

Proposed Regional Policy Statement for Otago

Decisions of Council

Otago Regional Council resolved to adopt the recommendations of the Hearing Panel on the Proposed Regional Policy Statement for Otago at its meeting on Wednesday 28 September 2016, as follows:

That Council:

- 1) *Adopt the recommendations of the Hearing Panel on the Proposed Regional Policy Statement for Otago as its decision;*
- 2) *Publicly notify its decisions on the Proposed Regional Policy Statement for Otago on Saturday 1 October 2016; and*
- 3) *Notify submitters of its decisions.*

All references to the recommendations of the Hearing Panel must now be read as being the decisions of Council in the following report.

This report presents the recommendations of the Hearing Panel to the Otago Regional Council on submissions and further submissions to the Proposed Regional Policy Statement for Otago.

Hearing Panel:



Commissioner Gretchen Robertson - Chairperson



Commissioner Trevor Kempton



Commissioner Clive Geddes

Date: 21 September 2016

Table of Contents

1	Introduction	1
1.1	Executive Summary	1
1.2	Reason for Proposed Regional Policy Statement.....	2
1.3	Notification Process	2
1.4	Hearing.....	2
1.5	Deliberations	3
1.6	How to Read this Report.....	3
1.7	Documents Referred to in this Report.....	4
2	PRPS as a Whole.....	5
2.1	Recommendation to Accept the PRPS	5
2.2	Out of Scope Submissions.....	6
2.3	Minor and Consequential Amendments.....	7
3	Legal Requirements.....	8
3.1	Section 62 of the RMA	8
3.2	Section 32 of the RMA	9
3.3	Section 42A of the RMA.....	9
4	PRPS Approach.....	11
4.1	Outcomes Based Approach	11
4.2	Chapter Sequence	13
4.3	Structure and Ease of Use	13
4.4	Values	15
4.5	Use of the term 'Avoid'	16
4.6	Functional Needs	19
4.7	Recognising and Providing for Specific Activities	20
4.8	Consistency with RMA Terminology	22
4.9	Language and Grammar	25
5	New Chapter on Integrated Resource Management.....	28
5.1	Integrated Resource Management	28
6	Kāi Tahu Values and Interests	32
6.1	Kāi Tahu Provisions	32
7	Otago has High Quality Resources and Ecosystems	41
7.1	Management and Protection of Natural Resources.....	41
7.2	Fresh Water.....	43
7.3	Water Allocation and Use.....	48

7.4	Outstanding Water Bodies and Wetlands	50
7.5	Coast	52
7.6	Air	57
7.7	Soil	59
7.8	Ecosystems and Biological Diversity.....	62
7.9	Natural Features, Landscapes and Seascapes	67
7.10	Environmental Enhancement	70
8	Communities in Otago are Resilient Safe and Healthy	71
8.1	Recognising Environmental Constraints	71
8.2	Natural Hazards	72
8.3	Climate Change	77
8.4	Infrastructure	79
8.5	Energy	87
8.6	Urban Design	91
8.7	Growth.....	95
8.8	Waste, Hazardous Substances and Contamination	99
9	Use and enjoyment of the Environment	107
9.1	Public Access	107
9.2	Historic Heritage.....	109
9.3	Management of Land for Economic Activities	114
9.4	Managing Land Use Change in Dry Catchments.....	118
9.5	Efficient Resource Use.....	120
9.6	Discharges	121
9.7	Management of Adverse Effects.....	122
9.8	Biosecurity and Pests.....	126
9.9	Offsetting	129
10	Introduction, Schedules, Roles and Responsibilities and Appendices	132
10.1	Introduction.....	132
10.2	Methods.....	134
10.3	Anticipated Environmental Results and Monitoring	138
10.4	Schedule 3	141
10.5	Roles and Responsibilities and Glossary.....	142

Abbreviations	
Local authority	Regional, city and district councils
ORC	Otago Regional Council
PRPS	Proposed Regional Policy Statement for Otago
RMA	Resource Management Act 1991
NPS	National Policy Statement
NPSFM	National Policy Statement for Freshwater Management 2014
NZCPS	New Zealand Coastal Policy Statement
NES	National Environmental Standard
section	A reference to another section in this report or a section in the PRPS.
s or ss	A section or sections of the RMA or other legislation.

1 Introduction

1.1 Executive Summary

This report recommends that the ORC adopt the Proposed Regional Policy Statement for Otago (PRPS), subject to the recommended amendments made in response to submissions. The PRPS has been undertaken in accordance with Schedule 1 of the Resource Management Act 1991 (RMA).

The PRPS was publicly notified on 23 May 2015. A total of 156 submissions and 42 further submissions were received. The Hearing Panel heard or received evidence from 88 submitters in November 2015. All information on the PRPS was made publicly available on the ORC website.

The Hearing Panel deliberated from December 2015 to September 2016. The Hearing Panel is satisfied that subject to the recommended amendments, the PRPS meets the requirements for regional policy statements contained within ss59 to 62 and the functions and duties of a regional council in accordance with s30 of the RMA.

The key recommendations include:

- Retaining the outcomes based approach and associated structure of the PRPS;
- Inserting a new outcome chapter directly addressing integrated resource management;
- Clarifying how the term 'value' is used and what it means;
- Retaining the use of 'avoid';
- Retaining the effects based framework of the PRPS, enabling all activities where established bottom lines and outcomes are met;
- Aligning language with RMA terminology, improving consistency with higher order documents, adding definitions and removing duplication;
- Amending various provisions throughout the PRPS in response to submissions, to improve the efficiency and effectiveness of the document and achieve the sustainable management purpose of the RMA.

1.2 Reason for Proposed Regional Policy Statement

The current Regional Policy Statement for Otago was made operative on 1 October 1998. In accordance with s79 of the RMA, regional policy statements must be reviewed every 10 years. A full review of the current Regional Policy Statement for Otago began in February 2013. As a result of this review, a new Regional Policy Statement for Otago was proposed (PRPS).

1.3 Notification Process

The PRPS was publicly notified on 23 May 2015 and submissions closed on 24 July 2015. A total of 156 submissions were received.

The Summary of Decisions Requested was notified on 12 September 2015 along with a call for further submissions, which closed on 25 September 2015. Forty-two further submissions were received.

1.4 Hearing

Submissions were heard over three weeks from 9 November to 30 November 2015 in the following locations:

- Dunedin – Otago Regional Council Chambers, 70 Stafford Street
- Alexandra – Central Otago District Council Chambers, 1 Dunorling Street
- Queenstown – Queenstown Lakes District Council Chambers, 10 Gorge Road
- Oamaru – Waitaki District Council Chambers, 20 Thames Street

88 submitters spoke and/or tabled evidence at the hearing. The commissioners requested additional information and analysis from several submitters and from Council staff during the hearing process. The responses to these requests were presented as additional tabled evidence. Council policy staff presented a s41C report in response to issues raised in evidence at the hearing on the last day.

1.5 Deliberations

The Hearing Panel considered all requests made by submitters and further submitters and examined in depth the issues, implications, costs and benefits of the requested changes.

At the start of deliberations all submissions, further submissions and evidence were reread to identify the key issues in contention. This set the priority and order of recommendations. Substantive recommendations on legal and process requirements and the approach and structure of the document were made first. This was followed by the remaining issues. All recommendations were recorded and Council policy staff marked up the amendments to the PRPS in underline and ~~strike through~~ text and presented these back for review.

At the completion of this exercise, a line by line review of the submission and further submission summary was undertaken to check and confirm that all issues raised in submissions have been fully considered in the recommendations.

1.6 How to Read this Report

This report makes recommendations to Council on the submissions to the PRPS.

Recommendations are made on the provisions and matters raised in submissions in accordance with clause 10, Schedule 1 of the RMA. All submissions and further submissions that have requested the same or similar changes to the recommended amendments in this report are accepted. All submissions and further submissions that have requested changes that have not been made in this recommendation report are rejected.

The recommendations are to be read in conjunction with the PRPS Incorporating Tracked Text Recommendations from the Hearing Panel (Recommended PRPS) and s32AA Further Analysis of Recommended Changes (s32AA Further Analysis). The recommendations are numbered, and for each section that discusses specific provisions or sections of the PRPS, a table is provided that lists the provisions discussed. The table provides references to the provision code¹ and page number

¹ The provision code is a numeric reference assigned to a group of submissions in the Summary of Submissions. These groups of submissions are largely organised by PRPS provision, with some groupings that gather, for example, submissions on the whole PRPS or the whole of a policy suite.

in the Summary of Decisions Requested, and a page reference to the notified PRPS. Note that not every applicable submission will be referenced in the table.

References to provisions follow the numbering system for the notified PRPS.

1.7 Documents Referred to in this Report

Attachments to this report are:

- Appendix 1 - s32AA Further Evaluation of Recommended Changes
- Appendix 2 - PRPS Incorporating Tracked Text Recommendations from the Hearing Panel
- Appendix 3 - PRPS Incorporating Recommendations from the Hearing Panel
- Appendix 4 - Overview of PRPS objectives and policies, comparing the Notified PRPS with the PRPS Incorporating Recommendations from the Hearing Panel

Documents referred to in this report are:

- Proposed Regional Policy Statement for Otago (Notified 23 May 2015)
- Section 32 Evaluation Report (s32 evaluation report)
- Submissions, further submissions, evidence and further information tabled at the hearing
- Summary of Decisions Requested Incorporating Further Submissions – by Provision
- Section 41C Report Following Hearing of Submissions (s41C report)
- Section 42A Report on Decisions Requested (s42A report)

2 PRPS as a Whole

This section makes recommendations on matters of scope and the PRPS as a whole.

2.1 Recommendation to Accept the PRPS

A number of submitters supported the PRPS and others requested it be withdrawn in its entirety. Some submitters asked that the PRPS be retained, or withdrawn if their submissions were not granted.

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
1	Whole RPS (general support)	1-154	1-3
2	Whole RPS (general opposition)	1-154	3-5
3	Whole RPS (overall approach)	1-154	5-21

2.1.1 Recommendation

Rec. 1 Adopt the PRPS, subject to the amendments recommended in this report in response to submissions.

2.1.2 Reasons

In accordance with s79 of the RMA, regional policy statements must be reviewed every 10 years and this PRPS is a result of extensive research and consultation from this review.

The statutory requirements for the preparation of policy statements and plans in the RMA have been met.

The PRPS is consistent with the sustainable management purpose of s5 and the principles in ss6-8 in Part 2 of the RMA.

The PRPS assists the Council in carrying out its functions set out in s30 of the RMA.

The level of prescription of the PRPS is appropriate.

The outcomes based approach and integrated nature of the PRPS is supported and is consistent with the s59 purpose of regional policy statements in the RMA.

The detailed issues raised in submissions have been grouped and are addressed in the following sections of this report.

2.2 Out of Scope Submissions

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
257	Beyond the scope	-	980

A number of submissions have been determined to be wholly outside the scope of the PRPS. These submissions are summarised in Summary of Decisions Requested - Part 4 - Beyond the Scope and the recommendations are contained within the Hearing Minutes. In addition to these submissions there were a number of other submission points which cannot be specifically addressed in a regional policy statement. These include:

- The PRPS needs to provide more operational direction.
- The PRPS should address global issues e.g. the TPPA.
- The PRPS should address the loss of access rights to minerals.
- The PRPS should provide better roads, a new train link, new, cheaper and more accessible bus services, a new airport and airports should support bigger planes.
- Cities should be kept clean.
- Upgrading to clean modern buses, or controlling bus exhaust.

2.2.1 Recommendation

Rec. 2 All submissions seeking changes outside the scope of the PRPS be rejected.

2.2.2 Reasons

Regional councils have broad discretion to include a range of provisions in a regional policy statement as long as they are within scope of the RMA, do not contain rules, and are justified by a s32 assessment. The purpose is to provide regional direction on the sustainable management of natural and physical resources. Therefore any requests that seek operational provisions or seek to add provisions that are outside the scope of the RMA cannot be considered, in accordance with s41C(7)(b) of the RMA.

2.3 Minor and Consequential Amendments

2.3.1 Recommendations

Rec. 3 Make minor amendments to the PRPS to correct spelling, grammatical and language errors.

Note: these amendments are illustrated in blue ~~striketrough~~ and underlined text.

Rec. 4 Renumber all provisions where this is required as a consequential amendment to other amendments.

2.3.2 Reasons

A number of minor amendments are made to correct minor errors, which are of minor effect in accordance with clause 16, Schedule 1 of the RMA.

Consequential renumbering in the PRPS is needed in response to the addition and deletion of provisions.

3 Legal Requirements

This section makes recommendations on submissions on ss32, 42a and 62 of the RMA.

3.1 Section 62 of the RMA

Some submissions considered that the PRPS did not meet s62 requirements. In particular, these submissions questioned whether or not the PRPS adequately identifies the significant resource management issues of the region, with principal reasons and explanations.

3.1.1 Recommendation

Rec. 5 The PRPS contains all the matters required to be addressed by a regional policy statement in accordance with s62 of the RMA.

Note: the recommendations in this section of this report on structure and ease of use make a number of changes to the detailed structure and content of the PRPS to make the identification of issues, principal reasons and explanations more explicit.

3.1.2 Reasons

There is no legal requirement to lay out a regional policy statement in the order of the matters listed under s62, but all those matters need to be addressed. The provisions of the PRPS have been reviewed against these matters and the PRPS adequately addresses them.

Regionally significant issues

The PRPS does contain regionally significant issues under each objective in the chapter overviews, titled 'issue'. Some of these issues have been made more explicit in response to submissions in the following sections of this report.

Section 62 of the RMA requires a regional policy statement to state the resource management issues of significance to iwi authorities in the region. We have reviewed the resource management issues raised by iwi and are satisfied that they are encapsulated in the issues listed in the PRPS.

Cross regional issues

Some submissions have also raised concerns about the level of cross regional consistency the PRPS provides. Section 62(1)(h) requires the PRPS to include 'the processes to be used to deal with issues that cross local authority boundaries, and issues between territorial authorities or between regions'. The PRPS does include provisions that address this in Part C, Implementation, Roles and Responsibilities and in a new chapter on Integrated Management. Specific cross regional issues relating to landscape are addressed in the landscape section of the PRPS.

3.2 Section 32 of the RMA

Some of the submissions and evidence presented at the hearing expressed concerns about the adequacy of s32 reporting. Some submitters considered that the s32 evaluation report was too high level and did not assess all of the PRPS, such as the schedules.

3.2.1 Recommendation

Rec. 6 The reporting requirements in accordance with s32 of the RMA have been met.

3.2.2 Reasons

The s32 Evaluation Report does provide an assessment of the PRPS against all the matters in s32. Although there is no analysis against specific schedules, the schedules are integral to the policies and as such have been sufficiently assessed. A further analysis of changes has been undertaken in accordance with s32AA, which is attached as Appendix 1 to this report.

3.3 Section 42A of the RMA

Some of the submissions and evidence presented at the hearing expressed concerns about the adequacy of the s42A report. The main concerns submitters expressed was that it provided limited analysis and no recommendations on submissions.

3.3.1 Recommendation

Rec. 7 The reporting requirements in accordance with s42a of the RMA have been met.

3.3.2 Reasons

It is not mandatory for a report to be prepared on submissions in accordance with s42A prior to a hearing. There is no requirement for the report to include recommendations on submissions and/or recommended changes to a policy statement or plan.

4 PRPS Approach

This section of the recommendation report addresses submissions on the philosophy and overall approach of the PRPS which inform the document's content, sequence, structure, ease of use and language.

4.1 Outcomes Based Approach

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
260	Outcome 1	15	48-49
265	Outcome 2	23	108-110
272	Outcome 3	43	415-416
291	Outcome 4	75	702
253	Structure and usability	1-154	38-42

The outcomes based approach used in the PRPS results in a different structure than the conventional topic based structure of most policy statements. The key concerns raised in submissions were:

- Ease of use, which is addressed later in this report.
- The use of interrelated outcomes as opposed to issues and topics.
- Confusion about what the outcomes are, how high level and general they are and what they do.
- Amendments were requested where submitters considered that the explanations under each outcome did not include enough detail or explanation about the outcome and/or chapter content.

4.1.1 Recommendations

- Rec. 8 Retain the outcomes based approach to the PRPS and the associated structure, subject to the changes in the subsequent recommendations.
- Rec. 9 Delete the explanations of the four Outcomes in the PRPS framework section in the Introduction.
- Rec. 10 Amend Outcome 2 to remove the term 'rights' from 'Kāi Tahu values, rights and interests are recognised and kaitiakitanga is expressed'.
- Rec. 11 Amend the explanations under each outcome at the beginning of each section of Chapter B, so the outcome and its explanation clearly and succinctly explain the outcomes purpose and introduces the chapter content.

4.1.2 Reasons

The PRPS is based on interrelated outcomes to achieve sustainable and integrated management of natural and physical resources.

The outcomes based approach and high level structure of the document is a result of a robust community consultation process and supports the integrated management purpose of an RPS. A summary of the consultation undertaken is included in the s32 evaluation report on page 66.

Although the RMA does not require 'outcomes' in an RPS, it does not preclude the use of this approach. Reverting to a topic based approach may jeopardise the integration the PRPS seeks to achieve.

The outcomes as notified are appropriate. Amendments are made to align the outcomes with the objectives and policies to clarify their purpose, to resolve related issues with ease of use and navigation, and to remove duplication. The outcome explanations have been amended after each outcome to more clearly describe what the outcome seeks to achieve with subsequent changes to the detailed structure and format of the PRPS.

4.2 Chapter Sequence

The sequencing of the outcome chapters has been raised in several submissions. Some submitters questioned whether the chapters set up a hierarchy.

4.2.1 Recommendation

Rec. 12 Add explanatory text to the How to Use the RPS diagram to show how the chapters interrelate but do not establish a hierarchy.

4.2.2 Reasons

The s41C report provided a response to this issue. The summary of that response stated:

The RPS Framework, on page 10, shows an outcomes diagram which illustrates that all four outcomes are interconnected. There is no priority between outcomes. For integrated resource management, all must be considered in relation to decision making for a particular proposal, whether plan or activity.

We concur with this assessment. The chapter sequence provides a logical flow of provisions for users of the PRPS.

4.3 Structure and Ease of Use

Some submissions found the form of the PRPS difficult to navigate, making it hard to understand. Some raised concerns that the PRPS did not clearly meet the requirements of the RMA (s62). Examples of these issues are:

- Difficulty with the high level cross referencing to methods.
- Inaccurate cross referencing and linkages within the document.
- Repetition throughout the document.
- Policy headings which do not reflect the policy content.
- Difficulty identifying issues, principal reasons and explanations.
- Difficulty finding objectives and policies related to a specific resource or issue.
- Confusing order of objectives and policies within chapters.

4.3.1 Recommendations

Overall structure

- Rec. 13 Insert a new Chapter in Part B on integrated resource management.
- Rec. 14 Add an index of objectives and policies by resource management category at the end of the PRPS to assist in finding the relevant objectives and policies that relate to a specific matter.
- Rec. 15 Combine the glossaries titled 'Glossary' and 'Glossary of Te Reo Terms' into a single glossary.
- Rec. 16 Expand the table of contents to include policies.
- Rec. 17 Amend the diagrams and associated commentary in the Introduction Chapter:
- a. Delete the RPS at a Glance diagram on page ii.
 - b. Delete the RPS Framework diagram on page 10.
 - c. Delete the How to Read the RPS section on Page 12.
 - d. Add a new diagram to Page 10 and amend the commentary so that the diagram and commentary are on facing pages that illustrate and explain the RPS approach and how to use it.

Detailed structure within Chapters B1-4

- Rec. 18 Simplify policy headings and ensure policy headings reflect policy content.
- Rec. 19 Delete the policy overview that follows each objective.
- Rec. 20 Reconfigure the chapter overviews to identify all objectives and policies in the chapter.
- Rec. 21 Delete the issue statements from the chapter overviews, and insert each issue under its corresponding objective.
- Rec. 22 Provide more detailed policy cross referencing to methods.

Rec. 23 Delete the need statements from the chapter overviews and the explanations under each objective. Retitle these 'principal reasons and explanation' and insert them at the end of each policy suite.

4.3.2 Reasons:

These changes will improve navigation and ease of use by:

- Removing duplicated content.
- Strongly emphasising the integrated management purpose within the first chapter of objectives and policies.
- Making it easier to find objectives and policies that relate to a specific matter.
- Simplifying, renaming and reordering headings to easily find the issues, principal reasons and explanations relating to objectives and policies.
- Improving the sequencing and linkages of issues, objectives, policies, principal reasons and explanations, and methods.

4.4 Values

Some submitters were unsure what was meant by the term 'values' and how to consider and balance different and competing values. The PRPS uses the term in a variety of ways. The issues raised in submissions included:

- The word 'value' is unclear, and it should be defined or clarified.
- Where values are attributed to resources they should be more clearly defined.
- The values of resource use should be better recognised.
- Social and economic wellbeing values should be better recognised.
- Confusion about the way 'values' is used in policies. 'Values' is used multiple times, in multiple ways and with different meanings within individual policies.
- Clearer priority should be given to the values relating to s5, 6 and 7 matters in the RMA.
- The PRPS does not offer clear guidance as to how to identify, assess and manage differing or competing values.

4.4.1 Recommendations

- Rec. 24 Clarify what is meant by a 'value' and how to consider 'values' within the Overview of the Introduction Chapter of the PRPS.
- Rec. 25 Remove the use of 'values' from the first line of each policy where 'values' is also used in the policy content.
- Rec. 26 Delete 'on other values' from 'avoiding, remedying or mitigating other adverse effects' throughout the PRPS.

4.4.2 Reasons:

The use of the term 'values' is becoming increasingly common in resource management regulation in New Zealand, including higher order documents such as the NPS Freshwater Management.

The PRPS should provide a common language and framework for considering and assessing the values of resources, people and communities.

Adding additional text to the introduction chapter to clarify what is meant by 'values' will make the concept more understandable to the reader.

Removing the term when its use is inconsistent with the meaning given in the introduction will assist understanding and avoid confusion.

Removing 'values' from the first line of the policies where it is used multiple times reduces the repeated and unnecessary use of the term.

4.5 Use of the term 'Avoid'

The use of the term 'avoid' in the PRPS was an issue raised in many submissions. Most submitted in opposition or sought amendments to the use of the term in many of the PRPS objectives and policies. There was concern that the PRPS as drafted unduly restricts subdivision, use and development where policies seek to avoid adverse effects on particular values. Submitters referred to the Supreme Court Decision *Environmental Defence Society Inc v New Zealand King Salmon Company Limited (King Salmon)* in submissions and evidence. The key amendments sought by submitters included:

- Adding 'from inappropriate subdivision, use and development' where 'avoid' or the 'preference to avoid' is used.
- Changing 'avoid' to 'avoid, remedy or mitigate' so there is no requirement or preference to avoid adverse effects.
- Changing 'remedy or mitigate' to 'avoid, remedy or mitigate' so avoidance can be used as an option to address adverse effects.

4.5.1 Recommendation

Rec. 27 Retain the overall approach to the use of 'avoid' in the PRPS, subject to a minor amendment to achieve consistency in how the approach is applied. Specifically:

- a. Change 'remedy or mitigate' in policies to 'avoid, remedy or mitigate'.

4.5.2 Reasons

The meaning of 'avoid, remedy or mitigate' from case law

In *King Salmon*, 'avoid' in s5(2)(c) of the RMA was found to have the 'ordinary meaning' of 'not allowing' or 'preventing the occurrence of'. The decision suggests objectives and policies need to be directive.

In *Winstone Aggregates Ltd v Papakura District Council and Adams Landscapes Ltd v Auckland City Council*, the Environment Court held that the words 'avoid, remedy and mitigate' are to be read conjunctively, as being of equal importance.

When the use of an 'avoid, remedy or mitigate' hierarchy is appropriate

The RMA does not prevent lower order documents, such as regional policy statements or regional/district plans, applying a more stringent approach to the management of environmental effects.

This is appropriate in a regional policy statement when:

- The approach is prescribed in a higher order document, such as a NPS or the NZCPS. Section 62 of the RMA states that an RPS must give effect to an NPS or NZCPS.

- Particular resources are regarded as significant or particularly vulnerable to specific effects. In an RPS or subordinate plan, a regulatory authority can choose to give priority to avoiding effects on particular physical or natural resources, rather than remedying or mitigating.

