

## EVIDENCE SUMMARY - MARY O'CALLAHAN FOR PORT OTAGO LIMITED

### Amendment to clarify conflict regarding providing for port activities vs avoid policies

The key concern addressed in my evidence is summarised here:

- The appropriateness of directive policies which require the avoidance of all effects on environmental values and how these integrate with the policy that gives effect to Policy 9 of the NZCPS – I have suggested two amendment options to policy EIT-TRAN-P23, one for each possible outcome from the Supreme Court decision.
- I note that neither amendment option appears to have been adopted by the reporting officer based on summary notes responding to evidence from other parties<sup>1</sup>. I would have expected the version reflecting existing case law understanding could be adopted by the reporting officer in the interim period ahead of a Supreme Court decision, i.e. my Option 1.
- This is because current case law relevant to Policy 9 of the NZCPS includes:
  - o the King Salmon decision
  - o the Court of Appeal decision on the Port Otago appeal on the previous Otago RPSwhich collectively authorise minor and transitory effects as being consistent with an avoid directive<sup>2</sup>, along with confirming the use of adaptive management as a legitimate method of avoiding adverse effects<sup>3</sup>.
- Given the importance of this requested change to the existing operations of this nationally significant infrastructure and noting the clear evidence of conflict between the Port's operational areas and the very evident significant natural values in the Otago Harbour, the absence of this clarification in Policy EIT-TRAN-P23 is likely to create ongoing uncertainty for regional plan development and any required resource consent applications pursued by the Port ahead of development of the next regional coastal plan.

I have set out below, a refinement to the wording suggested in my evidence in chief, to include a specific reference to 'adaptive management' in Policy EIT-TRAN-P23 for the situation where current case law prevails. I now realise that 'adaptive management' was missing from the Option 1 drafting presented in Appendix 1 to my evidence.

#### **EIT-TRAN-P23 – Commercial port activities** <sup>4</sup>

Recognise the national and regional significance of *commercial port activities* by:

- (1) ~~within limits as set out in Policies CE-P3 to CE-P12, P~~providing for the efficient and safe operation of the ports and efficient connections with other transport modes,
- (2) ~~within the limits set out in Policies CE-P3 to CE-P12, P~~providing for the development of the ports' capacity for national and international shipping in and adjacent to existing port activities, and
- (3) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes.

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<sup>1</sup> The reporting officer for the transport chapter Mr Langman, states in his summary that the drafting options are being helpful

<sup>2</sup> Environmental Defence Society Inc v New Zealand King Salmon Co Ltd [2014] NZSC 38 [2014] 1 NZLR 593, [2014] NZRMA 195, (2014) 17 ELRNZ 442

<sup>3</sup> Port Otago Limited v Otago Regional Council [2021] NZCA 638

<sup>4</sup> Red changes are mine, over a tidied up (clean) version of the RPS version showing recommendations from Officers, including supplementary evidence

- (4) Only permitting activities that are contrary to other policies in this policy statement where the activities:
- (a) are essential for the efficient and safe operation of these ports; or
  - (b) are essential for effective connections with other transport modes; and
  - (c) have a minor or temporary adverse effects on the protected values or effects can be avoided through adaptive management.

#### Within limits qualifier and uncertainty as to which provisions apply

Caveating the enabling provisions with the term 'limits' is uncertain and is not the right term in any case. This is used in the reporting officer's wording of Policy EIT-TRAN-P23 and other objectives and policies throughout the plan, e.g. it has been added into CE-O3 per Mr MacLennan's hearing summary amendments. A limit is generally numeric or specifies the point to stop something. It needs to be clearly narrated for the specific context. The Port's activities have the potential to conflict with environmental constraints, i.e. locations of indigenous biodiversity, natural character, landscape and surf breaks. 'Limits' are not described in the policy statement for these values, nor are they possible to be set at a regional level. With my wording recommended above for Policy EIT-TRAN-P23 the concern is resolved for Port Otago, but the Proposed RPS will remain unclear wherever else it is used.

