

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Otago Regional Policy Statement  
2021

**AND**

**IN THE MATTER** of submissions by Ravensdown Limited  
(Submitter ID. 00121)

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**STATEMENT OF EVIDENCE OF CARMEN WENDY TAYLOR**

**ON BEHALF OF RAVENSDOWN LIMITED**

**23 NOVEMBER 2022**

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## SUMMARY

- A. Ravensdown Limited (**Ravensdown**) lodged submissions on the Proposed Otago Regional Policy Statement 2021 (**PORPS 2021**). Ravensdown's submissions focussed on provisions that are of relevance to its Dunedin Works (manufacturing) site, its bulk stores as well as the provisions which are of relevance to farming activities undertaken by Ravensdown's farming shareholders in the Otago region.
- B. Given this context, submissions stated that Ravensdown generally supported the aspirational purpose of the PORPS 2021 to achieve long-term sustainability, by integrating the protection, restoration, enhancement and use of the region's natural and physical resources. However, Ravensdown's submissions also sought a number of amendments to proposed PORPS 2021 provisions.
- C. Having reviewed the relevant section 42A Reports and subsequent supplementary evidence, in the context of the recommendations on Ravensdown's submissions, it was considered that some of the issues raised in Ravensdown's submissions still needed to be addressed at this hearing. To that end, Ms Wilkes (ESG and Policy Manager) from Ravensdown, and myself (Consultant Planner) have prepared evidence which is currently before the Hearings Panel.
- D. In relation to Ravensdown's submissions on provisions addressed under the MW, CE, LF, HAZ and NFL topic headings (Topics 04, 08, 09, 12 and 14 respectively), I support the amendments recommended in the relevant section 42A Reports and/or subsequent supplementary evidence. For this reason, I have not specifically referred to any of these provisions within my evidence.
- E. There are also PORPS 2021 provisions which I do not traverse in my evidence where I support or am willing to accept the recommendations of the section 42A Reports or subsequent supplementary evidence. Where this is the case, I note this in **Sections 3 to 9** of my evidence, but do not discuss the provisions further.
- F. There are also two instances where I have explained in my evidence why I accept the recommendations of the relevant section 42A Reports or supplementary evidence. These instances are:
  - (a) **Integrated Management** (Topic 6 / **Section 4** of my evidence). The recommendations of the supplementary evidence for this topic have addressed my concerns in relation to **Objective IM-O3** and **Policy IM-P10**.
  - (b) **Energy, Infrastructure and Transport / Transport** (Topic 11 / **Section 7** of my evidence). I support Mr Langman's recommended amendments, as contained in his supplementary evidence (dated 11 October 2022), to the definition of '**commercial port activity**' as it now appropriately refers to the Ravensbourne wharf. I also support the consequential amendments to Policy **EIT-TRAN-P23** and **Method EIT-TRAN-M7**, while requesting, for completeness, that a similar consequential amendment to **Method EIT-TRAN-M8**.
- G. Finally, there are also PORPS 2021 provisions, as discussed in my evidence, where I am of the opinion that further amendments are required to address the issues raised in Ravensdown's submissions. The topics and/or provisions which fall into this category, are as follows:

- (a) **Definitions and Abbreviations** (Topic 03 / **Section 3** of my evidence). The inclusion of the National Policy Statement for Freshwater Management 2020 (**NPS-FM 2020**) definition of ‘**receiving environment**’ in the PORPS 2021, which solely relates to water bodies, is not necessary and is too narrowly focussed given the broader role of the PORPS 2021.
  - (b) **Air** (Topic 7 / **Section 5** of my evidence). While supporting the intent of the PORPS 2021’s AIR provisions, I have requested a range of amendments to **Objective AIR-O2, Policies AIR-P1 to AIR-P6** and **Method AIR-M2**. These provisions require amendments, in my opinion, to ensure that the PORPS 2021 is consistent with approaches used throughout New Zealand and to also ensure that the provisions are logical and workable.
  - (c) **Ecosystem and Indigenous Biodiversity** (Topic 10 / **Section 6** of my evidence). The recommended amendment to **Policy ECO-P6** does not apply the ‘effects management hierarchy’ in a manner consistent with the exposure draft of the National Policy Statement for Indigenous Biodiversity 2022 (**EP NPS-IB**) (or the NPS-FM 2020). I therefore request amendments to Policy ECO-P6 to address this issue.
  - (d) **Energy, Infrastructure and Transport / Energy** (Topic 11 / **Section 7** of my evidence). The recommended Policy **EIT-EN-P5** retains an ‘avoid’ intent in relation to new non-renewable electricity generation. In my opinion, this is problematic and is not consistent with the relevant energy objectives.
  - (e) **Hazards and Risks / Contaminated Land** (Topic 12 / **Section 8** of my evidence). In my opinion, there is unnecessary repetition contained in **Policy HAZ-CL-P14** which can easily be amended.
  - (f) **Urban Form and Development** (Topic 15 / **Section 9** of my evidence). The UFD provisions rely on the recommended definitions for ‘**urban area**’ and ‘**rural area**’. In my opinion, the ‘rural area’ definition is not needed, is not realistic and therefore should be deleted. I also request an amendment to the ‘urban area’ definition to clarify that it only includes industrial zoned land in areas that are urban in character.
- H. For completeness, my acceptance of recommended amendments, as well as the requested amendments which I have sought within my evidence, are provided in the table contained in **Appendix B** of my evidence.

## **1. INTRODUCTION**

### **Background - My Role for Ravensdown Limited**

- 1.1 My name is Carmen Wendy Taylor. I am a Consultant Planner, and Partner, at Planz Consultants Limited (**Planz**).
- 1.2 Ravensdown Limited (**Ravensdown**) lodged submissions on the Proposed Otago Regional Policy Statement 2021 (**PORPS 2021**). I prepared the submissions on behalf of Ravensdown in conjunction with Ms Anna Wilkes, Ravensdown's ESG and Policy Manager. Ravensdown did not prepare any further submission/s.
- 1.3 An overview of my expert qualifications and experience are set out in **Appendix A** of my evidence.

### **Code of Conduct**

- 1.4 I acknowledge that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court updated Practice Note 2014, and agree to comply with it. 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.
- 1.5 I note that two of my colleagues at Planz, Ms Susannah Tait and Mr Matthew (Matt) Bonis, are also presenting planning evidence at this hearing. Ms Tait is presenting evidence on behalf of Fonterra Limited, and Mr Bonis is presenting evidence on behalf of Christchurch International Airport Limited. While Ms Tait's and Mr Bonis' evidence addresses a number of the PORPS 2021 provisions that I also traverse in evidence, and while different solutions or approaches may have been put forward to what I have proposed, in my opinion, having reviewed both Ms Tait's and Mr Bonis' draft evidence, I do not consider these differences are in conflict or contrary to each other.

## **2. SCOPE OF EVIDENCE**

- 2.1 As background, Ravensdown's submissions on the PORPS 2021 (dated 3 September 2021) focussed on provisions that are of relevance to its Dunedin Works (manufacturing) site, its bulk stores, as well as the provisions which are of relevance to farming activities undertaken by Ravensdown's farming shareholders in the Otago region. Given this context, the submissions<sup>1</sup> stated that Ravensdown generally supported the aspirational purpose of the PORPS 2021 to achieve long-term sustainability, by integrating the protection, restoration, enhancement and use of the region's natural and physical resources. However, while generally supporting the PORPS 2021, Ravensdown's submissions also sought a number of amendments to proposed provisions.

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<sup>1</sup> At paragraph 1.6 of Ravensdown's submission. This submission point (Sub. No. 00121.001) is identified in section 42A Report 01 (Introduction and General Themes) where it is accepted in part.

- 2.2 Having reviewed the recommendations of the various section 42A Reports<sup>2,3</sup> and the supplementary evidence (dated 11 and 21 October 2022) prepared by various Officers on behalf of the Otago Regional Council (**Council**), as well as having participated in a number of the prehearing meetings and reviewed the associated outcomes, Ravensdown has decided to present company and planning evidence traversing the remaining matters or issues arising from Ravensdown's submission points.
- 2.3 Ravensdown's company evidence, which I have read and considered in preparing my evidence, has been prepared by Ms Wilkes, Ravensdown's ESG and Policy Manager. Ms Wilkes' evidence traverses Ravensdown's interest in regulatory processes, its shareholders in Otago, its business operations generally, as well as an overview of its operations at the Dunedin Works.
- 2.4 I confirm that my evidence does not traverse the freshwater planning instrument parts of the PORPS 2021 which were re-notified on 30 September 2022.
- 2.5 My evidence does not specifically discuss PORPS 2021 provisions where I agree with the recommendations of the section 42A Report and the Council's supplementary evidence, or the outcomes of the prehearings<sup>4</sup>. However, on occasion, solely to provide some context, my evidence does discuss provisions where I do agree with the Council's recommendations and/or the prehearing outcomes. I note that for completeness, my agreement with the proposed provisions is identified in **Appendix B** of my evidence.
- 2.6 The remaining issues arising from Ravensdown's submissions discussed in my evidence, and which are grouped according to topics, are considered under the following headings:
- (a) **Definitions and abbreviations** (section 42A Report 03) provisions are discussed in **Section 3** of my evidence, with the only remaining issue related to the proposed '**receiving environment**' definition;
  - (b) **IM – Integrated management** (section 42A Report 06) provisions, namely **Objective IM-O3** and **Policy IM-P10**, are discussed in **Section 4** of my evidence;
  - (c) The **AIR – Air** (section 42A Report 07) provisions of the PORPS 2021, which Ravensdown submitted on, are addressed in **Section 5** of my evidence;
  - (d) An **ECO – Ecosystem and indigenous biodiversity** (section 42A Report 10) provision, namely **Policy ECO-P6**, is addressed in **Section 6** of my evidence;

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<sup>2</sup> Ravensdown did not submit on PORPS 2021 provisions which are assessed in the '**05 – Part 2 – Resource Management Overview**', '**13 – HCV- Historical and Cultural Values**' and '**16 – Part 4 – Evaluation and Monitoring**' section 42A Reports. Therefore, these section 42A Reports have not been considered further by Ravensdown.

<sup>3</sup> While there are Ravensdown submission points discussed in the '**01 – Introduction and General Themes**' and '**02 – Part 1 – Introduction and General Provisions**' section 42A Reports, these submissions points have not been specifically discussed within my evidence. This is because the section 42A Report 01 submission points (Sub. No's 00121.001 and 00121.002) relate to high-level comments on the PORPS 2021 and the section 42A Report 02 submission point (Sub. No. 00121.015) is a consequential change arising from a specific submission point assessed within the '**06 – IM – Integrated Management**' section 42A Report.

<sup>4</sup> While Ravensdown did submit on a '**MW – Mana whenua**' (section 42A Report 04) provision, a number of '**CE – Coastal Environment**' (section 42A Report 08), '**LF – Land and Freshwater**' (section 42A Report 09), '**HAZ-NH – Natural hazard**' (section 42A Report 12) and '**NFL – Natural features and landscapes**' (section 42A Report 14) provisions of the PORPS 2021, I consider, based on the section 42A Report's recommendations, the Council's supplementary evidence and the outcomes of the prehearing, that there are no outstanding issues that I need to traverse within my evidence.

- (e) Transport (the definition of **‘commercial port activity’** and **related provisions**) and energy (**Policy EIT-EN-P5**) provisions, which form part of the **EIT – Energy, infrastructure and transport** (section 42A Report 11) chapter of the PORPS 2021, are addressed in **Section 7** of my evidence;
- (f) A contaminated land provisions (**Policy HAZ-CL-P14**), which is contained in the **HAZ – Hazards and risks** (section 42A Report 12) chapter of the PORPS 2021, is addressed in **Section 8** of my evidence;
- (g) **UFD – Urban form and development** (section 42A Report 15) provisions, specifically the definition of **‘rural area’** and **‘urban area’**, are discussed in **Section 9** of my evidence; and
- (h) A **conclusion** to my evidence is provided in **Section 10**.

2.7 As I have noted above, **Appendix B** of my evidence contains the provisions of the PORPS 2021 which Ravensdown submitted on in September 2021. Alongside these provisions I have identified, based on matters traversed in my evidence, as well as Ravensdown’s evidence, whether their retention (acceptance of the section 42A Report’s recommendations or the prehearing meeting outcomes or the recommendations contained in the Council’s supplementary evidence) is supported, or further amendments are being sought. Also, where a provision is now no longer part of this process, as it has been re-notified (on 30 September 2022) as a freshwater planning instrument, this has been noted in **Appendix B**.

2.8 In relation to the prehearing meetings organised by the Council, I note that, on behalf of Ravensdown, I participated in the prehearings where outstanding issues remained, based on a review of the various section 42A Reports, and where I did not have existing scheduling conflicts. To that end, I attended IM- Integrated Management, AIR – Air, LF – Land and freshwater (WAI, VM, FW and LS), ECO – Ecosystem and indigenous biodiversity and EIT – Energy, infrastructure and transport (TRAN only) prehearings. Ms Wilkes attended the Air – Air and LF – Land and freshwater (FW and LS only) with me.

### 3. DEFINITIONS AND ABBREVIATIONS (SECTION 42A REPORT 03) – DEFINITION OF ‘RECEIVING ENVIRONMENT’

3.1 Ravensdown submitted on two definitions (‘receiving environment’ and ‘waste’) assessed within the section 42A Report 03. As the section 42A Report has recommended the acceptance of Ravensdown’s submission in relation to the proposed ‘waste’ definition, I do not discuss this provision further within this section of my evidence. However, as the section 42A Report rejects Ravensdown’s submission on the ‘receiving environment’ definition, I do discuss this matter further below.

3.2 The PORPS 2021, as notified, contains a definition for ‘receiving environment’ as follows:

*Receiving environment - has the same meaning as in clause 1.4 of the National Policy Statement for Freshwater Management 2020 as set out in the box below)*

*Includes, but is not limited to, any water body (such as a river, lake, wetland, or aquifer) and the coastal marine area.*

- 3.3 Ravensdown, in its submission (Sub. No. 00121.009), requested the deletion of this definition. The reason that the deletion of the definition was requested was because the PORPS 2021 applies to all regional resource management issues, not just discharges to water bodies or the coastal marine area, which is what the proposed definition specifically refers to. As outlined in the submission, other examples include the receiving environment associated with discharges to air and the attributes and sensitivity of the receiving environment when considering landscape and visual effects of an activity. For this reason, Ravensdown considered that the provision of the narrow definition of ‘receiving environment’, as proposed within the PORPS 2021, was not appropriate as it did not reflect the broader understanding of the term often used in a resource management context.
- 3.4 The section 42A Report<sup>5</sup>, in rejecting Ravensdown’s submission, stated that the term ‘receiving environment’ is only used in the MW - Mana whenua, CE – Coastal environment and LF – Land and freshwater chapters of the PORPS 2021 and therefore the application of the definition in the PORPS 2021 is entirely appropriate. The retention of the notified definition of ‘receiving environment’ is therefore recommended in the section 42A Report.
- 3.5 While I acknowledge that the use of term ‘receiving environment’ is limited within the PORPS 2021, I remain of the opinion that the definition should be deleted, for the reasons outlined in Ravensdown’s submission (as outlined above in **paragraph 3.3**).
- 3.6 While the use of the term within the PORPS 2021 may be restricted to matters related to discharges to water bodies or the coastal environment (consistent with the use of the definition from the National Policy Statement for Freshwater Management 2020 (**NPS-FM 2020**)), it is important to recognise that the PORPS 2021 is an overarching resource management planning document that regional and district plans in the Otago region are to give effect to. On this basis, the PORPS 2021, given that it sets the policy direction for all resource management activities in the region, not just the management of discharges to water or coastal waters, should not unduly restrict what is understood to be the receiving environment for resource management activities.
- 3.7 Also, in relation to discharges to water, including the coastal marine area, the deletion of the definition of ‘receiving environment’ from the PORPS 2021 will not undermine its applicability to such discharges as the provisions of the NPS-FM 2020 will continue to apply to these activities.
- 3.8 In summary, as stated in **Appendix B** of my evidence, I consider that the NPS-FM 2020 definition of ‘receiving environment’ should be deleted from the Interpretation chapter of the PORPS 2021.

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<sup>5</sup> Section 3.5.8, paragraphs 53 to 56, of the section 42A Report 03.

## 4. IM – INTEGRATED MANAGEMENT (SECTION 42A REPORT 06)

### Introduction

- 4.1 Ravensdown submitted on a number of the provisions within this chapter of the PORPS 2021. This included: support of Policies IM-P5, IM-P8 to IM-P10 and IM-P15 and Methods IM-M3 and IM-M4; support in part of other provisions while requesting various amendments (Objectives IM-O1 to IM-O4 and Policy IM-P4); and, the deletion of Policies IM-P1, IM-P2 and IM-P13.
- 4.2 Following a review of the recommendations of the section 42A Report 06, there were only two provisions, Objective IM-O3 and Policy IM-P10, where I considered that there were still some issues that needed to be addressed. However, as overviewed in the following paragraphs of my evidence, my remaining concerns were discussed during the prehearing with the issues raised appropriately addressed through proposed amendments (as outlined in the supplementary evidence of Ms Boyd dated 11 October 2022).
- 4.3 In relation to all other provisions of this chapter, as stated in **Appendix B** of my evidence, I consider that the recommendations of the section 42A Report 06 and/or the amended provisions recommended within Council's supplementary evidence, are appropriate and reflect an appropriate integrated management approach for the management of the Otago region's resources.

### Objective IM-03

- 4.4 Objective IM-O3, as notified, sought to ensure that resource use activities are carried out in a manner that preserves environmental integrity, form, function and resilience so that the life-supporting capacities of air, water, soil, ecosystems and indigenous biodiversity endures for future generations.
- 4.5 Ravensdown, in its submission (Sub. No. 00121.017), stated that it understood the intent of the objective, but expressed a concern that the objective introduced concepts and terms that did not reflect the purpose of the Resource Management Act 1991 (**RMA**). In addition, Ravensdown noted that the reference to 'indigenous biodiversity' was not needed as this is inherent in providing for the life-supporting capacity of ecosystem. For these reasons, Ravensdown requested the following amendments to the notified objective:

*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.*

- 4.6 The section 42A Report effectively accepted in part Ravensdown's submission point<sup>6</sup> by rejecting the first part of the amendments requested and accepting the remainder of the requested amendments. In rejecting the requested amended wording to replace 'preserves environmental integrity, form, function and resilience', the section 42A Report acknowledged that the objective does introduce terms that are not defined in the RMA, or the PORPS 2021, and that this may introduce implementation uncertainty. However, the section 42A report then goes on to state that this is an

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<sup>6</sup> Section 6.8 (paras 116, 122 and 128) of the section 42A Report 06.



objective and that the terms used are well understood on their plain meaning. For these reasons, the section 42A Report's recommended amendments to Objective IM-O3 were as follows:

***IM-O3 - ~~Environmental~~Sustainable impact.** Otago's communities ~~carry out their activities in a way~~ provide for social, economic, and cultural well-being in ways<sup>7</sup> 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~~ for future generations.*

- 4.7 Except for one matter, I am comfortable with the amended objective, particularly as I agree that while the terms 'environmental integrity, form, function and resilience' may not be the terminology used within Part 2 of the RMA, they are terms that are well understood in their plain meaning. I also consider that these terms are not in conflict with the sustainable management purpose of the RMA.
- 4.8 The one concern that remained related to the retention of 'preserve' within the objective. Preserve, or preservation, in the context of the RMA, is associated with the need to preserve natural character under section 6(a) of the RMA. This opinion is supported by the fact that the majority of PORPS 2021 provisions only use 'preserve' in relation to the natural character of the coastal environment, wetlands, lakes, rivers and their margins. This is consistent with section 6(a) of the RMA.
- 4.9 I raised this concern during the IM prehearing. As a result of discussions during the prehearing, and following further discussions with the Planners from Aukaha, I proposed, for the reasons outlined above, that the terms 'support and restore' replace 'preserve' in the objective. As outlined in the supplementary evidence of Ms Boyd dated 11 October 2022, Council also supports this suggested amendment on the basis that provided life-supporting capacity is being achieved, some modification of the environment may still be appropriate (and thus the driver for absolute preservation is not needed). Accordingly, the recommended amended objective, which I support (as stated in **Appendix B** of my evidence), is now as follows:

***IM-O3 - ~~Environmental~~Sustainable impact.** Otago's communities ~~carry out their activities in a way~~ provide for social, economic, and cultural well-being in ways that support and restore ~~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~~ for future generations.*

#### **Policy IM-P10**

- 4.10 Policy IM-P10, as notified, aimed to identify and implement climate change adaption and mitigation methods that: minimise the effects of climate change on existing activities (Part (1)); prioritise avoiding the establishment of new activities subject to risks from climate change, unless the new activity reduces or is resilient to those risks (Part (2)); and, provide the people of Otago with the best chance to thrive, even under extreme climate change scenarios (Part (3)).

