

Before a Hearings Panel for the proposed  
Otago Regional Policy Statement 2021  
(excluding those parts that have been  
determined to be a freshwater planning  
instrument)

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Under	the Resource Management Act 1991 (RMA)
In the matter of	submissions and further submissions to the Proposed Otago Regional Policy statement (pORPS) excluding those parts that have been determined to be a freshwater planning instrument)

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**STATEMENT OF EVIDENCE (PLANNING) OF GAVIN MCCULLAGH ON BEHALF OF  
Z ENERGY LIMITED, BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND  
LIMITED (THE FUEL COMPANIES, SUBMITTER 00510 AND FURTHER SUBMITTER  
FS00510)**

24 NOVEMBER 2022

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## Qualifications and experience

1 My name is Gavin John McCullagh.

2 I am a Principal Planner with 4Sight Consulting.

3 My qualifications are a Graduate Diploma in Urban and Regional Planning from the Queensland University of Technology (2009), a Bachelor of Arts (Asian Studies) degree from the University of Southern Queensland (1992), and a Bachelor of Engineering (Civil) from the University of Queensland (1986). I have worked in planning roles in Australia and New Zealand since 2005. This work has included two years as a Principal Planner at Whanganui District Council, three years as a Team Leader – Planning with Environment Southland, and seven years in Brisbane at the Queensland Department of State Development, Infrastructure, Local Government and Planning. I also worked for thirteen years in Brisbane at the Queensland Department of Emergency Services in strategic policy and planning including in the field of mitigation of the impacts of natural hazards. I have been a full member of the Planning Institute of Australia since 2015.

4 Between October 2017 and August 2022 worked for local government in New Zealand in the development and progression of district plan amendments, technical reports for proposed plan changes including the Southland Air Plan and climate change strategy. I joined 4Sight Consulting in August 2022 and to date have been primarily working on submissions to local authority planning instruments.

5 In preparing this evidence I have reviewed the s42A report and the tracked change version of the proposed Otago Regional Policy Statement (**pORPS**) prepared on behalf of the Otago Regional Council (**Council**). I did not prepare those submissions and further submissions on behalf of the Fuel Companies but I have reviewed them in preparing this evidence. I am broadly familiar with the activities undertaken by the Fuel Companies, including the storage and use of hazardous substances and the management of contaminated land. To assist the Hearing Panel I have attached at **Appendix 1** a table with the submission and further submissions of the Fuel Companies and the corresponding s42A recommendations, highlighting the Fuel Companies position on these recommendations. I have also considered other material including:

- (a) The submissions of Port Otago Limited, Queenstown Airport Corporation Ltd, and Dunedin City Council;
- (b) Section 32 Evaluation Report: Proposed Otago Regional Policy Statement 2021;
- (c) Resource Management Act 1991

6 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **The Interests of the Fuel Companies**

7 The Fuel Companies receive, store and distribute refined petroleum products. The core business of the Fuel Companies is the operation and management of retail fuel networks, commercial refuelling facilities and bulk storage (terminal) facilities. The Fuel Companies also supply petroleum products to individually owned businesses. The nature of the Fuel Companies' activities at the Port of Otago is critical to their interests in the proposed pORPS.

8 The Dunedin Port provides the sole point of entry for ships carrying bulk petroleum products into the Otago Region. There are three existing bulk fuel storage terminals at the Port:

- Z Energy 2015 Limited (previously Chevron New Zealand), 203 Fryatt Street;
- Z Energy Limited, 9-25 Wickliffe Street; and
- BP Oil New Zealand Limited, Parry Street.

9 The terminals provide storage for approximately 45 million litres of bulk fuel, comprising petrol (95 and 91 octane), diesel, light fuel oil, and jet fuel. Fuel is supplied to the terminals via ship, with approximately 30 shipments delivered each year. Fuel is piped from the ships to storage at the terminals via wharflines.

10 Distribution of fuel from the terminals, except for bunkering of ships with light fuel oil (again via wharflines), is provided by heavy goods vehicles. These vehicles primarily serve the Otago region; however, fuel is also transported beyond the region. For instance, the terminals provide supplies into Canterbury and Southland in the event of shortages at the Bluff and Timaru terminals (and vice versa). The terminals also provide all jet fuel to Invercargill Airport (there is no jet fuel storage at Bluff), as well as Queenstown and Dunedin Airports. A special winter blend of diesel is also supplied from Dunedin into South Canterbury.

11 The interests of the Fuel Companies in the pORPS are focused on the key issues relevant to the ongoing operation, maintenance, and upgrade of their facilities.

12 The Fuel Companies have made submissions and further submissions on the pORPS. Those submissions sought to ensure that provisions recognise and provide appropriately for the Fuel Companies' activities and infrastructure, including at the bulk fuel storage terminals, commercial refuelling facilities and retail operations. The submissions sought, amongst other things, to ensure clarity and consistency of application of provisions in and across different domains within the pORPS, for example the treatment of regionally significant infrastructure in the coastal environment. The submissions also addressed provisions for contaminated land and hazardous substances to seek consistency and avoid duplication with legislation including the Hazardous Substances and New Organisms Act 1996 (**HSNO**), Health and Safety at Work Act 2015 (**HSWA**), and the National Environmental Standard for Assessing and Managing Contaminants in Soil (**NESCS**).

## **Scope of evidence**

13 I have been asked to prepare evidence in relation to the interests of the Fuel Companies in the pORPS. My evidence addresses the following:

- Introduction and General Provisions – Definitions
  - Commercial port activity
- Energy Infrastructure and Transport
  - EIT-INF-P14
  - EIT-TRAN-E3
- Hazards and Risks - Contaminated Land
  - HAZ-CL-P15
  - HAZ-CL-P14
  - New policy Hazardous substances

14 My evidence focuses primarily on policies regarding contaminated land and hazardous substances and in particular the importance of the distinction between the two topics. It also responds to clear direction from central government in relation to the management of hazardous substances. Finally, I address amendments and clarifications to infrastructure provisions relevant to the operations of the Fuel Companies in the Otago Region.

### **Introduction and General Provisions – Definition of Commercial Port Activity**

15 The Fuel Companies' submission<sup>1</sup> supported in part the definition of “commercial port activity” and in particular the specific recognition at (e) of *Structures, facilities and pipelines for fuel storage and refuelling of ships*. However, the Fuel Companies sought that clauses (d) and (e) be amended to explicitly reference “provision, maintenance and development”, noting comparable references in other clauses and that clear direction re the same is critical to providing efficiently for the operation of the structures, facilities and pipelines for fuel storage and refuelling of ships. The following amendments were sought to the definition:

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

- (a) Operation of commercial ships in Otago Harbour;
- (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) Provision, maintenance and development of 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);
- (e) Provision, maintenance and development of 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 referred to in MAP2;

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<sup>1</sup> 00510.007 Fuel Companies Submission

(h) Installation and maintenance of beacons and markers for navigation safety; and  
(i) Provision and maintenance of the mole at Aramoana.

16 The author of the S42A Report 11: EIT-Energy Infrastructure and Transport<sup>2</sup> recommended rejecting the submission on the basis that the Fuel Companies “only sought clarification”. This misinterprets the Fuel Companies’ submission which expressly sought an amendment to the definition as set out above (in addition to clarification regarding the term ‘transport system’).

17 I consider that recognising the importance of providing for the ongoing provision, maintenance, and operation of fuel storage, not just the existing infrastructure, is intrinsic to achieving the policy intent of the plan. In that regard I note that the s42A author accepts<sup>3</sup> the regional significance of the Fuel Companies’ terminal infrastructure, including recommending amending the definition of regionally significant infrastructure as set out below:

***Regionally significant infrastructure means:***

...

*(11A) oil terminals, bulk fuel storage and supply infrastructure, and ancillary pipelines at Port Chalmers and Dunedin, and*

...

18 The intent to provide for the ongoing operation of regionally significant infrastructure or similar is also clear in the overarching policy framework including Objective EIT-INF-O4. That objective as proposed by the s42A author<sup>4</sup> directs that *Effective, efficient and resilient infrastructure, nationally significant infrastructure and regionally significant infrastructure enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth in within the region, within environmental limits.*

19 This is also evident in clauses (f), (h) and (i) of the definition of commercial port activity which refer to provision, maintenance and development:

*(f) Provision, maintenance and development of shipping channels and swing basins;*

*(h) Installation and maintenance of beacons and markers for navigation safety; and*

*(i) Provision and maintenance of the mole at Aramoana.*

20 Therefore it is my opinion that the proposed amendment sought by the Fuel Companies to the definition of commercial port activities be accepted. For clarity, those amendments are as follows:

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<sup>2</sup> S42A report, Section 11.6.4.1, paragraph 475

<sup>3</sup> S42A Report 11.6.4.4, paragraph 549

<sup>4</sup> S42A Report 11.6.5.4, paragraph 585

*(d) Provision, maintenance and development of 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);*

*(e) Provision, maintenance and development of structures, facilities and pipelines for fuel storage, and refuelling of ships;*

## **Energy, Infrastructure and Transport – Decision making considerations**

21 The Fuel Companies' submission<sup>5</sup> opposed in part Policy EIT-INF-P14. The submission set out that this opposition reflected a concern that clause 2 it had the potential to lead to provisions seeking to curtail existing lawful activities with minimal adverse effects:

*EIT-INF-P14 – Decision making considerations*

*When considering proposals to develop or upgrade infrastructure:*

*(1) require consideration of alternative sites, methods and designs if adverse effects are potentially significant or irreversible, and*

*(2) utilise the opportunity of substantial upgrades of infrastructure to reduce adverse effects that result from the existing infrastructure, including on sensitive activities.*

22 The s42A author Report 11: EIT- Energy, Infrastructure and Transport rejected the Fuel Companies submission to delete all or part of the provision citing that “the provision as stated is needed to support other provisions and provides clarity for RPS users.”<sup>6</sup> Similar submissions by Queenstown Airport and Waka Kotahi<sup>7</sup> have also been rejected.

23 I do not agree that clause 2 provides clarity. It is unclear the extent to which it is intended to apply to existing infrastructure. Its direction is also directive and contrary to the intent of a decision making consideration as per the chapeau of the policy.