The use of 'avoid' in an RPS

Sections 67 and 74 of the RMA state that regional and district plans must give effect to higher order documents, including an RPS. If an RPS states adverse effects are to be avoided, then rules in regional and district plans must necessarily constrain the use of natural and physical resources that generate these effects. In *King Salmon*, the Supreme Court ruled that 'give effect to' simply means 'implement'. It is a strong directive creating a firm obligation on those subject to it.

Having a requirement to avoid certain effects in an RPS, without allowing for any mitigation or remediation does not necessarily translate into a requirement to prohibit particular activities in district or regional plans.

- The Supreme Court ruled in *King Salmon* that some activities with minor or transitory effects would not contravene the requirement to avoid adverse effects.
- While the PRPS provisions require the avoidance of certain effects, it does not automatically follow that an activity is prohibited. What is prohibited are adverse effects on particular values. If the adverse effects from that activity on those values can be avoided, then the activity can be undertaken.
- The requirement to avoid certain effects under the objectives and policies of the PRPS will be in subordinate plans.

The use of 'avoid' in the PRPS

In accordance with the analysis above, the approach to the use of 'avoid' in the PRPS should be retained for the following reasons:

- The policies give effect to higher order documents.
- The policies elevate the protection and management of matters of national importance and other matters in ss6-7 of the RMA.
- The policies seek to protect resources that are significant or vulnerable.

- The use of the qualifier ‘from inappropriate subdivision, use and development’ is not necessary. If the activity being undertaken conforms with the policy then in effect ‘inappropriate subdivision, use and development’ has been avoided.

The appropriateness of the level of protection afforded to different resources is also addressed in the subsequent sections of this report.

4.6 Functional Needs

A number of submissions were received on the use of ‘functional needs’, ‘functional necessity’ and ‘locational needs’ in the PRPS. Submissions were:

- The meaning of the terms was unclear. Submitters requested clarification of these terms or requested that they be defined to be consistent with the terms used in the NZCPS, NPS Renewable Energy Generation and NPS Electricity Transmission.
- Uncertainty as to whether the terms ‘functional needs’, ‘functional necessity’ and ‘locational needs’ have the same or different meanings.
- Wider recognition and provisions in the PRPS of the ‘functional’ or ‘locational’ needs of specific activities.

4.6.1 Recommendations

Rec. 28 Amend Policy 4.3.6 to change ‘needs’ to ‘functional needs’.

Rec. 29 Add a definition of functional needs.

4.6.2 Reasons

The use of ‘functional needs’, ‘functional necessity’ and ‘locational needs’

In the PRPS the terms ‘functional needs’, ‘functional necessity’ and ‘locational needs’ are used in Policies 3.1.1, 3.4.1, 3.6.3, 3.6.5, 4.3.1, 4.3.6 and 4.5.7.

The NZCPS, NPS Renewable Energy Generation and NPS Electricity Transmission use similar terms and concepts.

The key issues to address are:

- Achieving consistency between terms.

- Being clear what is meant by the term.
- Ensuring the concept is recognised and provided for appropriately.

In the absence of a common term or phrase, 'functional needs' is used.

As some submitters requested more certainty regarding its meaning, a definition of 'functional needs' has been added to the Glossary.

Although a number of requests were received on using 'functional needs' more widely in the PRPS, no changes to the provisions are necessary. Policy 4.3.1 already provides for the 'functional need to locate' any non-rural activities in the rural area if the activity is 'of a nature and scale compatible with rural activities'.

Functional needs have been recognised when the activity:

- Is of national or regional significance.
- Can only be located where a fixed and finite resource is located.
- Is referred to in the NPS Renewable Electricity Generation, NPS Electricity Transmission and NZCPS.

The status and constraints of these activities qualifies them to be specifically addressed. The policies provide a dispensation to these activities that is not applied to all activities.

4.7 Recognising and Providing for Specific Activities

A number of the submissions requested that specific activities or industries be recognised and provided for. These include primary production, mining, tourism, ports, recreation and infrastructure. Some submitters requested the term 'Regionally Significant Industry Activity' be added to the glossary and be applied to policies in the PRPS to provide for activities associated with tourism and primary production. Where specific activities were mentioned in the PRPS some questioned why that activity was given preference.

Submissions requested:

- The importance of the activity to achieving the PRPS outcomes should be specifically recognised.
- The importance of the activity to the economy should be more explicit.
- The social and economic benefits of the activity should be recognised.
- Provisions should avoid the imposition of unnecessary restraints on the activity.
- That activities should be enabled in certain areas.
- Recognition that some activities have better environmental outcomes than others.
- The functional needs of activities should be provided for.

4.7.1 Recommendation

No amendments to the PRPS are recommended.

4.7.2 Reasons

The s32 evaluation report accompanying the PRPS details the Regional Council's approach in applying several key principles in its development. These principles include:

- Permissive/output and outcome oriented - enabling the community and businesses to operate by clarifying desired effects and bottom lines for resource management.
- User responsibility - placed on resource users to achieve good outcomes, underpinned by the least necessary regulation.
- Innovation focus - by setting desired effects and clear bottom lines, individuals and businesses are able to innovate within a clear statutory framework.

These principles seek to treat all activities the same and not 'pick winners'. The principles establish an effects based framework; enabling all activities where established bottom lines and outcomes can be met. This approach is supported.

Enabling some activities but not others may put some at a disadvantage and does not anticipate the changing nature of the economy and resource use.

There are instances in the PRPS where specific activities are mentioned or considered in objectives and policies. Where this has been undertaken there are clear and obvious reasons for doing so. These are activities that:

- Are required to be controlled by city, district and regional councils in accordance with the RMA, including but not limited to the functions in s30 and s31.
- Impact on or are affected by matters addressed in s6 and s7 of the RMA and/or an NES or NPS. Require regional strategic planning and coordination.
- Provide regional or community wide social and cultural wellbeing and health and safety benefits.
- Are managed under other legislation and regulations in addition to the RMA.
- Have some form of significant constraint or functional need which requires a more careful consideration of competing values including the need to locate in a specific area and/or to utilise a specific resource such as minerals or soil.

Primary production, mining and tourism are specifically mentioned in the PRPS. This recognises their importance in Otago's economy and their constraints and needs, which ensures these are carefully considered along with other values in order to manage any conflict. We are satisfied that the level of consideration provided to these activities in the PRPS is appropriate.

The PRPS provisions relating to these activities will remain largely unchanged. Some amendments to the PRPS have been recommended in other places where additional explanations are needed in outcomes, issues, principal reasons and explanations.

4.8 Consistency with RMA Terminology

Some submitters raised concerns that the PRPS is not consistent with terminology used in the RMA. Submitters sought to include more explicit references to intrinsic values, life supporting capacity, recognition of the habitat of trout and salmon and other RMA matters. Many requested that provisions, particularly those using the

term 'avoid' or 'protect' include the s6 term 'from inappropriate subdivision and development'.

In particular, a number of requests to clarify and define primary production and use it consistently were received. A number of activities such as farming, forestry, fishing and mining were sought to be included in a definition of primary production.

4.8.1 Recommendations

- Rec. 30 Amend the outcome explanation for Chapter 2 to emphasise the importance of the need to consider the intrinsic values of ecosystems and life supporting capacity.
- Rec. 31 Add additional text to Policies 2.1.1, 2.1.3 and 2.1.6 to have regard to the habitat of trout and salmon.
- Rec. 32 Amend Policies 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.6 to:
- a. Change 'support', 'maintain', 'protect and restore' and 'retain' to 'maintain or enhance' in some provisions.
 - b. Change 'protect' to 'recognise and provide for' in some provisions.
- Rec. 33 Replace 'aesthetic' with 'amenity' and 'amenity and aesthetic values' to 'amenity values' throughout the PRPS.
- Rec. 34 Replace 'pollutant' with 'contaminant' throughout the PRPS.
- Rec. 35 Replace 'biodiversity values' and 'biodiversity' with 'biological diversity' throughout the PRPS.
- Rec. 36 Replace 'farming' in Policy 4.3.1 to 'Primary Production'.
- Rec. 37 Add 'Primary Production' as a glossary definition based on the RMA definition of 'Production Land'.

4.8.2 Reasons

The s41C report provided the following response:

Generally, the Proposed RPS relies on the definitions provided in the RMA, or the ordinary plain English understanding of the word. Some additional definitions have been provided in the Glossary, to assist in understanding....

Definitions already found in relevant legislation should be used, unless there is a clear need to modify the definition to give effect to a direction.

We concur and support this approach. It is not intended to duplicate or restate the purpose and principles in Part 2 of the RMA in the objectives and policies of the PRPS. There are some instances where the language used in the PRPS could better align with the terms in the RMA.

In particular, 'biodiversity' has been replaced with 'biological diversity' and 'pollutant' has been replaced with 'contaminant' to be consistent with the RMA definitions. 'Primary production' has been defined based on the RMA definition of 'production land' so there is a common understanding of the term. 'Production land' does not include activities such as mining or fishing.

The word 'aesthetic' has been replaced with 'amenity' throughout the PRPS, and where both 'amenity and aesthetic values' are referred to, 'aesthetic' has been deleted. The RMA definition of 'amenity' encapsulates aesthetic coherence, therefore it is unnecessary to include specific reference to aesthetic values in the PRPS.

Purpose and principles

The recommended changes in the Chapter 2 introduction regarding the recognition of intrinsic values and life supporting capacity makes it explicit to the PRPS user that the purpose and principles of the RMA are the core drivers for the objectives and policies in Chapter 2. Life supporting capacity and intrinsic values form a key part of the consideration of the values of natural resources in Chapter 2.

The recommended changes to Policies 2.1.1, 2.1.3 and 2.1.6 includes the habitat of trout and salmon which relates the policy back to s7(d) of the RMA.

Terms used in provisions

The terms used in the policies in Chapter 2 have been better aligned to the RMA. This has only been recommended where the change aligns with the intent of the policy and the purpose and principles of the RMA.

In particular, changing the terms 'support' and 'retain' in Policies 2.1.1, 2.1.2 and 2.1.3 to 'maintain or enhance' provides more certainty about what is meant.

Changing 'protect' to 'recognise and provide for' in 2.1.1, 2.1.2, 2.1.3 and 2.1.6 aligns the status of those provisions with Part 2 of the RMA. Furthermore, changing

'maintain' to 'maintain and enhance' in Policies 2.1.1, 2.1.2, 2.1.4, 2.1.5 and 2.1.6 provides consistency with the language used in the rest of document.

Inappropriate subdivision, use and development

The use of the qualifiers such as 'from inappropriate subdivision, use and development', 'from the effects of inappropriate activities', 'where practical' and 'where appropriate' is not necessary. If the activity being undertaken meets the policy then in effect the resource is being protected from 'inappropriate subdivision, use and development' and the activity is 'appropriate'.

4.9 Language and Grammar

A number of submissions were received on the language and terms used in the PRPS. Other submissions sought new definitions be added or undefined terms to be defined or clarified. These submissions related to:

- 'facilitate'
- 'recognise'
- 'minimise'
- 'buffering'
- 'remedying' vs 'remediating'
- 'prevent' and 'prevention' of adverse effects
- 'radiocommunication' vs 'radio communication'
- using macrons where these are missing from Maori words
- use southern dialect spelling for Maori words
- 'urban'

A number of submissions raised concerns with the use of 'or' and 'and' at the end of each provision in a policy.

Some submitters requested that the policies be amended to manage the adverse effects on resources, and not the resources themselves.

4.9.1 Recommendations

- Rec. 38 Replace 'Radio communication' with 'radiocommunication'
- Rec. 39 Replace 'Remediating' with 'remedying' (excluding Policies 3.9.4 and 4.5.4)
- Rec. 40 Use macrons where these are missing from Maori words
- Rec. 41 Replace 'Ngāi Tahu' and 'Takata whenua' with Kāi Tahu where these terms are intended to describe Kāi Tahu.
- Rec. 42 Replace 'prevent or mitigate' and 'prevention or mitigation' with 'avoid, remedy or mitigate' and 'avoiding, remedying or mitigating' in Roles and Responsibilities.
- Rec. 43 Amend lists of more than two items to remove the use of 'and' and 'or' unless they are required for sense.
- Rec. 44 Remove overuse of the term 'Otago' throughout the PRPS in introductions, issues, principal reasons and explanations and AERs, where appropriate.

4.9.2 Reasons

Language

Amendments have been recommended where the meaning of undefined terms used in objectives and policies is not clear or where different terms are used to mean the same thing. In the management of adverse effects 'prevent', 'prevention' and 'remediating' have been changed to the 'avoid, remedy, mitigate' language of the RMA.

Where the term is in common usage or there is a common understanding of the terms used no definition or clarification is considered necessary.

The Local Government Act 2002 gives limited powers to councils to do or pay for works and services. When the term "facilitation" is used, it encompasses a broad range of possible actions in keeping with its normal meaning of "make easier", and does not require or enable councils to act outside their statutory authority.

The existing style of the policies which manage resources will remain unchanged. Some submitters requested the policies in the PRPS be amended to manage

'adverse effects' but this will not materially change the policies and is not necessary.

The use of 'and' and 'or'

Several policies in the PRPS use the conjunctions "and" or "or" to show whether all or only one of a list of criteria in a policy needs to be met. Use of these terms is inconsistent throughout the PRPS. The continuous use of use of "and" is repetitive, and the use of "or" leaves ambiguity about how criteria may work together.

Uses of "and" and "or" in longer lists has been removed, and text of policies altered to indicate how criteria are to be considered.

The use of 'Otago'

The PRPS uses the term 'Otago' excessively, and these have been removed from introductions, issues, principal reasons and explanations and AERs where appropriate, in order to make the document more readable.

5 New Chapter on Integrated Resource Management

This section makes recommendations regarding new provisions for a chapter on integrated resource management.

5.1 Integrated Resource Management

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
58	Objective 2.3	39	384-387
271	Intro to Objective 2.3	39	387-389
59	Policy Suite 2.3	39-41	389-392
60	Policy 2.3.1	40	392-398
61	Policy 2.3.2	40	399-402
62	Policy 2.3.3	40	402-407
63	Policy 2.3.4	41	407-409
64	Policy 2.3.5	41	409-411

These recommendations follow on from recommendation 11 to create a new chapter on integrated resource management. This will improve the PRPS and reinforce the integrated management approach of the PRPS.

The outcome of the new chapter is 'Resource Management in Otago is Integrated'. The chapter seeks to address a number of issues raised in submissions:

- Requests to better provide for health and wellbeing throughout the PRPS.
- Requests to better provide for social and economic wellbeing throughout the PRPS.
- Requests to better provide for Kāi Tahu values throughout the PRPS.

- Requests to clarify what is meant by ‘other cultural values’ and to better provide for these throughout the PRPS.

The provisions on integrated management in Policy Suite 2.3 are recommended to be relocated to this new chapter.

5.1.2 Recommendations

- Rec. 45 Insert a new outcome, outcome description, and objective for ‘Resource Management in Otago is Integrated’.
- Rec. 46 Relocate the issue, principal reason and explanation on integrated resource management from Policy Suite 2.3 to the new chapter and amend them to simplify and clarify language.
- Rec. 47 Relocate Policies 2.3.1 – 2.3.5 to the new policy suite and combine them into one policy to address the integrated management of all natural and physical resources by:
- Retaining a) and b) from Policies 2.3.1 and 2.3.2, amending them and combining them into a new list b)-e)
 - Adding a new a) to coordinate the ‘management of interconnected natural and physical resources’ to replace Policies 2.3.3 – 2.3.5.
- Rec. 48 Delete Objective 2.3 as a consequential amendment.
- Rec. 49 Insert a new policy on providing for the economic wellbeing of Otago’s peoples and communities.
- Rec. 50 Insert a new policy on providing for social and cultural wellbeing and the health and safety of Otago’s people and communities.

5.1.3 Reasons

Creation of the new chapter

The focus of the new chapter at the beginning of the PRPS is the integrated management of resources. The chapter includes objectives and policies to achieve this. These include:

- Resource interdependencies.

- Providing a consistent approach where resources cross administrative boundaries.
- Balancing values.
- Resource management issues that need to be considered in every circumstance.

Relocated integrated management policies

A policy on the integrated management of all resources is recommended.

Policies 2.3.1 and 2.3.2 are recommended to be retained and combined. It is not necessary to distinguish integrated management between resources and integrated management within a resource. The cross regional boundary provision has been clarified to ensure that resource management approaches are consistent and complementary across administrative boundaries.

The addition of the ‘management of interconnected natural and physical resources’ to replace Policies 2.3.3 – 2.3.5 is appropriate. This will make the new policy applicable to all environments, all resources and all activities.

Given the general nature and application of the combined policy, none of the specific requests to amend Policies 2.3.3 – 2.3.5 or add additional policies and methods are necessary. Many of the activities and values are already appropriately provided for in other sections at a level of detail which is appropriate for a regional policy statement.

As most provisions from Policy Suite 2.3 on integrated management have been relocated to the new integration chapter, Objective 2.3 is deleted as a consequential amendment.

New policies

Enabling people to provide for their wellbeing and health and safety forms part of the sustainable management purpose of the RMA. Adding a new policy on health, safety and social and cultural wellbeing ensures these matters are considered in all resource management decision making.

A new policy on providing for economic wellbeing will enable the development and use of natural and physical resources subject to the adverse effects of that activity

being appropriately managed. This addresses some of the submitter concerns about the values of resource use not being recognised enough.

6 Kāi Tahu Values and Interests

This section of the recommendation report addresses submissions on the Kāi Tahu Chapter and Kāi Tahu provisions of the PRPS. In particular, it addresses the submissions to the Kāi Tahu introduction, objectives, issues, policies, principal reasons and explanations, methods and schedules. It also addresses other submissions on the use of 'protect Kāi Tahu values' and 'provide for other cultural values' in various policies, and requests to add additional Kāi Tahu content.

6.1 Kāi Tahu Provisions

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
5	Introduction – The Treaty Partner	6-9	44-46
7	Chapter B1 (general requests)	15-20	46-48
8	Issue 1.1	16	49
261	Need 1.1	16	49-50
9	Issue 1.2	16	50
262	Need 1.2	16	50-51
11	Objective 1.1	17	51-56
263	Introduction to Objective 1.1	17	56-57
12	Policy Suite 1.1	17-18	57
13	Policy 1.1.1	17	57
14	Policy 1.1.2	18	57-74
17	Policy Suite 1.2	19-20	79
16	Objective 1.2	19	75-78
264	Introduction to Objective 1.2	19	78

18	Policy 1.2.1	19	79-81
19	Policy 1.2.2	20	81
20	Policy 1.2.3	20	82-89
21	Policy 1.2.4	20	89-90
22	Policy 1.2.5	20	90-95
178	Methods (general)	94-107	833-836
180	Method 1.1	94	836-841
181	Method 1.2	94	841-848
182	Method 1.3	94	848
183	Method 1.4	94	848-851
186	Method 2.2	94-95	851-853
188	Method 3	95-96	857-859
189	Method 3.1	95-96	859-864
193	Method 4.1	97	866-882
23	Schedule 1	121-132	95-98
15	Schedule 2	133	74-75
250	Glossary of Te Reo terms	152-154	969-971

6.1.1 Recommendations

Kāi Tahu – The Treaty Partner and Glossary

- Rec. 51 Amend Kāi Tahu – The Treaty Partner to improve flow and structure, and remove spelling and grammatical errors.
- Rec. 52 Amend the Expression of Te Tiriti o Waitangi section to replace ‘including decision making processes and implementation’ with ‘resource management processes’.
- Rec. 53 Add the footnote from Kāi Tahu – The Treaty Partner to the Glossary definition of ‘Kāi Tahu’.

Policy Suite 1.1

- Rec. 54 Amend Objective 1.1 to ensure the principles of Te Tiriti o Waitangi are taken into account in resource management 'processes' in addition to decisions.
- Rec. 55 Amend Issue 1.1 to delete 'formally codified', delete the second sentence and add in an additional sentence about the need for 'effective planning tools and processes...in accordance with the RMA Part 2'.
- Rec. 56 Amend Policy 1.1.1 to promote 'understanding', in addition to awareness, and make amendments to improve ease of use.
- Rec. 57 Amend Policy 1.1.2 to:
- a. Amend a) to 'recognising Kāi Tahu's status as a Treaty partner'
 - b. Amend b) to delete 'decision making'
 - c. Amend c) to replace the term 'views' with 'values' and add 'recognising and providing for' the relationship of their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka as d)
 - d. Amend d) to replace 'prerogative' with 'ability'.
 - e. Amend e) to 'Having particular regard to the exercise of kaitiakitaka'.
 - f. Amend f) iii. by removing the words from "in a manner..."
 - g. Add h) 'Taking into account iwi management plans'.
- Rec. 58 Amend the principal reasons and explanation for Policy Suite 1.1 to simplify language and align language to the terms used in the RMA.

Policy Suite 1.2

- Rec. 59 Amend Objective 1.2 to delete the term 'rights' and replace the term 'sustained' with 'recognised and provided for'.
- Rec. 60 Amend Issue 1.2 to delete the first sentence, the third sentence, and to simplify and clarify the issue.

- Rec. 61 Amend Policy 1.2.1 by adding the 'sustainable management' of resources and removing brackets.
- Rec. 62 Combine Policies 1.2.2 and 1.2.3 and amend and simplify the first line of the policy to 'recognise and provide for wāhi tūpuna as described in Schedule 1C'.
- Rec. 63 Amend Policy 1.2.4 by deleting 'and associated sites', deleting a) on facilitating Kāi Tahu access to sites of cultural significance and adding 'and using' to c) on recognising traditional place names.
- Rec. 64 Delete Methods 3.1.2 and 4.1.11 as a consequential amendment.
- Rec. 65 Amend Policy 1.2.5 by adding 'resources' to the protection, development and use of native reserves.
- Rec. 66 Amend the principal reasons and explanation for Policy Suite 1.2 to simplify and align language to the terms used in the RMA.
- Rec. 67 Amend Method 1.1 to:
- a. Amend Method 1.1.1 by adding 'based on the principle of partnership'.
 - b. Amend Method 1.1.2 to 'take Iwi Management Plans into account'.
 - c. Amend Method 1.1.2 to consult with Kāi Tahu 'at an early stage' and replace resource management 'decision making' with 'processes'.
 - d. Add a new method to facilitate effective and efficient consultation processes.
- Rec. 68 Add a new method to Method 1.2. to 'share information relevant to Kāi Tahu interests'.
- Rec. 69 Amend Method 1.3 to:
- a. Amend Method 1.3.1 to replace 'seek opportunities to assess and improve knowledge' with 'promote awareness and improve knowledge'.

- Rec. 70 Amend Method 1.4 to replace the transfer of ‘plan administration functions to an iwi authority’ with the transfer of ‘functions, powers or duties to an iwi authority in accordance with s33 of the RMA’.
- Rec. 71 Amend Method 2.2.3 and delete 2.2.3 b) and amend as a consequential amendment.
- Rec. 72 Amend Method 2.2.4 to delete ‘such as Te Rūnanga o Ngāi Tahu or the Crown’.
- Rec. 73 Amend Schedule 1 and the Glossary to:
- a. Include all editorial amendments requested by Kāi Tahu to improve accuracy.
 - b. Add additional text to Schedules 1A, 1B and 1C to explain that the schedules are to be used as guides in identifying Kāi Tahu values, interests and wāhi tūpuna and are not complete lists of these values, interests and wāhi tūpuna.

6.1.2 Reasons

The recommended changes to the Kāi Tahu chapter seek to:

- Clarify, simplify and use consistent language throughout the provisions.
- Align the provisions with the terms used in the RMA and the hierarchy of principles provided in Part 2 of the RMA.
- Amend provisions and remove statements that elevate Kāi Tahu’s status above that provided for by the RMA.
- Amend methods and add additional methods to implement all policies in Chapter 1.

Simple and consistent language and provisions

A number of the changes will clarify and simplify the language and provisions so that they are clear and easy to understand. This includes adding and amending the introduction chapter, issues, objectives, policies, principal reasons and explanations and schedules so all provisions clearly explain their purpose.

