) develop guidance to support communities to be prepared and *resilient*.

6.30.2. Submissions

511. Kāi Tahu ki Otago and Ravensdown seek to retain IM-M3 as notified.⁴¹⁵

512. DCC submits that identifying climate change impacts and community guidance has been a collaborative process between ORC and the territorial authorities and seeks to amend the chapeau to include reference to territorial authorities.⁴¹⁶

513. Blackthorn Lodge, Trojan, and Wayfare consider that it is not appropriate for the pORPS 2021 to avoid significant natural hazard risk without understanding the tolerability of affected stakeholders which the submitters state requires input through meaningful engagement from the affected community. The submitters seek the following amendments:⁴¹⁷

- (1) identify the specific types and locations of climate change impacts in Otago by undertaking a climate change risk assessment, including an assessment based on meaningful engagement with affected communities and that incorporates a Kāi Tahu approach to climate change risk identification and evaluation, and
- (2) develop with meaningful engagement from affected communities guidance to support those communities to be prepared and resilient.

⁴¹⁵ 00226.106 Kāi Tahu ki Otago, 00121.028 Ravensdown

⁴¹⁶ 00139.044 DCC

⁴¹⁷ 00119.007 Blackthorn Lodge, 00206.025 Trojan, 00411.036 Wayfare

514. Wise Response considers the method needs to be more specific and seeks the following amendments:⁴¹⁸

Identification of climate change hazard impacts and community guidance

- (1) identify the specific types and locations of climate change impacts in Otago by undertaking a climate change risk assessment, out to 2100 including an assessment that incorporates a Kāi Tahu approach to climate change risk identification and evaluation, by 2022 to inform the Land Water Plan, and
- (2) develop guidance to support communities to be prepared and resilient.
- (3) develop a programme with schools to inform their pupils on how they can quantify greenhouse gas footprints for application in all aspects of their lives.

6.30.3. Analysis

515. I agree with DCC that a collaborative approach between ORC and the territorial authorities is beneficial for managing climate change and the amendment sought would support current practice. I recommend accepting this submission point in part and replacing “Otago Regional Council” with “local authorities” for consistency with the wording of other methods in the pORPS.

516. Blackthorn Lodge, Trojan, and Wayfare appear to have interpreted this method as relating primarily to natural hazard risk. While this is a particular type of climate change impact, it is not the only impact. I note that with regard to tolerability, HAZ – NH – M2(1) requires local authorities to assess the level of natural hazard risk in their region or district in accordance with HAZ – NH – P2 and APP6, including by consulting with communities, stakeholders, and partnerships regarding risk level thresholds. On this basis I recommend rejecting the submission points by Blackthorn Lodge, Trojan, and Wayfare.

517. As hazards are a form of impact, I do not consider it is helpful to replace “impacts” with “hazard as sought by Wise Response. The addition of a timeframe for the climate change risk assessment to cover is a useful addition however the submitter has not provided any reasons for this particular timeframe (out to 2100). At the time of writing, the deadline for completing climate change risk assessments by 2022 has already passed. Developing a programme with schools as requested by the submitter would require resourcing and would be more appropriately addressed through local authorities’ long term and annual plans rather than in the pORPS 2021. I recommend rejecting this submission point.

518. In response to wider submissions on the way this chapter addresses climate change mitigation and climate change adaptation, the inconsistencies in the suite of climate change policies, and what a “climate change response” is, as well as specific submission points on the content of IM-M1, I have recommended incorporating IM-M4(1) and (2) into IM-M3 and consequentially amending the title of the method to reflect the additional content. I have also recommended referring to the effects of climate change

⁴¹⁸ 00509.048 Wise Response

rather than climate change impacts in (1). I have set out these submissions and my reasoning in more detail in section 6.3.1 of this report.

6.30.4. Recommendation

519. I recommend amending IM-M3 as follows:

IM-M3 – Identification of ~~climate change impacts~~⁴¹⁹ and community guidance

By December 2025, ~~Otago Regional Council~~ local authorities⁴²⁰ must:

- (1) identify the specific types and locations of the effects of climate change impacts⁴²¹ in Otago by undertaking a *climate change risk* assessment, including an assessment that incorporates a Kāi Tahu approach to *climate change risk* identification and evaluation, ~~and~~
 - (1A) identify natural and built resources vital to environmental (including indigenous biodiversity and ecosystems)⁴²² and community resilience and well-being,⁴²³
 - (1B) identify vulnerable resources and communities and develop adaptation pathways for them where possible, and⁴²⁴
- (2) develop guidance to support communities to be prepared and *resilient*.

6.31. IM-M4 – Climate change response

6.31.1. Introduction

520. As notified, IM-M4 reads:

IM-M4 – *Climate change response*

By January 2027, *local authorities* (led by Otago Regional Council) must together, in partnership with Kāi Tahu and in consultation with Otago's communities, develop *climate change* responses for the region that achieve *climate change* adaptation and mitigation, and that include:

- (1) identifying natural and built resources vital to environmental and community *resilience* and well-being,
- (2) identifying vulnerable resources and communities and developing adaptation pathways for them where possible, and
- (3) developing plans and agreements for implementation.

