

BEFORE THE HEARING COMMISSIONERS

UNDER

The Resource Management Act 1991

AND

IN THE MATTER

of the Proposed Otago Regional Policy Statement
2021

**MEMORANDUM OF FELICITY ANN BOYD IN RESPONSE TO MATTERS
RAISED BY THE HEARING PANEL IN THE IM – INTEGRATED
MANAGEMENT CHAPTER
HEARING**

Dated 17 February 2023

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May it Please the Commissioners:

Introduction

- 1 During the hearing on the *IM – Integrated management* chapter on 8 February 2023, the hearing panel sought clarification and/or advice on the following three matters:
 - 1.1 The parties involved in the stakeholder workshop run by ORC as part of Phase 2 of the public consultation on significant resource management issues for the region in 2020;
 - 1.2 Whether there are geothermal resources in Otago; and
 - 1.3 The specific provisions in the pORPS which include direction to avoid certain types of adverse effects.
- 2 This memorandum provides my response.

Parties involved in 2020 stakeholder workshop

- 3 Appendix 3 to the section 32 report¹ contains a summary report of the consultation undertaken in early 2020 on the significant resource management issues for the region and high-level policy direction for the pORPS. The consultation occurred in two phases: Phase 1 was an online survey and Phase 2 was intended to be a series of facilitated workshops held through March 2020. Phase 2 was interrupted by the COVID-19 pandemic and nation-wide lockdown – six community workshops and two stakeholder workshops were planned, but only four community workshops and one stakeholder workshop were held.
- 4 I am advised by ORC that 49 organisations were invited to attend the stakeholder workshops – this list is attached as **Appendix 1**. In terms of actual participants, there were four:
 - 4.1 Federated Farmers;
 - 4.2 OceanaGold;

¹ <https://www.orc.govt.nz/media/10012/section-32-report-v61-appendices.pdf>

- 4.3 Department of Conservation; and
- 4.4 Beef + Lamb NZ.
- 5 This workshop was held at a time when there was significant uncertainty about the health risks of COVID-19 and impending Government restrictions being signalled. In that context, many parties understandably were not comfortable attending an in-person workshop.
- 6 The low attendance and restrictions on public gatherings caused ORC to revisit its consultation programme for the pORPS.² To address the gap left by not completing Phase 2 as intended, ORC instead appointed topic-focused Reference Groups of experts who attended workshops to provide their feedback (“Phase 3”). This process is set out in detail in section 1 of Appendix 4 to the section 32 report.

Geothermal resources in Otago

- 7 I am advised by ORC that there are no known geothermal resources in Otago. I understand these resources are not always easy to identify and therefore there is some potential that the resources may exist but have not yet been discovered.

“Avoid” provisions

- 8 I have compiled the provisions in the pORPS that contain direction to “avoid” effects or activities in **Attachment 2**. To assist the panel, I have also included the relevant provisions in higher order documents that have informed the drafting of the pORPS provisions.

Dated this 17th day of February 2023


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Felicity Ann Boyd
Consultant Planner
For the Otago Regional Council

² This is outlined in detail in Agenda Item 8.5 for the Council’s meeting of 22 April 2020, available from <https://www.orc.govt.nz/media/8399/council-agenda-20200422.pdf> (pp.124-133).

Appendix 1: Parties invited to March 2020 stakeholder workshops

Agresearch	Ministry for the Environment
Alliance Group Limited	Minister for Fisheries
Aukaha	Ministry for Primary Industries
Aurora Energy	Minister for Transport
Balance Agri-Nutrients Limited	Ngai Tahu
Beef and Lamb NZ	NZ Landcare Trust
Canterbury Regional Council	NZTA
Central Otago District Council	Oceana Gold
Central Otago Environmental Society Inc	Otago Chamber of Commerce
Clutha District Council	OWRUG
Contact Energy	Pioneer Energy
Dairy NZ	Port Otago Ltd
Deer Industry NZ	Public Health South
Department of Conservation	Queenstown Airport Corporation
Dunedin City Council	Queenstown Lakes District Council
Environment Defence Society	Southland Regional Council
Fed Farmers	Straterra
Fish and Game Central South Island	Te Ao Marama
Fish and Game Otago	Te Runanga o Hokonui
Forest and Bird	Te Rūnanga o Moeraki
Fulton Hogan	Te Rūnanga o Ōtākou
Horticulture NZ	Tourism Industry Aotearoa
Kāti Huirapa Rūnaka ki Puketeraki	Transpower NZ
Minister for Agriculture, Rural Communities	Waitaki District Council
Minister for Conservation	Wise Response
Minister for Energy and Resources	

Appendix 2: “Avoid” provisions

Provision	Notified Version	Section 42A + supplementary evidence version	Relevant higher order direction
MW – Mana whenua			
MW-P4 – Sustainable use of Māori Land	<p>Kāi Tahu are able to protect, develop and use land and resources within native reserves and land held under Te Ture Whenua Māori Act 1993 in a way consistent with their culture and traditions and economic, cultural and social aspirations, including for papakāika, marae and marae related activities, while:</p> <p>(1) avoiding adverse effects on the health and safety of people,</p> <p>(2) avoiding significant adverse effects on matters of national importance, and</p> <p>(3) avoiding, remedying, or mitigating other adverse effects.</p>	<p>Kāi Tahu are able to protect,³ develop and use <i>land</i> and resources within native reserves and land held under Te Ture Whenua Māori Act 1993 <u>Māori land</u>⁴ in accordance with mātauraka and tikaka, a way consistent with their culture and traditions and to provide for their economic, cultural and social aspirations, including for <i>papakāika</i>, marae and marae related activities, while:</p> <p>(1) avoiding adverse effects on the health and safety of people,</p> <p>(2) avoiding significant adverse effects on matters of national importance, and</p> <p>(3) avoiding, remedying, or mitigating other adverse effects.⁵</p>	Section 6(e), RMA

³ 00226.047 Kāi Tahu ki Otago, 00226.048 Kāi Tahu ki Otago, 00234.009 Te Rūnanga o Ngāi Tahu, 00010.004 Cain Whānau

⁴ 00234.009 Te Rūnanga o Ngāi Tahu, 00226.053 Kāi Tahu ki Otago, 00010.002 Cain whanau

⁵ 00226.047 Kāi Tahu ki Otago, 00226.048 Kāi Tahu ki Otago, 00234.009 Te Rūnanga o Ngāi Tahu, 00010.004 Cain Whānau

IM – Integrated management			
IM-P10 – Climate change adaptation and mitigation	Identify and implement climate change adaptation and mitigation methods for Otago that: (1) minimise the effects of climate change processes or risks to existing activities, (2) prioritise avoiding the establishment of new activities in areas subject to risk from the effects of climate change, unless those activities reduce, or are resilient to, those risks, and ...	Identify and implement <i>climate change adaptation</i> and <i>climate change mitigation</i> ⁶ methods for Otago that: (1) minimise the <i>effects of climate change processes or risks</i> ⁷ to existing activities on the environment, ⁸ <u>and on existing activities</u> ⁹ (including in accordance with HAZ-NH-P4), ¹⁰ (2) prioritise avoiding ¹¹ the establishment of new activities in areas subject to <u>significant</u> ¹² risk from the <i>effects of climate change</i> , unless those activities reduce, or are resilient to, those <u>significant</u> ¹³ risks, and ...	Sections 6(h) and 7(i), RMA
AIR – Air			
AIR-P4 – Avoiding certain discharges	Avoid discharges to air that cause offensive, objectionable, noxious or dangerous effects.	Generally Avoid discharges to air that cause noxious or dangerous effects and avoid, as the first priority, discharges to air that cause offensive, or objectionable, noxious or dangerous effects. ¹⁴	
AIR-P6 – Impacts on mana whenua values	Avoid discharges to air that adversely affect mana whenua values by having particular regard to values and areas of significance to mana whenua.	Avoid discharges to air that adversely affect <i>mana whenua</i> values by having particular regard to values and areas of significance to <i>mana whenua</i> , including wāhi tūpuna, wāhi tapu, and wāhi taoka. ¹⁵	

