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**BRIEF OF SUPPLEMENTARY EVIDENCE OF FELICITY ANN BOYD**  
**IM – INTEGRATED MANAGEMENT**

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**Qualifications and Experience**

- 1 My qualifications and experience are set out in paragraphs 4 to 6 of my section 42A report titled *Chapter 6: IM – Integrated management* and dated 4 May 2022.

**Code of Conduct**

- 2 I have read and agree to comply with the Environment Court’s Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014. I have complied with the Code in preparing my evidence. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

**Scope of Evidence**

- 3 This supplementary statement of evidence updates the recommendations I made in my section 42A report titled *Chapter 6: IM – Integrated management* in relation to the following matters:

- 3.1 Amendment to IM-O3;
- 3.2 Clarification of IM-P4;
- 3.3 Policy direction on managing cumulative effects;
- 3.4 Relationship between IM-P10(1) and HAZ-NH-P4;

- 4 In the sections below, and in relation to each matter above, I have:

- 4.1 Identified the recommendation that is to be amended or replaced.
- 4.2 Identified the authority relied upon to make these amendments or replacements.
- 4.3 Provided an explanation for the amendment or replacement.

- 4.4 Set out the proposed amendments to the relevant pORPS provisions.
- 4.5 Evaluated the amendment or replacement in accordance with section 32AA of the RMA.
- 5 Where I have recommended additional amendments to provisions, my recommendations are shown in addition to my original section 42A recommendations. The key below sets out how these different recommendations are shown.

#### Key to proposed amendments

| Appearance   | Explanation  |
|--|--|
| Black text   | Text as notified.  |
| Black text with <u>underlining</u> or <del>strikethrough</del> | Amendments recommended in section 42A report.  |
| Red text with <u>underlining</u> or <del>strikethrough</del>   | Additional amendments recommended in supplementary evidence where there has been no previous amendment to the 'as notified' provision text.                            |
| Black text with <u>red underlining</u>                         | Text that was recommended to be deleted in s42A report but now recommended to be retained ("un-deleted") by supplementary evidence.                                    |
| Red <del>strikethrough</del> with <u>black underlining</u> .   | Text that was recommended to be inserted in s42A report (black underline) but now recommended to be deleted by supplementary evidence (red <del>strikethrough</del> ). |

- 6 In the same way as the original section 42A report recommendations, the scope for all proposed amendments is included as a footnote in the amended provisions. Where the amendments were recommended in the section 42A report, the supporting explanation is in the section 42A report. Where the amendments are recommended through this supplementary evidence, the supporting explanation is contained in this supplementary evidence.

#### Consequential amendments

- 7 In my supplementary evidence on *Introduction and General Themes*<sup>1</sup> I have recommended consequential amendments to the use of the terms "environmental limit" and "limit" (as well as other, similar terms used interchangeably with these) in IM-P12, IM-P14, IM-M1, IM-PR1, and IM-AER1.

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<sup>1</sup> Brief of Supplementary Evidence of Felicity Ann Boyd. Introduction and General Themes. 11 October 2022.

The specific amendments to these provisions are set out in that statement of supplementary evidence and therefore I do not repeat them here.

### **Amendments to IM-O3**

- 8 In section 6.8 of the section 42A report titled *Chapter 6: IM – Integrated management*, I discussed the submissions on IM-O3 – Environmentally sustainable impact.
- 9 Federated Farmers seeks to include reference to providing for the social, cultural, and economic well-being of Otago’s communities.<sup>2</sup> In paragraph 124 of my section 42A report, I recommended rejecting the submission by Federated Farmers to include reference to providing for the social, cultural and economic well-being of Otago, on the basis that the revised objective references sustainable management which is defined in section 5 of the RMA.
- 10 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, as follows:<sup>3</sup>
- 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.
- 11 In paragraph 122 of my section 42A report I did not recommend accepting the submission by Ravensdown to clarify the intent of the objective by removing the use of concepts and terms that do not reflect section 5 of the RMA.
- 12 LAC, Lane Hocking, Maryhill, Mt Cardrona Station, and Universal Developments seek to delete the phrase “preserves environmental integrity, form, function, and resilience” from IM-O3.<sup>4</sup> They state that preservation has a connotation of allowing no change, rather than management or mitigation which anticipates some level of effects, within an objective to ensure life-supporting capacities endure for future generations. In paragraph 123 of my section 42A report, I did

