

Proposed Regional Policy Statement for Otago

Section 42A Report: Decisions Requested by Submitters

Introduction

The proposed Regional Policy Statement was publicly notified in the Otago Daily Times on 23 May 2015 and submissions closed on 24 July 2015. A total of 156 submissions were received.

The *Summary of Decisions Requested*, which called for further submissions, was notified on 12 September 2015, with further submissions closing on 25 September 2015. There were 42 further submissions received.

Purpose of this report

This report assists the decision making process by summarising the main matters raised in submissions, and identifies key questions which the Hearing Committee must consider in order to make their recommendations to the Otago Regional Council.

For major themes, information is provided about the constraints within which decisions must be made, including the relationship between different parts of the document and some of the consequences of particular changes requested.

Provisions that did not receive submissions are not discussed, but may require consequential change.

Documents referred to in this report

This report should be read in conjunction with the following documents:

Proposed Regional Policy Statement (23 May 2015)

Summary of Decisions Requested (submissions and further submissions) (30 October 2015)

Section 32 Evaluation Report: Consideration of alternatives, benefits and costs (23 May 2015)

Abbreviations

| | |
|-----------------|-------------------------------------------------|
| AER | Anticipated environmental result |
| HSNO | Hazardous Substances and New Organisms Act 1996 |
| LGA | Local Government Act 2002 |
| Local authority | Regional, city and district councils |
| NES | National Environmental Standard |
| NPS | National Policy Statement |
| NZCPS | New Zealand Coastal Policy Statement 2010 |
| ONF | Outstanding natural feature |
| ONL | Outstanding natural landscape |
| ORC | Otago Regional Council |
| RMA | Resource Management Act 1991 |
| RPS | Regional Policy Statement for Otago |
| SAL | Special amenity area |

Note: use of section/Section:

| | |
|---------|-----------------------------------------------------------------------------------------------|
| section | A reference to another section in this report. A reference to a section of the Water Plan. |
| Section | A Section of the RMA. |

Table of Contents

| | | |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1. | APPROACH TO ACHIEVING THE SUSTAINABLE MANAGEMENT OF OTAGO'S RESOURCES | 3 |
| 1.1. | <i>Overall approach to the RPS</i> | 3 |
| 2. | KĀI TAHU VALUES, RIGHTS AND INTERESTS ARE RECOGNISED AND KAITIAKITAKA IS EXPRESSED | 8 |
| 2.1. | <i>Outcome, objectives & issues</i> | 8 |
| 2.2. | <i>Objective 1.1 policy suite: The principles of Te Tiriti o Waitangi are taken into account in resource management decisions</i> | 10 |
| 2.3. | <i>Objective 1.2 policy suite: Kāi Tahu values, rights and interests and customary resources are sustained</i> | 11 |
| 3. | OTAGO HAS HIGH QUALITY NATURAL RESOURCES AND ECOSYSTEMS..... | 14 |
| 3.1. | <i>Outcome, objectives & issues</i> | 14 |
| 3.2. | <i>Objective 2.1 policy suite: The values of Otago's natural and physical resources are recognised, maintained and enhanced</i> | 16 |
| 3.3. | <i>Objective 2.2 policy suite: Otago's significant and highly-valued natural resources are identified, and protected or enhanced – General approach ...</i> | 19 |
| 3.4. | <i>Policies 2.2.1 & 2.2.2: Significant indigenous vegetation and significant habitats of indigenous fauna</i> | 21 |
| 3.5. | <i>Policies 2.2.3 to 2.2.6: Outstanding and special amenity or highly valued landscapes and natural features</i> | 22 |
| 3.6. | <i>Policies 2.2.7 – 11: Outstanding and high natural character in the coastal environment</i> | 25 |
| 3.7. | <i>Policies 2.2.12 & 13: Outstanding water bodies and wetlands</i> | 28 |
| 3.8. | <i>Policies 2.2.14 & 15: Highly valued soil resources</i> | 29 |
| 3.9. | <i>Objective 2.3 policy suite: Natural resource systems and their interdependencies</i> | 31 |
| 4. | COMMUNITIES IN OTAGO ARE RESILIENT, SAFE AND HEALTHY..... | 33 |
| 4.1. | <i>Outcome, objectives and issues</i> | 33 |
| 4.2. | <i>Objective 3.1 policy suite: Protection, use and development of natural and physical resources recognises environmental constraints</i> | 35 |
| 4.3. | <i>Objective 3.2 policy suite: Risk that natural hazards pose to Otago's communities are minimised</i> | 36 |
| 4.4. | <i>Objective 3.3 policy suite: Otago's communities are prepared for and able to adapt to the effects of climate change</i> | 41 |
| 4.5. | <i>Objective 3.4 policy suite: Good quality infrastructure and services meet community needs</i> | 44 |
| 4.6. | <i>Objective 3.5 policy suite: Infrastructure of national and regional significance is managed in a sustainable way</i> | 47 |
| 4.7. | <i>Objective 3.6 policy suite: Energy supplies to Otago's communities are secure and sustainable</i> | 50 |
| 4.8. | <i>Objective 3.7 policy suite: Urban areas are well designed, sustainable and reflect local character</i> | 52 |