⁶ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00509.015 Wise Response

⁷ 00509.044 Wise Response

⁸ 00137.044 DOC, 00226.098 Kāi Tahu ki Otago

⁹ 00137.044 DOC

¹⁰ 00138.009 Queenstown Lakes District Council

¹¹ 00137.044 DOC

¹² 00119.002 Blackthorn Lodge, 00206.018 Trojan, 00411.029 Wayfare

¹³ 00119.002 Blackthorn Lodge, 00206.018 Trojan, 00411.029 Wayfare

¹⁴ 00213.029 Fonterra, 00115.013 Oceana Gold, 00121.034 Ravensdown

¹⁵ 00226.121 Kāi Tahu ki Otago and 00223.062 Ngāi Tahu ki Murihiku

AIR-M2 – Regional Plans	<p>No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> to:</p> <p>(1) avoid offensive, objectionable, noxious or dangerous discharges to air,</p> <p>...</p>	<p>No later than 31 December 2024, Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> to:</p> <p>(1) avoid offensive, objectionable, noxious or dangerous discharges to air <u>that cause noxious or dangerous effects and avoid, as the first priority, discharges to air that cause offensive or objectionable effects,</u>¹⁶</p> <p>...</p> <p>(6) include measures to avoid adverse effects of discharges to air on <i>mana whenua</i> values and wāhi tūpuna.¹⁷</p>	
CE – Coastal Environment			
CE-P4 – Natural Character	<p>Identify, preserve and restore the natural character of the coastal environment by:</p> <p>...</p> <p>(2) avoiding adverse <i>effects</i> on natural character in areas identified as having outstanding natural character,</p> <p>(3) avoiding significant adverse <i>effects</i> and avoiding, remedying or mitigating other adverse <i>effects</i> on natural character outside the areas in (2) above,</p> <p>...</p>	Policy 13(a) and (b), NZCPS	
CE-P5 – Coastal indigenous biodiversity	<p>Protect indigenous <i>biodiversity</i> in the coastal environment by:</p> <p>(1) identifying and avoiding adverse effects on the following ecosystems, vegetation types and areas:</p> <p>...</p> <p>(2) identifying and avoiding significant adverse <i>effects</i> and avoiding, remedying or mitigating other adverse <i>effects</i> on the following ecosystems, vegetation types and areas:</p> <p>...</p>	Policy 11, NZCPS	

¹⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00213.029 Fonterra, 00115.013 Oceana Gold, 00121.034 Ravensdown

¹⁷ 00226.122 Kāi Tahu ki Otago and 00234.012 Te Rūnanga o Ngāi Tahu

<p>CE-P6 – Natural features, landscapes and seascapes</p>	<p>Protect natural features, landscapes and seascapes in the coastal environment by:</p> <p>...</p> <p>(2) avoiding adverse <i>effects</i> of activities on outstanding natural features, landscapes and seascapes,</p> <p>(3) avoiding significant adverse <i>effects</i> and avoiding, remedying, or mitigating other adverse <i>effects</i> of activities on other natural features, landscapes and seascapes, and</p> <p>...</p>	<p>Protect natural features, <u>and</u> landscapes <u>and</u> (<u>including</u> seascapes) in the coastal environment by:</p> <p>...</p> <p>(2) avoiding adverse <i>effects</i> of activities on outstanding natural features, <u>and</u> landscapes <u>and</u> (<u>including</u> seascapes),</p> <p>(3) avoiding significant adverse <i>effects</i> and avoiding, remedying, or mitigating other adverse <i>effects</i> of activities on other natural features, <u>and</u> natural landscapes <u>and</u> (<u>including</u> seascapes), and</p> <p>...</p>	<p>Policy 15(a) and (b), NZCPS</p>
<p>CE-P7 – Surf Breaks</p>	<p>Manage Otago’s nationally and regionally significant <i>surf breaks</i> so that:</p> <p>(1) nationally significant <i>surf breaks</i> are protected by avoiding adverse <i>effects</i> on the <i>surf breaks</i>, including on access to and use and enjoyment of them, and</p> <p>(2) the values of and access to regionally significant <i>surf breaks</i> are maintained.</p>		<p>Policy 16(b), NZCPS</p>
<p>CE-P9 – Activities on land within the coastal environment</p>	<p>The strategic and co-ordinated use of <i>land</i> within the coastal environment is achieved by:</p> <p>(1) avoiding sprawling or sporadic patterns of <i>subdivision</i>, use and development,</p> <p>...</p>	<p>The strategic and co-ordinated use of <i>land</i> within the coastal environment is achieved by:</p> <p>(1) <u>encouraging the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth; avoiding sprawling or sporadic patterns of <i>subdivision</i>, use and development,</u>¹⁸</p> <p>...</p>	<p>Policy 6(1)(c), NZCPS</p>

¹⁸ 00139.071 DCC

<p>CE-P12 – Reclamation</p>	<p>Avoid reclamation in the coastal marine area, unless:</p> <p>(1) land outside the coastal marine area is not available for the proposed activity,</p> <p>(2) the activity to be established on the reclamation can only occur immediately adjacent to the coastal marine area,</p> <p>...</p>	<p>Manage reclamation and de-reclamation by:¹⁹</p> <p>(1A) Avoiding²⁰ reclamation in the <i>coastal marine area</i>, unless:</p> <p>...</p>	<p>Policy 10(1), NZCPS</p>
<p>CE-M3 – Regional Plans</p>	<p>Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> no later than 31 December 2028 to:</p> <p>...</p> <p>(4) manage the discharge of contaminants into coastal water by:</p> <p>...</p> <p>(e) avoiding cross-contamination between <i>sewage</i> and <i>stormwater</i> systems where new systems are proposed and remedying cross-contamination where they currently exist in established systems, and²¹</p> <p>(f) having particular regard to:</p> <p>(i) the sensitivity of the receiving environment,</p> <p>(ii) the nature of the <i>contaminants</i> to be <i>discharged</i>, the <i>contaminant</i> concentration thresholds not to be exceeded</p>	<p>Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> no later than 31 December 2028 to:</p> <p>...</p> <p>(4) manage the discharge of contaminants into coastal water by:</p> <p>...</p> <p>(e) <u>designing installing, operating and maintaining new reticulated wastewater systems to avoiding cross-contamination between <i>sewage</i> and <i>stormwater</i> systems where new systems are proposed and remedying cross-contamination where they currently exist in established systems, and²²</u></p> <p>(f) having particular regard to:</p> <p>(i) the sensitivity of the receiving environment,</p> <p>(ii) the nature of the <i>contaminants</i> to be <i>discharged</i>, the <i>contaminant</i> concentration thresholds not to be exceeded to achieve the required <i>water</i> quality in the receiving environment, and the risks if that concentration of <i>contaminants</i> is exceeded,</p> <p>(iii) the capacity of the receiving environment to assimilate the <i>contaminants</i>, and</p>	<p>Policy 23(4)(a) and 23(1)(d), NZCPS</p>