⁴¹⁹ 00119.006 Blackthorn Lodge, 00509.044 Wise Response

⁴²⁰ 00139.044 DCC

⁴²¹ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.044 Wise Response

⁴²² 00230.037 Forest and Bird

⁴²³ 00119.006 Blackthorn Lodge, 00509.044 Wise Response

⁴²⁴ 00119.006 Blackthorn Lodge, 00509.044 Wise Response

6.31.2. Submissions

521. CODC and Kāi Tahu ki Otago seek to retain IM-M4 as notified.⁴²⁵
522. DCC submits that DCC and ORC have not yet established parameters of partnership as it pertains to Dunedin City, and South Dunedin climate change responses, nor is there is a legislative mandate for ORC to lead climate change responses for the region. The submitter seeks to replace “led by” with “coordinated by” or to delete the reference altogether.⁴²⁶
523. Horticulture NZ considers that the method would be improved by explicit reference to the need to work together and consult with food producers. The submitter seeks to include reference to food producers in the chapeau, alongside communities, and to amend clause (1) to refer to “essential human health” rather than simply “health”.⁴²⁷
524. Federated Farmers considers that community consultation and agreed measures that work for communities will go a long way towards achieving adaptation and that community resilience and well-being should include social, economic, and cultural well-being so it is clear that well-being covers and includes all of those aspects. The submitter seeks the following amendments:⁴²⁸
- ... develop agreed climate change responses for the region that will go towards achieving ~~achieve~~ climate change adaptation and mitigation, and that include:
- (1) identifying natural and built resources vital to environmental and community resilience and social, economic, and cultural well-being ...
525. Forest and Bird submits that the method needs to go further and require councils to identify indigenous species and habitats, and ecosystems, that are at risk and to develop programmes for protection and adaptation. The submitter also considers the terminology used should align with the RMA and that there needs to be clearer direction in regional and district plans to reduce emissions. The following amendments are sought:⁴²⁹
- (1) identifying indigenous species and habitats and ecosystems which are at risk and developing programmes for protection and adaption,
- ~~(X) identifying infrastructure or other buildings that are natural and built resources~~ vital to environmental and community resilience and well-being,
- ...
- (4) amend regional and district plans to provide for initiatives that reduce greenhouse gas emissions

⁴²⁵ 00201.007 CODC, 00226.107 Kāi Tahu ki Otago

⁴²⁶ 00139.045 DCC

⁴²⁷ 00236.040 Horticulture NZ

⁴²⁸ 00239.048 Federated Farmers

⁴²⁹ 00230.037 Forest and Bird

526. Wise Responses submits that there are no methods to require citizens to gauge and monitor their emissions profile or comply with the national emissions reduction target. The submitter seeks the following amendments:⁴³⁰

(3) developing action plans and agreements for implementation that require and adapt to emission reduction rates consistent with the prevailing national and international policy

(4) All institutions, businesses and households registering with their local authority, emissions reduction plans based on approved and standard methodology

6.31.3. Analysis

527. As set out above in relation to IM-M3, I have recommended incorporating clauses (1) and (2) into IM-M4 into IM-M3 and deleting the remainder of the policy. On that basis, I recommend rejecting the submission points by DCC, Horticulture NZ, and Federated Farmers regarding the chapeau of IM-M4. Below I address the remaining submission points on clause (1) / new IM-M3(1a) and clause (2) / new IM-M3(1b).

528. I do not consider it is necessary to specify all of the specific well-beings as sought by Federated Farmers in clause (1). Community well-being is a general term that incorporates all of the well-beings specified by the submitter. I recommend accepting this submission point in part and changing “achieve” to “contribute to achieving”.

529. I am unsure what “at risk” means in the amendments sought by Forest and Bird. I understand that term is normally used in relation to species in the *New Zealand Threat Classification System*. It is not clear how it relates to habitats or ecosystems. I am not opposed to differentiating between ‘natural’ resources and ‘physical’ resources in the manner suggested by Forest and Bird but with the uncertainty about the meaning or application of clause (1) as sought by the submitter, at this stage I recommend accepting this submission point in part and making amendments to clarify that environmental resilience includes indigenous biodiversity and ecosystems.

530. For the reasons I have set out in section 6.3.1, I have recommended deleting clause (3) and therefore do not recommend accepting the submission point by Wise Response on this clause. It is not clear what the “approved and standard methodology” referred to in the submitter’s new clause (4) and it has not been provided in the submission. Additionally, I am unsure what a local authority would do with any plans registered with it. I recommend rejecting this submission point.

6.31.4. Recommendation

531. I recommend deleting IM-M4 as follows:

~~IM-M4 – Climate change response~~

⁴³⁰ 00509.049 Wise Response

~~By January 2027, local authorities (led by Otago Regional Council) must together, in partnership with Kāi Tahu and in consultation with Otago's communities, develop climate change responses for the region that achieve climate change adaptation and mitigation, and that include:~~

- ~~(1) identifying natural and built resources vital to environmental and community resilience and well-being,~~
- ~~(2) identifying vulnerable resources and communities and developing adaptation pathways for them where possible, and~~
- ~~(3) developing plans and agreements for implementation.⁴³¹~~

532. In addition, I recommend incorporating clauses (1) and (2) into IM-M3 as clauses (1A) and (1B) as follows:

IM-M3 – Identification of ~~climate change impacts~~⁴³² and community guidance

By December 2025, ~~Otago Regional Council~~ local authorities⁴³³ must:

- (1) ...
 - (1A) identify natural and built resources vital to environmental (including indigenous biodiversity and ecosystems)⁴³⁴ and community resilience and well-being.⁴³⁵
 - (1B) identify vulnerable resources and communities and develop adaptation pathways for them where possible, and⁴³⁶
- (2) ...