| | | |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 4.9. | Objective 3.8 policy suite: Urban growth is well designed and integrates effectively with adjoining urban and rural environments..... | 53 |
| 4.10. | Objective 3.9 policy suite: Hazardous substances and waste materials do not harm human health or the quality of the environment in Otago | 57 |
| 5. | PEOPLE ARE ABLE TO USE AND ENJOY OTAGO'S NATURAL AND BUILT ENVIRONMENT | 62 |
| 5.1. | Outcome, objectives and issues..... | 62 |
| 5.2. | Objective 4.1 policy suite: Public access to areas of value to the community is maintained or enhanced | 65 |
| 5.3. | Objective 4.2 policy suite: Historic heritage resources are recognised and contribute to the region's character and sense of identity | 66 |
| 5.4. | Objective 4.3 policy suite: Sufficient land is managed and protected for economic production | 68 |
| 5.5. | Policies 4.3.1 & 4.3.2: Rural activities..... | 70 |
| 5.6. | Policies 4.3.3 – 4.3.5: Commercial and industrial activities | 72 |
| 5.7. | Policy 4.3.6: Extraction and processing activities | 74 |
| 5.8. | Objective 4.4 policy suite: Otago's communities can make the most of the natural and built resources available for use | 75 |
| 5.9. | Objective 4.5 policy suite: Adverse effects of using and enjoying Otago's natural and built environment are minimised..... | 79 |
| 6. | IMPLEMENTATION | 84 |
| 6.1. | Roles, responsibilities and methods | 84 |
| 6.2. | Anticipated Environmental Results..... | 86 |
| 6.3. | Appendices..... | 87 |
| 7. | GLOSSARIES | 90 |
| 8. | MATTERS BEYOND THE SCOPE..... | 91 |

1. Approach to achieving the sustainable management of Otago's resources

This section provides an overview of submitter requests relating to the whole of the Proposed Regional Policy Statement. Questions relating to the underpinning principles are identified, as well as how the RPS is structured as a whole to achieve integrated decision making.

1.1. Overall approach to the RPS

The proposed RPS sets out a regional vision for resource management based on four outcomes for achieving sustainable and integrated management of Otago's natural and built resources.

- Outcome 1 recognises the special relationship between takata whenua and the Crown, which must be given effect through the RMA.
- Outcome 2 recognises the fundamental importance of the natural environment, the services it provides and the inherent qualities that give value beyond human use.
- Outcome 3 recognises that the way we build our communities needs to be able to address reasonably foreseeable risks, and provide for community health and safety.
- Outcome 4 recognises that our economic, social, cultural and environmental wellbeing depends on the use, development and protection of our natural and built resources.

Each outcome builds on the preceding outcomes. The intention is to provide a holistic and integrated approach to resource management, which takes account of the synergy and inter-dependency of the natural environment and its ecosystems with the built environment, the economy and people's well-being.

Objectives policies and methods are organised into chapters under each outcome and cross referenced to the methods. Schedules provide further guidance on particular resource management matters.