24 As drafted, I consider there is a risk that the policy could be interpreted as directing, unlawfully in my opinion, decision makers to reduce effects from infrastructure that is not subject of a particular proposal. I suspect the intent is for the direction to only relate to those parts of particular infrastructure being “substantially upgraded”. This would be better reflected by amending clause 2 to as set out below:

*EIT-INF-P14 – Decision making considerations*

*When considering proposals to develop or upgrade infrastructure:*

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<sup>5</sup> Submission number 00510.041

<sup>6</sup> S24A Report, Section 11.6.12.3, paragraph 757

<sup>7</sup> S42A Report, Section 11.6.12.2, paragraphs 747 and 755

(1) require consideration of alternative sites, methods and designs if adverse effects are potentially significant or irreversible, and

(2) utilise the opportunity of substantial upgrades of infrastructure to seek to reduce adverse effects that resulted from those parts of the existing infrastructure that are being upgraded, including on sensitive activities.

25 If however, the intent of the provision is to reduce adverse effects from lawfully established existing infrastructure beyond that which is being upgraded, then I support the Fuel Companies position that the clause be deleted.

### **Energy, Infrastructure and Transport – Explanation**

26 The Fuel Companies' submission<sup>8</sup> opposed in part the final sentence of EIT-TRAN-E3 as being unnecessarily specific in identifying only "commercial port activities" in relation to the CE-Coastal Environment chapter on the basis that

"There is no need for the statement that the provisions of the coastal environment chapter also apply to commercial port activities and it is potentially misleading, noting that the coastal environment provisions are presumably relevant to any activities in the coastal environment, not just port activities. The statement confuses the clear direction provided in the integrated management chapter."

27 The Fuel Companies sought the deletion of the final sentence of provision EIT-TRAN-E3:

~~*In relation to commercial port activities taking place within the coastal environment, the provisions of the CE – Coastal Environment chapter also apply.*~~

28 In responding, the s42A author does not address<sup>9</sup> the rationale provided by the Fuel Companies that "coastal environment provisions are presumably relevant to any activities in the coastal environment, not just port activities".

29 I agree with the Fuel Companies rationale that the sentence is superfluous and may also be read that provisions of the CE-Coastal environment chapter only apply to commercial port activities and not other transport activities or infrastructure. I support the deletion of this sentence.

### **Hazards and Risks - Contaminated Land – HAZ-CL-P15 and HAZ-CL-P14**

30 The pORPS includes one objective and three key policies relating to contaminated land. HAZ-CL-O3 directs that contaminated land is managed to protect human health, Kāi Tahu values and the environment.

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<sup>8</sup> 00510.034

<sup>9</sup> S42A Report 11.7.17.2, paragraph 1118

Underlying policies relate to identifying (HAZ-CL-P13), managing (HAZ-CL-P14), and new contaminated land (HAZ-CL-P15).

31 Policy P15 as notified was as follows:

*HAZ-CL-P15 – New contaminated land*

*Avoid the creation of new contaminated land or, where this is not practicable, minimise adverse effects on the environment and mana whenua values.*

32 The Fuel Companies' submission<sup>10</sup> sought the deletion of the Policy on the basis that the only practical means of giving effect to that direction would be to avoid the use, storage and disposal of hazardous materials. In response, the s42A author Report 12: HAZ – Hazards and risks states:

*Finally, I disagree with Oceana Gold and The Fuel Companies that the provision should be deleted. I disagree that the policy is not necessary or that the pORPS can rely on other legislation managing the storage and use of hazardous substances and HAZ-CL-P14 for addressing the management of contaminated land. In order to achieve the direction set within Objective HAZ-CL-O1 to protect human health, mana whenua values and the environment in Otago, I consider it is important there is policy direction that the creation of new contaminated land is avoided where practical.<sup>11</sup>*

33 The Fuel Companies also submitted<sup>12</sup> on HAZ-CL-P14 seeking amendments regarding management and monitoring of contaminated land and the deletion of clause (3) on the basis that avoidance is not an appropriate response to contaminated land. The relief sought by the Fuel Companies is shown below (additions in underline, deletions in strikethrough).

*HAZ-CL-P14 – Managing contaminated land*

*~~Actively m~~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 regulatory requirements,*

*~~(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~~*

*(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.*

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<sup>10</sup> 00510.062

<sup>11</sup> S42A Report 12.5.6.2, paragraph 520

<sup>12</sup> 00510.060



34 The s42A author<sup>13</sup> considers both the Fuel Companies and Ravensdown's<sup>14</sup> submissions regarding clause 3 and agrees in part that contaminated land is beyond the point of avoidance.

*In relation to subclause (3), and the submissions from both Ravensdown and the Fuel Companies that seek to remove the whole of the subclause or remove the reference to "avoid", I agree in part with this submission point. I agree that this policy relates to managing contaminated or potentially contaminated land, so at the point this policy is engaged, it is beyond the point of avoiding adverse all adverse effects on the environment. However, I note that it may be practical to avoid further adverse effects on the environment and as such I consider the drafting of clause (4) is appropriate. I also consider that mitigating or remediating adverse effects of the contaminants where it is not practical to avoid is an appropriate policy direction in the context of managing contaminated or potentially contaminated land so that it does not pose an unacceptable risk to people and the environment. I disagree with the Fuel Companies' suggestion that the whole of the subclause should be removed.*

35 I consider the s42a recommendations re P15 and P14 (particularly clause 3) highlight the lack of clarity in the pORPS regarding the important distinction between contaminated land and hazardous substances. Hazardous substances are defined in the HSNO as substances with intrinsic properties that are hazardous. They are widely used by the community. Contaminated land is defined in the Resource Management Act 1991 by the presence of hazardous substances on or in the land and that has, or is reasonably likely to have, significant adverse effects on the environment. It is a legacy issue that requires management. New contaminated land can only be created by the release (accidental or intentional) of hazardous substances onto previously uncontaminated land of a nature or quantity that cause "significant" effects on the environment. I cannot foresee a situation whereby Council would grant a consent to contaminate land. Rather, I anticipate any such release would more likely be subject of enforcement action, or at least consideration of the same.

36 Notwithstanding the second part of the P15, which seeks to recognise avoidance may not be practicable, I agree with the intent of the Fuel Companies' submission and that an outcome of the avoidance direction may be unnecessarily onerous consenting pathways for the use, storage or disposal of hazardous substances. I disagree with the author's argument that this issue is addressed by a policy avoiding the creation of new contaminated land. The intent is better served by a policy that requires appropriate management of hazardous substances as it is the release of the same that has potential to contaminate land. As the risk associated with the storage and use of hazardous substances is principally addressed by other legislation, I consider any policy should focus on where adequate controls are not otherwise provided for by other legislation. This could be achieved by the following new policy:

*Manage the use and development of land for hazardous facilities where analysis demonstrates adequate controls are not provided by other legislation.*

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<sup>13</sup> 12.5.5.2 paragraph 513

<sup>14</sup> 00121.090

37 For similar reasons, I consider the direction at clause 3 of P14 to avoid effects as a first priority contradicts the important recognition in the policy that contaminated land should be managed so that it does not pose an unacceptable risk to people and the environment.

38 To resolve the conflict and give effect to the direction to manage contaminated land so that it does not pose and unacceptable risk to the environment I recommend that clause 3 be amended as follows:

~~avoiding, as the first priority, and only where avoidance is not practicable, mitigating or remediating, adverse effects of the contaminants~~ unacceptable risk on the environment

#### **Hazards and Risks - Contaminated Land – New policy**

39 The Fuel Companies proposed a new policy<sup>15</sup> explicitly directing the avoidance of hazardous substance controls that duplicate the requirements of other legislation (e.g. Hazardous Substances and New Organisms Act 1996 and Health and Safety at Work Act 2015). That proposed policy was:

Policy HAZ-CL-P\* Avoid duplication of hazardous substance controls provided by other legislation.

40 The s42A author addresses this issue in introductory remarks<sup>16</sup> highlighting the Resource Legislation Amendment Act 2017 and the removal of the explicit function for regional and territorial authorities to control hazardous substances and that the pORPS has removed any explicit provisions for the control of hazardous substances.

41 The s42A author agrees with the Fuel Companies<sup>17</sup> on this point. However the author takes the following position regarding the new policy:

*I disagree that a specific provision should be included within the pORPS that would limit the ability of the territorial authorities to manage adverse effects of hazardous substances if, after an evaluation pursuant to section 32 RMA, they considered provisions were required to give effect to the purpose of the RMA*

42 In my opinion the proposed new policy does not limit the ability of territorial authorities (or regional authorities for that matter) to manage the use, storage or disposal of hazardous substances where justified via s32 RMA analysis. Rather, I consider it makes clear that duplication of controls is inappropriate and inefficient and seeks to direct authorities as to the importance of a rigorous process to determine where any controls may be required. The proposed policy draws heavily on the Fuel Companies' experience with proposed plans and plan changes around the country which have not consistently responded to the RLAA in robustly evaluating the extent of hazardous substance controls that are appropriate in plans. I therefore support the clear direction this policy as proposed by the Fuel Companies would provide.

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<sup>15</sup> 00510-059 Fuel Companies Submission

<sup>16</sup> 12.5.1, paragraph 474

<sup>17</sup> 12.5.8.3, paragraph 536

43 I note that the proposed amendment to HAZ-CL-P15 also addresses the issue of avoiding duplication of legislated controls and if accepted it would achieve the same purpose as this proposed policy.

A handwritten signature in black ink, appearing to read 'G. McCullagh', with a stylized flourish at the end.