Removing the term 'rights' from Objective 1.2 and Outcome 1 is required as 'rights' is not a term that is used in any of the Kāi Tahu policies or methods.

These changes also include amendments made to Policies 1.1.1 and 1.2.2. Policy 1.2.1 now clearly relates to supporting Kāi Tahu wellbeing, values and interests in accordance with Schedules 1A Kāi Tahu Values and 1B Interests Specific to Particular Papatipu Runaka. Policy 1.2.2 now clearly relates to recognising and providing for wāhi tūpuna in accordance with s6(e) of the RMA and Schedule 1C Wāhi Tūpuna. Additional text has also been added to the appendices to clarify that they are a guide to assist in identifying Kāi Tahu interests, values and Wāhi Tūpuna, and are not a complete list.

The provision for access in Policy 1.2.4 a) has been deleted to reduce repetition, as this is addressed by Policy 4.1.1.

There is no need to clarify the meaning of 'other cultural values' in Schedule 1. The purpose of the schedule is to describe Kāi Tahu's values, not the values of all other cultural or ethnic groups. It is not appropriate for the schedule to provide more detail of the sites of significance to Kāi Tahu. This information is often sensitive, such as the location of wāhi tapu, rahui or koiwi takata.

The difference between 'Kāi Tahu' and 'Ngāi Tahu' is clearly explained in a footnote in Kāi Tahu the Treaty Partner in the Introduction Chapter. It is recommended that this is also added to the glossary definition of 'Kāi Tahu' as a note, for added clarity.

Alignment with the RMA

The relevant RMA purpose and principles in Part 2:

- Recognise and provide for:
 - S6(e) 'the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga'.
 - S6(f) 'the protection of historic heritage from inappropriate subdivision, use, and development'.
 - S6(g) 'the protection of protected customary rights'.
- Have particular regard to:
 - (a) 'kaitiakitanga' and (aa) 'the ethic of stewardship'.

- Take into account the principles of the Treaty of Waitangi.

In s33, local authority functions, powers and duties can be transferred to an iwi authority if both parties agree and the procedures of the RMA and LGA are followed.

Consultation was undertaken with Kāi Tahu, Waitaha and Tautuku Block X Section 3C Trust in accordance with the requirements of Schedule 1 of the RMA. This is summarised in the s32 evaluation report and we are satisfied that the consultation undertaken was adequate and appropriate.

Submissions that raise issues about the legal mandate to address Kāi Tahu values are therefore rejected. A number of the recommended changes to the Kāi Tahu chapter have been made to align the provisions with the RMA sections above. This also addresses concerns raised by submitters about the uncertainty of some terms and the elevation of Kāi Tahu beyond the requirements of the RMA.

Statutory Acknowledgement Areas

Policy 1.1.2 f) iii. is amended by removing the requirement ‘in a manner similar to that prescribed for statutory acknowledgement areas’ because of limits on the status of statutory acknowledgement areas in Section 217 of the Ngāi Tahu Claims Settlement Act 1998. The remainder of the policy is retained, as providing for other significant areas is a reasonable practice to undertake and meets the purpose and principles of the RMA.

Kāi Tahu role in resource management processes

The most important factor for improving Kāi Tahu involvement in resource management is the strength of relationships between Kāi Tahu and local authorities, and the Regional Council’s commitment to its Treaty responsibilities is reflected throughout the PRPS. While well intentioned, the PRPS hampers this commitment with the language used. Replacing some of these statements rephrases these provisions more positively without losing intent.

Local authority duties, powers and functions can be delegated to an iwi authority in accordance with s33 of the RMA. This has been clarified in the provisions.

Where the PRPS has referred to Kāi Tahu involvement in “resource management decision making”, this has been amended to ‘resource management processes’.

Statements regarding the elevation of rights, participation in decision making, and local authorities needing to recognise Kāi Tahu values more effectively were opposed by some submitters.

Kāi Tahu and other cultural values in Chapters 2-4

The provisions 'protect Kāi Tahu values' and 'provide for other cultural values', and some of the other Kāi Tahu provisions, are recommended to be deleted.

'Other cultural values' means the values of other cultures, not other Kāi Tahu values. The values of other cultures are now a consideration in the new policy on social and cultural wellbeing and health and safety in the new Integration Chapter.

As notified, the Kāi Tahu provisions in the policies in Chapters 2-4 imply that Kāi Tahu values only need to be considered in some instances. Removing the Kāi Tahu provisions in these policies, will clarify that these values must be recognised and provided for across all policies and therefore across all resources and activities. Therefore, no additional Kāi Tahu provisions are recommended to be added to Chapters 2-4.

Requests for additional detail and policies

Some submissions sought additional detail to be added to the Kāi Tahu provisions, however the amended provisions provide a level of direction that is consistent with requirements for a regional policy statement. Requests to add a list of Kāi Tahu issues to the PRPS are generally provided for in the existing provisions. Some of the requested additions are inconsistent with the provisions. Some submitters sought to be recognised independently from Kāi Tahu in 'Kāi Tahu – The Treaty Partner'. In the Ngai Tahu Claims Settlement Act, Ngai Tahu and Ngai Tahu Whanui encompass individuals who descend from the hapu of Waitaha. This is clearly explained in the PRPS glossary and Kāi Tahu the Treaty Partner.

No changes are recommended to Appendix 2 Te Tiriti o Waitangi. This is useful to have as an appendix in the PRPS. Furthermore, it is not appropriate to list the treaty principles in the appendix as there is no final and complete list of principles and these are already generally described in 'Kāi Tahu the Treaty Partner' in the Introduction Chapter. The courts and Waitangi Tribunal have identified the principles on a case by case basis.

Methods

A number of submissions were received on Kāi Tahu methods. Additional methods and amendments to methods are recommended to respond to these submissions where they are needed to give effect to the policies in the Kāi Tahu chapter, or to provide clarity and to provide consistency with the RMA. A number of the detailed methods that were requested have not been added to the methods section as these were generally provided for in the existing methods or requested a level of detail more appropriate for lower order documents.

Method 2.2.3 b) is deleted as this duplicates methods in Method 1. Method 2.2.4 enabling the establishment of management agreements with Te Runganga o Ngai Tahu or the Crown, has been amended to delete the examples. The Crown is not a statutory body, and taking out the examples makes the method more flexible.

7 Otago has High Quality Resources and Ecosystems

This section of the recommendation report addresses submissions on Chapter 2.

7.1 Management and Protection of Natural Resources

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
29	Objective 2.1	26	126-130
269	Introduction to Objective 2.1	26	130-133
30-37	Policy Suite 2.1	26-31	133-227
40	Objective 2.2	32	237-241
270	Introduction to Objective 2.2	32	241-242
41	Policy Suite 2.2	32-38	243-248

7.1.1 Recommendations

- Rec. 74 Amend the introductions, principal reasons and explanations to more clearly differentiate between the purpose of Policy Suites 2.1 and 2.2.
- Rec. 75 Amend Objective 2.1 to apply to natural resources only, and make consequential changes to the remainder of the policy suite and explanatory text.
- Rec. 76 Amend Issue 2.1 to simplify, clarify and align it with terms used in the RMA and change the last sentence to state that over time cumulative effects 'can' cause serious damage.
- Rec. 77 Amend Issue 2.2 to simplify, clarify and align it with terms used in the policy suite and RMA.
- Rec. 78 Amend the principal reasons and explanation in 2.1 to simplify, clarify and align them with terms used in the RMA.

- Rec. 79 Amend the principal reasons and explanation in 2.2 to simplify, clarify and align them with terms used in the policy suite and RMA.
- Rec. 80 Amend 'encouraging enhancement' to 'encouraging enhancement of those areas and values which contribute to the...' or 'encouraging enhancement which contribute to the...' in Policies 2.2.2, 2.2.4, 2.2.6, 2.2.9, 2.2.13, the new policy on managing high natural character of the coastal environment, and the new policy on managing the values of wetlands.

7.1.2 Reasons:

Differences between policy suites

Policy Suites 2.1 and 2.2 have very different purposes. The policies under Objective 2.1 seek to sustainably manage all natural resources, whilst the policies under Objective 2.2 seek to maintain and protect significant natural resources. The recommended changes to the introductions, principal reasons and explanations will more clearly explain the different outcomes the policies seek to achieve. No additional schedules are necessary to maintain and protect resources.

Issues, objectives, principal reasons and explanations

Changes have been recommended to the issues, objectives, principal reasons and explanations in response to submissions where the changes simplify and clarify the provisions and align the provisions with terms used in the PRPS and RMA. The Panel is satisfied with the current level of protection the provisions provide and no additional changes are necessary to make the provisions more or less restrictive or specific. Objective 2.1 has been amended to apply to natural resources only. Therefore, no changes to recognise and provide for the values of physical resources such as built structures are recommended to the policies.

Encouraging enhancement

The policy provisions which encourage enhancement are clarified to make them easier to use.

7.2 Fresh Water

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
30	Policy Suite 2.1	26-31	133-138
31	Policy 2.1.1	27	138-163
32	Policy 2.1.2	28	163-177
189	Method 3.1	95-96	859-864

7.2.1 Recommendations

- Rec. 81 Amend Policy 2.1.1 to:
- a. Replace 'healthy ecosystems' with 'ecosystem health' in a).
 - b. Delete 2.1.1 c).
 - c. Amend g) by deleting 'supported by freshwater values'.
 - d. Amend i) to include stock water.
 - e. Amend 2.1.1 p) to 'Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water'.
- Rec. 82 Amend Policy 2.1.2 to:
- a. Amend first line of policy to include 'riparian vegetation'.
 - b. Delete 2.1.2 b).
 - c. Delete 2.1.2 e).
- Rec. 83 Add the following RMA definitions to the glossary:
- a. Coastal water
 - b. Fresh water
 - c. Wetland
 - d. Water body

Rec. 84 Amend Method 3.1 to include requirements for regional plans to 'identify freshwater management units that include all freshwater bodies in Otago in accordance with the National Policy Statement for Freshwater Management 2014, and to 'maintain good water quality'.

7.2.2 Reasons

In managing the use and development of resources Part 2 of the RMA requires the life supporting capacity of water to be safeguarded. Regional councils are required to carry out several functions in order to maintain and enhance the quality and quantity of water, and ecosystems within water bodies in accordance with s30(1)(c). Several amendments are recommended to the freshwater provisions:

- Editorial changes to simplify them.
- Deletion of some provisions to remove duplication.
- Addition of matters which were omitted.
- Addition of methods and glossary terms to increase clarity.

Amendments

Provisions 2.1.1 c) and 2.1.2 b) referring to outstanding water bodies and wetlands are recommended to be deleted, as the PRPS contains standalone policies on these matters, and they do not need to be duplicated. Provision 2.1.2 e) has been deleted to reduce duplication.

Provision 2.1.1 l) is amended to 'recognise and provide for' important recreation values, rather than 'protect', as 'protect' is too stringent. No additional detail has been added to specify important recreation values, as these will be different for each water body. Recreation has not been added to Policy 2.1.2, as this is addressed in Policy 4.1.1 regarding public access.

A number of requests to amend provision 2.1.1 p) were received. These included adding new infrastructure, expansions or upgrades, industry, and essential structures, maintaining the ability of water users to provide for their wellbeing, community wellbeing, and to include freshwater limits. The purpose of the provision was unclear, and submitters questioned how it would be implemented. It has been amended to ensure that any adverse effects on existing infrastructure which relies

on fresh water are avoided, remedied or mitigated. Other infrastructure is addressed by the infrastructure policies.

Submitters requested a similar provision to 2.1.1 p) be added to 2.1.2 regarding use of the beds for infrastructure or enabling development that provides for the economic, health and safety and social wellbeing of the community. It is not appropriate to add specific activities to the policy as they are addressed in other policies, which are effects not activity based.

Further changes to provision 2.1.1 i) have been made to include stock water in accordance with s14(3)(b) in the RMA. In response to submitter requests, riparian vegetation has been added to Policy 2.1.2.

The submitter request to identify the landward extent of lakes, rivers and wetlands is not accepted. The management of beds and margins of freshwater bodies is provided for by Policy 2.1.2, the roles and responsibilities section, and associated methods. The request for change carries a risk of increased complexity without enhancing existing content.

Structure of policies

No major changes to the structure of the freshwater policies are recommended. Some submitters requested that specific measureable objectives addressing fresh water were developed. The existing PRPS policies address all of these, and no major re-structure of objectives and policies is necessary.

The rationale behind having distinct policies separating fresh water from river and lake beds, wetlands, and their margins, is to ensure that a wide range of issues, not only discharges and water takes are considered when managing fresh water. The separate policies recognise that there are distinct management responsibilities for both regional council and city and district councils relating to fresh water. Policy 2.1 deals with fresh water, which is solely a regional council function. Policy 2.1.2 deals with the beds and margins of rivers, lakes and wetlands, of which, margins are managed by city and district councils, and beds and wetlands have areas of shared responsibility.

The list of considerations within Policies 2.1.1 and 2.1.2 include a number of matters to which decision-makers must have regard, without explicitly stating a hierarchy. The weight and significance of each particular provision are matters requiring careful balancing and consideration on a case by case basis. Therefore,

the provisions are not in any order, and have not been re-organised as a result of submissions.

National Policy Statement on Freshwater Management

The NPSFM requires regional councils to specify freshwater management units and objectives for those units by following the process in policy suite CA in the NPSFM. Freshwater management units and their associated objectives do not need to be specified in an RPS. Method 3.1 is updated to reflect these requirements.

It is not necessary for the PRPS to identify all values, limits and targets to achieve the NPSFM, as the Water Plan does this. No definition of 'good water quality' is necessary as this is best defined in lower order plans. Changes have been made to Method 3.1 to reflect the requirement for good water quality to be addressed.

The NPSFM requires regional councils to manage all fresh water. Therefore the policies must address all fresh water, not only where it is regionally significant or degraded.

It is not necessary to include specific dates to phase out the over allocation of fresh water in the PRPS or to require the setting of minimum or residual flows. Lower order plans will give effect to this requirement of NPSFM.

Use of water

The focus of Policy 2.1.1 is to manage fresh water, and it is not considered appropriate to provide for specific uses such as food production or primary production. The policies are enabling and effects based, and allow any use to take place, provided that the environmental bottom lines set in these policies are met. Each individual case will be considered through the resource consent process and will be assessed on its merits. As such, no further changes are recommended to specifically allow for economic use in Policies 2.1.1 and 2.1.2; or to Method 3.1.4 to manage land use intensification.

There is adequate provision for the use of water throughout other sections of the PRPS.

Policy 2.1.2 to 'maintain and enhance' lakes, rivers and their margins is consistent with the purpose and principles of the RMA, and does not need to be amended to preclude rivers that are already modified by existing infrastructure.

It is not appropriate to manage the effects of specified industrial uses within these policies.

Specific requests

Most of the requested additions to the freshwater policies are either already included in these policies at a broad level, are included in other policies or request a level of detail more appropriate for a lower order document.

No change was made to Policy 2.1.1 i) to improve water quality to drinking water standard in areas likely to experience future growth. Current standards seek to maintain or improve water, and the Water Plan provides detail on specific water quality standards. However Policy 2.1.1 is amended to reference stock water, as the RMA makes specific reference to stock water in s14(3)(b).

The level of detail within the PRPS regarding the link between fresh water and the coastal environment is appropriate, and no additional linkages are necessary.

While Water Conservation Orders are an important tool, it is not considered appropriate to compel use of them in the PRPS.

Estuaries have not been added to these policies, as the policies are focussed on fresh water, and estuaries are not considered 'fresh water' in the RMA. The RMA definitions of 'coastal water', 'water body', 'fresh water', 'wetland' and 'water body' have been added to the PRPS. The definition of fresh water will also clarify that these policies cover deep water lakes.

Requests to avoid changes in hydrology which could adversely affect indigenous biological diversity are not appropriate as the protection of indigenous biological diversity is addressed in other policies in the PRPS and any changes in hydrology will be assessed at a consenting level.

The RPS does not preclude the establishment of collaborative processes for water management and the Methods support this approach.

Requests to include a method requiring the Council to provide guidance on measures to maintain or enhance water quality, especially in relation to meeting limits is not necessary as this is provided for in lower order plans.

7.3 Water Allocation and Use

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
163	Policy 4.4.1	85	780-785
230	AER 2.2	109	933-935

7.3.1 Recommendations

Rec. 85 Split Policy 4.4.1 into two separate policies, one on water allocation and use, and the other on managing water shortages.

Rec. 86 Relocate the policies to Policy Suite 2.1.

Rec. 87 Amend the first line of Policy 4.4.1 to 'Ensure the efficient allocation and use of water by:' and amend the provisions of the policy to:

- a. Amend a) to 'requiring that the volume of water allocated does not exceed what is necessary for its efficient use'.
- b. Amend b) to 'encouraging the development or upgrade..'
- c. Delete c) and d).

Rec. 88 Name the new policy 'Water shortage', add the first line 'Manage for water shortage by:' and:

- a. Relocate provisions c) and d) from Policy 4.4.1 to become a) and b) to this policy.
- b. Replace 'pressure' with 'demand' and 'enabling' with 'encouraging' in b).

7.3.2 Reasons

Splitting and relocating the water allocation policy

Requests from submitters regarding allocation during times of water shortage illustrated that there was a need to separate the policy into two. One policy will

focus on water allocation and use, while a new policy will focus on managing water during water shortages. To improve the structure and ease of use of the PRPS, the policies will be relocated to Policy Suite 2.1 to sit with the other policies relating to fresh water.

Amendments requested

No amendments are made to prioritise uses of water. It is not considered appropriate for a regional policy statement to set economic use standards or identify specific activities that would take priority, as these may change over time.

The Water Plan provides detailed provisions relating to the allocation of water, minimum and residual flows and these are not required in the PRPS.

Provision 4.4.1 a) has been amended to give effect to the NPSFM policies for the efficient use of water.

An amendment has been made to provision 4.4.1 b) to 'encourage' rather than 'require' the development or upgrade of infrastructure that increases use efficiency. The end use of water is not always able to be controlled. Furthermore it may not always be technically feasible to achieve greater efficiency. Therefore it is not considered appropriate to 'require' the development or upgrade of infrastructure that increases use efficiency, and this has been amended to 'encourage'.

No change has been made to 4.4.1 c) as this is broad enough to address different approaches to collectively manage water takes during periods of water shortage.

It is not necessary to include 'taking into account fundamental principles and environmental values' in the policies. Any water take application will be assessed against all relevant RPS policies and the policies in the Water Plan, which address the key resource management issues for water allocation.

Other submissions requested a level of detail which is covered by a lower order documents, or would be a consenting issue.

Assessing conflicts between users and protecting existing uses of water is addressed by the objectives and policies in the Water Plan. This contains schedules for setting minimum flows, allocation limits, aquifer maximum allocation volumes and restriction levels. These include existing water users, associated infrastructure, and economic costs and benefits. Any adverse effects of new water storage would be assessed through the resource consent process. No new policy or AER has

been added recognising sufficient quantities of water are required for consumptive use and acknowledging historic investment.

Some submitters requested clarity around how competing policies within the PRPS should be evaluated. The policies include a number of matters to which decision-makers must have regard, without explicitly stating a hierarchy. The weight and significance of each provision in a policy are matters requiring consideration on a case by case basis.

7.4 Outstanding Water Bodies and Wetlands

7.4.1 Issues raised in submissions

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
54	Policy 2.2.12	37	345-349
55	Policy 2.2.13	37	349-361
188	Method 3	95-96	857-859
189	Method 3.1	95-96	859-864
198	Method 6.1	99	895-903

7.4.2 Recommendations

- Rec. 89 Delete wetlands from Policies 2.2.12 and 2.2.13.
- Rec. 90 Replace 'outstanding water bodies' with 'outstanding freshwater bodies' throughout the PRPS
- Rec. 91 Amend Policy 2.2.12 to 'Identify freshwater bodies where any one or more of the following values are outstanding:'
- a. Delete the words 'a high degree', 'outstanding' and 'significant' from a) – f)
- Rec. 92 Amend Policy 2.2.13 a) to remove reference to cumulative effects.

- Rec. 93 Insert two new policies to identify the significant values of wetlands and to manage the values of wetlands.
- Rec. 94 Add additional criteria to the identification of significant values of wetlands policy on 'geomorphological features and values'.
- Rec. 95 Amend Method 3.1 to clarify that the policies will be implemented through regional plans.
- Rec. 96 Amend Method 6.1 to include identification the significant values of outstanding water bodies, and the significant values of wetlands.

7.4.3 Reasons

Identification and protection of wetland values

Wetlands are addressed in separate policies because the NPSFM requires all wetlands to be addressed in the PRPS, not only outstanding ones.. The wetland policy on criteria for identifying significant values has been amended to include geomorphology. It is not appropriate to use the Water Conservation Order criteria from Part 9 of the RMA as these have a different purpose, and require a higher test.

Policy 2.2.12 has been reworded to indicate that only one value is required to be outstanding for a freshwater body to be identified as outstanding. The new wetlands policy concerns the identification of significant values, and so requires a different approach. In this case, the list of criteria must be had "regard to" so that all the items in the list are considered when significant values are determined.

The reference to cumulative effects will be deleted from 2.2.13 a), as adverse effects encompass cumulative effects so it is not necessary to separate these out.

Although some submitters requested deletion of 2.2.13 b), the policy addresses all values of outstanding freshwater bodies, with a higher level of protection given to significant values. Other values still need to have some level of protection, and effects on these values should be avoided, remedied or mitigated. The same principle applies in the new wetland policy and other policies in Policy Suite 2.2.

Methods

The policies relating to outstanding water bodies have not been amended to further describe criteria for what an outstanding water body is, or what constitutes a 'significant' value. Method 6.1.2 e) commits regional, city and district councils to

identifying outstanding freshwater bodies. An amendment is recommended to include identification of the significant values of outstanding freshwater bodies. Method 6.1 has also been amended to include identification of the significant values of wetlands.

Method 3.1.4 is amended to include a reference to implementing the outstanding freshwater bodies and wetlands policies in regional plans.

Specific requests

Specific requests for detailed additions and amendments have not all been included in these policies because:

- Many requested a level of detail that is more appropriately addressed in lower order documents.
- There are other policies in the PRPS which deal specifically with the requests.
- The PRPS takes an effects based approach and it is not appropriate to provide for specific activities in these policies.

Provisions for wetlands and outstanding water bodies are required to give effect to the NPSFM.

7.5 Coast

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
33	Policy 2.1.3	28	177-187
39	Policy 2.1.8	31	235-237
49	Policy 2.2.7	35	330-332
50	Policy 2.2.8	36	332-333
51	Policy 2.2.9	36	333-343
52	Policy 2.2.10	36	343-344
53	Policy 2.2.11	37	344-345

105	Policy 3.5.2	60	531-550
106	Policy 3.5.3	60	550-556
198	Method 6.1	99	895-903
189	Method 3.1	95-96	859-864
193	Method 4.1	96-97	866-882
194	Method 4.2	98	882-887
249	Glossary	147-151	948-969

7.5.1 Recommendations

- Rec. 97 Delete a) to e) in Policy 2.2.7 and replace with the NZCPS criteria from Policy 1 and replace 'using the following criteria' with 'recognising that the coastal environment consists of'.
- Rec. 98 Amend Policy 2.2.8 to include the attributes from Policy 2.1.8.
- Rec. 99 Amend Policy 2.2.9 so it relates to outstanding natural character only.
- Rec. 100 Add a new policy on the preservation and enhancement of areas of high natural character in the coastal environment.
- Rec. 101 Add additional methods to:
- a. Method 6.1 to 'Identify the spatial extent of the nationally important surf breaks'.
 - b. Method 3.1 Regional Plans: to protect 'surf breaks of national importance'.
 - c. Method 3.1 Regional Plans: to 'Identify and protect areas of outstanding and high natural character in the coastal environment'.
 - d. Method 4.1 City and District Plans: 'Identify and protect areas of outstanding and high natural character in the coastal environment'.
- Rec. 102 Add the NZCPS definition of 'surf break' to the Glossary.

7.5.2 Reasons

The policies relating to the coastal environment provide a framework in Policies 2.1.3 and 2.1.8 to manage all resources in the coastal environment. Policies 2.2.9, 2.2.10 and 2.2.11 then provide for additional protection of coastal natural character and surf breaks of national importance in accordance with the NZCPS. The other policies in Chapter 2 also provide for the management of resources and protection of significant values in the coastal environment, particularly the policies on biological diversity, fresh water and landscapes.

