

Before the Hearings Panel

Under the Resource Management Act 1991 (the Act)

In the matter of Submissions on the Proposed Otago Regional Policy Statement
2021 (Non-freshwater parts)

Between **Otago Regional Council**
Local Authority

And **Waka Kotahi NZ Transport Agency**
Submitter 305

**Evidence in chief of Sarah Lai Kwun Ho for Waka Kotahi NZ
Transport Agency on Integrated Management (Planning)**

Dated 23 November 2022

1 **Executive Summary**

- 1.1 Waka Kotahi NZ Transport Agency (Waka Kotahi) is satisfied that their submission points to IM-P4, IM-P5, IM-P9, IM-P13, IM-P15, and IM-M1 have been addressed by the Section 42a report and supplementary evidence.
- 1.2 Waka Kotahi still has outstanding submission points on IM-01, IM-02, IM-03, IM-05, IM-P1, IM-P2, IM-P10, IM-P12, and IM-P14.
- 1.3 Waka Kotahi seeks to amend IM-01 *Long Term Vision* to insert the words “social, economic and cultural” before the words “well-being”, and deletion of words “including the ecosystem services it provides” to align more with the purpose of the RMA.
- 1.4 In order to appropriately recognise nationally and regionally significant infrastructure, Waka Kotahi support Fonterra’s primary submission to include a new provision specific to significant infrastructure IM-05.
- 1.5 Waka Kotahi seeks to remove the decision making hierarchy as amended by the reporting to IM-P1 and previously IM-P2 on the basis that this introduces a decision-making hierarchy not in accordance with Part 2 of the Act.
- 1.6 Waka Kotahi has outstanding concerns regarding the interpretation of the word “limits”.

2 **Qualifications and Experience**

- 2.1 My full name is Sarah Lai Kwun Ho. I hold a Bachelor of Planning degree (Hons) and Masters of Planning Degree (Hons) completed in 1999 and 2001, both from the University of Auckland.
- 2.2 My work experience includes over 20 years in planning positions mostly in the public sector in Auckland and in London. This includes policy plan making under the Local Development Framework in the United Kingdom for the London Borough of Brent, PC35:Puhinui Gateway and PC26:Mangere Town Centre and Neighbourhood District Plan Change for Auckland Council, and involvement as a submitter to the Auckland Unitary Plan, Whangarei District Plan Rural Plan Changes, and various plan changes on behalf of the NZ Transport Agency (“**Waka Kotahi**”).
- 2.3 I have been employed by Waka Kotahi since June 2014 and hold the position of Principal Planner.
- 2.4 My key responsibilities involve advising and leading on planning and resource management related matters, including responding to councils on regional and district plan reviews and plan changes, as well as planning for the delivery of capital works projects for

Waka Kotahi through business cases and the statutory consenting process (reviewing notices of requirements, outline plan of works and resource consent applications). To a lesser extent I also assess land use development applications and sign-off on affected party and s176 approvals.

- 2.5 My evidence relates to Waka Kotahi's submission points on Part 2 Resource Management Overview (IM - Integrated Management) of the Proposed Otago Regional Policy Statement 2021 ('pORPS').

3 Involvement with the pORPS

- 3.1 I assisted in the preparation of the Waka Kotahi further submissions on the pORPS and attended the pre-hearing meeting for Integrated Management on 17 June 2022.

4 Code of Conduct

- 4.1 While I am employed by Waka Kotahi, I am giving certain parts of my evidence in the capacity of an independent expert and Waka Kotahi has authorised me to do so. I understand that this requires me to give these parts of my evidence from an independent view and not as an advocate for Waka Kotahi. The parts of my evidence which I am giving as an independent planning expert are:

a Sections 7-9

- 4.2 While these proceedings are not before the Environment Court, I confirm that I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court's Consolidated Practice Note 2014. I have complied with the Practice Note when preparing my written statement of evidence, and my qualifications as an expert are set out above.

- 4.3 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.