Likewise, I reiterate my suggestion of visual 'coastal icons' to add clarity as to which provisions apply to activities within the Coastal Environment and where provisions do not apply to the Coastal Environment – this suggestion has not been adopted by officers. In my view, this method is preferable and is a valid alternative to written exclusions that have been drafted by officers to avoid a duplication of policies applying within coastal location. I note, for example, text exclusions have been suggested for every individual objective and policy in the 'Natural Features and Landscapes' chapter now. Both icons and written exclusions could also be used which would help navigation of the document.

#### Definitions

I have been unable to find any response from officers to confirm they agree the referenced Civil Defence and Emergency Management Act 2002 definition includes the facilities at Dunedin despite the reference being to a port company operating at Port Chalmers. I would appreciate the panel satisfying themselves that this interpretation is reasonable. While the proliferation of definitions relevant to Port Otago's activities in the Proposed RPS seems unnecessary and inefficient in a plan drafting sense, I appreciate that it's difficult to unwind these now. So, if the interpretation I set out in paragraphs 40-42 is agreed to by the panel, then I am comfortable that the Port's activities are adequately recognised in the Proposed RPS.

I've provided definitions to enable interpretation and application of policies for upgrades to existing infrastructure versus the development of new infrastructure as set out at paragraphs 90-93 of my evidence in chief. Without this, interpretation uncertainty in consent processes and inconsistent plan responses are likely to arise, in my experience.

#### Coastal Environment and Biodiversity

The reporting officer's recent change to CE-P5 aligns with a suggestion in my evidence in chief and is supported. The duplication between the Coastal Environment and Eco-Ecosystems and Indigenous Biodiversity chapter appears to be resolved with the amendments to ECO-P7 which provides the exclusion to most of the other provisions in this chapter (i.e. ECO-P3, ECO-P4, ECO-P5 and ECO-P6) where the biodiversity relates to the Coastal Environment. This exclusion is not entirely obvious on first read (i.e. if you start with policy ECO-P3 for example), so again, coastal icons would assist plan navigation. I note the duplication solution in this chapter is quite different to the approach used in the Natural Features and Landscapes chapter.

#### Policy CE-P1

I accept Mr MacLennan's reasoning for the retention of the chapter references in policy CE-P1 other than that for natural features and landscapes.

#### Natural Features and Landscapes

The officer recommendations to add individual exclusions to objectives and policies throughout this chapter, such that the objectives and policies in this chapter no longer apply to the Coastal Environment, removes duplicated objectives and policies for activities being assessed within the Coastal Environment. I support this change.

I remain concerned that the methodology for including highly valued landscapes vs outstanding ones is not distinguished or explained in Appendix 9 and note this appendix still applies to the Coastal Environment under the officer's recommended approach. Because of this and given that highly valued landscapes are not required to be mapped for Policy 15 of the NZCPS to be applied I have retained my earlier recommendation to remove reference to highly valued natural features and landscapes throughout the policy document.

In addition, CE-O3 remains inconsistent with the NZCPS in the officer recommendations without any obvious comment on my requested amendments to align it.

#### Natural Hazards

Mr MacLennan comments in his natural hazards opening statement in relation to my suggested solution to avoiding duplication between the coastal hazard consideration and the risk-based assessment regime for other hazards as follows:

*"I agree in part with the intent of the drafting proposed by Ms O'Callaghan (sic). I agree that HAZ-NH-P2, HAZ-NH-P3, and HAZ-NH-P4 do not apply to coastal hazards, as coastal hazards are managed by HAZ-NH-P10. However, there may be 'non-coastal hazards' such as fault lines that are located within the coastal environment. These hazards are to be managed (sic) by HAZ-NH-P2, HAZ-NH-P3, and HAZ-NH-P4. Given this I disagree any amendments are required".*

The reporting officer appears to have accepted that the risk-based assessment and policies are not helpful or applicable to coastal hazards and that there benefit in avoiding differing hazard policy regimes applying to a single location<sup>5</sup>. His remaining concern appears to be that non-coastal hazards could also exist where coastal hazards are present. I accept this situation could arise but consider that the dominant issue in such locations will invariably be coastal hazards. Accordingly, in my opinion the coastal hazard policies could be easily amended to provide for this as an extra amendment to support the amendments I previously recommended to policies HAZ-NH-P2, HAZ-NH-P3 and HAZ-NH-P4 in a way that addresses the issue raised by Mr MacLennan. This is shown below:

