

BEFORE THE HEARINGS PANEL

IN THE MATTER

of the Resource Management
Act 1991

AND

IN THE MATTER

of Proposed Regional Policy
Statement for Otago 2021

EVIDENCE OF ANITA COLLIE FOR MATAKANUI GOLD LIMITED (#00021)

PLANNING

23 November 2022

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1. INTRODUCTION

- 1.1 My full name is Anita Clare Collie.
- 1.2 I am a planning consultant, employed by Town Planning Group as a Principal Planner. I hold a Bachelor of Science in Environmental Science (University of Western Australia). I have thirteen years' experience in the field of resource management planning and on numerous occasions have provided planning evidence in proceedings before Local Councils.
- 1.3 Although this is not an Environment Court hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
- 1.4 The key documents I have used, or referred to, in forming my view while preparing this statement of evidence are:
- (a) The proposed Regional Policy Statement for Otago 2021 (**pRPS**);
 - (b) The section 32 evaluations and accompanying information published by the Otago Regional Council (**Council**) in relation to the pRPS;
 - (c) The Council officers/planning representatives s42A reports;
 - (d) The information package provided by Oceana Gold (New Zealand) Limited (**OGL**) dated 21 July 2022;
 - (e) The submission filed by Matakanui Gold Limited (**MGL**);
 - (f) The Partially Operative Regional Policy Statement 2019 (**PORPS**); and
 - (g) The RMA 1991, and other statutory instruments including the National Planning Standards 2019 updated 2022.

2. SCOPE OF EVIDENCE

- 2.1 My evidence provides an evaluation of the submission by MGL on the pRPS.
- 2.2 My evidence is structured to firstly provide background and contextual information, including the genesis of the relevant mining provisions within the PORPS and then evaluates the submission of MGL including where practicable, the recommended amendments by the Council's Section 42A reports.
- 2.3 My evidence focuses on mining within terrestrial environments, i.e. outside of the coastal environment, and as provided for in the jurisdiction of this hearing process, outside of waterbodies where the National Policy Statement Freshwater Management 2020 and National Environmental Standards would otherwise also be relevant.

3. EXECUTIVE SUMMARY

- 3.1 There is a significant policy gap in the pRPS for the recognition of and social and economic benefits derived from mining while managing its adverse effects on the environment.
- 3.2 Mining has a functional need and an operational need to locate within sensitive environments and greater recognition of these constraints in the pRPS would be more appropriate than what was contained in the notified version.
- 3.3 The lack of recognition in the pRPS to mining and greater contemplation for mining to locate where the resource exists, which may be within sensitive environments, is in stark contrast by comparison to the PORPS which has a dedicated policy framework for mining.
- 3.4 In addition, the inclusion of mining/mineral extraction in the definition of "primary production" means that mining will be treated the same as farming activities and will be afforded priority to locate on highly productive land. Mining is a rural activity but is not an activity that relies on highly productive land as described in Policy LF-LS-P19. I consider the recommendations in the S42A report help address this issue.

- 3.5 I recommend that, at the least, there is greater policy recognition for the functional need of mining, and the social and economic benefits that can be derived from mining. I recommend amendments to several provisions as set out in my evidence.

4. BACKGROUND AND CONTEXT

MGL

- 4.1 MGL holds minerals exploration permit 60311 which applies to land generally located between Bendigo and Ophir, spanning the Dunstan Ranges, in the Central Otago District. MGL is in the process of developing a more detailed understanding of the land within the remit of its permit, with potentially very high minerals values, building on systematic modern exploration and academic studies over a period of more than 30 years since 1986.
- 4.2 Should the area be confirmed as viable for mining, the economic benefits to Central Otago, the Otago region and New Zealand could be substantial. MGL has a particular interest in the pRPS in relation to the management of the adverse effects, and recognition of the benefits of mining, particularly in terms of the direction the pRPS would provide to any review of the operative Central Otago District Plan, and in the context of the effect the pRPS would have in a resource consent context.

Mining and the Partially Operative Regional Policy Statement 2019 (PORPS)

- 4.3 I understand that the current mining provisions in the PORPS are the outcome of agreements reached through Environment Court mediation and were inserted into the PORPS by way of consent order. The exception being the following provisions where were determined by the Environment Court¹:

- (a) Policy 5.4.6 which relates to biological diversity offsetting;

¹ Oceana Gold New Zealand Limited and Ors. v Otago Regional Council [2019] NZEnvC 41 and Oceana Gold New Zealand Limited and Ors. v Otago Regional Council [2019] NZEnvC 137.