¹⁹ 00226.147 Kāi Tahu ki Otago

²⁰ 00226.147 Kāi Tahu ki Otago

²¹ 00139.076 DCC

²² 00139.076 DCC

	<p>to achieve the required <i>water</i> quality in the receiving environment, and the risks if that concentration of <i>contaminants</i> is exceeded,</p> <p>(iii) the capacity of the receiving environment to assimilate the <i>contaminants</i>, and</p> <p>(iv) avoiding significant adverse <i>effects</i> on ecosystems and habitats after reasonable mixing,</p>	<p>(iv) avoiding significant adverse <i>effects</i> on ecosystems and habitats after reasonable mixing,</p>	
LF – Land and freshwater			
LF-FW - Freshwater			
LF-FW-P12 – Protecting outstanding water bodies	<p>The significant and outstanding values of outstanding water bodies are:</p> <p>(1) identified in the relevant regional and district plans, and</p> <p>(2) protected by avoiding adverse effects on those values.</p>	<p>The significant and outstanding values of <i>outstanding water bodies</i> are:</p> <p>(1) identified in the relevant <i>regional and district plans</i>, and</p> <p>(2) protected by avoiding adverse effects on those values.²³</p> <p>Identify <i>outstanding water bodies</i> and their significant and outstanding values in the relevant <i>regional plans</i> and <i>district plans</i> and protect those values by avoiding adverse effects on them, except as provided by EIT-INF-P13 and EIT-INF-P13A.^{24,25}</p>	Policy 8, NPSFM
LF-FW-P13 – Preserving natural character	<p>Preserve the natural character²⁶ of <i>lakes</i> and <i>rivers</i> and their <i>beds</i> and margins by:</p> <p>(1) avoiding the <i>loss of values</i> or extent of a <i>river</i>, unless:</p>	<p>Preserve the natural character <u>and instream values</u>²⁷ of <i>lakes</i> and <i>rivers</i> and <u>the natural character of</u>²⁸ their <i>beds</i> and margins by:</p> <p>(1) avoiding the <i>loss of values</i> or extent of a <i>river</i>, unless: ...</p>	Clause 3.24, NPSFM

²³ 00230.091 Forest and Bird

²⁴ 00235.095 OWRUG, 00315.032 Aurora Energy, 00305.023 Waka Kotahi,

²⁵ 00230.091 Forest and Bird, 00119.011 Blackthorn Lodge, 00206.033 Trojan, 00411.045 Wayfare,

²⁶ 00231.058 Fish and Game

²⁷ 00231.058 Fish and Game

²⁸ Clause 10(2)(b)(i), Schedule 1, RMA - consequential amendment arising from 00231.058 Fish and Game

<p>LF-FW-P13A – Effects management hierarchy (in relation to natural wetlands and rivers) ²⁹</p>	<p><i>New Provision</i></p>	<p>The <i>effects management hierarchy</i> (in relation to <i>natural wetlands and rivers</i>) referred to in LF-FW-P9 and LF-FW-P13 is the approach to managing adverse effects of activities that requires that:</p> <p>(1) adverse effects are avoided where practicable.</p> <p>(2) where adverse effects cannot be avoided, they are minimised where practicable.</p> <p>(3) where adverse effects cannot be minimised, they are remedied where practicable.</p> <p>(4) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, <i>aquatic offsetting</i> is provided where possible.</p> <p>(5) if <i>aquatic offsetting</i> of more than minor residual adverse effects is not possible, <i>aquatic compensation</i> is provided, and</p> <p>(6) if <i>aquatic compensation</i> is not appropriate, the activity itself is avoided.</p>	
<p>LF-FW-M5 – Outstanding water bodies</p>	<p>No later than 31 December 2023, Otago Regional Council must:</p> <p>...</p> <p>(5) include provisions in <i>regional plans</i> to avoid the adverse effects of activities on the significant and outstanding values of <i>outstanding water bodies</i>.</p>	<p>No later than 31 December 2023, Otago Regional Council must:</p> <p>...</p> <p>(5) include provisions in <i>regional plans</i> that protect to avoid the adverse effects of activities on ³⁰the significant and outstanding values of <i>outstanding water bodies</i>.</p>	<p>Policy 8, NPSFM</p>

²⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.014 Aurora Energy, 00235.125 OWRUG, 00511.012 PowerNet, 00320.012 Network Waitaki

³⁰ 00230.091 Forest and Bird, 00119.011 Blackthorn Lodge, 00206.033 Trojan, 00411.045 Wayfare,

ECO – Ecosystems and indigenous <i>biodiversity</i>			
ECO-P3 - Protecting significant natural areas and taoka	<p>Except as provided for by ECO-P4 and ECO-P5, protect <i>significant natural areas</i> and indigenous species and ecosystems that are taoka by:</p> <p>(1) avoiding adverse <i>effects</i> that result in:</p> <p>(a) any reduction of the area or values (even if those values are not themselves significant) identified under ECO-P2(1), or</p> <p>(b) any loss of Kāi Tahu values, and</p> <p>...</p>	<p>Except as provided for by ECO-P4 and ECO-P5, protect <i>significant natural areas</i> (outside the coastal environment)³⁴ and indigenous species and ecosystems that are taoka by:</p> <p>(1) <u>first</u>³² avoiding adverse <i>effects</i> that result in:</p> <p>(a) any reduction of the area or <i>indigenous biodiversity</i>³³ values <u>identified and mapped under ECO-P2(1)</u>,³⁴ (even if those values are not themselves significant <u>but contribute to an area being identified as a <i>significant natural area</i></u>³⁵) <u>identified under ECO-P2(1), or</u>³⁶ <u>and</u></p> <p>(b) any loss of Kāi Tahu taoka³⁷ values <u>identified and mapped under ECO-P2(2)</u>³⁸, and</p> <p>...</p>	Section 6(c), RMA

³¹ 00237.007 Beef & Lamb and DINZ, 00137.016 DOC, 00226.035 Kāi Tahu ki Otago, 00120.011 Yellow-eyed Penguin Trust, 00230.016 Forest and Bird