**Gavin McCullagh**

24 November 2022

## Appendix A:

### Proposed Otago Regional Policy Statement: Section 42A Hearing Report (updated October 2022)

Submission or Further Submission Number	Notified Provision	Support/Oppose	Rationale	Relief Sought	S42a Recommendation	Fuel Companies position
<b>Part 1: Introduction and General Provisions</b>						
<b>Definitions</b>						
EIT Chapter 00510.007	<b>Definition- Commercial port activity</b>	Support in part	<p>The Fuel Companies support the specific recognition of fuel storage and refuelling activities but as provided for other activities seek that clauses (d) and (e) also provide specifically for the provision, maintenance and development, noting that this is critical to the ongoing operation of those facilities.</p> <p>The energy, infrastructure and transport topic addresses both transport systems and commercial port activities. It appears that the intent is that commercial port activities are not considered a subset of transport system but this should be clear.</p>	<p>Amend clause (e) as follows:</p> <p>d. <u>Provision, maintenance and development of buildings, installations, other structures or equipment at or adjacent to a port and used in connection with the port's operation or maintenance.</u></p> <p>e. <u>Provision, maintenance and development of structures, facilities and pipelines for fuel storage, and refuelling of ships;</u></p> <p>Clarify that commercial port activities are not included in the undefined term 'transport system'.</p> <p>Otherwise retain the definition as notified.</p>	<b>Reject the submission, retain as notified.</b>	<b>See evidence</b>
00510.008	<b>Definition-Lifeline utilities</b>	Support	The proposed definition encompasses key activities undertaken by the Fuel Companies which reflects the importance of petroleum supply to the region.	Retain the definition as notified.	<b>Accept, retain as notified</b>	<b>Support the recommendation</b>
EIT Chapter 00510.009	<b>Definition- Nationally significant infrastructure</b>	Support in part	<p>Item 6 of Part A of Schedule 1 of the CDEM 2002 is as follows:</p> <p>The port company (as defined in section 2(1) of the Port Companies Act 1988) that carries out port-related commercial activities at Auckland, Bluff, Port Chalmers, Gisborne, Lyttelton, Napier, Nelson, Picton, Port Taranaki, Tauranga, Timaru, Wellington, Westport, or Whangarei.</p> <p>It is not clear they are port facilities of a port company. It is also not clear that this definition provides for activities at the Dunedin Port, noting it is specific to Port Chalmers.</p>	Amend the definition to clarify that terminals and ancillary pipelines are nationally significant infrastructure and that the definition applies to both Port Chalmers and Dunedin.	<b>Accept the submission in part.</b> Council considers that the treatment of FuelCo assets from a policy perspective would be the same regardless of whether they are defined as regionally significant infrastructure or nationally significant infrastructure, and as such, propose an amendment to RSI to respond to both submission points.	<b>Support the recommendation</b>
EIT Chapter 00510.010	<b>Definition – Regionally significant infrastructure</b>	Support in part	The definition of Nationally Significant Infrastructure only includes port facilities at Port Chalmers. Port facilities recognised as RSI. This appears to be the intent of the RPS, for instance EIT TRAN-P23, which seeks to recognise the national and regional significance of commercial port activities.	<p>Explicitly recognise port activities, or at least structures, facilities, and pipelines for fuel storage and refuelling of ships as RSI. This could be achieved by adding either of the following to the RSI definition:</p> <p><u>Structures, facilities and pipelines for fuel storage, and refuelling of ships.</u> Or</p>	<b>Regionally significant infrastructure means:</b> <u>(11A) oil terminals, bulk fuel storage and supply infrastructure, and ancillary pipelines at Port Chalmers and Dunedin, and</u>	

Submission or Further Submission Number	Notified Provision	Support/Oppose	Rationale	Relief Sought	S42a Recommendation	Fuel Companies position
				<u>Commercial Port activities, including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.</u>		
Royal Forest and Bird 00230.012	Definition- Residual risk	FuelCo oppose	RF&B sought amendment to residual risk definition.  Fuel Co noted that the term residual risk is only used in the proposed RPS in relation to natural hazards but is commonly used in relation to a range of other activities, for instance management or risk associated with the storage and use of hazardous substances and narrowing the definition in this way in the RPS may complicate the use of the term in underlying documents.	RF&B sought an amendment as follows:  “ <u>in relation to natural hazard risk</u> , means the risk remaining after the implementation or undertaking of all available and practicable risk management measures.”	Reject the submission for RF&B and retain as notified.	Support the recommendation
Fonterra 00213.009	Definition- Sensitive activity	FuelCo support	Fonterra sought to replace the definition as it is too narrow in its application.  Fuelco: The definition may be appropriate to the NPS ET but is too narrow for the purposes of the RPS.	Fonterra sought to that sensitive activities be defined to include:  (1) <u>residential activity</u> (2) <u>visitor accommodation</u> (3) <u>community facility</u> (4) <u>educational facility</u> (5) <u>health care facility</u>	Reject the submission  Delete the definition of sensitive activities in the UFD as it is now only used in the EIT chapter. Make a consequential amendment to the definition in relation to the EIT chapter.  <b>Sensitive Activities—(in relation to the EIT Chapter)</b> <u>Where used in the EIT Chapter</u> , has the same meaning as in the interpretation section of the National Policy Statement on Electricity Transmission 2008 (as set out in the box below) <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 5px auto;">Includes, schools, residential buildings and hospitals</div> <b>Sensitive Activities—(in relation to the UFD Chapter)</b> <u>Where used in the UFD Chapter, means activities that are affected by the adverse effects of a lawful activity.</u>	Accept the recommendation
00510.011	New definition – Major Hazard Facility (MHF)	Proposed	Major hazard facility means a facility that WorkSafe has designated as a lower tier major hazard facility or an upper tier major hazard facility under regulation 19 or 20 of the Health and Safety at Work (Major Hazard Facilities) Regulations 2016.	Include a definition of MHF as defined in the Health and Safety at Work (Major Hazard Facilities) Regulations 2016:	Reject the submission.  Section42a officers of the CE and UFD chapters have not included a MHF definition, and on that basis, Fuel Co’s submission is rejected.	Accept the recommendation
Port Otago Ltd 00301.036 00301.037 00301.038	New definitions	FuelCo support in part	Port Otago sought to include a definition to distinguish between activities that have differing policy tests in the RPS: <ul style="list-style-type: none"><li>• operation and maintenance of infrastructure</li><li>• upgrades and development of existing infrastructure</li><li>• new infrastructure</li></ul> FuelCo support the principle of further clarity regarding its operation, maintenance and upgrade but anticipate this may be better addressed in lower order documents.		Reject the submission, retain as drafted.	Accept the recommendation

Submission or Further Submission Number	Notified Provision	Support/Oppose	Rationale	Relief Sought	S42a Recommendation	Fuel Companies position
Fonterra 00213.005  (FS00239.000)	New definition – Reverse Sensitivity	FuelCo support in part	Fonterra sought a new definition of Reverse Sensitivity to provide specific wording.  FuelCo stance is that the definition in the partially operative RPS better recognises that it is not just new activities but also the intensification of existing activities. That definition is preferred.  The potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the established activity.	Fonterra sought the following definition:  <u>“The potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre – existing activity”.</u>	<b>Accept in part.</b> Council considers ‘compromised’ to be subjective, while Curtailed and constrained are more measurable. There were no FS that provided specific support for Fonterra. Waka Kotahi drew specific support from FS, in particular the inclusion of ‘intensification’ of activities, would seem reasonable that effects from the intensification of existing activities may give rise to reverse sensitivity effects.  <b>Amend to:</b> Reverse sensitivity: <u>The potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the effects of the established activity.</u>	<b>Support the recommendation</b>
Waka Kotahi 00305.05  (FS00510.019)	New definitions– Reverse Sensitivity	FuelCo support	Waka Kotahi drew on the definition contained in the pORPS2019 as a suggestion for consideration.  Fuel Co If reverse sensitivity is defined, the partially operative RPS 2019 definition is supported.	Waka Kotahi sought the following definition:  <u>“The potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the established activity.”</u>		
Royal Forest and Bird 00230.002	General Terminology -	Fuel Co support in part	The RPS should be amended throughout to remove the term environmental limits and replace it with the outcome sought (e.g., ‘to maintain and restore ecosystem health and indigenous biodiversity’) unless it is clear that there is a specific environmental limit which cannot be breached for that particular objective policy or method.  FuelCo support clear environmental limits.	No specific amendments are sought.	<b>Accept in part.</b> Council suggests the following amendments.  a. Including a definition of “environmental limit” as set out below,  b. Retaining references to “environmental limit” in EIT-EN-O2, EIT-EN-M1, EIT-INF-O4, EIT-TRAN-O10, EIT-TRAN-P23, and EIT-TRAN-M7,  c. Replacing references to “limit” with “environmental limit” in IM-P14, CE-O5, CE-P11, and CE-M3,  d. Deleting “threshold” and replacing “limit” with “environmental limit” in the Environmental section of SRMR-I11, IM-P14, IM-M1(6), IM-PR1, and IM-AER1,  e. Replacing “environmental bottom line” with “environmental limit” in IM-P12 and CE-E1, and  f. Replacing “biophysical limit” with “environmental limit” in the SRMR introduction.  <u>environmental limit means, in relation to natural resources:</u>  <u>(1) the minimum biophysical state (where biophysical means relating to biotic or abiotic physical features); or</u>  <u>(2) the maximum amount of harm or stress that may be permitted; and</u>  <u>(3) may be:</u>  <u>(a) qualitative or quantitative;</u>	<b>Accept the recommendation</b>

Submission or Further Submission Number	Notified Provision	Support/Oppose	Rationale	Relief Sought	S42a Recommendation	Fuel Companies position
					<p><u>(b) set at different levels for different circumstances and locations; or</u></p> <p><u>(c) set in a way that integrates more than 1 natural resource.</u></p>	
<b>Part 2: Resource Management Overview</b>						
<b>Significant resource management issues for the region</b>						
CIAL 00307.003	SRMR-14 – Poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community wellbeing.	FuelCo support	The FuelCo primary submissions address this in relation to hazard substances and support recognition of the same through SRMR.	Amend to include discussion of the risk that incompatible urban growth can pose for significant infrastructure.	<p>Accept the submission and amend to:</p> <p><u>In addition, the productive land in Otago contributes to the social and economic wellbeing of the community through production of food and other rural production-based products. However, where development occurs in a place or manner that removes or reduces the potential to use productive land, including through reverse sensitivity effects, the productive capacity of the land is compromised.</u></p> <p><u>Urban development growth within rural areas can also lead to reverse-sensitivity effects on existing primary production activities, because urban activities can be sensitive to the effects generated by primary production activities. whereby traditional methods of pest management or the undertaking of rural production activities cannot be deployed due the proximity of urban populations and the potential for adverse impacts on those population</u></p>	<b>Accept the recommendation</b>