- 4.4 Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

5 Scope of evidence

- 5.1 The purpose of my evidence is to provide an analysis of the planning provisions proposed by the Otago Regional Council (Council) in the context of the relevant Statutory Framework, along with the Planning Officer's s42A report and supplementary evidence, and to provide

evaluative planning evidence to assist the Commissioners to form a decision on Waka Kotahi submissions.

5.2 My evidence will address the following:

- a Relevance of Integrated Management Chapter to Waka Kotahi
- b The Waka Kotahi submission points on the Integrated Management Chapter and response to Council's recommended changes

5.3 I have considered the following documents when preparing my evidence:

- a The Resource Management Act 1991 (the Act)
- b Natural and Built Environment Bill (NBA)
- c National Planning Standards 2019
- d Proposed Otago Regional Policy Statement 2021 (PORPS)
- e Council's s32 report
- f Submissions and further submissions of other parties
- g Section 42A report prepared by Felicity Boyd
- h Supplementary evidence prepared by Felicity Boyd
- i Evidence of Peter Robinson, Helen Dempster, Aileen Crow, Julie McMinn and Leticia Jarret on behalf of Waka Kotahi.

6 **Summary of the Waka Kotahi Integrated Management submission points**

6.1 Waka Kotahi had 4 submission and 28 submission points on the Integrated Management Chapter which mainly related to:

- a Consistency with the Resource Management Act and the manner in which integrated management objectives and policies do not appear to be balanced, nor align with Part 2 of the Act.
- b Recognition of nationally and regionally significant infrastructure through the integrated management provisions.

6.2 Of these 32 submission points, I either accept or support the Section 42A Report recommendations on 11 of the points. The outstanding submission points are addressed below and can be broadly categorised into four 'key themes':

- a Consistency with Resource Management Act (IM-01¹, IM-03², IM-P1, IM-P2³)
- b Enablement of nationally and regionally significant infrastructure (IM-02⁴, IM-05⁵)
- c Use of the term 'avoid (IM-P10);
- d Use of the term 'limits' (IM-P12⁶, IM-P14⁷)

7 Relevance of Integrated Management to Waka Kotahi

7.1 The integrated management chapter is relevant to Waka Kotahi to ensure the management of issues relating to natural and physical resources are well integrated. Transport infrastructure is a physical resource that crosses different jurisdictions, zones and boundaries, and inevitably impacts on natural resources such as coastal areas, significant natural areas, areas of outstanding natural landscapes and features etc, which in many cases cannot be avoided. Provisions are necessary to recognise the unique circumstance that significant linear infrastructure has, to enable ongoing maintenance, upgrading and new significant infrastructure when challenged against the more protective provisions.

7.2 Significant infrastructure, such as State highways need to be appropriately recognised in the IM chapter given its regional and national significance to the economy (access for freight, goods and services, and tourism) and the ability for communities to connect to major centres⁸. The Otago transport network, which includes 1,301km of State highway, and significant investment (\$1.1 billion in National Land Transport Programme 2021-2024 period) and is further discussed in Peter Robinson's evidence.

7.3 The provisions of the integrated management chapter provide direction as to how these competing and often conflicting demands are managed and provided for, particularly where nationally and regionally significant infrastructure need to be weighed up against natural resource provisions. In this regard, my view is that the integrated provisions are

¹ 00301.010 Port of Otago

² 00121.017 Ravensdown

³ 00307.006 Christchurch International Airport, 00139.027 Dunedin City Council, 00138.008 Queenstown Lakes District Council, 00226.092 Kai Tahu ki Otago

⁴ 00321.015 We Waihanga New Zealand Infrastructure Commission

⁵ 00213.002 Fonterra

⁶ 00318.009 Contact Energy Ltd, 00311.011 Trustpower Ltd, 00230.036 Royal Forest and Bird Protection Society Inc

⁷ 00307.012 CIAL, 00314.012 Transpower NZ Ltd, 315.017 Aurora Ltd, 00318.010 Contact Energy Ltd, 00320.014 Network Waitaki Limited,

00511.014 Powernet Limited, 00313.007 Queenstown Airport Corporation Limited

⁸ Otago Southland RLTP 2021-31

not closely aligned with the purpose of the RMA such that natural resources are prioritised, and sustainable management of physical resources is not equally recognised.