- (b) Policy 5.4.6A which relates to limits to biological diversity compensation; and
- (c) Policy 5.4.8(d) which relates to managing the adverse effects of mining on 'highly valued natural features, landscapes and seascapes'.

4.4 The PORPS framework consists of four key parts and provides a clear direction as it relates to mining, which I have summarised as follows:

Part A: Introduction

Part B: Objectives and Policies

Part C Implementation

Part D: Schedules and Appendices

4.5 Part A Introduction refers to mining for gold as a major source of revenue:

Agriculture is the basis of Otago's economic development and continues to be a major source of revenue, as does mining for gold and other minerals and education

4.6 The introductory text to Part B Chapter 3 makes two references to mining (bold emphasis):

People and communities need to sustainably manage the environment. Safeguarding the life-supporting capacity of natural resources and recognising the intrinsic values of ecosystems are essential to provide for the current and future wellbeing of people and communities.

The economy, particularly primary production, tourism, **and mineral and petroleum exploration and extraction**, strongly relies on the quantity and quality of natural resources and the ecosystem services they provide.

This chapter begins with the recognition and maintenance of all natural resources. The second part focuses on the identification, protection, and enhancement of natural resources that are nationally

or regionally important. **This chapter is not concerned with sustaining mineral resources for future generations.**

- 4.7 In the PORPS, Part A identifies that all objectives and policies are to be read together and no fixed hierarchy exists.
- 4.8 However, despite this statement, several activities with recognised 'functional constraints' defined as either Regionally Significant Infrastructure (**RSI**)², the National Grid³ and Mining⁴ are provided for by way of a dedicated policy framework, including where specific policies prevail over the more generic policies, particularly the policies that relate to managing the effects of certain activities on landscapes.
- 4.9 For mining, the relevant key policy is Policy 5.4.8, which by acknowledging the economic importance of mining to the Otago region, and the functional needs of mining, provides an alternative policy framework for managing the adverse effects of mining, in particular within sensitive environments including Outstanding Natural Landscapes, Outstanding Natural Features and Highly Valued Natural Features, Landscapes and Seascapes. Therefore, instead of policies such as Policy 3.2.4 applying which manages the effects of all other activities on Outstanding Natural Features and Outstanding Natural Landscapes, activities within the definition of RSI, the National Grid and mining are managed by a bespoke policy framework.

5. PROPOSED REGIONAL POLICY STATEMENT 2021 (pRPS)

- 5.1 In Minute 1, the Hearings Panel directed that submission evidence would be heard grouped under chapter headings of the pRPS. This section of my evidence firstly provides an evaluation of MGL's submission points relevant to the pRPS recognition of mining and its functional and operational needs to locate where minerals resources exist, which is relevant to several chapters of the pRPS. I then address specific provisions of the pRPS by chapter.

² PORPS Policy 4.3.1 and 4.3.2.

³ PORPS Policy 4.3.6.

⁴ PORPS Policy 5.4.8.

Recognition for Mining, and functional needs and operational needs

- 5.2 The bespoke policy frameworks and the '*prevail in the event of conflict*' clauses discussed above which exist within the PORPS remain for RSI and the National Grid in the pRPS (by virtue of the National Grid being defined as both Nationally Significant Infrastructure and Regionally Significant Infrastructure) through Objective EIT-INF-O4 and Policy EIT-INF-P13⁵, but this does not exist for mineral extraction.
- 5.3 Mining for minerals such as gold are confined to locate where the resource exists, yet there is no recognition of this in the pRPS.
- 5.4 There is recognition within the pRPS for the functional needs and operational needs for activities such as RSI but not for mining. For instance, Policies ECO-P4 (1)– Provision for new activities - specifies regionally significant infrastructure, Policy LF-PW-P9 – infrastructure within wetlands, Policy EIT-EN-P6 renewable energy, and Policy HAZ-NH-P9, hazard mitigation by the Regional Council. Provision EIT-INF-E2 – Explanation explains why Nationally significant infrastructure and RSI have functional and operational needs.
- 5.5 The recognition provided for RSI for example, is in my view disproportionate to the lack of recognition for mining. For example, the activities included within the pRPS's definition of RSI are very broad and while some of these activities such as the National Grid and some types of distribution (i.e. electricity sub-transmission infrastructure), and State Highways are clearly essential to social and economic wellbeing, and have genuine functional needs and operational needs. However other activities included in the definition of RSI, may not be worthy of the policy recognition they have been afforded, such as facilities for public transport, defence facilities, or community stormwater infrastructure.
- 5.6 These terms are not further elaborated upon or defined in the pRPS, nor National Planning Standards. The ambiguous nature of these activities means that if potentially insignificant infrastructure to the