³² 00223.100 Ngāi Tahu ki Murihiku

³³ 00226.219 Kāi Tahu ki Otago

³⁴ 00230.102 Forest and Bird

³⁵ 00230.102 Forest and Bird

³⁶ 00230.102 Forest and Bird

³⁷ 00139.129 DCC

³⁸ 00138.033 QLDC

<p>ECO-P6 – Maintaining indigenous biodiversity</p>	<p>Maintain Otago's indigenous biodiversity (excluding the coastal environment and areas managed under ECO-P3) by applying the following biodiversity effects management hierarchy in decision-making on applications for resource consent and notices of requirement:</p> <ol style="list-style-type: none"> (1) avoid adverse <i>effects</i> as the first priority, (2) where adverse <i>effects</i> demonstrably cannot be completely avoided, they are remedied, (3) where adverse <i>effects</i> demonstrably cannot be completely avoided or remedied, they are mitigated, (4) where there are residual adverse <i>effects</i> after avoidance, remediation, and mitigation, then the residual adverse <i>effects</i> are offset in accordance with APP3, and (5) if <i>biodiversity</i> offsetting of residual adverse <i>effects</i> is not possible, then: <ol style="list-style-type: none"> (a) the residual adverse <i>effects</i> are compensated for in accordance with APP4, and (b) if the residual adverse <i>effects</i> cannot be compensated for in accordance with APP4, the activity is avoided. 	<p>Maintain Otago's indigenous <i>biodiversity</i> (excluding the coastal environment and³⁹ areas managed protected⁴⁰ under ECO-P3) by applying the following <i>biodiversity effects management hierarchy (in relation to indigenous biodiversity)</i>⁴¹ in decision-making on applications for <i>resource consent</i> and notices of requirement:</p> <ol style="list-style-type: none"> (1) avoid adverse <i>effects</i> as the first priority, (2) where adverse <i>effects</i> demonstrably cannot be completely avoided, they are remedied, (3) where adverse <i>effects</i> demonstrably cannot be completely avoided or remedied, they are mitigated, (4) where there are residual adverse <i>effects</i> after avoidance, remediation, and mitigation, then the residual adverse <i>effects</i> are offset in accordance with APP3, and (5) if <i>biodiversity</i> offsetting of residual adverse <i>effects</i> is not possible, then: <ol style="list-style-type: none"> (a) the residual adverse <i>effects</i> are compensated for in accordance with APP4, and (b) if the residual adverse <i>effects</i> cannot be compensated for in accordance with APP4, the activity is avoided. 	
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³⁹ Clause 10(2)(b)(i) - Consequential amendment arising from 00226.223 Kāi Tahu ki Otago

⁴⁰ 00230.105 Forest and Bird

⁴¹ 00016.013 Alluvium and Stoney Creek, 0017.011 Danny Walker and Others, 00321.022 Te Waihangā

ECO-P9 – Wilding conifers	Reduce the impact of <i>wilding conifers</i> on indigenous <i>biodiversity</i> by: (1) avoiding afforestation and <i>replanting</i> of <i>plantation forests</i> with <i>wilding conifer</i> species listed in APP5 within: (a) areas identified as <i>significant natural areas</i> , and (b) buffer zones adjacent to <i>significant natural areas</i> where it is necessary to protect the <i>significant natural area</i> , and	Reduce the impact of <i>wilding conifers</i> on indigenous <i>biodiversity</i> by: (1) avoiding afforestation <u>the planting</u> ⁴² and <i>replanting</i> of <i>plantation forests</i> and <u>permanent forests</u> ⁴³ with <i>wilding conifer</i> species listed in APP5 within: (a) areas identified as <i>significant natural areas</i> , and (b) buffer zones adjacent to <i>significant natural areas</i> where it is necessary to protect the <i>significant natural area</i> ,	
EIT – Energy, infrastructure and transport			
EIT-INF - Infrastructure			
EIT-INF-O5 - Integration	Development of as well as <i>land use change</i> , occurs in a co-ordinated manner to minimise adverse <i>effects</i> on the <i>environment</i> and increase efficiency in the delivery, operation and use of the <i>infrastructure</i> .	Development of <i>nationally and regionally significant</i> ⁴⁴ <u><i>nationally significant infrastructure</i></u> and <u><i>regionally significant infrastructure</i></u> ⁴⁵ as well as <i>land use change</i> , occurs in a co-ordinated manner to avoid or ⁴⁶ minimise adverse <i>effects</i> on the <i>environment</i> and increase efficiency in the delivery, operation and use of the <i>infrastructure</i> .	
EIT-INF-P11 - Integration	Except as provided for by ECO – P4, allow for the operation and maintenance of existing <i>nationally and regionally significant infrastructure</i> while: (1) avoiding , as the first priority, significant adverse <i>effects</i> on the <i>environment</i> , and	Except as provided for by ECO – P4, allow for the operation and maintenance of existing <u><i>nationally significant infrastructure</i></u> ⁴⁷ and <u><i>regionally significant infrastructure</i></u> while: (1) avoiding , as the first priority, significant adverse <i>effects</i> on the <i>environment</i> , and (2) if avoidance is not practicable, and for other adverse <i>effects</i> , minimising adverse <i>effects</i> .	Policies 2 and 5, NPSREG Policy C2, NPSREG

⁴² 00137.092 DOC

⁴³ 00137.092 DOC

⁴⁴ 00239.125 Federated Farmers, 00235.114 OWRUG

⁴⁵ Clause 16(2), Schedule 1, RMA

⁴⁶ 00239.125 00230.128 Forest and Bird

⁴⁷ 00314.001 Transpower

	(2) if avoidance is not practicable, and for other adverse effects, minimising adverse effects.		
EIT-INF-P13 – Locating and managing effects of infrastructure	<p>When providing for new <i>infrastructure</i> outside the coastal environment</p> <p>(1) avoid, as the first priority, locating <i>infrastructure</i> in all of the following:</p> <ul style="list-style-type: none"> (a) <i>significant natural areas</i>, (b) outstanding natural features and landscapes, (c) <i>natural wetlands</i>, (d) <i>outstanding water bodies</i>, (e) areas of high or outstanding natural character, (f) areas or places of significant or outstanding <i>historic heritage</i>, (g) <i>wāhi tapu</i>, <i>wāhi taoka</i>, and areas with protected customary rights, and (h) areas of high recreational and high amenity value, and <p>(2) if it is not possible to avoid locating in the areas listed in (1) above because of the <i>functional</i> or <i>operational needs</i> of</p>	<p>When providing for new <i>infrastructure</i>, <u><i>nationally significant infrastructure</i></u> and <u><i>regionally significant infrastructure</i></u>⁴⁸ outside the coastal environment</p> <p>(1) avoid, as the first priority, locating <i>infrastructure</i> in all of the following:</p> <ul style="list-style-type: none"> (a) <i>significant natural areas</i>, (b) outstanding natural features and landscapes, (c) <i>natural wetlands</i>, (d) <i>outstanding water bodies</i>, (e) areas of high or outstanding natural character, (f) areas or places of significant or outstanding <i>historic heritage</i>, (g)⁴⁹ <u><i>wāhi tūpuna</i></u>, <u><i>wāhi tapu</i></u>, <u><i>wāhi taoka</i></u>,⁵⁰ and areas with protected customary rights, and (h) areas of high recreational and high amenity value, and <p>(2) if it is not possible <u>demonstrably practicable</u>⁵¹ to avoid locating in the areas listed in (1) above because of the <i>functional needs</i>⁵² or <i>operational needs</i> of the <i>infrastructure</i>, <u><i>nationally significant infrastructure</i></u> and <u><i>regionally significant infrastructure</i></u>⁵³ manage adverse effects as follows:</p>	<p>Section 6(a), (b), (c), (e), (f) and (g), RMA</p> <p>Section 7(c) and (j), RMA</p> <p>Policies 11, 13, and 15, NZPCS</p> <p>Policy 8, NPSFM</p> <p>Clauses 3.22 and 3.24, NPSFM</p> <p>Policies 2 – 8, NPSET</p>