- 7.4 The Council's s32 report omits reference to achieving the purpose of the Act in its introduction of the Integrated Management chapter, as it addresses the purpose of regional policy statements⁹ as to only provide an overview of issues of the region and policies and methods to achieve integrated management of both natural and physical resources. Section 59 of the Act clearly states that the Regional Policy Statement is to achieve the purpose of the Act as quoted below:

“The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.”

- 7.5 By introducing Integrated Management provisions which do not promote sustainable management of both natural and physical resources is not meeting the purpose of Regional Policy statements and can lead to perverse outcomes. As currently drafted, the IM provisions do not provide sustainable management of both natural and physical resources as significant infrastructure is not adequately enabled, and I therefore do not consider these to be appropriately integrated.
- 7.6 Waka Kotahi has further submitted on a number of submissions with these concerns in the IM chapter. It is my view that the amendments sought through the reporting officer's s42A report and supplementary evidence do not go far enough to remediate these concerns. As such my response to the Council's recommended provisions are outlined below.

8 **Integrated Management Chapter submission points**

IM-01 Long Term Vision

- 8.1 Waka Kotahi supported the submission from the Port of Otago¹⁰, which sought that the objectives be deleted or amended to reflect s5 of the RMA. This was rejected by the Reporting Officer on the basis that no specific amendments to implement the relief sought were provided. In my view this is an insufficient reason to reject, as there is no requirement for submitters to stipulate alternative wording.
- 8.2 In my view, the long term vision objective should be more aligned to the purpose of the RMA as the integration of natural and physical resources is at the heart of sustainable management. A balanced approach is needed, one that also considers the built environment in which people live, work and recreate. As currently drafted, the objective is

⁹ Pg 69, para 200. Section 32 Evaluation Report – Proposed Otago Regional Policy Statement 2021- May 2021

¹⁰ 00235.059 Port of Otago

focussed on the natural environment and fails to recognise the importance of meeting people’s social, economic and cultural needs of which infrastructure forms a key part.

- 8.3 As such my recommendation is to insert the words “social, economic and cultural” before the words “well-being”, and deletion of words “including the ecosystem services it provides” to align more with the purpose of the RMA. This to read as follows:

The management of *natural and physical resources in Otago*,¹¹ by and for the people of Otago, ~~including in partnership with~~¹² Kāi Tahu, ~~and as expressed in all resource management plans and decision making,~~¹³ achieves a healthy, and resilient, and safeguarded¹⁴ natural systems environment,¹⁵ and ~~including~~¹⁶ the ecosystem services they offer ~~it provides~~,¹⁷ and supports the social, economic and cultural well-being of present and future generations; (mō tātou, ā, mō kā uri ā muri ake nei).¹⁸

- 8.4 The matters relating to Waka Kotahi submission therefore remain outstanding.

IM-02 Ki uta ki tai

- 8.5 Waka Kotahi supported Te Waihanga - New Zealand Infrastructure Commission submission¹⁹ in relation to IM-02 seeking general amendments to recognise the benefits of infrastructure to the environment. This was rejected by the reporting officer on the basis that it was unclear what amendments are sought.

- 8.6 I agree with the reporting officer that recognition of the benefits of infrastructure may not be best addressed in this objective which is based on the concept of Ki uta ki tai, but I do think this should be recognised elsewhere in the provisions. Accepting the relief sought by Fonterra²⁰ for a standalone provision, IM-05 Regionally significant industry and infrastructure, would resolve this submission point.