HAZ-NH-P10 – Coastal hazards

On any land that is potentially affected by coastal hazards over at least the next 100 years:

- (1) avoid increasing the risk (in relation to *natural hazards*) of social, environmental and economic harm from coastal hazards,
- (2) ensure no land use change or redevelopment occurs that would increase the risk (in relation to *natural hazards*) to people and communities from that coastal hazard **and mitigate any other natural hazard risk,**
- (3) encourage land use change or redevelopment that reduces the risk (in relation to *natural hazards*) from that coastal hazard, and
- (4) ensure decision making about the nature, scale and location of activities considers the ability of Otago's people and communities to adapt to, or mitigate the effects of, sea level

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<sup>5</sup> Paragraph 11, natural hazards opening statement

rise and climate change ., and  
(5) apply HAZ-NH-P5 to HAZ-NH-P9.

The remaining suggestions I've made to HAZ-NH-P4 and HAZ-NH-P7 were not addressed in Mr MacLennan's natural hazards opening statement. In my experience is it important not to set a zero-risk consent pathway for projects specifically planned as hazard adaptation works, as set out in paragraphs 108-110 of my evidence.

#### Regionally Significant Surf Breaks – CE-P7 and CE-M3(2)

The reporting officer disagrees with my recommendation to remove clause (2) of CE-P7 on the basis that the document does not provide any direction for how regionally significant surf breaks should be identified and he refers the Hearing Panel back to his section 42A report commentary. There, he noted that research is being undertaken to develop a methodology to identify these surf breaks<sup>6</sup>. Presumably this has now advanced in the intervening time and criteria may be available now. However, without this being included in the notified Proposed RPS, there is limited opportunity for key stakeholders to be engaged on and file any submissions on the methodology before such areas must then be mapped in plans. The risk that is evident with the current policy and method is that the mapping methodology will be developed outside of any public planning process. There is no engagement therefore on the surf break mapping method, which is not suitable, especially given there is no higher order direction requiring regionally significant surf breaks to be mapped in the first place.

My other concern is the future mapping of such surf breaks is likely to be in locations where it will conflict with other essential activities that are subject to higher order direction and will likely be taking place to ensure the future sustainability of coastal environments and the use of these locations wherever possible. E.g. regional surf breaks policies could frustrate coastal hazard adaptation and Port Otago's adaptation to sea level rise, to name a few likely conflicts. It represents an extra hurdle that is likely to conflict with coastal hazard management and adaptation, and the need to provide for nationally significant ports, per Policy 9 of the NZCPS.


#### Summary

I have updated Appendix 1 to my evidence in chief to include the additional recommendations and update/remove those no longer required, as noted above. My changes are shown overtop of the officers most recent tracked changes, which have first been accepted, for clarity. The amendments from my evidence in chief are highlighted in yellow.

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<sup>6</sup> S42A Chapter 8 Para 291

Appendix 1 – Updated recommended amendments to the Proposed RPS

Proposed RPS Section	Objective or Policy	Sought Amendment	Track Changes
Entire Proposed RPS	N/A	As identified throughout this evidence, there is duplication between the CE chapter provisions and others throughout the RPS and a lack of clarity. Clarity can be achieved through a simple coding system, e.g., through use of “coastal icons” and explanatory text, like the icons used within the Proposed Natural Resources Regional Plan for Wellington.	Include coastal icons for all provisions applicable to the coastal environment. See example icon below:  
Definitions	N/A	Provide definitions for the following terms: <ul style="list-style-type: none"> <li>- Operation and maintenance of infrastructure</li> <li>- Upgrades and development of existing infrastructure</li> </ul>	<p><b>Operation and maintenance</b> – in relation to <i>infrastructure</i>, use and development where the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity.</p> <p><b>Upgrades</b> – in relation to <i>infrastructure</i>, use and development to bring existing structures or facilities up to current standards or to improve the functional characteristics of structures or facilities, provided the upgrading itself does not give rise to any significant adverse effects on the environment.</p> <p><b>New infrastructure</b> – in relation to <i>infrastructure</i>, use and development that does not meet the definition for operation and maintenance or upgrades.</p>
Definition - Highly valued natural features and landscapes	Definition	Delete definition for highly valued natural features and landscapes	<del>highly valued natural features, and landscapes (including seascaapes) are areas which contain attributes and values of significance under Sections 7(c) and 7(f) of the RMA, which have been identified</del>

