

Reply Report

Proposed Otago Regional Policy Statement 2021

2: Part One – Introduction and General Provisions

Lisa Hawkins

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1. Introduction

1. This report forms part of a suite of reply reports that have been prepared to sit alongside and explain the “marked up” version of the final recommendations on the proposed Otago Regional Policy Statement (pORPS). The approach to the whole suite is set out in the first report in this series, *Reply Report – Chapter 1: Introduction and General Themes*. Appended to the suite of reports is a consolidated version of the pORPS containing all final recommendations from the reporting officers.
2. This report should be read and considered in conjunction with the previous evidence provided in relation to this topic, being:
 - a. Section 42A report on Chapter 2: Part one - Introduction and general provisions (27 April 2022)
 - b. First brief of supplementary evidence of Lisa Maree Hawkins: Part one - Introduction and General Provisions (11 October 2022)
 - c. Opening statement of Lisa Maree Hawkins: Part one - Introduction and general provisions (25 January 2023).
3. The key matters addressed in this reply report are:
 - a. Provisions that were still in contention at the time of hearing, within the following sections of the pORPS:
 - i. Foreword or mihi
 - ii. Purpose
 - iii. Description of the region – general, natural character and landscape and coast
 - iv. Cross boundary matters
 - b. Issues raised through the hearing process, recognising that the hearing was held on 25 January 2023, but some parties presented relevant evidence in their combined presentation at other times during the hearing process.
4. This report not address the following provisions in Part 1 because I do not consider there are any additional matters to address as a result of the hearing:
 - Description of the region (climate)
 - Description of the region (waterbodies)
 - Description of the region (urban form)
 - How the policy statement works (statutory context)
 - Interpretation
 - National direction instruments
5. The MW – Mana whenua chapter is discussed in *Reply report 4: MW – Mana whenua*.
6. I consider the remaining issues with the Introduction and General Provisions section of the pORPS have been resolved through recommendations in my section 42A report or supplementary evidence. The attached marked up version of the pORPS includes my final

recommendations from this hearings report, my s42A report and supplementary evidence.

2. Foreword or mihi

7. The foreword or mihi was discussed in section 2.4 of the s42A report, with my analysis in paragraphs [15] to [18].

8. Paragraph [3] of the recommended version of this provision currently reads:¹

Having this new RPS developed so soon after the last has allowed it to build directly on the previous process. With issues and concerns still fresh, more refinement has been possible, building better processes and driving rapid progress on significant issues facing the region, including *resilience to climate change* and *natural hazards*, managing urban development, improving *freshwater* and coastal environmental management, and supporting biodiversity. *Mana whenua, the community*² and ORC have faced this planning challenge together. We have placed the *environment* at the centre of all we do in our long-term vision:

The management of natural and physical resources in Otago,³ by and for the people of Otago, including in partnership with⁴ Kāi Tahu, and as expressed in all resource management plans and decision making,⁵ achieves a healthy, and resilient, and safeguarded⁶ natural systems environment,⁷ and including⁸ the ecosystem services they offer it provides,⁹ and supports the well-being of present and future generations; (mō tātou, ā, mō kā uri ā muri ake nei).¹⁰

2.1. Submissions and evidence

9. As set out in paragraph three of my opening statement, the evidence of Ms Maria Bartlett for Ngāi Tahu ki Murihiku¹¹ supports my s42A recommendation to include reference to the community in the foreword or mihi. However, Ms Bartlett proposes a redraft of my recommended wording to remove the unintended consequence of appearing to separate mana whenua from the broader community, as set out below.

“...the community, including mana whenua, ...”

¹ This version includes the recommendations from the hearing reports prepared under s42A of the RMA, all supplementary evidence, and the opening statements.

² 004200.004 Jim Hopkins

³ 00239.034 Federated Farmers

⁴ 00226.085 Kāi Tahu ki Otago

⁵ 00121.015 Ravensdown

⁶ 00211.004 LAC, 00210.004 Lane Hocking, 00209.004 Universal Developments, 00118.005 Maryhill, 00014.005 Mt Cardrona Station

⁷ 00231.03 Fish and Game

⁸ 00139.022 DCC

⁹ 00239.034 Federated Farmers

¹⁰ 00239.034 Federated Farmers

¹¹ Maria Bartlett for Ngāi Tahu ki Murihiku, para [66].

