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**OPENING STATEMENT OF FELICITY ANN BOYD:  
IM – INTEGRATED MANAGEMENT**

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- 1 This statement provides an update on my understanding of the key issues in contention across the proposed Otago Regional Policy Statement 2021 (pORPS) since I prepared my section 42A report<sup>1</sup> and supplementary evidence<sup>2</sup> on this topic.
- 2 In my view, the outstanding issues can be grouped into three main themes:
  - 2.1 Decision-making priorities;
  - 2.2 The concept of limits; and
  - 2.3 Climate change, including the role of renewable electricity generation in climate change mitigation.
- 3 There are also some disagreements remaining in relation to IM-P6 and IM-P13 which I consider are less significant than the matters above.

**Decision-making priorities**

- 4 IM-P1 and IM-P2 are closely linked to more general submissions on the purpose and philosophy of the pORPS, which I addressed in my opening statement for the Introduction and General Themes topic.<sup>3</sup> As notified, IM-P1 set out how provisions in the pORPS were to be considered by readers and IM-P2 set out priorities to guide decision-making should there be irreconcilable differences between provisions in the pORPS. In section 6.12 and 6.13 of my s42A report I recommended a range of amendments to these provisions, including combining them into one policy and altering the hierarchy of decision-making priorities originally contained in IM-P2.
- 5 The issues originally raised in submissions on IM-P1 and IM-P2 largely still stand. Some submitters remain concerned about the appropriateness of including a

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<sup>1</sup> Chapter 6: IM – Integrated management (4 May 2022)

<sup>2</sup> Brief of supplementary evidence of Felicity Ann Boyd: IM – Integrated management (11 October 2022)

<sup>3</sup> Opening statement of Felicity Ann Boyd: Introduction and General Themes (25 January 2023), paras 3-11.

hierarchy, with some seeking that it only be applied to freshwater matters.<sup>4</sup> Some prefer outright deletion<sup>5</sup> while others seek specific amendments to the priorities.<sup>6</sup> Some submitters seek a different type of consideration to be given by decision-makers and/or different matters for that consideration.<sup>7</sup>

6 IM-P1(1) refers to the natural environment and Fish and Game, Wayfare/Realnz, and Trojan/NZSki seek to include a definition of this term.<sup>8</sup> The same request was made in submissions and addressed in section 6.4.1 of my section 42A report.<sup>9</sup>

7 IM-P1(1) also refers to mauri, which is opposed by OWRUG, Federated Farmers, and DairyNZ. Their witness Dr Michael Freeman seeks its deletion.<sup>10</sup> This is opposed in the rebuttal evidence of Sandra McIntyre for Kāi Tahu ki Otago.<sup>11</sup>

### **The concept of limits**

8 IM-P4, IM-P14 and the new definition of “natural environment” sought by Fish and Game, NZski and Realnz are closely linked to the more general submissions on the use of the concept of and term ‘environmental limits’ in the pORPS, which I addressed in my opening statement for the Introduction and General Themes topic.<sup>12</sup>

9 As notified, IM-P4 outlines general principles to underpin Otago’s planning framework. Section 6.15 of my s42A report addresses the submissions on this provision and sets out my recommended amendments. Some submitters accept those amendments<sup>13</sup> while others seek further changes. In particular, Fish and Game, Wayfare/Realnz, and Trojan/NZSki seek amendments requiring the planning framework to identify and implement limits for (at least) air, coastal waters, estuaries, freshwater, wetlands, and soil.<sup>14</sup> This mirrors parts of the Natural and Built Environment Bill introduced in late 2022 and intended to replace

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<sup>4</sup> For example, Megan Justice (Aurora Energy, Network Waitaki, PowerNet) paras 9.1-9.2, Claire Hunter (Contact Energy) paras 8.7-8.11, Claire Hunter (OceanaGold) paras 8.1-8.5, Kirsty O’Sullivan (Queenstown Airport) paras 6.1-6.8

<sup>5</sup> For example, Chris Ferguson (Darby Planning) paras 39-43, Carmen Taylor (Ravensdown) para 4.1

<sup>6</sup> For example,

<sup>7</sup> For example, Ben Farrell (Fish & Game, Wayfare/NZSki, Trojan/Realnz) paras 56-62, Michael Freeman (OWRUG, Federated Farmers, DairyNZ) Page 17, Ainsley McLeod (Transpower) paras 7.18-7.20, Susannah Tait (Fonterra) paras 8.9-8.10

<sup>8</sup> Ben Farrell (Fish & Game, Wayfare/NZSki, Trojan/Realnz) para 45

<sup>9</sup> Chapter 6: IM – Integrated management (4 May 2022)

<sup>10</sup> Michael Freeman (OWRUG, Federated Farmers, DairyNZ) page 17

<sup>11</sup> Sandra McIntyre – Rebuttal (Kāi Tahu ki Otago) paras 44-45

<sup>12</sup> Opening statement of Felicity Ann Boyd: Introduction and General Themes (25 January 2023), paras 12-15.