⁵ As recommended to be amended in S42A version dated 31 October 2022.

region (such as a bus stop or a shed sought to be placed on an Outstanding Natural Feature by the Defence Force), it could be asserted that there is RSI policy support in the pRPS. By comparison, mining does not receive any recognition at all, despite the pRPS itself stating that mining contributes to 4.5% of the regions GDP.⁶

- 5.7 I consider it appropriate that the pRPS provide recognition that mining is important to the social and economic wellbeing of Otago communities, and that this activity is constrained to locate where minerals resources exist. This approach is compatible with the appropriate management of effects of mining.

UFD – Urban form and development

- 5.8 I note that the S42A report acknowledges the policy gap for mining through some recommended amendments to Policy UFD-P7(4) – Rural Areas by adding the following limbs (a) and (b) to limb 4:

UFD-P7 – Rural areas

The management of rural areas:

...

(4) facilitates primary production, rural industry and supporting activities and recognises:

(a) the importance of mineral and aggregate resources for the provision of infrastructure and the social and economic wellbeing of Otago's communities, and

(b) the requirement for mineral and aggregate activities to be located where those resources are present.

- 5.9 I generally support the intent of the s42A recommended amendment to Policy UFD-P7, though I recommend the terminology in limb (b) is amended as follows:

(b) the requirement for ~~mineral mining~~ and aggregate extraction activities to be located where those resources are present.

⁶ S42A version dated 31 October 2022, page 105

- 5.10 The replacement of the term “mineral” with “mining” is reflective of the definition in the Crown Minerals Act and the amendments improve the clarity of the policy.
- 5.11 I have also read and considered the information provided by OGL on 21 July 2022, including the amendments proposed to Policy UFD-P7 and a new policy (Policy UFD-PX) which would make greater recognition for the benefits of mining, its location constraints, and manages some effects associated with mining. I generally agree with the intent of the amendments policy and agree that the pRPS should have better provision for the location constraints of mining, expressed in terms of functional need and operational need.
- 5.12 I prefer the approach of a new policy (Policy UFD-PX) to the s42A proposed amendment to Policy UFD-P7. I consider a stand-alone policy provides greater clarity. I recommend a new policy UFD-PX, which is based upon, and similar to the policy recommended by OGL. I have set out my suggested policy drafting below.

UFD - PX – Primary production activities (including mining) with a functional need or operational need

Take into account the social and economic value of mining and mineral exploration as a primary production activity where such activities are constrained by functional or operational need.

- 5.13 I consider the above addition is more appropriate than the provisions in the pRPS because it provides greater recognition and contemplation of the locational constraints faced by mining, as well as the beneficial social and economic effects that can arise from mining. A new standalone policy is appropriate to address this issue, whereas UFD-P7 deals with the management of rural areas too generally in my opinion.
- 5.14 The submission of MGL identified that mining is included in the definition of primary production (in accordance with Standard 14 of the National Planning Standards). However, as drafted into the policies of the pRPS this is problematic because all references to primary production in the pRPS objective or policy framework refer to aspects that a mining operation, by its nature cannot achieve. For instance:

- (a) The life supporting capacity of the soil resource being safeguarded and the availability and productive capacity of highly productive land for primary production is maintained now and for future generations (Objective LF-LS-O11 – Land and Soil).
- (b) That highly productive land is identified based on the land use capability rating system and climate to support primary production and that the use of highly productive land is prioritised for primary production ahead of other land uses (Objective LF-LS-O11 and Policy LF-LS-P19 – Highly Productive Land).

5.15 The explanation and reasons for the above policies make no reference or correlation to the fact that mining, being part of the definition of primary production, is *encouraged* to locate on highly productive land.

5.16 I have reviewed the supplementary S42A report and recommended amendments to the pRPS which respond to the recently introduced National Policy Statement Highly Productive Land. I generally support the intent of the recommended changes to the pRPS to disengage from the broader defined term of ‘primary production’ and introduce the term ‘land-based primary production’.