6.32. IM-M5 – Other methods

6.32.1. Introduction

533. As notified, IM-M5 reads:

IM-M5 – Other methods

Local authorities should:

- (1) at their next plan review or by December 2030, whichever is sooner, align (to the extent possible) all strategies and management plans prepared under other legislation to contribute to the attainment of the long-term vision for Otago, and

⁴³¹ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00119.006 Blackthorn Lodge, 00509.044 Wise Response, 00235.066 OWRUG

⁴³² 00119.006 Blackthorn Lodge, 00509.044 Wise Response

⁴³³ 00139.044 DCC

⁴³⁴ 00230.037 Forest and Bird

⁴³⁵ 00119.006 Blackthorn Lodge, 00509.044 Wise Response

⁴³⁶ 00119.006 Blackthorn Lodge, 00509.044 Wise Response

- (2) facilitate community involvement in realising the long-term vision for Otago stated in IM–O1 through non-regulatory means,
- (3) encourage changes to business practice that will enable businesses to function in a net-zero carbon economy, and
- (4) advocate for and incentivise activities that reduce, mitigate, or eliminate risk of environmental degradation.

6.32.2. Submissions

534. Greenpeace seeks to retain IM-P5 as notified, and particularly clause (3).⁴³⁷

535. Blackthorn Lodge, Trojan, and Wayfare consider the term “to the extent possible” is an extremely stringent and probably unrealistic test and seek to replace it with “to the extent practicable”.⁴³⁸

536. Kāi Tahu ki Otago requests that it is made clear that the method will stand under any subsequent legislative change and that the link between changes in business practices that support community change to achieve a net-zero carbon economy is highlighted. The submitter seeks the following amendments:⁴³⁹

- (1) at their next plan review or by December 2030, whichever is sooner, align (to the extent possible) all strategies and management plans prepared under other legislation, and any subsequent additions or amendments to such, to contribute to the attainment of the long-term vision for Otago, and

...

- (3) encourage changes to business practice that will enable businesses and communities to function in a net-zero carbon economy, and ...

537. DCC considers it would not be efficient to instigate another full plan review until after any changes to the resource management system are made and seek that any provisions, including IM-M5(1), that might trigger the need for a full plan review be removed. The submitter does not support any methods that require a plan to look across the objectives in this section as they are too high level, broad, and arguably subjective. The submitter considers they should act as broad ‘touchstones’ to consider in any plan change process. DCC seeks to:⁴⁴⁰

- Remove the date of 2030 from clause (1) and amend to full plan review.
- Delete clause (2) or amend so it is clear what this requirement means, and that the requirement is reasonable.

⁴³⁷ 00407.024 Greenpeace

⁴³⁸ 00119.008 Blackthorn Lodge, 00206.026 Trojan, 00411.037 Wayfare

⁴³⁹ 00226.108 Kāi Tahu ki Otago

⁴⁴⁰ 00139.046 DCC

- In relation to clauses (3) and (4), clarify what aspects are envisaged in terms of resource management and the roles and responsibilities of local authorities under the RMA.

538. Federated Farmers submit that agriculture is on a pathway to be warming neutral, which is possible with the short-term cycle of methane, however this is not the same thing as zero. The submitter seeks to amend clause (3) so that it refers to a “net-zero warming carbon economy”.⁴⁴¹

539. Federated Farmers and OWRUG consider that the method should acknowledge what they consider to be the most appropriate and practical solution to climate change in Otago: appropriate water storage. They seek to include the following new clause (5):⁴⁴²

(5) enable appropriate water storage solutions to mitigate the effects of climate change

540. Wise Response considers more direction is needed and seeks the following amendments:

Local authorities will ~~should~~:

- (1) ~~at their next plan review or by December 2027~~2030, ~~whichever is sooner,~~ align ~~(to the extent possible)~~ all strategies and management plans prepared under other legislation to contribute to the attainment of the long – term vision for Otago, and
- (2) actively promote ~~facilitate~~ community involvement in realising the long – term vision and objectives for Otago ~~stated in IM-O1~~ through regulatory and non – regulatory means, including participatory development of district carbon reduction plans, and
- (3) actively promote ~~encourage~~ changes to business practice that will enable businesses to function in a net – zero carbon economy, and
- (4) advocate for and incentivise activities that reduce, mitigate, or eliminate risk of environmental degradation, and
- (5) all resource consent processes are to take into account the provisions in this RPS

6.32.3. Analysis

541. I agree with Blackthorn Lodge, Trojan, and Wayfare that it will not be practicable to align all strategies and management plans to contribute to attaining the long-term vision for Otago and recommend accepting those submission points.