1.1.1. Summary

For detail of the submissions received relating to the overall approach and the related background material, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|---------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 1 | <i>General Support</i> | <i>Whole</i> | <i>1-44</i> | <i>5-10</i> |
| 2 | <i>General Opposition</i> | <i>Whole</i> | | |

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|----------------------------------------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 3 | <i>Overall approach</i> | <i>Whole</i> | | |
| 4 | <i>Introduction – RPS</i> | <i>3-14</i> | | - |
| 6 | <i>Schedule 3 – significance threshold</i> | <i>134-135</i> | | - |
| 259 | <i>Regionally Significant Issues</i> | <i>Whole</i> | | - |
| 253 | <i>Structure of the document and usability – general</i> | <i>Whole</i> | | - |
| 255 | <i>Introduction – Overview and the Otago Region</i> | <i>3-5</i> | | - |
| 252 | <i>Process</i> | <i>Whole</i> | <i>971-977</i> | - |
| 256 | <i>Miscellaneous</i> | | | - |

Submitters expressed a wide range of views on the overall approach and structure of the proposed RPS, from support through to opposition.

A summary of amendments requested follows:

1.1.1.1 Outcomes approach

- Make the four high level outcomes less general and clarify the connection between them.
- Delete the four high level outcomes as they do not meet RMA requirements.
- The proposed RPS should follow the RMA hierarchy of issue, objective, policy, method.
- Reword the outcomes as regionally significant issues.
- Make the objectives more specific and less like outcomes.
- Make the interface with District Plans more clear.

1.1.1.2 Structure

- Re- structure by resource management topics (e.g. air, water, hazards) as it is difficult to identify all policies related to a particular resource.
- Clearly set out the objectives, policies and methods after each issue to address them and show how they relate to each other.
- Improve the usability of the current structure (e.g by cross referencing, placing methods with their related policies).

1.1.1.3 Regionally significant issues

- Explicitly identify regionally significant issues.
- Ensure objectives clearly address regionally significant issues.
- Clearly identify issues of regional significance to Kai Tahu.

1.1.1.4 Level of direction

- Provide more direction on what provisions have precedence where there is conflict between policies.
- Clarify what development is inappropriate and where remediation or mitigation is appropriate.
- Clarify whether “avoid” policies override “enable” policies or vice versa, or how these conflicts should be balanced.
- Make the “avoid” policies more flexible and do not set a higher threshold than that provided for in Sections 6 and 7 RMA.
- Replace provisions relating to “avoid” to include “avoid, remedy or mitigate”, or “where appropriate/practical”.
- Replace provisions relating to “protect” with “maintain”.

1.1.1.5 Significance threshold

- Make the Schedule 3 Significance Threshold more specific, align it better with case law and add more variables to determine if an adverse effect is significant.
- Delete Schedule 3.

1.1.1.6 Language

- Make the wording of objectives and policies clearer and more directive.
- Improve the consistency of wording for various matters, including using RMA terminology and providing more definitions if necessary.

1.1.1.7 Miscellaneous

- Submissions in this section generally suggested minor changes to text, avoidance of duplication.

1.1.1.8 Process

- Consultation with Maori Land Owners was inadequate
- Adopt alternative dispute resolution processes where possible

1.1.2. Information to assist decision making

1.1.2.1 Outcomes approach

The proposed RPS addresses the matters of Section 62 RMA, but not explicitly in the headings nor in the order set out in the legislation. The intention was to take a more

holistic approach with a focus on the key outcomes sought by the community, rather than a topic by topic approach of the current RPS. The legislative requirement is to address the matters of Section 62, it does not require that the matters are addressed in a particular order or way.

The approach used in the proposed RPS recognises the inherent tensions between the rational science way of thinking, with its focus on logic, measurement and right or wrong responses, and the cultural-ethical way of thinking, with its focus on values, relationships and better or worse responses.

The proposed structure follows the cultural-ethical style, and rational science is then used to support achievement of the desired outcomes.

1.1.2.2 Structure

The outcomes approach has resulted in a different structure, which starts with requiring a consideration of Kai Tahu matters, then the natural environment, followed by the built environment, before finally considering use and enjoyment. The objectives and policies should be considered together and not in isolation from each other in resource management decision making.

There is room to improve the usability of the structure through a range of devices, including summary tables, coding and cross referencing.