Coastal Environment						
Port Otago Ltd 00301.028	CE-General	FuelCo support	Port Otago Ltd sought to remove duplication of provisions applying to coastal activities and provide clarity on the policy direction.  The Fuel Companies support additional measures to clarify the relevance of provisions to commercial port activities and activities in the coastal environment.	Amend to avoid duplication	<b>Reject submission and retain as drafted</b>  Council notes the directive nature of some of the policies within the NZCPS provides little scope for the pORPS to consider additional or alternative management approaches.	<b>Accept the recommendation</b>
Port Otago Ltd 00301.017	CE-O5	FuelCo support	Port Otago seeks that clause (3) is removed, and that (4) is amended to ensure public access is able to be restricted for the purposes of health and safety.  FuelCo support the amendment given the specific safety and security requirements of the port	Amend as follows: "Activities in the coastal environment: (1) make efficient use of space occupied in the coastal marine area, (2) are of a scale, density and design compatible with their location, <del>(3) are only provided for within appropriate locations and limits, and</del> <del>(4)</del> (3) maintain or enhance public access to and along the coastal marine area, including for customary uses, <u>except where restriction is necessary for safety or security requirements.</u> "	<b>Reject submission to delete Clause 3</b> , which is important to provide scope for infrastructure activities that have a functional/operational need to be located in the coastal environment.  <b>Amend CE-O5 to:</b> Activities in the coastal environment: (1) make efficient use of space occupied in the coastal marine area, (2) are of a scale, density and design compatible with their location, (3) are only provided for within appropriate locations and limits, and (4) maintain or enhance public access to and along the coastal marine area, including for customary uses, <u>except where public access needs to be restricted for reasons of health and safety or ecological or cultural sensitivity.</u> <sup>18</sup>	<b>Accept the recommendation</b>
00510.012	CE-P1- Links with other chapters	Oppose	CE-P1(2) sets out links with other chapters but there is uncertainty re how those provisions apply in the coastal environment. Reliance should be placed on the integrated management chapter which sets out how the RPS is to be interpreted.	Delete policy CE-P1 but if necessary provide further clarification in the integrated management chapter re the application of the coastal environment chapter to other provisions in the RPS.	<b>Accept the submission</b> and amend as per Port Otago relief sought.  Clause (1) and (2) are in accordance with Port Otago's recommendation. Clause (3) has been deleted and (4) has been added as follows (responding to DOC):  <i>"where relevant, the provisions within the following chapters of this RPS also apply within the coastal environment, unless expressly excluded:</i> <i>(a) IM – Integrated Management</i> <i>(b) AIR – Air,</i> <i>(c) LF – Land and freshwater,</i> <i>(d) ECO – Ecosystems and indigenous biodiversity,</i> <i>(e) EIT – Energy, infrastructure and transport,</i> <i>(f) HAZ – Hazards and risks,</i> <i>(g) HCV – Heritage and historical values,</i>	<b>Accept the recommendation</b>
Port Otago Ltd 00301.018		Support	Port Otago cautions that inconsistencies between provisions in the coastal environment and other plan chapters affect their interpretation and application and seeks a review of relevant provisions to resolve issues.  FuelCo support the proposed clarity of provisions relevant to commercial port activities.	Amend as follows: "Recognise that: (1) coastal hazards must be identified in accordance with CE – P2(4) and managed in accordance with the HAZ–NH – Natural hazards section of this RPS; (2) <u>commercial</u> port activities must be managed in accordance with <u>policy P23</u> in the <u>EIT – TRAN – Transport</u> section of this RPS; and (3) historic heritage must be managed in accordance with the HCV – Historical and cultural values section of this RPS."  This submission is subject to our submission seeking amendments to the provision that is referenced in		

<sup>18</sup> As proposed in 00234.017 Te Runanga o Ngai Tahu



				sub – clause (2) of the policy (refer to our submission on EIT – TRAN – P23).	(h) NFL – Natural features and landscapes, and (i) UFD – Urban form and development.”	
00510.013	<b>CE-P2 – Identification of the coastal environment</b>	Support	It is important in undertaking any mapping exercise to recognise the existing facilities, including existing infrastructure, as per CE-P2(1)(e).	Retain CE-P2 as notified	<b>Reject the submission</b> , amend based on other submissions. Such as Te Runanga o Ngai Tahu (to provide for recognised cultural values/interests).  1(g) items of <u>Kāi Tahu</u> cultural <u>association</u> and <i>historic heritage</i> in the <i>coastal marine area</i> or on the coast  3 areas of coastal water where takata whenua have a particular interest, <u>including Mātaitai and Taiapure</u>	<b>Support the recommendation</b>
00510.014	<b>CE-P3 – Coastal water quality</b>	Support in part	The cross reference to CE-P1(2) does not appear to be relevant so the circumstances where improvement is required are unclear. It would seem likely that the reference should be to CE-P2(2). The balance of the policy is supported.	Amend the cross reference to CE-P2(2) but otherwise retain as notified.	<b>Accept the submission</b> and amend accordingly	<b>Support the recommendation</b>
00510.015	<b>CE-P5 – Coastal indigenous biodiversity</b>	Support	The Fuel Companies accept the intent to in effect leave policy 11 of the NZCPS to be addressed in the lower order plans.	Retain as notified	<b>Reject the submission</b> . Minor amendments suggested to respond to DOC and Yellow-eyed Penguin Society.	<b>Support the recommendation</b>
00510.016	<b>CE-P6 – Natural features, landscapes and seascapes</b>	Support	The recognition at CE-P6(3) that it will not always be appropriate to avoid all adverse effects is supported.	Retain as notified	<b>Reject the submission</b> . Minor amendments suggested to respond to Forest & Bird and Sanford.	<b>Support the recommendation</b>
00510.017	<b>CE-P8 – Public access</b>	Support	The requirement of the need to protect public health and safety is important in balancing access to the CMA, particularly in relation to port activities.	Retain as notified	<b>Reject the submission</b> . Minor amendments suggested to respond to other submitters.  CE-P8 – Public access <del>Maintain or enhance</del> <u>Manage</u> public <u>walking and vehicle</u> access to, <del>and</del> <u>along and adjacent to</u> the coastal marine area <u>by unless restricting public access is necessary</u> :  ...	<b>Support the recommendation</b>

00510.018	<b>CE-P9 – Activities on land within the coastal environment</b>	Support in part	It is also critical that land use in proximity of the port avoids reverse sensitivity effects on port activities. This is addressed further in submissions in relation to the Hazards and risks and urban form and development topics.	<p>Add the following clause to CE-P9.</p> <p><u>6. avoiding reverse sensitivity effects on NSI, RSI, and Major Hazard Facilities.</u></p> <p>Retain the balance of CE-P9 as notified.</p>	<p><b>Reject the submission</b> and amend to:</p> <p>The strategic and co-ordinated use of land within the coastal environment is achieved by:</p> <p>[...]</p> <p>(2A) recognising and providing for the functional and operational needs of nationally significant infrastructure and regionally significant infrastructure where appropriate</p> <p>(3) recognising the importance of the provision of infrastructure, food production, and pastoral farming activities to the social, economic and cultural well-being of people and communities,</p> <p>Council stated that the suggested amendment to Policy CE-P1 would clarify that the relevant provision of the EIT chapter apply within the coastal environment.</p>	<b>Accept the recommendation</b>
	<b>CE-P10 – Activities within the CMA</b>	Support	The recognition of functional and operational need and resilience is supported.	Retain as notified	<p><b>Reject the submission</b> and amend to:</p> <p>CE-P10 – Activities within the coastal marine area</p> <p>Use and development in the coastal marine area must:</p> <p>(1) enable multiple uses of the coastal marine area wherever reasonable and practicable,</p> <p>(2) maintain or improve the <u>health</u>, integrity, form, function and resilience of the coastal marine area, <del>and</del></p> <p>(3) have a functional <u>need</u> or operational need to be located in the coastal marine area, or</p> <p>(4) have a public benefit or opportunity for public recreation that cannot practicably be located outside the coastal marine area.</p>	<b>Support the recommendation</b>
00510.019	<b>CE-M3 – Regional plans</b>	Support in part	Control of contaminants at source, is an effective and efficient means of minimising the potential for generation of contaminants in the first instance. Seek an additional clause to CE-M3(4) to promote awareness and actions to reduce contaminant discharges through source control.	<p>Add the following to CE-M3</p> <p><u>4(g) Promote awareness and actions to reduce contaminant discharges through source control</u></p> <p>Retain the balance of CE-M3 as notified.</p>	Accept the submission and add subclause CE-M3(4)	<b>Support the recommendation</b>
00510.020	<b>CE-M4 – District plan</b>	Support in part	Amend to promote source control, for instance through building materials, and recognise the importance of managing potential reverse sensitivity effects on Major Hazard Facilities including those at the Port.	<p>Add the following clauses to CE-M4:</p> <p><u>Promote awareness and actions to reduce contaminant discharges through source control</u></p> <p><u>Control land use in proximity of NSI, RSI, and Major Hazard Facilities.</u></p> <p>Retain the balance of CE-M4 as notified.</p>	<p><b>Reject the submission</b> and amend to:</p> <p>CE-M4 – District plans</p> <p>Territorial authorities must prepare or amend and maintain their district plans to:</p> <p>(3A) achieve the integrated management of, and control over, land use activities which could cause direct or indirect effects on the coastal marine area,</p>	<b>Accept the recommendation</b>

Royal Forest and Bird 00230.043	CE-General	FuelCo Oppose	Amend the CE provisions to include prescriptive provisions of the NZCPS.  Fuel Co argue that repeating NZCPS provisions in the RPS is unnecessary and opposed. The RPS needs to give effect to the NZCPS in the context of Otago.		<b>Reject Royal Forest and Bird submission</b> , no major amendments to CE provisions.  Council states: The goal of the objectives is the safeguarding of the coastal environment, and I consider the suggested additions do not fit well within this objective.	<b>Support the recommendation</b>
Royal Forest and Bird 00230.038	CE-General	FuelCo oppose in part	Amend the CE provisions to include areas identified as meeting Policy 11 of the NZCPS as SNA's or SMA's in addition to meeting the APP2 criteria.  FuelCo Mapping of areas meeting Policy 11 is supported but these do not necessarily correlate to SNA or SMA.		<b>Reject Royal Forest and Bird submission</b> , no major amendments to CE provisions.  Council states:  There is currently limited region-specific information about the matters addressed by Policy 11, meaning there is limited Otago-specific direction to guide the application of Policy 11.	<b>Support the recommendation</b>
Te Rūnanga o Ngāi Tahu 00234.021	CE – New provision	FuelCo oppose	Te Runanga's  FuelCo oppose Te Runanga's submission as the avoidance of adverse effects from stormwater discharges is not practicable, will effectively preclude network discharges and provision of new development and will not promote sustainable management.	Te Rūnanga o Ngāi Tahu seek following policy: <u>"Discharge of contaminants into Te Tai o Ārai Te Uru Coastal water quality will be improved by:</u> <u>(a) in time, ceasing all wastewater discharges into Te Tai o Ārai Te Uru</u> <u>(b) avoiding adverse effects from discharge originating in terrestrial, freshwater or marine environments.</u> <u>(c) cessation of wastewater infiltration into stormwater systems.</u> <u>(d) attenuation and treatment of stormwater prior to discharge into coastal waters."</u>	<b>Reject Te Rūnanga o Ngāi Tahu submission</b> , new provision is not proposed.	<b>Support the recommendation</b>
<b>Land and Fresh Water</b>						
00510.026	LF-LS-O11 – Land and soil	Support		Retain as notified	<b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.  <b>LF-LS-O11 – Land and soil</b>  The life-supporting capacity of Otago's soil resources is safeguarded, and the availability and productive capacity of highly productive land for <u>primary production food and fibre production</u> is maintained, now and for future generations.	<b>Support the recommendation</b>
00510.027	LF-LS-O12 – Use of land	Support		Retain as notified	<b>Accept the submission</b> , retain as notified	<b>Support the recommendation</b>
QAC 00313.037	LF-General	FuelCo support	Consistency with the recently developed partially operate RPS is supported as are clear provisions for RSI and NSI, for the reasons set out by the submitter and in the submission of the FuelCo.	Amend as follows:  PORPS should be amended in manner that  (1) ensures it is consistent with the partially operative 2019 Otago Regional Policy Statement, in so far as and to the extent that that planning		<b>Recommendation unclear</b>