5.17 MGL’s submission sought that mining is included as a defined term in the pRPS and that it be consistent with the definition provided in the Crown Minerals Act:

- (a) means to take, win, or extract, by whatever means, —
 - (i) a mineral existing in its natural state in land; or
 - (ii) a chemical substance from a mineral existing in its natural state in land; and
- (b) includes —
 - (i) the injection of petroleum into an underground gas storage facility; and
 - (ii) the extraction of petroleum from an underground gas storage facility; but
- (c) does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a).

5.18 I support adding a definition of mining. I note that the Section 42A version of the pRPS does not appear to have a definition for mining or mineral extraction, and the pRPS uses the term mining and mineral extraction interchangeably.

5.19 In my view it would be beneficial to providing clear interpretation if the term mining was defined and consistently used in the pRPS, and that when the policy refers to the term, it is therefore clear what is provided.

NFL – Natural features and landscapes

5.20 With regards to the management of Outstanding Natural Features and Outstanding Natural Landscapes. MGL’s submission sought the following amendments (underline and strike through).

NFL-P2 – Protection of outstanding natural features and landscapes

Protect the landscape values of outstanding natural features and landscapes from inappropriate subdivision, use and development by:

- (1) avoiding adverse *effects* on the identified values of the outstanding natural feature or landscape where there is no capacity to absorb change ~~that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding,~~ and
- (2) ~~avoiding, remedying or mitigating~~ minimising other adverse *effects*.

5.21 The Section 42A report recommends the following amendments, which are similar to the above amendments sought in the MGL submission:

NFL-P2 – Protection of outstanding natural features and landscapes

Protect outstanding natural features and landscapes outside the coastal environment from inappropriate subdivision, use and development¹³⁵⁸ by:

- (1) avoiding adverse *effects* on the values of the natural features and landscapes where there is limited or no capacity to absorb change use or development¹³⁵⁹ ~~that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding,~~ and
- (2) avoiding, remedying or mitigating other adverse *effects*.

(3) managing the adverse effects of infrastructure on the values of outstanding natural features and landscapes in accordance with EIT-INF-P13.¹³⁶⁰

5.22 Having considered the S42A report, other submissions and the above recommendation. I consider the following is the most appropriate way to provide policy direction for the Outstanding Natural Features and Outstanding Natural Landscapes in the region (written in clean text for clarity). I consider that the below iteration will achieve Section 6(b) of the RMA, while still providing an appropriate framework for each respective district plan within the Otago Region. The notified version in my opinion was too narrowly focused and would not appropriately enable the management of Outstanding Natural Features and Landscapes as required by the respective District Plans.

5.23 My preferred drafting is:

NFL-P2 – Protection of outstanding natural features and landscapes

Protect the landscape values of outstanding natural features and landscapes outside of the coastal environment, from inappropriate subdivision, use and development by:

- (1) avoiding adverse effects on the identified landscape values of the outstanding natural feature or landscape where there is no capacity to absorb the effects of use or development, and
- (2) avoiding, remedying or mitigating other adverse *effects*.
- (3) managing the adverse effects of infrastructure on the values of outstanding natural features and landscapes in accordance with EIT-INF-P13.

ECO – Ecosystems and indigenous biodiversity

5.24 MGL's submission requested an amendment to Policy ECO-P4. Policy ECO-P4 provides recognition for activities that have functional and/or operational needs where these may affect indigenous biodiversity. Mining is a suitable candidate because it must locate where the resource exists, and there is the potential that this may affect indigenous biodiversity.

5.25 I support the inclusion of mining into Policy ECO-P4, noting that the inclusion of mining in this policy as follows does not in my view weaken the environmental protection of indigenous biodiversity. The effects management hierarchy in Policy ECO-P6 applied to mining activities will ensure that the policy framework continues to achieve Objective ECO-O1.

5.26 I recommend Policy ECP-P4 is amended as follows (underline text):

ECO-P4 – Provision for new activities

Maintain Otago's indigenous *biodiversity* by following the sequential steps in the effects management hierarchy set out in ECO-P6 when making decisions on plans, applications for resource consent or notices of requirement for the following activities in *significant natural areas*, or where they may adversely affect indigenous species and ecosystems that are taoka:

- (1) the development or upgrade of *nationally* and *regionally significant infrastructure, and mining and minerals exploration activities*, that has a *functional* or *operational need* to locate within the relevant *significant natural area(s)* or where they may adversely affect indigenous species or ecosystems that are taoka,
- (2) the development of *papakāika*, marae and ancillary facilities associated with customary activities on Māori land,
- (3) the use of Māori land in a way that will make a significant contribution to enhancing the social, cultural or economic well-being of *takata whenua*,
- (4) activities that are for the purpose of protecting, restoring or enhancing a *significant natural area* or indigenous species or ecosystems that are taoka, or
- (5) activities that are for the purpose of addressing a severe and immediate *risk* to public health or safety.