2.2. Analysis

10. In response to the suggested amendment by Ms Bartlett, I consider the re-wording of the reference to 'community' to be an improvement as it addresses the unintended consequence of appearing to separate mana whenua from the broader community. This is also consistent with approaches elsewhere in the pORPS, and I do not consider it to be a substantial re-work. It remains in line with the intent of my s42A recommendation. I consider there is scope for the recommendation in the submission by Kāi Tahu ki Otago¹² and that the recommendation maintains the intent of the changes sought by Mr Jim Hopkins.¹³
11. I consider this amendment to be a minor change and therefore it is not necessary to re-evaluate through a s32AA assessment.

2.3. Final recommendation

12. My final recommended amendments to the notified version of the pORPS are:

Having this new RPS developed so soon after the last has allowed it to build directly on the previous process. With issues and concerns still fresh, more refinement has been possible, building better processes and driving rapid progress on significant issues facing the region, including *resilience to climate change* and *natural hazards*, managing urban development, improving *freshwater* and coastal environmental management, and supporting biodiversity. The community, including ~~Mana whenua, the community~~^{14,15} and ORC have faced this planning challenge together. We have placed the *environment* at the centre of all we do in our long-term vision:

The management of natural and physical resources in Otago,¹⁶ by and for the people of Otago, including in partnership with¹⁷ Kāi Tahu, and as expressed in all resource management plans and decision making,¹⁸ achieves a healthy, and resilient, and safeguarded¹⁹ natural systems environment,²⁰ and including²¹ the ecosystem services they offer it provides,²² and supports the well-being of present and future generations, (mō tātou, ā, mō kā uri ā muri ake nei).²³

¹² 00226.11 and 00226.112 Kāi Tahu ki Otago

¹³ 00242.004 Jim Hopkins

¹⁴ 004200.004 Jim Hopkins

¹⁵ 00242.004 Jim Hopkins, 00226.11 and 00226.112 Kāi Tahu ki Otago.

¹⁶ 00239.034 Federated Farmers

¹⁷ 00226.085 Kāi Tahu ki Otago

¹⁸ 00121.015 Ravensdown

¹⁹ 00211.004 LAC, 00210.004 Lane Hocking, 00209.004 Universal Developments, 00118.005 Maryhill, 00014.005 Mt Cardrona Station

²⁰ 00231.03 Fish and Game

²¹ 00139.022 DCC

²² 00239.034 Federated Farmers

²³ 00239.034 Federated Farmers

13. This amendment continues the intent of my recommendation in my s42A report,²⁴ and builds on my opening statement.²⁵

3. Purpose

14. The purpose was discussed in section 2.5 of the s42A report, with my analysis in paragraphs [29] to [34].

15. The recommended version of this provision currently reads:²⁶

As a community, we in Otago are moving into an age that requires solutions to both entrenched legacy issues and significant emerging issues in order to promote positive sustainable change while also enabling the Otago community to flourish, and to enjoy all that the region has to offer.

The Otago Regional Policy Statement (ORPS) provides a policy framework that aims to achieve long-term environmental sustainability by integrating the protection, restoration, enhancement, and use of Otago's *natural and physical resources*. The ORPS also promotes a thriving and healthy natural environment as being vital to sustaining our wellbeing.²⁷

The ORPS responds to identified significant regional values and resource management issues relating to Otago's *environment, historic heritage, economy, recreational opportunities and communities*. The ORPS sets out objectives, policies, and methods to resolve, over time, the identified issues as effectively and efficiently as possible. The ORPS gives effect to the statutory requirements set out in the Resource Management Act 1991 (RMA-1991)²⁸, as well as relevant national direction instruments, and is informed by²⁹ iwi authority planning documents. *Regional plans*³⁰ and *district plans* must give effect to the ORPS.

3.1. Submissions and evidence

16. As set out in paragraph 4 of my opening statement, there are a number of points which remained in contention during the hearing process in relation to the Purpose section of the pORPS. I will work through these points individually.

17. The evidence of Ms Susannah Tait for Fonterra³¹ makes a number of points regarding the terminology used within the purpose as it relates to:

- a. 'protection, restoration, enhancement and use' and its alignment within giving effect to s5 of the RMA. Ms Tait has requested 'use, development and protection' to replace the former phrase.