			<del>in accordance with APP9, and for the purposes of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 they are visual amenity landscapes.</del>
<b>Highly valued natural features and landscapes – other references through document</b>	Various	Delete reference to highly valued natural features and landscapes throughout the policy statement	Amendments not shown for brevity.
<b>Integrated Management</b>	IM-O1 – Long Term Vision	Reflect the direction in Section 5 of the RMA in the Integrated Management Policies	The management, <u>use, and development</u> of natural and physical resources by and for the people of Otago, in partnership with Kāi Tahu, achieves a healthy, and resilient natural environment, including the ecosystem services it provides, and supports the well-being of present and future generations, (mō tātou, ā, mō kā uri ā muri ake nei)
<b>Integrated Management</b>	IM-P1 – Integrated Approach	Amend IM-P1 to provide recognition of the physical environment and better align with section 5 direction.	Giving effect to the integrated package of objectives and policies in this RPS requires decision-makers to consider all provisions relevant to an issue or decision and apply them according to the terms in which they are expressed, and if there is a conflict between provisions that cannot be resolved by the application of higher order documents, prioritise: <ul style="list-style-type: none"> <li>(1) the life-supporting capacity and mauri of the natural environment and the health <u>and safety</u> needs of people, and then</li> <li>(2) the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</li> </ul>
<b>Coastal Environment</b>	CE-O3 - Natural character, features and landscapes	Amend wording to align with P13 and P15 of the NZCPS in terms of direction relating to only outstanding natural features and landscapes.	<b>CE-O3 – Natural character, features and landscapes</b> Areas of <u>outstanding</u> natural character are preserved, <del>and outstanding</del> natural features, and landscapes

			(including seascapes) within the coastal environment are protected from inappropriate activities, <u>significant adverse effects on other areas of natural character, natural features and landscapes are avoided</u> , and restoration is encouraged <u>for areas</u> where the values of these areas have been compromised.
<b>Coastal Environment</b>	CE-P1 – Links with other chapters	N/A	Agree with Mr MacLennan’s recommendation for this policy now.
<b>Coastal Environment</b>	CE-P2 – Identification Identify the following in the coastal environment:	Remove reference to Regionally Significant Surf Breaks under clause (5)	<b>CE-P2 – Identification</b> Identify the following in the coastal environment: ... (5) the nationally significant surf breaks at Karitane, Papatowai, The Spit, and Whareakeake <del>and any regionally significant surf breaks.</del>
<b>Coastal Environment</b>	CE-P5 – Coastal indigenous biodiversity	Move new clauses (g) and (h) from subclause (1) to (2) or otherwise amend so they are not subject to the strict avoid policy directive.  Alternatively draft a new policy to capture these and make subject to the effects management hierarchy.	<b>CE-P5 – Coastal indigenous biodiversity</b> Protect indigenous biodiversity in the coastal environment by: (1) identifying and avoiding adverse effects on the following ecosystems, vegetation types and areas: ... <del>(g) significant natural areas identified in accordance with APP2, and</del> <del>(h) indigenous species and ecosystems identified as taoka in accordance with ECO-M3, and</del>  (2) identifying and avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on the following ecosystems, vegetation types and areas:

			<p>...</p> <p><u>(h) significant natural areas identified in accordance with APP2, and</u></p> <p><u>(i) indigenous species and ecosystems identified as taoka in accordance with ECO-M3.</u></p> <p>My changes here generally align with the officer recommended changes, which are accepted.</p>
<b>Coastal Environment</b>	CE-P7 – Surf breaks	Remove reference to Regionally Significant Surf Breaks under clause (2)	<p><b>CE-P7 – Surf breaks</b></p> <p>Manage Otago’s nationally and regionally significant surf breaks so that:</p> <p>(1) nationally significant surf breaks are protected by avoiding adverse effects on the surf breaks, including on access to and use and enjoyment of them, <del>and</del></p> <p><del>(2) the values of and access to regionally significant surf breaks are maintained.</del></p>
<b>Coastal Environment</b>	CE-M2 - Identifying other areas	Remove the list of locations identified within this method.	<p><del>Table 2</del></p> <p>...</p> <p>[delete Table 2 in full]</p>
<b>Coastal Environment</b>	CE-M3 – Regional Plans	Remove requirement under clause (2) to map Regionally Significant Surf Breaks OR provide defined criteria within the Proposed RPS to guide the identification of regionally significant surf breaks.	<p><b>CE-M3 – Regional plans</b></p> <p>Otago Regional Council must prepare or amend and maintain its regional plans no later than 31 December 2028 to:</p> <p>...</p> <p>(2) map the areas and characteristics of, and access to, surf breaks of national significance <del>and regionally significant surf breaks,</del></p> <p>...</p> <p>(5) (b) manage Otago’s surf breaks of national significance <del>and regionally significant surf breaks</del> in accordance with CE-P7,</p>



<b>Energy, Infrastructure and Transport</b>	EIT-INF-04 – Provision of infrastructure	Remove the reference to within “limits” from the objective.	<b>EIT-INF-04 – Provision of infrastructure</b>  Effective, efficient and resilient infrastructure, nationally significant infrastructure and regionally significant infrastructure enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth in the region, <del>within limits.</del>
<b>Energy, Infrastructure and Transport</b>	EIT-INF-P11 – Operation and maintenance	Delete content that makes this policy redundant.	<b>EIT-INF-P11 – Operation and maintenance</b> <del>Except as provided for by ECO—P4,</del> allow for the operation and maintenance of existing nationally significant infrastructure and regionally significant infrastructure while: (1) avoiding, as the first priority, significant adverse effects on the environment, and (2) if avoidance is not practicable, and for other adverse effects, minimising adverse effects.
<b>Energy, Infrastructure and Transport</b>	EIT-INF-P14 – Decision making considerations	Amend to align with plan terminology elsewhere and recommended defined terms. Amend to ensure this is an opportunity rather than an obligation for infrastructure providers.	<b>EIT-INF-P14 – Decision making considerations</b> When considering proposals <del>to develop or</del> <u>for new infrastructure or upgrades</u> to infrastructure: (1) require consideration of alternative sites, methods and designs if adverse effects are potentially significant or irreversible, and (2) <del>utilise the opportunity of substantial upgrades of infrastructure to recognise any</del> reduced adverse effects <del>that result from the</del> <u>associated with</u> existing infrastructure, including on sensitive activities.
<b>Energy, Infrastructure and Transport</b>	EIT-TRAN-O10 – Commercial port activities	Remove the term “limit” from the objective.	<b>EIT-TRAN-O10 – Commercial port activities</b>  <i>Commercial port activities</i> operate safely and efficiently, <del>and within limits.</del>