1.1.2.3 Regionally significant issues

The proposed RPS identifies issues for the sustainable management of resources in Otago which inform each objective. They have been conceptualised as barriers to achieving outcomes and are placed at the beginning of each outcome chapter.

Under Section 62 RMA, an RPS must include "significant resource management issues for the region", objectives, and policies for "those issues and objectives" and the methods to implement the policies.

Issue statements do not need to duplicate objectives, nor be the basis of those objectives. They generally describe existing or potential problems that must be resolved to promote the purpose of the RMA. They provide context and justification for policies, and help decision-makers with the interpretation and implementation of those policies. They can also identify opportunities for sustainable use and enjoyment of natural resources.

1.1.2.4 Level of direction

An overall broad judgement approach to sustainable management guided by Part 2 of the RMA should be used on a case by case basis where resource management priorities conflict; but provisions should be clear in intent and avoid clear conflicts between competing priorities as much as possible. Where one priority is intended to outweigh another, this weighting should be clear.

The application of the "avoid, remedy or mitigate" hierarchy in the proposed RPS is contentious. Some see the policies proposed as being less flexible and more restrictive than the RMA intends. Others consider these provisions impractical or too restrictive. Some request more direction on when remedying or mitigating is appropriate.

In *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd*, the "Avoiding" in section 5(2)(c) of the RMA has the "ordinary meaning of "not allowing" or "preventing the occurrence of". The case suggests objectives and policies need to be directive. If there is more scope for development of resources where the current avoidance policies apply, clarification of what development is inappropriate and where remediation or mitigation is appropriate could strengthen these policies.

1.1.2.5 Significance threshold

The criteria in Schedule 3 assist decision makers in assessing whether a subdivision, use or development is appropriate by providing guidance on matters that may influence the significance of adverse effects. This approach is considered consistent with the direction of caselaw such as *King Salmon* which suggested that in addition to providing a clearer direction to focus protection on the characteristics or attributes that make particular resources significant, there should be greater guidance on what matters may contribute to subdivision, use and development as being inappropriate.

1.1.2.6 Language

Terms and phrases in RMA documents can have specific legal meanings and often an established body of case law supporting their interpretation. Case law also supports using the same terminology and phrases as contained in the RMA (*Lakes District Rural Landowners Society v Wakatipu Environmental Society (C75/2001)*). Best practice plan writing also includes the use of plain English language to avoid confusion and interpretation.

1.1.2.7 Miscellaneous

There is scope for individual changes to address the matters raised by submitters.

1.1.2.8 Process

Clause 3(1)(d) of the first schedule of the RMA establishes the requirements to consult with takata whenua of the area who may be affected. Clause 3B of the first schedule sets out a procedure for consulting with iwi authorities whose details are contained within the Council's record of iwi authorities under s35A.

The purpose of consultation under the RMA is to provide an opportunity for potentially affected parties to have input into the relevant policy statement or plan. Opportunities for takata whenua to be involved in the development of the PRPS included through the general community consultation, through specific consultation with Kai Tahu and through consultation with Maori Land owners.

2. Kāi Tahu values, rights and interests are recognised and kaitiakitaka is expressed

This chapter sets out the objectives and policies to give effect to Outcome 1 “Kai Tahu values, rights and interests are recognised and kaitiakitanga is expressed”. The provisions seek to incorporate the principals of the Treaty of Waitangi and Kai Tahu values, rights and interests into the resource management of Otago’s natural and physical resources.

2.1. Outcome, objectives & issues

The first of four outcomes, “Kai Tahu values, rights and interests are recognised and kaitiakitaka is expressed”, influences all of the subsequent outcomes, objectives and policies of the proposed RPS.

Objectives 1.1 and 1.2 seek to recognise that resource management decisions affect Kai Tahu’s relationship with their ancestral resources, through their impact on the quality of the resources that underpin their values, and on Kai Tahu’s continued access to their ancestral land.

The objectives seek to take the Treaty principles into account in resource management decision and to sustain Kai Tahu values, rights and customary resources. These two objectives seek to provide consistency with Sections 6(e), 7(a) and 8 of the RMA. The reasons for the objectives are underpinned by issues and needs.