²⁴ S42A report Chapter 2: Introduction and general provisions, 27 April 2022, paragraph 17 and 19.

²⁵ Opening Statement: Introduction and General provision, Lisa Maree Hawkins, 25 January 2023, para 3

²⁶ This version includes the recommendations from the hearing reports prepared under s42A of the RMA, all supplementary evidence, and the opening statements.

²⁷ 00239.002 Federated Farmers

²⁸ Clause 16(2), Schedule 1, RMA

²⁹ 00223.008 Ngāi Tahu ki Murihiku

³⁰ Clause 16(2), Schedule 1, RMA

³¹ Susannah Tait for Fonterra, paras [5.1] to [5.7].

- b. Disagreement with how 'wellbeing' has been incorporated into Purpose, questioning alignment with s5.
- c. The use of the term 'resolve' as it relates to and gives effect to the purpose of an RPS as set out in s59 of the Resource Management Act.

18. Ms Tait sets out suggested rewording in her evidence to address the above points. This is set out below, with Ms Tait's evidence in the red.³²

"As a community, we in Otago are moving into an age that requires solutions to both entrenched legacy issues and significant emerging issues in order to promote positive sustainable change while also enabling the Otago community to flourish, and to enjoy all that the region has to offer.

The Otago Regional Policy Statement (ORPS) identifies the significant issues facing Otago's environment, historic heritage, economy, recreational opportunities and communities and provides a policy framework that aims to achieve long-term environmental sustainability by integrating the use, development and the protection, ~~restoration, enhancement, and use~~ of Otago's natural and physical resources to provide for the wellbeing of the Otago people and communities. The ORPS also promotes a thriving and healthy natural environment as being vital to sustaining our wellbeing.¹³

~~The ORPS responds to identified significant regional values and resource management issues relating to Otago's environment, historic heritage, economy, recreational opportunities and communities. The ORPS sets out objectives, policies, and methods to resolve, over time, the identified issues as effectively and efficiently as possible.~~ The ORPS gives effect to the statutory requirements set out in the Resource Management Act 1991 (RMA ~~1991~~)¹⁴, as well as relevant national direction instruments, and is informed by¹⁵ iwi authority planning documents. Regional plans¹⁶ and district plans must give effect to the ORPS."

19. Mr Vance Hodgson for Horticulture NZ requests reference to food production be added to paragraph 3 of the Purpose to explicitly identify the value the industry brings to the Otago region.³³

3.2. Analysis

20. In response to Ms Tait's evidence requesting the phrase 'protection, restoration, enhancement and use' in paragraph 2 of the Purpose be replaced with 'use, development and protection', I am not opposed to 'development' being added to paragraph 2 of the Purpose, noting that 'use' is already included. However, it is my opinion the pORPS provides direction for restoration and enhancement across a number of topics and it is therefore appropriate that the reference remains. Further, given Ms Tait considers that protection encompasses restoration and enhancement, I see there being no conflict in providing this level of specificity to align with direction throughout the pORPS. I consider

³² Susannah Tait for Fonterra, para [5.8].

³³ Vance Hodgson for Horticulture New Zealand, para [27]-[32].

incorporating 'development' into paragraph 2 is a minor amendment and also reflects the content of the pORPS.