542. The pORPS 2021 has been developed under the RMA. If that statute is replaced in the future, there will undoubtedly be transitional arrangements for moving from the RMA into whatever new legislative environment may exist. I do not consider it is appropriate for provisions in the pORPS to encourage action based on future and currently unknown

⁴⁴¹ 00239.049 Federated Farmers

⁴⁴² 00239.049 Federated Farmers, 00235.073 OWRUG

additions or amendments to legislation. I agree that the link between changes in business practices that support community change to achieve a net-zero carbon economy should be highlighted. I recommend accepting this submission point in part.

543. I understand that DCC is still resolving appeals on its second-generation district plan (known as the 2GP) and will be reluctant to commence a plan review in the near future. However, I note that the 2GP was notified in 2015 and that decisions were made in 2018. Section 79 of the RMA requires local authorities to commence a review of a provision of a district plan if it has not been the subject of a proposed plan, a review, or a change by the local authority during the previous 10 years. Sub-sections 79(6) and (7) require that, whether the outcome of a review results in an alteration to a provision or not, the provision (either as operative or altered) must be publicly notified. In my view, given the time that has elapsed since the 2GP was notified and the considerable change in the regulatory and policy environment since 2015,⁴⁴³ it is likely that many provisions in the 2GP will require review prior to 2030 whatever the pORPS requires. Additionally, I note that the actions in IM-M5 are not mandatory but encouraged.
544. I agree that the wording of clause (2) could be improved for clarity. In my view, clauses (3) and (4) set out broad actions that provide local authorities with the ability to pursue non-regulatory methods to support the implementation of the policies in this chapter (such as through education or funding decisions made under the LGA). I recommend accepting this submission point in part.
545. I am not familiar with the term “net-zero warming carbon economy” as proposed by Federated Farmers. The submitter discusses methane in their submission however I understand that the Government’s statutory 2050 target does not include biogenic methane.⁴⁴⁴
546. I note that LF – FW – M6(6) requires ORC to provide for the off-stream storage of surface water in its LWRP where conditions are met. I do not consider it is appropriate, therefore, to seek to enable water storage solutions unconditionally in IM-M5. I recommend rejecting these submission points.
547. Wise Response provides very little justification for the amendments sought and I consider there are a range of implications of these amendments not considered by the submitter. I am unsure what a “district carbon reduction plan” is and consider its inclusion would introduce uncertainty. I note that section 104(1)(b) requires consent authorities to have regard to any relevant provisions of a proposed regional policy statement when considering applications for resource consent. I recommend rejecting this submission point.

6.32.4. Recommendation

548. I recommend amending IM-M5 as follows:

⁴⁴³ Including, for example, the introduction of the NPSFM, NPSUD, NESF, pORPS 2019, Resource Legislation Amendment Act 2017, and the Climate Change Response (Zero Carbon) Amendment Act 2019.

⁴⁴⁴ Section 5Q(1)(a), Climate Change Response Act 2002

IM-M5 – Other methods

Local authorities should:

- (1) at their next plan review or by December 2030, whichever is sooner, align (to the extent ~~possible~~ practicable⁴⁴⁵) all strategies and management plans prepared under other legislation to contribute to the attainment of the long-term vision for Otago, and
- (2) facilitate community involvement in ~~realising~~ achieving the long-term vision for Otago ~~stated in~~⁴⁴⁶ IM-O1 through non-regulatory means,
- (3) encourage changes to business practice that will enable businesses and communities⁴⁴⁷ to function in a net-zero carbon economy, and
- (4) advocate for and incentivise activities that reduce, mitigate, or eliminate risk of environmental degradation.

6.33. New methods

6.33.1. Submissions

549. Following the approach in IM-M3, QLDC seeks a new provision be included setting out a timeframe for local authorities to undertake their region-wide natural hazard identification and risk assessment specified in HAZ-NH-M1(2)(b) and HAZ-NH-M2(1). The submitter considers that this would 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.
550. Wise Response seeks to include two new methods in order to support government policy to transition to a low carbon economy and to ensure that territorial authorities fulfil their responsibilities under the RMA (including to protect biodiversity):⁴⁴⁸

IM-M0

Based on reliable energy and demand emissions profiles and relative abatement costs, promote a swift transition from fossil fuel dependence to the use and development of renewable energy that is consistent with the government's 100% renewable policy by:

1. Within three years, developing and making public, regional and district GHG reduction plans and annual budgets that are compatible with the New Zealand's zero net carbon limit policy prevailing at the time
2. within three years of the GHG reduction plans being completed, regional coastal plans and district plans are to require all institutions, businesses and households to register with the local authority, emissions reduction plans

⁴⁴⁵ 00119.008 Blackthorn Lodge, 00206.026 Trojan, 00411.037 Wayfare

⁴⁴⁶ 00139.046 DCC

⁴⁴⁷ 00226.108 Kāi Tahu ki Otago

⁴⁴⁸ 00509.046 Wise Response, 00509.051 Wise Response

according to a standard methodology and monitor progress that comply with the regional and district GHG reduction plans

3. monitoring change in aggregate emissions by sector, district and region and report annually on progress, so that any necessary corrective action can be taken.

IM-M6 – Policy compliance

The Otago Regional Council must ensure its responsibilities for sustainable management of natural and physical resources are actually implemented at district and city council level and to report publicly every two years.