2.1.1. Summary

For detail of the submissions received relating to these matters, refer to:

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|-----------------------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 5 | Introduction – The Treaty partner | 6-11 | 44-79 | - |
| 7 | Chapter B1 – general requests | 15-22 | | |
| 260 | Outcome 1 and introduction | 10-12 | | |
| 8 | Issue 1.1 | 16 | | |
| 261 | Need 1.1 | 16 | | |
| 9 | Issue 1.2 | 16 | | |
| 262 | Need 1.2 | 16 | | |
| 11 | Objective 1.1 | 16,17 | | 11-13 |
| 263 | Introduction to Objective 1.1 | 17 | | |
| 16 | Objective 1.2 | 16,19 | | |

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|-------------------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 264 | Introduction to Objective 1.2 | 19 | | |

Submitters expressed a wide range of views on the overall approach to achieve the outcome for Kai Tahu, from support through to opposition.

A summary of amendments requested follows:

2.1.1.1 Kai Tahu's status as takata whenua

- Provide further clarity to the status of Kai Tahu and their interests as Treaty Partner and mana whenua.
- Do not elevate Kai Tahu above all other parties by allowing them a role in the decision making process, or afford them greater status than the public and other mana whenua groups.
- Clearly cover all takata whenua within Otago, including those mana whenua who do not recognise themselves as Kai Tahu.
- Give better effect to the Treaty partnership between Kai Tahu and local authorities by improving engagement and involvement of Kai Tahu in resource management and emphasising the need for effective planning tools and processes.

2.1.1.2 Level of direction regarding Kai Tahu values, rights and interests

- Strengthen the direction provided by identifying the Treaty principles in Objective 1.1.
- Reduce the direction provided by not elevating Kai Tahu and the Treaty principles in Objective 1.

2.1.2. Information to assist making decisions

2.1.2.1 Status of Kai Tahu

Part 2 of the RMA contains a number of specific provisions relating to takata whenua that must be considered. Sections 6(e),6(f) and 6(g) require that "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga", "the protection of historic heritage from inappropriate subdivision, use and development" and "the protection of protected customary rights" is recognised and provided for. Section 7(a) requires that particular regard be had to "kaitiakitanga". Section 8 requires that the principles of the Treaty of Waitangi are taken into account.

The Local Government Act 2002 (LGA) also requires that, councils must take appropriate account of the principles of the Treaty of Waitangi and requires councils to facilitate Maori participation in decision-making. The LGA goes beyond

the requirements of the RMA to require councils to establish and maintain processes for Maori to be involved in decision-making.

Local government has similar obligations under the Ngai Tahu Claims Settlement Act 1998.

Individual, whanau, hapu or takata whenua groups may have a range of interests and at different levels in a resource management proposal or issue. Where there are overlapping interests within a particular area or about a particular resource, in addition to Kai Tahu, other takata whenua groups may want to be involved in resource management processes and decisions.

Therefore, the Treaty of Waitangi principles, including the principle of partnership, need to be taken into account in the proposed RPS.

2.1.2.2 Level of direction regarding Kai Tahu values, rights and interests

The objectives and policies on Kai Tahu values, rights and interests will also be considered with the objectives and policies supporting the other 3 outcomes. Policies within these chapters recognise Kai Tahu values, rights and interests, where appropriate.

Proposed Policies 1.1.1 and 1.1.2 seek to give takata whenua the assurance they will be involved in the identification and protection of their cultural values, and be able to exercise kaitiakitaka, whilst Policies 1.2.1 to 1.2.4 set more specific principles on how the identification and protection of cultural values will be integrated in regional and district plans. Proposed Policy 1.2.5 provides for the use of Maori land, and recognises the importance of providing takata whenua with the ability to provide for their economic, social and cultural well-being.

A strong regulatory direction guides the identification and protection of sites of cultural significance (Proposed Policies 1.2.2 and 1.2.3), whereas a more general regulatory direction was considered appropriate in the other policies. The purpose of this was to give as much flexibility as possible on how local authorities engage with Kai Tahu, while ensuring resource management decisions take Kai Tahu values into account.

Refer also to the following section, 2.3, regarding the objectives and their policies.