This approach provides for an appropriate level of management and protection of coastal resources. Apart from a number of language changes the coast provision remain largely unchanged. A separate chapter or additional policies specifically on coastal matters is not recommended.

Management of coastal water

No additional changes to Policy 2.1.3 are recommended. Although a number of requests were received to provide more protection, additions and to support more use and development, the requested additions are either already provided for in the policies at a broad level or are included in other policies.

The new policy on social and economic wellbeing in the new integration chapter recognises and provides for the social and economic values of all resources, including coastal water. When viewed together with the coast policies, these policies provide an appropriate balance between maintaining and enhancing the coastal environment, and providing for use and development.

Natural character

The recognition of the natural character of the coastal environment, identification of high and outstanding natural character and the preservation of high and outstanding natural character is provided in Policies 2.1.8, 2.2.8 and 2.2.9. This gives effect to s6(a) of the RMA and Policy 13 of the NZCPS.

No changes or additions are recommended to the natural character of the coastal environment attributes detailed in Policy 2.1.8 as they give effect to the attributes in Policy 13 of the NZCPS. These attributes have been added to Policy 2.2.8 to remove cross referencing between the policies.

Policy 2.2.8 and 2.2.9 give effect to Policy 13 of the NZCPS, particularly the avoidance of adverse effects on outstanding natural character and the avoidance of significant adverse effects on areas of high natural character. Although some submitters considered this level of protection too high, reducing the level of protection would not give effect to the NZCPS and is inconsistent with other policies in the PRPS. The level of protection these policies provide is appropriate.

Policy 2.2.9 has been split into separate policies; one relating to outstanding natural character, and the other for high natural character to make these differences more explicit. The identification of these areas is already provided for in Method 6.1 which requires all councils to identify areas of outstanding natural character. Areas of high natural character will also be added to this method as a minor correction.

Additional methods have also been included under Method 3 Regional Plans and Method 4 City and District Plans, to be consistent with Policy 13 of the NZCPS which requires plans to 'identify areas where preserving natural character requires objectives, policies and rules and include those provisions'. Method 4.2.2 also ensures that through the resource consent process that the values of natural character, and other coastal values, are assessed for potential significance.

Although some submitters requested the deletion of 'e) Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment', this provision is retained in Policy 2.2.9. It recognises that in some cases non-native species support the natural character of the coastal environment.

Submitters requested the port at Port Chalmers be explicitly recognised in this policy. Policies 3.5.2 and 3.5.3 already recognise and provide for the status of ports as regionally significant infrastructure. Other objectives, policies and rules to give effect to the status of ports in Policy 9 of the NZCPS can be developed in lower order plans.

Surf breaks

The NZCPS requires the protection of surf breaks of national importance by avoiding adverse effects. Identifying the spatial extent of surf breaks will assist in implementing this. Amendments to Methods 3.1 and 6.1 ensure that this will be undertaken by the Regional Council. The Regional Council will include provisions in

the Regional Plan: Coast to protect 'surf breaks of national significance from adverse effects' in accordance with Policies 2.2.10 and 2.2.11.

In response to requests that mapping be applied to the processes that create the surf break, adding the NZCPS definition of 'surf break' to the glossary will clarify that it extends beyond the surfable wave. No changes have been made to the policies to identify and protect surf breaks of regional significance in addition to the nationally significant surf breaks. This is not a requirement of the RMA or the NZCPS. However, it is recognised that regionally significant surf breaks are an important part of the coastal environment and Policy 2.1.3 recognises and provides for recreation values. The PRPS provisions do not preclude the identification, recognition and protection of regionally significant surf breaks in lower order plans.

Landward extent of the coastal environment

Policy 2.2.7 for the identification of the landward extent of the coastal environment is missing important parts of Policy 1 of the NZCPS. These include islands, areas at risk from coastal hazards, physical resources and built facilities, including infrastructure. The criteria have been replaced with the NZCPS criteria and the first line has been amended to reflect submitter requests.

Some submitters have requested the landward extent of the coastal environment to be mapped in the PRPS and Method 6.1.1 sets out that this will be undertaken collaboratively between councils. This is an appropriate way to identify the landward extent of the coastal environment.

The PRPS gives effect to Policy 7 of the NZCPS. Policy 7 requires that in preparing regional plans councils 'consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment...' and identify where particular activities and developments may be inappropriate.

The policies across all chapters in the PRPS provide direction as to where and when activities generating adverse effects in the coastal environment may be inappropriate. More specific objectives, policies and rules in lower order plans will be able to identify areas and activities which require restrictions in accordance with the PRPS policies.

7.6 Air

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
34	Policy 2.1.4	29	187-192
124	Policy 3.8.1	67-68	602-630
170	Policy 4.5.3	89	800
189	Method 3.1	95-96	859-864
193	Method 4.1	96-97	866-882
205	Method 7.2	102	910

7.6.1 Recommendations

- Rec. 103 Amend Policy 3.8.1 f) to 'Encourage the use of low or no emission heating systems'.
- Rec. 104 Amend Policy 4.5.3 and Method 3.1.4 d) to 'apply emission standards within airsheds to achieve ambient air quality that supports good human health'.
- Rec. 105 Delete Method 4.1.2.

7.6.2 Reasons

Managing air quality

Although there were a number of specific requests to add detail to Policy 2.1.4, most of the requested additions to the policy are either addressed by other policies in the PRPS or request a level of detail more appropriate in lower order plans and the resource consent processes.

No amendments have been made in response to requests to accommodate specific rural activities, reasonable mixing of air and to allow existing development and infrastructure to continue current discharges to air. This would be inconsistent with the National Environmental Standard for Air Quality and the RMA.

Changing the policy to provide for food production values, ecosystem values, or to make human health the primary value is not necessary. Additional detail or criteria regarding air quality values are not appropriate. The policy is clear. Values vary over time and across locations, and will be assessed on a case by case basis during consenting processes.

Requests to specifically address Arrowtown are covered by the existing language within the Policy 'enhance air quality where it has been degraded'. Method 3.1.4 d) addresses implementation of this Policy, and Method 7.2.1 provides for the development of an air strategy, which would involve collaboration with stakeholders.

It is not appropriate to single out coal or the burning of rubbish as particular issues. The approach taken in the PRPS is to focus on the effects of burning and encouraging the use of renewable energy, rather than restricting or allowing certain activities. Method 8.1.2 iv) "Regional Council will provide guidance on... reducing domestic discharges to air" will also address these requests by educating the public about their discharges.

Air quality in growth areas

Amending Policy 3.8.1 f) ensures the use of low or no emission heating systems are encouraged. Method 7.2.1 on the development of an air strategy will assist with the implementation of this policy. Method 4.1.2 has been deleted, as it is not considered appropriate to require city and district councils to impose conditions on heating systems.

Emission standards on domestic fuel burners

No change is required to allow people to continue to use existing burners, as Policy 4.5.3 and Method 3.1.4 d) do not specify removing existing burners. The policy and method are amended to apply emission standards within airsheds, rather than focussing on individual domestic heating appliances as the policy is not able to be implemented by regional, city and district councils.

It is not appropriate to single out coal as a particular issue or to require only dry wood to be burnt. The PRPS approach is to focus on the effects of burning, rather than restricting or allowing certain activities. The PRPS also encourages the use of renewable energy in the climate change provisions.

7.7 Soil

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
35	Policy 2.1.5	29	192-211
56	Policy 2.2.14	38	361-368
57	Policy 2.2.15	38	368-384
171	Policy 4.5.4	89	800-801
188	Method 3	95-96	857-859
189	Method 3.1	95-96	859-864
192	Method 4	96-98	864-866
193	Method 4.1	96-97	866-882
212	Method 8.1.2	103	916
249	Glossary	147-151	948-969

7.7.1 Recommendations

Rec. 106 Replace 'highly valued soil resources', 'soils highly valued for their versatility for primary production' with 'significant soil' throughout the PRPS.

Rec. 107 Amend Policy 2.2.14 on identifying significant soil to:

- a. Change the header text to read 'Identify areas of soil that are significant according to one or more of the following criteria'
- b. Add 'Land classified as Land Use Capability I, II and IIIe in accordance with the New Zealand Land Resource Inventory'

as new criteria a)'. Replace 'degree of versatility for primary production' with 'degree of significance'...

c. Add 'or' to the list of attributes.

Rec. 108 Amend Policy 2.2.15 by:

a. simplifying the language, and

b. clarifying that d) applies to expansion on significant soils.

Rec. 109 Relocate Policy 4.5.4 to Policy Suite 2.1.

Rec. 110 Add a new method to Method 3.1 Regional Plans to implement Policy 2.1.5 and 2.2.15.

Rec. 111 Amend Method 4.1 to require city and district plans to implement the provisions in 4.5.1 by including provisions to manage the discharge of 'silt and sediment' in addition to dust.

Rec. 112 Add a new method to Method 4.1 to ensure that growth, development and subdivision is managed to protect significant soils.

Rec. 113 Delete the glossary definitions for 'highly valued soils' and 'highly versatile soils'.

7.7.2 Reasons

In accordance with Part 2 of the RMA, the life supporting capacity of soil is to be safeguarded. Regional councils are required to control the use of land for the purpose of soil conservation in accordance with s30(1)(c)(i). The PRPS provides a framework in Policy 2.1.5 to manage all soil resources and then provides additional protection to soil that is significant in Policies 2.2.14, 2.2.15 and policies in chapters 3 and 4 on growth and rural activities.

Management and protection of soil

The level of protection the policies provide will safeguard the life supporting capacity of soil, and conserve soil. Policy 2.2.15 seeks to avoid only significant effects on significant values, and all other effects can be avoided remedied or mitigated. No change is necessary to respond to those submissions considering the policies too onerous and seeking that the policies apply to significant soils only.

Most of the requested additions to the soil policies in Chapter 2 are either already included in these policies at a broad level, are included in other policies or request a level of detail more appropriate for a lower order document. The new policy on social and economic wellbeing in the new integration chapter recognises and provides for the social and economic values of all resources, including soil.

Requests to enhance soil and protect degraded soil are met by Method 8.1.2b) which requires regional councils to educate and provide information about measures to maintain and enhance soil quality.

The duplication between the policies in Chapter 2 has been addressed by removing 2.1.5 j) 'maintain highly valued soils', as this is provided for in Policy 2.2.15.

Policy 2.2.14 has been reworded to indicate that only one criterion from the list needs to be triggered for an area of soil to be considered significant.

Providing greater clarity in the policies about how competing values and uses might be weighed against each other or additional direction on how to use the criteria for significant soil is not necessary. The soil policies provide a high level framework for managing and protecting soil.

Soil erosion

Policy 4.5.4 on soil erosion is relocated to Policy Suite 2.1 to align with the other policies on managing natural resources. No amendments to include buffering and soil degradation are recommended. These issues are addressed in Policies 2.1.5, 2.2.14 and 2.2.15.

Terms used

A number of different terms were used in the PRPS to describe soils that are considered significant and some submitters requested additional or alternative terms.

The different terms and how they are applied in policies in the PRPS are simplified. There is no necessity to separate out 'highly valued soils' and 'highly versatile soils', as the term 'highly valued soils' encompasses both. The term 'highly valued soil' has also been replaced by the term 'significant soils' to reduce the repeated use of 'values' which submitters found confusing. This simplifies six different terms and two definitions into one term, 'significant soils', which is defined in Policy 2.2.14.

Land and primary production

In addressing requests for a policy focus on land or the importance of the primary production sector, the Panel acknowledges that primary production relies on more than just soil for economic wellbeing. The soil policies, particularly Policy 2.1.5, 2.2.14 and 2.2.15 seek to recognise, maintain and/or protect all soil values, not just those related to economic wellbeing. The importance of soil for primary production is recognised explicitly in Policies 2.1.5 and 2.2.14 and to some extent in 3.8.1 and 4.3.1. The new policy on social and economic wellbeing recognises and provides for the social and economic values of primary production. When viewed together, these policies provide an appropriate balance between safeguarding and protecting soil, and enabling economic wellbeing in the primary production sector.

Methods

An additional method in Method 3 will require the regional plan to include provisions to implement Policies 2.1.5 and 2.2.15 in accordance with s30 of the RMA.

Amending Method 4.1.3 on city and district plan provisions to manage dust from land use to also include the discharge of silt and sediment from land use, will ensure that adverse effects from soil erosion are also adequately addressed. Adding an additional method to Method 4.1 will ensure that growth, development and subdivision is managed to protect significant soils, as regional councils can control land use only in relation to soil conservation. No other additions or amendments to methods are required to give effect to the policies.

7.8 Ecosystems and Biological Diversity

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
36	Policy 2.1.6	30	211-223
42	Policy 2.2.1	33	248-250
44	Policy 2.2.2	34	254-274

43	Schedule 5	137	250-254
193	Method 4.1	96-97	866-882
194	Method 4.2	98	882-887
198	Method 6.1	99	895-903
203	Method 7	102-103	905-910
224	Method 11.2.2	106	929
229	AER 2.1	109	933
230	AER 2.2	109	933-935
231	AER 2.3	110	935
233	AER 2.5	111	936-937

7.8.1 Recommendations

- Rec. 114 Amend Policy 2.1.6 to:
- a. apply to terrestrial, freshwater and marine environments
 - b. add an additional provision to 'maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity'.
 - c. Delete 2.1.6 c).
- Rec. 115 Amend the title and explanation in Schedule 5 to make the language and terms used in the schedule consistent with Policy 2.2.2 and the other schedules.
- Rec. 116 Amend the Schedule 5 criteria for Representativeness, Diversity and Ecological Context.
- Rec. 117 Add a note to Schedule 5 stating that it applies to the terrestrial, freshwater and marine environment.
- Rec. 118 Add a new method to Method 4.1 to specify that city and district plans will set objectives, policies and methods to implement Policies 2.1.6 & 2.2.2, by including provisions to maintain or enhance

ecosystems and biological diversity and to protect significant indigenous vegetation and significant habitats of indigenous fauna.

Rec. 119 Add a new method to Method 7 to undertake a regional biological diversity strategy.

Rec. 120 Amend Method 11.2.1 to include 'c) encourage the natural regeneration of habitats, including habitats for' indigenous species'.

7.8.2 Reasons

Part 2 of the RMA requires the life supporting capacity of ecosystems to be safeguarded. Sections 30 and 31 of the RMA also give regional and district council functions to control land use and establish plan provisions to maintain indigenous biological diversity.

Policy 2.1.6 provides a framework to manage all ecosystems and biological diversity in accordance with these functions. Additional protection is then provided for significant indigenous vegetation and significant habitats of indigenous fauna in accordance with the matters of national importance in s6(c) of the RMA. The level of protection provided for ecosystems and biological diversity in the PRPS is therefore appropriate.

Most of the requested additions to the ecosystems and biological diversity policies in Chapter 2 are either already included in these policies at a broad level, are included in other policies or request a level of detail more appropriate for lower order documents.

Protecting all biological diversity

An additional provision has been added to Policy 2.1.6. This responds to submissions stating the maintenance and enhancement of indigenous species should not be exclusive as many indigenous species and ecosystems are now dependent on some exotic species.

Biological diversity strategy

A region wide biological diversity strategy is supported as it would provide for a cohesive approach and regional consistency for the maintenance of biological diversity in accordance with ss30 and 31. A biological diversity strategy is the most appropriate place to address the level of detail requested by some submitters.

Protecting terrestrial, marine and coastal environments

The provisions in Policies 2.1.6 on managing all ecosystems and biological diversity and 2.2.1 on significant indigenous vegetation and significant habitats of indigenous fauna apply to terrestrial, marine and coastal environments. Policy 2.1.6 is amended to make this more explicit. To make this more explicit for Policies 2.2.1 and 2.2.2, a note is added to Schedule 5.

Criteria for the identification of significant indigenous vegetation and significant habitats of indigenous fauna

Some amendments are recommended in response to submissions seeking to clarify the representativeness, diversity and ecological context criteria. Minor editorial amendments are also recommended to the title and introduction of the schedule to make the language and terms used in the schedule consistent with Policy 2.2.2 and other schedules.

The Schedule 5 criteria should not be limited by size and scale as this could cause the size of an area of vegetation or habitat to determine its importance, which is not the desired outcome of this schedule. Small areas could be significant and larger areas may not have any unique factor to consider them as significant.

No changes are needed to respond to submissions regarding the broad nature of the criteria or concerns about the applicability of the 'representativeness' criteria to the coastal environment. The note at the bottom of the schedule states that ORC holds additional information on how to use the criteria, including its rationale and examples. This will inform how best to use the criteria when identifying significant indigenous vegetation and habitats of indigenous fauna in the coastal environment.

Buffering and linking ecosystems

This provision in Policy 2.1.6 has been removed. It is not the intention to buffer or link all ecosystems. The relocated Environmental Enhancement policy which now also sits in Policy Suite 2.1 seeks to encourage, facilitate and support activities such as the buffering and linking of ecosystems.

Requests for additional detail in provisions

The PRPS does not need to specifically set out an assessment of vegetation and fauna in Otago. Method 4.2.2 requires city and district councils to identify and protect significant indigenous vegetation and significant habitats of indigenous

fauna. Policy 2.2.1 and Schedule 5 set out the criteria to assess whether an area is significant.

The provisions as drafted address issues raised by submissions seeking additional details in policies and schedules. Offsetting and the integrated management of resources are provided for in other chapters of the PRPS. Adverse effects encompass cumulative effects so it is not necessary to separate these out. Although this is not to the level of detail requested by some, the broad nature of the policies is appropriate for an RPS. Plans and strategies such as a pest management strategy, biological diversity strategy and regional and district plans can address these more specific issues such as protection of particular species.

It is not necessary to amend the provisions to provide for instances where biological diversity values may not be maintained or enhanced. Maintenance or enhancement should always be the outcome however the policies in Chapters 3 and 4 do allow for some dispensation for selected activities that are nationally significant such as nationally significant infrastructure, or locationally constrained activities such as mining.

No changes are recommended to Method 6.1.2 which requires regional, city and district councils to identify significant indigenous vegetation and significant habitats of indigenous fauna. This gives councils the opportunity to undertake this work collectively or individually.

A new method in Method 4.1 will ensure that city and district plans will include provisions to manage ecosystems and biological diversity and protect significant indigenous vegetation and significant habitats of indigenous fauna. Although this new method is not to the detail requested by some submitters it will require district councils to appropriately manage ecosystems and biological diversity through district plan provisions.

A minor amendment has been made to clarify that Method 11.2.2 will encourage the natural regeneration of 'habitats, including habitats for' indigenous species. No methods are recommended to address the impact of land use on coastal fisheries, as this issue is already covered by other policies in the PRPS.

AERs specifically for biological diversity are not required as biological diversity outcomes are already addressed in AERs 2.1, 2.2, 2.3 and 2.5. Restoration, while

encouraged, should not be required as the maintenance and enhancement of what remains is the focus of the PRPS.

7.9 Natural Features, Landscapes and Seascapes

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
37	Policy 2.1.7	30	223-227
38	Schedule 4	136	227-235
45	Policy 2.2.3	34	274-280
46	Policy 2.2.4	34	280-302
47	Policy 2.2.5	35	302-312
48	Policy 2.2.6	35	312-330
181	Method 1.2	94	841-848
198	Method 6.1	99	895-903
249	Glossary	147-151	948-969

7.9.1 Recommendations

- Rec. 121 Amend Policy 2.1.7 by deleting ‘and the coastal environment’ and the Schedule 4 attributes in a) – c) and replacing the words ‘the following’ with ‘biophysical, sensory and associative’.
- Rec. 122 Amend the title of Schedule 4 to ‘criteria for the identification of outstanding natural features, landscapes and seascapes and highly valued natural features, landscapes, and seascapes’.
- Rec. 123 Replace the term ‘special amenity landscapes’ in the glossary, Policies 2.2.5 and 2.2.6, and Methods 1.2 and 6.1 with ‘highly valued natural features, landscapes and seascapes’.
- Rec. 124 Amend Method 1.2 to include a requirement to involve Kāi Tahu when using Schedule 4’s associative attribute 3 b) to identify natural features, landscapes and seascapes.

7.9.2 Reasons

The purpose of the landscape provisions is to recognise natural features, landscapes and seascapes, and protect those that are highly valued and outstanding. No new objective on landscapes is needed. The PRPS protects outstanding natural features and landscapes in accordance with the RMA. It also applies a lower level of protection to places that do not meet the criteria to be outstanding, but are nonetheless highly valued. This is an appropriate approach for the management of natural features, landscapes and seascapes and for these reasons the provisions will remain largely unchanged, except for amendments to simplify and make them consistent. No landscape policies are needed in Chapter 4.

Apart from a change to Method 1.2 to involve Kāi Tahu when applying Schedule 4's associative attribute 3 b) to identify natural features, landscapes and seascapes, the existing methods are sufficient to implement these policies.

Attributes of natural features, landscapes and seascapes

Attributes in Policy 2.1.7 and Schedule 4 are substantially similar, but with some variance. The recommended amendments to the policy will simplify the PRPS, correct errors and reduce duplication. The attributes in the schedule are derived from the amended Pigeon Bay assessment matters from *Pigeon Bay Aquaculture vs Canterbury Regional Council 1999* and Policies 13 and 15 of the NZCPS, which provides the most up to date guidance on landscape assessment criteria. For these reasons, the attributes in the schedule will remain unchanged.

Consistency of landscape classification

Some variability in landscape classification between city and district councils is not considered to be an issue, and providing maps identifying outstanding natural features, outstanding natural landscapes and highly valued landscapes and features within the PRPS is not necessary. The Schedule 4 attributes will provide consistent criteria for identification of natural features and landscapes, whilst allowing some flexibility in approach.

The integration policy in the new integration chapter requires that where resources such as a landscape cross administrative boundaries, the resource management approaches to that resource are to be consistent and complimentary. No additional policies are necessary.

A separate policy and new method regarding the identification and protection of cultural landscapes is not necessary, as cultural and spiritual values and cultural landscapes are an attribute in Schedule 4. A change to Method 1.2 will ensure Kāi Tahu are involved when assessing Schedule 4's associative attribute 3(b) to identify natural features and landscapes.

Special amenity landscapes and highly valued natural features

Confusion created by the use of the term 'special amenity landscapes' has been addressed by removing the term from policies, methods and the glossary and simply referring to 'highly valued natural features, landscapes and seascapes'. Any natural features, landscapes and seascapes that are not classified as 'outstanding', but are still highly valued, will now be described using these terms.

All city and district councils have some form of highly valued natural features, landscapes and seascapes in their current plans so the requirement to identify them in Method 6.1.2 d) is retained. It will be the role of the city and district councils to use Schedule 4 and their own assessment procedures to identify and differentiate between outstanding and highly valued natural features, landscapes and seascapes. This promotes a flexible approach and is not intended to impose any additional cost or onus on councils. Where these landscapes cross administrative boundaries, city and district councils will need to work together to ensure there is a consistent approach in terms of how the natural feature, landscape or seascape is protected. Amending the title of Schedule 4 to specify that it relates to 'outstanding natural features, landscapes, seascapes and highly valued natural features, landscapes and seascapes' will more accurately reflect its purpose.

7.10 Environmental Enhancement

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
165	Policy 4.4.3	86	786-788

7.10.1 Recommendations

Rec. 125 Relocate Policy 4.4.3 to Policy Suite 2.1 and amend to add 'facilitate and support' to the first line of the policy, and:

- a. Add water quantity to a)
- b. Amend e) to 'protect or restore wetlands'
- c. Add the coast to g)

7.10.2 Reasons

Policy 4.4.3 on environmental enhancement aligns more clearly policies on the maintenance and enhancement of the natural environment and has therefore been added to Policy Suite 2.1. Amending the policy to include facilitation and support for environmental enhancement aligns the language and content of the policies with the methods. Water quantity, protecting and restoring wetlands and improving access to the coast have been added in response to submissions on gaps in the policy. This policy is not an exhaustive list and does not restrict other forms of enhancement.

There is no need to amend the policy to make it less prescriptive or add in social or economic wellbeing as a consideration. The policy does not require resource users to undertake enhancement, but simply encourages and supports enhancement.