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<sup>7</sup> This amendment arises from a recommendation in the section 42A Report 06 in relation to requests for new objectives (Section 6.10, paras 148 and 150, of the section 42A Report 06). The recommendation, in error, was not included in the 4 May 2022 version of PORPS 2021.

4.11 Ravensdown, in its submission (Sub. No. 00121.025), supported this policy and requested its retention as notified. In supporting the policy, Ravensdown noted that in the context of what can be achieved under the RMA, and associated statutory planning documents, in relation to identifying and implementing climate change adaptation and mitigation methods, the policy reflected an appropriate resource management approach. In particular, given the presence of Ravensdown's Dunedin Works alongside Otago Harbour, the aim of minimising effects of climate change on existing activities was important to Ravensdown.

4.12 As a result of changes made to the policy in response to other submitters, the section 42A Report accepted, in part, Ravensdown's submission<sup>8</sup>. The section 42A Report's recommended amendments to Policy IM-P10 were as follows:

***IM-P10 – Climate change adaptation and climate change mitigation.** Identify and implement climate change adaptation and climate change mitigation methods for Otago that:*

- (1) minimise the effects of climate change ~~processes or risks to existing activities on the environment~~,*
- (2) ~~prioritise avoiding~~ the establishment of new activities in areas subject to significant risk from the effects of climate change, unless those activities reduce, or are resilient to, those significant 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 cultural resilience to the adverse effects of climate change, including by facilitating activities that reduce negative human impacts on the environment.*

4.13 Except for the change to Part (1) of the policy, I considered that the recommended amendments provide further clarity around the aim and intent of the policy and therefore I support these amendments.

4.14 My concern in relation to the change to Part (1) of the policy related to the proposed removal of the specific reference to 'existing activities', when the retention of this specific reference was supported by Ravensdown. I understood, based on my review of the section 42A Report assessment (at para 334), that the amendment to the clause, such that it now refers to minimising the effects on climate change on the environment, effectively means the wider environment which would include existing activities.

4.15 I raised this concern, principally as a matter of clarification, during the IM prehearing. Following discussions during the prehearing, and as outlined in the supplementary evidence of Ms Boyd dated 11 October 2022, Council has now proposed an additional amendment to Part (1) of Policy IM-P10 which effectively reinstates the specific reference, and thus recognition, of existing activities. The recommended amended Policy IM-P10(1), which I support (as stated in **Appendix B** of my evidence), is now as follows:

- (1) minimise the effects of climate change ~~processes or risks to existing activities on the environment and on existing activities (including in accordance with HAZ-NH-P4)~~,*

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<sup>8</sup> Section 6.21 (paras 315 and 342) of the section 42A Report 06.

## 5. AIR – AIR (SECTION 42A REPORT 07)

### Introduction

- 5.1 Ravensdown submitted on a number of the provisions within this chapter of the PORPS 2021. Ravensdown's submission requested the deletion of the 'polluted airshed' definition, the retention of Objective AIR-O1 as notified and amendments to all of the remaining provisions that it submitted on (Objective AIR-O2, Policies AIR-P1 to AIR-P6 and Method AIR-M2). The focus of Ravensdown's submission was to ensure that the AIR chapter provisions of the PORPS 2021 were consistent with approaches used throughout New Zealand and that they were also logical and workable.
- 5.2 Following a review of recommendations of the section 42A Report 07, and Ms Goslin's supplementary evidence dated 11 October 2022, I consider that the majority of issues raised in submissions have not been adequately considered or addressed. Therefore, except for the definition of 'polluted airshed' and Objective AIR-O1, I propose to address the remaining provisions which Ravensdown submitted on, in the following paragraphs of my evidence, under the following headings:
- (a) **Management of ambient air quality.** This section of my evidence relates to Policies AIR-P1 and AIR P2 of the PORPS 2021 and thus the management of the region's ambient air quality.
  - (b) **Discharges to air.** In this section of my evidence, I discuss the objective (Objective AIR-O2) and the four policies (Policies AIR-P3 to AIR-P6) that specifically traverse issues associated with discharges to air.
  - (c) **Method AIR-M2.** In this section of my evidence, I discuss amendments to this method that arise from Ravensdown's submission and/or the amendments I have requested to the AIR chapter objectives and policies.
- 5.3 For clarity, as stated in **Appendix B**, I am willing to accept the section 42A Report's recommended retention of the definition of 'polluted airshed' and the minor amendment to Objective AIR-O1 arising from another parties' submission.

### Management of Ambient Air Quality – Policies AIR-P1 and AIR-P2

- 5.4 The outcome sought by Objective AIR-O1 (as notified and now recommended by the section 42A Report) is that the region's ambient air quality provides for the health and well-being of people, amenity and mana whenua values and the life-supporting capacity of ecosystems. The notified versions of Policies AIR-P1 and AIR-P2, in support of Objective AIR-O1, aim to ensure that ambient air quality is maintained where it is 'good' (Policy AIR-P1), and where it is 'poor' it is improved (Policy AIR-P2). These two policies then outlined, in subsequent clauses of the policies, how the maintenance or improvement of ambient air quality was to be achieved.
- 5.5 Ravensdown's submission (Sub. No. 00121.031) on Policy AIR-P1 supported the intent of the policy to maintain 'good' air quality, but raised a number of issues with the actual wording. The submission identified that the issues largely revolved around the fact that the policy uses concepts that are not used in New Zealand.
- 5.6 The first issue, as outlined in the submission, is that, rather than just referring to 'good' ambient air quality, the policy should refer to requiring ambient air quality to be maintained in areas where relevant standards are complied with. This is because

compliance with relevant standards will ensure that the life-supporting capacity of the air resource is being safeguarded. Also, without specifying the criteria that determines whether or not ambient air quality is 'good', it is not possible to understand what quantifies the ambient air quality as 'good'.

- 5.7 Secondly, ambient air quality standards for New Zealand's key contaminants of concern are contained in the National Environmental Standards for Air Quality 2004 (amended 2011) (**NES-AQ**), although these national environmental standards are under review. In addition, for other contaminants, there are a range of international guidelines that are used by air quality specialists when considering the 'health' of ambient air quality and the effect of an activity or activities (i.e., guidelines provide guidance and thus absolute compliance is not always appropriate). On this basis, the development of new regional 'limits' within regional plans is not appropriate, or required.
- 5.8 Finally, the requirement for discharges to air to have no more than minor effects in circumstances where there is no defined 'limit', is not logical. This is because the 'no more than minor' test, under the RMA, only applies under two specific situations, that is notification determinations and the gateway tests for non-complying activities. It is not appropriate to elevate this test beyond that specified in the RMA. Ravensdown's submission considered that the policy's aim, to maintain ambient air quality in areas (airsheds) where ambient air quality standards are complied with, should be to avoid, remedy or mitigate adverse effects on ambient air quality from discharges to air. Avoidance, remediation or mitigation of adverse effects is consistent with the purpose of the RMA (section 5(2)(c)).
- 5.9 For the reasons outlined above in **paragraphs 5.5 to 5.8** above, Ravensdown's submission requested that Policy AIR-P1 was amended as follows:
- AIR-P1 – Maintain ~~good~~ ambient air quality. ~~Good~~ Ambient air quality is maintained across Otago, where ambient air quality standards are complied with, by:***
- (1) *ensuring discharges to air comply with ~~ambient~~ air quality standards or relevant guidelines ~~limits where those limits have been set, and~~*
- (2) *~~where limits have not been set, only allowing discharges to air if the adverse effects on ambient air quality are avoided, remedied or mitigated no more than minor.~~*
- 5.10 In relation to Policy AIR-P2, Ravensdown's submission (Sub. No. 00121.032) supported the aim of the policy to improve 'poor' ambient air quality using a range of mechanisms. However, similar to the issues raised in relation to Policy AIR-P1, Ravensdown's submission identified that Policy AIR-P2 introduces concepts that are not used in New Zealand when managing ambient air quality and discharges to air in accordance with the RMA.
- 5.11 Firstly, as stated in Ravensdown's submission, rather than requiring the improvement of 'poor' ambient air quality, the approach normally adopted in New Zealand is to require the improvement of ambient air quality where relevant standards are not complied with. In these circumstances, the state of the ambient air quality is referred to as degraded, not poor.
- 5.12 Secondly, standards for the management of key contaminants of concern are already provided within the NES-AQ (and will also be contained in the amended national

environmental standards) and international guidelines, and therefore the establishment of regional 'limits' is not necessary. Therefore, to improve ambient air quality, where relevant standards are not complied with, Ravensdown in its submission, considered that the policy direction should focus on requiring discharges to air to be appropriately managed, and degradation minimised, where the discharge of contaminants contribute to the degradation within the relevant airshed.

5.13 Finally, Ravensdown's submission stated that the last part of this policy is not applicable, as since 2005 the NES-AQ has specified the requirements for domestic solid fuel burning appliances (i.e., those that can and cannot be installed in New Zealand). Thus, since 2005, all new domestic solid fuel burning appliances that have been installed in New Zealand should be compliant with the NES-AQ.

5.14 For the reasons outlined above in **paragraphs 5.10 to 5.13** above, Ravensdown's submission requested that Policy AIR-P2 was amended as follows:

***AIR-P2 – Improve ~~poor~~ degraded ambient air quality. ~~Poor Degraded ambient air quality, where ambient air quality standards are not complied with, is improved across Otago including by:~~***

- (1) ~~establishing, maintaining and enforcing plan provisions that set limits and timeframes for improving ambient air quality, including by managing discharges to air so that the discharge of contaminants that contribute to the degradation are minimised,~~*
- (2) ~~managing the spatial distribution of activities and transport, and~~*
- (32) ~~prioritising actions to reduce PM<sub>10</sub> and PM<sub>2.5</sub> concentrations in polluted airsheds, including phasing out existing domestic solid fuel burning appliances and preventing any discharges from new domestic solid fuel burning appliances that do not comply with the standards set in the NESAQ.~~*

5.15 The section 42A Report<sup>9</sup> rejected Ravensdown's submission on Policy AIR-P1 and recommended the retention of the policy as notified. The high level reasoning seemed to be, as I understand it, that air quality monitoring shows that the NES-AQ and the provisions of the operative Regional Plan: Air for Otago<sup>10</sup> (**Air Plan**) are not being complied with. The section 42A Report then states that the future regional air plan will provide an interim step for meeting the NES-AQ standards and therefore Policy AIR-P1 needs to reflect this.

5.16 Following discussions at the prehearing meeting, Ms Goslin, in her supplementary evidence<sup>11</sup>, reconsidered a number of matters raised by submitters. Ms Goslin's supplementary evidence acknowledges that the provision of further clarity around what constitutes 'good' ambient air quality, and the need to clarify the framework for the future regional air plan, within Policy AIR-P1, was appropriate. To provide this clarity, Ms Goslin recommends that the policy should use a less specific reference to 'limits', rather than 'ambient air quality standards'. Ms Goslin considers that this

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<sup>9</sup> Section 7.7 (paragraphs 49 and 51 to 57) of the section 42A Report 07.

<sup>10</sup> Schedule 1 of the Air Plan contains Regional Ambient Air Quality Guidelines (RAAQG) which contain 'Otago Goal Levels' which equate to 66% of MfE's 'Ambient Air Quality Guidelines' (1994 and 2002) as well as the ambient air quality standards contained in Schedule 1 of the NES-AQ. The NES-AQ standards included in Schedule 1 of the Air Plan became operative in 2009, prior to the 2011 amendment to the national environmental standards. Policy 8.1.1 of the Air Plan require that regard is had to the Otago Goal Levels in Schedule 1 and that the NES-AQ is complied with.

<sup>11</sup> Paragraphs 5 to 15 of Ms Goslin's supplementary evidence dated 11 October 2022.

approach provides flexibility for the future regional air plan to set limits not prescribed in the NES-AQ, or any subsequent amendment. Ms Goslin's supplementary evidence therefore recommends that Policy AIR-P1 is amended as follows:

***Policy AIR-P1 – Maintain ~~good~~ ambient air quality. ~~Where Good~~ ambient air quality is at or better than the limits set, that air quality is maintained at least at the existing quality by allowing discharges to air ~~across Otago~~ by:***

- (1) ~~ensuring discharges to air comply with ambient air quality limits where those limits have been set, and~~*
- (2) ~~where limits have not been set, only allowing discharges to air if the adverse effects of the discharge, including cumulative effects on ambient air quality are no more than minor and any limits are not exceeded.~~*

5.17 The section 42A Report<sup>12</sup> also recommends the rejection of Ravensdown's requested amendments to Policy AIR-P2, although the section 42A Report does recommend changing 'poor' to 'degraded' within the policy (which are the only recommended amendments to the policy). The reasons for rejecting Ravensdown's submission, in terms of referring to ambient air quality standards, are the same as those stated for Policy AIR -P1 (refer to **paragraph 5.15** above). In relation to the Clause (1) changes requested by Ravensdown, the section 42A Report considers that they are more appropriately cast at the level of the future regional air plan while also noting that a critical mechanism for improving the region's degraded air quality will be preventing new discharges that do not comply with the NES-AQ ambient air quality standards. The section 42A Report does not specifically discuss the amendments that Ravensdown sought to Clause (2) of the policy.

5.18 In my opinion, the recommended amendments arising from the section 42A Report, and Ms Goslin's supplementary evidence, do not adequately address the issues associated with Policies AIR-P1 and AIR-P2, raised in Ravensdown's submissions. The outstanding issues, and my requested amendments to address these issues, are as follows:

- (a) In my opinion, to clearly identify the direction for ambient air quality management in the Otago region (as proposed in Policies AIR-P1 and AIR-P2), that is, whether ambient air quality can be maintained or needs to be improved, it is necessary to state the criteria which determines whether or not ambient air quality is degraded. In New Zealand, this criterion is contained in the NES-AQ (i.e., if the ambient air quality standards are not complied with then ambient air quality is degraded and under Policy AIR-P2 would need to be improved). While the ambient air quality standards contained in the NES-AQ may be amended in the future, I cannot envisage that this national level guidance would ever become non-existent, and for this reason there is no need to establish new regional level 'limits' in a future regional air plan that defines whether or not ambient air quality is degraded (as suggested in the section 42A Report). Therefore, in my opinion, both Policies AIR-P1 and AIR-P2 need to clearly identify that the management response to maintain or improve ambient air quality depends on whether or not relevant ambient air quality standards are complied with.

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<sup>12</sup> Section 7.8 (paragraphs 62 and 67 to 71) of the section 42A Report 07.

- (b) The intent of Policy AIR-P1, as I read it, is that where relevant ambient air quality standards are complied with, then the aim is to ensure that the existing ambient air quality is, at least, maintained. Ms Goslin's recommended formulation of this policy (as recommended in her supplementary evidence) outlines that this is to be achieved by allowing discharges to air where the adverse effects of the discharge are minor. In my opinion, this is the wrong test to apply, particularly where ambient air quality is not degraded. As outlined in Ravensdown's submission, the 'no more than minor' test under the RMA only applies to notification considerations and it is one of the two gateway tests for non-complying activities (under section 104D of the RMA). As such, the 'no more than minor' test should not be applied to quantify whether or not a discharge to air should be permitted or consented, particularly where ambient air quality is not degraded. In my proposed formulation of Policy AIR-P1, as provided in **paragraph 5.19** below and **Appendix B** of my evidence, I have proposed that the 'test' for determining whether or not a discharge to air should be allowed, is whether ambient air quality standards will continue to be complied with if the discharge is allowed.
- (c) In addition to the two matters discussed above in my evidence, in my opinion, Ms Goslin's formulation of Policy AIR-P1 (as recommended in her supplementary evidence) is unnecessarily clumsy. I have addressed this issue in my requested amendments to Policy AIR-P1.
- (d) There are an additional three matters associated with Policy AIR-P2, the first of which is the reference is Clause (1) to '*establishing, maintaining and enforcing plan provisions*'. In my opinion, referring to 'maintaining and enforcing' plan provisions in a policy is not necessary. In developing, or establishing, a new regional plan, plan provisions will be 'maintained' until such time as amended or replaced by a new plan. Therefore, there is no need to state that plan provisions must be maintained within Policy AIR-P2. Enforcement of plan provisions, where required, is provided for by the RMA itself and therefore the need to 'enforce' plan provisions is an unnecessary matter to specify within a policy. I also note that this is the only PORPS 2021 objective or policy that uses this proposed terminology.
- (e) In Clause (1) of Policy AIR-P2, Ms Goslin's recommended version of the policy requires plans to 'set limits' (as well as timeframes) for improving ambient air quality. In my opinion, the requirement to set limits is too narrowly focused. I consider that the future regional air plan will need to identify a range of mechanisms to ensure that ambient air quality, where it is degraded, is improved. I consider that these are best described as 'actions'. This opinion is supported by the fact that the two examples listed in Clause (1) of the policy, namely the spatial distribution of activities and transport', do not specifically relate to 'setting limits'. Also, as discussed in **paragraph 5.18(a)** above, in my opinion, the specific reference is not needed as national ambient air quality standards are already available and these standards can be relied on to drive the improvement of ambient air quality.
- (f) Finally, the last part of Clause (2) of Policy AIR-P2 outlines that discharges from new domestic solid fuel burning appliances, that do not comply with the NES-

AQ standards, will be prevented. In my opinion, this requirement is not required. This is because under the NES-AQ, the installation of new domestic solid fuel burning appliances is prohibited (and has been since 2005 – Regulations 22 to 24 of the NES-AQ) unless specific design and thermal efficiency standards are met. The solid fuel burning appliances that meet these requirements are listed on the Ministry for the Environment’s (MfE’s) ‘Authorised wood burners’ list. MfE’s webpage<sup>13</sup> states that the list of authorised wood burners has been found to meet the requirements of the NES-AQ. Therefore, the restriction sought by the last part of Clause (2) of Policy AIR-P2 is already in place at a national level and does not need to be restated in this policy.

- 5.19 For the reasons outlined in **paragraph 5.18**, my requested amendments to the versions of Policies AIR-P1 and AIR-P2 arising from the recommendations of the section 42A Report and the subsequent supplementary evidence dated 11 October 2022, as stated in **Appendix B** of my evidence, are as follows:

***Policy AIR-P1 – Maintain ambient air quality.*** *Otago’s ambient air quality is, at a minimum, maintained, where ambient air quality standards are complied with, by allowing discharges to air where the discharge complies with relevant air quality standards, limits or guidelines.* [This policy replaces the amended policy recommended in the supplementary evidence, dated 11 October 2022, of Ms Goslin].

***AIR-P2 – Improve degraded ambient air quality.*** *Degraded ambient air quality, where ambient air quality standards are not complied with, is improved across Otago by:*

- (1) ~~establishing, maintaining and enforcing~~ plan provisions that set actions ~~limits~~ and timeframes for improving ambient air quality, including by managing the spatial distribution of activities and transport, and*
- (2) ~~prioritising actions to reduce PM<sub>10</sub> and PM<sub>2.5</sub> concentrations in polluted airsheds, including phasing out existing domestic solid fuel burning appliances and preventing any discharges from new domestic solid fuel burning appliances that do not comply with the standards set in the NESAQ.~~*

#### **Discharges to Air – Objective AIR-O2 and Policies AIR-P3 to AIR-P6**

- 5.20 The notified version of Objective AIR-O2, which relates specifically to discharges to air (given its title), seeks to ensure that human health, amenity, mana whenua values and the life-supporting capacity of ecosystems are protected from the adverse effects of discharges to air. The policies, as notified, in support of Objective AIR-O2 aim to:

- (a) Allow discharges provided the various values listed in Objective AIR-O2 are not adversely affected (Policy AIR-P3);
- (b) Avoid discharges that cause offensive, objectionable, noxious or dangerous effects (Policy AIR-P4);
- (c) Manage the effects of discharges beyond the boundary of the property of origin, from activities, including, but not limited to, outdoor burning of organic

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<sup>13</sup> <https://environment.govt.nz/guides/authorised-wood-burners/>



material, agrichemical and fertiliser spraying, farming activities, activities that produce dust and industrial and trade activities (Policy AIR-P5); and

- (d) Avoid discharges that adversely affect mana whenua values by having particular regards to values and areas of significance to mana whenua (Policy AIR-P6).