				instrument recognises, provides for and protects nationally and regionally significant infrastructure. AND (2) nationally and regionally significant infrastructure should be subject to its own bespoke management regime within the PORPS, so that it is clear which objectives, policies and methods apply in any given case, so to avoid potential conflicting policy approaches within the PORPS to such infrastructure, and to ensure efficient and certain administration and implementation		
<b>Ecosystems and Indigenous Biodiversity</b>						
Port Otago Ltd 00301.029	<b>ECO-General</b>	Support	Port Otago Ltd seek to remove duplication with provisions covered in the CE chapter and provide greater clarity for any provisions within the ECO chapter which apply to the coastal environment.  FuelCo support this submission. The relevance of provisions to commercial port activities and activities in the coastal environment more generally was sought in the FuelCo primary submissions. Additional measures/amendments to provide this clarity are supported.	For example, by including “coastal icons” within the ECO chapter for any specific provisions which are not duplicative and are necessary to apply to the coastal environment.	<b>Reject the submission</b> , as it is not clear what duplication of provisions Port of Otago is referring to. Council seek Port Otago clarify in their evidence.	<b>Accept the recommendation</b>
Port Otago Ltd 00301.031	<b>ECO-General</b>	Support	Port Otago Ltd sought to clarify which provisions in the RPS apply to activities in the coastal environment and where this might differ to enable port activities consistent with P9 of the NZCPS  As above Fuel CO			<b>Accept the recommendation</b>
00510.029	<b>ECO-O1 Indigenous biodiversity</b>	Support		Retain as notified	<b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.  ECO-O1 – Indigenous biodiversity  Otago’s indigenous biodiversity is healthy and thriving and any <u>net</u> decline in <u>quality condition</u> , quantity and diversity is halted.	<b>Support the recommendation</b>
Contact 00318.017  Network Waitaki 00320.016  Oceana Gold 00115.018	<b>ECO-P2</b>	FuelCo support	It is appropriate that this is resourced by local authorities at a district wide scale through relevant plans.	Amend as follows: Delete ECO – P2 or amend as follows: <del>Identify:</del> <del>(1) the areas and values of significant natural areas in accordance with APP2, and</del> <del>(2) indigenous species and ecosystems that are taoka in accordance with ECO – M3.</del> <u>Significant natural areas will be identified by local authorities using the criteria in APP2 and these areas will be mapped at an appropriate scale in the relevant regional and district plans.</u>  Indigenous species and ecosystems that are taoka	<b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.  Council states: As stated in ECOM2 and ECO-M3, local authorities are required to work collaboratively together to identify and map SNAs and to work collaboratively together with mana whenua to identify and map taoka, ECO-M2 also indicates that SNAs can be identified through ecological assessments at the resource consenting stage.  Amend to: <b>ECO-P2 – Identifying significant natural areas and taoka</b>	<b>Support the recommendation</b>

				<u>will be identified by local authorities in accordance with ECO – M3, and these areas will be mapped in the relevant regional and district plans.</u>	Identify <u>and map</u> : (1) the areas and <u>indigenous biodiversity</u> values of significant natural areas in accordance with APP2, and (2) <u>where appropriate</u> , indigenous species and ecosystems that are taoka in accordance with ECO–M3.	
00510.030	<b>ECO–P3 – Protecting significant natural areas and taoka</b>	Support	The link to ECO-P4 and P5, which reference NSI and RSI, is supported.	Retain as notified	<p><b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.</p> <p><b>ECO–P3 – Protecting significant natural areas and taoka</b></p> <p>Except as provided for by ECO–P4 and ECO–P5, protect significant natural areas (<u>outside the coastal environment</u>) and indigenous species and ecosystems that are taoka by:</p> <p>(1) <u>first</u> avoiding adverse effects that result in:</p> <p>(a) any reduction of the area or <u>indigenous biodiversity</u> values <u>identified and mapped under ECO-P2(1)</u>, (even if those values are not themselves significant <u>but contribute to an area being identified as a significant natural area identified under ECO–P2(1), or and</u></p> <p>(b) any loss of <del>Kāi Tahu</del> taoka values <u>identified and mapped under ECOP2(2), and</u></p> <p>(2) after (1), applying the <u>biodiversity effects management hierarchy (in relation to indigenous biodiversity)</u> in ECO–P6, and</p> <p>(3) prior to significant natural areas and indigenous species and ecosystems that are taoka being identified <u>and mapped</u> in accordance with ECO–P2, adopt a precautionary approach towards activities in accordance with <del>HM–P15IM</del>–P6(2).</p>	<b>Support the recommendation</b>
00510.031	<b>ECO–P4 – Provision for new activities</b>	Support	The recognition of NSI and RSI is supported	Retain as notified	<p><b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.</p> <p><b>ECO–P4 – Provision for new activities</b></p> <p>Maintain Otago’s indigenous biodiversity by following the sequential steps in the effects management hierarchy (<u>in relation to indigenous biodiversity</u>) set out in ECO–P6 when making decisions on plans, applications for resource consent or notices of requirement for the following activities in significant natural areas (<u>outside the coastal environment</u>), or where they may adversely affect indigenous species and ecosystems that are taoka:</p> <p>(1) the development, <u>operation, maintenance</u> or upgrade of nationally <u>significant infrastructure</u> and regionally significant infrastructure that has a functional <u>need</u> or operational need to locate within the relevant significant natural area(s) or where they may adversely affect indigenous species or ecosystems that are taoka,</p>	<b>Support the recommendation</b>

					<p>(2) the development of papakāika, marae and ancillary facilities associated with customary activities on Māori land,</p> <p><u>(2A) the sustainable use of mahika kai and kaimoana (seafood) by mana whenua,</u></p> <p>(3) the use of Māori land <del>in a way that will make a significant contribution to enable mana whenua to maintain their connection to their whenua and enhancing</del> the social, cultural or economic well-being of <del>takata</del> whenua,</p> <p>(4) activities that are for the purpose of protecting, restoring or enhancing a significant natural area or indigenous species or ecosystems that are taoka, or</p> <p>(5) activities that are for the purpose of addressing a severe <del>and</del> immediate risk to public health or safety.</p>	
00510.032	<b>ECO-P5 – Existing activities in significant natural areas</b>	Support	The recognition of NSI and RSI is supported	Retain as notified	<b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.	<b>Support the recommendation</b>
Royal Forest and Bird 00230.104	<b>ECO-P5 – Existing activities in significant natural areas</b>	FuelCo support in part	An important aspect of continued operation is minor upgrades. This should be reflected in ECO-P5.	<p>Amend as follows:</p> <p><del>“ECO – P5 – Existing Maintenance and operation of activities in significant natural areas</del></p> <p><del>Except as provided for by ECO – P4, provide for the maintenance and continuing operation of existing lawfully established activities within significant natural areas and that may adversely affect indigenous species and ecosystems that are taoka, if:</del></p> <p>(1) the <u>maintenance and continuing operation</u> <del>continuance of an existing lawfully established</del> activity will not lead to the loss (including through cumulative loss) of extent or degradation of the ecological integrity of any significant natural area or indigenous species or ecosystems that are taoka, and</p> <p>(2) the adverse effects of the <u>maintenance and continuing operation of an existing activity</u> <del>are</del> no greater in character, spatial extent, intensity or scale than they were before this RPS became operative. and</p> <p><u>(3) the activity is not within 10m of a freshwater body or within the coastal environment.”</u></p>	<p><b>ECO-P5 – Existing activities in significant natural areas</b></p> <p><del>Except as provided for by ECO – P4, provide</del> for existing activities that are <u>lawfully established</u> within significant natural areas (<u>outside the coastal environment</u>) and that may adversely affect indigenous species and ecosystems that are taoka, if:</p> <p>(1) the continuation, <u>maintenance and minor upgrades</u> of an existing activity <u>that is lawfully established</u> will not lead to the loss (including through cumulative loss) of extent or <u>degradation</u> of the ecological integrity of any significant natural area or indigenous species or ecosystems that are taoka, and</p> <p>(2) the adverse effects <u>from the continuation, maintenance and minor upgrades</u> of an existing activity <u>that is lawfully established</u> are no greater in character, spatial extent, intensity or scale than they were before this RPS became operative.</p>	<b>Support the recommendation</b>
Trustpower Limited 00311.023	<b>ECO-P5-Existing activities in significant natural areas</b>	FuelCo support in part	As set out in relation to 00230.104. (Directly above) the FuelCo support specific provision for maintenance, operations, and minor upgrading.	<p>Amend as follows:</p> <p>“Except as provided for by ECO – P4, provide for existing activities within significant natural areas and that may adversely affect indigenous species and ecosystems that are taoka, if: (1) the continuation <u>and minor upgrading</u> of an existing activity will not lead to the loss (including through cumulative loss) of extent or degradation of the ecological integrity of any significant natural area or indigenous species or ecosystems that are taoka,</p>		<b>Support the recommendation</b>