Anita Clare Collie

23 November 2022

APPENDIX A: FULL TEXT OF SPECIFIC PROVISIONS PARTIALLY REFERRED TO IN EVIDENCE

S42A report version of pRPS

UFD-P7 – Rural areas

The management of *rural areas*:

- ~~(1) — provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,~~¹⁴²⁴
- (2) outside areas identified in (1),¹⁴²⁵ maintains the *productive capacity*,¹⁴²⁶ amenity and character of *rural areas*, as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region,¹⁴²⁷
- (3) ~~enables-prioritises~~¹⁴²⁸ land-based primary production food and fibre production¹⁴²⁹ ~~primary production~~¹⁴³⁰ particularly on land or soils within areas¹⁴³¹ ~~identified as on highly productive land land~~¹⁴³² in accordance with LF-LS-P19,¹⁴³³
- (4) facilitates *primary production*,¹⁴³⁴ *rural industry* and supporting activities and recognises:
 - ~~(a) — the importance of mineral and aggregate resources for the provision of infrastructure and the social and economic well-being of Otago’s communities, and~~
 - ~~(b) — the requirement for mineral and aggregate activities to be located where those resources are present,~~¹⁴³⁵
- (5) directs ~~rural residential and~~¹⁴³⁶ *rural lifestyle* development to areas zoned for that purpose in accordance with UFD-P8,
- (5A) provides for the use by Kai Tahu of Native Reserves and *Te Ture Whenua Māori Land*¹⁴³⁷ for papakāika, kāika, nohoaka, marae and marae related activities, and otherwise provides for Kai Tahu use of rural areas and the resources and values they contain,¹⁴³⁸
- (6) restricts the establishment of ~~residential activities, sensitive activities, and non-rural businesses~~ non-rural activities¹⁴³⁹ which could adversely affect, including by way of reverse sensitivity; or fragmentation, the *productive capacity*¹⁴⁴⁰ of *highly productive land*¹⁴⁴¹ or existing or potential¹⁴⁴² *primary production* and *rural industry* activities, unless those sensitive activities are undertaken in accordance with UFD-P4, UFD-P8 or UFD-P9 as relevant,¹⁴⁴³ ~~and~~
- ~~(7) — otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate:~~
 - ~~(a) — an functional need or operational need to be located in rural areas, and~~
 - ~~(b) — methods to avoid adverse effects, including by way of reverse sensitivity, on rural productive capacity and amenity values, or where avoidance is not practicable, remediation or mitigation, and~~¹⁴⁴⁴
- (7A) may place constraints on certain rural activities where necessary for the effective management of nationally significant infrastructure or regionally significant infrastructure.¹⁴⁴⁵

OGL Drafting dated 21 July 2022

UFD- PX – Primary Production Activities which have a functional need or operational need

Provide for the management of natural and physical resources which allows for the continued operation, maintenance and development of primary production activities, particularly those which are constrained by the functional need to locate where the natural resource is, by:

- (a) Recognising the value and long term benefits of the activity to the economic, social and cultural wellbeing of the region;
- (b) Recognising the value and long term benefits of primary production activities which support significant infrastructure, life line utilities and other industry in the region;
- (c) Ensuring that the adverse effects of primary production are appropriately managed;
- (d) Maintain and where appropriate enhancing access to natural and physical resources;
- (e) Avoiding or minimising the potential for reverse sensitivity; and
- (f) Ensuring positive environmental outcomes are achieved.