21. I consider the evidence by Ms Tait to incorporate the concept of 'wellbeing' into paragraph 2³⁴ to duplicate my s42A recommendation in response to relief sought by submitter Federated Farmers.³⁵ My s42A recommendation incorporates an additional sentence at the end of paragraph 2 which draws the link between the environment and sustaining the wellbeing of the community. I continue to support my s42A recommendation on this matter.
22. Ms Tait was questioned by Commissioner Sullivan during the hearing in relation to her evidence opposing the use of the term 'resolve' in paragraph 2. It was put to Ms Tait whether a change in the wording would alleviate her concerns, or whether her concerns remain more broadly to the tenor of the pORPS. Ms Tait indicated that both concerns remained at play.
23. I acknowledge that s59 of the RMA sets out the purpose of an RPS is to provide for the integrated management of natural and physical resources. However, I consider that the improvement and/or resolution of issues may be required to achieve integrated management across all topics and domains within the pORPS. Therefore, it is my opinion that it is consistent with the RMA to aspire to resolve issues as part of an integrated management response of resources. I recognise that including reference to 'addressing' issues, and not just resolution, would enhance the purpose and would provide improved coverage of the various actions that may result through achieving integrated management. I therefore recommend an amendment to paragraph three.
24. However, I disagree with Ms Tait that the focus on resolving issues has led to a protectionist focus of the RPS. A resolution of an issue in the pORPS may require actions of enablement or management, in other instances protection or prevention may be required. The RPS includes policy frameworks that reflect all these approaches.
25. Paragraph 32 of my s42A report sets out my reasoning for not singling out food production as an industry within the Purpose, and for brevity I have not repeated that here.³⁶ Whilst I acknowledge Mr Hodgson's point that food production is specifically mentioned in a number of places throughout the pORPS, this does not change the intent that the list of descriptors included in paragraph 3 are set a level broad enough to cover specific industries or values. For this reason I continue to support my s42A recommendation on this matter.
26. I consider these amendments to be a minor change and therefore it is not necessary to re-evaluate through a s32AA assessment.

3.3. Final recommendation

27. My final recommended amendments to the notified version of the pORPS are:

³⁴ Susannah Tait for Fonetera, section 5.4, Statement of evidence 23 November 2022

³⁵ 00239.002, paragraph 35 s42A report Chapter 2: Introduction and General provisions

³⁶ S42A report Chapter 2: Introduction and general provisions, 27 April 2022

As a community, we in Otago are moving into an age that requires solutions to both entrenched legacy issues and significant emerging issues in order to promote positive sustainable change while also enabling the Otago community to flourish, and to enjoy all that the region has to offer.

The Otago Regional Policy Statement (ORPS) provides a policy framework that aims to achieve long-term environmental sustainability by integrating the protection, restoration, enhancement, ~~and~~ use and development³⁷ of Otago's *natural and physical resources*. The ORPS also promotes a thriving and healthy natural environment as being vital to sustaining our wellbeing.³⁸

The ORPS responds to identified significant regional values and resource management issues relating to Otago's *environment, historic heritage, economy, recreational opportunities and communities*. The ORPS sets out objectives, policies, and methods to address and³⁹ resolve, over time, the identified issues as effectively and efficiently as possible. The ORPS gives effect to the statutory requirements set out in the Resource Management Act 1991 (RMA-~~1991~~)⁴⁰, as well as relevant national direction instruments, and is informed by⁴¹ iwi authority planning documents. *Regional plans*⁴² and *district plans* must give effect to the ORPS.

4. Description of the region (general)

28. The description of the region was discussed in section 2.6 of the s42A report, with my general analysis in paragraphs [45] to [52]. The description was also discussed in my brief of supplementary evidence (11 October 2022) at paragraphs [5] to [6].
29. Paragraph [5] of the recommended version of this provision currently reads:⁴³

Otago's history recognises the early exploration and occupation of Otago by Kāi Tahu followed by the arrival of settlers from Europe and Asia.⁴⁴ Otago's economy centres around construction, primary production agriculture, tourism, ~~mineral~~ mining,⁴⁵ and education. The construction industry is a major contributor to employment numbers in Otago, supported by the region's population growth. The primary production sector is a source of revenue and employment for the districts and the wider region. Otago's farms are also a key contributor to the national food supply network.⁴⁶ The University of Otago enrolls approximately 20,000 students each year from around New Zealand and internationally, contributing to annual population spikes in Dunedin and significantly boosting the economy. Tourism

³⁷ Susannah Tait for Fonterra, para [5.8]

³⁸ 00239.002 Federated Farmers

³⁹ 00213.003 Fonterra; Susannah Tait for Fonterra, para [5.4]

⁴⁰ Clause 16(2), Schedule 1, RMA

⁴¹ 00223.008 Ngāi Tahu ki Murihiku

⁴² Clause 16(2), Schedule 1, RMA

⁴³ This version includes the recommendations from the hearing reports prepared under s42A of the RMA, all supplementary evidence, and the opening statements.

⁴⁴ 00212.005 Central Otago Heritage Trust

⁴⁵ 00140.001 Waitaki DC

⁴⁶ 00239.002 Federated Farmers, 00236.008 Horticulture NZ, 00240.002 NZ Pork, 00140.001 Waitaki DC

~~has~~⁴⁷ also has had⁴⁸ a significant impact on the regional economy, contributing about a quarter of the region's total gross domestic product. This is the highest of any region in New Zealand, and primarily concentrated in the Queenstown Lakes District.