2.2.Objective 1.1 policy suite: The principles of Te Tiriti o Waitangi are taken into account in resource management decisions

Policies 1.1 and 1.2 seek to promote awareness of the obligations of the Treaty of Waitangi and to ensure that the principles of the Treaty are taken into account in resource management. This is to ensure that local authorities obligations as a treaty partner, under the RMA and under the Ngai Tahu Claims Settlement Act 1998 and Local Government Act (LGA) are met; and the principle of tikanga Maori and kaupapa maori are promoted and understood.

2.2.1. Summary

For detail of the submissions received relating to this matter, refer to:

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 12 | Policy suite 1.1 | 17-18 | 57-75 | 11-13 |
| 13 | Policy 1.1.1 | 17-18 | | |
| 14 | Policy 1.1.2 | 17-18 | | |
| 15 | Schedule 2 | 17-18 | | |

Submitters expressed a wide range of views on the proposed policies.

A summary of the amendments requested follows:

2.2.1.1 *Level of direction regarding Kai Tahu values, rights and interests*

- Do not extend statutory acknowledgement provisions beyond that required by legislation.
- Do not extend the policy suite beyond the requirements of the RMA (Sections 6, 7 and 8).

2.2.1.2 *Language*

- Use more active language [addressed in report under section 1.1.2.6].

2.2.2. Information to assist recommendations

2.2.2.1 *Level of direction*

This is addressed in report under section 2.1.2.2 above.

2.3. Objective 1.2 policy suite: Kāi Tahu values, rights and interests and customary resources are sustained

Policies 1.2.1 to 1.2.4 set more specific principles on how the identification and protection of cultural values will be integrated in regional and district plans to meet local authority obligations to takata whenua under the RMA. Provision is included for the identification and protection of important cultural sites, and the concept of wahi tupuna, or ancestral landscapes, recognising the connections that make the landscape important.

Proposed policy 1.2.5 provides for the use of Maori land, and recognises the importance of providing takata whenua with the ability to provide for their economic, social and cultural well-being.

2.3.1. Summary

For detail of the submissions received relating to this matter, refer to:

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 17 | Policy suite 1.2 | 19 | 79-98 | 11-13 |
| 18 | Policy 1.2.1 | 19 | | |
| 19 | Policy 1.2.2 | 20 | | |
| 20 | Policy 1.2.3 | 20 | | |
| 21 | Policy 1.2.4 | 20 | | |
| 22 | Policy 1.2.5 | 20 | | |
| 23 | Schedule 1 | 121-132 | | |

Submitters expressed a wide range of views on the proposed policies.

A summary of amendments requested follows:

2.3.1.1 *Level of direction*

- Identify and sustain Kai Tahu interests and rights.
- Recognise cultural landscapes as well as sites.
- Do not extend the policy suite beyond the requirements of the RMA (Sections 6(e), 7(a) and 8).
- Replace provisions relating to “sustain” with “recognise and provide for”, or to “protect and enhance”.
- Provide guidance on how conflicting uses and values are to be resolved, or otherwise clarify the direction.
- Replace provisions relating to “avoid” to include “avoid, remedy or mitigate” (addressed in report under section 1.1.2.4)
- Delete reference to Schedule 3 Significance Threshold (addressed in report under section 1.1.2.5)

2.3.1.2 *Schedule 1: Takata whenua values and interests*

- Clarify the values in Schedule 1, so they are more easily given effect.

2.3.1.3 *Access over private land*

- Do not require access to cultural sites on private land.

2.3.1.4 *Involvement of Kai Tahu in decision making*

- Make the decision of a local authority to transfer its functions, powers or duties to an iwi authority a matter for the local authority, not as an RPS direction.

2.3.2. Information to assist recommendations

2.3.2.1 Level of direction

This is addressed in the report under section 2.1.2.2.

2.3.2.2 Schedule 1: Takata whenua values and interests

The purpose of Schedule 1, in addition to providing statutory acknowledgement under the Treaty, is to provide further guidance on takata whenua values and interests for resource management processes and decision making.

There needs to be a balance between being too broad and all encompassing (which would not provide sufficient direction) and too prescriptive (which may exclude important values).