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<sup>2</sup> 00239.035 Federated Farmers

<sup>3</sup> 00121.017 Ravensdown

<sup>4</sup> 00211.005 LAC, 00210.005 Lane Hocking, 00118.006 Maryhill, 00114.006 Mt Cardrona Station, 00209.005 Universal Developments

not recommend accepting the submission by these submitters on the basis that without additional amendments, this deletion would mean the objective does not make sense.

- 13 Having reconsidered the submission points outlined above, I am of the view that as a result of my original section 42A recommendations the key outcome to be achieved is the safeguarding of the life-supporting capacities of air, water, soil, and ecosystems for future generations. The text leading to that part of the objective describes, generally, the way Otago's communities will achieve that outcome.
- 14 With this in mind, I accept that the wording proposed by Federated Farmers is clearer than the notified wording and more closely aligns with the purpose of the Act as set out in section 5. For these reasons, I now recommend accepting the submission point by Federated Farmers and amending the objective accordingly.
- 15 In my opinion, environmental integrity, form, function, and resilience does not necessarily need to be preserved in every instance in order for the life-supporting capacity of natural resources to be safeguarded. I now recommend amending "preserves" to "support or restore". I consider this retains the purpose of the objective (i.e. that managing these components is important for safeguarding life-supporting capacity) but recognises that some modification of the environment may still be appropriate, provided the overall outcome (safeguarding life-supporting capacity) can be achieved.
- 16 I recommend the following amendments:

**IM-O3 – Environmentally ~~s~~Sustainable impact<sup>5</sup>**

Otago's communities ~~carry out their activities in a way~~ provide for their social, economic, and cultural well-being in ways<sup>6</sup> that support or restore preserves<sup>7</sup> environmental integrity, form, function, and ~~resilience~~, so that the life-supporting capacities of air, *water*, *soil*, and ecosystems are safeguarded, ~~and indigenous biodiversity endure<sup>8</sup>~~ for future generations.

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<sup>5</sup> 00231.031 Fish and Game, 00411.024 Wayfare

<sup>6</sup> 00121.017 Ravensdown

<sup>7</sup> 00211.005 LAC, 00210.005 Lane Hocking, 00118.006 Maryhill, 00114.006 Mt Cardrona Station, 00209.005 Universal Developments

<sup>8</sup> 00121.017 Ravensdown

## Section 32AA evaluation

- 17 There are two amendments to this provision: firstly, to replace “carry out their activities in a way” with “provide for their social, economic, and cultural well-being in ways” and secondly, to replace “preserves” with “supports or restores”. The first does not alter the scope of the objective and so I do not consider this alters the original evaluation under section 32.
- 18 The second amendment does alter the objective, by recognising that preservation is not necessarily appropriate in every instance. I consider this amendment has an economic benefit because it reduces the potential for the use and development of resources to be unduly restricted, providing more opportunity for people to provide for their economic, social, and cultural well-being so long as the life-supporting capacity of resources is safeguarded. This better reflects the policies and methods in this chapter, which do anticipate use and development of resources (within constraints). There is a corresponding environmental cost in that the amendment may allow for a lower degree of environmental protection than the notified wording.
- 19 Overall, I consider my updated recommendations are more appropriate for achieving the purpose of the RMA than my original section 42A recommendations.

### **Clarification of IM-P4**

- 20 In section 6.15 of Chapter 6 of my section 42A report, I discuss the submissions on IM-P4.
- 21 Ravensdown seeks several stylistic changes to the wording of IM-P4 to improve the readability.<sup>9</sup> In particular, the submitter considers that it is not necessary to state “through a planning framework” in the chapeau, as the pORPS is part of the planning framework, and regional and district plans are required to give effect to the pORPS. In paragraph 234 of my section 42A report, I recommended accepting this submission in part and deleting “through a planning framework” from the policy for the reasons Ravensdown set out.
- 22 It was apparent during pre-hearing discussions that there is some uncertainty about how this policy is intended to be implemented – for example, whether it is applicable to decision-making on resource consent applications or whether it is

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<sup>9</sup> 00121.021 Ravensdown

designed to inform the development of regional and district plans. The wording as notified (“through a planning framework”) would have required implementation through both consents and plans.