5.21 Ravensdown submitted on the five provisions discussed above in **paragraph 5.20**. While Ravensdown supported each of these provisions, in part, it also sought changes to each provision. The nature of the changes sought, and the reasons for the requested changes, were as follows:

- (a) Ravensdown, in its submission on Objective AIR-O2 (Sub. No. 00121.030), stated that it agreed with the intent of the objective, but considered that it largely repeated Objective AIR-O1. The submission also considered that the objective inappropriately provides for the protection from adverse effects of discharges, rather than ensuring that any adverse effects from discharges to air are avoided, remedied or mitigated. To address these issues, Ravensdown requested amendments that focus on providing for discharges to air, but in a manner that ensures that adverse effects on the listed values are appropriately managed. The requested amendments were as follows:

***Objective AIR-O2 – Discharges to Air.*** Provide for discharges to air whilst ensuring their effects on human health, amenity and mana whenua values and the life-supporting capacity of ecosystems are appropriately managed protected from the adverse effects of discharges to air.

- (b) While Ravensdown's submission (Sub. No. 00121.033) supported the intent of this policy, given its requested amendments to Objective AIR-O2, similar amendments were also required to this policy given that the policy gives effect to the objective (i.e., 'provide for and manage' rather than 'allow'). Ravensdown's submission also noted that the term 'allow' could infer permitted activity status for activities, and that this would not be an appropriate resource management approach for all discharges to air in the region. On this basis, the following amendments were requested in Ravensdown's submission:

***Policy AIR-P3 – Providing for discharges to air.*** ~~Allow~~ Provide for and manage discharges to air provided they do not adversely affect to ensure that human health, amenity and mana whenua values and the life supporting capacity of ecosystems are not adversely affected.

- (c) In its submission (Sub. No. 001221.034), Ravensdown supported the intent of Policy AIR-P4 but considered that amendments were required to address two issues. The first was that the policy needs to clearly articulate that it refers to the listed effects not occurring beyond the boundary of the property of origin, while the second issue related to the use of the term 'avoid' given that it infers prohibited activity status for such activities. Given these issues, Ravensdown's submission requested the following amendments to Policy AIR-P4:

***Policy AIR-P4 – ~~Avoiding~~ Restricting certain discharges.*** ~~Avoid~~ Ensure discharges to air that do not cause offensive, objectionable, noxious or dangerous effects beyond the boundary of the property of origin.

- (d) In relation to Policy AIR-P5, Ravensdown's submission (Sub. No. 00121.035) stated that the management of discharges to air, including the effects of such

discharges, from a range of activities (including those identified in the policy) is appropriate and therefore the intent of the policy is supported. However, Ravensdown submission noted that the drafting of the policy was problematic in that it infers that the management of discharge occurs ‘beyond the boundary of the property of origin’ (i.e., rather than managing the discharge where it occurs). For this reason, the submission requested the following amendment to the policy:

***Policy AIR-P5 – Managing certain discharges.** Manage the effects of discharges to air ~~beyond the boundary of the property of origin~~ from activities that include but are not limited to: ...*

- (e) Ravensdown, in its submission (Sub. No. 00121.035), stated that it supported the intent of Policy AIR-P6, but expressed concern about the use of the term ‘avoid’ within RMA policies as it infers prohibited activity status. The submission then stated that given that this policy identifies that ‘particular regard’ to the values and areas of significance to mana whenua will be considered, it is clear that ‘prohibited activity’ status is not required in order to give effect to this policy. Therefore amendments, that do not change the intent of the policy but which address the issue associated with ‘avoid’, were requested by Ravensdown as follows:

***Policy AIR-P6 – Impact on mana whenua values.** ~~Avoid~~ Ensure that discharges to air ~~that~~ do not adversely affect mana whenua values by having particular regard to values and areas of significance to mana whenua.*

5.22 The recommendations of the section 42A Report, and where relevant the subsequent supplementary evidence of Ms Goslin (dated 11 October 2022), rejected Ravensdown’s submission points on the above provisions of the PORPS 2021 for the reasons I outline below:

- (a) **Objective AIR-O2.** The section 42A Report<sup>14</sup>, except for adding ‘values’ to ‘amenity’, recommends retaining this objective as notified. In rejecting Ravensdown’s submission the section 42A Report states that the changes requested are more appropriate at a policy level as they reflect action-based language (rather than being outcome focussed).
- (b) **Policy AIR-P3.** The section 42A Report<sup>15</sup>, except for adding ‘values’ to ‘amenity’, recommends retaining this policy as notified. While the section 42A Report does not specifically analyse Ravensdown’s submission, it does consider whether ‘allow’ should be amended to ‘provided for’ as requested by Fulton Hogan Limited<sup>16</sup>. The section 42A Report supports the retention of the word ‘allow’ on the basis that it provides direction for the future regional air plan.
- (c) **Policy AIR-P4.** While the section 42A Report<sup>17</sup> did not specifically analyse Ravensdown’s submission, the amendments sought by Ravensdown were effectively rejected. One amendment was recommended, in response to a

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<sup>14</sup> Section 7.6 (paragraphs 38, 43 and 46) of the section 42A Report 07.

<sup>15</sup> Section 7.9 (paragraphs 78 to 82) of the section 42A Report 07.

<sup>16</sup> At paragraph 79 of the section 42A Report 07.

<sup>17</sup> Section 7.10 (paragraphs 87, 88, 91 to 95) of the section 42A Report 07.

number of submitters, whereby the section 42A Report recommended that 'avoid' was replaced with 'generally avoid' on the basis that this wording offered a more nuanced approach to managing objectionable, offensive, noxious or dangerous effects in the future regional air plan (for example, if these effects are short term or to provide resource users with an opportunity to mitigate effects). After the prehearing meeting, Ms Goslin, in her supplementary evidence<sup>18</sup> (dated 11 October 2022), reconsidered the recommendations contained in the Section 42A Report. In her supplementary evidence Ms Goslin reiterated her opinion that the nature of effects covered by Policy AIR-P4 should be avoided, rather than 'generally avoided'. She then recommended alternative wording would provide more certainty to the nuanced approach she had envisaged. Ms Goslin's recommended amended wording of Policy AIR-P4 is as follows:

*Avoid discharges to air that cause noxious or dangerous effects and avoid, as the first priority, discharges to air that cause offensive, or objectionable, noxious or dangerous effects.*

- (d) **Policy AIR-P5.** The section 42A Report<sup>19</sup> rejected Ravensdown's requested amendment (i.e., to delete 'beyond the boundary of the property of origin') on the basis that it is important to have provision for cases where activities result in discharges to air that extend beyond the property of origin. As a result of other submissions, the section 42A Report also recommended some other changes to the terminology used to refer to the specific activities listed in Clauses (1) to (5) of the policy.
- (e) **Policy AIR-P6.** The section 42A Report<sup>20</sup> does not specifically analyse the amendments sought by Ravensdown in its submission. However, as a result of various submissions, the section 42A Report effectively recommends retaining the term 'avoid', while expanding the policy by providing additional detail on what entails values and areas of significance to mana whenua (i.e., wāhi tūpuna, wāhi tapu and wāhi taoka).

5.23 In my opinion, the recommended amendments arising from the section 42A Report, and Ms Goslin's supplementary evidence, do not adequately address all of the issues associated in Ravensdown's submissions in relation to Objective AIR-O1 and Policies AIR-P3 to AIR-P6. The outstanding issues, and my requested amendments to address these issues (as also contained in **Appendix B** of my evidence), are as follows:

- (a) **Objective AIR-O2.** I agree with the section 42A Report that this objective should be outcome focussed and therefore should not contain action-based language. For this reason, I am no longer seeking to include the words 'provide for' within the objective. However, I remain of the opinion that the objective is not sufficiently distinct from Objective AIR-O1 in terms of the outcomes being sought. My proposed solution, based on discussions during the prehearing meeting, is to make one small amendment which endeavours to focus the objective on the outcomes being sought in terms of localised effects of

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<sup>18</sup> Paragraphs 16 to 21 of Ms Goslin's supplementary evidence dated 11 October 2022.

<sup>19</sup> Section 7.11 (paragraphs 102, 106 and 107) of the section 42A Report 07.

<sup>20</sup> Section 7.12 (paragraphs 112, 115 to 117) of the section 42A Report 07.

discharges to air on the listed values. This amendment will clarify, in my opinion, that Objective AIR-O1 relates to the outcomes sought in relation to the region's ambient air quality, while Objective AIR-O2 relates to outcomes sought in relation to the localised effects from discharges to air. My requested amendment to section 42A Report's recommended amended objective is as follows:

**Objective AIR-O2 – Discharges to air.** *Human health, amenity values and mana whenua values and the life-supporting capacity of ecosystems are protected from the localised adverse effects of discharges to air.*

- (b) **Policy AIR-P3.** In my opinion, the issues raised in Ravensdown's submission in relation to this policy remain valid. To me, the common understanding of the term 'allow' is to give permission to do something. When this is placed in the context of a policy under the RMA, it could be inferred that 'to allow' something means to permit an activity to take place, or other words, under Policy AIR-P3 that discharges to air become permitted activities. I acknowledge that 'allow' within this policy places a qualifier on the potential allowance. That is, the discharge can only be allowed where the values listed in the policy are not adversely affected. However, in my opinion, replacing 'allow', with 'provide for and manage', removes the inference that discharges to air in the future regional air plan should become permitted activities. Given my requested changes at the beginning of the policy, a restructuring of the policy is then required to ensure that in 'providing and managing discharges to air' it is important that the values listed in this policy are not adversely affected by the discharge. For the above reasons, my requested amendment to section 42A Report's recommended amended policy is as follows:

**AIR-P3 – Providing for discharges to air.** *~~Allow~~ Provide for and manage discharges to air ~~provided they do not adversely affect to ensure that~~ human health, amenity values, and mana whenua values and the life supporting capacity of ecosystems are not adversely affected.*

- (c) **Policy AIR-P4.** While I agree that discharges to air should not result in offensive, objectionable, noxious or dangerous effects, I disagree that that this policy should use the word 'avoid' or 'generally avoid'. In the context of policy development under the RMA, the use of this terminology infers prohibited activity status. In my opinion, Policy AIR-P4 can be redrafted in a manner that retains the intent of the policy, while ensuring that the potential issues associated with the use of the word 'avoid' do not occur. Therefore, my requested redrafting of Policy AIR-P4 is as follows:

**AIR-P4 – Restricting certain discharges.** *Ensure discharges to air do not cause offensive, objectionable, noxious or dangerous effects.* [This policy replaces the amended policy recommended in the supplementary evidence, dated 11 October 2022, of Ms Goslin].

- (d) **Policy AIR-P5.** In my opinion, the amendment requested by Ravensdown, in its submission, is still required. While I agree with the section 42A Report that discharges to air will need to be managed, including, but not limited to, where the discharge extends beyond the property of boundary, the actual management of the discharge takes place where the discharge occurs. In my

opinion, the current drafting of policy is clumsy as it could be read that the requirement to manage discharges to air only needs to take place once the adverse effects of the discharge extends beyond the boundary of the property of origin. I acknowledge that this is not what was meant, but in my opinion, this is what the policy actually says. It is for this reason, and also the fact that the adverse effects of discharges to air should be managed irrespective of whether the discharge extends beyond the property of origin or not, that I request this amendment. In other words, 'beyond the boundary of the property of origin' is not needed within the policy. Therefore, I consider that the following amendment to the section 42A Report's amended policy should be as follows:

**AIR-P5 – Managing certain discharges.** *Manage the adverse effects of discharges to air ~~beyond the boundary of the property of origin~~ from activities that include but are not limited to: ...*

- (e) **Policy AIR-P6.** While I am comfortable with the additional detail that has been added to the policy, in my opinion, the section 42A Report did not really consider the implications of continuing to use the term 'avoid' in this policy. As I have outlined previously in my evidence, 'avoid' infers prohibited activity status for activities. In my opinion, the policy can be rephrased in a manner that retains the intent of the policy (which Ravensdown supported), while ensuring that the potential wholesale issue with using 'avoid' does not come to fruition. In my opinion, the section 42A Report's recommended amendment Policy AIR-P6 should be amended as follows:

**AIR-P6 – Impacts on mana whenua values.** *~~Avoid~~ Ensure that discharges to air ~~that do not~~ adversely affect mana whenua values by having particular regard to values and areas of significance to mana whenua, including wāhi tūpuna, wāhi tapu, and wāhi taoka.*

#### **Method AIR-M2 – Regional Plans**

- 5.24 Method AIR-M2, as notified, specifies that Council must prepare, amend or maintain its regional plans, by 31 December 2024, to: avoid offensive, objectionable, noxious or dangerous discharges to air (Clause (1)); include provisions to mitigate adverse effects from discharges to air beyond the property of origin (Clause (2)); implement the prioritisation actions set out in Policy AIR-P2 (Clause (3)); mitigate the adverse effects of discharges adjacent to polluted airsheds where the discharge will adversely affect the polluted airshed (Clause (4)); and, give effect to the Air Quality Strategy for Otago (Clause (5)).
- 5.25 Ravensdown's submission (Sub. No. 00121.037) opposed Method AIR-M2 and requested amendments to Clauses (1) and (2) of the method, and the deletion of Clauses (4) to (5). The amendments to Clauses (1) and (2) were requested to reflect the amendments that Ravensdown requested, in its submission, to Objective AIR-O2 and a number of policies contained in the AIR chapter of the POPRS (as discussed in the previous paragraphs of my evidence). The deletion of Clause (4) was requested as the requirement to include provisions to mitigate the adverse effects in areas adjacent to a polluted airshed, where the discharge will adversely affect air quality in the polluted airshed, is not a matter included in AIR chapter objectives and policies. Clause (5) requires the future regional air plan to give effect to the Air Quality Strategy for Otago, and any subsequent amendments. Ravensdown, in its submission,

requested the deletion of this clause as the Air Quality Strategy for Otago is not a statutory planning document prepared under the RMA whereby public input, in accordance with Schedule 1 of the RMA, has occurred. Accordingly, the amendments to the method requested by Ravensdown, in its submission, were as follows:

**Method AIR-M2 – Regional plans.** No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its regional plans to:

- (1) ~~avoid ensure offensive, objectionable, noxious or dangerous discharges to air beyond the property of origin do not occur,~~
- (2) ~~include provisions to mitigate manage the adverse effects from discharges to air beyond the boundary of the property of origin, and~~
- (3) ~~implement the prioritisation of actions set out in AIR-P2,~~
- (4) ~~mitigate the adverse effects of discharges to air in areas adjacent to polluted airsheds where the discharge will adversely affect air quality in the polluted airshed, and~~
- (5) ~~give effect to the Air Quality Strategy for Otago and any subsequent amendments or updates.~~

5.26 The section 42A Report<sup>21</sup>, and subsequent supplementary evidence (dated 11 October 2022)<sup>22</sup>, recommended a number of changes to the method, with the majority of these changes arising from recommended amendments to the policies of the AIR chapter of the PORPS (as I have discussed throughout **Section 5** of my evidence). In relation to Ravensdown’s submission, the section 42A Report and supplementary evidence do not specifically address the requested amendments to Clauses (1) and (2), although it does address a reported amendment to Clause (3) which Ravensdown did not request<sup>23</sup>. In relation to the requested deletion of Clauses (4) and (5), the section 42A Report states that Clause (4) serves a purpose in that it addresses polluted airsheds and the effects from adjacent areas that will further exacerbate degraded air quality. In relation to Clause (5), which relates to the Air Quality Strategy for Otago, the section 42A Report identifies that the strategy sets out the overall approach that Council will take to achieve air quality for good human health, including mechanisms that will not be included in a future regional air plan. The recommended amended method, arising from both the section 42A Report and subsequent supplementary evidence, is as follows:

**Method AIR-M2 – Regional plans.** No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its regional plans to:

- (1) ~~avoid offensive, objectionable, noxious or dangerous discharges to air that cause noxious or dangerous effects and avoid, as the first priority, discharges to air that cause offensive or objectionable effects,~~
- (1A) set limits (including any ambient air quality standards) to maintain ambient air quality in accordance with AIR-P1, and improve ambient air quality in accordance with AIR-P2,
- (2) ~~include provisions to mitigate the adverse effects from discharges to air beyond the boundary of the property of origin,~~
- (3) ~~implement the prioritisation of actions set out in AIR-P2,~~

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<sup>21</sup> Section 7.14 (paragraphs 129, 132 to 139) of the section 42A Report 07.

<sup>22</sup> Specifically paragraphs 11 and 20 of Ms Goslin’s supplementary evidence (dated 11 October 2022).

<sup>23</sup> Refer to paragraph 136 of the section 42A Report 07. The only amendment that Ravensdown requested to Clause (3) in its evidence related to punctuation and arose from Ravensdown’s requested deletion of Clauses (4) and (5).

- (4) *mitigate the adverse effects of discharges to air in areas adjacent to polluted airsheds where the discharge will adversely affect air quality in the polluted airshed, ~~and~~*
- (5) *give effect to the Air Quality Strategy for Otago and any subsequent amendments or updates, and*
- (6) *include measures to avoid adverse effects of discharges to air on mana whenua values and wāhi Tūpuna.*

5.27 In my opinion, the recommended amendments to Method AIR-M2 arising from the section 42A report, and Ms Goslin’s supplementary evidence, do not adequately address the issues that continue to remain with this method. The outstanding issues, and my requested amendments to address these issues, are as follows:

- (a) **Clause (1).** This clause needs to be reframed to be consistent with my requested amendment Policy AIR-P4 (**paragraph 5.23(c)** above). This includes not using the term ‘avoid’.
- (b) **Clause (1A).** This clause needs to be reframed so that it uses terminology which is consistent with my requested amendments to Policies AIR-P1 and AIR-P2 (refer to **paragraphs 5.18 and 5.19** above).
- (c) **Clauses 2 and 4.** These clauses both specify that adverse effects from discharges are to be mitigated. In my opinion, this is too narrow a requirement, particularly as the RMA provides for the adverse effects of activities to be avoided, remedied or mitigated. In my opinion, the future regional air plan needs to ensure that it manages, not just mitigates, the adverse effects of various discharges to air. Management of any such adverse effects is consistent with my requested amendments to Policy AIR-P3 and the section 42A Report’s recommended Policy AIR-P5 (refer to **Appendix B** of my evidence). As my requested amendment focuses on managing discharges to air, not adverse effects, the minor restructuring of the two clauses is also required.
- (d) **Clause (5).** I remain of the opinion that requiring a future regional air plan to give effect to the Air Quality Strategy for Otago is not appropriate. This strategy is not a statutory planning document development under the RMA, and as such, it has not been tested through the Schedule 1 process. For this reason, I consider that this clause of the method should be deleted.
- (e) **Clause (6).** This clause needs to be reframed to be consistent with my requested amendment Policy AIR-P6 (**paragraph 5.23(e)** above). This includes not using the term ‘avoid’.

5.28 For the reasons outlined in **paragraph 0**, my requested amendment to Method AIR-M2 arising from the recommendations of the section 42A Report and the subsequent supplementary evidence dated 11 October 2022, as stated in **Appendix B** of my evidence, are as follows:

**AIR-M2 – Regional plans.** *No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its regional plans to:*

- (1) *~~avoid ensure~~ discharges to air ~~that do not~~ cause noxious, ~~or~~ dangerous effects and avoid, as the first priority, discharges to air that cause offensive or objectionable effects,*

- (1A) ~~set limits~~ establish actions (including any ambient air quality standards) to maintain ambient air quality in accordance with AIR-P1, and to improve ambient air quality in accordance with AIR-P2,
- (2) include provisions to ~~mitigate-manage the adverse effects from~~ discharges to air which have an adverse effect beyond the boundary of the property of origin,
- (3) implement the prioritisation of actions set out in AIR-P2,
- (4) ~~mitigate-manage the adverse effects of~~ discharges to air which have an adverse effect in areas adjacent to polluted airsheds where the discharge will adversely affect air quality in the polluted airshed, and
- ~~(5) give effect to the Air Quality Strategy for Otago and any subsequent amendments or updates, and~~
- (6) include measures to ~~avoid~~ ensure that adverse effects of discharges to air on mana whenua values and wāhi Tupuna do not occur.