IM-03 – Environmentally Sustainable Impact

- 8.7 Waka Kotahi supported a submission by Ravensdown²¹ who considered that IM-03 introduces concepts and terms that do not reflect the purpose of the RMA and sought alternative wording to align more closely with it. The reporting officer originally rejected this submission in the s42A report but then reconsidered in supplementary evidence. Waka Kotahi also supported a submission by Fonterra²² which is discussed under IM-05, of which

¹¹ 00239.034 Federated Farmers

¹² 00226.085 Kāi Tahu ki Otago

¹³ 00121.015 Ravensdown

¹⁴ 00211.004 LAC, 00210.004 Lane Hocking, 00209.004 Universal Development ts, 00118.005 Maryhill, 00014.005 Mt Cardrona Station

¹⁵ 00231.03 Fish and Game

¹⁶ 00139.022 DCC

¹⁷ 00239.034 Federated Farmers

¹⁸ 00239.034 Federated Farmers

¹⁹ 00321.015 Te Waihanga - NZ Infrastructure Commission

²⁰ 00223.022 Fonterra

²¹ 00121.015 Ravensdown

²² 00223.022 Fonterra

the reporting officer recommended changes to IM-03, the same wording that addresses the Ravensdown submission.

IM-03 – ~~Environmentally~~Sustainable impact²³

Otago’s communities ~~carry out their activities in a way~~ provide for their social, economic, and cultural well-being²⁴ in ways that support or restore ~~preserves~~²⁵ environmental integrity, form, function, and *resilience*, so that the life-supporting capacities of air, *water*, *soil*, and ecosystems are safeguarded, and ~~indigenous biodiversity endure~~²⁶ for future generations

- 8.8 While the reporting officer’s changes to the provisions go some way to address both Ravensdown and Fonterra’s primary submission, it is not clear how the objective sets out to address “environmentally sustainable impact” or “sustainable impact”. In my view, to manage impact there needs to be an identification of the cause (activities, use, or development), which is now missing. There is also an inherent problem with the wording that the objective is directed to being implemented by Otago’s community only. As this is an “integrated management” provision, I am sure the intent is not to exclude infrastructure providers, significant industry, developers, the Regional Council, territorial authorities, etc. from fulfilling the same objective.
- 8.9 Due to the above, the matters remain unresolved.

IM-05 Regionally significant industry and infrastructure

- 8.10 As mentioned, Waka Kotahi supported Fonterra’s submission to include a new provision to recognise regionally significant industry and infrastructure. This submission is supported as it clearly recognises the importance of nationally and regionally significant industry and infrastructure to the region. Not having this provision puts nationally and regionally significant infrastructure at risk of not being appropriately recognised and enabled. Peter Robinson’s Evidence in Chief outlines the importance of the State highway network to the region, being a national freight and tourism route, and to connect communities to services. He also provides examples of the need to operate and maintain the network, which are often in sensitive receiving environments where effects cannot be reasonably avoided.
- 8.11 In the s42A report the reporting officer has only accepted the submission in part, by seeking to amend IM-03 by replacing “Otago’s communities ~~carry out their activities in a way~~” with “Otago’s communities provide for their social, economic and cultural well being in ways that...” as covered in paragraph 8.6 above.
- 8.12 In my view this does not adequately address the concerns that significant industry and infrastructure, such as state highways, is appropriately recognised. While it is

²³ 231.031 Fish and Game, 411.024 Wayfare

²⁴ 00223.022 Fonterra , 121.015 Ravensdown

²⁵ 0211.005 LAC, 210.005 Lane Hocking, 118.006 Maryhill, 114.006 Mt Cardrona Station, 209.005 Universal Developments

²⁶ 121.015 Ravensdown

acknowledged that infrastructure is primarily managed by the EIT – Energy, infrastructure and transport chapter, I am not in agreement with the reporting officer that it is therefore not necessary to include additional management in the IM chapter.

8.13 Clarity is needed where there are competing provisions across domains and topics, particularly when significant infrastructure such as state highways traverse sensitive environments which are protective in nature. An example of this is EIT-INF P13 *Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment* and LF- FW P12 *Identifying and Managing Freshwater Bodies*. It is not clear from these provisions how significant infrastructure is reconciled when applying these together. Under EIT-INF P13, if significant infrastructure is located within an outstanding waterbody, functional or operational need is to be demonstrated and then the freshwater provision LF-FW P12 is to apply. LF-FW-P12 seeks to protect the values of outstanding and significant waterbodies and provides no indication as to how infrastructure is to be managed or provided for. Helen Dempster and Aileen Crow address the issues with these policies in their evidence for their relevant chapters, however it would be clearer if significant infrastructure was recognised in the integrated management provisions to provide appropriate direction.