⁴⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00313.020 Queenstown Airport

⁴⁹ Clause 16(2), Schedule 1, RMA

⁵⁰ 00226.241 Kāi Tahu ki Otago

⁵¹ 00321.057 New Zealand Infrastructure Commission, 00313.020 Queenstown Airport

⁵² Clause 16(2), Schedule 1, RMA

⁵³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00313.020 Queenstown Airport

	<p>the <i>infrastructure</i> manage adverse effects as follows:</p> <p>(a) for <i>nationally</i> or <i>regionally significant infrastructure</i>:</p> <p>(i) in <i>significant natural areas</i>, in accordance with ECO-P4,</p> <p>(ii) in <i>natural wetlands</i>, in accordance with the relevant provisions in the NESF,</p> <p>(iii) in <i>outstanding water bodies</i>, in accordance with LF-P12,</p> <p>(iv) in other areas listed in EIT-INF-P13(1) above, minimise the adverse effects of the <i>infrastructure</i> on the values that contribute to the area's importance,</p> <p>(b) for all <i>infrastructure</i> that is not or <i>regionally significant</i>, avoid adverse effects on the values that contribute to the area's outstanding nature or significance.</p>	<p>(a) for <i>nationally significant infrastructure</i>⁵⁴ or <i>regionally significant infrastructure</i>:</p> <p>(i) in <i>significant natural areas</i>, in accordance with ECO-P4,</p> <p>(ii) in <i>natural wetlands</i>, in accordance with the relevant provisions in the NESF,</p> <p>(iii) in <i>outstanding water bodies</i>, in accordance with LF-FW-P12⁵⁵,</p> <p>(iiia) in relation to wāhi tūpuna, in accordance with HCV-WT-P2⁵⁶</p> <p>(iv) in other areas listed in EIT-INF-P13(1) above, minimise the adverse effects of the <i>infrastructure</i> on the values that contribute to the area's importance,</p> <p>(b) for all <i>infrastructure</i> that is not <i>nationally significant infrastructure</i>⁵⁷ or <i>regionally significant infrastructure</i>,⁵⁸ avoid adverse effects on the values that contribute to the area's outstanding nature or significance.</p>	
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⁵⁴ Clause 16(2), Schedule 1, RMA

⁵⁵ Clause 16(2), Schedule 1, RMA

⁵⁶ 00226.241 Kāi Tahu ki Otago

⁵⁷ Clause 16(2), Schedule 1, RMA

⁵⁸ Clause 16(2), Schedule 1, RMA

<p>EIT-INF-P15 – Protecting nationally or regionally significant infrastructure</p>	<p>Seek to avoid the establishment of activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure, and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure.</p>	<p>Seek to avoid the establishment of activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure, and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure.</p> <p><u>Protect the efficient and effective operation of <i>nationally significant infrastructure</i> and <i>regionally significant infrastructure</i> by:</u></p> <p>(1) avoiding activities that may give rise to an adverse effect on <u>the functional needs or operational needs of nationally significant infrastructure or regionally significant infrastructure,</u></p> <p>(2) avoiding activities that may result in reverse sensitivity effects <u>on nationally significant infrastructure or regionally significant infrastructure, and</u></p> <p>(3) avoiding activities and development that foreclose an opportunity to adapt, upgrade or develop <u><i>nationally significant infrastructure</i> or <i>regionally significant infrastructure</i> to meet future demand.</u>⁵⁹</p>	<p>Policy 10, NPSET Policy D, NPSREG</p>
<p>EIT-INF-M4 – Regional Plans</p>	<p>Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> to: ... (2) require the prioritisation of sites for <i>infrastructure</i> where adverse effects on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided or, at the very least, minimised.</p>	<p>Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> to: ... (2) require the prioritisation of sites for <i>infrastructure</i> where adverse effects on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided or, at the very least, minimised.</p>	<p>Policies 2 – 8, NPSET</p>

⁵⁹ 00313.022 Queenstown Airport

<p>EIT-INF-M5 – District plans</p>	<p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to:</p> <p>...</p> <p>(6) ensure that development is avoided where:</p> <p>(a) it cannot be adequately served with <i>infrastructure</i>,</p> <p>(b) it utilises <i>infrastructure</i> capacity for other planned development, or</p> <p>(c) the required upgrading of <i>infrastructure</i> is not funded, and</p> <p>(7) require the prioritisation of sites where adverse effects on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided or, at the very least, minimised.</p>	<p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to:</p> <p>...</p> <p>(6) ensure that development is avoided where:</p> <p>(a) it cannot be adequately served with <i>infrastructure</i>,</p> <p>(b) it utilises <i>infrastructure</i> capacity for other planned development, or</p> <p>(c) the required upgrading of <i>infrastructure</i> is not funded, and</p> <p>(7) require the prioritisation of sites for <u><i>infrastructure, nationally significant infrastructure and regionally significant infrastructure</i></u> where adverse effects on those matters are⁶⁰ addressed by EIT-INF-P13⁶¹ and EIT-INF-P13A⁶² on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided or, at the very least, minimised.⁶³</p>	
<p>EIT-EN – Energy</p>			
<p>EIT-EN-P4 – Identifying new sites or resources</p>	<p>Provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for <i>renewable electricity generation</i> and, when selecting a site for new <i>renewable electricity generation</i>, prioritise those where adverse effects on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided or, at the very least, minimised.</p>	<p>Provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for <i>renewable electricity generation</i> and, when selecting a site for new <i>renewable electricity generation</i>, prioritise those where adverse effects on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided or, at the very least, minimised.</p>	<p>Policy G, NPSREG</p>

⁶⁰ Clause 16(2), Schedule 1, RMA

⁶¹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00137.107 DOC, 00301.042 Port Otago, 00226.241 Kāi Tahu ki Otago, 00223.108 Ngāi Tahu ki Murihiku, 00301.040 Port Otago

⁶² Clause 10(2)(b)(i), Schedule 1, RMA – 00137.107 DOC, 00301.042 Port Otago, 00226.241 Kāi Tahu ki Otago, 00223.108 Ngāi Tahu ki Murihiku, 00301.040 Port Otago

⁶³ 00139.171 DCC

EIT-INF-P16 – Providing for electricity transmission and the National Grid	Maintain a secure and sustainable electricity supply in Otago by: ... (5) minimising the adverse <i>effects</i> of the electricity transmission network on urban amenity, and avoiding adverse <i>effects</i> on town centres, areas of high amenity or recreational value and existing <i>sensitive activities</i> .	<u>Maintain a secure and sustainable electricity supply in Otago by:</u> ... (5) <u>minimising the adverse <i>effects</i> of the electricity transmission network on urban amenity, and avoiding adverse <i>effects</i> on town centres, areas of significance to mana whenua such as wāhi tūpuna,⁶⁴ areas of high amenity or recreational value and existing <i>sensitive activities</i>.</u> ⁶⁵	Policies 7 and 8, NPSET
EIT-EN-M1 – Regional plans	Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> to: ... (2) require the prioritisation of sites for new <i>renewable electricity generation activities</i> where adverse <i>effects</i> on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided or, at the very least, minimised, ...	Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> to: ... (2) require the prioritisation of sites for new <i>renewable electricity generation activities</i> where adverse <i>effects</i> on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided or, at the very least, minimised, ...	Policies 7 and 8, NPSET
EIT-EN-M1 – District plans	<i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to: ... (2) require the prioritisation of sites for new <i>renewable electricity generation activities</i> where adverse <i>effects</i> on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided or, at the very least, minimised, ...	<i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to: ... (2) require the prioritisation of sites for new <i>renewable electricity generation activities</i> where adverse <i>effects</i> on highly valued <i>natural and physical resources</i> and <i>mana whenua</i> values can be avoided or, at the very least, minimised, ...	Policies 7 and 8, NPSET
EIT-TRAN – Transport			
EIT-TRAN-P21 –	The efficient and effective operation of the transport system is maintained by:	The efficient and effective operation of the transport system is maintained by:	

⁶⁴ 00226.243 Kāi Tahu ki Otago

⁶⁵ Moved from EIT-INF – Clause 16(2), Schedule 1, RMA.