23 In light of that discussion, while I continue to recommend deleting the reference to the planning framework, I now recommend an additional amendment to clarify that the policy is to be considered when developing regional and district plans. The change in grammar requires a consequential amendment to the beginning of clauses (1) to (4).

24 This policy assists with implementing IM-O3. I do not consider it would be practical to implement this policy through individual resource consents because those consents are (generally) limited to a particular activity in a particular location. It is regional and district plans that collectively manage the use of resources over the entirety of the region or district and therefore their ecosystems and ecosystems services. That then impacts on the decisions made on resource consent applications.

25 Clause (1) refers to intrinsic values which are defined as follows in section 2 of the RMA:

***intrinsic values**, in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including—*

*(a) their biological and genetic diversity; and*

*(b) the essential characteristics that determine an ecosystem’s integrity, form, functioning, and resilience*

26 This definition applies specifically to ecosystems, however reading clause (1) alongside the chapeau of IM-P4 means that the term is also being applied to ecosystem services. To clarify clause (1), I recommend including “of ecosystems” after “intrinsic values”. In my opinion, this is an amendment of minor effect in accordance with clause 16(2) of Schedule 1 of the RMA.

27 Clause (2) refers to “changing environments”. As a result of the pre-hearing discussions, I understand there is confusion amongst some submitters about what this means. As a minor amendment in accordance with clause 16(2) of Schedule 1 of the RMA, I recommend replacing this phrase with “ongoing environmental change, including” the impacts of climate change. In my opinion,

this more clearly articulates the requirement to recognise the changing nature of our environment, particularly over the long-term.

28 I recommend the following amendments:

**IM-P4 – Setting a strategic approach to ecosystem health**

Healthy and resilient<sup>10</sup> ecosystems and ecosystem services are achieved by developing regional and district plans through a planning framework that:<sup>11</sup>

- (1) ~~protects~~ having have<sup>12</sup> particular regard to ~~their~~ the *intrinsic values of ecosystems*,<sup>13</sup>
- (2) takes taking take<sup>14</sup> a long-term strategic approach that recognises changing environments and ongoing environmental change,<sup>15</sup> including the impacts of climate change,<sup>16</sup>
- (3) recognises recognising recognise<sup>17</sup> and provides providing provide<sup>18</sup> for ecosystem complexity and interconnections, and
- (4) anticipates anticipating anticipate,<sup>19</sup> or responds responding respond<sup>20</sup> swiftly to, changes in activities, pressures, and trends.

Section 32AA evaluation

29 The main change I recommend is clarifying that the policy is to be implemented through regional and district plans, and not through individual resource consents (which were included by the notified wording). Implementing this policy on a consent-by-consent basis would result in costs to consent applicants which are likely to be unnecessary if the plan requiring the consent also addresses the same matters. In my view, the amendment reduces the potential for unnecessary costs to be borne by applicants and provides clarity to ORC and the district councils about the principles that should inform their plan development.

30 The other amendments I recommend are clarifications. In my opinion, the amendments I recommend do not alter the application of the policy. As such, I do not consider that any further evaluation under section 32AA is required.

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<sup>10</sup> 00231.034 Fish and Game, 00230.034 Forest and Bird

<sup>11</sup> 00121.021 Ravensdown

<sup>12</sup> Clause 10(2)(b)(i), Schedule 1, RMA – consequential to 00121.021 Ravensdown

<sup>13</sup> 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; Clause 16(2), Schedule 1, RMA.