8.14 Specific inclusion of regionally significant infrastructure and industry in the objectives in my view is extremely important, particularly as the IM policies include a decision-making hierarchy that does not clearly provide for infrastructure, which I cover later in my evidence.

8.15 The proposed wording Fonterra has sought is:

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

8.16 The reporting officer states that the proposed words “appropriate protection, use and development” submitted by Fonterra is unclear. I presume this is in reference to the word “appropriate” as “protection, use and development” are terms referenced in s5 of the Act. In my view this wording is clear for infrastructure as this is further defined in the EIT provisions, and for Regional Council and Territorial Authorities to further implement through Regional Plans and District Plans. While the word “appropriate” could be removed to provide greater certainty for regionally significant infrastructure and industry, further refinement to achieve a balanced approach is still needed.

8.17 In my view, nationally and regionally significant infrastructure is of such importance to the region that it should be appropriately recognised and enabled and balanced with natural resource provisions in the IM chapter. Therefore, to ensure nationally and regionally significant infrastructure is adequately provided for, as it is currently not, specific

recognition through a standalone provision as sought by Fonterra is supported with an amendment to include “nationally significant infrastructure” as well.

IM-P1 Integrated Approach and IM-P2 Decision Priorities

- 8.18 Waka Kotahi in its primary submission sought for IM-P1 to be retained, and supported Christchurch International Airport²⁷ and Dunedin City Council²⁸ on their submissions to IM-P2 to remove the decision making hierarchy and make amendments to better reflect Part 2 of the Act. In response to a wide range of submissions the reporting officer in the s42A report has amended IM-P1, which in my view completely changes its intent, and inserted a decision making hierarchy similar in wording to IM-P2, and then deleted IM-P2.
- 8.19 I have read the officer’s s42A report and rationale for doing so, acknowledging the Ministry for the Environment and Statistics NZ Report *Our Environment 2019*. However, in my view, Part 2 of the Act already sets out the decision making framework in sections 5, 6, 7 and 8 of the Act which is well understood and established. Introducing a decision-making hierarchy based on the NPS-FM to apply across all provisions is unnecessary (and unjustified) and creates complexity and uncertainty as to how it is to be implemented.
- 8.20 My view is to retain IM-P1 as originally drafted, and to remove the hierarchy of decision priorities as expressed in Christchurch International Airport’s and Dunedin City Council’s submission.

IM-P4 Setting a Strategic Approach to eco-system health

- 8.21 Waka Kotahi submitted in response to DoC²⁹ and Kāi Tahu ki Otago³⁰ primary submissions, and I am satisfied with the recommendations of the reporting officer.

IM-P5 – Managing environmental interconnections

- 8.22 Waka Kotahi submitted in response to Wise Response Society Inc³¹ and Dunedin City Council³² primary submissions, and I am satisfied with the recommendations of the reporting officer.

IM-P9 – Community response to climate change impacts

²⁷ 00307.006 Christchurch International Airport Ltd

²⁸ 00139.027 Dunedin City Council

²⁹ 00137.041 Director General of Conservation

³⁰ 00226.092 Kāi Tahu ki Otago

³¹ 00509.035 Wise Response Society Inc

³² 00139.030 Dunedin City Council

- 8.23 Waka Kotahi sought to retain this policy in its primary submission. The Reporting officer in response to other submissions has recommended deleting and inserting targets into IM-04. I am satisfied with this recommendation.