				and (2) the adverse effects of an existing activity and any minor upgrades are no greater the same or similar in character, spatial extent, intensity or scale than they were before this RPS became operative.”			
<b>Energy Infrastructure and Transport</b>							
Port Otago Ltd 00301.001	EIT-TRAN-General	FuelCo support	support	Port Otago sought to amend RPS to provide for a satisfactory resource management regime that enables the safe and efficient use and development of commercial port activities within the Otago Harbour.  The Fuel Companies supported the relief sought as commercial port activities, including the FuelCo bulk fuel storage activities, are at least regionally significant infrastructure and the ability for the port to operate safely and effectively is critical to the region.		<b>Reject the submission</b> , retain as notified.  Council considers the current provisions substantially provide for resource management regime that addresses the above, whilst importantly taking into account environmental and most importantly coastal management considerations.	<b>Accept the recommendation</b>
00510.034	EIT-INF-E2 and EIT-TRAN-E3 explanations	Oppose in part		There is no need for the statement that the provisions of the coastal environment chapter also apply to commercial port activities and it is potentially misleading, noting that the coastal environment provisions are presumably relevant to any activities in the coastal environment, not just port activities. The statement confuses the clear direction provided in the integrated management chapter.	Delete the last sentence as follows: “...In relation to commercial port activities taking place within the coastal environment, the provisions of the CE – Coastal Environment chapter also apply”,  confirmation/explanation that both the infrastructure and transport provisions are potentially applicable to commercial port activities.	<b>Reject the submission</b> , retain as notified.  Council states: The deletion as requested is inconsistent with current regulatory requirements, in particular the NZCPS. I also consider additional references to commercial port activities is a level of specificity not necessary, or appropriate for this section. I recommend rejecting this submission.	<b>See evidence</b>
00510.035	EIT-INF-O4 Provision of infrastructure	Support	Support		Retain as notified	<b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.  Amend to: <b>EIT-INF-O4 – Provision of infrastructure</b> Effective, efficient and resilient infrastructure, <u>nationally significant infrastructure and regionally significant infrastructure</u> enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth <del>in within</del> the region, within environmental limits.	<b>Support the recommendation</b>
00510.036	EIT-INF-O5 Integration	Support	Support		Retain as notified	<b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.  Amend to: <b>EIT-INF-O5 – Integration</b> Development of <del>nationally and regionally significant</del> <u>nationally significant infrastructure and regionally significant infrastructure</u> as well as land use change, occurs in a co-ordinated manner to <u>avoid or</u> minimise adverse effects on the environment and increase efficiency in the delivery, operation and use of the infrastructure.	<b>Support the recommendation</b>

00510.037 Z	<b>EIT-INF-P10 Recognising resource requirements</b>	– Support		Retain as notified	<b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.  Amend to: <b>EIT-INF-P10 – Recognising resource requirements</b>  Decision making on the allocation or use of natural and physical resources must take into account the <u>functional needs and operational</u> needs of nationally <u>significant infrastructure</u> and regionally significant infrastructure.	<b>Support the recommendation</b>
00510.038	<b>EIT-INF-P11– Operation and maintenance</b>	Support		Retain as notified	<b>Council accepts Port Otago</b> submission in new provision EIT-INF-P13A that recognises infrastructure matters in coastal areas need to be managed in accordance with the CE chapter. (see below)  <b>Council rejects CIAL submission</b> on the basis that the words “safe, efficient and effective” is addressed as part of operation and maintenance of infrastructure so is redundant. As an objective it is covered within EIT-INF-04.  Amend to: <b>EIT-INF-P11 – Operation and maintenance</b>	<b>Accept the recommendation</b>
<b>Port Otago Ltd</b> 00301.035		Support	Port Otago Ltd sought to clarify how the effects test within this policy should be read in conjunction with other effects policies within other chapters of the RPS through including cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure.  FuelCo: relevance of provisions to commercial port activities and activities in the coastal environment more generally was sought in the FuelCo primary submissions. Additional measures to provide this clarity are supported.			<b>Accept the recommendation</b>
<b>CIAL</b> <b>00307.018</b>	<b>EIT-INF-P11</b>	FuelCo support	In the context of RSI and NSI, it is appropriate that activities can operate without unnecessarily constrained, for instance due to encroachment of sensitive activities. This is better reflected in the amended provision sought by CIAL.	Amend as follows  This policy be further improved by making reference to  “.....the <u>safe, efficient and effective</u> operation and maintenance.....” of regionally significant infrastructure.	Except as provided for by ECO – P4, allow for the operation and maintenance of existing nationally <u>significant infrastructure</u> and regionally significant infrastructure while:  (1) avoiding, as the first priority, significant adverse effects on the environment, and  (2) if avoidance is not practicable, and for other adverse effects, minimising adverse effects.	<b>Accept the recommendation</b>
00510.039	<b>EIT-INF-P12 Upgrades and development</b>	Support		Retain as notified	<b>Council rejects Port Otago</b> submission stating that EIT-INF-P13 address the submission, and being subject to complying with the requirements of the NZCPS and related provision of the CE (Coastal) Chapter.  Amend to: <b>EIT-INF-P12 – Upgrades and development</b>  Provide for upgrades to <u>existing</u> , and development of <u>new</u> , nationally <u>significant infrastructure</u> or regionally significant infrastructure while ensuring that:  (1) <u>infrastructure</u> it is designed and located, as far as practicable, to maintain functionality during and after natural hazard events,  (2) it is, as far as practicable, co-ordinated with long-term land use planning, and  (3) <del>increases efficiency in the</del> <u>its</u> delivery, operation or use of the infrastructure <u>is efficient</u> .	<b>Accept the recommendation</b>
<b>Port Otago Ltd</b> 00301.039		Support	Port Otago Ltd sought to amend to include cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure.  The relevance of provisions to commercial port activities and activities in the coastal environment more generally was sought in the FuelCo primary submissions. Additional measures to provide this clarity are supported.			<b>Accept the recommendation</b>
00510.040	<b>EIT-INF-P13 Locating and</b>	– Support	The Fuel Companies anticipate its terminal infrastructure will fall to be in the coastal environment	Retain as notified	<b>Council rejects Port Otago’s submission</b> that this policy has precedence for the consideration of infrastructure. For	



	managing effects of infrastructure		but support this approach for infrastructure that may fall outside the coastal environment.		example, the new policy EIT-INF-P13A that recognises infrastructure matters in the coastal environment need to be managed in accordance with the CE chapter is the most appropriate to ensure that the pORPS gives effect to the NZCPS. Council also rejects the submission to remove references to areas or values that are not defined or identified through the pORPS, I note that many of these matters will be addressed by regional and district plans.	Accept the recommendation
Port Otago Ltd 00301.040		FuelCo support in part	<p>Port Otago sought to amend to:</p> <ul style="list-style-type: none"> <li>include cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure.</li> <li>Remove references to areas or values that are not defined or identified through the RPS.</li> </ul> <p>FuelCo The relevance of provisions to commercial port activities was sought in the FuelCo primary submissions. Additional measures to provide this clarity are supported.</p>		<p>Amend to:</p> <p><b>EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment</b></p> <p>When providing for new infrastructure, <u>nationally significant infrastructure and regionally significant infrastructure</u> outside the coastal environment</p> <p>(1) avoid, as the first priority, locating infrastructure in all of the following:</p> <p>(a) significant natural areas,</p> <p>(b) outstanding natural features and landscapes,</p> <p>(c) natural wetlands,</p> <p>(d) outstanding water bodies,</p> <p>(e) areas of high or outstanding natural character,</p> <p>(f) areas or places of significant or outstanding historic heritage,</p> <p>(g) <del>wāhi tūpuna wāhi tapu, wāhi taoka</del> and areas with protected customary rights, and</p> <p>(h) areas of high recreational and high amenity value, and</p> <p>(2) if it is not possible to avoid locating in the areas listed in above because of the functional <u>needs</u> or operational needs of the infrastructure, <u>nationally significant infrastructure and regionally significant infrastructure</u> manage adverse effects as follows:</p> <p>(a) for nationally <u>significant infrastructure</u> or regionally significant infrastructure:</p> <p>(i) in significant natural areas, in accordance with ECO-P4,</p> <p>(ii) in natural wetlands, in accordance with the relevant provisions in the NESF,</p> <p>(iii) in outstanding water bodies, in accordance with LF-FW-P12416,</p> <p>(iiia) in relation to wāhi tūpuna, in accordance with HCV-WT-P2417</p> <p>(iv) in other areas listed in EIT-INF-P13 (1) above, minimise the adverse effects of the infrastructure on the values that contribute to the area’s importance,</p> <p>(b) for all infrastructure that is not nationally <u>significant infrastructure</u> or regionally significant <u>infrastructure</u>, avoid adverse effects on the values that contribute to the area’s outstanding nature or significance</p>	

					<p>Council recommends a new provision:</p> <p><b><u>EIT-INF-P13A – Managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment</u></b></p> <p><u>When managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment the provisions of the CE – Coastal environment chapter apply.</u></p>	
00510.041	<b>EIT-INF-P14 – Decision making considerations</b>	Oppose in part	The second clause of this policy has potential to lead to provisions seeking to curtail existing lawful activities with minimal effects and is opposed.	Delete EIT-INF-P14(2).” utilise the opportunity of substantial upgrades of infrastructure to reduce adverse effects that result from the existing infrastructure, including on sensitive activities.”	<b>Reject the submission, and no amendments changed.</b> Council rejects FuelCo’s rationale and consider this clause will take effect where substantial upgrades occur, will necessarily form part of the consideration of approval prior to becoming a lawful upgrade and can help to address cumulative effects.	<b>See evidence</b>
00510.042	<b>EIT-INF-P15 – Protecting nationally or regionally significant infrastructure</b>	Support in part	Remove ‘seek to’ which undermines the important direction provided by this policy.	Delete ‘seek to’ but otherwise retain the policy as notified.	<p><b>Council rejects the submission</b>, recommends the deletion of EIT-INF-P15 and replacement with the following amendments:</p> <p><u>Protect the efficient and effective operation of nationally significant infrastructure and regionally significant infrastructure by:</u></p> <p><u>(1) avoiding activities that may give rise to an adverse effect on the functional needs or operational needs of nationally significant infrastructure or regionally significant infrastructure.</u></p> <p><u>(2) avoiding activities that may result in reverse sensitivity effects on nationally significant infrastructure or regionally significant infrastructure, and</u></p> <p><u>(3) avoiding activities and development that foreclose an opportunity to adapt, upgrade or develop nationally significant infrastructure or regionally significant infrastructure to meet future demand.</u></p>	<b>Accept the recommendation</b>
00510.043	<b>EIT-TRAN-07 – Effective, efficient, and safe transport</b>	Support		Retain as notified	<p><b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.</p> <p>Amend to:</p> <p><b>EIT-TRAN-07 – Effective, efficient, and safe transport</b></p> <p>Otago has an integrated air, land and <del>sea</del> <u>water-based</u> transport network that:</p> <p>(1) is effective, efficient and safe,</p> <p>(2) connects communities and their activities within Otago, with other regions, and internationally, and</p> <p>(3) is resilient to natural hazards <u>and the effects of climate change, and the changing needs of communities</u></p>	<b>Support the recommendation</b>
00510.044	<b>EIT-TRAN-010 – Commercial activities</b>	Support		Retain as notified.	<b>Accept the submission</b> , retain as notified	<b>Support the recommendation</b>