Proposed Otago Regional Policy Statement 2019

Policy 5.4.6 Offsetting for indigenous biological diversity

Consider indigenous biological diversity offsetting, when:

- a) Residual adverse effects of activities cannot be avoided, remedied or mitigated;
- b) The offset achieves no net loss and preferably a net gain in indigenous biological diversity;
- c) The offset ensures there is no loss of individuals of Threatened taxa other than kānuka (*Kunzea robusta* and *Kunzea serotina*), and no reasonably measurable loss within the ecological district to an At Risk-Declining taxon, other than mānuka (*Leptospermum scoparium*), under the New Zealand Threat Classification System (“NZTCS”);
- d) The offset is undertaken where it will result in the best ecological outcome, preferably;
 - i. Close to the location of development; or
 - ii. Within the same ecological district or coastal marine biogeographic region;
- e) The offset is applied so that the ecological values being achieved are the same or similar to those being lost;
- f) The positive ecological outcomes of the offset last at least as long as the impact of the activity, preferably in perpetuity;
- g) The offset will achieve biological diversity outcomes beyond results that would have occurred if the offset was not proposed;
- h) The delay between the loss of biological diversity through the proposal and the gain or maturation of the offset’s biological diversity outcomes is minimised.

Policy 5.4.6A Biological Diversity Compensation

Consider the use of biological diversity compensation:

a) When:

- i. Adverse effects of activities cannot be avoided, remedied, mitigated or offset; and
- ii. The residual adverse effects will not result in
 1. The loss of an indigenous taxon (excluding freshwater fauna and flora) or of any ecosystem type from an ecological district or coastal marine biogeographic region;
 2. Removal or loss of viability of habitat of a threatened or at risk indigenous species of fauna or flora under the New Zealand Threat Classification System (“NZTCS”);
 3. Removal or loss of viability of an originally rare or uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna;
 4. Worsening of the NZTCS conservation status of any threatened or at risk indigenous freshwater fauna.

b) By applying the following criteria:

- i. The compensation is proportionate to the adverse effect;
- ii. The compensation is undertaken where it will result in the best practicable ecological outcome, preferably;
 1. Close to the location of development;
 2. Within the same ecological district or coastal marine biogeographic region;
- iii. The compensation will achieve positive biological diversity outcomes that would not have occurred without that compensation;
- iv. The positive ecological outcomes of the compensation last for at least as long as the adverse effects of the activity; and
- v. The delay between the loss of biological diversity through the proposal and the gain or maturation of the compensation’s biological diversity outcomes is minimised.

Policy 5.4.8 Adverse effects from mineral and petroleum exploration, extraction and processing

Manage adverse effects from the exploration, extraction and processing of minerals and petroleum, by:

a) Giving preference to avoiding their location in all of the following:

- i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment;
- ii. Outstanding natural character in the coastal environment;

- iii. Outstanding natural features and natural landscapes, including seascapes, in the coastal environment;
 - iv. Areas of significant indigenous vegetation and significant habitats of indigenous fauna beyond the coastal environment;
 - v. Outstanding natural character in areas beyond the coastal environment;
 - vi. Outstanding natural features and landscapes beyond the coastal environment;
 - vii. Outstanding water bodies or wetlands;
 - viii. Places or areas containing historic heritage of regional or national significance; ix. Areas subject to significant natural hazard risk;
- b) Where it is not practicable to avoid locating in the areas listed in a) above because of the functional needs of that activity:
- i. Avoid adverse effects on the values that contribute to the significant or outstanding nature of a) i-iii;
 - ii. Avoid, remedy or mitigate, as necessary, adverse effects on values in order to maintain the outstanding or significant nature of a)iv-viii;
 - iii. Consider first biological diversity offsetting, and then biological diversity compensation, if adverse effects described in b)ii. on indigenous biological diversity cannot be practicably remedied or mitigated;
 - iv. Minimise any increase in natural hazard risk through mitigation measures;
 - v. Consider environmental compensation if adverse effects described in b) ii, other than on indigenous biological diversity, cannot practically be avoided, remedied or mitigated;
- ba) Avoid significant adverse effects on natural character in all other areas of the coastal environment;
- c) Avoiding adverse effects on the health and safety of the community;
- d) Avoiding, remedying, or mitigating adverse effects on other values including highly valued natural features, landscapes and seascapes in order to maintain their high values;
- e) Considering biological diversity offsetting or compensating for residual adverse effects on other values;
- f) Reducing unavoidable adverse effects by:
- i. Staging development for longer term activities; and
 - ii. Progressively rehabilitating the site, where possible;
- g) Applying a precautionary approach (including adaptive management where appropriate) to assessing the effects of the activity, where there is scientific uncertainty, and potentially significant or irreversible adverse effects.

Where there is a conflict, Policy 5.4.8 prevails over policies under Objective 3.2, (except for policy 3.2.12) Policy 4.3.1 and Policy 5.2.3.