IM-P10 Climate change adaption and mitigation

- 8.24 Waka Kotahi sought to retain this policy in its primary submission. Subsequent changes have been recommended by the reporting officer to this policy in supplementary evidence. The Council's recommended wording is as follows:

Identify and implement *climate change adaptation* and *climate change mitigation*³³ methods for Otago that:

(1) minimise the *effects of climate change processes or risks*³⁴ ~~to existing activities on the environment,~~ and on existing activities including in accordance with HAZ-NH-P4)³⁵

(2) ~~prioritise avoiding~~³⁶ the establishment of new activities in areas subject to significant³⁷ risk from the *effects of climate change*, unless those activities reduce, or are resilient to, those significant³⁸ risks, and

(3) provide Otago's communities, including Kāi Tahu, with the best chance to thrive, even under the most extreme *climate change* scenarios, and

(4) enhance environmental, social, economic, and cultural³⁹ *resilience to the adverse effects of climate change*, including⁴⁰ by facilitating activities that reduce negative⁴¹ human impacts on the environment.⁴²

- 8.25 In response, I am uncomfortable with the changes made as a result of DoC's submission in criteria (2) "~~prioritise avoiding~~". Avoid is an absolute term that may not be possible in all situations, acknowledging that the activity is provided for if it reduces or is resilient to those significant risks. For example, if Waka Kotahi were to propose a new regional cycling route along part of an area subject to significant risk of climate change (e.g. in a floodprone area) it may be impractical to reduce the environmental risk (without substantially remediating a large catchment area) or design to be resilient to the risk (i.e. by raising the level of the road or path, or divert through alternative locations with other significant effects). In this example the costs of establishing a separated cycling path (which could occur anywhere along its network) in accordance with this policy is likely to outweigh its benefits.

- 8.26 I therefore recommend retaining the original wording "prioritise avoiding" and accept the remainder of the reporting officer's recommendations.

³³ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.015 Wise Response

³⁴ 00509.044 Wise Response

³⁵ 00137.044 DOC, 00226.098 Kāi Tahu ki Otago

³⁶ 00137.044 DOC

³⁷ 00119.002 Blackthorn Lodge, 00206.018 Trojan, 00411.029 Wayfare

³⁸ 00119.002 Blackthorn Lodge, 00206.018 Trojan, 00411.029 Wayfare

³⁹ 00322.008 Fulton Hogan

⁴⁰ 00307.011 CIAL

⁴¹ 00235.068 OWRUG

⁴² 00509.040 Wise Response

IM-P12 Contravening environmental bottom-lines limits⁴³ for climate change mitigation

- 8.27 Waka Kotahi submitted in support of Contact Energy Ltd⁴⁴ and Trustpower Ltd⁴⁵ submissions and opposed a submission from the Royal Forest and Bird Protection Society⁴⁶. The reporting officer has rejected the Royal Forest and Bird submission and accepted in part some of Contact Energy and Trustpower's submissions. The reporting officer has also made consequential changes to "environmental limits" as part of the supplementary evidence on *Introduction and General Themes*.
- 8.28 In this regard, while the recommended changes are an improvement to what is currently drafted, I consider that these changes still need to go further to fully address the concern that the policy is too restrictive and will be unworkable in practice. In particular, both Contact and Trustpower sought for the word "co-ordinated" to be deleted from criteria (2), which requires activities to be co-ordinated with other regional and national climate change mitigation activities. Given the level of uncertainty of what these other regional and national climate change mitigation activities are and how and when they will be implemented, in my view, would be beyond a proponent of this policy to contemplate.
- 8.29 The reporting officer's supplementary evidence on *Introduction and General Themes*, changes the position on "environmental limits" and reverting to the term "limit" which is to be interpreted as its natural and ordinary meaning. While consequential changes have been made to the body of the policy, the word "environmental" should also be deleted from the policy title to avoid confusion.

IM-P13 Managing cumulative effects

- 8.30 Waka Kotahi supported this policy and sought that it be retained as notified. A further submission was also lodged to oppose in part a submission from Otago Fish and Game Council and the Central South Island Fish and Game Council⁴⁷. As a result of submissions, the reporting officer has sought to delete this policy.
- 8.31 Waka Kotahi sought for this policy to remain as notified as it recognises the need to manage the cumulative effects of activities on physical resources like the state highway network. Cumulative effects are an issue for road controlling authorities such as Waka Kotahi when small incremental development reaches a point where a road upgrade for example is

⁴³ 00119.003 Blackthorn Lodge, 00231.009 Fish and Game, 00231.038 Fish and Game, 00306.025 Meridian, 00206.019 Trojan, 00411.030 Wayfare

⁴⁴ 00318.009 Contact Energy

⁴⁵ 00230.036 Trustpower Ltd

⁴⁶ 00230.036 Royal Forest and Bird Protection Society Inc.