00510.045	EIT-TRAN-P23	Support	The recognition of the commercial port activities as RSI and NSI is supported. Corresponding amendments are required to the definitions of the same.	Retain as notified	<b>Council rejects Port Otago submission</b> and considers that the Port must give effect to the NZCPS as it relates to the "bottom line" policies in Policies 11, 13, 15 and 16.	<b>Accept the recommendation</b>
Port Otago Ltd 00301.044		FuelCo support in part	<p>Port Otago sought to Replace with a new policy that is generally consistent with the outcome sought through the current Port Otago appeals on the previous RPS before the Court of Appeal.</p> <p>The FuelCo consider there may be alternatives to P23 that provide more clarity for all parties, particularly RSI and NSI.</p>	<p>Port Otago sought following amendments:</p> <p>"Recognise the functional needs of commercial port activities at Port Chalmers and Dunedin and manage their effects by:</p> <p>(1) ensuring that other activities in the coastal environment do not adversely affect commercial port activities,</p> <p>(2) providing for the efficient and safe operation of these ports and effective connections with other transport modes,</p> <p>(3) providing for the development of those ports' capacity for national and international shipping in and adjacent to existing commercial port activities,</p> <p>(4) if any of the policies in this regional policy statement that require avoidance of adverse effects on areas having significant or outstanding values cannot be implemented while providing for the safe and efficient operation of commercial port activities then, consider through a resource consent process, whether adverse effects are caused by safety considerations which are paramount or by transport efficiency considerations and determine whether consent should be granted notwithstanding the adverse effects, with that consent having sufficient conditions to ensure the adverse effects on the protected areas are the minimum possible (through adaptive management or otherwise), and</p> <p>(5) in respect of nationally significant surf breaks avoid, remedy or mitigate the adverse effects."</p>	<b>Council accepts FuelCo's submission</b> , retain as notified.	<b>Accept the recommendation</b>
00510.046	EIT-TRAN-M7 – Regional plans	Support		Retain as notified	<p><b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.</p> <p>Amend to:</p> <p><b>EIT-TRAN-M7 – Regional plans</b></p> <p>Otago Regional Council must prepare or amend and maintain its regional plans to:</p> <p>(1) provide for the development, operation, maintenance, or upgrade of the transport system that:</p> <p>(a) is within the beds of lakes and rivers or the coastal marine area, or</p> <p>(b) involves the taking, use, damming or diversion of water and discharge of water and contaminants,</p> <p><del>(2) manage the adverse effects of infrastructure activities that:</del></p> <p><del>(a) provide for the establishment of transport infrastructure that supports modes of transport that are not reliant on fossil fuels, and</del></p>	<b>Support the recommendation</b>

					<p>(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 and Dunedin, and</p> <p>(3) within environmental limits, facilitate the safe and efficient operation and development of commercial port activities at Port Chalmers and Dunedin. This includes previously approved resource consents for the following activities in the coastal development area mapped in MAP2:</p> <p>(a) dredging of Otago lower harbor harbour (to 17.5m for entrance channel, and 14.5m through to Port Chalmers),</p> <p>(b) dredging of Otago upper harbour to 10.5m,</p> <p>(c) management of upper and lower harbour navigation beacons,</p> <p>(d) discharge of dredging spoil to the disposal grounds at Heyward Point, Aramoana, Shelley Beach, and A0 A0, and</p> <p>(e) placement and use of scientific buoys.</p>	
00510.047	EIT-TRAN-M8	Support in part	Reinforce through the methods the importance of avoiding reverse sensitivity effects (in line with EIT-INF-P15).	Amend clause 6 of EIT-TRAN-M8 as follows: <u>"and avoid encroachment of activities which give rise to reverse sensitivity effects."</u>	<b>Accept the submission</b> and integrate FuelCo's amendments.	<b>Support the recommendation</b>
<b>Hazards and Risks</b>						
00510.048	HAZ-NH-O1 – Natural hazards	Support	The focus on risk as a combination of consequences and likelihood and managing this to tolerable levels is supported.	Retain as notified	<p><b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.</p> <p>Amend to:</p> <p><b>HAZ-NH-O1 – Natural hazards</b></p> <p><del>Levels of</del> Risks to people, communities and property from natural hazards within Otago <u>are maintained where they are acceptable, and managed to ensure they do not exceed a tolerable level.</u></p>	<b>Support the recommendation</b>
00510.049	HAZ-NH-O2 – Adaption	Support		Retain as notified	<p><b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.</p> <p>Amend to:</p> <p><b>HAZ-NH-O2 – Adaptation</b></p> <p>Otago's people, <del>property and</del> communities, <u>and property</u> are prepared for and able to adapt to the effects of natural hazards, including natural hazard risks that are <u>exacerbated by</u> climate change.</p>	<b>Support the recommendation</b>
00510.050	HAZ-NH-P1 – Identifying areas subject to natural hazards	Support		Retain as notified	<p><b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.</p> <p>Amend to:</p> <p><b>HAZ-NH-P1 – Identifying areas subject to natural hazards</b></p>	<b>Support the recommendation</b>

					<p>Using the best available information, identify areas where natural hazards may adversely affect Otago's people, communities and property, by assessing:</p> <ol style="list-style-type: none"> <li>(1) the hazard type and characteristics,</li> <li>(2) multiple and cascading hazards, where present,</li> <li>(3) any cumulative effects,</li> <li>(4) any effects of climate change,</li> <li>(5) <del>the likelihood of an event occurring using the best available information,</del> and</li> <li>(6) any other exacerbating factors.</li> </ol>	
00510.051	<b>HAZ-NH-P2 – Risk assessments</b>	Support	The recognition of likelihood, consequence (including available and viable risk reduction, and speed of recovery) is supported.	Retain HAZ-NH-P2 and APP6 as notified	<p><b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.</p> <p>Amend to:</p> <p><b>HAZ-NH-P2 – Risk assessments</b></p>	<b>Support the recommendation</b>
Port Otago Ltd 00301.047		FuelCo support in part	Port Otago sought to Clarify application triggers for the APP6 process and associated policies within the hazard policies and/or APP6, so that the RPS is clear whether these provisions apply to infrastructure projects requiring resource consent from regional council and/or apply to plan changes by the applicable territorial authority.		<p>Within areas identified under HAZ-NH-P1 as being subject to natural hazards, assess the level of natural hazard risk by determining a range of natural hazard event scenarios and their potential consequences in accordance with the criteria set out within APP6.</p>	<b>Support the recommendation</b>
Port Otago Ltd 00301.048	<b>HAZ-NH-P3 – New activities</b>	FuelCo Support in part	Fuel Co support the request for clarity regarding new and existing activities.	Delete and amend heading of HAZ – NH – P4 so it can be relied on for both new and existing activities	<p><b>Council accepts Port Otago submission in part.</b></p> <p>Council states that it is difficult to provide this distinction within a regional policy statement as there are a range of nuances that need to be considered at a district plan level to give effect to policy HAZ-NH-P2 and HAZ-NH-P3. Therefore, I am hesitant to suggest a definition be added to the pORPS that would provide a blanket definition of an 'existing activity'.</p> <p>Amends to:</p> <p><b>HAZ-NH-P3 – New activities</b></p> <p>Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZ-NH-P2, manage new activities to achieve the following outcomes:</p> <ol style="list-style-type: none"> <li>(1) when the natural hazard risk is significant, the activity is avoided,</li> <li>(2) when the natural hazard risk is tolerable, manage the level of risk so that it does not <del>become significant</del> <u>exceed tolerable</u>, and</li> <li>(3) when the natural hazard risk is acceptable, maintain the level of risk (in relation to natural hazards)</li> </ol>	<b>Accept the recommendation</b>
00510.053	<b>HAZ-NH-P4 – Existing activities</b>	Support	<p>The recognition at 5 that it will not always be appropriate or practicable to relocate such facilities is supported.</p> <p>The enabling upgrade, maintenance and operation of such facilities at 6 is critical to the ongoing operation of</p>	Retain as notified	<p><b>Accept the submission,</b> retain clause 5 and 6 as drafted. Minor amendments to the policy below:</p>	<b>Support the recommendation</b>

			these RSI.		<b>HAZ-NH-P4 – Existing activities</b> Reduce existing natural hazard risk <u>to a tolerable or acceptable level</u> by: ...	
00510.054	<b>HAZ–NH–P7 – Mitigating natural hazards</b>	Support		Retain as notified	<b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.  <b>HAZ-NH-P7 – Mitigating natural hazards</b> Prioritise risk (in relation to natural hazards) management approaches that reduce the need for hard protection structures or similar engineering interventions, and provide for hard protection structures only when: <del>(1) hard protection structures are essential to manage risk to a level the community is able to tolerate,</del>	<b>Support the recommendation</b>
00510.055	<b>HAZ–NH–P8 – Lifeline utilities and facilities for essential emergency services</b>	Support		Retain as notified	<b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.  <b>HAZ-NH-P8 – Lifeline utilities and facilities for essential or emergency services</b> Locate, <del>relocate,</del> and design lifeline utilities and facilities for essential or emergency services to: ...	<b>Support the recommendation</b>
00510.056	<b>HAZ–NH–P9 – Protection of hazard mitigation measures</b>	Support in part	The title of the policy should refer to lifeline utilities, essential and emergency services.	Rename the policy Protection of hazard mitigation measures, <u>lifeline utilities, essential and emergency services</u>  Replace references to utilities with the defined term 'lifeline utilities'.	<b>Accept the submission</b> and integrate FuelCo's amendments.	<b>Support the recommendation</b>
00510.057	<b>HAZ–NH–P10 – Coastal hazards</b>	Oppose in part	The intent to avoid increasing risk of harm and encouraging land use change that reduces risk is supported. The zero-effect threshold for land use change that would increase risk to people and communities is not required by the NZCPS and is opposed.	Delete clause 2: " ensure no land use change or redevelopment occurs that would increase the risk to people and communities from that coastal hazard"	<b>Council rejects the submission</b> on the basis that clause 2 is necessary to give effect to Policy 25 (a) and (b) of the NZCPS.  Minor amendments follow: <b>HAZ-NH-P10 – Coastal hazards</b> In addition to HAZ-NH-P1 <u>and HAZ-NH-P5</u> to HAZ-NH-P9 above, on any land that is potentially affected by coastal hazards over at least the next 100 years: [...]	<b>Accept the recommendation</b>
<b>Contaminated Land</b>						
Dunedin City Council 00139.225	<b>HAZ-CL-General</b>	FuelCo oppose in part	DCC seeks greater direction on the management of different types of hazardous substances in locations adjacent to sensitive activities, sensitive natural environments and areas subject to natural hazards.  Fuelco: For the reasons set out in its primary	Amend to add direction on the management of different types of hazardous substances in close proximity to: <ul style="list-style-type: none"> <li>sensitive activities (i.e., activities that accommodate large numbers of people and/or people who are more vulnerable to hazardous substances, e.g. hospitals, childcare centres, retirement homes, hotels and residential activities)</li> </ul>	<b>Council rejects DCC's submission,</b> no amendments proposed.	<b>Accept the recommendation</b>