551. Beef + Lamb and DINZ submit that agricultural landowners and users are a critical component to the success or failure of the pORPS but they are also at most risk of loss and disadvantage as a result of poorly drafted and inadequately informed regulations. The submitter states that the successes and losses experienced by these landowners and users impact on entire communities and on individuals who do not farm, because land in agricultural use supports people well beyond the farm gate. The submitter seeks to include a new provision similar to EIT-INF-M6 for landowners and users in the primary sector.⁴⁴⁹

6.33.2. Analysis

552. In response to the submission point by QLDC, I understand the submitter has made a similar submission on the relevant methods in the HAZ-NH chapter which has not been recommended to be accepted by the author of that report. If timeframes are to be included for implementing those requirements, I consider it is more appropriate for them to be included in the provisions specific to that work, rather than in the IM chapter. I do not recommend accepting this submission point.
553. I understand that under the CCRA 2002, national emissions budgets are required for the periods 2022 – 2025, 2026 – 2030, and 2031 – 2035. Emissions reduction plans are then required to be developed which set policies and strategies for meeting the budgets, with the first emissions reduction plan due to be published by 31 May 2022 (Ministry for the Environment, 2021). The Resource Management Amendment Act 2020⁴⁵⁰ amended the RMA to require regional policy statements, regional plans, and district plans to have regard to any emissions reduction plan or national adaptation plan made under the CCRA 2002. Those amendments will come into force on 30 November 2022.⁴⁵¹
554. Given the national climate change response is still being developed, I do not consider it would be efficient to introduce an additional emissions reduction framework in the pORPS as sought by Wise Response. It is not clear how (or whether) emissions reductions plans prepared at the level of institutions, businesses, and households would be aggregated in order to determine whether they would collectively contribute to district

⁴⁴⁹ 00237.023 Beef + Lamb and DINZ

⁴⁵⁰ See sections 17, 18, and 21

⁴⁵¹ Regulation 2, Resource Management Amendment Act 2020 Commencement Order 2021

or regional plans. Additionally, I do not consider that the type of management expected from the method is consistent with the functions of regional councils or territorial authorities as they are set out under sections 30 and 31 of the RMA.

555. I understand the intent behind the second new method sought by Wise Response but it is unclear what action is expected from ORC to implement this method. It is the obligation of territorial authorities to ensure that their plans give effect to regional policy statements, and in practice there is often a delay in doing so as plan changes must be resourced in accordance with councils' budgets. ORC monitors implementation by territorial authorities in part by submitting on proposed plans and plan changes and being involved in any subsequent and relevant appeals to the Environment Court. I consider this is a more appropriate and realistic approach and recommend rejecting this submission point.

556. EIT-INF-M6 is a method requiring local authorities to:

- advocate for the upgrading or replacement of existing nationally or regionally significant infrastructure if the operation of that infrastructure results in significant adverse effects, and
- work proactively with infrastructure providers to coordinate the upgrading or development of nationally or regionally significant infrastructure to support co-location or concurrent construction to reduce adverse effects.

557. It is not clear to me how this method could be amended to relate to landowners and users in the primary sector. Without further clarification from the submitter, I do not recommend accepting the submission point by Beef + Lamb and DINZ.

6.33.3. Recommendation

558. I do not recommend including any additional methods.

6.34. IM-E1 – Explanation

6.34.1. Introduction

559. As required by section 62(1)(d), IM-E1 provides an explanation for the policies in this chapter.

560. As notified, IM-E1 reads:

IM-E1 – Explanation

The policies in this chapter provide direction on integrated management across the region, to achieve the revitalisation, *resilience* and safeguarding of Otago's environment and ensure that it supports ka takata and the community's cultural, social, and economic well-being. The policies seek to apply a ki uta ki tai approach and ensure that the *effects of climate change* are understood and responded to across the region. Further, they are designed to ensure that environmental integrity, form, function, and *resilience* are at the centre of all resource

management decision making and that changes are made where necessary to ensure the environment's life-supporting capacity continues to support people's health and well-being both now and into the future.

The policies in this chapter include direction for resolving issues when multiple Regional Policy Statement provisions need to be applied simultaneously. This direction reinforces the primacy of national legislation and regulation, as some provisions of National Policy Statements and National Environmental Standards are prescriptive enough that they do not need a regional interpretation and are only referred to in the RPS when necessary. Further, some direction in the New Zealand Coastal Policy Statement 2010, such as in Policy 3, is considered appropriate to apply to the management of resources throughout Otago, rather than solely within the coastal environment.

6.34.2. Submissions

561. Te Waihanga seeks to retain IM-E1 as notified.⁴⁵² DCC seeks any consequential changes necessary to address any submissions on this section.⁴⁵³ Wise Response submits that the first sentence of the explanation cannot be made while we are on track for climate warming of 3 – 4 degrees.⁴⁵⁴

562. Harbour Fish and Southern Inshore Fisheries consider that applying NZCPS management throughout Otago is flawed and seek that the sections where this has occurred are adjusted and reframed where necessary.⁴⁵⁵

563. Greenpeace considers the explanation should correctly and fully reflect the priorities of Te Mana o te Wai and seeks the following amendment:

~~...changes are made where necessary to ensure the environment's life-supporting capacity continues to support people's health and well-being both now and into the future~~ health and wellbeing of freshwater is protected, and human health needs are provided for, before enabling other uses of water.