Operation of the transport system	<p>(1) avoiding adverse <i>effects</i> of activities on the functioning of the transport system,</p> <p>(2) avoiding the impacts of incompatible activities, including those that may result in reverse sensitivity <i>effects</i>,</p> <p>(3) avoiding development that forecloses an opportunity to adapt, upgrade or develop the transport system to meet future transport demand, ...</p>	<p>(1) avoiding or mitigating⁶⁶ adverse <i>effects</i> of activities on the functioning of the transport system,</p> <p>(2) avoiding the impacts of incompatible activities, including those that may result in reverse sensitivity <i>effects</i>,</p> <p>(3) avoiding development that forecloses an opportunity to adapt, upgrade or develop the transport system to meet future transport demand, ...</p>	
EIT-TRAN-M8 – District plans	<p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to:</p> <p>...</p> <p>(6) include policies and methods that provide for <i>commercial port activities</i> associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin</p>	<p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to:</p> <p>...</p> <p>(6) include policies and methods that provide for <i>commercial port activities</i> associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin <u>and avoid encroachment of activities which give rise to reverse sensitivity effects</u>.⁶⁷</p>	
HAZ – Hazards and risks			
HAZ-NH – Natural hazards			
HAZ-NH-P3 – New activities	<p>Once the level of <i>natural hazard risk</i> associated with an activity has been determined in accordance with HAZ-NH-P2, manage new activities to achieve the following outcomes:</p> <p>(1) when the <i>natural hazard risk</i> is significant, the activity is avoided,</p> <p>...</p>	<p>Once the level of <i>natural hazard risk</i> associated with an activity has been determined in accordance with HAZ-NH-P2, manage new activities to achieve the following outcomes:</p> <p>(1) when the <i>natural hazard risk</i> is significant, the activity is avoided,</p> <p>...</p>	Section 6(h), RMA

⁶⁶ 00139.183 DCC

⁶⁷ 00510.047 The Oil Companies

HAZ-NH-P5 – Precautionary approach to natural hazard risk	Where the <i>natural hazard risk</i> , either individually or cumulatively, is uncertain or unknown, but potentially significant or irreversible, apply a precautionary approach to identifying, assessing and managing that <i>risk</i> by adopting an avoidance or adaptive management response to diminish the <i>risk</i> and uncertainty.	Where the <i>natural hazard risk</i> , either individually or cumulatively, is uncertain or unknown, but potentially significant or irreversible, apply a precautionary approach to identifying, assessing and managing that <i>risk (in relation to natural hazards)</i> ⁶⁸ by adopting an avoidance or adaptive management response to diminish the <i>risk</i> and uncertainty. ⁶⁹	Section 6(h), RMA
HAZ-NH-P9 – Protection of hazard mitigation measures	Protect the <i>functional needs</i> of hazard mitigation measures, <i>lifeline utilities</i> , and essential or emergency services, including by: (1) avoiding significant adverse <i>effects</i> on those measures, utilities or services, (2) avoiding , and only where avoidance is not practicable, remedying or mitigating other adverse <i>effects</i> on those measures, utilities or services, ...	Protect the <i>functional needs and operational</i> ⁷⁰ <i>needs</i> of hazard mitigation measures, <i>lifeline utilities</i> , and essential or emergency services, including by: (1) avoiding significant adverse <i>effects</i> on those measures, utilities or services, (2) avoiding , and only where avoidance is not practicable, remedying or mitigating other adverse <i>effects</i> on those measures, utilities or services, ...	
HAZ-NH-P10 – Coastal hazards	In addition to HAZ-NH-P1 to HAZ-NH-P9 above, on any <i>land</i> that is potentially affected by coastal hazards over at least the next 100 years: (1) avoid increasing the <i>risk</i> of social, environmental and economic harm from coastal hazards, ...	In addition to HAZ-NH-P1 and HAZ-NH-P5⁷¹ to HAZ-NH-P9 above, On any <i>land</i> that is potentially affected by coastal hazards over at least the next 100 years: (1) avoid increasing the <i>risk (in relation to natural hazards)</i> ⁷² of social, environmental and economic harm from coastal hazards, ...	Policy 25(a) and (b), NZCPS

⁶⁸ Clause 10(2)(b)(i) of Schedule 1 of the RMA – consequential amendment arising from 00230.013 Forest and Bird

⁶⁹ 00138.150 QLDC

⁷⁰ 00313.026 Queenstown Airport

⁷¹ 00301.051 Port Otago

⁷² Clause 10(2)(b)(i) of Schedule 1 of the RMA – consequential amendment arising from 00230.013 Forest and Bird

HAZ-CL – Contaminated Land		
HAZ-CL-P14 – Managing contaminated land	Actively manage contaminated or potentially <i>contaminated land</i> so that it does not pose an unacceptable <i>risk</i> to people and the <i>environment</i> , by: ... (3) avoiding , as the first priority, and only where avoidance is not practicable, mitigating or remediating, adverse <i>effects</i> of the <i>contaminants</i> on the <i>environment</i> , and ...	Actively m Manage ⁷³ contaminated or potentially <i>contaminated land</i> so that it does not pose an unacceptable <i>risk</i> to people and the <i>environment</i> , by: ... (3) avoiding , as the first priority, and only where avoidance is not practicable, mitigating or remediating, adverse <i>effects</i> of the <i>contaminants</i> on the <i>environment</i> , and ...
HAZ-CL-P15 – New contaminated land	Avoid the creation of new <i>contaminated land</i> or, where this is not practicable, minimise adverse <i>effects</i> on the <i>environment</i> and <i>mana whenua</i> values.	Avoid the creation of new <i>contaminated land</i> or, where this is not practicable, minimise <u>to the smallest extent practicable</u> ⁷⁴ adverse <i>effects</i> on the <i>environment</i> and <i>mana whenua</i> values.
HAZ-CL-P18 – Waste facilities and services	When providing for the development of facilities and services for the storage, recycling, recovery, treatment and disposal of <i>waste materials</i> : (1) avoid adverse <i>effects</i> on the health and safety of people, ...	When providing for the development of facilities and services for the storage, recycling, recovery, treatment and disposal of <i>waste materials</i> : (1) avoid adverse <i>effects</i> on the health and safety of people, ...