<sup>13</sup> For example, Keith Frenz (DCC) paras 9.13-9.15, Sandra McIntyre (Kāi Tahu ki Otago) paras x-x, Susannah Tait (Fonterra) paras 8.11-8.12, Carmen Taylor (Ravensdown) paras 4.1-4.3

<sup>14</sup> Ben Farrell (Fish & Game, Wayfare/NZSki, Trojan/Realnz) paras 63-67

the Resource Management Act 1991 (RMA). Conversely, OWRUG, Federated Farmers, and DairyNZ seek to either delete the policy or replace it with a policy that provides more meaningful direction.<sup>15</sup> No wording is proposed.

- 10 As notified, IM-P14 sets out more specific direction on the management of human impacts on the environment in order to preserve opportunities for future generations, including by identifying and providing for activities within limits. In section 6.24 of my s42A report I recommended a range of amendments that are, in part, informed by the discussion on environmental limits in my s42A report on Introduction and General Themes.<sup>16</sup>
- 11 Some submitters still seek that the policy is deleted.<sup>17</sup> Others, including Transpower, seek amendments to remove the concept of limits and the terminology related to it, relying instead on more general descriptions.<sup>18</sup> Some highlight concerns that the policy encourages a ‘race to the bottom’ (i.e. resources are used right up until the point that they become degraded).<sup>19</sup> Some seek relatively minor amendments, mostly for clarification.<sup>20</sup>
- 12 In my view, the relief sought on this provision needs to be considered as a part of the wider issue of whether the pORPS can or should seek to explicitly imbed the philosophy of “operating within limits”. A decision on that wider issue will then inform the types of amendments that are appropriate for this provision.

### **Climate change**

- 13 In section 6.3.1 of my s42A report I discussed the many submissions received on provisions in this chapter addressing climate change.<sup>21</sup> My s42A recommendations appear to have addressed many of the concerns raised by submitters in their submissions, but there remains disagreement in particular about the content of IM-P10, IM-12, and the proposal by Meridian Energy to include a new objective and policy recognising the role of renewable electricity generation in climate change mitigation.

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<sup>15</sup> Michael Freeman (OWRUG, Federated Farmers, DairyNZ) page 18

<sup>16</sup> Chapter 1: Introduction and General Themes (4 May 2022)

<sup>17</sup> Megan Justice (Aurora Energy, Network Waitaki, PowerNet) paras 9.3-9.5, Claire Hunter (Contact Energy) paras 8.25-8.31

<sup>18</sup> Ainsley McLeod (Transpower) paras 7.21-7.26, Michael Freeman (OWRUG, Federated Farmers, DairyNZ) page 23, Kirsty O’Sullivan (Queenstown Airport) paras 6.9-6.13, Steve Tuck (Silver Fern Farms) paras 5.1-5.5

<sup>19</sup> Ben Farrell (Fish & Game, Wayfare/NZSki, Trojan/Realnz) para 76

<sup>20</sup> For example, Sandra McIntyre (Kāi Tahu ki Otago) para 85, Susannah Tait (Fonterra) paras 8.16-8.21

<sup>21</sup> Chapter 6: IM – Integrated management (4 May 2022)

## IM-P10 – Climate change adaptation and climate change mitigation

14 As notified, IM-P10 requires identifying and implementing methods for climate change adaptation and mitigation that achieve specific outcomes listed in the clauses. I addressed the submissions on this provision and made a number of recommended amendments in sections 6.3.1 and 6.21 of my section 42A report. Those recommendations appear to be largely accepted by submitters, but some seek additional clauses in the policy to:

14.1 Protect existing renewable electricity facilities and enable the development of new facilities;<sup>22</sup>

14.2 Include more specific direction on reducing emissions;<sup>23</sup>

14.3 Clarify how the effects of climate change-related natural hazard risks on existing activities should be managed;<sup>24</sup> and

14.4 Provide more direction on facilitating climate change adaptation.<sup>25</sup>

## IM-P12 – Contravening environmental bottom lines for climate change mitigation

15 As notified, IM-P12 provides a pathway for breaching environmental limits in limited circumstances if the activity will provide enduring nationally or regionally significant mitigation of climate change impacts. There were many submissions on this provision which I addressed in section 6.23.1 of my section 42A report.<sup>26</sup> I recommended a range of changes to clarify the application of the policy and its requirements, as well as its connection with other parts of the pORPS.