564. Kāi Tahu ki Otago seek that the term "kā tākata" is replaced with "people" here and throughout the pORPS and an amendment to clarify that the reference to resilience includes resilience to climate change.⁴⁵⁶ Ngāi Tahu ki Murihiku seek to include a macron in kā takata.⁴⁵⁷

6.34.3. Analysis

565. It is not clear whether Wise Response seeks to delete the first sentence or some other relief. I consider the sentence sets out the intent of the policies in the chapter and does

⁴⁵² 00321.020 Te Waihanga

⁴⁵³ 00139.047 DCC

⁴⁵⁴ 00509.052 Wise Response

⁴⁵⁵ 00126.009 Harbour Fish, 00124.009 Southern Inshore Fisheries

⁴⁵⁶ 00226.109 Kāi Tahu ki Otago

⁴⁵⁷ 00223.058 Ngāi Tahu ki Murihiku

not indicate that they are already being achieved. I recommend rejecting this submission point.

566. I do not agree with Harbour Fish and Southern Inshore Fisheries that applying elements of the management regime in the NZCPS outside the coastal environment is inherently flawed. Adopting a precautionary approach is a concept that can apply in any circumstance, whether in the coastal environment or not. I recommend rejecting these submission points.
567. The amendment sought by Greenpeace would replace a general statement about the intent of managing the environment as a whole with one focused only on the management of freshwater. I do not consider that accurately reflects the scope of this chapter, which is applicable to all elements of the environment. I recommend rejecting this submission point.
568. I consider the amendments sought by Kāi Tahu ki Otago assist with clarifying the explanation and recommend accepting the submission point. Accordingly, I also recommend rejecting the submission point by Ngāi Tahu ki Murihiku.
569. I do not consider any consequential amendments are necessary and therefore do not recommend accepting the submission point by DCC.

6.34.4. Recommendation

570. I recommend amending IM-E1 as follows:

IM-E1 – Explanation

The policies in this chapter provide direction on integrated management across the region, to achieve the revitalisation, *resilience* and safeguarding of Otago's environment and ensure that it supports ~~ka takata~~ people⁴⁵⁸ and the community's cultural, social, and economic well-being. The policies seek to apply a ki uta ki tai approach and ensure that the *effects of climate change* are understood and responded to across the region. Further, they are designed to ensure that environmental integrity, form, function, and *resilience, including resilience to climate change*,⁴⁵⁹ are at the centre of all resource management decision making and that changes are made where necessary to ensure the environment's life-supporting capacity continues to support people's health and well-being both now and into the future.

The policies in this chapter include direction for resolving issues when multiple Regional Policy Statement provisions need to be applied simultaneously. This direction reinforces the primacy of national legislation and regulation, as some provisions of National Policy Statements and National Environmental Standards are prescriptive enough that they do not need a regional interpretation and are only referred to in the RPS when necessary. Further, some direction in the ~~New~~

⁴⁵⁸ 00226.109 Kāi Tahu ki Otago

⁴⁵⁹ 00226.109 Kāi Tahu ki Otago

~~Zealand Coastal Policy Statement 2010~~ NZCPS,⁴⁶⁰ such as in Policy 3, is considered appropriate to apply to the management of resources throughout Otago, rather than solely within the coastal environment.

6.35. IM-PR1 – Principal reasons

6.35.1. Introduction

571. As required by section 62(1)(f), IM-PR1 provides the principal reasons for adopting the objectives, policies, and methods of implementation set out in this chapter.

572. As notified, IM-PR1 reads:

IM-PR1 – Principal reasons

Integrated management is at the core of the RMA 1991. The provisions in this chapter set out core facets of integration - the interconnections and interdependencies within the environment, involvement of *mana whenua* in resource management, the fundamental importance of environmental health to human well-being, and holistic assessment of human *effects* on the *environment*. They also address the *effects* of *climate change* as the key threat to environmental stability.

The provisions seek to enshrine an explicit recognition and implementation of these facets into plan making and resource consenting processes. They set an expectation of integrated resource management that flows through to all other provisions of the RPS, and informs the limits and thresholds we set on human activities for protecting environmental health. It sets explicit expectations that local authorities will work with each other and with other agencies to ensure management approaches are clear, coordinated, and able to support Otago's communities into the future.

6.35.2. Submissions

573. Fisheries NZ seeks to retain IM-PR1 as notified.⁴⁶¹ Kāi Tahu ki Otago submits that it should be made clear that the provisions will stand under any subsequent legislative change and seeks to include the following:⁴⁶²

The focus on integrated management will remain under any changes in legislation over the relevant time period.

574. Horticulture NZ and OWRUG consider the term “enshrine” is inappropriate for a regional policy statement and seek the following amendment:⁴⁶³

⁴⁶⁰ Clause 16(2), Schedule 1, RMA

⁴⁶¹ 00303.004 Fisheries NZ

⁴⁶² 00226.110 Kāi Tahu ki Otago

⁴⁶³ 00236.041 Horticulture NZ, 00235.075 OWRUG

The provisions seek to enshrine an explicit recognition and implementation of these facets into plan making and resource consenting processes. They set an expectation...