8 Communities in Otago are Resilient Safe and Healthy

This section of the recommendation report addresses submissions on Chapter 3.

8.1 Recognising Environmental Constraints

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
66	Issue 3.1	44	416-417
273	Need 3.1	44	418
76	Objective 3.1	47	425-431
282	Intro to Objective 3.1	47	431
77	Policy 3.1	47	431-432
78	Policy 3.1.1	47	432-442
65	Chapter B3 (general requests)	43-72	411-415

8.1.1 Recommendations

Rec. 126 Delete Objective 3.1

Rec. 127 Delete Policy Suite 3.1 in its entirety.

8.1.2 Reasons

This Objective and Policy Suite is deleted in its entirety because of its very broad nature and ambiguity. The outcomes the policy suite seeks to achieve are already addressed in the other objectives and policies in the PRPS. Understanding the existing environment and adverse effects on the existing environment is a well-established resource management practice under the RMA. The policy does not address a significant resource management issue.

8.2 Natural Hazards

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
31	Policy 2.1.1	27	138-163
32	Policy 2.1.2	28	163-177
65	Chapter B3 (general requests)	43-72	411-415
274	Need 3.2	44	418
79	Objective 3.2	48	442-443
283	Intro to Objective 3.2	48	444
80	Policy Suite 3.2	48-53	444
81	Policy 3.2.1	49	445-448
82	Policy 3.2.2	49	448-449
83	Policy 3.2.3	50	449
84	Policy 3.2.4	50	449-452
85	Policy 3.2.5	51	453-454
86	Policy 3.2.6	51	455-458
87	Policy 3.2.7	52	458-461
88	Policy 3.2.8	52	461-462
89	Policy 3.2.9	52	462
90	Policy 3.2.10	53	462-463
91	Policy 3.2.11	53	463-466
124	Policy 3.8.1	67-68	602-630
118	Schedule 6	138-139	589-594
187	Method 2.3	95	854-857
193	Method 4.1	96-97	866-882

204	Method 7.1	102	910
249	Glossary	147-151	948-969

8.2.1 Recommendations

- Rec. 128 Amend Policies 2.1.1 and 2.1.2 by replacing ‘mitigate’ the adverse effects on natural hazards with ‘avoid, remedy or mitigate’.
- Rec. 129 Replace ‘hard mitigation measures’ with ‘hard protection structures’ throughout the PRPS.
- Rec. 130 Amend natural hazard policies by adding ‘to people and communities’ when referring to natural hazard risk and add ‘people and communities’ to the principal reasons and explanation.
- Rec. 131 Amend Policy 3.2.2 to ‘using the best available information, assess the likelihood of natural hazard events occurring, over no less than 100 years’.
- Rec. 132 Delete from Policy 3.2.2 and add to Policy 3.2.1 the criteria for natural hazard identification.
- Rec. 133 Amend Policy 3.2.4 to make minor language improvements in the first line of the policy and in a).
- Rec. 134 Reorder Policies 3.2.4 and 3.2.5 so that the assessment of activities for natural hazard risk is followed by the management of natural hazard risk.
- Rec. 135 Amend Policy 3.2.6 by:
- a. Change the first line to ‘manage natural hazard risk to people and communities by both’.
 - b. Delete b).
 - c. Add the following new provision as b) ‘avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years’.

- Rec. 136 Amend Policy 3.2.9 to delete 'protect, restore, enhance and promote the use of' with 'Avoid, remedy or mitigate adverse effects'.
- Rec. 137 Amend the principal reasons and explanation to simplify and clarify it and to delete the example.
- Rec. 138 Amend Method 4.1.1 b) to delete 'recently identified'.
- Rec. 139 Amend the Glossary definition of 'natural hazard' to the RMA definition.

8.2.2 Reasons

Changes have been requested to the natural hazard policies to add additional considerations and provide more clarity. Policy Suite 3.2 and the natural hazard provisions throughout the PRPS address the majority of issues raised by submitters, although not to the level of detail requested by some.

The recommended changes improve the language, consistency, structure and sequencing of policies to clarify policy intent and ease of use.

Some changes have been made to simplify the issue, principal reasons and explanation and Method 4.1.1b). No changes are required to provide more monitoring or to the PRPS methods, which contain a number of appropriate directives for natural hazard management.

The existing policies address the concerns raised in submissions which sought to widen the consideration of natural hazard risks to include:

- A new policy on integrated natural hazard preparedness.
- Identifying the underlying causes of natural hazards and addressing those.
- Adverse effects on cultural wellbeing and sites of significance.
- Consequences and mitigation to include recovery.
- Locating development on higher ground.
- Climate change effects.
- Cost implications and other effects.

- A preference for management approaches that reduce the need for hard mitigation.
- Reducing and not increasing risk.
- Which natural hazards require identification, to what scale, and what frequency and likelihood.
- Functional needs.

All natural hazards that may have adverse effects should be identified. A number of other provisions in the PRPS support the natural hazard policies; including the provisions relating to climate change, pests, and soil.

Timeframes

Policy 3.2.2 has been amended to clarify that the timeframes to assess the likelihood of natural hazard events will be over no less than 100 years. This is appropriate for all natural hazards as it sets a minimum timeframe that must be considered. For some natural hazards, such as seismic events, the policy enables a longer timeframe to be considered if necessary.

Risk

Changes were requested to provide more or less flexibility and to recognise that a certain level of risk is acceptable. The level of flexibility and tolerance of risk in the policy suite already addresses the concerns raised by submitters. The policy suite minimises risk from natural hazards, whilst recognising that there is a level of tolerance to natural hazards risk and that some level of residual risk is acceptable depending on the nature of the activity.

The policies recognise that where reasonable alternatives are not available some activities need to be located in high natural hazard areas. Hard mitigation and engineered solutions can be used to avoid significant increased risk or to reduce risk to a tolerable level. The definitions that support them provide a clear explanation of 'risk' and 'residual risk' and will remain unchanged.

Policy 3.2.5 on assessing activities for natural hazard risk is relocated to sit before Policy 3.2.4. The content of those policies will remain unchanged. It is not appropriate to apply the assessment of natural hazard risk to only those areas known to be susceptible to an identified natural hazard.

The term 'avoid' has been used in Policies 3.2.6, 3.8.1, and amended Schedule 6. This is to avoid activities that significantly increase natural hazard risk. The use of 'avoid' in this instance is appropriate.

Policy 25 of the NZCPS requires that natural hazard risk is avoided in areas potentially affected by coastal hazards over at least the next 100 years. An additional provision has been added to Policy 3.2.6 to reflect this.

Policy 3.2.6 has otherwise been amended to reduce complexity and duplication. Use of the word "avoid" in both the first line and in a) make the policy seem contradictory, so the first line has been changed to "manage". This clarifies that more flexibility is available to manage hazards in areas not affected by coastal hazards. The text in b) is duplicated in Policy 3.2.7, and is a better fit for that policy.

The requirements to consider hazards of low likelihood and high consequence and apply a precautionary approach should remain in the PRPS. This is good risk management practice. It is not necessary to define these commonly understood terms.

It is not necessary to consider the risks of technological hazards as the PRPS manages natural hazards risk only. The management of technological hazard risk is provided for in other legislation.

It is not necessary to clarify or define 'significant natural hazard' in the Glossary as this is a natural hazard that may have significant actual or potential adverse effects.

Mitigation

Policy 3.2.9 is amended to be consistent with Policy 3.2.10. The policy promoted the use of modified systems for natural hazard mitigation. This did not align with Policy 3.2.10 to reduce the use of hard mitigation measures. No changes have been made to Policies 3.2.10-3.2.11. Giving preference to avoiding hard mitigation and the considerations in Policies 3.2.10 and 3.2.11 are appropriate ways to manage the adverse effects of these activities.

Some submitters requested clarification of 'hard mitigation'. This has been replaced with 'hard protection structures', which has the same meaning, but is a term that is consistent with higher order documents such as the NZCPS.

Local government responsibilities for natural hazards

The s42A Report on Decisions Requested provided comment on who has responsibility to identify and assess natural hazards. The report stated:

ORC assesses natural hazard risk at a strategic level and makes this information available to local authorities and the public. Local authorities may do more detailed natural hazard investigation. Developers are responsible for site investigations. Roles and responsibilities for giving effect to the policies and methods are set out in Part C Implementation and further described in the Methods.

The Panel concurs with this summary of roles and responsibilities. No changes are necessary to the PRPS to respond to submissions seeking clarification on this point.

Extinguishing existing use rights

Some submissions questioned the legality and appropriateness of extinguishing existing use rights. Regional plans can extinguish existing use rights in accordance with s20A(2). In *McKinlay v Timaru District Council* the Environment Court confirmed that the regional council has the power to control the use of land in respect of coastal hazards, including the extinguishment of existing use rights. Therefore Methods 2.3.1 and 4.2.6 b) should be retained.

8.3 Climate Change

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
65	Chapter B3 General Requests	43-73	411-415
68	Issue 3.3	44	418
275	Need 3.3	44	418-419
92	Objective 3.3	54	467-468
284	Introduction to Objective	54	468

3.3

93	Policy Suite 3.3	54-55	468-470
94	Policy 3.3.1	54	470-471
95	Policy 3.3.2	55	471-472

8.3.1 Recommendations

- Rec. 140 Replace 'climate change is expected to bring higher sea levels' with 'climate change will bring higher sea levels' in Objective 3.3.
- Rec. 141 Amend the text in the principal reasons and explanation to improve language and describe the variety of climate change effects, and identify that there will be other adverse effects that are not yet known.

8.3.2 Reasons

The amendments to the issue, principal reasons and explanation clarify actual and potential climate change effects and emphasise the need for a precautionary approach.

No changes are recommended to Objective 3.3 to respond to physical limits. The policies as drafted address most issues raised by submissions, but not to the level of detail requested by some. However the broad nature of the policies is appropriate given the varied and potentially unknown nature and scale of climate change effects on people and communities.

The existing climate change methods are appropriate and no amendments to provide more prescription in the methods are needed.

Climate change adaptation

It is recognised and accepted that some activities are better able to adapt to climate change than other activities, no change is necessary in response to this issue. The policies as drafted do not preclude this as a consideration when assessing the effects of climate change. No further changes are required to enable climate change mitigation, climate change adaptation, climate change preparedness or resilience. The policies already provide for these considerations.

Climate change prevention

Amending the provisions or adding a new policy to address this issue is not required. The setting of greenhouse gas emission targets is undertaken by Central Government. Policy 3.3.2 contains provisions to encourage activities that reduce the effects of climate change. This is supported by the energy and infrastructure policies which encourage and promote renewable energy.

Sea level rise

Planning for a sea level rise of at least 1m will remain unchanged. The Panel concurs with the s32 evaluation report on this matter. It aligns with the New Zealand Coastal Policy Statement and the best available climate change data from NIWA and Central Government. No changes will be made to add the most relevant national or regional data if available and appropriate, as this adds a level of uncertainty as to what is 'appropriate'.

The policies are not recommended to be merged together as they address separate climate change issues; planning for sea level rise and wider climate change effects.

8.4 Infrastructure

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
96	Objective 3.4	56	472-474
285	Introduction to Objective 3.4	56	474-475
69	Issue 3.4	44	419
276	Need 3.4	44	419
97	Policy Suite 3.4	56-58	475-476
98	Policy 3.4.1	56-57	476-490
99	Policy 3.4.2	57	491-503
65	Chapter B3 (general requests)	43-73	411-415

100	Policy 3.4.3	57	503-508
101	Policy 3.4.4	58	508-514
102	Objective 3.5	59	514-517
70	Issue 3.5	45	419-423
286	Introduction to Objective 3.5	59	517-519
103	Policy Suite 3.5	59-60	519
104	Policy 3.5.1	59	519-531
105	Policy 3.5.2	60	531-550
106	Policy 3.5.3	60	550-556
111	Policy 3.6.3	62	566-569
124	Policy 3.8.1	67-68	602-630
249	Glossary	147-151	948-969
206	Method 7.3	102	910-911

8.4.1 Recommendations

Rec. 142 Relocate Policy 3.4.1 to sit under Objective 3.8 on growth and development and amend it to:

- a. Replace 'designing' infrastructure with 'locating and designing new infrastructure' and delete the term 'services' from infrastructure services.
- b. Add in natural hazard risk as a consideration to b)
- c. Replace 'managing urban growth' with 'locating growth and development' in c)
- d. Delete d) i and ii and simplify to 'Co-ordinating the design and development of infrastructure with land use change in growth and redevelopment planning'.

Rec. 143 Relocate Policy 3.4.2 to Policy Suite 3.5 on infrastructure and amend it to:

- a. Delete 'reduce' and replace with 'avoid, remedy or mitigate' and add 'existing land uses' as a consideration in b).
 - b. Delete 'functioning' and replace with 'functional and operational requirements' in g).
- Rec. 144 Relocate Policy 3.4.3 to Policy Suite 3.2 on natural hazards and amend it by deleting 'design' and replacing with 'locate and design'
- Rec. 145 Relocate Policy 3.4.4 to Policy Suite 3.2 on natural hazards and amend it to:
- a. Delete 'functioning' and replace with 'functional and operational requirements'.
- Rec. 146 Amend Objective 3.5 to apply to all infrastructure and add that infrastructure is 'developed' in addition to managed.
- Rec. 147 Delete Objective 3.4 as a consequential amendment.
- Rec. 148 Combine the issues in Policy Suite 3.4 and Policy Suite 3.5 and amend it to simplify and clarify the language.
- Rec. 149 Amend Policy 3.5.1 to:
- a. Replace renewable electricity generation 'facilities' with 'activities' in a).
 - b. Add 'and associated navigation infrastructure' in e).
 - c. Add defence facilities.
- Rec. 150 Amend Policy 3.5.3 e) to ensure that infrastructure corridors are protected 'from sensitive activities' and delete 'for infrastructure needs'.
- Rec. 151 Combine the principal reasons and explanation from Objectives 3.4 and 3.5 to simplify and remove any duplication, and amend to:
- a. Emphasise the importance of strategic and coordinated planning and management of infrastructure for current and future communities.
 - b. Describe the different scales and types of infrastructure.

- c. Describe the different types of infrastructure providers.
- Rec. 152 Amend Policy 3.8.1 to enable the consideration of reverse sensitivity effects on existing activities.
- Rec. 153 Amend the Glossary definition of Lifeline Utilities to read 'Utilities provided by those entities listed in Schedule 1 of the Civil Defence Emergency Management Act, 2002'.
- Rec. 154 Replace the Glossary definition of 'reverse sensitivity' with 'the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the established activity'.

8.4.2 Reasons

The infrastructure provisions in Policy Suite 3.4 and Policy Suite 3.5 seek to achieve:

- The integration of infrastructure with land use.
- The management of all infrastructure.
- Designing, managing and protecting lifeline utilities and essential and emergency services so that they can function effectively in natural hazard events.
- Recognising, managing and protecting nationally and regionally significant infrastructure.

Some of the policies under Objective 3.4 are relocated to other sections of the PRPS and all infrastructure is now addressed under one objective. The recommended changes include:

- Relocating Policy 3.4.1 on integrating infrastructure with land use to sit with the Policy Suite 3.8 on growth and development.
- Relocating Policies 3.4.3, and 3.4.4 on lifeline, utilities and essential and emergency services to sit with Policy Suite 3.2 natural hazards.

- Relocating the remaining policy under 3.4 on infrastructure to sit with the policies on nationally and regionally significant infrastructure.
- Amending Objective 3.4 and the issue, principal reasons and explanation to apply to all infrastructure.

These changes simplify and streamline these provisions by grouping like policies together.

The other recommended amendments to the infrastructure provisions will increase clarity and certainty. The changes include aligning policy terms to those used in the RMA and amending provisions that are either too narrow, uncertain or too broad.

A number of submitters requested that the policies be amended to be more enabling, or in some cases more restrictive. The policies balance the needs and benefits of infrastructure, lifeline utilities and essential and emergency services with managing adverse effects. In addition to design, location has been added as a consideration.

Breadth and importance of infrastructure

The strategic integration of infrastructure with land use is a regional council function under s30(gb) of the RMA. The provision of appropriate infrastructure is critical to support the social, cultural and economic wellbeing of the region. The PRPS is the best place to provide region wide direction on the integrated management of infrastructure.

The PRPS definition of infrastructure is consistent with the RMA. The breadth, scale and importance of infrastructure in the principal reasons and explanation are too narrowly focused. Infrastructure is more than the water, wastewater and stormwater systems provided by city and district councils.

The amendments to the principal reasons and explanation better describe the scale and types of infrastructure, the range of infrastructure providers, and also explain how strategic and coordinated planning is essential to provide for current and future needs.

Changes have been made to Objective 3.5 to provide for all infrastructure and to recognise that the purpose of the policies is about the development of infrastructure in addition to the management of it.

Submissions requested additional criteria be added to policies, including:

- Recognising the Local Government Act requirement for efficient, effective and affordable infrastructure.
- Addressing reverse sensitivity effects.
- Effective and better protection of the functioning of significant infrastructure.

The infrastructure provisions, subject to the recommended changes provide a level of detail appropriate for a regional policy statement and provide an appropriate balance between providing for infrastructure and managing adverse effects. The Local Government Act requirement for efficient, effective and affordable infrastructure only applies to infrastructure provided by regional, city and district councils.

An amendment to Policy 3.8.1 on growth will enable reverse sensitivity effects of growth on existing infrastructure to be considered. The definition of reverse sensitivity has been amended for clarity.

Requests to add additional terms

The intent of the policy suite is to manage infrastructure and protect regionally and nationally significant infrastructure so that it can continue to contribute to social and economic wellbeing in the region.

Submitters requested that particular industries should have the same status as infrastructure. Additional terms such as a 'critical infrastructure', 'significant infrastructure', 'essential structures' and 'regionally significant industry' add an unnecessary additional level of complexity and would widen the scope of 'infrastructure' beyond the RMA definition.

No amendments have been made to the policy suite or other provisions of the PRPS where similar changes were requested.

Nationally and regionally significant infrastructure

The activities listed in Policy 3.5.1 are nationally and regionally significant infrastructure because they meet the definition in the RMA and are:

- Recognised in an NPS and/or,
- Recognised in an NES and/or,

- Infrastructure that serves the whole of the region as opposed to individual towns or communities.

Defence facilities and navigation infrastructure associated with ports and airports are regionally and nationally significant and are added to the policy. None of the other requested additions are regionally or nationally significant. Electricity distribution is provided a similar level of protection in Policy 3.6.5.

'Roads classified as being of national or regional importance' is retained in Policy 3.5.1. A new method requiring this infrastructure to be identified within the Regional Land Transport Plan is not necessary. However the PRPS does not preclude the Regional Land Transport Plan from doing this.

Listing specific infrastructure activities is not necessary as new activities of national or regional importance will not be included and some activities may be perceived to be more important than others if they are listed.

Nationally or regionally significant infrastructure will not be amended 'to 'significant infrastructure' and no glossary definition for 'nationally or regionally significant infrastructure' is necessary. 'Nationally or regionally significant infrastructure' is clearly set out in Policy 3.5.1.

Balancing the provision of nationally and regionally significant infrastructure with other values

Submitters requested that the policies be amended to be more enabling. The provisions balance the needs and benefits of regionally and nationally significant infrastructure with managing their adverse effects on other values.

Some submitters sought more specific provisions to address reverse sensitivity effects. The policies as written address all reverse sensitivity effects on nationally and regionally significant infrastructure. More detailed provision addressing reverse sensitivity effects on specific activities could be included in lower order documents.

Policy 3.5.2 provides an exemption from avoiding adverse effects on the values of significant natural resources. The policies in Section 2.2 apply to all activities. Policy 3.5.2 provides some dispensation for regionally and nationally significant infrastructure. This provides a clear and appropriate balance between protecting significant natural resources and the provision of significant infrastructure.

No additions regarding the maintenance of access to regionally and nationally significant infrastructure are necessary. Access to infrastructure can be undertaken by agreement between the parties.

Giving effect to National Policy Statements

Editorial changes have been made to align the policies with the language used in the NPS Renewable Electricity Generation.

Submitters requested changing 'electricity transmission infrastructure' to the 'national grid' to give effect to the NPSET. Electricity transmission infrastructure is defined in the NPSET. This is an appropriate definition for electricity transmission infrastructure and no change is necessary.

Services, Essential Services and Lifeline Utilities

The policies on essential and emergency services and lifeline utilities are relocated to Policy Suite 3.2 on natural hazards.

The term 'essential services', along with 'emergency services' and 'lifeline utilities' is used in the PRPS to describe the infrastructure and services needed to provide support in a natural hazard event. The definitions of lifeline utilities and emergency services are from the Civil Defence Emergency Management Act 2002.

'Essential services' includes other services which would also be needed in a natural hazard event. Therefore the term is about services that are essential in a natural hazard event only and is not about services considered essential for the everyday needs of a community. The current definition is sufficient and no other requested additions to the definition are needed to support its purpose.

An amendment to the PRPS glossary definition of 'lifeline utilities' is necessary to ensure that the policies apply to the utilities and not the owning and operating entity.

No other changes to the essential services, emergency services and lifeline utilities provisions are necessary.

8.5 Energy

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
278	Need 3.6	45	423-424
107	Objective 3.6	61	556-558
287	Introduction to Objective 3.6	61	558-559
108	Policy Suite 3.6	61-63	559-560
109	Policy 3.6.1	61	560-561
110	Policy 3.6.2	62	562-565
111	Policy 3.6.3	62	566-569
112	Policy 3.6.4	62	569
113	Policy 3.6.5	62	569-572
114	Policy 3.6.6	63	573-576
193	Method 4.1	96-97	866-882
214	Method 8.1.4	104	917-919
217	Method 11.1	104-107	922-929
219	Method 11.1.1	104	922
220	Method 11.1.2 & 11.1.3	104-105	922-925
221	Method 11.1.4	105	925
223	Method 11.2.1	105-106	925-929
249	Glossary	147-151	948-969
65	Chapter B3 (general requests)	43-73	411-415

8.5.1 Recommendations

- Rec. 155 Amend Policy 3.6.1 to recognise and provide for the development, operation, maintenance and upgrade of renewable electricity generation activities, by both:
- a. Add a) Encouraging the efficient use of existing structures or facilities; and
 - b. Add b) providing for activities associated with the investigation and identification of potential renewable electricity generation sites and sources.
- Rec. 156 Amend Policy 3.6.2 to include the promotion of 'community scale' electricity generation activities.
- Rec. 157 Amend Policy 3.6.4 a) to add 'and reliability'.
- Rec. 158 Amend Policy 3.6.6 to provide for efficient and sustainable transport for Otago's communities, removing its emphasis on reducing demand for fossil fuels in the medium to long term and replacing 'or' with 'and' in c).
- Rec. 159 Amend the principal reasons and explanation under Policy Suite 3.6 to recognise the community's reliance on a range of energy sources including fossil fuels, and to provide additional commentary on how to achieve energy resilience and efficiency.
- Rec. 160 Add a new method to Method 4.1 requiring the recognition of transmission corridors, the identification of transmission lines on planning maps and controls on subdivision and land use to manage adverse effects on transmission lines.
- Rec. 161 Add a Glossary definition for 'Electricity Transmission Infrastructure'.
- Rec. 162 Add a Glossary definition for 'Electricity Distribution Infrastructure'.

8.5.2 Reasons:

Amendments to the provisions have been made where they simplify and clarify the purpose of the provisions, give effect to the NPS Renewable Energy Generation and NPS Electricity Transmission, and are consistent with relevant case law.

Additions and amendments to the principal reasons and explanation provide further guidance on the importance of energy resilience and efficiency.

Some submitters sought clarification on what is meant by 'electricity distribution' and 'electricity transmission'. These terms are added to the Glossary. The definitions are based on the NPS Renewable Electricity Generation definition for 'distribution network' and the NPS Electricity Transmission definition for 'electricity transmission network...'.

Requests to recognise the importance of fossil fuels and energy affordability

Amending the explanation under Objective 3.6 to recognise the community's reliance on a range of energy sources including fossil fuels, provides better recognition of Otago's reliance on fossil fuels. No other changes in response to this issue are necessary as the policies as drafted do not preclude the use of fossil fuels; but encourage and enable renewable energy generation and use. Section 7(j) of the RMA requires particular regard be given to '*the benefits to be derived from the use and development of renewable energy*', and the NPS Renewable Energy Generation requires regional policy statements to provide for renewable electricity generation. The additional provisions requested to support the investigation, production and use of fossil fuels would be contrary to this approach.