16 As notified and as per my s42A recommendations, the policy allows decision-makers discretion to determine whether to allow non-compliance with a limit if they are satisfied that the list of matters in clauses (1) to (5) are met. Some submitters consider that the discretion is unwarranted and that, if the matters in the clauses are met, then decision-makers should be required to allow the breach and seek amendments accordingly.<sup>27</sup> That proposal is opposed by other submitters.<sup>28</sup>

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<sup>22</sup> For example, Claire Hunter (Contact) para 8.15, Stephanie Styles (Manawa Energy) para 9.3

<sup>23</sup> Ben Farrell (Fish & Game, Wayfare/NZSki, Trojan/Realnz) paras 72-73, Keith Frenz (Dunedin City Council) paras 9.25

<sup>24</sup> Sandra McIntyre (Kāi Tahu ki Otago) para 84

<sup>25</sup> Michael Freeman (OWRUG, Federated Farmers, DairyNZ) page 21

<sup>26</sup> Chapter 6: IM – Integrated management (4 May 2022)

<sup>27</sup> Claire Hunter (Contact Energy) para 8.21, Susan Ruston (Meridian) paras 84, 86-88

<sup>28</sup> Sandra McIntyre – Rebuttal (Kāi Tahu ki Otago) para 39

- 17 Some of those submitters also seek amendments to the matters in clauses (1) to (5), generally to reduce the stringency of those clauses and allow for a wider scope to manage adverse effects.<sup>29</sup>
- 18 OWRUG, Federated Farmers, and DairyNZ seek that the policy is deleted on the basis that it is not clear what objectives or outcomes the policy is endeavouring to achieve, it is internally inconsistent, and potentially inconsistent with the RMA.<sup>30</sup>
- 19 In contrast, Fish and Game, Wayfare/Realnz, and Trojan/NZSki seek the inclusion of a new clause (5) requiring that there are no other reasonable alternatives, increasing the stringency of the policy.<sup>31</sup>

### **Renewable electricity generation**

- 20 In addition to the amendments sought throughout provisions of the IM chapter (including those discussed above) to better recognise the role of renewable electricity generation in climate change mitigation, Meridian continues to seek the inclusion of an objective and policy focused on renewable electricity generation. The wording sought in Meridian's submission is discussed in my s42A report in section 6.5, where I concluded at para 75 that I considered the EIT chapter was the more appropriate location for policy direction on renewable electricity generation.<sup>32</sup> Ms Susan Ruston for Meridian has now proposed revised wording which responds to some of the concerns I raised in my s42A report.<sup>33</sup>
- 21 In addition to these new provisions, Ms Ruston for Meridian alongside Ms Stephanie Styles (Manawa Energy) and Ms Claire Hunter (Contact) propose in their evidence-in-chief a new Energy sub-chapter within the EIT chapter focused on renewable electricity generation. There appears to be duplication between the provisions sought by Ms Ruston in the IM chapter and the provisions sought by Ms Ruston, Ms Styles, and Ms Hunter in the EIT chapter. In **Appendix 1** I have compared the new IM provisions sought against what I consider are the new EIT provisions sought that address the same matters (but generally in a more comprehensive way). It is not clear to me whether Ms Ruston seeks the IM provisions in addition to, or as an alternative to, the EIT provisions and, if the former, how the two sets of provisions are intended to work together.

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<sup>29</sup> Claire Hunter (Contact Energy) paras 8.22-8.24

<sup>30</sup> Michael Freeman (OWRUG, Federated Farmers, DairyNZ) page 22

<sup>31</sup> Ben Farrell (Fish & Game, Wayfare/NZSki, Trojan/Realnz) para 74

<sup>32</sup> Chapter 6: IM – Integrated management (4 May 2022)

<sup>33</sup> Susan Ruston (Meridian) paras 79-83.

## Other amendments

- 22 There are more minor disagreements relating to IM-P6 – Best available information and IM-P13 – Managing cumulative effects. In relation to IM-P6, Ms McIntyre for Kāi Tahu ki Otago seeks to restructure the various parts of the policy to ensure that adopting a precautionary approach is expressed as the approach to managing uncertainty, not only avoiding delays in decision-making.<sup>34</sup> Dr Freeman for OWRUG, Federated Farmers, and DairyNZ seeks to replace clause (2) with the comparable wording from clause 1.6 of the National Policy Statement for Freshwater Management 2020.<sup>35</sup> Mr Frentz for Dunedin City Council seeks amendments requiring balancing more rapid decision-making against the benefits of having more complete information.<sup>36</sup>
- 23 In relation to IM-P13, some submitters<sup>37</sup> support its deletion as proposed in my s42A report while others seek to replace it with alternative wording.<sup>38</sup>

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Felicity Ann Boyd

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8 February 2023

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<sup>34</sup> Sandra McIntyre (Kāi Tahu ki Otago) para 80(c).