<sup>14</sup> Clause 10(2)(b)(i), Schedule 1, RMA – consequential to 00121.021 Ravensdown

<sup>15</sup> Clause 16(2), Schedule 1, RMA

<sup>16</sup> 00226.092 Kāi Tahu ki Otago

<sup>17</sup> Clause 10(2)(b)(i), Schedule 1, RMA – consequential to 00121.021 Ravensdown

<sup>18</sup> Clause 10(2)(b)(i), Schedule 1, RMA – consequential to 00121.021 Ravensdown

<sup>19</sup> Clause 10(2)(b)(i), Schedule 1, RMA – consequential to 00121.021 Ravensdown

<sup>20</sup> Clause 10(2)(b)(i), Schedule 1, RMA – consequential to 00121.021 Ravensdown

## Managing interconnections and cumulative effects

- 31 In the opening line of IM-P5, Wise Response seeks to replace “[c]oordinate the management of...” with “manage”.<sup>21</sup> While I addressed the other relief sought by this submitter in relation to this policy, I did not specifically address this part of the submission. On further consideration, I agree that the amendment sought aligns with the title of the policy. I recommend accepting that part of the submission point. I consider that further clarity could be provided by amending “manage” to “manage the use and development of” interconnected natural and physical resources. That makes it plain what is being managed.
- 32 Like IM-P4, I understand there is some uncertainty about how IM-P5 is intended to be implemented. In this instance, I consider the policy is relevant to all resource management decision-making (including on plans and resource consent applications). For clarity, I recommend an additional amendment to the chapeau of this policy to clarify when and how it is to be applied. I consider this is a minor amendment in accordance with clause 16(2) of Schedule 1.
- 33 As notified, the IM chapter contained IM-P13 providing direction on managing cumulative effects as well as a description of the different types of cumulative effects to be managed in regional and district plans in IM-M1(4).
- 34 OWRUG submitted that, as drafted, IM-P13 would be “very difficult to apply as cumulative effects by their very nature are not always able to be ‘explicitly accounted’ for.” The submitter states that this requirement “may give rise to an impossible position”. I agree with OWRUG and recommended deleting this policy in paragraph 413 of my section 42A report.
- 35 On further reflection, I appreciate that it was IM-P13 that provided the policy direction to IM-M1(4) and without that policy, it is difficult to understand what that part of the method is implementing.
- 36 Greenpeace, WAI Wanaka, and Waka Kotahi seek to retain IM-P13 as notified, and Environment Canterbury seeks that IM-P13 is either retained as notified or has the original intent preserved.<sup>22</sup> Similarly to Environment Canterbury, the Director-General of Conservation seeks that the intent be retained, but that it be amended to function as a policy or action.<sup>23</sup>

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<sup>21</sup> 00509.035 Wise Response

<sup>22</sup> 00013.006 Environment Canterbury, 00407.020 Greenpeace, 00222.004 WAI Wanaka, 00305.009 Waka Kotahi

<sup>23</sup> 00137.045 DOC



- 37 I have considered reinstating the policy but continue to have the same concerns regarding its implementation as expressed in my section 42A report. In my view, it is the emphasis on managing cumulative effects which is the key part of this policy. In light of the submissions by Environment Canterbury and the Director-General of Conservation, I have reconsidered the remaining policies in the IM chapter to understand whether an amendment to an existing policy would provide a way to retain the direction on managing cumulative effects without the difficulties of IM-P13 itself.
- 38 IM-P5 requires managing interconnected natural and physical resources by recognising a list of particular matters. In my opinion, managing cumulative effects (including, for example, effects that are spatially or temporally distant from their cause) is a necessary component of managing interconnected resources. I recommend amending IM-P5 to include a new clause (4) that contains some of the relevant policy direction on managing cumulative effects from IM-P13. This also assists with clarifying how IM-O3 will be achieved.
- 39 I recommend the following amendments:

#### **IM-P5 – Managing environmental interconnections**

In resource management decision-making,<sup>24</sup> manage the use and development ~~Coordinate the management<sup>25</sup>~~ of interconnected *natural and physical resources* by recognising ~~and providing for:~~<sup>12</sup>

- (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,<sup>13</sup> 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*, ~~and~~
- (4) the impact of individual and cumulative effects on the form, function, and resilience of Otago's environment and the opportunities available for future generations.<sup>26</sup>