## 6. ECO – ECOSYSTEM AND INDIGENOUS BIODIVERSITY (SECTION 42A REPORT 10) – POLICY ECO-P6

- 6.1 Ravensdown submitted on three ECO policies, Policies ECO-P3, ECO-P6 and ECO-P7, requesting the deletion of two policies and amendments to Policy ECO-P6. Following a review of the recommendations of the section 42A Report 10, and the supplementary evidence (dated 11 October 2022) of Ms Hardiman, it is now only Policy ECO-P6, as discussed in the following paragraphs of my evidence (and stated in **Appendix B** of my evidence), where I remain of the opinion that amendments to the policy are still required.
- 6.2 Policy ECO-P6, as notified, aims to maintain Otago’s indigenous biodiversity, excluding within the coastal environment and in areas managed under Policy ECO-P3, by applying a biodiversity effects management hierarchy, as outlined in Clauses (1) to (5) of the policy, to resource use activities. It is also noted that under the PORPS 2021, the effects hierarchy, as outlined in this policy, is also a tool to be used in the preservation of natural character and instream values of freshwater bodies (Policy LF-FW-P13) and the protection of significant natural areas and taoka where adverse effects cannot be avoided (Policies ECO-P3 and ECO-P4).
- 6.3 Ravensdown, in its submission (Sub. No. 00121.069), opposed Policy ECO-P6, as notified, on the basis that there was an inherent difficulty with the ‘effects hierarchy’ as contained in Clauses (1) to (5) of the policy. As outlined in the submission, the difficulty that Ravensdown considered existed was that in circumstances where avoiding adverse effects is required, as stated in Clause (1) of this policy, then the policy driver is to prohibit such activities. Therefore, Clause (1) of the policy effectively means that there is no ability, under this policy, to then move through the phases of the ‘biodiversity effects management hierarchy’ as indicated by the policy. A second issue identified in Ravensdown’s submission (which was prepared before the exposure draft of the National Policy Statement for Indigenous Biodiversity (**EP NPS-IB**) was released in June 2022), was that the policy did not reflect the commonly understood effects management hierarchy under the RMA, which at that time was effectively as provided in Clause 3.21(1) of the NPS-FM 2020. Given these issues,



Ravensdown requested amendments to Clause (1) to (5) of the policy, that reflected that 'effects management hierarchy' as contained in the NPS-FM 2020, as follows:

*Maintain Otago's indigenous biodiversity (excluding the coastal environment and areas managed under ECO-P3) by applying the following biodiversity effects management hierarchy in decision-making on applications for resource consent and notices of requirement:*

- (1) *avoid adverse effects where practicable as the first priority,*
- (2) *where adverse effects ~~demonstrably cannot be completely avoided~~, they are minimised where practicable remedied,*
- (3) *where adverse effects ~~demonstrably cannot be minimised completely avoided or remedied~~, they are remedied where practicable mitigated,*
- (4) *where there are more than minor residual adverse effects that cannot be avoided, minimised, or remedied, after avoidance, remediation, and mitigation, then the residual adverse effects are offset, where possible, in accordance with APP3, and*
- (5) *if biodiversity offsetting of more than minor residual adverse effects is not possible, then:*
  - (a) *the residual adverse effects are compensated for in accordance with APP4, and*
  - (b) *if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.*

6.4 The section 42A Report<sup>24</sup> recommends the rejection of Ravensdown's submission (Sub. No. 00121.069) on the basis that the Policy ECO-P6 and NPS-FM 2020 effects management hierarchies are different and that the Policy ECO-P6 hierarchy has been specifically designed for the management of indigenous biodiversity and therefore stands on its own (i.e., presumably meaning distinct from the NPS-FM 2020 effects management hierarchy).

6.5 I acknowledge that subsequent amendments to Policy ECO-P6 are recommended in Ms Hardiman's supplementary evidence (dated 11 October 2022) as a consequential amendment arising from recommended changes to Policies ECO-P7 and CE-P5. The recommended amendment, namely the removal of the reference in the chapeau to 'the coastal environment and', is not relevant to the matters raised in Ravensdown's submission and therefore are not discussed further within my evidence.

6.6 I remain of the opinion that the issues identified in Ravensdown's submission continue to apply to Policy ECO-P6. As I have already outlined these issues in **paragraph 6.3** above, I do not repeat them again, although I do intend to provide additional context around why the effects management hierarchy requested by Ravensdown in its submission, subject to some minor amendments, is appropriate.

6.7 I understand that the principles, or order of operation, of an 'effects management hierarchy' are generally internationally consistent. This fact is acknowledged by the Ministry for the Environment, which states on its webpage in relation to the effects management hierarchy, as contained in the NPS-FM 2020, and the direction under the RMA to 'avoid, remedy or mitigate', the following:

*The effects management hierarchy is the internationally-agreed best-practice approach to managing adverse environmental effects. It's not intended to replace*

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<sup>24</sup> Section 10.8.5 (paragraphs 246, paragraph prior to 258 and 272) of the section 42A Report 10.

*the requirement in the RMA's purpose to 'avoid, remedy or mitigate' adverse effects; instead it provides an 'order of operations' to direct decision-makers' approach to this requirement.<sup>25</sup>*

- 6.8 The principles consist of 'steps', with the first step being to avoid adverse effects where it is practicable to do so. If this cannot be achieved, then the effects management hierarchy requires effects, where practicable, to be minimised and then remedied. The next steps require residual effects, which are more than minor, to be offset as a first priority and then compensation applied, and where adverse effects cannot be compensated, then the activity cannot proceed (i.e., it must be avoided). This hierarchy can apply to any resource, including freshwater bodies (as per Clause 3.21(1) of the NPS-FM 2020) or indigenous biodiversity.
- 6.9 I do not consider that a different effects management hierarchy should apply solely because the natural resource in question is indigenous biodiversity. This is supported by the fact that the EP NPS-IB (Clause 1.5(4)), which was released in June 2022, includes an effects management hierarchy which contains the same principles, or order of operation, as that contained in the NPS-FM 2020. The only difference is that the EP NPS-IB requires that the various steps, or order of operation, must demonstrate through the inclusion of the word 'demonstrably', that effects cannot be avoided, minimised, remediated or compensated.
- 6.10 I consider that Policy ECO-P6 needs to be amended to apply the 'effects management hierarchy' in a manner consistent with the EP NPS-IB (and the NPS-FM 2020 and international best practice). Therefore, my requested amendments to the version of the policy arising from the recommendations of the section 42A Report and subsequent supplementary evidence dated 11 October 2022, as stated in **Appendix B** of my evidence, is as follows:

***ECO-P6 – Maintaining indigenous biodiversity.*** *Maintain Otago's indigenous biodiversity (excluding areas protected under ECO-P3) by applying the following effects management hierarchy (in relation to indigenous biodiversity) in decision-making on applications for resource consent and notices of requirement:*

- (1) avoid adverse effects as the first priority, where practicable,*
- (2) where adverse effects ~~demonstrably cannot be completely demonstrably~~ avoided, they are minimised where practicable-remedied,*
- (3) where adverse effects ~~demonstrably cannot be completely avoided or remedied-demonstrably~~ minimised, they are ~~mitigated~~ remedied where practicable,*
- (4) where ~~there are~~ more than minor residual adverse effects cannot be demonstrably avoided, minimised or remedied, after avoidance, remediation, and mitigation, then the residual adverse effects are biodiversity offsetting in accordance with APP3 is provided, and*
- (5) if biodiversity offsetting of more than minor residual adverse effects is not demonstrably possible, then:*
  - (a) the residual adverse effects are compensated for in accordance with APP4, and*
  - (b) if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.*

<sup>25</sup> <https://environment.govt.nz/acts-and-regulations/freshwater-implementation-guidance/clarification-of-the-essential-freshwater-programme-implementation-requirements/>

## 7. EIT – ENERGY, INFRASTRUCTURE AND TRANSPORT (SECTION 42A REPORT 11)

### Energy (EIT-EN) – Policy EIT-EN-P5

- 7.1 Ravensdown submitted on two of the PORPS 2021's energy provisions (Objective EIT-EN-O3 and Policy EIT-EN-P5). Ravensdown requested the retention of Objective EIT-EN-O3 (as notified), which the section 42A Report recommends accepting, and therefore this objective is not discussed further within my evidence. However, as the section 42A Report rejects Ravensdown's submission, which sought amendments to Policy EIT-EN-P5, I do discuss this policy further in the following paragraphs of my evidence.
- 7.2 The intent of Policy EIT-EN-P5, as notified, is to avoid the development of non-renewable energy generation in the region, and to also facilitate the replacement of non-renewable energy generation.
- 7.3 Ravensdown, in its submission (Sub. No. 00121.072), acknowledged that reducing non-renewable energy as a means of minimising greenhouse gas contributions is important. In my opinion, Objectives EIT-EN-O1, EIT-EN-O2A and EIT-EN-O3 articulate this aim for the region.
- 7.4 Accordingly, in its submission, Ravensdown supported the aim, as reflected within the policy, to reduce and minimise greenhouse gas emissions from non-renewable energy generation activities. However, Ravensdown's submission, based on its experiences at its Dunedin Works, stated that the complete avoidance of new non-renewable generation activities (and thus potential prohibited activity status in regional and district plans), and replacement of such activities, may not always be practicable or feasible.
- 7.5 As an example of this potential issue, the submission outlined that Ravensdown use waste heat (a renewable form of energy) as part its sulphuric acid plant operations at the Dunedin Works<sup>26</sup>. To 'start' this plant, diesel is currently used as a fuel source. Although other fuel sources are continually being assessed by Ravensdown, to date no alternatives to diesel have been identified that meet the start-up requirements at the sulphuric acid plant.
- 7.6 Given the above concern, Ravensdown's submission requested the following amendments to Policy EIT-EN-P5:
- ~~Avoid~~ *Restrict the development of non-renewable energy generation activities in Otago and facilitate the replacement, where practicable, of non-renewable energy sources, including the use of fossil fuels, in energy generation.*
- 7.7 The section 42A Report recommends rejecting Ravensdown's submission<sup>27</sup> on the basis that the retention of the word 'avoid' is required so as to provide a strong direction to assist in achieving a move towards net zero carbon emissions by 2050, as set out in PORPS objectives. The section 42A Report identifies that new non-renewable energy generation is undesirable and needs to be avoided.
- 7.8 While I agree with the section 42A Report that new non-renewable energy generation may be undesirable, I remain of the opinion that, in the context of a policy, the use of

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<sup>26</sup> All other plant processes at the Dunedin Works rely on electricity from the reticulated electricity transmission network.

<sup>27</sup> Paragraph 250 in Section 11.5.12 in Section 42A Report 11.

the word 'avoid' is inappropriate. Avoid, in the RMA policy context, directs prohibited activity status for all new non-renewable energy generation activities in the region, and based on just the one example provided by Ravensdown, this may not always be practicable or feasible.

- 7.9 I also note that Objectives EIT-EN-02A and EIT-EN-03, which set the outcome being sought in relation to renewable and non-renewable energy generation, seek to reduce and minimise greenhouse gas emissions. To me, the terminology used in these objectives does not accommodate a resource management approach that requires the absolute avoidance of the development of new non-renewable energy generation (as currently articulated in Policy EIT-EM-P5).
- 7.10 Also, the section 42A Report, in making its recommendation, advised that the policy underpinned PORPS 2021 objectives that sought to achieve a move to net zero carbon emissions by 2050. I assume this statement refers to notified Policy IM-P9 as this is the only provision that specifically identified this goal. In the amended PORPS 2021, based on the recommendations of various section 42A Reports (and supplementary evidence), Policy IM-P9 has been deleted. On this basis, the reported objectives' goal of the PORPS 2021 no longer exists in the manner suggested in the section 42A Report.
- 7.11 For the above reasons, I remain of the opinion that Policy EIT-EN-P5, as stated in **Appendix B** of my evidence, should be amended in a manner that provides strong guidance as the undesirability of non-renewable energy generation in the region. For this reason, I consider that Policy EIT-EN-P5 should be amended as follows:

***EIT-EN-P5 – Non-renewable energy generation.** ~~Avoid~~ Restrict the development of non-renewable energy generation activities in Otago and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in energy generation.*

#### **Transport (EIT-TRAN)**

- 7.12 The PORPS 2021 contains a number of transport provisions that relate to the commercial port activity in Otago Harbour. The outcome sought by these provisions, as stated in Objective EIT-TRAN-O10, is to provide for the safe and efficient operation of 'commercial port activity' within limits (previously environmental limits).
- 7.13 Ravensdown's Dunedin Works uses the Ravensbourne wharf, which adjoins the site, for the receipt of raw materials and the dispatch of product. The Ravensbourne wharf is used solely by the Dunedin Works under a lease arrangement with Port Otago who own the wharf and associated structures. For these reasons, the notified PORPS 2021 provisions that relate to port activities in Otago Harbour were of interest to Ravensdown.
- 7.14 The notified PORPS 2021 defined a '**commercial port activity**' as follows:

*means commercial shipping operations associated with the Otago Harbor and the activities carried out at the ports at Port Chalmers and Dunedin, which include:*

- (a) Operation of commercial ships in Otago Harbor;*
- (b) Loading and unloading of goods and passengers carried by sea;*
- (c) Facilities for the storage of goods carried by sea;*
- (d) Buildings, installations, other structures or equipment at or adjacent to a port and used in connection with the ports' operation or administration;*
- (e) Structures, facilities and pipelines for fuel storage, and refuelling of ships;*

- (f) *Provision, maintenance and development of shipping channels and swing basins;*
- (g) *Disposal of dredged materials at A0 Heyward Point, Aramoana and Shelly Beach;*
- (h) *Installation and maintenance of beacons and markers for navigation safety; and*
- (i) *Provision and maintenance of the mole at Aramoana*

7.15 Ravensdown, in its submissions (Sub. No's 00121.004 and 00121.075 to 00121.077), while supporting the definition of 'commercial port activity' and Policy EIT-TRAN-P23 and Methods EIT-TRAN-M7 and EIT-TRAN-M8, requested amendments, given the specificity of the provisions, whereby Ravensbourne was referred to alongside references to the ports at Port Chalmers and Dunedin. Accordingly, Ravensdown's submissions requested the following amendments:

**Commercial port activity** - means commercial shipping operations associated with the Otago Harbour and the activities carried out at the ports at Port Chalmers, Ravensbourne and Dunedin, which include:

- (a) *Operation of commercial ships in Otago Harbour; ...*

**Policy EIT-TRAN-P23** - Recognise the national and regional significance of the commercial port activities associated with the ports at Port Chalmers, Ravensbourne and Dunedin (respectively) by: ...

**Method EIT-TRAN-M7** - Otago Regional Council must prepare or amend and maintain its regional plans to:

...

- (2) *manage the adverse effects of infrastructure activities that:*
  - (a) ...
  - (b) *include policies and methods that provide for the commercial port activities associated with the operations at Otago Harbour and the ports at Port Chalmers, Ravensbourne and Dunedin, and*
- (3) *within environmental limits, facilitate the safe and efficient operation and development of commercial port activities at Port Chalmers, Ravensbourne and Dunedin. This includes previously approved resource consents for the following activities in the coastal development area mapped in MAP2: ....*

**Method EIT-TRAN-M8** - Territorial authorities must prepare or amend and maintain their district plans to:

...

- (6) *include policies and methods that provide for commercial port activities associated with the operations at Otago Harbour and the ports at Port Chalmers, Ravensbourne and Dunedin.*

7.16 The section 42A Report rejected<sup>28</sup> Ravensdown's submission seeking the inclusion of the Ravensbourne wharf in the above provisions. The section 42A Report seemed to consider that Ravensdown was seeking to include its work site as a 'commercial port activity', thus ensuring that its manufacturing activities are not unduly constrained by the PORPS 2021<sup>29</sup>. It was for these reasons that Ravensdown's submission was rejected.

<sup>28</sup> Section 11.6.4 (paras 461, 469 to 472), Section 11.7.12 (paras 1057, 1063 and 1065), Section 11.7.14 (paras 1073, 1079 and 1081) and Section 11.7.15 (paras 1097, 1109 and 1111) of the section 42A Report 11.

<sup>29</sup> At paragraph 469 of the section 42A Report 11.

- 7.17 I prepared the submission and in doing so the intention, as stated in Ravensdown's submission on the definition of 'commercial port activity', was solely to ensure that the Ravensbourne wharf, not Ravensdown's manufacturing operations at the Dunedin Works, was recognised as part of the commercial port activity that takes place within Otago Harbour. However, I do acknowledge, that the amendments requested in the submission (as outlined above), if accepted, could potentially have applied to Ravensdown's land based activities at Ravensbourne (i.e., beyond the wharf).
- 7.18 On behalf of Ravensdown, I attended the prehearing meeting relevant to this topic, and outlined the intention of Ravensdown's submission (as I have discussed above). As a result of these discussions, as traversed in Mr Langman's supplementary evidence<sup>30</sup> (dated 11 October 2022), Mr Langman has proposed the following amendment to the definition of 'commercial port activity':
- means commercial shipping operations associated with the Otago ~~Harbor~~ Harbour and the activities carried out at the ports at Port Chalmers and Dunedin (including the wharf at Ravensbourne), which include:*
- ...
- (b) *Loading and unloading of goods and passengers carried by sea (except for loading and unloading of passengers at Ravensbourne);*
- (c) *Facilities for the storage of goods carried by sea (except at Ravensbourne);*
- (d) *Buildings, installations, other structures or equipment at or adjacent to a port and used in connection with the ports' operation or administration (except at Ravensbourne);*
- ...
- 7.19 I support the above amendment as it appropriately recognises that the Ravensbourne wharf is part of Port Otago's assets in the harbour, and as such the wharf plays a role in commercial shipping operations in the harbour. The amended definition also clearly identifies that Ravensdown's manufacturing activities at Ravensbourne do not fall within the definition. I consider that this clarification is appropriate.
- 7.20 As consequential amendments arising from the recommended amended 'commercial port activity', Mr Langman identifies in his supplementary evidence<sup>31</sup> that redundant wording needs to be removed from Policy EIT-TRAN-P23 and Method EIT-TRAN-M7 whereby the references to the port facilities at Port Chalmers and Dunedin are removed. The reason for the removal of these references is that the definition of 'commercial port activity' identifies the facilities associated with the port activities in Otago Harbour. Subject to the definition being amended as recommended by Mr Langman, I support and agree with the removal of the redundant wording as recommended by Mr Langman for the reason he outlined in his supplementary evidence. The recommended amendments, in conjunction with the amended definition of 'commercial port activity' achieve the outcome that was sought by Ravensdown in its submission.
- 7.21 Finally, while Mr Langman recommended amendments to Policy EIT-TRAN-P23 and Method EIT-TRAN-M7 effectively as a consequential amendment to the

<sup>30</sup> At paragraph 40 of Mr Langman's supplementary evidence on Topic 11.

<sup>31</sup> At paragraph 55 of Mr Langman's supplementary evidence on Topic 11. While the heading to this paragraph refers to Method EIT-TRAN-M7, Mr Langman does not then discuss this method in paragraph 55. However, the amended version of the PORPS 2021, reflecting the additional supplementary evidence as at 21 October 2022, has amended Method EIT-TRAN-M7 by removing the reference to the Port Chalmers and Dunedin port facilities.

recommended amendment to the definition of ‘commercial port activity’, for exactly the same reasons, a similar amendment also needs to be made to Method EIT-TRAN-M8. Accordingly, the removal of redundant wording from Method EIT-TRAN-M8 is requested (as stated in **Appendix B** of my evidence) as follows:

***Method EIT-TRAN-M8 –***

...