<sup>35</sup> Michael Freeman (OWRUG, Federated Farmers, DairyNZ) page 19

<sup>36</sup> Keith Frentz (DCC) para 9.16

<sup>37</sup> For example, Michael Freeman (OWRUG, Federated Farmers, DairyNZ) page 23

<sup>38</sup> For example, Murray Brass (DOC) paras 57-59, Sandra McIntyre (Kāi Tahu ki Otago) para 80(b)

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## Appendix 1

New IM provisions sought by Ms Ruston	New EIT provisions sought by Ms Ruston, Ms Styles, and Ms Hunter
<p><b>New IM-OX – Nationally significant renewable electricity generation</b></p> <p>The national significance of renewable electricity generation activities in Otago is recognised and provided for so that local and national electricity needs are met while avoiding, reducing, or displacing greenhouse gas emissions.</p>	<p><b>New EIT–EN–O1 Energy and well-being</b></p> <p>Renewable electricity generation activities enable people and communities to provide for their environmental, social and cultural well-being, their health and safety, and support sustainable economic growth and development.</p>
	<p><b>New EIT–EN–O3 Renewable electricity generation contributes to national targets</b></p> <p>Renewable electricity generation activities in Otago contribute to the achievement of New Zealand's national target for renewable electricity generation and climate change commitments, including supporting the reduction of national greenhouse gas emissions.</p>
	<p><b>New EIT–EN–O4 Energy use</b></p> <p>Development is located and designed to facilitate the efficient use of energy and to reduce demand if possible, minimising the contribution that Otago makes to total greenhouse gas emissions.</p>
<p><b>New IM-PX – Providing for renewable electricity generation</b></p> <p>Provide for the national significance of renewable electricity generation activities while the potential effects of such activities on other environmental values of national or regional significance are appropriately managed.</p>	<p><b>New EIT–EN–P1 Recognising and providing for renewable electricity generation</b></p> <p>Ensure that decisions on the allocation and use of natural and physical resources, including the use of fresh water and development of land:</p> <ol style="list-style-type: none"> <li>(1) recognise and provide for:               <ol style="list-style-type: none"> <li>a) the national significance of renewable electricity generation activities; and</li> <li>b) the national, regional and local benefits of renewable electricity generation activities,</li> </ol> </li> <li>(2) have particular regard to:               <ol style="list-style-type: none"> <li>a) the importance of maintaining the generation output of existing renewable electricity generation activities and the continued availability of the renewable energy resource for existing activities, and</li> <li>b) the functional needs and operational needs of existing and new renewable electricity generation activities,</li> </ol> </li> <li>(3) recognise that the attainment of increases in renewable electricity generation capacity will require significant development of renewable electricity generation activities.</li> </ol>
	<p><b>New EIT–EN–P5 Managing effects</b></p> <p>When providing for new or upgraded renewable electricity generation activities:</p> <ol style="list-style-type: none"> <li>(1) Avoid, where practicable, locating such activities in the following areas:</li> </ol>

	<ul style="list-style-type: none"> <li>a) Scheduled wāhi tupuna, and areas with protected customary rights,</li> <li>b) Scheduled significant natural areas,</li> <li>c) Natural wetlands,</li> <li>d) Scheduled outstanding natural features and outstanding natural landscapes,</li> <li>e) Scheduled outstanding water bodies,</li> <li>f) Scheduled areas of outstanding natural character,</li> <li>g) Scheduled areas or places of historic heritage value,</li> </ul> <p>(2) Where it is not practicable to avoid locating in the areas listed in (1) above, because of the functional needs or operational needs of renewable electricity generation activities, manage adverse effects as follows:</p> <ul style="list-style-type: none"> <li>(a) In wāhi tupuna, in accordance with HCV-WT-P2,</li> <li>(b) In a scheduled significant natural area, where more than minor residual adverse effects on biodiversity cannot be practicably avoided, remedied or mitigated, offsetting and/biodiversity compensation must be considered in accordance with APP3 and/or APP4,</li> <li>(c) In natural wetlands, in accordance with the NESF,</li> <li>(d) In all other areas listed in (1) above, manage the adverse effects of the renewable electricity generation activities on the values that contribute to the area's importance by: <ul style="list-style-type: none"> <li>i. Avoiding adverse effects, where practicable,</li> <li>ii. Where adverse effects cannot be practicably avoided, they are remedied or mitigated to the extent practicable,</li> <li>iii. Where they cannot be practicably remedied or mitigated regard shall be had to offsetting and/or compensation of more than minor residual adverse effects.</li> </ul> </li> </ul> <p>(3) In areas outside (1), avoid, remedy or mitigate significant adverse effects and when considering any residual adverse effects have regard to offsetting measures and compensation.</p>
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