⁷³ 00510.061 The Fuel Companies

⁷⁴ 00313.027 Queenstown Airport

HCV – Historical and cultural values			
HCV-WT – Wāhi tūpuna			
HCV-WT-P2 – Management of wāhi tūpuna	<p><i>Wāhi tūpuna</i> are protected by:</p> <p>(1) avoiding significant adverse <i>effects</i> on the cultural values associated with identified <i>wāhi tūpuna</i>,</p> <p>(2) where adverse <i>effects</i> demonstrably cannot be completely avoided, remedying or mitigating adverse <i>effects</i> in a manner that maintains the values of the <i>wāhi tūpuna</i>,</p> <p>(3) managing identified <i>wāhi tūpuna</i> in accordance with tikaka Māori,</p> <p>(4) avoiding any activities that may be considered inappropriate in <i>wāhi tūpuna</i> as identified by Kāi Tahu, and</p> <p>(5) encouraging the enhancement of access to <i>wāhi tūpuna</i> to the extent compatible with the particular <i>wāhi tūpuna</i>.</p>	<p><i>Wāhi tūpuna</i> are protected by:</p> <p>(1) avoiding significant adverse <i>effects</i> on the cultural values associated with of⁷⁵ identified <i>wāhi tūpuna</i>,</p> <p>(1A) avoiding, as the first priority, other adverse effects on the <u>cultural values of identified wāhi tūpuna</u>,⁷⁶</p> <p>(2) where <u>other</u>⁷⁷ adverse <i>effects</i> demonstrably cannot be completely avoided, then <u>either</u>⁷⁸ remedying or mitigating adverse <i>effects</i> in a manner that maintains the values of the <i>wāhi tūpuna</i>,</p> <p>(3) managing identified <i>wāhi tūpuna</i> in accordance with tikaka Māori, <u>and</u>⁷⁹</p> <p>(4) avoiding any activities that may be considered inappropriate in <i>wāhi tūpuna</i> as identified by Kāi Tahu, and⁸⁰</p> <p>(5) encouraging the enhancement of access to <i>wāhi tūpuna</i> to the extent compatible with the particular <i>wāhi tūpuna</i>.</p>	Section 6(e), RMA

⁷⁵ 00226.278 Kāi Tahu ki Otago

⁷⁶ 00137.142 DOC

⁷⁷ 00226.278 Kāi Tahu ki Otago

⁷⁸ 00226.278 Kāi Tahu ki Otago

⁷⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.069 Aurora Energy Limited

⁸⁰ 00315.069 Aurora Energy Limited

HCV-HH – Historic Heritage			
HCV-HH-P5 – Managing historic heritage	<p>Protect <i>historic heritage</i> by:</p> <ol style="list-style-type: none"> (1) requiring the use of accidental discovery protocols, (2) avoiding adverse <i>effects</i> on areas or places with special or outstanding <i>historic heritage</i> values or qualities, (3) avoiding significant adverse <i>effects</i> on areas or places with <i>historic heritage</i> values or qualities, (4) avoiding, as the first priority, other adverse <i>effects</i> on areas or places with <i>historic heritage</i> values or qualities, (5) where adverse <i>effects</i> demonstrably cannot be completely avoided, remedying or mitigating them, and (6) recognising that for <i>infrastructure</i>, EIT-INF-P13 applies instead of HCV-HH-P5(1) to (5). 	<p>Protect <i>historic heritage</i> by:</p> <ol style="list-style-type: none"> (1) requiring the use of accidental discovery protocols <u>in accordance with APP11</u>,⁸¹ (2) avoiding adverse <i>effects</i> on areas or places with special or outstanding <i>historic heritage</i> values or qualities, <u>except in the circumstances where HCV-HH-P7 applies</u>,⁸² (3) avoiding significant adverse <i>effects</i> on areas or places with <i>historic heritage</i> values or qualities, (4) avoiding, as the first priority, other adverse <i>effects</i> on areas or places with <i>historic heritage</i> values or qualities, (5) and where it is demonstrated that adverse effects demonstrably cannot be completely avoided, they are remedied or mitigated <u>remedying or mitigating them</u>, and⁸³ (6) recognising that for <i>infrastructure</i>, EIT-INF-P13 applies instead of HCV-HH-P5(1) to (5). 	Section 6(f), RMA

⁸¹ Consequential amendment to APP11: 00123.007, Heritage NZ

⁸² 00137.145 DOC

⁸³ 00226.289 Kāi Tahu ki Otago; 00139.234 DCC

NFL – Natural features and landscapes			
NFL-P2 – Protection of outstanding natural features and landscapes	Protect outstanding natural features and landscapes by: <ol style="list-style-type: none"> (1) avoiding adverse <i>effects</i> on the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding, and (2) avoiding, remedying or mitigating other adverse <i>effects</i>. 	Protect outstanding natural features and landscapes <u>outside the coastal environment from inappropriate <i>subdivision, use and development</i></u> ⁸⁴ by: <ol style="list-style-type: none"> (1) avoiding adverse <i>effects</i> on the values of the natural features and landscapes where there is limited or no capacity to absorb <u>change use or development</u>⁸⁵ that contribute to the natural feature or landscape being considered outstanding, even if these values are not themselves outstanding, and (2) avoiding, remedying or mitigating other adverse <i>effects</i>. (3) <u>managing the adverse <i>effects</i> of <i>infrastructure</i> on the values of outstanding natural features and landscapes in accordance with EIT-INF-P13.</u>⁸⁶ 	Section 6(b), RMA
NFL-P3 – Maintenance of highly valued natural features and landscapes	Maintain or enhance <i>highly valued natural features and landscapes</i> by: <ol style="list-style-type: none"> (1) avoiding significant adverse effects on the values of the natural feature or landscape, and (2) avoiding, remedying or mitigating other adverse effects. 	Maintain or enhance <i>highly valued natural features and landscapes outside the coastal environment</i> ⁸⁷ by: <ol style="list-style-type: none"> (1) avoiding significant adverse effects on the values of the natural feature or landscape, and (2) avoiding, remedying or mitigating other adverse effects. 	Section 7(c) and (f), RMA

⁸⁴ 00301.054 Port Otago

⁸⁵ 00318.034 Contact Energy

⁸⁶ 00315.073, 00315.074, 00315.075, 00315.076 Aurora Energy

⁸⁷ 00301.054 Port Otago

NFL-P5 – Wilding conifers	<p>Reduce the impact of <i>wilding conifers</i> on outstanding and highly valued natural features and landscapes by:</p> <p>(1) avoiding <i>afforestation and replanting of plantation forests with wilding conifer species</i> listed in APP5 within:</p> <p>(a) areas identified as outstanding natural features or landscapes, and</p> <p>(b) buffer zones adjacent to outstanding natural features and landscapes where it is necessary to protect the outstanding natural feature or landscape, and</p> <p>...</p>	<p>Reduce the impact of <i>wilding conifers</i> on outstanding and highly valued natural features and landscapes by:</p> <p>(1) avoiding the planting <i>afforestation</i>, and <i>replanting of plantation forests and permanent forests</i>⁸⁸ with <i>wilding conifer species</i> listed in APP5 within:</p> <p>(a) areas identified as outstanding natural features or landscapes, and</p> <p>(b) buffer zones adjacent to outstanding natural features and landscapes where it is necessary to protect the outstanding natural feature or landscape, and</p> <p>...</p>	
UFD – Urban form and development			
UFD-O4 – Development in rural areas	<p>Development in Otago’s <i>rural areas</i> occurs in a way that:</p> <p>(1) avoids impacts on significant values and features identified in this RPS,</p> <p>(2) avoids as the first priority, land and soils identified as highly productive by LF-LS-P19 unless there is an <i>operational need</i> for the development to be located in <i>rural areas</i>,</p> <p>...</p>	<p>Development in Otago’s <i>rural areas</i> occurs in a way that:</p> <p>(1) avoids impacts on significant values and features identified in this RPS,⁸⁹</p> <p>(2) avoids as the first priority, <i>highly productive land and soils</i>⁹⁰ identified as highly productive by LF-LS-P19 unless there is an <i>operational need or functional need</i>⁹¹ for the development to be located in <i>rural areas</i>,⁹²</p> <p>...</p>	Policy 5, Clauses 3.6 and 3.8, NPSHPL