- (6) *include policies and methods that provide for commercial port activities associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin and avoid encroachment of activities which give rise to reverse sensitivity effects.*

**8. HAZ – HAZARDS AND RISKS (SECTION 42A REPORT 12) – CONTAMINATED LAND (HAZ-CL) – POLICY HAZ-CL-P14**

- 8.1 Ravensdown submitted on four of the PORPS 2021’s contaminated land provisions, requesting the retention of three of the notified provisions (Objective HAZ-CL-O3, Policy HAZ-CL-P16 and Method HAZ-CL-M6) and amendments to Policy HAZ-CL-P14. Following a review of the recommendations of the section 42A Report 12, and the supplementary evidence (dated 11 October 2022) of Mr Maclennan, it is now only Policy HAZ-CL-P14, as discussed in the following paragraphs of my evidence, where I remain of the opinion that a further amendment to the policy is still required.
- 8.2 Policy HAZ-CL-P14, as notified, requires the active management of contaminated land, or potentially contaminated land, so as to ensure there is no unacceptable risk to people or the environment. Clauses (1) to (4) then outlined the management approaches to be adopted to achieve the aim of the policy. Ravensdown, in its submission (Sub. No. 00121.090), considered that the intent and approach outlined in the policy was an appropriate resource management approach. However, while supporting the policy, Ravensdown also requested amendments to Clauses (2) and (3) so as to more clearly articulate the management responses required. Within this evidence, I am only continuing to seek the requested change to Clause (2), as I am comfortable with the reasons outlined in the section 42A Report 12<sup>32</sup> for retaining Clause (3) of the policy as notified.
- 8.3 The reasons for the requested amendments to Clause (2) revolve around two matters. The first matter related to the fact that the first part of this clause repeats the requirement already stated in the policy chapeau, that is to manage activities so they do not pose an unacceptable risk to people. On this basis, there is no need to repeat the fact that human health is to be protected and for this reason this part of the clause should be deleted. In terms of the remaining part of this clause, this clause just needs to refer to the specific ‘management action’ required, which, in my opinion, is to require the implementation of relevant regulatory requirements (i.e., currently the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**)). For these reasons, the amendments to Clause (2) requested in Ravensdown’s submission was as follows:

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<sup>32</sup> At paragraph 513 in Section 12.5.5 of the section 42A Report 12.

(2) ~~protecting human health in accordance with~~ implementing regulatory requirements, ...

8.4 The section 42A Report 12<sup>33</sup>, while agreeing with Ravensdown that there is an element of repetition within the opening line of the policy and Clause (2), rejected the amendment requested by Ravensdown. The section 42A Report 12 stated that this is because it is considered helpful to reiterate the regulatory requirements being referred to.

8.5 I disagree with the recommendation of the section 42A Report. As outlined in Ravensdown's submission, the repetition is unnecessary, especially as the purpose of the actions listed in Clauses (1) to now (5), as stated in the chapeau to the policy, is to manage contaminated land (and potentially contaminated land) to ensure that human health and the environment are effectively protected from the adverse effects associated with such sites. Also, the management action required, is to implement the relevant regulatory requirements (currently the NES-CS) and that is all that needs to be stated in Clause (2). Accordingly, in my opinion, Clause (2) of Policy HAZ-CL-P14, as stated in **Appendix B** of my evidence, should be amended as follows:

**HAZ-CL-P14 – Managing contaminated land.** *Manage contaminated or potentially contaminated land so that it does not pose an unacceptable risk to people and the environment, by:*

(1) *assessing and, if required, monitoring contaminant levels and environmental risks,*

(2) ~~protecting human health in accordance with~~ implementing regulatory requirements,

...

## 9. UFD – URBAN FORM AND DEVELOPMENT (SECTION 42A REPORT 15)

### Introduction

9.1 Ravensdown submitted on seven PORPS 2021 provisions which have been included in Topic 15. The provisions submitted on include two objectives (Objectives UFD-O2 and UFD-O4), three policies (Policies UFD-P6, UFD-P7 and UFD-P8) and the associated definitions for 'urban area' and 'rural area'.

9.2 In submitting on the above provisions, Ravensdown's focus was twofold. The first area of focus, given the presence of its Dunedin Works and a number of stores in the region, was to ensure that industrial activities, in both urban and rural settings, are appropriately provided for. The second area of focus was to ensure that rural areas can continue to be used for productive rural activities, including rural support activities. This entails also ensuring that highly productive land and soils are not lost to development and that development does not give rise to reverse sensitivity effects.

9.3 As stated in **Appendix B** of my evidence, with the exception of the two definitions (which I discuss below), based on the section 42A Report's recommendations, and the subsequent supplementary evidence (including the supplementary evidence dated 21 October 2022 arising from the release of the National Policy Statement for Highly

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<sup>33</sup> At paragraph 512 in Section 12.5.5 of the section 42A Report 12.



Productive Land 2022 (**NPS-HPL**)), I am comfortable with the now recommended amended objectives and policies.

### **'Urban area' Definition**

- 9.4 The urban form and development provisions of the PORPS 2021 contains a number of provisions that relate to urban areas. Given the use of this term within the PORPS 2021, the following definition for '**urban area**' was included in the notified PORPS 2021:

*means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, predominantly urban in character. This includes but is not limited to any land identified in District Plans as being within any urban growth boundary or equivalent however described, any residential zone, commercial and mixed use zone, industrial zone and future urban zone as listed in the National Planning Standards or its present District Plan zone equivalent. Urban environments are a subset of urban areas.*

- 9.5 Ravensdown's submission (Sub. No. 00121.012) supported the definition, subject to one amendment. In supporting the definition, Ravensdown's submission recognised that the National Policy Statement for Urban Development 2020 (**NPS-UD**) contains a definition for an 'urban environment', which relates to an area of land which accommodates, or which intends to accommodate, at least 10,000 people. The submission then noted that given that there are a number of smaller townships in the Otago region that accommodate less than 10,000 people, but which function as an urban area/environment (and therefore which should also be subject to the urban form and development provisions of the PORPS 2021), it is not appropriate for the PORPS 2021 to just rely on the NPS-UD urban environment definition. It is for this reason that Ravensdown supported the inclusion of the 'urban area' definition in the PORPS 2021.

- 9.6 However, while supporting the proposed 'urban area' definition, Ravensdown requested an amendment to the definition on the basis that it is not uncommon for rural industrial activities to be located within an area of land that is zoned as industrial (i.e., dairy factories, meat processing plants, stores and yards etc), but surrounded by rurally zoned land. On this basis, Ravensdown considered that the definition needs to more clearly articulate that it refers to industrial zones (and potentially commercial and mixed use zones) located in areas that are urban in character as follows:

***Urban area** - means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, predominantly urban in character. This includes but is not limited to any land identified in District Plans as being within any urban growth boundary or equivalent area ~~however described~~, any residential zone, commercial and mixed use zone, industrial zone where located in areas that are urban in character, and future urban zone as listed in the National Planning Standards or its present District Plan zone equivalent. Urban environments are a subset of urban areas.*

- 9.7 The section 42A Report recommends the retention of the notified version of the definition of 'urban area' and therefore rejects the amendments requested by Ravensdown in its submission<sup>34</sup>. The section 42A Report, in recommending the

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<sup>34</sup> Section 15.4.2 (paragraphs 62 and 69) of the section 42A Report 15.

retention of the notified definition, outlined that the PORPS 2021 definition is closely related to the NPS-UD definition of 'urban environment', while also replacing Part (b) of the NPS-UD definition with the urban zoning list contained in the National Planning Standards. The section 42A Report also states that 'urban environments' are a subset of 'urban areas' (i.e., as used in the PORPS 2021) and that reliance on the NPS-UD 'urban environment' definition would leave the majority of Otago's urban areas without any direction under the PORPS 2021. For these reasons, the continued reliance on the notified 'urban area' definition, which is linked to zoning patterns, was considered more appropriate, particularly as it avoids the shortcomings associated with the NPS-UD urban environment definition in the context of the Otago region.

- 9.8 I agree with the reasoning provided in the section 42A Report for providing a definition of 'urban areas' in the PORPS 2021, particularly in relation to the NPS-UD definition of 'urban environment' not providing for many urban areas in the Otago region (i.e., given that the NPS-UD 'urban environment' definition relates to urban areas that accommodate more than 10,000 people). Ravensdown made this point in its submission.
- 9.9 However, in my opinion, the matters raised in Ravensdown's submission, in relation to rurally based industrial activities (as outlined above in **paragraph 9.6**), remain valid. Therefore, for the reason outlined in Ravensdown's submission (which the section 42A Report did not specifically analyse), I consider that the amendments to the definition of 'urban area' should be adopted (as contained in **paragraph 9.6** above and **Appendix B** of my evidence). The requested amendment clarifies that, in terms of industrially zoned land, it is only industrial zones that are located in areas that are urban in character. This approach avoids the potential capture of a site specific, or property specific, industrial zone which is located within a broader rural environment or where the area is effectively rural in character.

#### **'Rural area' Definition**

- 9.10 Given that the 'urban form and development' provisions of the PORPS 2021 outline different approaches for the management of resources in urban and rural areas, and given the proposed definition of 'urban areas' (as discussed in the previous paragraphs of my evidence), the following definition was included in the notified PORPS 2021:

***Rural area** - means any area of land that is not an urban area.*

- 9.11 Ravensdown's submission (Sub. No. 00121.010) requested the **deletion on this definition** on the basis that it was not needed. The main reason that the definition is not needed, as stated in the submission, is that not all land outside of an 'urban area', as defined in the PORPS 2021, is rural land or within a rural area. Large parts of the Otago region which are outside of an 'urban area' are not used for rural activities, for example, conservation land. Also, in my opinion, it is commonly understood that 'rural area' means land that is used for rural activities, meaning primary production activities and associated support activities (i.e., it is characterised by rural activities). It is for these reasons that Ravensdown requested the deletion of the PORPS 2021's 'rural area' definition.

- 9.12 The section 42A Report recommends the retention of the notified definition of ‘rural area’, and thus the rejection of Ravensdown’s submission<sup>35</sup>. The reason for this decision seems to be that references to ‘rural area’ in the PORPS 2021 are solely confined to the UFD chapter and therefore the inclusion of the chapter specific definition is appropriate.
- 9.13 I remain of the opinion that a definition for ‘rural area’ in the PORPS 2021 is not needed for the reasons outlined in Ravensdown’s submission. Also, including a definition of ‘rural area’ solely due its use in one chapter of the PORPS 2021, particularly where this terminology has a much wider and commonly understood meaning than that provided in the PORPS 2021 (as I outline in the above paragraphs of my evidence), is not necessary. In my opinion, deletion of the definition, given the common understanding of this term, does not detract from the relevant ‘urban form and development’ provisions of the PORPS 2021.
- 9.14 I therefore remain of the opinion, as stated in **Appendix B** of my evidence, that the definition of ‘rural area’ should be deleted from the POPRS 2021, as follows:

~~*Rural area means any area of land that is not an urban area.*~~

## 10. CONCLUSION

- 10.1 I have not specifically referred to any of the provisions, which Ravensdown submitted on, contained in the MW, CE, LF, HAZ and NFL topic headings (Topics 04, 08, 09, 12 and 14 respectively) as I support the amendments recommended in the relevant section 42A Reports and subsequent supplementary evidence.
- 10.2 As I have noted within **Sections 3 to 9** of my evidence, there are also PORPS 2021 provisions which I do not traverse in my evidence where I support or am willing to accept the recommendations of the section 42A Reports or subsequent supplementary evidence.
- 10.3 I have discussed **Objective IM-O3, Policy IM-P10**, as well as the definition of ‘**commercial port activities**’ and the consequential amendments arising from the amended definition to **Policy EIT-TRAN-P23** and **Methods EIT-TRAN-M7 and EIT-TRAN-M8**, in my evidence in order to explain why I accept the recommendations of the section 42A Reports or supplementary evidence.
- 10.4 Finally, I am of the opinion that, as traversed in **Sections 3 to 9** of my evidence, that further amendments are required to address issues raised in Ravensdown’s submissions. The topics and/or provisions which fall into this category, include the definition ‘**receiving environment**’, a number of the AIR chapter provisions (**Objective AIR-O2, Policies AIR-P1 to AIR-P6** and **Method AIR-M2**), **Policy ECO-P6, Policy EIT-EN-P5, Policy HAZ-CL-P14** and the definitions of ‘**urban area**’ and ‘**rural area**’.

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<sup>35</sup> Section 15.4.3 (paras 73 and 80) of the section 42A Report 15.

10.5 For completeness, my acceptance of recommended amendments, as well as with the requested amendments which I have sought within my evidence, are provided in the table contained in **Appendix B** of my evidence.

A handwritten signature in blue ink, appearing to read 'Carmen Taylor', written in a cursive style.

**Carmen Taylor**  
**23 November 2022**

## **APPENDIX A – CARMEN WENDY TAYLOR – QUALIFICATIONS AND EXPERIENCE**

- A1.1 My full name is Carmen Wendy Taylor.
- A1.2 I hold the qualifications of Bachelor of Science (Geography) and Masters of Regional and Resource Planning from the University of Otago. I am a full member of the New Zealand Planning Institute.
- A1.3 I have over 29 years of professional planning and resource management experience in New Zealand. Since September 2017 I have been employed by Planz Consultants Limited (**Planz**), a planning and resource management consultancy. Prior to joining Planz, I was employed by Golder Associates (NZ) Limited, and before that MWH New Zealand Limited and the Electricity Corporation of New Zealand (**ECNZ**).
- A1.4 Throughout my professional experience, I have been involved in complex projects, initially for ECNZ and then for a range of clients, which have required detailed assessments of the implications and interrelationships associated with utilising a range of resources, such as land, water (surface water and groundwater), air and the coastal marine area. These projects have generally involved technical and scientific input, which I have understood and then utilised when assessing the planning implications (both planning policy implications and resource consent requirements), of projects under the Resource Management Act 1991 (**RMA**).
- A1.5 In relation to policy development work since 2006, I been involved in the following plan development processes: Environment Southland's Variation No. 4 (Water Quality) to the Proposed Fresh Water Plan; Environment Waikato's Proposed Variation No. 6 (Water Allocation); the Proposed One Plan for the Manawatu-Wanganui Region; Central Otago District Council's Proposed Plan Changes 5A to 5W; Proposed Hauraki District Plan; Bay of Plenty's Proposed Regional Policy Statement; Environment Waikato's Proposed Regional Policy Statement; Taupo District Council's Proposed Plan Change 29; the Proposed Auckland Unitary Plan; the Canterbury Air Regional Plan; the Proposed Marlborough Environment Plan; Clutha District Council's Proposed Plan Change 40 (Stirling re-zoning); Selwyn District Council's District Plan Review; and, Timaru District Council's District Plan Review. The nature of my involvement varies, but includes preparation of plan provisions and section 32 Reports for Councils, as well as the preparation of submissions, further submissions, review and advice on the recommendations of the section 42A Reports, preparation and presentation of planning evidence, review of decisions and participation in appeal processes.
- A1.6 Since 2018 I have been assisting Ravensdown with policy development processes throughout New Zealand, including but not limited to: Plan Change 1 (Waikato and Waipa River Catchments (Healthy Rivers), and Variation 1 to this plan change, to the Waikato Regional Plan; Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan for the Bay of Plenty Region; Proposed Natural Resources Plan for the Wellington Region; Proposed Regional Plan for Northland; Proposed Southland Water and Land Plan; Proposed Marlborough Environment Plan; Proposed Plan Change 1 (Dryland Farming) to the Hurunui and Waiau River Regional Plan; Proposed Plan

Change 2 (Existing Intensive Farming Land Uses) to the Horizons' One Plan; Proposed Plan Change 6AA to the Regional Plan: Water for Otago; the draft National Policy Statement for Highly Productive Land; Plan Change 7 (Outstanding Water Bodies) to the Hawke's Bay Regional Resource Management Plan; Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan and Proposed Plan Change 2 to the Waimakariri River Regional Plan; Proposed Plan Change 8 (Discharge Management) to the Regional Plan: Water for Otago; Proposed Plan Change 9 (Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments) to the Hawke's Bay Regional Resource Management Plan; the Freshwater Farm Plan Regulations – Discussion Document; the Stock Exclusion Regulations: Proposed Changes to the Low Slope Map – Discussion Document; Proposed Amendments (Managing our Wetlands) to the National Environmental Standards for Freshwater; and, Proposed Amendments to the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.

A1.7 Examples of complex projects where I have prepared applications under the RMA and/or other legislation include:

- (a) Consent for the continued operation of the Manapouri Hydro-electric Power Scheme and the approvals required for the construction of the second tailrace at Manapouri.
- (b) Resource consents and designations for municipal wastewater treatment and disposal facilities at Dunedin, Queenstown and Wanaka.
- (c) Resource consents and designations for Queenstown's sanitary landfill and waste management facilities (landfills and transfer stations) in Invercargill City and Southland District.
- (d) Resource consents for the construction and operation of Trustpower's Mahinerangi Wind Farm in Otago.
- (e) Discharge permits for discharges to air, land and water, as well as various regional and district land use consents, for a number of dairy manufacturing facilities.
- (f) Discharges permits for discharges to air and coastal waters from a fertiliser manufacturing site.
- (g) Marine consent to mine phosphorite on the Chatham Rise for Chatham Rock Phosphate Limited.
- (h) Discharge permits, water permits and land use consents for alluvial gold mining in Central Otago.

## APPENDIX B – SUMMARY OF REQUESTED AMENDMENTS

Further amendments, beyond those recommended in the section 42A Reports (dated 4 May 2022) and Council’s supplementary evidence (dated 11 and 21 October 2022) are identified in the following tables using double underlining for additions, ~~double strikethrough~~ for deletions and **grey shading**. The table has been structured to reflect the Topic / Chapter grouping titles of the various section 42A Reports.

Also, where a provision which Ravensdown originally submitted on is now no longer part of this hearing process, as it has been re-notified (on 30 September 2022) as a freshwater planning instrument, this has been noted in the table below.

PORPS 2021 Provision	Comment / Requested Amendments
<b>SECTION 42A REPORT 03 – DEFINITIONS AND ABBREVIATIONS</b>	
<b>PART 1 – INTRODUCTION AND GENERAL PROVISIONS / Interpretation</b>	
<p><b>Definition – <i>Receiving environment</i></b> (Ravensdown Sub. Ref. 6) (Sub. No. 00121.009)</p>	<p>As discussed in <b>Section 3</b> of Ms Taylor’s evidence, delete the definition of ‘<b>receiving environment</b>’ as requested by Ravensdown in its submission, as follows:</p> <p><del><b>Receiving environment</b> – has the same meaning as in clause 1.4 of the National Policy Statement for Freshwater Management 2020 (as set out in the box below)</del></p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><del>includes, but is not limited to, any water body (such as a river, lake, wetland or aquifer) and the coastal marine area (including estuaries)</del></p> </div> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report 03 (Refer to Section 3.5.8, paragraphs 53 to 55, of the section 42A Report 03).</p>
<p><b>Definition - Waste</b> (Ravensdown Sub. Ref. 10) (Sub. No. 00121.013)</p>	<p>Retain the section 42A Report’s recommended amended definition of ‘<b>waste</b>’.</p> <p>The acceptance of Ravensdown’s submission is recommended in the section 42A Report 03 (Refer to Section 3.5.11, paragraphs 69 to 73, of the section 42A Report 03). Ravensdown’s submission requested an different ‘<b>waste</b>’ definition.</p>
<b>SECTION 42A REPORT 04 – MW - MANA WHENUA</b>	
<b>PART 1 – INTRODUCTION AND GENERAL PROVISIONS / MW – Mana whenua</b>	
<p><b>Method MW-M1 – Collaboration with Kāi Tahu</b> (Ravensdown Sub. Ref. 11) (Sub. No. 00121.014)</p>	<p>Retain the recommended amendments to <b>Method MW-M1</b> contained in the supplementary evidence of Mr Adams dated 11 October 2022.</p>

PORPS 2021 Provision	Comment / Requested Amendments
	<p>The acceptance of Ravensdown’s submission was recommended in the section 42A Report 04), as the notified Clause (4) of the method was deleted in response to the submission from Kāi Tahu ki Otago (Refer to Section 4.10, paragraphs 173, 178 and 185, of the section 42A Report 04).</p> <p>Further amendments were proposed as a result of the prehearings. As outlined in the supplementary evidence of Ms Adams dated 11 October (paragraphs 70 to 73), these further amendments have been accepted. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<b>SECTION 42A REPORT 06 – IM – INTEGRATED MANAGEMENT</b>	
<b>PART 2 – RESOURCE MANAGEMENT OVERVIEW / IM – Integrated management</b>	
<p><b>Objective IM-O1 - Long term vision</b> (Ravensdown Sub. Ref. 12) (Sub. No. 00121.015)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Objective IM-O1</b>.</p> <p>The acceptance in part of Ravensdown’s submission is recommended in the section 42A Report 06 (Refer to Section 6.6, paragraphs 87, 97 and 98, of the section 42A Report 06).</p>
<p><b>Objective IM-O2 - Ki uta ki tai</b> (Ravensdown Sub. Ref. 13) (Sub. No. 00121.016)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Objective IM-O2</b>.</p> <p>The acceptance in part of Ravensdown’s submission is recommended in the section 42A Report 06 (Refer to Section 6.7, paragraphs 103, 107 and 110, of the section 42A Report 06).</p>
<p><b>Objective IM-O3 - Environmentally sustainable impact</b> (Ravensdown Sub. Ref. 14) (Sub. No. 00121.017)</p>	<p>Retain the recommended amendments to <b>Objective IM-O3</b> contained in the supplementary evidence of Ms Boyd dated 11 October.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 06 (Refer to Section 6.8, paragraphs 116, 122 and 128, of the section 42A Report 06).</p> <p>Further amendments were proposed by Ravensdown and Kāi Tahu ki Otago following the prehearings. As outlined in the supplementary evidence of Ms Boyd dated 11 October 2022 (paragraphs 8 to 19), these further amendments have been accepted. As discussed in <b>Section 4</b> of Ms Taylor’s evidence, Ravensdown continues to support the further amendments recommended in the supplementary evidence.</p>
<p><b>Objective IM-O4 - Climate change</b> (Ravensdown Sub. Ref. 15) (Sub. No. 00121.018)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Objective IM-O4</b>.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 06 (Refer to Section 6.9, paragraphs 134, 140 and 143, of the section 42A Report 06). Based on the outcomes sought</p>