⁴⁷ 00231.039 Otago Fish & Game Council and the Central South Island Fish & Game Council

needed, and a question of fairness of who pays/costs are applied. I also accept that not all cumulative effects can be accounted for and may be a difficult policy to implement.

- 8.32 On balance, I am satisfied with the recommendation of the reporting officer to delete this policy.

IM-P14 Human Impact

- 8.33 Waka Kotahi supported the submission by Christchurch International Airport Ltd (CIAL)⁴⁸ to amend the policy to recognise the importance of regionally significant infrastructure, and to provide clearer guidance on the setting of limits. Waka Kotahi also supported in part the submissions by other infrastructure providers⁴⁹ that introducing the concept of “environmental limits” from the consultation draft of the proposed Natural and Built Environment Bill is premature and to provide clarification of environmental limits. The submission of CIAL was rejected by the reporting officer, and no further guidance was given on setting “limits’.
- 8.34 As discussed earlier in my evidence by appropriately recognising regionally significant infrastructure in standalone provision IM-05, this would resolve CIALs submission point to recognise the importance of regionally significant infrastructure.
- 8.35 The concept of “environmental limits” has now been introduced through the Natural and Built Environment Bill, and while still to be enacted, provides a greater level of understanding how it may be applied in future. The reporting officer in the supplementary evidence has recommended reverting from “environmental limits” and providing a definition of this term, to the term “limits” and to rely upon its “natural and ordinary” meaning. This only adds to a greater level of uncertainty as to how “limits” are to be set, measured and applied.
- 8.36 The matters raised in the submission in my view remain unresolved.

IM-P15 Precautionary Approach

- 8.37 Waka Kotahi supported in part Transpower NZ Ltd, Aurora Energy Ltd, and Trustpower Ltd submissions to amend IM-P15 to provide more certainty. As a result of these submissions the reporting officer has deleted this policy, and I support this recommendation.

IM-M1 Regional and District Plans

⁴⁸ 00307.012 CIAL

⁴⁹ 00314.012 Transpower NZ Ltd, 315.017 Aurora Ltd, 00318.010 Contact Energy Ltd, 00320.014 Network Waitaki Limited, 00511.014 Powernet Limited, 00313.007 Queenstown Airport Corporation Limited.

8.38 Waka Kotahi opposed a submission by Otago Fish and Game Council and the Central South Island Fish and Game Council⁵⁰ to replace words “natural and physical resources” with “natural environment” in criteria (4). The reporting officer has accepted this in part, with the replacement of the word “environment”. As such, I am satisfied with the recommendation of the reporting officer.

9 Conclusions

- 9.1 A balanced approach to sustainably manage natural and physical resources is needed. Waka Kotahi seeks changes to IM-01 *Long Term Vision* to insert the words “social, economic and cultural” before the words “well-being”, and deletion of words “including the ecosystem services it provides” to align more with the purpose of the RMA.
- 9.2 Nationally and regionally significant infrastructure has not been appropriately recognised in the IM chapter. A key provision that would address this concern is the addition of IM-05 *Regionally significant industry and infrastructure*.
- 9.3 Removal of a decision-making hierarchy is sought from IM-P1 and IM-P2 on the basis that this is inappropriate and not in accordance with Part 2 of the Act.
- 9.4 Clarification of the word “limits” is still sought, and a matter that is outstanding.
- 9.5 Waka Kotahi NZ Transport Agency (Waka Kotahi) is satisfied that their submission points to IM-P4, IM-P5, IM-P9, IM-P13, IM-P15, and IM-M1 have been addressed by the Section 42a report and supplementary evidence.

Sarah Lai Kwun Ho

23 November 2022

⁵⁰ 00231.039 Otago Fish & Game Council and the Central South Island Fish & Game Council