4.1. Submissions and evidence

30. In my supplementary evidence⁴⁹ I refer to a consequential amendment as a result of supplementary evidence on the HCV – Historic and Cultural Values chapter.⁵⁰ Ms Bartlett's evidence for Kāi Tahu ki Murihiku, supports the intent of the change, but identifies an error in referring to Kāi Tahu in this context. The correct reference should be to Māori generally.⁵¹

4.2. Analysis

31. I appreciate the evidence of Ms Bartlett in identifying that the early exploration and occupation of Otago was not by Kāi Tahu but rather Waitaha and later Kāti Māmoe tupuna. Therefore I consider the amendment she suggests to be appropriate. I consider this amendment to be a minor change and therefore it is not necessary to re-evaluate through a s32AA assessment.

4.3. Final recommendation

32. My final recommended amendments to the notified version of the pORPS are:

Otago's history recognises the early exploration and occupation of Otago by Māori Kāi Tahu⁵² followed by the arrival of settlers from Europe and Asia.⁵³ Otago's economy centres around construction, primary production agriculture, tourism, mineral mining,⁵⁴ and education. The construction industry is a major contributor to employment numbers in Otago, supported by the region's population growth. The primary production sector is a source of revenue and employment for the districts and the wider region. Otago's farms are also a key contributor to the national food supply network.⁵⁵ The University of Otago enrolls approximately 20,000 students each year from around New Zealand and internationally, contributing to annual population spikes in Dunedin and significantly boosting the economy. Tourism ~~has~~⁵⁶ also has had⁵⁷ a significant impact on the regional economy, contributing about a quarter of the region's total gross domestic

⁴⁷ 00206.006 Trojan, 00411.001 Wayfare

⁴⁸ 00206.006 Trojan, 00411.001 Wayfare

⁴⁹ Supplementary evidence, Lisa Maree Hawkins: Chapter 2, para 5-6

⁵⁰ Supplementary evidence, Angela Fenemor: Chapter 13, para 8.

⁵¹ Maria Bartlett for Kāi Tahu ki Murihiku, para [70].

⁵² Clause 16(2), Schedule 1, RMA

⁵³ 00212.005 Central Otago Heritage Trust

⁵⁴ 00140.001 Waitaki DC

⁵⁵ 00239.002 Federated Farmers, 00236.008 Horticulture NZ, 00240.002 NZ Pork, 00140.001 Waitaki DC

⁵⁶ 00206.006 Trojan, 00411.001 Wayfare

⁵⁷ 00206.006 Trojan, 00411.001 Wayfare

product. This is the highest of any region in New Zealand, and primarily concentrated in the Queenstown Lakes District.

5. Description of the region (Natural character and landscapes)

33. The description of the region was discussed in section 2.6 of the s42A report, with my natural character and landscape analysis in paragraphs [64] to [65].

34. The recommended version of this provision currently reads:⁵⁸

Natural character and landscapes

Otago's landscapes are diverse. Moving inland from Otago's diverse and varied coastline, the landscapes change dramatically. Rolling plains separated by mountain ranges, steep hillsides of tussock, and deep gorges make up a lot of rural Otago ~~South and Central Otago~~⁵⁹. This *land* is dissected by flowing bodies of water, towering mountainscapes, and fascinating geological formations. Modified landscapes encompassing farmland and remnants of the region's early gold mining activity are ever-present, creating a rich sense of heritage and regional identity.

5.1. Submissions and evidence

35. The evidence of Mr Ben Farrell on behalf of Otago Fish and Game, Real Group Limited and NZSki Limited seeks to include a descriptor of the amount of unmodified land within the Otago region.⁶⁰ Mr Farrell acknowledges the response within my s42A report,⁶¹ in that there is emotive context associated with the wording of the relief sought in the original submission (namely using the word 'tremendous'). As such his evidence now seeks more neutral language such as 'extensive and important'.