<p><b>Energy, Infrastructure and Transport</b></p>	<p>EIT-TRAN-P23 – Commercial port activities</p>	<p>Amend Policy to reflect outcome of Port Otago’s appeal on the 2019 RPS in relation to the enablement of port activities as required by Policy 9 of the NZCPS, and the directive avoid policies within the Proposed RPS.</p> <p>Remove the term “limit” from this policy.</p>	<p><b>Option 1 – Port Otago loses Supreme Court Appeal and existing case law is retained unamended:</b></p> <p><b>EIT-TRAN-P23 – Commercial port activities</b> Recognise the national and regional significance of <i>commercial port activities</i> by:</p> <ul style="list-style-type: none"> <li>(5) <del>within limits as set out in Policies CE-P3 to CE-P12, P</del><u>providing</u> for the efficient and safe operation of the ports and efficient connections with other transport modes,</li> <li>(6) <del>within the limits set out in Policies CE-P3 to CE-P12, P</del><u>providing</u> for the development of the ports’ capacity for national and international shipping in and adjacent to existing port activities, and</li> <li>(7) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes.</li> <li>(8) <u>Only permitting activities that are contrary to other policies in this policy statement where the activities:</u> <ul style="list-style-type: none"> <li><u>(a) are essential for the efficient and safe operation of these ports; or</u></li> <li><u>(b) are essential for effective connections with other transport modes; and</u></li> <li><u>(c) have a minor or temporary adverse effects on the protected values or effects can be avoided through adaptive management.</u></li> </ul> </li> </ul> <p><b>Option 2 – Port Otago appeal is successful</b></p>
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			<p><b>EIT-TRAN-P23 – Commercial port activities</b></p> <p>Recognise the national and regional significance of <i>commercial port activities</i> by:</p> <ol style="list-style-type: none"> <li>(1) <del>within limits as set out in Policies CE-P3 to CE-P12, P</del><u>providing</u> for the efficient and safe operation of the ports and efficient connections with other transport modes,</li> <li>(2) <del>within the limits set out in Policies CE-P3 to CE-P12, P</del><u>providing</u> for the development of the ports' capacity for national and international shipping in and adjacent to existing port activities, and</li> <li>(3) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes.</li> <li>(4) <u>If the operation or development of Port Otago may cause adverse effects on values that are protected by this policy statement then such activities may be evaluated following a resource consent process that considers those effects and whether they are caused by safety considerations, which are paramount, or by transport efficiency considerations and, if resource consent is to be granted, ensuring that such adverse effects are avoided as much as possible and are otherwise remedied or mitigated (through adaptive management or otherwise).</u></li> </ol>
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<b>Energy, Infrastructure and Transport</b>	EIT-TRAN-M7 – Regional plans	Remove the term “within limits” from within this method.	<b>EIT-TRAN-M7 – Regional plans</b>  <del>within limits</del> , facilitate the safe and efficient operation and development of <i>commercial port</i> activities including previously approved <i>resource consents</i> for the following activities in the coastal development area mapped in MAP2
<b>Hazards</b>	HAZ-NH-P2 Risk assessments	Amend policy to not apply to areas also subject to coastal hazards where managed by HAZ-NH-P1A and HAZ-NH-P10.	<b>HAZ-NH-P2 – Risk assessments</b> Within areas identified under HAZ-NH-P1 as being subject to natural hazards, assess natural hazard risk by determining a range of natural hazard event scenarios and their potential consequences in accordance with the criteria set out within APP6. <u>This policy does not apply to an area also subject to coastal hazard risk, which is to be managed by HAZ-NH-P1A and HAZ-NH-P10.</u>
<b>Hazard</b>	HAZ–NH–P3 – New activities	Amend policy to not apply to areas also subject to coastal hazards where managed by HAZ-NH-P1A and HAZ-NH-P10.	<b>HAZ-NH-P3 – New activities</b> Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZ-NH-P2, manage new activities to achieve the following outcomes: (1) when the natural hazard risk is significant, the activity is avoided, (2) when the natural hazard risk is tolerable, manage the level of risk so that it does not exceed tolerable, and (3) when the natural hazard risk is acceptable, maintain the level of risk (in relation to natural hazards). <u>This policy does not apply to any area also subject to coastal hazard risk, which is to be managed by HAZ-NH-P1A and HAZ-NH-P10.</u>