PORPS 2021 Provision	Comment / Requested Amendments
	by other submitters, Ravensdown is not continuing to seek the amendment sought through its submission.
<p><b>Policy IM-P1 – Integrated approach</b> (Ravensdown Sub. Ref. 16) (Sub. No. 00121.019)</p>	<p>Retain the recommended amendments to <b>Policy IM-P1</b> contained in the section 42A Report.</p> <p>The rejection of Ravensdown’s submission, which requested deletion of this policy, was recommended in the section 42A Report 06 (Refer to Section 6.12, paragraphs 157, 166 and 177, of the section 42A Report 06).</p> <p>The recommendation of the section 42A Report is to rewrite this policy, including insertion of matters previously traversed in Policy IM-P2 (which the section 42A Report recommends is deleted – refer below).</p>
<p><b>Policy IM-P2 – Decision priorities</b> (Ravensdown Sub. Ref. 17) (Sub. No. 00121.020)</p>	<p>Delete <b>Policy IM-P2</b> as recommended in the section 42A Report.</p> <p>The acceptance in part of Ravensdown’s submission is recommended in the section 42A Report 06 (Refer to Section 6.13, paragraphs 179, 196, 210 and 211, of the section 42A Report 06).</p> <p>The recommendation of the section 42A Report is to delete this policy, while inserting some of the matters traversed in the notified version of this policy into Policy IM-P1 (refer above).</p>
<p><b>Policy IM-P4 – Setting a strategic approach to ecosystem health</b> (Ravensdown Sub. Ref. 18) (Sub. No. 00121.021)</p>	<p>Retain the recommended amendments to <b>Policy IM-P4</b> contained in the supplementary evidence of Ms Boyd dated 11 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 06 (Refer to Section 6.15, paragraphs 222, 234 and 241, of the section 42A Report 06).</p> <p>As outlined in the supplementary evidence (paragraphs 20 to 30), further amendments to those recommended in the section 42A Report have been proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Policy IM-P5 – Managing environmental interconnections</b> (Ravensdown Sub. Ref. 19) (Sub. No. 00121.022)</p>	<p>Retain the recommended amendments to <b>Policy IM-P5</b> contained in the supplementary evidence of Ms Boyd dated 11 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 06 (Refer to Section 6.16, paragraphs 243 and 256, of the section 42A Report 06).</p> <p>As outlined in the supplementary evidence (paragraphs 31 to 41), further amendments to those recommended in the section 42A Report were proposed by Council in response to issues raised during</p>

PORPS 2021 Provision	Comment / Requested Amendments
	the prehearing in relation to Policy IM-P13 and cumulative effects. Ravensdown supports the further amendments recommended in the supplementary evidence.
<b>Policy IM-P8 – Climate change impacts</b> (Ravensdown Sub. Ref. 20) (Sub. No. 00121.023)	Retain the section 42A Report’s recommended amendments to <b>Policy IM-P8</b> . The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 06 (Refer to Section 6.19, paragraphs 281 and 296, of the section 42A Report 06).
<b>Policy IM-P9 – Community response to climate change impacts</b> (Ravensdown Sub. Ref. 21) (Sub. No. 00121.024)	Delete <b>Policy IM-P9</b> as recommended in the section 42A Report. The rejection of Ravensdown’s submission is recommended in the section 42A Report 06 (Refer to Section 6.20, paragraphs 298, 312 and 313, of the section 42A Report 06). Ravensdown’s submission sought the retention of this policy as notified. The recommendation of the section 42A Report is to delete this policy, while inserting the key matter traversed in the notified version of this policy into Objective IM-O4 (refer above).
<b>Policy IM-P10 – Climate change adaptation and mitigation</b> (Ravensdown Sub. Ref. 22) (Sub. No. 00121.025)	Retain the recommended amendments to <b>Policy IM-P10</b> contained in the supplementary evidence of Ms Boyd dated 11 October 2022. The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 06 (Refer to Section 6.21, paragraphs 315 and 342, of the section 42A Report 06). As outlined in the supplementary evidence (paragraphs 42 to 48), further amendments to those recommended in the section 42A Report are proposed by Council in response to issues raised during the prehearing. As discussed in <b>Section 4</b> of Ms Taylor’s evidence, Ravensdown supports the further amendments recommended in the supplementary evidence, particularly the amendment to Clause (1) as it addresses an issue raised by Ravensdown in relation to minimising the effects of climate change on existing activities (as well as the environment).
<b>Policy IM-P13 – Managing cumulative effects</b> (Ravensdown Sub. Ref. 23) (Sub. No. 00121.026)	Delete <b>Policy IM-P13</b> as recommended in the section 42A Report. The acceptance of Ravensdown’s submission is recommended in the section 42A Report 06 (Refer to Section 6.24, paragraphs 404, 410 and 413, of the section 42A Report 06). Ravensdown’s submission sought the deletion of this policy. The recommendation of the section 42A Report is to delete this policy. As outlined in the supplementary evidence of Ms Boyd dated 11 October 2022 (paragraphs 31 to 41), the matter traversed in the notified

PORPS 2021 Provision	Comment / Requested Amendments
	version of this policy, namely the management of cumulative effects, has been inserted into Clause (4) of Policy IM-P5 (refer above).
<p><b>Policy IM–P15 – Precautionary approach</b> (Ravensdown Sub. Ref. 24) (Sub. No. 00121.027)</p>	<p>Delete <b>Policy IM-P15</b> as recommended in the section 42A Report.</p> <p>The acceptance in part of Ravensdown’s submission is recommended in the section 42A Report 06 (Refer to Section 6.26, paragraphs 441, 453, 459 and 460, of the section 42A Report 06). Ravensdown’s submission sought the amendments to the notified policy.</p> <p>The recommendation of the section 42A Report is to delete this policy, while inserting the key matter traversed in the notified version of this policy, namely the adoption of the precautionary approach, into Policy IM-P6. While Ravensdown did not submit on Policy IM-P6, Ravensdown notes that it supports the wording proposed to be inserted into Clause (2) of Policy IM-P6.</p>
<p><b>Method IM–M3 – Identification of climate change impacts and community guidance</b> (Ravensdown Sub. Ref. 25) (Sub. No. 00121.028)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Method IM-M3</b>.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 06 (Refer to Section 6.30, paragraphs 511 and 519, of the section 42A Report 06). Ravensdown, in its submission, requested the retention of the method as notified.</p> <p>The recommendation of the section 42A Report is to insert the matters previously traversed in Method IM-M4 (which the section 42A Report recommends is deleted – refer below). Ravensdown supports the amended method as recommended in the section 42A Report.</p>
<p><b>Method IM–M4 – Climate change response</b> (Ravensdown Sub. Ref. 26) (Sub. No. 00121.105)</p>	<p>Delete <b>Method IM-M4</b> as recommended in the section 42A Report.</p> <p>Ravensdown’s submission is not specifically assessed in the section 42A Report 06 (Refer to Section 6.31 of the section 42A Report 06). Ravensdown’s submission sought the retention of the method as notified.</p> <p>The recommendation of the section 42A Report is to delete this method, while inserting the key matters traversed in the notified version of this method into Method IM-M3 (refer above).</p>
<b>SECTION 42A REPORT 07 – AIR – Air</b>	
<b>PART 1 – INTRODUCTION AND GENERAL PROVISIONS / Interpretation</b>	
<p><b>Definition – Polluted airshed</b> (Ravensdown Sub. Ref. 5) (Sub. No. 00121.008)</p>	<p>Retain the notified definition of ‘<b>polluted airshed</b>’ as recommended in the section 42A Report.</p>

PORPS 2021 Provision	Comment / Requested Amendments
	The rejection of Ravensdown’s submission was recommended in the section 42A Report 07 (Refer to Section 7.4, paragraphs 26 to 28, of the section 42A Report 07). Ravensdown’s submission requested the deletion of the definition.
<b>PART 3 – DOMAINS AND TOPICS / AIR - Air</b>	
<b>Objective AIR–O1 – Ambient air quality</b> (Ravensdown Sub. Ref. 27) (Sub. No. 00121.029)	Retain the recommended amendment to <b>Objective AIR-O1</b> as recommended in the section 42A Report. The acceptance of Ravensdown’s submission was recommended in the section 42A Report 07 (Refer to Section 7.5, paragraphs 30 and 34, of the section 42A Report 07). Ravensdown’s submission requested the retention of this objective as notified.
<b>Objective AIR–O2 – Discharges to air</b> (Ravensdown Sub. Ref. 28) (Sub. No. 00121.030)	As discussed in <b>Section 5</b> of Ms Taylor’s evidence, amend <b>Objective AIR-O2</b> as follows: <i><b>AIR-O2 – Discharges to air.</b> Human health, amenity <u>values and mana whenua values</u> and the life-supporting capacity of ecosystems are protected from the <u>localised adverse</u> effects of discharges to air.</i> The rejection of Ravensdown’s submission was recommended in the section 42A Report 07 (Refer to Section 7.6, paragraphs 38, 43 and 46, of the section 42A Report 07). Ravensdown’s submission supported the intent of the objective but requested a number of amendments.
<b>Policy AIR–P1 – Maintain good ambient air quality</b> (Ravensdown Sub. Ref. 29) (Sub. No. 00121.031)	As discussed in <b>Section 5</b> of Ms Taylor’s evidence, amend <b>Policy AIR P-1</b> by, <b>deleting</b> the amended policy as recommended in the supplementary evidence of Ms Goslin (dated 11 October 2022), which is as follows: <i><b>AIR-P1 – Maintain <del>good</del> ambient air quality.</b> <u>Where <del>Good</del> ambient air quality is at or better than the limits set, that air quality is maintained at least at the existing quality by allowing discharges to air across Otago by:</u></i> <del>(1) ensuring discharges to air comply with ambient air quality limits where those limits have been set, and</del> <del>(2) where limits have not been set, only allowing discharges to air if the adverse effects of the discharge, including cumulative effects on ambient air quality are no more than minor and any limits are not exceeded.</del> <b>And,</b> replacing Ms Goslin’s amended policy with the following:

PORPS 2021 Provision	Comment / Requested Amendments
	<p><b><u>AIR-P1 – Maintain ambient air quality.</u></b> <i>Otago’s ambient air quality is, at a minimum, maintained, where ambient air quality standards are complied with, by allowing discharges to air where the discharge complies with relevant air quality standards, limits or guidelines.</i></p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 07 (Refer to Section 7.7, paragraphs 49, 51 to 57, of the section 42A Report 07). Ravensdown’s submission requested amendments to the policy.</p> <p>As outlined in the supplementary evidence of Ms Goslin (dated 11 October 2022) (paragraphs 5 to 15), further amendments to this policy are proposed by Council in response to issues raised during the prehearing.</p>
<p><b>Policy AIR–P2 – Improve poor ambient air quality</b> (Ravensdown Sub. Ref. 30) (Sub. No. 00121.032)</p>	<p>As discussed in <b>Section 5</b> of Ms Taylor’s evidence, amend <b>Policy AIR-P2</b> as follows:</p> <p><b><u>AIR-P2 – Improve <del>poor</del> degraded ambient air quality.</u></b> <i><del>Poor</del> Degraded ambient air quality, where ambient air quality standards are not complied with, is improved across Otago by:</i></p> <p>(1) <i>establishing, <del>maintaining and enforcing</del> plan provisions that set <del>actions limits</del> and timeframes for improving ambient air quality, including by managing the spatial distribution of activities and transport, and</i></p> <p>(2) <i>prioritising actions to reduce PM<sub>10</sub> and PM<sub>2.5</sub> concentrations in polluted airsheds, including phasing out existing domestic solid fuel burning appliances <del>and preventing any discharges from new domestic solid fuel burning appliances that do not comply with the standards set in the NESAQ.</del></i></p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 07 (Refer to Section 7.8, paragraphs 62, 67 to 71, of the section 42A Report 07). Ravensdown’s submission requested amendments to the policy.</p>
<p><b>Policy AIR–P3 – Providing for discharges to air</b> (Ravensdown Sub. Ref. 31) (Sub. No. 00121.033)</p>	<p>As discussed in <b>Section 5</b> of Ms Taylor’s evidence, amend <b>Policy AIR-P3</b> as follows:</p> <p><b><u>AIR-P3 – Providing for discharges to air.</u></b> <i><del>Allow</del> Provide for and manage discharges to air <del>provided they do not adversely affect</del> to ensure that human health, amenity values, and mana whenua values and the life supporting capacity of ecosystems <u>are not adversely affected.</u></i></p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 07 (Refer to Section 7.9, paragraphs 78 to 82, of the section 42A Report 07). Ravensdown’s submission requested amendments to the policy.</p>

PORPS 2021 Provision	Comment / Requested Amendments
<p><b>Policy AIR-P4 – Avoiding certain discharges</b> (Ravensdown Sub. Ref. 32) (Sub. No. 00121.034)</p>	<p>As discussed in <b>Section 5</b> of Ms Taylor’s evidence, amend <b>Policy AIR-P4</b> by <b>deleting</b> the amended policy as recommended in the supplementary evidence of Ms Goslin (dated 11 October 2022), which is as follows:</p> <p><i><b>AIR-P4 – Avoiding certain discharges.</b> <del>Generally Avoid discharges to air that cause noxious or dangerous effects and avoid, as the first priority, discharges to air that cause offensive, or objectionable, noxious or dangerous effects.</del></i></p> <p><b>And</b>, replacing Ms Goslin’s amended policy with the following:</p> <p><i><b>AIR-P4 – Restricting certain discharges.</b> <u>Ensure discharges to air do not cause offensive, objectionable, noxious or dangerous effects.</u></i></p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 07 (Refer to Section 7.10, paragraphs 87, 88, 91 to 95, of the section 42A Report 07). Ravensdown’s submission requested amendments to the policy.</p> <p>As outlined in the supplementary evidence of Ms Goslin (dated 11 October 2022) (paragraphs 16 to 21), further amendments to this policy are proposed by Council in response to issues raised during the prehearing.</p>
<p><b>Policy AIR-P5 – Managing certain discharges</b> (Ravensdown Sub. Ref. 33) (Sub. No. 00121.035)</p>	<p>As discussed in <b>Section 5</b> of Ms Taylor’s evidence, amend <b>Policy AIR-P5</b> as follows:</p> <p><i><b>AIR-P5 – Managing certain discharges.</b> Manage the <u>adverse effects of discharges to air</u> <del>beyond the boundary of the property of origin</del> from activities that include but are not limited to:</i></p> <ul style="list-style-type: none"> <li><i>(1) outdoor burning of organic material,</i></li> <li><i>(2) agrichemical and fertiliser <del>spraying</del> <u>applications</u>,</i></li> <li><i>(3) <del>farming</del> <u>primary production</u> activities,</i></li> <li><i>(4) activities that produce dust, and</i></li> <li><i>(5) industrial and trade activities.</i></li> </ul> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 07 (Refer to Section 7.11, paragraphs 102, 106 and 107, of the section 42A Report 07). Ravensdown’s submission requested amendments to the policy.</p>

PORPS 2021 Provision	Comment / Requested Amendments
<p><b>Policy AIR-P6 – Impacts on mana whenua values</b> (Ravensdown Sub. Ref. 34) (Sub. No. 00121.036)</p>	<p>As discussed in <b>Section 5</b> of Ms Taylor’s evidence, amend <b>Policy AIR-P6</b> as follows:</p> <p><b>AIR-P6 – Impacts on mana whenua values.</b> <del>Avoid</del> <u>Ensure that</u> discharges to air <del>that do not</del> adversely affect mana whenua values by having particular regard to values and areas of significance to mana whenua, including wāhi tūpuna, wāhi tapu, and wāhi taoka.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 07 (Refer to Section 7.12, paragraphs 112, 115 to 117, of the section 42A Report 07). Ravensdown’s submission requested amendments to the policy.</p>
<p><b>Method AIR-M2 – Regional plans</b> (Ravensdown Sub. Ref. 35) (Sub. No. 00121.037)</p>	<p>As discussed in <b>Section 5</b> of Ms Taylor’s evidence, amend <b>Method AIR-M2</b> as follows:</p> <p><b>AIR-M2 – Regional plans.</b> No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its regional plans to:</p> <p>(1) <del>avoid offensive, objectionable, noxious or dangerous</del> <u>ensure</u> discharges to air <del>that do not cause noxious, or dangerous effects and avoid, as the first priority, discharges to air that cause offensive or objectionable effects,</del></p> <p>(1A) <del>set limits</del> <u>establish actions</u> (including any ambient air quality standards) to maintain ambient air quality in accordance with AIR-P1, and <u>to improve ambient air quality in accordance with AIR-P2,</u></p> <p>(2) include provisions to <del>mitigate</del> <u>manage</u> the adverse effects from discharges to air <u>which have an adverse effect</u> beyond the boundary of the property of origin,</p> <p>(3) implement the prioritisation of actions set out in AIR-P2,</p> <p>(4) <del>mitigate</del> <u>manage</u> the adverse effects of discharges to air <u>which have an adverse effect</u> in areas adjacent to polluted airsheds where the discharge will adversely affect air quality in the polluted airshed, <del>and</del></p> <p><del>(5) give effect to the Air Quality Strategy for Otago and any subsequent amendments or updates,</del> <del>and</del></p> <p>(6) include measures to <del>avoid</del> <u>ensure that</u> adverse effects of discharges to air on mana whenua values and wāhi Tupuna <u>do not occur.</u></p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 07 (Refer to Section 7.14, paragraphs 129, 132 to 139 of the section 42A Report 07). Ravensdown’s submission requested amendments to the policy.</p>

PORPS 2021 Provision	Comment / Requested Amendments
	As outlined in the supplementary evidence of Ms Goslin (dated 11 October 2022) (paragraphs 9, 11, 13, 18, 20 and 21), further amendments to this method are proposed by Council as consequential amendments to proposed amendments to Policies AIR-P1, AIR-P2 and AIR-P3.
<b>SECTION 42A REPORT 08 – CE – COASTAL ENVIRONMENT</b>	
<b>PART 3 – DOMAINS AND TOPICS / CE – Coastal environment</b>	
<p><b>Objective CE–O1 – Safeguarding the coastal environment</b> (Ravensdown Sub. Ref. 36) (Sub. No. 00121.038)</p>	<p>Retain the recommended amendments to <b>Objective CE-O1</b> contained in the supplementary evidence of Mr Maclennan dated 11 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 08 (Refer to Section 8.5, paragraphs 46 and 60, of the section 42A Report 08). Ravensdown, in its submission, requested the retention of the objective as notified.</p> <p>The recommendation of the section 42A Report, and the supplementary evidence (paragraphs 8 to 11), in response to other submissions is to amend some of the wording of the notified objective, and to add two clauses (Clauses (6) and (7)). Ravensdown supports the amended objective as recommended in the supplementary evidence.</p>
<p><b>Objective CE–O2 – Maintaining or enhancing highly valued areas of the coastal environment</b> (Ravensdown Sub. Ref. 37) (Sub. No. 00121.039)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Objective CE-O2</b>.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 08 (Refer to Section 8.6, paragraphs 65 and 68, of the section 42A Report 08).</p>
<p><b>Objective CE–O5 – Activities in the coastal environment</b> (Ravensdown Sub. Ref. 38) (Sub. No. 00121.040)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Objective CE-O5</b>.</p> <p>The acceptance of Ravensdown’s submission was recommended in the section 42A Report 08 (Refer to Section 8.9, paragraphs 94 and 107, of the section 42A Report 08). While Ravensdown requested the retention of the objective as notified, the section 42A Report has recommended an amendment to Clause (4) which clarifies that public access may need to be restricted for health safety, ecological or cultural sensitivity reasons. The provision of this additional clarity is supported.</p>
<p><b>Policy CE–P1 – Links with other chapters</b> (Ravensdown Sub. Ref. 39) (Sub. No. 00121.041)</p>	<p>Retain the recommended amendments to <b>Policy CE-P1</b> contained in the supplementary evidence of Mr Maclennan dated 11 October 2022.</p>