5.2. Analysis

36. In my s42A report I set out the amount of unmodified land within the Otago region (just 4.4% of Otago's land area is within a National Park).⁶² I remain of the view that the original suggested wording 'tremendous' is not appropriate, and although less emotive, the evidence presented by Mr Farrell, in my opinion, still remains somewhat emotive and not reflective of actual amount of unmodified land within the Otago region. However, I accept Mr Farrell's evidence that this land is important to the region for a number of reasons, and this importance is not clearly reflected within the description of the region, and an amendment of this nature would provide additional clarity. I consider this amendment to be minor and therefore not necessary to re-evaluate as per s32AA.

⁵⁸ This version includes the recommendations from the hearing reports prepared under s42A of the RMA, all supplementary evidence, and the opening statements.

⁵⁹ 00140.001 Waitaki DC

⁶⁰ Ben Farrell for Otago Fish and Game, Real Group Limited and NZSki, para [18]-[21]

⁶¹ s42A report Chapter 2: Introduction and general provisions, para 64, 27 April 2022

⁶² % of land in the Otago region that is protected in National Parks, Statistics NZ Regional Council layers 2022, Department of Conservation Public Conservation Land provided layers.

5.3. Final recommendation

37. My final recommended amendments to the notified version of the pORPS are:

Natural character and landscapes

Otago's landscapes are diverse. Moving inland from Otago's diverse and varied coastline, the landscapes change dramatically. Rolling plains separated by mountain ranges, steep hillsides of tussock, and deep gorges make up a lot of rural Otago South and Central Otago⁶³. This *land* is dissected by flowing bodies of water, towering mountainscapes, and fascinating geological formations. Modified landscapes encompassing farmland and remnants of the region's early gold mining activity are ever-present, creating a rich sense of heritage and regional identity. National Parks and other Public Conservation areas provide important areas of unmodified *land* and water.⁶⁴

6. Description of the region (Coast)

38. The description of the region was discussed in section 2.6 of the s42A report, with my coast analysis in paragraphs [57] to [60].

39. Paragraph [1] of the recommended version of this provision currently reads:⁶⁵

The Otago coastline stretches for 480 km and is extremely diverse, encompassing pebble and sandy beaches, basalt formations, dune systems, eelgrass and saltmarshes, estuaries, rolling downlands, and striking cliff heads. Working farms abut most of the coastline, and⁶⁶ significant coastal settlements include Dunedin and Ōamaru Ōamaru.⁶⁷ with⁶⁸ The Otago port is based in Port Chalmers, within the Otago Harbour,⁶⁹ and Otago Harbor⁷⁰ is the region's only commercial freight handling harbour. However⁷¹ commercial fishing ramps (supporting fishing fleets)⁷² are present in Ōamaru Ōamaru,⁷³ Moeraki, Karitane Karitāne,⁷⁴ and Taieri Mouth. Coastal erosion and the decline of the regional coastline is well documented, posing a long-term threat to residential and commercial coastal developments and historic heritage, particularly wāhi tūpuna.⁷⁵

⁶³ 00140.001 Waitaki DC

⁶⁴ 0.0206.007 Trojan, 00411.013 Wayfare

⁶⁵ This version includes the recommendations from the hearing reports prepared under s42A of the RMA, all supplementary evidence, and the opening statements.

⁶⁶ 00239.003 Federated Farmers

⁶⁷ 00226.024 Kāi Tahu ki Otago

⁶⁸ 00411.012 Wayfare

⁶⁹ 00411.012 Wayfare

⁷⁰ 00223.010 Ngai Tahu ki Murihiku, 00411.011 Wayfare

⁷¹ 00411.012 Wayfare

⁷² 00411.012 Wayfare

⁷³ 00226.024 Kāi Tahu ki Otago

⁷⁴ 00226.024 Kāi Tahu ki Otago

⁷⁵ 00123.008 Heritage NZ

6.1. Submissions and evidence

40. In her evidence for Ngāi Tahu ki Murihiku, Ms Maria Bartlett provides further justification for the relief sought to include specific reference to the Catlins within the description of the region.⁷⁶ Her evidence provides specific wording changes to satisfy the relief sought. This suggested wording was not provided within the original submission point.⁷⁷

6.2. Analysis

41. The reasoning set out by Ms Bartlett identifies the unique character of the Catlins in relation to the extent of indigenous forest and vegetative cover along the coastline, and specifically the importance to Ngāi Tahu ki Murihiku with regard to accessing healthy mahika kai under the cover of this vegetation. Through Ms Bartlett's evidence I now better appreciate the reasoning behind the relief sought and can see merit. I consider the evidence to be in keeping with the purpose of the description of the region, highlighting the unique and important features of the coast. I therefore recommend amendments be made. I consider these amendments to be minor in nature and not requiring a re-evaluation with regard to s.32AA.