575. Horticulture NZ also seeks to include the following at the end of the second paragraph:⁴⁶⁴

...into the future. This applies to plan making and resource consenting processes.

576. OWRUG seeks any consequential amendments to IM-PR1 to give effect to their relief sought elsewhere.⁴⁶⁵

6.35.3. Analysis

577. I do not consider it is appropriate to pre-empt what may be in future legislation. Policy frameworks must respond to the relevant statutes, which they cannot do in advance of those statutes being established. I recommend rejecting this submission point.

578. I agree with Horticulture NZ and OWRUG that “enshrine” may not be the most accurate term to describe the intent of the provisions in this chapter. I recommend accepting these submissions in full.

579. I note that in my evaluation of submissions on IM-P1, I recommended including additional explanation in the principal reasons to clarify how the provisions in the *IM – Integrated management* chapter are intended to be applied.

580. I do not consider any consequential amendments are necessary and therefore do not recommend accepting the submission point by OWRUG.

6.35.4. Recommendation

581. I recommend amending IM-PR1 as follows:

IM-PR1 – Principal reasons

Integrated management is at the core of the RMA-1991.⁴⁶⁶ The provisions in this chapter set out core facets of integration - the interconnections and interdependencies within the environment, involvement of *mana whenua* in resource management, the fundamental importance of environmental health to human well-being, and holistic assessment of human *effects* on the *environment*. They also address the *effects* of *climate change* as the key threat to environmental stability.

~~The provisions seek to enshrine an explicit recognition and implementation of these facets into plan making and resource consenting processes. They⁴⁶⁷ set an expectation of integrated resource management that flows through to all other provisions of the RPS, and informs the limits and thresholds we set on human~~

⁴⁶⁴ 00236.041 Horticulture NZ

⁴⁶⁵ 00235.075 OWRUG

⁴⁶⁶ Clause 16(2), Schedule 1, RMA

⁴⁶⁷ 00236.041 Horticulture NZ, 00235.075 OWRUG

activities for protecting environmental health. It sets explicit expectations that local authorities will work with each other and with other agencies to ensure management approaches are clear, coordinated, and able to support Otago’s communities into the future. This applies to plan making and resource consenting processes.⁴⁶⁸

6.36. IM-AER1

6.36.1. Introduction

582. IM-AER1 describes the first anticipated environmental result from implementing the provisions in this chapter.

583. As notified, IM-AER1 reads:

IM-AER1 Monitoring shows the limits and thresholds set for human activities are adhered to and are resulting in environmental well-being and resilience.

6.36.2. Submissions

584. Greenpeace and John Highton seek to retain IM-AER1 as notified.⁴⁶⁹ Federated Farmers considers the AER fails to make practical sense over and above the other limits and thresholds that have been set and seeks to delete it.⁴⁷⁰

585. Ngāi Tahu ki Murihiku submits that the term “environmental resilience” incorporates all facets of the definition of “environment” in the RMA, when in IM-AER1 it makes more sense to reference to resilience of the natural environment (leaving IM-AER2 to recognise the well-being benefits that arise from that). The submitter considers that this accords with mātauraka and seeks the following amendment:⁴⁷¹

...and are resulting in ~~environmental well-being and~~ resilience in the natural environment.

6.36.3. Analysis

586. In section 1.4.3 of *Report 1: Introduction and general themes*, I have discussed the use of the terms “limits” and “thresholds” throughout the pORPS. In summary, I have recommended using the term “environmental limits” and introducing a corresponding definition. As a consequential amendment, I recommend replacing “limits and thresholds” in this AER with “environmental limits”.

⁴⁶⁸ 00236.041 Horticulture NZ

⁴⁶⁹ 00407.026 Greenpeace, 00014.026 John Highton

⁴⁷⁰ 00239.050 Federated Farmers

⁴⁷¹ 00223.059 Ngai Tahu ki Murihiku

587. I agree with Ngāi Tahu ki Murihiku that the distinction between IM-AER1 and IM-AER2 could be clarified and consider the submitter's amendments are an appropriate way to do this. I recommend accepting the submission point.

6.36.4. Recommendation

IM-AER1

Monitoring shows the environmental limits ~~limits and thresholds~~⁴⁷² set for human activities are adhered to and are resulting in ~~environmental well-being and resilience~~ in the natural environment.⁴⁷³

6.37. IM-AER2

6.37.1. Introduction

588. IM-AER2 describes the second anticipated environmental result from implementing the provisions in this chapter.

589. As notified, IM-AER2 reads:

IM-AER2

Environmental well-being and resilience is resulting in sustainable social, cultural, and economic well-being.

6.37.2. Submissions

590. Greenpeace seeks to retain IM-AER2 as notified.⁴⁷⁴

591. Harbour Fish and Southern Inshore Fisheries consider the AER stretches the purpose of the RMA and imposes a higher threshold than is required. The submitters seek to replace the AER with the following:⁴⁷⁵

Sustainable social, cultural, and economic well-being is resulting in environmental well-being and resilience.

592. Kāi Tahu ki Otago seeks the following amendment to better reflect the earlier policy direction on integrated management:⁴⁷⁶

Environmental well-being and resilience is resulting in sustainable social, cultural and economic well-being for all communities including Kāi Tahu.