Requests to strengthen the importance of efficient and renewable energy

Subject to amendments to the principal reasons and explanation, Policy Suite 3.6 will remain largely unchanged.

An additional method is required to give effect to the energy policies. Method 4.1 now includes a method to identify electricity transmission infrastructure and corridors and manage adverse effects on that electricity transmission infrastructure.

The existing methods in Method 11 and Method 8 requires regional, city and district councils to facilitate initiatives to support small and community energy conservation, efficiency, and renewable electricity generation. No additional methods are required to clarify how Policy 3.6.3 will be given effect to. Further direction will be provided in lower order plans.

It is not necessary for an PRPS to identify areas inappropriate for wind farms. Windfarm location should be determined through a resource consent application as

the scale and extent of the activity and the nature of the receiving environment will vary.

The finite nature of non-renewable resources is recognised in the document and the amended text in the principal reasons and explanation emphasises this.

Requests regarding energy efficiency and the efficient end use of energy are already addressed in the PRPS. Further detail can be provided by lower order documents. The uptake of new technologies to improve energy efficiency is provided in Policies 3.6.6 and 3.6.2 and Schedule 6. Promoting the transition to electric cars is already provided in Policy 3.6.6 c) ii. No policy on solar energy is needed as this is accommodated in Policy 3.2.6.

The provisions of the PRPS, read together, provide the necessary linkages between the energy, urban growth and infrastructure provisions.

The reduction of CO₂ emissions is not a matter to address in a regional policy statement

National Policy Statements for Renewable Electricity Generation and for Electricity Transmission

Amendments to Policy 3.6.1 to remove the preference for the use of existing renewable electricity generation structures and facilities and to recognise and provide for new and existing structures and facilities are required to give effect to Policy E of the NPS Renewable Electricity Generation. Additional amendments to policy are required to give effect to Policy D of the NPS Renewable Electricity Generation to enable identification of renewable electricity generation possibilities.

The amendments to Policy 3.6.1 give effect to the Policy G of the NPS Renewable Electricity Generation to support the identification of new sites and energy sources for renewable electricity generation.

Amending Policy 3.6.2 to include the promotion of community scale electricity generation activities aligns with policy F 'Incorporating provisions for small and community-scale renewable electricity generation activities into regional policy statements and regional and district plans'. No other changes to this policy are necessary.

No amendments are required to Policy 3.6.3. Some submitters sought more specific provisions on addressing reverse sensitivity effects to give effect to the NPS

Renewable Electricity Generation and NPS Electricity Transmission. Policy 3.6.3 and the new method added to Method 4.1 achieves this.

No change is recommended in response to requests to add reverse sensitivity effects from renewable electricity generation on existing land uses. The PRPS does not preclude this. Adverse reverse sensitivity effects of the establishment of renewable electricity generation activities on existing activities can be considered at a more detailed level in district plans if necessary, and through the resource consent process. The PRPS addresses reverse sensitivity effects only where this is needed to address a regionally significant resource management issue in accordance with the NPS Renewable Energy Generation.

No additional provisions or amendments are needed to protect the National Grid. Electricity transmissions infrastructure is recognised as being regionally and nationally significant in accordance with Policy 3.5.1 on infrastructure. The management and protection of significant infrastructure is provided in Policies 3.5.2 and 3.5.3 and takes into account reverse sensitivity, the functional needs of that infrastructure and the protection of infrastructure corridors.

8.6 Urban Design

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
115	Objective 3.7	64	576-577
72	Issue 3.7	45	424
73	Issue 3.8	46	425
280	Need 3.8	46	425
65	Chapter B3 (general requests)	43-73	411-415
122	Objective 3.8	67	599-601
289	Introduction to Objective 3.8	67	601
123	Policy Suite 3.8	67-69	602

206	Method 7.3	102	910-911
193	Method 4.1	96-97	866-882
288	Introduction to Objective 3.7	64	577
116	Policy Suite 3.7	64-66	577-578
117	Policy 3.7.1	65	578-588
118	Schedule 6	138-139	589-594
119	Policy 3.7.2	65	594-595
120	Policy 3.7.3	66	595-596
121	Policy 3.7.4	66	596-599

8.6.1 Recommendations

- Rec. 163 Delete Objective 3.7 and add 'reflects local character' to Objective 3.8.
- Rec. 164 Amend the issue to state 'urban development has not always had regard to the local environment or the needs of the community'.
- Rec. 165 Amend Policy 3.7.1 deleting a) - f), changing the header text to "Encourage the use of Schedule 5 good urban design principles in the subdivision and development of urban areas" and incorporate into Schedule 6:
- a. Under 1, Reduce risk from natural and man-made hazards, including avoiding areas of significant risk.
 - b. Under 2, reflecting natural features, providing for ecological corridors, protecting indigenous biological diversity and habitats for indigenous fauna and utilising low impact design techniques.
 - c. Under 3, creating areas where people can work, live, and play, and enabling a diverse range of activities.
 - d. Under 4, enabling a range of opportunities.

- Rec. 166 Amend Policy 3.7.2 by deleting a) – d) and adding the words “reduce demand on stormwater, water and waste water infrastructure and reduce potential adverse environmental effects.”
- Rec. 167 Amend Policy 3.7.3 by deleting a) and b), and adding the words, “maximising passive solar gain”
- Rec. 168 Amend Policy 3.7.4 by deleting the words “within the community, including the young and those with mobility impairments” and adding the words “and maintain” after “Design”.
- Rec. 169 Amend the principal reasons and explanation by changing 'communities' to 'urban areas', simplify the language and delete the second sentence regarding infrastructure.
- Rec. 170 Relocate all provisions in Policy Suite 3.7 to 3.8.
- Rec. 171 Delete provision 3.8.1 i) on crime prevention through environmental design.
- Rec. 172 Amend Schedule 6 by deleting the words ‘especially the disadvantaged’ from 3 a).
- Rec. 173 Amend Method 7.3 to delete reference to Policy 3.7.4

8.6.2 Reasons

Some submitters requested that urban design should not be addressed in the PRPS. Urban design it is a resource management issue that applies to all districts in the region and should be addressed in the PRPS.

The issue, principal reasons and explanation have been simplified and better aligned with the objective and Policy 3.7.1. No changes have been made in response to submissions as those requested would not materially add to clarifying the purpose and intent of the policy suite.

Relocating the urban design provisions to urban growth and development

There is merit in locating the urban design and urban growth and development provisions together. Objective 3.7 addresses the design of urban spaces, while Objective 3.8 addresses urban growth and development. Although these are separate resource management issues, they are often considered together. It is

appropriate to relocate the urban design provisions to the urban growth and development chapter. Objective 3.7 is recommended to be deleted and 'local character' is added to Objective 3.8 to ensure the objective applies to both urban design and urban growth and development.

Urban design and Schedule 6

To address duplication between Policy 3.7.1 and Schedule 6 the policy has been simplified. The policy detail not already included in Schedule 6 has been added.

Additional requests included encouraging self-sufficiency, more environmental protection, and more specific detail around ecological corridors. These matters are adequately dealt with in other parts of the PRPS or are more directive than is appropriate for this section.

The words 'especially the disadvantaged' are recommended to be deleted from 3a) in Schedule 6 as it was unclear what this means and the schedule already adequately provides for opportunities for all people.

The level of detail in Schedule 6 and the corresponding methods is appropriate. It provides guidance about what good urban design means for Otago, and promotes and encourages these outcomes. Explicit adherence to it is not mandatory. It is not anticipated to materially add to the assessment requirements for subdivision or development.

Simplifying and streamlining urban design provisions

Additional changes are recommended to the urban design policy suite to improve ease of use and reduce duplication.

The reference to crime prevention through environmental design in Policy 3.8.1 i) is removed, as it duplicates the content in Schedule 6.

'Encouragement of low impact design' has been deleted from Policy 3.7.1 and added as an urban design consideration in Schedule 6.

Policy 3.7.2 on low impact design has been amended to focus on sensitive water management in urban areas. This responds to issues submitters raised about correct technical use of the term "low impact design".

Policy 3.7.3 b) is deleted because it reads like a method and is not effects based.

Policy 3.7.4 on designing for public access is amended to require ongoing maintenance of public spaces for access needs. The words from “within” onwards are unnecessary or ambiguous, so these are also deleted..

Method 7.3 is amended as a consequential amendment. No other amendments are recommended to the methods. Method 4.1.5 is an important consideration in urban design practice and should be retained.

The amended provisions provide an appropriate level of detail and direction, supported by Schedule 6.

8.7 Growth

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
122	Objective 3.8	67	599-601
289	Introduction to Objective 3.8	67	601
123	Policy Suite 3.8	67-69	602
124	Policy 3.8.1	67-68	602-630
125	Policy 3.8.2	68	630-641
126	Schedule 8	142	641-649
127	Policy 3.8.3	69	649-669
193	Method 4.1	96-97	866-882
194	Method 4.2	98	882-887
196	Method 5	98-99	887-895
199	Method 6.2	99-101	903-904
65	Chapter B3 (general requests)	43-73	411-415

8.7.1 Recommendations

- Rec. 174 Replace 'growth' with 'growth and development' throughout Policy Suite 3.8.
- Rec. 175 Amend the issue and principal reasons and explanation to refer to 'unanticipated' rather than 'unplanned' growth.
- Rec. 176 Amend Policy 3.8.1 to:
- a. Delete "and creation of urban land" from the first line of the policy.
 - b. Amend the planning horizon in a) to 20 years.
 - c. Delete b) ii. and add b) i. to b).
 - d. Amend c) to include 'managing the subdivision, use and development of rural land outside these areas to'.
 - e. Insert new h): 'Restricting the location of activities that may result in reverse sensitivity effects on existing activities'.
- Rec. 177 Amend Provision 3.8.1 c) i. by separating it into two new subparagraphs and amending it to:
- a. Minimise adverse effects on rural activities and significant soils, and
 - b. Minimise competing demand for natural resources; and
- Rec. 178 Amend Policy 3.8.2 to replace 'needed to control urban expansion' with 'identified in a district plan' and amend b) by separating 'releasing land in a way that ensures' and including 'addressing logical spatial development' and 'addressing efficient use' underneath.
- Rec. 179 Delete Policy 3.8.3.
- Rec. 180 In the principal reasons and explanation, amend '.development and maintenance of community infrastructure and supports social infrastructure' to 'development and maintenance of infrastructure and supports community facilities' and simplify the language.

- Rec. 181 Delete Schedule 8, and references to it in policies.
- Rec. 182 Amend Method 4.1.12 to:
- a. Include Policy 3.8.1 in the list of policies covered.
 - b. Amend planning horizon in b) to 20 years.
 - c. Delete 4.1.12 c).
- Rec. 183 Amend Method 4.2.4 to add 'or requiring' to 'by preparing or requiring structure plans for large scale land use changes'.
- Rec. 184 Delete Method 5.
- Rec. 185 Amend Method 6.2.3 b to require city and district councils to share information with the Regional Council.

8.7.2 Reasons

Growth and development policies are appropriate in a regional policy statement. They provide direction for city and district councils to provide for planned and coordinated growth. The issue, principal reasons and explanation have been simplified and better aligned with the objective.

The term 'growth' has been replaced with 'growth and development' throughout the policy suite. This clarifies that the policy suite applies to intensification as well as urban expansion.

Additional provisions have not been included in the growth policies. No further additions to the policies to consider issues such as public access, air quality, or public transport are required, as these issues are fully addressed elsewhere in the PRPS. Detailed requests such as road use and safety, support for local economies, supporting public transport and requiring cooperation among agencies are matters that should be addressed in lower order plans or non-statutory methods.

A number of editorial changes have been made in response to submissions, to remove duplication and make the policies more explicit. No new definitions or explanations are required to understand the provisions. The plain meaning of words such as 'urban', 'rural' and 'development' are clear and well understood, and do not require any further explanation in the PRPS. To reduce confusion, references to

infrastructure in the principal reasons and explanation are now consistent with the PRPS glossary definition.

Managing growth and the fragmentation of rural land

Amendments are recommended to Policy 3.8.1 to clarify its purpose and to incorporate some of the content from Policy 3.8.3. Policy 3.8.3 is deleted because a) largely duplicates the policy intent in Policy 3.8.1. The requirement in b) to have regard to productive potential is already addressed in Policy 3.8.1 and reverse sensitivity has been added to Policy 3.8.1.

The planning horizon in Policy 3.8.1 is increased from 10 to 20 years to allow for long term planning. The requirement to avoid unplanned infrastructure has been removed. A planned approach is preferred and this is supported by the remaining parts of Policy Suite 3.8 and other policies in the PRPS. The amended policy seeks to manage growth areas and development outside these areas to avoid reverse sensitivity and other adverse effects on rural activities.

The term 'rural productivity' is replaced with 'rural activities' to align with Policy 4.3.1. Although a number of submitters requested that their specific activities be protected from growth, it is not necessary to name individual activities or industries. The provision for regionally and nationally significant infrastructure is provided for elsewhere in the PRPS, and does not need to be repeated in the growth section.

'Ensuring efficient use of land' is retained in Policy 3.8.1 as it ensures subdivision, use and development make best use of the resources available, in line with the RMA purpose of sustainable management.

The issue of needing to locate growth in a rural area where there is no other land suitable or when significant soils are to be used is addressed in Policy 4.3.1 on activities in the rural environment, and Policy 2.2.15 on significant soil.

Using growth boundaries

Policy 3.8.2 is retained as it supports city and district councils in providing planned and coordinated growth in their district. Provision 3.8.2 a) is deleted, as it duplicates 3.8.2 b). Schedule 8 and all references to it are deleted. The identification of growth boundaries and the staging of growth within those boundaries is more appropriately addressed in district plans. To make this explicit, Policy 3.8.2 now refers to the use of district plans for the control and release of land for growth.

Methods

Consequential amendments are recommended to Method 4.1.12 to cross reference to Policy 3.8.1 and to delete c). No other additions to this method are necessary as these issues are adequately addressed in the policies.

Method 5 is deleted as a consequential amendment to the removal of Schedule 8.

An amendment is recommended to ensure that Method 4.2.4 applies to private plan changes as well as council initiated plan changes. No clarification of the term 'structure plan' is necessary as this is a commonly understood and a widely used planning tool.

Method 6.2.3 b) has been amended to clarify that city and district councils will be required to share information with the Regional Council if they identify any breaches to relevant regional rules when considering a landuse, development or subdivision consent application.

8.8 Waste, Hazardous Substances and Contamination

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
35	Policy 2.1.5	29	192-211
74	Issue 3.9	46	425
128	Objective 3.9	70	669-671
290	Intro to Objective 3.9	70	671
129	Policy Suite 3.9	70-72	671-672
130	Policy 3.9.1	71	672-673
131	Policy 3.9.2	71	673-677
132	Policy 3.9.3	71	677-678
133	Policy 3.9.4	72	678-681
134	Policy 3.9.5	72	681-687

135	Policy 3.9.6	72	687-688
136	Policy 3.9.7	72	688
164	Policy 4.4.2	86	785-786
189	Method 3.1	95-96	859-864
190	Method 3.2	96	864
193	Method 4.1	96-97	866-882
194	Method 4.2	98	882-887
199	Method 6.2	99-101	903-904
203	Method 7	102-103	905-910
210	Method 8	103-104	913-914
212	Method 8.1.2	103	916
218	Method 11.1	104-105	922
249	Glossary	147-151	948-969
65	Chapter B3 (general requests)	43-73	411-415

8.8.1 Recommendations

- Rec. 186 Add 'contaminated land' to Objective 3.9 and the issue.
- Rec. 187 Amend the issue to 'waste materials, hazardous substances and contaminated land may adversely affect the environment and community health and safety'.
- Rec. 188 Amend the principal reasons and explanation to simplify them and clarify that 'hazardous substances can be dangerous when not managed appropriately'.
- Rec. 189 Re-order the policies under separate sections for hazardous substances, contaminated land and waste.
- Rec. 190 Amend Methods:
- a. 3.1.4 h) to 'require waste disposal facilities to monitor record and report on the quantity and composition of waste being deposited to landfill'.

- b. 3.2.2 by simplifying it and relocating it to Method 6.2.1.
- c. 6.2.1 e) to include the monitoring of known and potentially contaminated sites.
- d. 6.2.1 f) to 'provide city and district councils with regional data on the quantity and composition of waste being deposited to landfill for waste assessments'.

Rec. 191 Add additional methods to give effect to the redrafted policies:

- a. City and district plan provisions to give effect to waste management policies in Method 4.1.11.
- b. City and district council to manage adverse effects of contaminated land in Method 4.2.6.
- c. Waste Management and Minimisation Plans in accordance with the Waste Minimisation Act 2008 in Method 7.
- d. Regional, city and district councils to develop strategies on waste management and/or hazardous substances management in Method 7.
- e. Providing information and guidance on waste minimisation and management (Method 8.1.5). Delete reference to waste management from Method 8.1.2. Regional council facilitation and support for a region wide response to hazardous substances management in Method 11.1.

Hazardous substances

Rec. 192 Amend Policy 3.9.1 to apply to the integrated management of hazardous substances only.

Rec. 193 Amend Policy 3.9.2 to apply to hazardous substances only, and add 'avoiding, remedying and mitigating adverse effects' on 'the environment' and other values.

Rec. 194 Delete Policy 3.9.6 and incorporate 'encouraging the use of best management practices' into Policy 3.9.2.

Rec. 195 Amend Policy 3.9.7 to delete 'encourage' and replace with 'promote and facilitate'.

Contaminated land

Rec. 196 Add the RMA definition of 'Contaminated Land' to the Glossary.

Rec. 197 Add the RMA definition of 'Contaminant' to the Glossary.

Rec. 198 Amend Policy 3.9.4 to:

- a. Replace 'nature or extent' in a) with 'nature and extent'.
- b. Delete 'contamination' from a) in Policy 3.9.4 and replace with 'contaminants' and require remediation of 'contaminated land' only in b) ii.

Rec. 199 Delete Policy 2.1.5 k) and replace with 'avoid the creation of contaminated land'.

Rec. 200 Delete the word 'new' from Policy 3.9.5 in avoid the creation of new contaminated land.

Waste

Rec. 201 Add a new policy on the integrated management of waste.

Rec. 202 Relocate Policy 4.4.2 on encouraging waste minimisation to become Policy 3.9.8.

Rec. 203 Add a new policy on the management of waste as Policy 3.9.9.

8.8.2 Reasons

Hazardous substances and waste share similar but not identical issues. The legislation and regulations that govern waste and hazardous substances differ. As there are overlapping issues, hazardous substances, waste and contaminated land are recommended to be retained in the same policy suite, but the policies should be grouped so they can be addressed separately.

Other than adding 'contaminated land', no changes are necessary to add to or clarify the objective. The issue has also been amended to include 'contaminated land'.

The principal reasons and explanation states that hazardous substances are dangerous. Some submitters contested that this is only the case when hazardous substance are not managed appropriately. When managed well, hazardous substances are not likely to pose a risk to health and safety. The principal reasons and explanation have been amended to address this issue. No mention of the Hazardous Substances and New Organisms Act 1996 (HSNO Act) or the NES for Contaminated Soils to Protect Human Health 2011 (NESCS) is necessary.

The new methods are required to give effect to the additional policies under Objective 3.9 and to address gaps in the PRPS where submitters had identified that some methods were not specific enough to give effect to the policies. However, there is no need to add the Coastal Marine Area to Method 4.1.7 requiring city and district councils to manage hazardous substances in their district plans, as this is a regional council responsibility as set out in the Roles and Responsibilities section.

Editorial amendments are recommended across the policies and methods to provide consistent use of language.

No amendments are recommended in response to requests regarding:

- Conflict between industrial and residential development.
- Stricter controls on landfills.
- The effects of burning on amenity values.
- The role of wetlands in waste management.
- That the social and economic benefits of waste management be recognised.

These matters are addressed in other PRPS policies. More detailed provisions on addressing specific effects are more appropriate in lower order documents.

Hazardous substances

Policy 3.9.1 will now apply to hazardous substances only. New methods achieve an integrated approach to hazardous substances across the different regulations and the city, district and regional councils.

Policy 3.9.2 has also been amended to apply to hazardous substances only. Health and safety effects are still to be avoided. Avoiding, remedying and mitigating

adverse effects on the environment and other values provides more flexibility depending on the nature of effects and sensitivity of the receiving environment.

Although some submitters considered 3.9.2 a) regarding the secure containment of hazardous substances was too prescriptive and replicated the HSNO Act, this is not an onerous directive and should be retained. It is appropriate that the provision in Policy 3.9.2 on reverse sensitivity applies to the treatment or disposal of hazardous substances only, and not hazardous substances use and storage generally.

No amendments are needed to Policy 3.9.2 to clarify whether the policy includes the management of the transportation of hazardous substances as this is addressed by managing the 'transfer' of hazardous substances under d). No changes are required to address agrichemical and fertiliser use on farms. The provision in 3.9.2 e) apply to the disposal of hazardous substances, not use.

Policy 3.9.6 has been deleted and incorporated into Policy 3.9.2 as the use of best management practice is critical to the wider management of hazardous substances. 'Reducing the use of hazardous substances' has been deleted as this is already included in Method 11. Changing 'best management practice' to 'best practicable option' is not appropriate as the best practicable option in the RMA applies to the discharge of contaminants only, not the wider use of hazardous substances.

Promoting and facilitating hazardous substances collection, disposal and recycling services across the region is an important issue requiring better regional coordination. Amending Policy 3.9.7 and a new method in Method 11 will enable regional, city and district councils to have a greater role in facilitating this.

Contaminated land

No amendments to Policy 3.9.3 on identifying contaminated land are recommended. Restricting identification to exclude potentially contaminated land may fail to identify sites, which upon further investigations may be confirmed to be contaminated. The concern that the whole of the rural area could be identified as 'potentially contaminated land' is not an issue as sites will be identified only where there is potential for 'contaminated land' as defined in the RMA. This will only include land where there are, or are reasonably likely to be significant adverse effects from a hazardous substance.

Although some considered Policy 3.9.5 to be unnecessarily restrictive the policy is retained in the PRPS. Most understood 'contaminated land' to mean land with any

form of contamination. Contaminated land is defined in the RMA. This definition is added to the PRPS Glossary.

The RMA definition of 'contaminant' is also recommended to be added. If actual and potential effects of Hazardous Activities and Industries List activities and using hazardous substances are appropriately managed, then an activity will be consistent with the policy. It is only when significant adverse effects are generated that an activity would fail to align. To simplify the policy's content, the word 'new' is deleted.

Consequential changes are recommended to Policy 2.1.5 k) to provide consistency throughout the document.

The recommended changes to Policy 3.9.4 will align the policy with the language used in the RMA so the policy can be clearly understood and less open to interpretation. This resolves the concerns in submissions about when remediation should be required and what is meant by 'contamination', which is not a term defined in the RMA.

Some submitters considered the policy went beyond the NES for Assessing and Managing Contaminants in Soil to Protect Human Health. The NES only addresses soil contamination that affects human health. The PRPS does not restrict the assessment of effects from contaminants in soil to only those on human health in other RMA plans. Objectives policies, rules and methods can therefore be developed to address the adverse effects of contaminants on the environment.

Waste management

A new policy on the integrated management of waste materials, supported by new methods enabling a strategy to be developed to achieve an integrated approach to waste management, will enable better coordination between different regulatory functions and between regional, city and district councils.

Hazardous substances and waste management are now in separate policies. A new policy will address the management of waste materials.

Policy 4.4.2 on encouraging waste minimisation is relocated to Policy Suite 3.9. The three policies on waste now build on each other by:

- Enabling an integrated approach;

- Encouraging the use of the waste minimisation hierarchy; and
- Appropriately managing waste.

No glossary definition is added for 'waste disposal facility' as this term is not used in the PRPS policies.

9 Use and enjoyment of the Environment

This section of the recommendation report addresses submissions on Chapter 4.