<p><b>Hazards</b></p>	<p>HAZ-NH-P4 – Existing activities</p>	<p>Amend policy to not apply to areas also subject to coastal hazards where managed by HAZ-NH-P1A and HAZ-NH-P10.</p> <p>Amend the requirement to achieve a tolerable or acceptable level of risk to enable consideration of whether this is practicable in the context.</p>	<p><b>HAZ-NH-P4 –Existing activities</b></p> <p>In areas identified under HAZ-NH-P1 as subject to natural hazards, reduce existing natural hazard risk to a tolerable or acceptable level <u>as far as practicable</u> by:</p> <p>(1) encouraging activities that reduce risk (in relation to natural hazards), or reduce community vulnerability,</p> <p>(3) managing existing activities within areas of significant risk (in relation to natural hazards) to people, communities and property,</p> <p>(4) encouraging design that facilitates:</p> <p>(b) relocation to areas of acceptable risk (in relation to natural hazards), or</p> <p>(c) reduction of risk (in relation to natural hazards),</p> <p>(5) relocating lifeline utilities, and facilities for essential and emergency services, away from areas of significant risk (in relation to natural hazards), where appropriate and practicable, and</p> <p>(6) enabling development, upgrade, maintenance and operation of lifeline utilities and facilities for essential and emergency services.</p> <p><u>This policy does not apply to any area also subject to coastal hazards which is to be managed by HAZ-NH-P1A and HAZ-NH-P10.</u></p>
<p><b>Hazard</b></p>	<p>HAZ–NH–P7 – Mitigating natural hazards</p>	<p>Amend policy to reflect agreed outcome through mediation.</p>	<p><b>HAZ-NH-P7 – Mitigating natural hazards</b></p> <p>Prioritise risk (<i>in relation to natural hazards</i>) management approaches that reduce the need for <i>hard protection structures</i> or similar engineering interventions, and provide for <i>hard protection structures</i> only when:</p>

			<p>(1A) the following apply:</p> <ul style="list-style-type: none"> <li>(a) there are no reasonable alternatives that result in reducing the risk (in relation to natural hazards) exposure,</li> <li>(b) hard protection structures would not result in a <b>more than minor</b> increase in risk (in relation to natural hazards) to people, communities and property, including displacement of risk (in relation to natural hazards) off-site,</li> <li>(c) the adverse effects of the hard protection structures can be adequately managed, and</li> <li>(d) the mitigation is viable in the reasonably foreseeable long term or provides time for future adaptation methods to be implemented, or</li> </ul> <p>(2) the hard protection structure protects a lifeline utility, or a facility for essential or emergency services.</p>
<b>Hazard</b>	HAZ-NH-P10 – Mitigating natural hazards	Supporting amendment to respond to reporting officer concern that non-coastal hazards weren't able to be considered by this policy.	<p><b>HAZ-NH-P10 – Coastal hazards</b></p> <p>On any land that is potentially affected by coastal hazards over at least the next 100 years:</p> <ul style="list-style-type: none"> <li>(1) avoid increasing the risk (in relation to <i>natural hazards</i>) of social, environmental and economic harm from coastal hazards,</li> <li>(2) ensure no land use change or redevelopment occurs that would increase the risk (in relation to <i>natural hazards</i>) to people and communities from that coastal hazard <b>and mitigate any other natural hazard risk,</b></li> <li>(3) encourage land use change or redevelopment that reduces the risk (in relation to <i>natural hazards</i>) from</li> </ul>

			that coastal hazard, and (4) ensure decision making about the nature, scale and location of activities considers the ability of Otago’s people and communities to adapt to, or mitigate the effects of, sea level rise and climate change ., and (5) apply HAZ-NH-P5 to HAZ-NH-P9.
<b>NFL – Natural features and landscapes</b>	NFL-O1 – Outstanding and highly valued natural features and landscapes	N/A	Agree with Mr MacLennan’s recommendation for this objective now.
<b>NFL – Natural features and landscapes</b>	NFL-P6 – Coastal features and landscapes	N/A	Agree with Mr MacLennan’s recommendation for this policy now.
<b>APP9</b>	APP9 – Identification criteria for outstanding and highly valued natural features and landscapes (including seascapes)	Delete reference to ‘highly valued’	<b>APP9 – Identification criteria for outstanding and highly valued natural features, and landscapes and (including seascapes)</b> The areas and the values of outstanding <del>and highly valued</del> natural features, and landscapes (including seascapes) are identified using the following attributes: ...