2.3.2.3 Access over private land

Not all sites of significance are accessible to takata whenua. Facilitating access over public land to sites of significance to mana whenua is not explicitly provided for in the RMA, and the powers and function of local authorities to facilitate access is often limited if land is in private ownership.

The proposed RPS “facilitates” access, it is not a mandatory obligation under Method 11.2.3.

3. Otago has high quality natural resources and ecosystems

This chapter addresses the natural resources and ecosystems of Otago. It builds on the first outcome and precedes the chapters addressing the use of these natural resources, whether in creating the built environment, or in using and developing these resources.

3.1. Outcome, objectives & issues

The second outcome, “*Otago has high quality natural resources and ecosystems*”, provides a common language for describing natural resources and their values. It sets out levels of protection afforded to natural resources and their values, depending on their significance, and ensures that resource management takes appropriate account of the interconnection between natural resources and processes within the natural environment.

The three objectives proposed seek the maintenance or enhancement of Otago's natural resources and ecosystems. Proposed Objective 2.1 describes Otago's natural resources and their values in general, while Proposed Objective 2.2 introduces the most significant resources, which require a higher level of protection. Proposed Objective 2.3 is focused on ensuring the interdependencies between resources are appropriately taken into account for the effective integrated management of resources.

3.1.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|--------------------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 24 | <i>Chapter B2 - general requests</i> | 23-41 | 98-126 | - |
| 265 | <i>Outcome 2 and introduction</i> | 23 | | |
| 25 | <i>Issue 2.1</i> | 24 | | |
| 266 | <i>Need 2.1</i> | 24 | | |
| 26 | <i>Issue 2.2</i> | 24 | | |
| 267 | <i>Need 2.2</i> | 24 | | |
| 27 | <i>Issue 2.3</i> | 25 | | |
| 268 | <i>Need 2.3</i> | 25 | | |
| 29 | <i>Objective 2.1</i> | 26 | 126-133 | 14 |
| 269 | <i>Introduction to Objective 2.1</i> | 26 | | |

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|-------------------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 40 | Objective 2.2 | 32 | 237-243 | 14 |
| 270 | Introduction to Objective 2.2 | 32 | | |
| 58 | Objective 2.3: | 39 | 384-389 | 14 |
| 271 | Introduction to Objective 2.3 | 39 | | |

Submitters expressed a wide range of views, from overall support of having a consistent approach across the region to opposition to different aspects of the proposal.

A summary of amendments requested follows:

3.1.1.1 Scope of Chapter B2

- Address the values and protection of physical resources in this chapter as well.
- Deal with values and resources of regional significance only.

3.1.1.2 Better reflect the Otago context

- Make the outcome more meaningful.
- Make the objectives resource specific, with less overlap, including with regard to what values or resources need to be enhanced, and what "significant and highly valued resources" are.
- Identify values more specifically.
- Address Kai Tahu values more specifically.
- Identify more specific issues which better reflect Otago's context.

3.1.1.3 Level of direction regarding natural resources

- Make the objectives less absolute and allow for a wider range of policy responses, including the ability to use "limits" to control all resource uses.
- Give greater weight to the intrinsic values of Otago's natural environment and its ecosystems.

3.1.2. Information to assist recommendations

3.1.2.1 Scope of Chapter B2

Under Section 55 of the RMA, the concept of sustainable management applies to "natural and physical resources", which are defined as including "land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures."

As proposed, Chapter B2 focuses on ecosystems, land, air, water, and soil, all "natural" resources, in contrast with Chapter B3, which has a strong focus on the creation of man-made structures, especially those which are more enduring.

3.1.2.2 Better reflect the Otago context

Outcome 2 as proposed is very broad, with "high quality natural resources and ecosystems" being open to some degree of interpretation.

The issues associated with Outcome 2 are mostly risk-focused, and deal with what often results in resource degradation. They do not specifically describe environmental problems experienced in Otago, such as decline in water quality, over-allocation of freshwater resources in some catchments of the region, and loss of indigenous biodiversity.

Objectives should be positive, and specific enough to provide useful guidance for decision making about what is to be achieved. They should also be assessable, so that the effectiveness of the approach can be ascertained.