9.1 Public Access

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
137	Chapter B4 (general requests)	75-91	688-701
144	Objective 4.1	78	710-711
297	Introduction to Objective 4.1	78	711
138	Issue 4.1	76	702
145	Policy Suite 4.1	78	711
146	Policy 4.1.1	78	711-716
292	Need 4.1	76	702-703
193	Method 4.1	96-97	866-882
124	Policy 3.8.1	67-68	602-630

9.1.1 Recommendations

Rec. 204

Amend Policy 4.1.1 to:

- a. Delete 'where possible' from 'maintain and where possible enhance public access' and add 'where possible' to 'areas of cultural or historic significance'.
- b. Add an additional provision to recognise when restricting access is necessary to 'ensure a level of security consistent with the operational requirements of a lawfully established activity or resource consent'.

Rec. 205 Add a new method to Method 4.1 to implement Policy 4.1.1 in city and district plans.

9.1.2 Reasons:

Policy 4.1.1 is consistent with Policy 9 of the NZCPS and s6(d) of the RMA.

No additional provisions requested by submitters are needed for:

- Access over farmland.
- The development of bridleways.
- Paths and hedgerows.
- River access for recreation.
- More respect from dog owners.
- Access to surf breaks.

Method 4.1.6 requires district plans to maintain and where possible enhance access to surf breaks of national importance. These are matters to be addressed in lower order documents and through funding, advocacy and facilitation.

Deleting 'where possible' from 'maintain and where possible enhance public access' is consistent with s6(d) of the RMA. Adding 'where possible' to 'public access to areas of cultural or historic significance' signals that public access to culturally or historically significant areas, although important, does not have the same status.

This also addresses concerns that the reference to improving access to 'areas of cultural or historic significance' imposes a mandatory requirement.

Adding an additional provision to Policy 4.1.1 for when restricting access is necessary gives effect to Policy 19 Walking Access of the NZCPS. It acknowledges the needs of legally established activities to continue to operate securely.

Adding protection for existing activities and structures is not necessary as the additional provisions address these concerns.

A new method is recommended in Method 4.1 to require that the policy will also be implemented through district plan provisions.

Providing greater clarity in the policy about how competing values and uses might be weighed against each other or that competing interests have equal access rights to the natural environment is not necessary. The policy provides a high level framework for when restricting access for competing values is needed. Considering how specific competing values are to be weighed against each other, is a matter to be determined on a case by case basis.

Clarifying what is a 'sensitive natural area' is and an 'identified site' is unnecessary. City and district councils can determine these matters through lower order documents.

No amendments are required to provide a clearer balance between the protection of values and providing public access. With the recommended changes, the policy provides for this at a level that is appropriate for a regional policy statement.

No amendments are required to Policy 3.8.1 to provide for public access. Policies 3.8.1 and 4.1.1 should be read in conjunction when planning for growth.

No amendments are required to the issue, principal reasons and explanation resulting from issues regarding access restrictions, protecting significant sites and improving access. The PRPS already addresses these issues.

9.2 Historic Heritage

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
137	Chapter B4 (general requests)	75-91	688-701
139	Issue 4.2	76	703
293	Need 4.2	76	703
147	Objective 4.2	79	716-718
298	Introduction to Objective 4.2	79	719
148	Policy Suite 4.2	79-81	719-720

149	Policy 4.2.1	79-80	720
150	Policy 4.2.2	80	720-721
151	Schedule 7	140-141	721
152	Policy 4.2.3	81	721-730
193	Method 4.1	96-97	866-882
35	Policy 2.1.5	29	192-211
81	Policy 3.2.1	49	445-448
105	Policy 3.5.2	60	531-550
160	Policy 4.3.6	84	769-778
173	Policy 4.5.6	90	804-811

9.2.1 Recommendations

- Rec. 206 Where 'heritage' and 'historic heritage' have been used interchangeably, amend to 'historic heritage'.
- Rec. 207 Amend Policy 2.1.5 i) to add 'unless an archaeological authority has been obtained'.
- Rec. 208 Amend Policy 4.2.1 to add 'trees and vegetation' and 'other' mining as historic heritage characteristics.
- Rec. 209 Amend Policies 3.5.2 a), 4.3.6 a) and 4.5.6 a) to include 'places or areas containing significant historic heritage'.
- Rec. 210 Delete a)-c) in Policy 4.2.2 and amend the first line of the policy to delete 'following'.
- Rec. 211 Amend Policy 4.2.3 to delete 'strongly suspected of containing' and replace with 'may contain'.
- Rec. 212 Amend the principal reasons and explanation to delete the first sentence of the third paragraph.
- Rec. 213 Amend the introduction to Schedule 7 to read 'the identification of items, places and areas of historic heritage value will be based on

but not limited to the following criteria', and amend title to refer to criteria.

- Rec. 214 Amend Method 4.1.9 to:
- a. Require city and district plans to identify and protect significant historic heritage.
 - b. Amend a) to replace 'conditions of consent' with 'advice notes'.
 - c. State that city and district councils will use heritage alert layers.
- Rec. 215 Amend Method 4.2.3 to replace 'conditions of consent' with 'advice notes'.

9.2.2 Reasons

The historic heritage provisions in the PRPS provide a framework to identify historic heritage, and protect and enhance historic heritage.

Consistency of language and duplication

'Heritage' is amended to 'historic heritage' to be consistent with the RMA definition. No additional changes are needed to include 'cultural heritage', 'landscapes' or 'sites of significance to Kāi Tahu' as the existing RMA definition encompasses these considerations.

In the principal reasons and explanation, the text from "Identification of these resources" to "continued role in our daily lives." are deleted to reduce duplication.

Provisions a)-c) in Policy 4.2.2 are deleted as these unnecessarily duplicate the criteria in Schedule 7.

Replacing the term 'strongly suspected' with 'may' in Policy 4.2.3 recognises that there is an element of uncertainty to the identification of historic heritage, which is why accidental discovery protocols are used. Some submitters wanted certainty that only known historic heritage would be addressed under this policy. The change does not put any additional onus on subdivision, use and development that is not already required by the Heritage New Zealand Pouhere Taonga Act 2014 and RMA.

No other changes are necessary.

Historic heritage characteristics

Heritage trees can have historic heritage values such as associative, commemorative or scientific values. Heritage trees and vegetation such as historic orchards may form part of a wider heritage site. Adding 'trees and vegetation' to the other characteristics in Policy 4.2.1 recognises these values.

Gold mining is recognised as part of Otago's historic heritage in Policy 4.2.1. An amendment will expand this to gold 'and other' mining as Otago's mining heritage is not solely limited to gold mining. No other changes to the provisions are considered necessary to recognise mining heritage.

Policy 4.2.1 is not intended to be a detailed list of historic heritage items, but a guide to the historic heritage that is characteristic of Otago. Although it does not contain the level of detail requested by some, it requires users of the PRPS to recognise important historic heritage themes. How historic heritage items are then identified and protected is provided for in the subsequent policies.

Historic heritage protection

Significant historic heritage has been added to a) in Policies 3.5.2, 4.3.6 and 4.5.6 on nationally and regionally significant infrastructure and mining and petroleum activities. This makes Policies 3.5.2, 4.3.6 and 4.5.6 consistent with s6 of the RMA.

No changes are recommended to Objective 4.2. The objective, its policy suite and Schedule 7 apply to all historic heritage in Otago. The level of protection that applies to an individual heritage item will depend on its significance.

It is not necessary to add that the protection of historic heritage is subject to constraints created by use and financial impact to Policy 4.2.3. For heritage items that are not regionally or nationally significant, only significant adverse effects are to be avoided. Adding ongoing use and financial constraints could weaken the effectiveness of the provisions in protecting historic heritage. Method 9 encourages regional, city and district councils to fund projects which could support the protection of historic heritage values.

Some submitters considered Policy 4.2.3 goes beyond s6(f) of the RMA, which lists 'the protection of historic heritage from inappropriate subdivision, use, and development' as a matter of national importance. Submitter concern was mainly

related to the use of the term 'avoid', which is addressed in section 4.5 of this document.

The reference to 'recognising some places may contain archaeological sites' will remain. The location of many historic heritage items or places is not always known and they are often discovered by subdivision, use and development activities. It is appropriate for the PRPS to recognise this. If a historic heritage item is discovered, the historic heritage policies in the PRPS apply. No other changes are needed to Policy 4.2.3.

An amendment has been made to Policy 2.1.5 on soil to recognise that disturbing the soil mantle where it is a repository for historic heritage objects is appropriate where a heritage authority has been obtained by Heritage New Zealand.

Additional amendments were sought to other policies in Chapter 2 to protect historic heritage values, the provisions in Policy Suite 4.2 apply to all activities and environments. For this reason no additions are recommended to these policies.

New methods have been included in Method 4 on city and district plans to support the historic heritage policies. These ensure significant historic heritage is identified and protected and enable the use of heritage alert layers. Method 4.1.9 is amended to require advice notes on resources consents instead of conditions in order to simplify the consenting process.

Although additional methods and provisions were requested to address the restrengthening of historic heritage buildings and require 'local authorities to prepare and implement regulatory and non-regulatory incentives to facilitate the preservation of cultural and historic heritage places', these are already generally provided for in the methods.

Schedule 7

The introduction to Schedule 7 is amended to clarify that the identification of historic heritage is based on but not limited to the schedule criteria. City and district councils were concerned that their district plan criteria for historic heritage were slightly different and there would be a need to re-evaluate existing scheduled historic heritage items. The amendment clarifies that the schedule is to be used as a guide and there may be other relevant matters to consider when identifying historic heritage.

City and district councils are not required to immediately re-evaluate existing historic heritage schedules, but over time the way historic heritage items are assessed will be more consistent across the region. No guidance on how to rate or apply the criteria in Schedule 7 is necessary as the schedule provides city and district councils and communities flexibility to determine what historic heritage values are important to them.

The schedule is consistent with the RMA definition of 'Historic Heritage', the provisions of the Heritage New Zealand Pouhere Taonga Act 2014, and the best practice guidance.

Kāi Tahu cultural heritage

No amendments or additional provisions for the identification and protection of Kāi Tahu cultural heritage are required. The RMA definition of historic heritage incorporates the cultural heritage elements sought to be included by Kāi Tahu. These provisions support the provisions in Policy Suite 1.2 which seeks to identify and protect sites of significance to Kāi Tahu.

9.3 Management of Land for Economic Activities

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
137	Chapter B4 (general requests)	75-91	688-701
140	Issue 4.3	76	703-705
294	Need 4.3	76	705-706
153	Objective 4.3	82	730-731
299	Introduction to Objective 4.3	82	731
154	Policy Suite 4.3	82-84	731-733
155	Policy 4.3.1	82-83	733-748
157	Policy 4.3.3	83	753-756

158	Policy 4.3.4	83	756-762
159	Policy 4.3.5	84	762-769
160	Policy 4.3.6	84	769-778
221	Method 11.1.4	105	925

9.3.1 Recommendations

- Rec. 216 Amend Issue 4.3 to: ‘existing activities are susceptible to reverse sensitivity effects, particularly when land use changes’.
- Rec. 217 Delete Policy 4.3.3.
- Rec. 218 Amend Policy 4.3.4 by:
- a. adding ‘town centres’ to the first line of the policy, in c) and in d), and
 - b. deleting ‘in ways that compliment commercial functions’ in b).
- Rec. 219 Amend the principal reasons and explanation to simplify and clarify it.
- Rec. 220 Amend Method 11.1.4 b) to ‘encourage the adaptive reuse of buildings’.

9.3.2 Reasons

Most of the submissions on Policy Suite 4.3 were in support of requested amendments to clarify the provisions or add additional content to policies.

The issue has been simplified to more clearly describe reverse sensitivity and no changes are recommended to the objective, principal reasons and explanation. These clearly set out how essential land use is for the social and economic wellbeing of people and communities and why the policies are necessary.

There is no need to mention or add objectives or policies relating to specific activities or specify that economic gains will not be at the expense of environmental and cultural values. The policy suite applies to land use activities and it is appropriate that the PRPS contains provisions on land use activities. The need to recognise and provide for environmental and cultural values is clearly set out in other sections of the PRPS.

Rural activities

Some requested the Policy 4.3.1 be deleted or amended to apply to existing farming or primary production only. This may limit some rural activities. Given the significance of the agricultural sector to the wellbeing of communities in Otago, the policy is retained.

The reverse sensitivity provisions in the policy have been strengthened to avoid reverse sensitivity on rural activities to the extent reasonably possible.

No amendments are recommended to Policy 4.3.1 in response to submissions seeking provisions on the following:

- Existing uses.
- The natural environment.
- Amenity.
- Kāi Tahu.
- Transport.
- Infrastructure.
- Tourism.
- Employment.
- Recreation.
- Mineral and petroleum activities.
- Fishing.
- Pests.
- Food production.

The policy applies to rural activities in rural areas only.

The policy does recognise that tourism and recreation are appropriate in the rural area where they are of a nature and scale compatible with rural activities.

Central business districts, town centres and commercial activities

Policy 4.3.3 on recognising the values of central business districts is deleted as it does not provide any clear resource management direction and is addressed by Policy 4.3.4 on managing the distribution of commercial activities.

Policy 4.3.4 on managing the distribution of commercial activities will remain largely unchanged apart from amendments to clarify and simplify it. A number of changes were requested to delete the policy or add additional clarification. Subject to the recommended amendments the policy is clear and appropriate for a regional policy statement. No changes are required to respond to concerns raised regarding the policy not providing for commercial areas outside central business districts and only providing for commercial growth in town centres.

The policy encourages vibrant central business districts and town centres, whilst enabling smaller town centres to support community needs. It restricts the unplanned extension of commercial development only where that may result in significant adverse effects on the central business district or town centres.

This appropriately balances the need to support existing town centres whilst still allowing for commercial development outside these town centres where adverse effects can be managed.

Industrial activities

No changes are recommended to allow for the continuation of existing industrial activities, contamination of existing industrial activities or to add 'restricting the competition for land' as requested by submitters. The reasons for this are:

- Industrial activities in industrial areas are appropriate.
- It would be inappropriate to expressly allow for unrestricted contamination by existing industrial activities which may be hazardous to human health.
- The policy seeks to manage adverse effects on people and the environment only and should not seek to control the property market.

9.4 Managing Land Use Change in Dry Catchments

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
137	Chapter B4 (general requests)	75-91	688-701
156	Policy 4.3.2	83	748-752
193	Method 4.1	96-97	866-882
189	Method 3.1	95-96	859-864
198	Method 6.1	99	895-903
199	Method 6.2	99-101	903-904
224	Method 11.2.2	106	929

9.4.1 Recommendations

- Rec. 221 Amend Policy 4.3.2 to 'In dry catchments, avoid plantation forestry activities that would result in significant, including cumulative, reductions in water yield'.
- Rec. 222 Amend Method 4.1.4 to replace 'land use' with 'plantation forestry' and relocate it to Method 3.1.
- Rec. 223 Amend Method 6.1.3 b. to replace 'TAs' with 'regional council', and delete reference to tussock grassland.

9.4.2 Reasons

The protection of tussock and other high water yielding species

It is recommended to delete b) 'minimising the conversion of tussock grasslands to species which are less able to hold and capture precipitation' from Policy 4.3.2. Submitters were concerned as to how this would be implemented, that not all tussock grasses had been scientifically proven to capture and hold precipitation and that the issue is already adequately addressed in the other PRPS provisions.

The recognition and protection of tussock grasslands is addressed in Policies 2.1.6, 2.2.1, 2.2.2 and the criteria in Schedule 5.

It is not necessary to add the promoting of tussock grasslands and other high water yielding species to Policy 4.3.2 as this is provided for in Policy 4.4.3 on encouraging environmental enhancement.

Dry catchments

Some submitters were concerned that 'dry catchments' are not specified or identified in the PRPS, Method 6.2.3 requires the Regional Council to identify them. This method has been updated to clarify that the Regional Council is responsible for implementing Policy 4.3.2, and reference to tussock grasslands has been deleted to be consistent with the policy.

Land use rules can then be developed to give effect to this policy. For this reason, the term 'dry catchments' is retained in the PRPS and no glossary definition is required.

Managing land use change in dry catchments

The first line of Policy 4.3.2 has been amended so that the policy does not apply to all land use change. The policy addresses plantation forestry only, and not the management of wilding pine trees. 'Forestry' has been amended to 'plantation forestry' to make this explicit.

It is appropriate to specify plantation forestry and not other activities, as there is scientific evidence that plantation forestry significantly reduces water yield. Evidence presented at the hearing supported this.

Wilding tree spread is adequately addressed in the pest control provisions and in Method 11.

The PRPS does not preclude water harvesting or the development of land use controls to manage other land use changes in lower order plans.

No change to define what is meant by 'a significant reduction in water yield' or to delete 'significant' is recommended. Lower order plans will provide objectives, policies and rules to give effect to this policy.

The control of the use of land for the purpose of maintaining water quantity is a regional function under s30(1)(c)(iii) of the RMA. Method 4.1.4 is relocated to

Method 3 on Regional Plans, and Method 6.2.3 has been amended as discussed above. This will also ensure a consistent approach is applied across the region.

'Restricting' has been replaced with 'avoiding' to better align with the RMA.

9.5 Efficient Resource Use

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
137	Chapter B4 (general requests)	75-91	688-701
141	Issue 4.4	77	706-708
295	Need 4.4	77	708
161	Objective 4.4	85	779-780
300	Introduction to Objective 4.4	85	780
162	Policy Suite 4.4	85-86	780
246	AER 4.4	118	941

9.5.1 Recommendations

Rec. 224 Delete the issue, objective, and principal reasons and explanation in Policy Suite 4.4.

Rec. 225 Delete AER 4.4.

9.5.2 Reasons

Most of the submissions on Policy Suite 4.4 on efficient resource use were on Policies 4.4.1 to 4.4.3.

- Policy 4.4.1 has been relocated to Policy Suite 2.1 in accordance with recommendations on water allocation.
- Policy 4.4.2 has been relocated to Policy Suite 3.6 in accordance with the recommendations on waste, hazardous substances and contamination.

- Policy 4.4.3 has also been relocated to Policy Suite 2.1 in accordance with recommendations regarding soil.

As a result of these changes there are no remaining policies left in this section of the PRPS. It is recommended to delete the issue, objective, principal reasons and explanation in Policy Suite 4.4 and AER 4.4 as consequential amendments.

9.6 Discharges

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
137	Chapter B4 (general requests)	75-91	688-701
168	Policy 4.5.1	88	794-799

9.6.1 Recommendations

Rec. 226 Amend Policy 4.5.1 to 'manage' discharges, and delete a) - c).

- a. Add new a) Avoiding significant adverse effects of those discharges;
- b. Add new b) Avoiding, remedying or mitigating other adverse effects of those discharges.

9.6.2 Reasons

Sections 67 and 75 of the RMA state that regional and district plans must give effect to higher order documents, including any regional policy statement. If a regional policy statement states adverse effects are to be avoided, then regional and district plan rules must constrain the activities that generate these effects. Other policies in the PRPS use 'avoid' when referring to adverse effects on particular values.

Policy 4.5.1 is different as it requires the avoidance of discharges if considered offensive or objectionable, rather than avoiding adverse effects. The policy does not allow for remedying or mitigating effects, such as the appropriate mixing of discharges to water.

Amending the policy to manage discharges by ‘avoiding significant adverse effects’ and ‘avoiding, remedying or mitigating other adverse effects’ from discharges that are offensive or objectionable provides a more appropriate balance between providing for discharges in accordance with the RMA and managing the adverse effects from discharges where they are considered objectionable or offensive.

The list of discharges in a)-c) does not provide useful guidance. The panel accepts the submission that they be deleted. Specific discharges are best dealt with at consenting and in lower order plans. Whether a discharge is objectionable or offensive will be a matter of fact in each case.

9.7 Management of Adverse Effects

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
137	Chapter B4 (general requests)	75-91	688-701
166	Objective 4.5	87	788-790
142	Issue 4.5	77	709
296	Need 4.5	77	709
301	Introduction to Objective 4.5	87	791-792
167	Policy Suite 4.5	87-91	792-793
169	Policy 4.5.2	88	799-800
173	Policy 4.5.6	90	804-811
270	Introduction to Objective 2.2	32	241-242
160	Policy 4.3.6	84	769-778

9.7.1 Recommendations

- Rec. 227 Amend Objective 4.5 to replace 'natural and built environment' with 'natural and physical resources'.
- Rec. 228 Amend the principal reasons and explanation in Policy Suite 2.2 to remove the sentence stating that 'consumptive use of resources will be directed to areas where adverse effects are more acceptable'.
- Rec. 229 Amend the issue under Objective 4.5 to include ecosystems.
- Rec. 230 Amend the principal reasons and explanation under Policy Suite 4.5 to recognise how resource use contributes to the wellbeing of Otago's communities and to manage activities to avoid remedy or mitigate adverse effects.
- Rec. 231 Amend Policy 4.5.2 to 'avoid, remedy or mitigate actual and potential adverse effects'.
- Rec. 232 Add a new policy on applying a precautionary approach.
- Rec. 233 Replace 'mineral and gas exploration' with 'mineral and petroleum exploration' throughout the PRPS.
- Rec. 234 Amend the principal reasons and explanation to delete the last paragraph and simplify and clarify it.

9.7.2 Reasons

The recommended amendments remove the statement in Policy Suite 2.2 that consumptive use of resources will be directed away from significant areas. If adverse effects from activities can meet the thresholds in Policy Suites 2.2 and 4.5, then activities involving consumptive use may be able to locate in significant areas.

The changes to the policy suite provide better recognition of how resource use contributes to wellbeing. Policy Suite 4.5 focuses on managing direct and indirect adverse effects from subdivision, use and development; however the context around the purpose and benefits of resource use was missing from the explanation. Similarly, adding ecosystems to the issue provides more context about the adverse effects that subdivision, use and development can have on the environment.

To simply and clarify the terms used in Objective 4.5 'natural and built environment' is amended to 'natural and physical resources'. No other changes are recommended to Objective 4.5. Some submitters requested that 'minimised' in the objective be amended to 'avoided, remedied or mitigated' or 'appropriately managed'. The purpose of the policy suite is to minimise adverse effects as far as is practicable. Therefore the objective is appropriate.

Amendments are made to simplify and clarify the principal reasons and explanations.

The PRPS does not preclude the use of incentives to control land use or the development of land use controls to manage other land use changes in lower order plans.

Adaptive management

The changes to Policy 4.5.2 provide opportunity for adverse effects to be avoided and mitigated using an adaptive management approach because the policy was too narrowly focused on remedying effects only.

Precautionary approach

A number of submissions have been made to provisions in the PRPS to apply a precautionary approach. This includes requests regarding the coast and freshwater provisions. Where the adverse effects of an activity have the potential to be significant and where there is uncertainty regarding these potential effects, applying a precautionary approach is appropriate. A new policy is added to Policy Suite 4.5 to apply a precautionary approach in these circumstances.

Mineral and petroleum exploration, extraction and processing

Apart from some amendments to simplify and clarify the language, Policies 4.3.6 and 4.5.6 will remain unchanged. Policy 4.3.6 recognises the functional needs of mining and petroleum exploration, extraction and processing and Policy 4.5.6 manages adverse effects. The policies require the adverse effects of mineral and petroleum exploration, extraction and processing be minimised as much as possible, whilst recognising the fixed and finite nature of mineral resources by giving preference to avoiding their location in areas containing significant values. Every effort should be made to avoid these locations.

It is not the role of the PRPS to promote the development of mineral resources as requested by submitters. The policies balance the importance of significant natural resources with the functional needs of mineral and petroleum exploration, extraction and processing.

The policies address reverse sensitivity effects on mineral and petroleum exploration, extraction and processing from the establishment of new activities in areas used for that purpose. No change is recommended in response to requests to add reverse sensitivity effects from the establishment of mining on existing land uses, as the PRPS does not preclude this.

Reverse sensitivity effects of the establishment of mining activities on existing activities can be considered at a more detailed level in district plans. The PRPS addresses reverse sensitivity effects only where this is needed to address a regionally significant resource management issue.

All references to 'gas' in 'mineral and gas exploration, extraction and processing' is replaced with 'petroleum' to be in accordance with the RMA definition of 'mineral' and the Crown Minerals Act 1991 definition of 'petroleum'.