6.3. Final recommendation

42. My final recommended amendments to the notified version of the pORPS are:

The Otago coastline stretches for 480 km and is extremely diverse, encompassing pebble and sandy beaches, basalt formations, dune systems, eelgrass and saltmarshes, estuaries, rolling downlands, and striking cliff heads. Working farms abut most of the coastline, while remnant swathes of native bush clad coastline are a distinct feature of the Catlins area, and significant coastal settlements include Dunedin and Ōamaru.⁷⁸ ~~with~~⁷⁹ The Otago port is based in Port Chalmers, within the Otago Harbour,⁸⁰ and ~~Otago Harbor~~⁸¹ is the region's only commercial freight handling harbour. ~~However~~⁸² commercial fishing ramps (supporting fishing fleets)⁸³ are present in ~~Ōamaru~~ Ōamaru,⁸⁴ Moeraki, ~~Karitane~~ Karitāne,⁸⁵ and Taieri Mouth. Coastal erosion and the decline of the regional coastline is well documented, posing a long-term threat to residential and commercial coastal developments and historic heritage, particularly wāhi tūpuna.⁸⁶

⁷⁶ Maria Bartlett for Ngāi Tahu ki Murihiku, para [68]-[69]

⁷⁷ 00223.009 Ngāi Tahu ki Murihiku

⁷⁸ 00223.009 Kāi tahu ki Murihiku

⁷⁹ 00411.012 Wayfare

⁸⁰ 00411.012 Wayfare

⁸¹ 00223.010 Ngāi Tahu ki Murihiku, 00411.011 Wayfare

⁸² 00411.012 Wayfare

⁸³ 00411.012 Wayfare

⁸⁴ 00226.024 Kāi Tahu ki Otago

⁸⁵ 00226.024 Kāi Tahu ki Otago

⁸⁶ 00123.008 Heritage NZ

7. Cross boundary matters

43. Cross boundary matters were discussed in section 2.7.3 of the s42A report, with my analysis in paragraphs [92] to [109].

44. Paragraphs [3] and [4] of the recommended version of this provision currently reads:⁸⁷

Cross-boundary issues can arise in several ways, and generally manifest in issues for either plan preparation and review, or plan administration and the processing of applications for *resource consents*. Otago's cross-boundary matters include:

- ~~adverse~~⁸⁸ *effects* in one jurisdiction due to the activities in another, ~~particularly including~~⁸⁹ where *territorial authority* boundaries do not match catchment boundaries, as with the Clutha Mata-au, or the Waitaki River catchment over which Otago and Canterbury Regional Councils share jurisdiction, or Otago's coastal environment, which covers three *territorial authorities'* jurisdictions, and may be affected by *land uses and dam structures*⁹⁰ in the other two (through sediment flowing down the Clutha Mata-au, for instance). Effects within the Otago Coastal environment may also have effects on adjoining regional council jurisdiction;⁹¹
- Kāi Tahu interests, which span Otago as a whole, across *local authority* boundaries;
- resources that cross local authority boundaries which must be managed in a uniform manner, such as water,⁹² outstanding natural features, outstanding natural landscapes and significant natural areas;
- differences in policies or methods across plans, particularly where *district plans*⁹³ and *regional plans* are at different planning stages and may be out of step with current regulation;
- local, *regionally significant infrastructure*⁹⁴ or *nationally significant infrastructure* being developed and operated ~~operating~~⁹⁵ across *local authority* boundaries, as with transport and electricity ~~supply~~ networks, and potentially shared services such as waste management and minimisation ~~waste disposal~~⁹⁶; and
- duplicated effort for *local authorities* and increased cost for people seeking consents for activities that occur across *local authority* boundaries or require *resource consent* from two or more consent authorities.

⁸⁷ This version includes the recommendations from the hearing reports prepared under s42A of the RMA, all supplementary evidence, and the opening statements.