			submissions, the FuelCo consider that district plans should be targeted to matters not covered by HSNO or HSWA and that robust s32 analysis will be necessary to demonstrate the need for intervention, for instance as may be justified for some MHF, for instance where zoning does not provide adequate controls around potential encroachment/reverse sensitivity	<ul style="list-style-type: none"> <li>• sensitive natural environments</li> <li>• areas subject to natural hazards.</li> </ul>		
00510.058	<b>HAZ-CL-O3 – Contaminated land</b>	Support	The NESCS provides a rule framework for the management of contaminated soils in relation to human health but objectives and policies re the same are required in district plans and regional provisions may be appropriate in some circumstances.	Retain as notified.	<b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.  <b>HAZ-CL-O3 – Contaminated land</b> Contaminated land and waste materials are managed to protect human health, Kāi Tahu <del>mana whenua</del> values and the environment in Otago.	<b>Accept the recommendation</b>
00510.059	<b>Hazardous substances – New Policy</b>	Support in part	As recognised in the s32 analysis, HSNO and HSWA are the primary means of addressing the storage and use of hazardous substances.  The experience of the Fuel Companies is that a significant number of Councils going through district plan reviews have been reluctant to remove existing controls which duplicate HSNO and HSWA requirements. A specific policy is sought to ensure this is not the case in Otago.	Provide a specific policy to ensure HSNO and HSWA are not duplicated in lower order plans.  <u>Policy X – Avoid duplication of hazardous substance controls provided by other legislation.</u>	<b>Reject the submission.</b> Council states disagrees that a specific provision should be included within the pORPS that would limit the ability of the territorial authorities to manage adverse effects of hazardous substances if, after an evaluation pursuant to section 32 RMA, they considered provisions were required to give effect to the purpose of the RMA.	<b>See evidence</b>
00510.060	<b>HAZ-CL-P13 – Identifying contaminated land</b>	Support, st in part	The intent of identifying potentially contaminated land is supported but doing so should not be limited solely to the HAIL. The NESCS can, however, be relied on in the first instance to assess risks arising to human health on potentially contaminated land.	Amend the policy as follows: Identify sites of known or potentially contaminated land in Otago <del>using the Ministry for the Environment’s Hazardous Activities and Industries List.</del>	<b>Accept the submission</b> and integrate FuelCo’s amendments.	<b>Accept the recommendation</b>
00510.061	<b>HAZ-CL-P14 – Managing contaminated land</b>	Oppose in part	Approaches to manage contaminated or potentially contaminated land can include a broad suite of responses depending upon circumstances and risks, and therefore do not consider the scope of the policy should be limited to the ‘active management’. They also state that monitoring should not be required in all circumstances, for instance where residual contamination is stable and contaminant levels are reducing.	Amend P14 to delete “actively” from the chapeau, include “if required” in front of “monitoring” in clause (1) and delete clause (3).	<b>Accept the submission</b> , in part. Council deletes ‘actively’, and includes ‘if required’. However, retains clause (3). On the basis that mitigating or remediating adverse effects of the contaminants where it is not practical to avoid is an appropriate policy direction in the context of managing contaminated or potentially contaminated land so that it does not pose an unacceptable risk to people and the environment.  <b>HAZ-CL-P14 – Managing contaminated land</b> <del>Actively</del> <del>m</del> Manage contaminated or potentially contaminated land so that it does not pose an unacceptable risk to people and the environment, by:  (1) assessing and, <u>if required</u> , monitoring contaminant levels and environmental risks,  [...]  (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	<b>See evidence</b>

00510.062	<b>HAZ-CL-P15 – New contaminated land</b>	Oppose	The only way to avoid new contaminated land is to avoid the use, storage and disposal of hazardous substances and that in itself is not practicable.	Delete the policy	<p><b>Reject the submission.</b> Council disagrees that the policy is not necessary or that the pORPS can rely on other legislation managing the storage and use of hazardous substances and HAZ-CL-P14 for addressing the management of contaminated land.</p> <p>Amend to:</p> <p><b>HAZ-CL-P15 – New contaminated land</b></p> <p>Avoid the creation of new contaminated land or, where this is not practicable, minimise <u>to the smallest extent practicable</u> adverse effects on the environment and mana whenua values.</p>	<b>See evidence.</b>
<b>Urban Form and Development</b>						
00510.063	<b>UFD-O2 – Development of urban areas</b>	Support	The recognition of the importance of managing conflict between incompatible activities and provide for the safe and efficient and ongoing use of RSI is supported.	Retain as notified	<p><b>Accept the submission in part.</b> Minor amendments suggested to respond to other submitters.</p> <p><b>UFD-O2 – Development of urban areas</b></p> <p>The development and change of Otago’s urban areas:</p> <p>(1) improves housing choice, quality, and affordability,</p> <p>(2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,</p> <p>(3) respects and wherever possible enhances the area’s history, setting, and natural and built environment,</p> <p>(4) delivers good urban design outcomes, and improves liveability,</p> <p>(5) improves connectivity within urban areas, particularly by active transport and public transport,</p> <p>(6) minimises conflict between incompatible activities,</p> <p>(7) manages the exposure of risk from natural hazards in accordance with the HAZ-NH – Natural hazards section of this RPS,</p> <p>(8) results in sustainable and efficient use of water, energy, land, and infrastructure,</p> <p>(9) achieves integration of land use with existing and planned development infrastructure and additional infrastructure,</p> <p><u>(9A) and facilitates the safe and efficient ongoing use, maintenance, upgrade and development of nationally significant infrastructure and regionally significant infrastructure,</u></p> <p>(10) achieves consolidated, well designed and located, and sustainable development in and around existing urban areas as the primary focus for accommodating the region’s urban growth and change, and</p> <p>(11) is guided by the input and involvement of mana whenua, <u>and provides for development opportunities which support the aspirations and values of mana whenua.</u></p>	<b>Accept the recommendation</b>



00510.064	<b>UFD-P6 – Industrial activities</b>	Support in part	The need to manage encroachment of non-industrial activities is supported but specific recognition is required in relation to Major Hazard Facilities (see definition sought), noting they might not always fall to be considered infrastructure.	<p>Recognise the importance of providing for MHF by amending clause 3 as follows:</p> <p>3. managing the establishment of non-industrial activities, in industrial zones, by avoiding activities likely to result in reverse sensitivity effects on industrial activities, or likely to result in an inefficient use of industrial zoned land or infrastructure, particularly where <u>the area</u>:</p> <p>a. <del>the area</del> provides for a significant operational need for a particular industrial activity or grouping of industrial activities that are unlikely or are less efficiently able to be met in alternative locations, or</p> <p>b. <del>the area</del> contains nationally or regionally significant infrastructure and the requirements of EIT-INF-P15 apply, <del>and</del> <u>or</u></p> <p>c. <u>contains a Major Hazard Facility, and</u></p> <p>Retain the balance of the policy as notified.</p>	<p><b>Accepts the submission, in part.</b> Minor amendments suggested to respond to other submitters and no special recognition to MHF.</p> <p><b>UFD-P6 – Industrial activities</b></p> <p>Provide for industrial activities in urban areas by:</p> <p>(1) identifying specific locations and applying zoning suitable for accommodating industrial activities and their reasonable needs and effects including supporting or ancillary activities,</p> <p>(2) identifying a range of land sizes and locations suitable for different industrial activities, and their operational needs including land-extensive activities,</p> <p>(3) <del>managing the establishment of non-industrial activities, in industrial zones,</del> by avoiding activities likely to result in reverse sensitivity effects on <u>existing or potential</u> industrial activities (particularly residential or retail activities except <u>yard-based retail</u>), or likely to result in an inefficient use of industrial zoned land or infrastructure, particularly where <u>the area</u>:</p> <p>(a) <del>the area</del> provides for a significant operational need for a particular industrial activity or grouping of industrial activities that are unlikely or are less efficiently able to be met in alternative locations, or</p> <p>(b) <del>the area</del> contains nationally <u>significant infrastructure</u> or regionally significant infrastructure and the requirements of EIT-INF-P15 apply, and</p> <p>(4) in areas that are experiencing or expected to experience high demand from other urban activities, and the criteria in (3)(a) or (3)(b) do not apply, managing the establishment of non-industrial activities and the transition of industrial zoned areas to other purposes, <u>and the establishment of new areas</u> by first applying (1) and (2).</p>	<b>Accept the recommendation</b>
00510.065	<b>UFD-M2 – District plans</b>	Support in part	Avoidance rather than minimization of reverse sensitivity is appropriate in relation to NSI, RSI, and MHF	<p>Amend 3 as follows:</p> <p><u>g. Avoid the potential for reverse sensitivity effects on regionally and nationally significant infrastructure and major hazard facilities.</u></p>	<p><b>Accept the submission, in part.</b> Council supports FuelCo's suggested amendments and amends clause 3 to:</p> <p>3. ensure that urban development is designed to:</p> <p><u>(ea) avoid the potential for reverse sensitivity effects on nationally significant infrastructure and regionally significant infrastructure, and</u></p>	<b>Accept the recommendation</b>