PORPS 2021 Provision	Comment / Requested Amendments
	<p>The rejection of Ravensdown’s submission, which requested deletion of this policy, was recommended in the section 42A Report 08 (Refer to Section 8.10, paragraphs 109 and 120, of the section 42A Report 08).</p> <p>The recommendations of the section 42A Report, and the supplementary evidence (paragraphs 12 to 15), expands on the matters contained in the POPRS 2021 which implement an integrated approach to the management of the coastal environment. While Ravensdown still consider that the policy is not necessary, given that it only provides administrative guidance on the interrelationships between various provisions of the PORPS 2021, Ravensdown is not continuing to seek the amendment sought in its submission.</p>
<p><b>Policy CE–P2 – Identification</b> (Ravensdown Sub. Ref. 40) (Sub. No. 00121.042)</p>	<p>Retain the recommended amendments to <b>Policy CE-P2</b> contained in the supplementary evidence of Mr Maclennan, in relation to ‘Topic 12 – Hazards and risks’ dated 11 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 08 (Refer to Section 8.11, paragraphs 124, 152 and 153, of the section 42A Report 08). Ravensdown’s submission requested the retention of the policy as notified.</p> <p>The supplementary evidence (paragraph 13 and 14), recommends that Clause (4) of this policy, which relates to identifying areas potential identified by coastal hazards, be moved into the HAZ-NH Chapter of the PORPS 2021. Other minor amendments to address referencing issues are also proposed. Ravensdown supports the amended policy as recommended in the supplementary evidence.</p>
<p><b>Policy CE–P3 – Coastal water quality</b> (Ravensdown Sub. Ref. 41) (Sub. No. 00121.043)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Policy CE-P3</b>, as well as a consequential amendment arising from other topics, as traversed in supplementary evidence, whereby the use of the term ‘limits’ is proposed rather than ‘environmental limits’.</p> <p>The acceptance of Ravensdown’s submission was recommended in the section 42A Report 08 (Refer to Section 8.12, paragraphs 160, 176 and 212, of the section 42A Report 08).</p>
<p><b>Policy CE–P8 – Public access</b> (Ravensdown Sub. Ref. 42) (Sub. No. 00121.044)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Policy CE-P8</b>.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 08 (Refer to Section 8.17, paragraphs 298 and 311, of the section 42A Report 08). Ravensdown’s submission requested the retention of the policy as notified.</p>

PORPS 2021 Provision	Comment / Requested Amendments
<p><b>Policy CE–P9 – Activities on land within the coastal environment</b> (Ravensdown Sub. Ref. 43) (Sub. No. 00121.045)</p>	<p>Retain the recommended amendments to <b>Policy CE-P9</b> contained in the supplementary evidence of Mr MacLennan dated 11 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 08 (Refer to Section 8.18, paragraphs 316 and 334, of the section 42A Report 08). Ravensdown’s submission requested the retention of the policy as notified.</p> <p>As outlined in the supplementary evidence (paragraphs 16 to 23), further amendments to those recommended in the section 42A Report have been proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Policy CE–P10 – Activities within the coastal marine area</b> (Ravensdown Sub. Ref. 44) (Sub. No. 00121.046)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Policy CE-P10</b>.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 08 (Refer to Section 8.19, paragraphs 339 and 349, of the section 42A Report 08). Ravensdown’s submission requested the retention of the policy as notified.</p>
<p><b>Method CE–M3 – Regional plans</b> (Ravensdown Sub. Ref. 45) (Sub. No. 00121.047)</p>	<p>Retain the recommended amendments to <b>Method CE-M3</b> contained in the supplementary evidence of Mr MacLennan dated 11 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 08 (Refer to Section 8.12, paragraphs 167, 203 and 213, of the section 42A Report 08).</p> <p>As outlined in the supplementary evidence (paragraphs 24 to 28), further amendments to those recommended in the section 42A Report have been proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<b>SECTION 42A REPORT 09 – LF – LAND AND FRESHWATER</b>	
<b>PART 1 – INTRODUCTION AND GENERAL PROVISIONS / Interpretation</b>	
<p><b>Definition – Natural hazard works</b> (Ravensdown Sub. Ref. 3) (Sub. No. 00121.006)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>
<p><b>Definition – Other infrastructure</b> (Ravensdown Sub. Ref. 4) (Sub. No. 00121.007)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>

PORPS 2021 Provision	Comment / Requested Amendments
<b>Definition – Specified infrastructure</b> (Ravensdown Sub. Ref. 8) (Sub. No. 00121.011)	This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.
<b>PART 3 – DOMAINS AND TOPICS / LF – Land and freshwater / LF-WAI – Te Mana o te Wai</b>	
<b>Policy LF-WAI-P1 – Prioritisation</b> (Ravensdown Sub. Ref. 46) (Sub. No. 00121.048)	This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.
<b>Policy LF-WAI-P3 – Integrated management/ki uta ki tai</b> (Ravensdown Sub. Ref. 47) (Sub. No. 00121.049)	<p>Retain the recommended amendments to <b>Policy LF-WAI-P3</b> contained in the section 42A Report, and the subsequent amendments contained in the third supplementary evidence of Ms Boyd dated 21 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 09 (Refer to Section 9.5.7, paragraphs 168 and 251, of the section 42A Report 09). Ravensdown requested the retention of this policy as notified in its submission.</p> <p>As outlined in the third supplementary evidence (paragraphs 5 to 9) of Ms Boyd (dated 21 October 2022), a further amendment to those recommended in the section 42A Report are proposed by Council in response to issues raised during the prehearing. Ravensdown is willing to accept the further amendment recommended in the supplementary evidence.</p>
<b>Policy LF-WAI-P4 – Giving effect to Te Mana o te Wai</b> (Ravensdown Sub. Ref. 48) (Sub. No. 00121.050)	<p>Retain Policy LF-WAI-P4 as notified as recommended in the section 42A Report.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 09 (Refer to Section 9.5.8, paragraphs 254, 256 and 259, of the section 42A Report 09). Ravensdown requested the deletion of this policy in its submission.</p>
<b>PART 3 – DOMAINS AND TOPICS / LF – Land and freshwater / LF-VM – Visions and management</b>	
<b>Objective LF-VM-O2 – Clutha Mata au FMU vision</b> (Ravensdown Sub. Ref. 49) (Sub. No. 00121.051)	This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.
<b>Objective LF-VM-O3 – North Otago FMU vision</b> (Ravensdown Sub. Ref. 50) (Sub. No. 00121.052)	This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.

PORPS 2021 Provision	Comment / Requested Amendments
<p><b>Objective LF-VM-04 – Taieri FMU vision</b> (Ravensdown Sub. Ref. 51) (Sub. No. 00121.053)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>
<p><b>Objective LF-VM-05 – Dunedin &amp; Coast FMU vision</b> (Ravensdown Sub. Ref. 52) (Sub. No. 00121.054)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>
<p><b>Objective LF-VM-06 – Catlins FMU vision</b> (Ravensdown Sub. Ref. 53) (Sub. No. 00121.055)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>
<p><b>Objective LF-VM-07 – Integrated management</b> (Ravensdown Sub. Ref. 54) (Sub. No. 00121.056)</p>	<p>Delete <b>Objective LF-VM-07</b> as recommended in the supplementary evidence of Ms Boyd dated 11 October 2022.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 09 (Refer to Section 9.6.9, paragraph 633, of the section 42A Report 09). Ravensdown requested the deletion of this objective in its submission.</p> <p>As outlined in the supplementary evidence (paragraphs 13 and 14) of Ms Boyd (dated 11 October 2022), the deletion of the objective is now proposed by Council. Ravensdown supports the deletion of the objective as it is consistent with Ravensdown’s submission.</p>
<p><b>PART 3 – DOMAINS AND TOPICS / LF – Land and freshwater / LF-FW – Fresh water</b></p>	
<p><b>Policy LF-FW-P7 – Fresh water</b> (Ravensdown Sub. Ref. 55) (Sub. No. 00121.057)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>
<p><b>Policy LF-FW-P15 – Stormwater and wastewater discharges</b> (Ravensdown Sub. Ref. 56) (Sub. No. 00121.058)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>
<p><b>Method LF-FW-M7 – District plans</b> (Ravensdown Sub. Ref. 57) (Sub. No. 00121.059)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>
<p><b>PART 3 – DOMAINS AND TOPICS / LF – Land and freshwater / LF-LS – Land and soil</b></p>	
<p><b>Objective LF-LS-O11 – Land and soil</b></p>	<p>Retain the recommended amendments to the <b>Objective LF-LS-O11</b> and <b>Objective LF-LS-O11A</b> contained in the supplementary evidence of Ms Boyd dated 11 and 21 October 2022.</p>

<b>PORPS 2021 Provision</b>	<b>Comment / Requested Amendments</b>
(Ravensdown Sub. Ref. 58) (Sub. No. 00121.060)	<p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 09 (Refer to Section 9.8.4, paragraphs 1428 and 1445, of the section 42A Report 09). Ravensdown’s submission requested the retention of Objective LF-LS-O11 as notified.</p> <p>As outlined in the supplementary evidence (11 October 2022 – paragraphs 28 to 35 / 21 October 2022 – paragraphs 44 to 55), amendments to Objective LF-LS-O11, and the inclusion of a new ‘split’ Objective LF-LS-O11A, are proposed by Council in response to issues raised during the prehearing and the introduction of the National Policy Statement for Highly Productive Land 2022 (<b>NPS-HPL</b>). Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Objective LF–LS–O12 – Use of land</b> (Ravensdown Sub. Ref. 59) (Sub. No. 00121.061)</p>	<p>Retain the recommended amendments to the <b>Objective LF-LS-O12</b> contained in the supplementary evidence of Ms Boyd dated 11 October 2022.</p> <p>The acceptance of Ravensdown’s submission was recommended in the section 42A Report 09 (Refer to Section 9.8.5, paragraphs 1447 and 1458, of the section 42A Report 09). Ravensdown’s submission requested the retention of this objective as notified.</p> <p>As outlined in the supplementary evidence (paragraphs 28 to 35), amendments to this objective are proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Policy LF–LS–P16 – Integrated management</b> (Ravensdown Sub. Ref. 60) (Sub. No. 00121.062)</p>	<p>Retain the recommended amendments to the <b>Policy LF-LS-P16</b> contained in the supplementary evidence of Ms Boyd dated 11 October 2022.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 09 (Refer to Section 9.8.7, paragraphs 1465, 1467 and 1470, of the section 42A Report 09). Ravensdown’s submission requested the deletion of this policy.</p> <p>As outlined in the supplementary evidence (paragraphs 36 to 40), amendments to this objective are proposed by Council in response to issues raised during the prehearing. Ravensdown supports the amendments recommended in the supplementary evidence.</p>
<p><b>Policy LF–LS–P17 – Soil values</b> (Ravensdown Sub. Ref. 61) (Sub. No. 00121.063)</p>	<p>Retain <b>Policy LF-LS-P17</b> as notified, as recommended in the section 42A Report.</p> <p>The acceptance of Ravensdown’s submission was recommended in the section 42A Report 09 (Refer to Section 9.8.8, paragraphs 1472 and 1483, of the section 42A Report 09). Ravensdown’s submission requested the retention of this policy as notified.</p>

PORPS 2021 Provision	Comment / Requested Amendments
<p><del><b>Policy LF-LS-P18 – Soil erosion</b></del> (Ravensdown Sub. Ref. 62) (Sub. No. 00121.064)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>
<p><b>Policy LF-LS-P19 – Highly productive land</b> (Ravensdown Sub. Ref. 63) (Sub. No. 00121.065)</p>	<p>Retain the recommended amendments to <b>Policy LF-LS-P19</b> contained in the supplementary evidence of Ms Boyd dated 21 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 09 (Refer to Section 9.8.10, paragraphs 1495 and 1529, of the section 42A Report 09). Ravensdown’s submission requested the retention of the policy as notified.</p> <p>As outlined in the supplementary evidence (paragraphs 56 to 78), amendments to the policy are proposed by Council in response to issues raised during the prehearing and the introduction of the NPS-HPL. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><del><b>Policy LF-LS-P21 – Land use and fresh water</b></del> (Ravensdown Sub. Ref. 64) (Sub. No. 00121.066)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>
<p><del><b>Method LF-LS-M11 – Regional plans</b></del> (Ravensdown Sub. Ref. 65) (Sub. No. 00121.067)</p>	<p>This provision has been re-notified, on 30 September 2022, as a freshwater planning instrument.</p>
<p><b>SECTION 42A REPORT 10 – ECO – ECOSYSTEM AND INDIGENOUS BIODIVERSITY</b></p>	
<p><b>PART 3 – DOMAINS AND TOPICS / ECO – Ecosystems and indigenous biodiversity</b></p>	
<p><b>Policy ECO-P3 – Protecting significant natural areas and taoka</b> (Ravensdown Sub. Ref. 66) (Sub. No. 00121.068)</p>	<p>Retain the recommended amendments to <b>Policy ECO-P3</b> contained in the supplementary evidence of Ms Hardiman dated 11 October 2022.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 10 (Refer to Section 10.8.2, paragraphs 143 and 176, of the section 42A Report 10). Ravensdown requested the deletion of this policy in its submission.</p> <p>As outlined in the supplementary evidence (paragraphs 23 and 24), further amendments to those recommended in the section 42A Report are proposed by Council in response to issues raised during the prehearing. Ravensdown is willing to accept the further amendments recommended in the supplementary evidence.</p>

PORPS 2021 Provision	Comment / Requested Amendments
<p><b>Policy ECO-P6 – Maintaining indigenous biodiversity</b> (Ravensdown Sub. Ref. 67) (Sub. No. 00121.069)</p>	<p>As discussed in <b>Section 6</b> of Ms Taylor’s evidence, amend <b>Policy ECO-P6</b> as follows:</p> <p><b><i>ECO-P6 – Maintaining indigenous biodiversity.</i></b> <i>Maintain Otago’s indigenous biodiversity (excluding <del>the coastal environment and areas managed</del> <u>protected under ECO-P3</u>) by applying the following <del>biodiversity effects management hierarchy (in relation to indigenous biodiversity)</del> <u>in decision-making on applications for resource consent and notices of requirement:</u></i></p> <p><i>(1) avoid adverse effects as the first priority, <u>where practicable</u>,</i></p> <p><i>(2) where adverse effects <del>demonstrably</del> cannot be <del>completely</del> <u>demonstrably</u> avoided, they are <u>minimised where practicable</u> <del>remedied</del>,</i></p> <p><i>(3) where adverse effects <del>demonstrably</del> cannot be <del>completely avoided or remedied</del> <u>demonstrably</u> <u>minimised</u>, they are <del>mitigated</del> <u>remedied where practicable</u>,</i></p> <p><i>(4) where <del>there are</del> <u>more than minor</u> residual adverse effects <u>cannot be demonstrably avoided, minimised or remedied, after avoidance, remediation, and mitigation, then the residual adverse effects are biodiversity offsetting in accordance with APP3 is provided</u>, and</i></p> <p><i>(5) if biodiversity offsetting of <u>more than minor</u> residual adverse effects is not <u>demonstrably</u> possible, then:</i></p> <p><i>(a) the residual adverse effects are compensated for in accordance with APP4, and</i></p> <p><i>(b) if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.</i></p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report 10 (Refer to Section 10.8.5, paragraphs 246, unnumbered paragraph before 258 and 272, of the section 42A Report 10).</p>
<p><b>Policy ECO-P7 – Coastal indigenous biodiversity</b> (Ravensdown Sub. Ref. 68) (Sub. No. 00121.070)</p>	<p>Retain the recommended amendments to <b>Policy ECO-P7</b> contained in the supplementary evidence of Ms Hardiman dated 11 October 2022.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 10 (Refer to Section 10.11, paragraphs 304 and 314, of the section 42A Report 10). Ravensdown requested the deletion of this policy in its submission.</p>

PORPS 2021 Provision	Comment / Requested Amendments
	As outlined in the supplementary evidence (paragraphs 15 to 18), amendments to those recommended in the section 42A Report are proposed by Council in response to issues raised during the prehearing. Ravensdown is willing to accept the amendments recommended in the supplementary evidence.
<b>SECTION 42A REPORT 11 – EIT – ENERGY, INFRASTRUCTURE AND TRANSPORT</b>	
<b>PART 1 – INTRODUCTION AND GENERAL PROVISIONS / Interpretation</b>	
<b>Definition - Commercial port activity</b> (Ravensdown Sub. Ref. 1) (Sub. No. 00121.0004)	Retain the recommended amendments to the definition of ‘ <b>Commercial port activity</b> ’ contained in the supplementary evidence of Mr Langman dated 11 October 2022.  The rejection of Ravensdown’s submission was recommended in the section 42A Report 11 (Refer to Section 11.6.4, paragraphs 461, 469 to 472 and 476, of the section 42A Report 11).  As outlined in the supplementary evidence (paragraphs 40 and 41), further amendments to those recommended in the section 42A Report are proposed by Council in response to issues raised during the prehearing by Ravensdown. As discussed in <b>Section 7</b> of Ms Taylor’s evidence, Ravensdown supports the further amendments to the definition as they address the issue raised in Ravensdown’s submission.
<b>PART 3 – DOMAINS AND TOPICS / EIT – Energy, infrastructure and transport / EIT-EN - Energy</b>	
<b>Objective EIT-EN-O3 – Energy use</b> (Ravensdown Sub. Ref. 69) (Sub. No. 00121.071)	Retain the recommended amendments to <b>Objective EIT-EN-O3</b> contained in the supplementary evidence of Mr Langman dated 11 October 2022.  The acceptance of Ravensdown’s submission was recommended in the section 42A Report 11 (Refer to Section 11.5.6, paragraphs 125, 128 and 131, of the section 42A Report 11). Ravensdown’s submission sought the retention of this policy as notified.  As outlined in the supplementary evidence (paragraph 47), a further amendment to this objective is proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendment recommended in the supplementary evidence.
<b>Policy EIT-EN-P5 – Non-renewable energy generation</b> (Ravensdown Sub. Ref. 70) (Sub. No. 00121.072)	As discussed in <b>Section 7</b> of Ms Taylor’s evidence, amend <b>Policy EIT-EN-P5</b> as follows:  <i><b>EIT-EN-P5 – Non-renewable energy generation.</b> <del>Avoid Restrict</del> the development of non-renewable energy generation activities in Otago and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in energy generation.</i>



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	The rejection of Ravensdown's submission is recommended in the section 42A Report 11 (Refer to Section 11.5.12, paragraphs 242, 250, 252 and 258, of the section 42A Report 11).
<b>PART 3 – DOMAINS AND TOPICS / EIT – Energy, infrastructure and transport / TRAN - Transport</b>	
<b>Objective EIT–TRAN–O10 – Commercial port activities</b> (Ravensdown Sub. Ref. 71) (Sub. No. 00121.073)	Retain the notified version of <b>Objective EIT-TRAN-O10</b> as recommended in the section 42A Report, as well as a consequential amendment arising from other topics, as traversed in supplementary evidence, whereby the use of the term 'limits' is proposed rather than 'environmental limits'.  The acceptance of Ravensdown's submission was recommended in the section 42A Report 11 (Refer to Section 11.6.6, paragraphs 981, 985 and 989, of the section 42A Report 11). Ravensdown's submission sought the retention of this policy as notified.
<b>Policy EIT–TRAN–P19 – Transport system design</b> (Ravensdown Sub. Ref. 72) (Sub. No. 00121.074)	Retain the section 42A Report's recommended amendments to <b>Policy EIT-TRAN-P19</b> .  The acceptance in part of Ravensdown's submission was recommended in the section 42A Report 11 (Refer to Section 11.7.8, paragraphs 1007, 1012 and 1019, of the section 42A Report 11). Ravensdown's submission requested the retention of the policy as notified.
<b>Policy EIT–TRAN–P23 – Commercial port activities</b> (Ravensdown Sub. Ref. 73) (Sub. No. 00121.075)	Retain the recommended amendments to <b>Policy EIT-TRAN-P23</b> contained in the supplementary evidence of Mr Langman dated 11 October 2022, as well as a consequential amendment arising from other topics, as traversed in supplementary evidence, whereby the use of the term 'limits' is proposed rather than 'environmental limits'.  The rejection of Ravensdown's submission was recommended in the section 42A Report 11 (Refer to Section 11.7.12, paragraphs 1057, 1063 and 1065, of the section 42A Report 11).  As outlined in the supplementary evidence (paragraph 55), further amendments to this policy are proposed by Council in response to issues raised during the prehearing by Ravensdown. As discussed in <b>Section 7</b> of Ms Taylor's evidence, Ravensdown supports the further amendments to the policy, and the associated amended definition of 'commercial port activity', as it appropriately addresses the issue raised in Ravensdown's submission and discussed at the prehearing.
<b>Method EIT–TRAN–M7 – Regional plans</b> (Ravensdown Sub. Ref. 74) (Sub. No. 00121.076)	Retain the recommended amendments to <b>Method EIT-TRAN-M7</b> contained in the supplementary evidence of Mr Langman dated 11 October 2022.  The rejection of Ravensdown's submission was recommended in the section 42A Report 11 (Refer to Section 11.7.14, paragraphs 1073, 1079 and 1081, of the section 42A Report 11).