No additions should be added to a) 'giving preference to avoiding their location in' or to address additional effects such as fracking or additional requirements such as comprehensive alternative site assessments or management and mitigation plans. Provisions 4.3.6 a) and 4.5.6 a) include areas and natural resources that are significant and restricting the list to those matters only is appropriate. The provisions in the policy, particularly those applying a precautionary approach, staging development and progressive rehabilitation provide a framework to appropriately manage adverse effects.

There are no specific methods to give effect to the policy for regional, city and district councils; this does not preclude lower order documents including more prescriptive provisions to give effect to this policy as necessary. Identifying mineral resources for future commercial use is the responsibility of the industries involved.

9.8 Biosecurity and Pests

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
137	Chapter B4 (general requests)	75-91	688-701
172	Policy 4.5.5	89	801-803
181	Method 1.2	94	841-848
186	Method 2.2	94-95	851-853
189	Method 3.1	95-96	859-864
193	Method 4.1	96-97	866-882
207	Method 7.4	102	911-913
208	Method 7.5	102	913
211	Method 8.1.1	103	914-916
224	Method 11.2.2	106	929

9.8.1 Recommendations

- Rec. 235 Replace 'avoid the adverse effects of pest species' in policies throughout the PRPS with 'control the adverse effects of pest species' for consistency.
- Rec. 236 Add 'controlling the adverse effects of pest species, preventing their introduction and reducing their spread' as a consideration to Policies 2.2.2 and 2.2.15.
- Rec. 237 Add 'water quantity' and 'landscapes, seascapes and natural character' to the list of resources and values that requires safeguarding from pest species in Policy 4.5.5.
- Rec. 238 Add 'have adverse effects on outstanding natural features, landscapes, seascapes and highly valued natural features,

landscapes and seascapes' as a consideration in the development of a Pest Management Strategy in Method 7.4.

Rec. 239 Add information and education about the control of pest species to Method 8.1.1.

9.8.2 Reasons

Pest definition

A definition of 'pest' in the PRPS is not necessary as Policy 4.5.5 on controlling the adverse effects of pest species clearly states that the purpose is to safeguard indigenous species and habitats, ecosystems services, water quality, and recreation and other values. If a plant or animal organism is adversely affecting these resources then that organism would be considered a pest in the PRPS.

Defining 'pest' by the Biosecurity Act 1993 definition would mean that only organisms in a Pest Management Plan would be considered "pests". Pest management plans regulate the management of specific pests, but may not list all plant and animal pests in the region. A Pest Management Plan could not respond quickly enough if a currently unknown pest becomes established.

Additions to Policy 4.5.5

A number of additions were sought to Policy 4.5.5 to ensure that additional resources and values are protected from pests. Some pest species, such as wilding pines can adversely affect landscapes and natural character and water quantity. Adding these matters to the policy will ensure pest species adversely affecting these matters are controlled. Other considerations such as 'primary production activities' and 'productive values' do not need to be added as they are already addressed by b) 'ecosystem services that support economic activities'.

Additional provisions to control pest incursions

No additions to the PRPS provisions are required to control and manage incursions from unwanted organisms or to require the use of integrated pest control methods. The current provisions do not prevent this.

Adverse effects of particular species

No additional provisions to manage the adverse effects of particular species are necessary. The provisions in the PRPS apply to all pest species, including wilding

pinus and lagarosiphon and the focus of the pest provisions is on management, not particular species. The control of particular species is most appropriately accommodated in a Pest Management Strategy or pest plan prepared under the Biosecurity Act 1993.

Consistent language and application of pest provisions

A review of the pest provisions throughout the PRPS was undertaken and this identified inconsistencies that have now been amended. The terms 'avoiding adverse effects' and 'controlling adverse effects' have been used interchangeably throughout the document. Some submitters have noted that the avoidance of pests is not possible for pests that are established. Additionally some policies that should have considered controlling the adverse effects of pest species were missing this reference.

Amendments and additions to methods

A number of submissions sought more specific direction for pest management in the methods. The existing methods do enable the type of pest control responses sought by submitters but not to the level of detail requested.

Methods 1.2, 2.1, 2.2, 3.1 and 4.1 provide general direction on implementation for Policy 4.5.5 on the control of pests. Methods 3 and 4 generally enable regional, city and district councils to set objectives, policies and rules to implement Policy 4.5.5. No specific provisions are recommended to be added to Methods 3 and 4.

Specific direction in Method 7.4 requires the Regional Council to undertake a Regional Pest Management Strategy. Method 7.5 states a Pan Regional Pest Strategy may be established. Method 11.2.2 b. states the Regional Council will facilitate the control of pest species including wilding pinus. The Pest Management Strategy can inform subsequent changes to regional and district plans, a Pest Management Plan, and non-regulatory initiatives to manage pests.

These methods require more detailed work to be undertaken to control pests. They do not identify particular species, pest problems or control measures because lower order plans and strategies will do this. The level of direction in the methods is therefore appropriate.

Two amendments are recommended to methods:

- Adverse effects on landscapes are an important consideration in the development of a Pest Management Strategy. Method 7.4 is amended to add the 'adverse effects on outstanding natural features, landscapes, seascapes and highly valued natural features, landscapes and seascapes' as a consideration in the development of a Pest Management Strategy. Pest plants such as wilding pines can have significant adverse effects on landscapes.
- Add 'Provide information and education about the control of pest species' to Method 8.1.1. Information and education is a critical tool in enabling the community to manage pests.

9.9 Offsetting

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
137	Chapter B4 (general requests)	75-91	688-701
174	Policy 4.5.7	90	811-823
175	Policy 4.5.8	91	823-831
176	Policy 4.5.9	91	831
105	Policy 3.5.2	60	531-550
173	Policy 4.5.6	90	804-811
189	Method 3.1	95-96	859-864
193	Method 4.1	96-97	866-882

9.9.1 Recommendations

- Rec. 240 Amend Policies 3.5.2 e) and 4.5.6 j) to delete references to compensation.,.
- Rec. 241 Relocate Policy 4.5.6 to the end of Policy Suite 4.5.
- Rec. 242 Combine Policy 4.5.7 with 4.5.8 and:

- a. Amend the combined policy to begin “consider the offsetting of indigenous biological diversity when”.
- b. Remove reference to functional necessity.
- c. Replace the words ‘irreplaceable or vulnerable biodiversity’ with ‘rare or vulnerable species’ in c).
- d. Clarify c).
- e. Delete ‘if practicable’ from d).

Rec. 243 Add new methods to Methods 3.1 and 4.1 to ensure the offsetting policies are implemented in regional and district plans.

9.9.2 Reasons

The recommended amendments to the offsetting provisions will ensure the PRPS is consistent with the Guidance on Good Practice Biodiversity Offsetting in New Zealand 2014, and the NES for Air Quality. Policy 4.5.6 is moved to the end of Policy Suite 4.5 to make clear that offsetting can be implemented for all activities, and is not restricted to mineral and petroleum exploration, extraction and processing activities. The ‘no net loss and preferably a net gain’ principle for offsetting is retained.

Biological diversity offsetting

Policies 4.5.7 and 4.5.8 have been combined to reduce duplication, and consolidate the approach to biological diversity offsetting. Offsetting cannot be compelled, and needs to be offered by a resource consent applicant. Policy 4.5.7 a) is deleted, because offsetting should always be an available option, and not limited to situations where there are locational constraints, or where the biological diversity is deemed to be “significant”.

The word ‘vulnerable’ has not been removed from the new combined policy as the current language provides an acceptable level of protection. The word ‘irreplaceable’ has been replaced with ‘rare’ as ‘irreplaceable’ was not considered to be a useful term in the context of offsetting. The word “species” is introduced, as this is more appropriate in this instance than biological diversity, and is an important facet of offsetting.

In accordance with the Guidance on Good Practice Biodiversity Offsetting in New Zealand 2014, offsetting should be for residual effects only, after all other effects have been avoided, remedied or mitigated. Compensation has not been specifically provided for, as it is a form of mitigation.

It is not necessary to amend Policy 4.5.8 in regards to the location of the offset. The current wording includes 'where this will result in the best ecological outcome' and will ensure an appropriate location is identified. 'If practicable' has been removed from 4.5.8 d) to further strengthen the use of offsets.

Including an additional provision to ensure that the offset does not result in adverse effects on existing use is not necessary as reverse sensitivity is already considered in the other PRPS policies.

Offsetting is only applicable to indigenous biological diversity, and the policy has not been broadened to all biological diversity. There is an acknowledged need to protect indigenous biological diversity in accordance with Part 2 of the RMA.

Subject to the above amendments, and additional methods to give effect to the policies, no schedule, appendix or additional glossary terms on offsetting are necessary. Guidance is available from the Guidance on Good Practice Biodiversity Offsetting in New Zealand 2014 and provisions can be provided by regional and district councils in lower order documents.

Offsetting for air quality

Using offsetting for air quality is constrained by s17(3) of the NES Air Quality. Policy 4.5.9 has not been amended to broaden the opportunities to consider offsetting for air quality.

Requests to provide for offsetting in Chapter 2 and offset additional effects

It is not recommended to include offsetting within Chapter 2, as the proposed PRPS will be cross referenced, and it is considered appropriate for offsetting to be covered in one location within the document.

Offsetting for water quality and quantity effects has not been added to Policy 4.5.6. This is beyond the scope of the policy, and would be difficult to implement.

10 Introduction, Schedules, Roles and Responsibilities and Appendices

This section of the recommendation report addresses submissions on the Introduction, Schedules, Roles and Responsibilities and Appendices sections of the PRPS.

10.1 Introduction

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
255	Overview and the Otago Region	3-5	42-44
4	RPS Framework	10-12	21-24
248	Appendices General	144-146	942-948

10.1.1 Recommendations

- Rec. 244 Amend paragraph two in the Overview to provide guidance on where the PRPS fits in the wider planning framework and its status within that framework.
- Rec. 245 Relocate the Appendix 1 Statutory Framework diagram to the introduction section of the PRPS and amend it to illustrate the full statutory framework, including the requirement to take into account iwi management plans.
- Rec. 246 Delete the remaining text in Appendix 1 as a consequential amendment.
- Rec. 247 Amend paragraph four in 'The Otago Region' to recognise mining and education as important parts of Otago's economy.
- Rec. 248 Amend the 'Map of Otago' by improving the labels on the map and making the map annotations and key clearer.

Rec. 249 Amend the explanation accompanying the 'Map of Otago' to state that the Otago Region includes 'the coastal environment out to 12 nautical miles'.

10.1.2 Reasons

The recommended amendments improve the introduction by providing clearer guidance on where the PRPS sits within the planning framework, its status in that framework and a diagram of the framework. The first paragraph of the Overview has been deleted as this duplicates the Chairman's Foreword.

The diagram, relocated from Appendix 1, has been amended to illustrate the full statutory framework under the RMA. This does restate the statutory responsibilities under the RMA. However it provides context to those less familiar with a RMA document. Having this information at the start of the PRPS will assist PRPS users with how to apply its provisions.

Some submitters requested that specific national policy statements be recognised better in the hierarchy of RMA documents. Where national policy statements and environmental standards sit in the RMA hierarchy is already established in the diagram and there is no need to identify each one.

No changes have been made to further recognise the agricultural sector as this is already stated in paragraph four under 'The Otago Region'. The paragraph is amended to recognise that mining and education are also important contributors to economic wellbeing.

No changes have been made to mention 'abundant natural resources' as not all resources in Otago are abundant.

Wāhi tūpuna is included as an additional example of human activity in Otago.

No description of the geographical distribution of the people of Otago is required. The last paragraph under 'The Otago Region' describes Otago's population and growth and this is sufficient information for an PRPS introduction.

No amendments are made to the Chairman's Foreword or the photographs between the PRPS sections as these do not form part of the PRPS.

10.2 Methods

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
178	Methods - general	94-107	833-836
179	Method 1	94	836-837
184	Method 2	94-95	851
188	Method 3	95-96	857-859
192	Method 4	96-98	864-866
194	Method 4.2	98	882-887
195	Method 4.3	98	887
196	Method 5	98-99	887-895
197	Method 6	99-101	895
198	Method 6.1	99	895-903
200	Method 6.3	101	904
203	Method 7	102-103	905-910
207	Method 7.4	102	911-913
210	Method 8	103-104	913-914
213	Method 8.1.3	103	917
214	Method 8.1.4	104	917-919
215	Method 9	104	919-921
216	Method 10	104	922
217	Method 11	104-107	922-931
218	Method 11.1	104-105	922

10.2.1 Recommendations

- Rec. 250 Simplify repetitive and duplicated content in all methods.
- Rec. 251 Amend methods by adding in cross references to their related policies where applicable.
- Rec. 252 Add a note to Methods 3 and 4 to ensure that the matters in the methods can be considered in resource consent applications whether or not a plan change to the regional, city or district plan to give effect to the method has been undertaken.
- Rec. 253 Amend Method 4.3 by replacing 'regional plans' with 'district plans'.
- Rec. 254 Amend Method 6.3.1 to ensure that state of the environment monitoring and reporting is undertaken in accordance with s35 of the RMA.
- Rec. 255 Amend Method 7.4 by replacing 'Regional Plan Land Transport' with 'Regional Land Transport Plan', replacing 'methods' with 'activities', replacing 'implement' with 'assist in the implementation of' and add an additional focus on 'ensuring transport networks are resilient, efficient and sustainably managed'.
- Rec. 256 Relocate Method 8.1.3 a) to 8.1.4 to change the method from a 'will' method to a 'may' method.
- Rec. 257 Delete Method 10.

10.2.2 Reasons

Most submissions received on the methods relate to specific issues or topics and these have been addressed in the previous sections of this report. Most of the recommended changes are to add additional methods to the PRPS to ensure that all policies can be effectively implemented.

In response to the submission received against the methods and the PRPS as a whole, the methods have been simplified to remove repetitive and duplicated content, and errors and inaccuracies have been amended. This will improve the ease of use of all methods.

In response to the submissions seeking certainty and in some cases immediate implementation of the PRPS, the methods require and enable a variety of different responses to implement the policies. The methods range from relatively prescriptive regulatory approaches, to collaborative approaches, and optional and flexible approaches. These approaches are appropriate.

All methods included in the PRPS are intended to be delivered. Some can be delivered immediately, and some will not, due to the process, research or funding that may be required for implementation. The PRPS will be supported by a new method in Method 6.1.4 requiring the development of indicators and measures to monitor the effectiveness of the PRPS within 12 months of it becoming operative. This will provide a consistent tool to monitor its efficiency and effectiveness.

Some submitters requested that the term 'manage' be replaced with 'control' in some of the methods to better align with s30 and s31 of the RMA. The RMA also uses the term 'manage' and because the amendment would not materially change the intent of the methods, the term 'manage' will remain.

No methods are recommended to establish processes to determine adversely affected parties. This is undertaken through the resource consent process in accordance with s95 of the RMA.

No explanatory text is needed in the methods to ensure that the matters in the methods can be considered in resource consent applications. The methods give effect to the PRPS objectives and policies and resource consent applications will be assessed against those provisions.

Amendments to Policy 7.4 on the Regional Land Transport Plan (RLTP) are made to:

- Correct minor errors.
- Better reflect the relationship between the PRPS and RLTP.
- Add 'ensuring transport networks are resilient, efficient and sustainably managed'.

This will ensure that the RLTP and PRPS are consistent. No other amendments are recommended to Method 7.4 to include advocating for safer speed limits or to Method 11.1 to include transport matters. These matters are addressed in the RLTP.

Method 8.1.3 a) requiring city and district councils to make available information on projected demographic change is amended to a 'may'. This may not be necessary for all councils and may impose additional costs to some councils.

No other changes are recommended in response to submissions requesting 'will' methods be changed to 'may'. Although the methods are directive in some cases, retaining them as notified, including those in 4.2.1, 4.2.2, 4.2.4, and 11.2.1, will ensure appropriate implementation of the PRPS policies.

No changes are recommended in response to the submissions seeking that 'may' methods be deleted. Although methods using 'may' instead of 'will' provide less certainty, these methods are considered appropriate. These methods set out a preferred approach for how the objectives and policies can be achieved. It does not lock or compel councils into only that option, or into an approach that once investigated further is not the most effective option to support sustainable management. The use of 'may' signals to users of the PRPS how the PRPS outcomes can be delivered.

Other methods that are considered by some submitters to restate the RMA, LGA or Local Government Official Information and Meetings Act 1987 or to be 'superfluous' will generally be retained. These methods provide PRPS users with guidance as to the methods that will be undertaken by regional, city and district councils.

Policy 6.1.1 is retained and amended to ensure that state of the environment monitoring and reporting is undertaken in accordance with the requirements of s35 of the RMA. It is not necessary to state a timeframe for reporting on plan effectiveness as s35 of the RMA requires this to be undertaken every 5 years.

It is recommended to delete Method 10 which states that local authorities will provide public services in accordance with the functions and responsibilities, as this adds little guidance.

No changes are recommended to Method 9 on funding. The methods already promote the funding of community groups and projects by regional, city and districts councils and it is not appropriate to single out particular groups or project types.

10.3 Anticipated Environmental Results and Monitoring

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
226	AERs General	108-118	931-932
238	AER 3.3	114	938
239	AER 3.4	114	938-939
201	Method 6.4	101	904

10.3.1 Recommendations

- Rec. 258 Amend the title of the 'Anticipated Environmental Results and Monitoring Programme' section to 'Monitoring Procedures and Anticipated Environmental Results'
- Rec. 259 Add new subheading 'Monitoring Procedures' above the introductory text.
- Rec. 260 Amend the introductory text under the 'Anticipated Environmental Results and Monitoring Programme' to describe how monitoring of the RPS will be integrated with existing monitoring carried out by the Regional Council.
- Rec. 261 Re-format chapter to include a table of AERs and their related outcomes and objectives.
- Rec. 262 Add a new subheading "Anticipated Environmental Results" above the new table of AERs.
- Rec. 263 Delete 'indicators' and 'how indicators can be measured' from all AERs.
- Rec. 264 Include a new provision in Method 6.4.1 to require ORC to develop appropriate indicators and measures within 12 months, and to review them every 5 years.

Rec. 265 Combine and amend AERs 3.3 and 3.4 so that they are consistent with the infrastructure policies and apply to all infrastructure.

Rec. 266 Include two new AERs for waste, hazardous substances and contaminants.

10.3.2 Reasons

Monitoring procedures

Section 62(1)(j) of the RMA requires the Regional Council to state the procedures used to monitor the efficiency and effectiveness of the policies or methods contained in the statement. The PRPS does not contain enough detail in its current form to satisfy this requirement. The introductory text has therefore been updated to provide more detail regarding monitoring procedures, and how they will integrate with the Regional Council's existing monitoring. This approach is consistent with that found in other regions' regional policy statements.

Format of AERs

The AERs chapter is re-formatted to include a table which shows each of the outcomes, the objectives under each outcome, and the corresponding AER/s. This format improves the ease of use of the PRPS as it allows users to clearly identify all AERs and how they relate to the relevant objectives.

Indicators and how indicators can be measured

Submissions on the 'indicators' and 'how indicators can be measured' raised issues regarding the effectiveness, appropriateness, implementation, monitoring and reporting of the AERs. For these reasons, the 'indicators' and 'how indicators can be measured' have been deleted from all AERs.

Consequently, Method 6 has been changed to require the Regional Council to develop appropriate indicators and measures within 12 months, and to review them every 5 years. The 'indicators' and 'how indicators can be measured' need to be clear, practicable, meaningful and able to be monitored.

AERs

New AERs to address waste, hazardous substances and contaminated sites have been added as requested by submitters. This will ensure all objectives in the PRPS have a corresponding AER.

No AER has been added to address the use and development of mineral resources, as this is adequately addressed in the PRPS.

There has been no change to AER 2.2 to maintain the natural form and character of a water body only if it is unmodified, because this has been addressed in the recommendations on fresh water regarding Policy 2.1.1 and 2.1.2. All water bodies should be safe for swimming, not just those that have been identified in regional plans. It is not necessary to address locationally constrained activities in this AER because the level of detail requested is inappropriate, and is covered in the policies.

Ensuring water bodies are safe for mahinga kai gathering in replacement of swimming is not included in the AER. The AER aligns with Policy 2.1.1 and removing swimming from the AER is not recommended as Kāi Tahu values are provided for in AER 1.2.

A submission on AER 2.5 considered that it may not be possible to 'maintain or enhance' the health and diversity of ecosystems in all circumstances. The level of detail requested is not necessary and PRPS policies adequately address this issue.

AER 3.1 has been amended to improve community resilience to climate change.

There was a request to amend AER 3.3 to refer to efficient, effective and affordable infrastructure, and delete reference to safe infrastructure. Several submitters requested changes to AER 3.4, including deleting the AER, and adding reference to different responses to adverse effects, including remedying, offsetting, and compensating.

As the policy suites on infrastructure have been combined, AERs 3.3 and 3.4 will also be combined and amended to apply to all infrastructure. The AER has been further amended to include 'remedied' as this is consistent with the policies. No other changes are necessary. Offsetting and compensation have not been included in the AER. Compensation is a form of mitigation, and offsetting is only applicable to indigenous biological diversity and air.

AER 4.1 has not been amended to include a reference to health and safety. This is within the policy and does not need to be included in the AER.

10.4 Schedule 3

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
6	Schedule 3	134-135	24-36

10.4.1 Recommendations

Rec. 267 Delete Schedule 3 and all references to Schedule 3 from policies.

10.4.2 Reasons

Most submissions received on Schedule 3 requested it be deleted. The schedule does not include all factors that need to be considered when assessing adverse effects. Unlike the other schedules, it does not address a PRPS issue, or a matter of national importance.

The schedule provides general guidance for preparing an assessment of environmental effects. This type of information is best provided as non-regulatory advice or information to assist applicants in preparing a resource consent application.

Recommendations on all other schedules have been made under the related topic in each section of this report.

10.5 Roles and Responsibilities and Glossary

Refer to:

Provision Code	Provision	Page(s) of PRPS	Summary of Decisions Requested - Page(s)
177	Roles and responsibilities	93	831-833
249	Glossary	147-151	948-969
250	Glossary of Te Reo terms	152-154	969-971
248	Appendices – general	144-146	942-948

10.5.1 Recommendations

- Rec. 268 Amend the introductory paragraph to clarify what the PRPS must contain in accordance with ss62(1)(h) and (i) of the RMA.
- Rec. 269 Amend the regional council responsibilities to clarify:
- Required objectives, policies and methods will be included in regional plans.
 - That managing adverse effects of discharges of hazardous substances applies to water.
- Rec. 270 Amend the city and district council responsibilities to clarify:
- Required objectives, policies and methods will be included in district plans.
 - That city and district councils are not responsible for the maintenance of indigenous biological diversity of wetlands.
- Rec. 271 Add an introductory statement to the Glossary clarifying that terms not defined take their meaning from the RMA, NPSs, or NESs and their common usage meaning where not defined in those documents.

10.5.2 Reasons

Roles and responsibilities

Most submissions on Roles and Responsibilities either supported this section or requested amendments to clarify responsibilities.

The roles and responsibilities section of the PRPS is retained as it is a requirement of s62 of the RMA. Additional text has been added to provide clarification regarding the purpose of ss62(h) and (i), and that the regional, city and district functions specified in this section will be undertaken through regional and district plans.

City and district councils are not responsible for the maintenance of indigenous biological diversity of wetlands. The roles and responsibilities are amended to address these submissions.

The Panel agrees with submissions that the Regional Council is responsible for managing the discharge of hazardous substances to water. The Regional Council's responsibilities are amended to address these submissions.

No other changes to the roles and responsibilities are recommended in response to submissions. This section of the PRPS sets out the roles and responsibilities of regional, city and district councils in accordance with the requirements in s62(i) of the RMA.

Glossaries

A number of submissions were made on the Glossary and the Glossary of Te Reo Terms. Submissions requested new glossary definitions, amended glossary definitions, the deletion of glossary definitions and that the two glossaries be combined into one.

The requests for deletions, amendments and additions have all been addressed under the relevant sections of this report. The requests to combine the glossaries have been addressed in the previous recommendations in this report on structure and ease of use.

An explanatory statement is added to the Glossary to provide clarification regarding terms not defined in the RPS. Undefined terms will be taken to mean the same as in the RMA, NPSs or NESs or, if not defined in those documents, will take their common usage meaning.