⁸⁸ 00140.031 Waitaki DC

⁸⁹ 00137.154 Director General of Conservation, 00226.310 Kāi Tahu ki Otago

⁹⁰ 00322.0038 Fulton Hogan, 00236.099 Horticulture NZ

⁹¹ 00414.003 Infinity, 00413.005 NZ Cherry Corp

⁹² 00221.013 Silver Fern Farms

<p>UFD-P4 – Urban expansion</p>	<p>Expansion of existing <i>urban areas</i> is facilitated where the expansion:</p> <p>...</p> <p>(6) avoids, as the first priority, <i>highly productive land</i>, identified in accordance with LF-LS-P19,</p> <p>...</p>	<p>Expansion of existing <i>urban areas</i> is facilitated where, <u>at minimum</u>,⁹³ the expansion:</p> <p>...</p> <p>(6) avoids, as the first priority, <i>highly productive land</i>,⁹⁴ identified in accordance with LF-LS-P19,</p> <p>...</p>	<p>Policy 5, Clauses 3.6 and 3.8, NPSHPL</p>
<p>UFD-P6 – Industrial activities</p>	<p>Provide for <i>industrial activities</i> in <i>urban areas</i> by:</p> <p>...</p> <p>(3) managing the establishment of non-industrial activities, in industrial zones, by avoiding activities likely to result in <i>reverse sensitivity effects</i> on <i>industrial activities</i> or likely to result in an inefficient use of industrial zoned <i>land</i> or <i>infrastructure</i>, particularly where:</p> <p>(a) the area provides for a significant <i>operational need</i> for a particular <i>industrial activity</i> or grouping of <i>industrial activities</i> that are unlikely or are less efficiently able to be met in alternative locations, or</p>	<p>Provide for <i>industrial activities</i> in <i>urban areas</i> by:</p> <p>...</p> <p>(3) managing the establishment of non-industrial activities, in industrial zones, by⁹⁵ avoiding activities likely to result in <i>reverse sensitivity effects</i> on <u>existing or potential</u>⁹⁶ <i>industrial activities</i> (particularly residential or retail activities except <u>yard-based retail</u>),⁹⁷ or likely to result in an inefficient use of industrial zoned <i>land</i> or <i>infrastructure</i>, particularly where <u>the area</u>:⁹⁸</p> <p>(a) the area⁹⁹ provides for a significant <i>operational need</i> for a particular <i>industrial activity</i> or grouping of <i>industrial activities</i> that are unlikely or are less efficiently able to be met in alternative locations, or</p> <p>(b) the area¹⁰⁰ contains <i>nationally significant infrastructure</i>¹⁰¹ or <i>regionally significant infrastructure</i> and the requirements of EIT-INF-P15 apply, and ...</p>	<p>Policy 10, NPSET Policy D, NPSREG</p>

⁹³ 00136.011 MfE, 00139.258 DCC.

⁹⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00014.031 Mt Cardrona Station, 00209.01 Universal Developments, 00210.012 Lane Hocking, 00211.01 LAC Properties

⁹⁵ 00233.043 Fonterra

⁹⁶ 00233.043 Fonterra

⁹⁷ 00139.261 DCC

⁹⁸ 00510.064 The Fuel Companies

⁹⁹ 00510.064 The Fuel Companies

¹⁰⁰ 00510.064 The Fuel Companies

¹⁰¹ Clause 16(2), Schedule 1, RMA

	(b) the area contains <i>nationally</i> or <i>regionally significant infrastructure</i> and the requirements of EIT-INF-P15 apply, and ...		
UFD-P7 – Rural areas	The management of <i>rural areas</i> : ... (7) otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate an operational need to be located in rural areas.	The management of <i>rural areas</i> : ... (7) otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate: (a) an functional need or operational need to be located in rural areas, and (b) methods to avoid adverse effects, including by way of reverse sensitivity, on rural productive capacity and amenity values, or where avoidance is not practicable, remediation or mitigation, and ¹⁰²	
UFD-M2 – District plans	<i>Territorial authorities</i> must prepare or amend their <i>district plans</i> as soon as practicable, and maintain thereafter, to: ... (3) ensure that urban development is designed to: ... (e) minimise the potential for reverse sensitivity effects to arise, by managing the location of incompatible activities, and ...	<i>Territorial authorities</i> must prepare or amend their <i>district plans</i> as soon as practicable, and maintain thereafter, to: ... (3) ensure that urban development is designed to: ... (e) minimise the potential for reverse sensitivity effects to arise, by managing the location of incompatible activities, and (ea) avoid the potential for reverse sensitivity effects on <i>nationally significant infrastructure</i> and <i>regionally significant infrastructure</i>, and ¹⁰³ ...	Policy 10, NPSET Policy D, NPSREG

¹⁰² 00208.011 AgResearch Ltd, 00414.005 Infinity Investment Group Holdings Ltd, 00413.007 NZ Cherry Corp, 00410.009 Rural Contractors NZ.

¹⁰³ 00510.065 The Fuel Companies

Interpretation			
Definitions	<p>Aquatic compensation: means a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied</p> <p>Aquatic offset: means a measurable conservation outcome resulting from actions that are intended to:</p> <p>(a) redress any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and</p> <p>...</p> <p>Effects management hierarchy: in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:</p> <p>(a) adverse effects are avoided where practicable,</p>	<p>Aquatic compensation: means a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied</p> <p>Aquatic offset: means a measurable conservation outcome resulting from actions that are intended to:</p> <p>(a) redress any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and</p> <p>...</p> <p>Effects management hierarchy: <u>means an approach to managing the adverse effects of an activity</u>¹⁰⁴ in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:</p> <p>(a) adverse effects are avoided where practicable,</p> <p>(b) where adverse effects cannot be avoided, they are minimised where practicable,</p> <p>(c) where adverse effects cannot be minimised, they are remedied where practicable,</p>	Clause 3.21(1), NPSFM

¹⁰⁴ 00315.014 Aurora Energy, 00235.125 OWRUG, 00511.012 PowerNet, 00320.012 Network Waitaki

	<p>(b) where adverse effects cannot be avoided, they are minimised where practicable,</p> <p>(c) where adverse effects cannot be minimised, they are remedied where practicable,</p> <p>(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided, and</p> <p>(e) if aquatic compensation is not appropriate, the activity itself is</p>	<p>(d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided, and</p> <p>(e) if aquatic compensation is not appropriate, the activity itself is</p>	
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