⁸⁸ 00314.002 Transpower

⁸⁹ 00314.002 Transpower

⁹⁰ 00139.003 DCC

⁹¹ 00013.001 ECan

⁹² 00236.009 Horticulture NZ

⁹³ Clause 16(2), Schedule 1, RMA

⁹⁴ Clause 16(2), Schedule 1, RMA

⁹⁵ 00314.002 Transpower

⁹⁶ 00139.004 DCC

Processes that will be used to address these matters are described in the sections below.

7.1. Submissions and evidence

45. In her evidence, Ms Ainsley McLeod for Transpower⁹⁷ continues to seek reference to regionally significant infrastructure and nationally significant infrastructure within the third bullet point of cross boundary matters. Ms McLeod's evidence draws on her interpretation that the third bullet point is intended to address all resources that cross boundaries. Ms McLeod raises concerns that cross-boundary matters may be confined to natural resources, and not physical resources as well.

7.2. Analysis

46. I set out in my s42A report⁹⁸ that the purpose of the third bullet point within cross boundary matters is to list those natural resources that need to be managed in a consistent manner, with the requirements of infrastructure and physical resources across boundaries dealt with under the fifth bullet point. Therefore, when all bullet points are read together, both natural and physical resources are covered in cross boundary matters. My position on this has not changed. However, I acknowledge that it is not clear that third bullet point is intended to apply to just natural physical resources. As such I propose including the word 'natural' to provide the clarity sought, and to also add 'physical resources' to the fifth bullet point.

7.3. Final recommendation

47. My final recommended amendments to the notified version of the pORPS are:

Cross-boundary issues can arise in several ways, and generally manifest in issues for either plan preparation and review, or plan administration and the processing of applications for *resource consents*. Otago's cross-boundary matters include:

- ~~adverse~~⁹⁹ *effects* in one jurisdiction due to the activities in another, ~~particularly including~~¹⁰⁰ where *territorial authority* boundaries do not match catchment boundaries, as with the Clutha Mata-au, or the Waitaki River catchment over which Otago and Canterbury Regional Councils share jurisdiction, or Otago's coastal environment, which covers three *territorial authorities'* jurisdictions, and may be affected by *land uses and dam structures*¹⁰¹ in the other two (through sediment flowing down the Clutha Mata-au, for instance). *Effects within the Otago Coastal environment may also have effects on adjoining regional council jurisdiction;*¹⁰²

⁹⁷ Ainsely McLeod for Transpower, para [6.5].

⁹⁸ S42A report Chapter 2: introduction and general provisions, para 96, 27 April 2022

⁹⁹ 00314.002 Transpower

¹⁰⁰ 00314.002 Transpower

¹⁰¹ 00139.003 DCC

¹⁰² 00013.001 ECan

- Kāi Tahu interests, which span Otago as a whole, across *local authority* boundaries;
- natural¹⁰³resources that cross *local authority* boundaries which must be managed in a uniform manner, such as water,¹⁰⁴ outstanding natural features, outstanding natural landscapes and *significant natural areas*;
- differences in policies or methods across plans, particularly where *district plans*¹⁰⁵ and *regional plans* are at different planning stages and may be out of step with current regulation;
- physical resources such as¹⁰⁶*local, regionally significant infrastructure*¹⁰⁷ or *nationally significant infrastructure* being developed and operated ~~operating~~¹⁰⁸ across *local authority* boundaries, as with transport and electricity supply networks, and potentially shared services such as waste management and minimisation ~~waste disposal~~¹⁰⁹; and
- duplicated effort for *local authorities* and increased cost for people seeking consents for activities that occur across *local authority* boundaries or require *resource consent* from two or more consent authorities.

Processes that will be used to address these matters are described in the sections below.

8. Resolved issues

48. All other recommendations that are contained within my s42A report and supplementary evidence were either supported through evidence or not challenged. In these instances, the recommendations from my s42A report and supplementary evidence remain.

¹⁰³ 00314.002 Transpower

¹⁰⁴ 00236.009 Horticulture NZ

¹⁰⁵ Clause 16(2), Schedule 1, RMA

¹⁰⁶ 00314.002 Transpower

¹⁰⁷ Clause 16(2), Schedule 1, RMA

¹⁰⁸ 00314.002 Transpower

¹⁰⁹ 00139.004 DCC