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	<p>As outlined in the supplementary evidence (paragraph 55), further amendments to this method are proposed by Council in response to issues raised during the prehearing by Ravensdown. As discussed in <b>Section 7</b> of Ms Taylor’s evidence, Ravensdown supports the further amendments to the method, and the associated amended definition of ‘commercial port activity’, as it appropriately addresses the issue raised in Ravensdown’s submission and discussed at the prehearing.</p>
<p><b>Method EIT-TRAN-M8 – District plans</b> (Ravensdown Sub. Ref. 75) (Sub. No. 00121.077)</p>	<p>As discussed in <b>Section 7</b> of Ms Taylor’s evidence, retain the recommended amendments to <b>Method EIT-TRAN-M8</b> contained in the supplementary evidence of Mr Langman dated 11 October, while also amending Clause (6) of the method as follows:</p> <p>...</p> <p><i>(6) include policies and methods that provide for commercial port activities <del>associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin</del> and avoid encroachment of activities which give rise to reverse sensitivity effects.</i></p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report 11 (Refer to Section 11.5.12, paragraphs 242, 250, 252 and 258, of the section 42A Report 11).</p> <p>As outlined in the supplementary evidence (paragraphs 40 and 41), amendments to the definition of ‘commercial port activity’ have been recommended by Council in response to issues raised during the prehearing by Ravensdown. As discussed in <b>Section 7</b> of Ms Taylor’s evidence, given the proposed amended definition of ‘commercial port activity’, which Ravensdown supports, a consequential amendment to Clause (b) of this method is required.</p>
<b>PART 5 – APPENDICES AND MAPS / Maps</b>	
<p><b>MAP 2 – EIT-TRAN-M7 Port Activities</b> (Ravensdown Sub. Ref. 102) (Sub. No. 00121.104)</p>	<p>Retain the notified version of <b>MAP 2 – EIT-TRAN-M7</b> as recommended in the section 42A Report. Although the submission was not specifically accessed in the section 42A Report 11, Ravensdown’s submission was effectively accepted.</p>
<b>SECTION 42A REPORT 12 – HAZ – HAZARDS AND RISKS</b>	
<b>PART 3 – DOMAINS AND TOPICS / HAZ – Hazards and risks / HAZ-NH – Natural hazards</b>	
<p><b>Objective HAZ-NH-O1 – Natural hazards</b> (Ravensdown Sub. Ref. 76) (Sub. No. 00121.078)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Objective HAZ-NH-O1</b>.</p>

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	<p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.3, paragraphs 66 and 74, of the section 42A Report 12). Ravensdown’s submission requested the retention of the policy as notified.</p>
<p><b>Objective HAZ–NH–O2 – Adaptation</b> (Ravensdown Sub. Ref. 77) (Sub. No. 00121.079)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Objective HAZ-NH-O2</b>.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.4, paragraphs 76 and 82, of the section 42A Report 12). Ravensdown’s submission requested the retention of the policy as notified.</p>
<p><b>Policy HAZ–NH–P1 – Identifying areas subject to natural hazards</b> (Ravensdown Sub. Ref. 78) (Sub. No. 00121.080)</p>	<p>Retain the recommended amendments to <b>Policy HAZ-NH-P1</b>, and <b>Policy HAZ-NH-P1A</b>, as contained in the supplementary evidence of Mr McLennan dated 11 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.5, paragraphs 84 and 93, of the section 42A Report 12). Ravensdown’s submission requested the retention of the policy as notified.</p> <p>As outlined in the supplementary evidence (paragraphs 9 to 15), further amendments to this policy, as well as the new policy, are proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Policy HAZ–NH–P2 – Risk assessments</b> (Ravensdown Sub. Ref. 79) (Sub. No. 00121.081)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Policy HAZ-NH-P2</b>.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.6, paragraphs 95 and 115, of the section 42A Report 12). Ravensdown’s submission requested the retention of the policy as notified.</p>
<p><b>Policy HAZ–NH–P4 – Existing activities</b> (Ravensdown Sub. Ref. 80) (Sub. No. 00121.082)</p>	<p>Retain the recommended amendments to <b>Policy HAZ-NH-P4</b> contained in the supplementary evidence of Mr McLennan dated 11 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.8, paragraphs 155, 166 and 168, of the section 42A Report 12). Ravensdown’s submission supported the intent of the policy but requested some amendments.</p> <p>As outlined in the supplementary evidence (paragraphs 9 to 15), further amendments to this policy are proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>

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<p><b>Policy HAZ–NH–P5 – Precautionary approach to natural hazard risk</b> (Ravensdown Sub. Ref. 81) (Sub. No. 00121.083)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Policy HAZ-NH-P5</b>. The rejection of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.9, paragraphs 174, 179 and 182, of the section 42A Report 12). Ravensdown’s submission requested the deletion of the policy.</p>
<p><b>Policy HAZ–NH–P10 – Coastal hazards</b> (Ravensdown Sub. Ref. 82) (Sub. No. 00121.084)</p>	<p>Retain the recommended amendments to <b>Policy HAZ-NH-P10</b> contained in the supplementary evidence of Mr McLennan dated 11 October 2022. The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.14, paragraphs 237 and 245, of the section 42A Report 12). Ravensdown’s submission requested the retention of the policy as notified. As outlined in the supplementary evidence (paragraphs 9 to 15), further amendments to this policy are proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Method HAZ–NH–M1 – Statement of responsibilities</b> (Ravensdown Sub. Ref. 83) (Sub. No. 00121.085)</p>	<p>Retain the recommended amendments to <b>Method HAZ-NH-M1</b> contained in the supplementary evidence of Mr McLennan dated 11 October 2022. The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.17, paragraphs 285 and 294, of the section 42A Report 12). Ravensdown’s submission requested the retention of the policy as notified. As outlined in the supplementary evidence (paragraphs 9 to 15), further amendments to this method are proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Method HAZ–NH–M2 – Local authorities</b> (Ravensdown Sub. Ref. 84) (Sub. No. 00121.086)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Method HAZ-NH-M2</b>. The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.18, paragraphs 304 and 314, of the section 42A Report 12). Ravensdown’s submission supported the intent of the method but requested some amendments in relation to the precautionary approach.</p>
<p><b>Method HAZ–NH–M3 – Regional plans</b> (Ravensdown Sub. Ref. 85) (Sub. No. 00121.087)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Method HAZ-NH-M3</b>. The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.19, paragraphs 321, 331 and 333, of the section 42A Report 12). Ravensdown’s</p>

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	submission supported the intent of the method but requested some amendments in relation to the precautionary approach.
<b>Method HAZ–NH–M4 – District plans</b> (Ravensdown Sub. Ref. 86) (Sub. No. 00121.088)	Retain the section 42A Report’s recommended amendments to <b>Method HAZ-NH-M4</b> . The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.4.20, paragraphs 342 and 353, of the section 42A Report 12). Ravensdown’s submission supported the intent of the method but requested some amendments in relation to the precautionary approach.
<b>PART 3 – DOMAINS AND TOPICS / HAZ – Hazards and risks / HAZ-CL – Contaminated land</b>	
<b>Objective HAZ–CL–O3 – Contaminated land</b> (Ravensdown Sub. Ref. 87) (Sub. No. 00121.089)	Retain the section 42A Report’s recommended amendments to <b>Objective HAZ-CL-O2</b> . The acceptance of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.5.3, paragraphs 491 and 496, of the section 42A Report 12). Ravensdown’s submission requested the retention of the objective as notified.
<b>Policy HAZ–CL–P14 – Managing contaminated land</b> (Ravensdown Sub. Ref. 88) (Sub. No. 00121.090)	As discussed in <b>Section 8</b> of Ms Taylor’s evidence, amend <b>Policy HAZ-CL-P14</b> as follows: <i><b>HAZ-CL-P14 – Managing contaminated land.</b> <del>Actively manage</del> Manage contaminated or potentially contaminated land so that it does not pose an unacceptable risk to people and the environment, by:</i> <i>(1) assessing and, if required, monitoring contaminant levels and environmental risks,</i> <i>(2) <del>protecting human health in accordance with</del> implementing regulatory requirements,</i> <i>(3) avoiding, as the first priority, and only where avoidance is not practicable, mitigating or remediating, adverse effects of the contaminants on the environment, and</i> <i>(4) requiring closed landfills to be managed in accordance with a closure plan that sets out monitoring requirements and, where necessary, any remedial actions required to address ongoing risks, and-</i> <i>(5) <u>prioritising the identification and management of closed landfills and contaminated land at risk from the effects of climate change.</u></i> The rejection of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.5.5, paragraphs 505, 512 and 515, of the section 42A Report 12). Ravensdown’s submission supported the intent of the policy but requested some amendments.

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<p><b>Policy HAZ–CL–P16 – Waste minimisation responses</b> (Ravensdown Sub. Ref. 89) (Sub. No. 00121.091)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Policy HAZ-CL-P16</b>. The acceptance of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.5.1, paragraphs 476 and 477, of the section 42A Report 12). Ravensdown’s submission requested the retention of the policy as notified.</p>
<p><b>Method HAZ–CL–M6 – Regional plans</b> (Ravensdown Sub. Ref. 90) (Sub. No. 00121.092)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Method HAZ-CL-M6</b>. The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 12 (Refer to Section 12.5.9, paragraphs 539 and 542, of the section 42A Report 12). Ravensdown’s submission requested the retention of the method as notified.</p>
<p><b>SECTION 42A REPORT 14 – NFL – NATURAL FEATURES AND LANDSCAPES</b></p>	
<p><b>PART 1 – INTRODUCTION AND GENERAL PROVISIONS / Interpretation</b></p>	
<p><b>Definition - Highly valued natural features and landscapes</b> (Ravensdown Sub. Ref. 2) (Sub. No. 00121.0005)</p>	<p>Retain the recommended amendments to the definition of ‘<b>Highly valued natural features and landscapes</b>’ contained in the supplementary evidence of Mr Mclennan dated 11 October 2022. The rejection of Ravensdown’s submission was recommended in the section 42A Report 14 (Refer to Section 14.4.1, paragraphs 54, 60 and 61, of the section 42A Report 14). Ravensdown’s submission requested the deletion of this definition.  As outlined in the supplementary evidence (paragraphs 11 to 17), a further amendment to this definition, in addition to that proposed in the section 42A Report 14, is proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence, as well as the section 42A Report 14.</p>
<p><b>PART 3 – DOMAINS AND TOPICS / NFL – Natural features and landscapes</b></p>	
<p><b>Objective NFL–O1 – Outstanding and highly valued natural features and landscapes</b> (Ravensdown Sub. Ref. 91) (Sub. No. 00121.093)</p>	<p>Retain the recommended amendments to the <b>Objective NFL-O1</b> contained in the supplementary evidence of Mr Mclennan dated 11 October 2022. The rejection of Ravensdown’s submission was recommended in the section 42A Report 14 (Refer to Section 14.5, paragraph 80, of the section 42A Report 14). Ravensdown’s submission supported the intent of the objective but requested a number of amendments.</p>

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	As outlined in the supplementary evidence (paragraphs 7 to 10), an amendment to this objective is proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.
<p><b>Policy NFL-P1 – Identification</b> (Ravensdown Sub. Ref. 92) (Sub. No. 00121.094)</p>	<p>Retain the recommended amendments to the <b>Policy NFL-P1</b> contained in the supplementary evidence of Mr McLennan dated 11 October 2022.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 14 (Refer to Section 14.6, paragraphs 92, 100 and 107, of the section 42A Report 14). Ravensdown’s submission supported the intent of the policy but requested a number of amendments.</p> <p>As outlined in the supplementary evidence (paragraphs 11 to 17 and 24 to 27), amendments to this policy are proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Policy NFL-P3 – Maintenance of highly valued natural features and landscapes</b> (Ravensdown Sub. Ref. 93) (Sub. No. 00121.095)</p>	<p>Retain the recommended amendments to the <b>Policy NFL-P3</b> contained in the supplementary evidence of Mr McLennan dated 11 October 2022.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 14 (Refer to Section 14.8, paragraphs 145, 150, 153 and 156, of the section 42A Report 14). Ravensdown’s submission requested a number of amendments to this policy.</p> <p>As outlined in the supplementary evidence (paragraphs 11 to 17), amendments to this policy are proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Policy NFL-P4 – Restoration</b> (Ravensdown Sub. Ref. 94) (Sub. No. 00121.096)</p>	<p>Retain <b>Policy NFL-P4</b>, as notified, as recommended in the section 42A Report.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 14 (Refer to Section 14.9, paragraphs 159, 161 and 163, of the section 42A Report 14). Ravensdown’s submission requested the deletion of this policy.</p>
<p><b>Policy NFL-P6 – Coastal features and landscapes</b> (Ravensdown Sub. Ref. 95) (Sub. No. 00121.097)</p>	<p>Retain <b>Policy NFL-P6</b>, as notified, as recommended in the section 42A Report.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 14 (Refer to Section 14.11, paragraphs 182 and 187, of the section 42A Report 14). Ravensdown’s submission requested the deletion of this policy.</p>

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<b>PART 5 – APPENDICES AND MAPS / Appendices</b>	
<p><b>APP9 – Identification criteria for outstanding and highly valued natural features, landscapes and seascapes</b> (Ravensdown Sub. Ref. 101) (Sub. No. 00121.103)</p>	<p>Retain the recommended amendments to the <b>APP9</b> contained in the supplementary evidence of Mr Mclennan dated 11 October 2022.</p> <p>The rejection of Ravensdown’s submission was recommended in the section 42A Report 14 (Refer to Section 14.19, paragraph 242, of the section 42A Report 14). Ravensdown’s submission requested some amendments to this appendix.</p> <p>As outlined in the supplementary evidence (paragraphs 11 to 17 and 28 to 32), amendments to this appendix are proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<b>SECTION 42A REPORT 15 – UFD – URBAN FORM AND DEVELOPMENT</b>	
<b>PART 1 – INTRODUCTION AND GENERAL PROVISIONS / Interpretation</b>	
<p><b>Definition – Rural area</b> (Ravensdown Sub. Ref. 7) (Sub. No. 00121.010)</p>	<p>As discussed in <b>Section 9</b> of Ms Taylor’s evidence, delete the definition of ‘<b>rural area</b>’ as requested by Ravensdown in its submission, as follows:</p> <p><del>means any area of land that is not an urban area.</del></p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report 15 (Refer to Section 15.4.3, paragraphs 73 and 80, of the section 42A Report).</p>
<p><b>Definition – Urban area</b> (Ravensdown Sub. Ref. 9) (Sub. No. 00121.012)</p>	<p>As discussed in <b>Section 9</b> of Ms Taylor’s evidence, delete the definition of ‘<b>urban area</b>’ as requested by Ravensdown in its submission, as follows:</p> <p><i>means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, predominantly urban in character. This includes but is not limited to any land identified in District Plans as being within any urban growth boundary or equivalent area however described, any residential zone, commercial and mixed use zone, industrial zone where located in areas that are urban in character, and future urban zone as listed in the National Planning Standards or its present District Plan zone equivalent. Urban environments are a subset of urban areas.</i></p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report 15 (Refer to Section 15.4.2, paragraphs 62 and 69, of the section 42A Report).</p>



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<b>PART 3 – DOMAINS AND TOPICS / ECO –Urban form and development</b>	
<p><b>Objective UFD–O2 – Development of urban areas</b> (Ravensdown Sub. Ref. 96) (Sub. No. 00121.098)</p>	<p>Retain the section 42A Report’s recommended amendments to <b>Objective UFD-O2</b>. The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 15 (Refer to Section 15.6, paragraphs 136 and 156, of the section 42A Report 15). Ravensdown’s submission requested the retention of the objective as notified.</p>
<p><b>Objective UFD–O4 – Development in rural areas</b> (Ravensdown Sub. Ref. 97) (Sub. No. 00121.099)</p>	<p>Retain the recommended amendments to the <b>Objective UFD-O4</b> contained in the supplementary evidence of Ms White dated 11 and 21 October 2022, as well as the supplementary evidence of Ms Boyd, for Topic 09, dated 21 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 15 (Refer to Section 15.8, paragraphs 200 and 228, of the section 42A Report 15). Ravensdown’s submission supported the intent of the objective but requested some amendments to Clause (2).</p> <p>As outlined in Ms White’s supplementary evidence (11 October 2022 – paragraphs 8 to 14, 15 to 21, 29 and 30 / 21 October 2022 - paragraph 7), amendments to this objective are proposed by Council in response to issues raised during the prehearing and the introduction of the NPS-HPL. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Policy UFD–P6 – Industrial activities</b> (Ravensdown Sub. Ref. 98) (Sub. No. 00121.100)</p>	<p>Retain the recommended amendments to the <b>Policy UFD-P6</b> contained in the supplementary evidence of Ms White dated 11 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 15 (Refer to Section 15.15, paragraphs 299, 303 and 306, of the section 42A Report 15). Ravensdown’s submission supported the intent of the policy but requested an amendment to Clause (3) of this policy.</p> <p>As outlined in the supplementary evidence (paragraphs 24 to 26), amendments to this policy are proposed by Council in response to issues raised during the prehearing. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Policy UFD–P7 –Rural Areas</b> (Ravensdown Sub. Ref. 99) (Sub. No. 00121.101)</p>	<p>Retain the recommended amendments to the <b>Policy UFD-P7</b> contained in the supplementary evidence of Ms White dated 11 and 21 October 2022, as well as the supplementary evidence of Ms Boyd, for Topic 09, dated 21 October 2022.</p>

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	<p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 15 (Refer to Section 15.16, paragraphs 310 and 329, of the section 42A Report 15). Ravensdown’s submission requested the retention of the policy as notified.</p> <p>As outlined in Ms White’s supplementary evidence (11 October 2022 - paragraphs 15 to 21 and 29 to 32 / 21 October 2022 - paragraph 9), amendments to this policy are proposed by Council in response to issues raised during the prehearing and the introduction of the NPS-HPL. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>
<p><b>Policy UFD-P8 – Rural lifestyle and rural residential zones</b> (Ravensdown Sub. Ref. 100) (Sub. No. 00121.102)</p>	<p>Retain the recommended amendments to the <b>Policy UFD-P8</b> contained in the supplementary evidence of Ms White dated 11 and 21 October 2022, as well as the supplementary evidence of Ms Boyd, for Topic 09, dated 21 October 2022.</p> <p>The acceptance in part of Ravensdown’s submission was recommended in the section 42A Report 15 (Refer to Section 15.17, paragraphs 361, 384, 385 and 391, of the section 42A Report 15). Ravensdown’s submission supported the intent of the policy but requested an amendment to Clause (4).</p> <p>As outlined in Ms White’s supplementary evidence (11 October 2022 - paragraphs 8 to 14, 27 and 28 and 29 to 30 / 21 October 2022 - paragraphs 10 and 11), amendments to this policy are proposed by Council in response to issues raised during the prehearing and the introduction of the NPS-HPL. Ravensdown supports the further amendments recommended in the supplementary evidence.</p>