593. Following on from the amendments sought to IM-AER1, Ngāi Tahu ki Murihiku seeks to amend IM-AER2 as follows:⁴⁷⁷

⁴⁷² 00231.009 Fish and Game

⁴⁷³ 00223.059 Ngāi Tahu ki Murihiku

⁴⁷⁴ 00407.027 Greenpeace

⁴⁷⁵ 00126.010 Harbour Fish, 00124.010 Southern Inshore Fisheries

⁴⁷⁶ 00226.111 Kāi Tahu ki Otago

⁴⁷⁷ 00223.060 Ngāi Tahu ki Murihiku

~~Environmental well-being and r~~Resilience in the natural environment is resulting in sustainable social, cultural and economic well-being.

6.37.3. Analysis

594. I do not consider that the rephrasing of the AER sought by Harbour Fish and Southern Inshore Fisheries is an accurate reflection of the relationship between people and the natural environment. Social, cultural, and economic well-being relies on a healthy natural environment. For example, to provide clean air and drinking water, or resources for economic use. I recommend rejecting these submission points.

595. I agree that the amendment sought by Kāi Tahu ki Otago is consistent with the provisions of the chapter and recommend accepting this submission point. For the same reason, and to align with my recommendations on IM-AER1, I also recommend accepting the submission point by Ngāi Tahu ki Murihiku.

6.37.4. Recommendation

596. I recommend amending IM-AER2 as follows:

IM-AER2 ~~Environmental well-being and r~~Resilience in the natural environment⁴⁷⁸ is resulting in sustainable social, cultural, and economic well-being for all communities including Kāi Tahu.⁴⁷⁹

6.38. IM-AER3

597. IM-AER3 describes the third anticipated environmental result from implementing the provisions in this chapter.

598. As notified, IM-AER3 reads:

IM-AER3 Communities are aware of the potential impacts of *climate change* and there are observable changes in community behaviour towards more sustainable lifestyles.

6.38.1. Submissions

599. Greenpeace seeks to retain IM-AER3 as notified.⁴⁸⁰

600. Federated Farmers submits that the AER is not clear, specific or measurable. The submitter opposes the Council requiring observable change in community behaviour towards more sustainable lifestyles and consider this provision *ultra vires* and inappropriate as “more sustainable lifestyles” is highly subjective and not a determination for Council staff. The submitter states that regulation that allows a carte

⁴⁷⁸ 00223.060 Ngāi Tahu ki Murihiku

⁴⁷⁹ 00226.111 Kāi Tahu ki Otago

⁴⁸⁰ 00407.028 Greenpeace

blanche for subjective, arbitrary, value judgements on lifestyle is outside a regional council's jurisdiction and is not provided for by the RMA and seeks its deletion.⁴⁸¹

601. Kāi Tahu ki Otago seeks the following amendment to better reflect the earlier policy direction:⁴⁸²

Communities, including Kāi Tahu, are aware of the potential impacts of climate change and ~~there are~~ supported to make observable changes in ~~community~~ behaviour towards more sustainable lifestyles.

6.38.2. Analysis

602. I do not agree with the points made by Federated Farmers. It is evident that there has been degradation of Otago's natural resources, including freshwater and indigenous biodiversity, for some time. Additionally, the increasing world temperature as a result of human-induced climate change demonstrates that, globally, our way of life is not sustainable. I do not consider that IM-AER3 requires value judgements or determinations by Council staff. Rather, environmental monitoring will indicate whether our lifestyles are becoming more or less sustainable over time. I recommend rejecting this submission point.

603. I consider including reference to Kāi Tahu in this AER is appropriate, given other recognition of Kāi Tahu throughout the provisions. In my opinion, the other changes sought by Kāi Tahu ki Otago move the wording away from describing a result and more into setting policy direction. I recommend accepting this submission point in part.

6.38.3. Recommendation

604. I recommend amending IM-AER3 as follows:

IM-AER3 Communities, including Kāi Tahu,⁴⁸³ are aware of the potential impacts of *climate change* and there are observable changes in community behaviour towards more sustainable lifestyles.

6.39. IM-AER4

605. As notified, IM-AER4 reads:

IM-AER4 Plan development and decision-making processes demonstrate improved awareness of the interdependencies and interconnectedness of *natural and physical resources* within the region.

⁴⁸¹ 00239.052 Federated Farmers

⁴⁸² 00226.112 Kāi Tahu ki Otago

⁴⁸³ 00226.112 Kāi Tahu ki Otago

6.39.1. Submissions

606. Kāi Tahu ki Otago seeks to include reference to regional and jurisdictional boundaries to better reflect the policy direction elsewhere in the chapter.⁴⁸⁴

6.39.2. Analysis

607. I agree that the amendment sought by Kāi Tahu ki Otago is consistent with the provisions of the chapter and recommend accepting this submission point.

6.39.3. Recommendation

608. I recommend amending IM-AER4 as follows:

IM-AER4

Plan development and decision-making processes demonstrate improved awareness of the interdependencies and interconnectedness of *natural and physical resources* within the region, and across regional and jurisdictional boundaries.⁴⁸⁵

⁴⁸⁴ 00226.113 Kāi Tahu ki Otago

⁴⁸⁵ 00226.113 Kāi Tahu ki Otago

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