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<sup>24</sup> Clause 16(2), Schedule 1, RMA

<sup>25</sup> Clause 16(2), Schedule 1, RMA

<sup>26</sup> 00013.006 Environment Canterbury, 00137.045 DOC

## Section 32AA evaluation

- 40 I do not consider the amendments I now recommend to this policy require further evaluation under section 32AA. The amendments I have recommended to the chapeau are amendments of clarification, rather than substance. The addition of new clause (4) simply moves notified policy direction (which was considered as part of the Section 32 Evaluation Report) from a standalone policy into IM-P5.
- 41 I consider this is more effective and efficient than the notified provisions in achieving IM-O2 (which requires recognising that the environment is an interconnected system) as my recommendations still seek to delete the problematic aspects of the original policy direction on managing cumulative effects (IM-P13) that could be very difficult to apply in practice, but retain the general intent in a more appropriate location within the chapter.

### **Relationship between IM-P10(1) and HAZ-NH-P4**

- 42 In section 6.21 of Chapter 6 of the s42A report, I discussed the submissions on IM-P10 – Climate change adaptation and mitigation.
- 43 The Director-General of Conservation seeks to include reference to the environment as well as existing activities in clause (1).<sup>27</sup> Kāi Tahu ki Otago seeks to delete “existing activities” and instead include reference to “the environment, including wai māori and wai tai, whenua ki uta and whenua ki tai, and air and atmosphere” for similar reasons to DOC.<sup>28</sup>
- 44 In paragraph 334 I recommended accepting in part the submissions of DOC and Kāi Tahu ki Otago so that the policy recognised the effects of climate change on the wider environment, not only on existing activities. On this basis, the reference in IM-P10(1) to existing activities was recommended to be deleted and replaced with “the environment”.
- 45 During pre-hearing discussions, submitters identified that HAZ-NH-P4 addresses natural hazard risks (including those arising from climate change) on existing activities which has some crossover with IM-P10(1). In light of that discussion, I consider that it would assist implementation for there to be clarity about how IM-P10(1) and HAZ-NH-P4 are intended to be applied. For this reason, although I am aware that existing activities are considered to be part of the environment, I recommend retaining “environment” and reinstating “existing activities” but

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<sup>27</sup> 00137.044 DOC

<sup>28</sup> 00226.098 Kāi Tahu ki Otago

moving it so that it appears after “environment” instead of before”, and incorporating a cross-reference to HAZ-NH-P4.

46 There are no submissions specifically seeking that a reference to HAZ-NH-P4 be included in clause (1). However, QLDC seeks unspecified amendments to IM-P7, IM-P8 and IM-P10 to set out a clearer framework for managing issues that have shared responsibility under the RMA, such as the risk from natural hazards.<sup>29</sup> I consider my additional amendment responds, in part, to this request by clarifying the link between the IM and HAZ-NH chapters.

47 I recommend the following amendments:

**IM-P10 – Climate change adaptation and climate change mitigation**<sup>30</sup>

Identify and implement climate change adaptation and climate change mitigation<sup>31</sup> methods for Otago that:

- (1) minimise the effects of climate change ~~processes or risks~~<sup>32</sup> ~~to existing activities on the environment~~<sup>33</sup> and on existing activities (including in accordance with HAZ-NH-P4),<sup>34</sup>

...

Section 32AA evaluation

48 The notified version of this policy included “existing activities” and was evaluated under section 32 of the RMA. The additional amendment I recommend is a cross-reference to HAZ-NH-P4. I do not consider this alters the scope or application of the policy, other than to clarify its relationship with HAZ-NH-P4. I do not consider further evaluation under section 32AA is required.

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Felicity Ann Boyd

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11 October 2022

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<sup>29</sup> 00138.009 Queenstown Lakes District Council

<sup>30</sup> Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.015 Wise Response

<sup>31</sup> Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.015 Wise Response

<sup>32</sup> 00509.044 Wise Response

<sup>33</sup> 00137.044 DOC, 00226.098 Kāi Tahu ki Otago

<sup>34</sup> 00138.009 Queenstown Lakes District Council