"Values" is a broad term. There may be many different values, whether intrinsic or for their importance to people. Sometimes, values may conflict, or overlap in relation to specific resources: a coastal area may have high natural character as well as being assessed as a significant landscape. The values described in the proposed RPS are at a high level: regional or district plans may provide a much more tangible expression of those values.

3.1.2.3 Level of direction regarding natural resources

This is addressed in the report in the following sections.

3.2. Objective 2.1 policy suite: The values of Otago’s natural and physical resources are recognised, maintained and enhanced

Proposed Policies 2.1.1 to 2.1.7 indicate what level of protection should be applied to the values of natural resources. They generally seek to "preserve", "protect", "maintain" or "provide for" those values. "Preserve" is the highest protection threshold, and "provide for", the lowest.

3.2.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|-------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 30 | <i>Policy suite 2.1</i> | 27-31 | | |
| 31 | <i>Policy 2.1.1</i> | 27 | | |
| 32 | <i>Policy 2.1.2</i> | 28 | 133--237 | 15-19 |
| 33 | <i>Policy 2.1.3</i> | 28 | | |
| 34 | <i>Policy 2.1.4</i> | 29 | | |

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|--------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 35 | Policy 2.1.5 | 29 | | |
| 36 | Policy 2.1.6 | 30 | | |
| 37 | Policy 2.1.7 | 30 | | |
| 38 | Schedule 4 | 136 | | |
| 39 | Policy 2.1.8 | 31 | | |

Submitters expressed a wide range of views on policy guidance.

A summary of amendments requested follows:

3.2.1.1 Proposed management approach

- Recognise the values of all resources and ecosystems, including soil, and indigenous biodiversity.
- Include a values assessment framework.
- Identify values, and set out the principles of monitoring and adaptive management.
- Set up a clearer management framework; give more details over how the protection of values should be achieved, and how the NPS for Freshwater Management (2014) is being given effect to.
- Better recognise and account for the relationships between indigenous and exotic biodiversity.
- Better recognise and provide for the value of resource uses, including through lower levels of protection of natural values –including maintaining the functioning of structures.
- Make any priority ranking of values explicit.
- Identify the threats and activities that need to be managed to achieve the protection of natural values.
- Make clearer provision for existing uses, and the effects they have had on the environment.
- Make more specific provision for Kai Tahu values throughout the policies.

3.2.1.2 Better provision for restoration

- Enhance the protection of wetlands and biodiversity.
- Specifically provide for the restoration of values and resources.

3.2.1.3 Language

- Clarify words such as “degradation”, “other cultural values”, “good water quality” or “important recreational values”.

3.2.1.4 Structure

- Better integrate these policies with those on natural hazards, infrastructure and discharges.

3.2.2 Information to assist making decisions

3.2.2.1 Proposed management approach

Sustainable management under the RMA is about "enabling people to provide for their (...) wellbeing and for their health and safety", while providing for the needs of future generations, and safeguarding the life-supporting capacity of natural and physical resources.

It is therefore expected that:

- Resource management will protect the suitability of resources for a wide range of economic, social, cultural and recreational activities in the short and long term;
- Resource management will recognise the intrinsic values of ecosystems; and protect the life-supporting capacity and natural values of resources.

The proposed policies adopt a bottom-line approach for natural resources: bottom-lines proposed recognise intrinsic values as well as the need for the resource to be kept in a state suitable for people to use or enjoy. Chapters B3 and B4 provide for resource uses and their benefits to the community in more detail.

A bottom-line approach generally assists in balancing use values against natural and intrinsic values. However, sometimes preference is given to a human use value, such as the need for energy. Chapter B3 of the proposed RPS deals with some locational constrained activities, while Chapter B4 also addresses some matters relating to the relationship between land use and management of the water resource.

If there is to be any preference given to particular values, where values conflict, this should be made clear.

The policies set out the level of protection attributed to the values of resources, at a high level. They do not detail the approach to achieve those levels of protection. It is left to the discretion of city, district and the regional councils to determine what policy framework will best achieve the required level of protection through regional and district plans. More direction could:

- Improve consistency between regional and district plans
- Limit the risk of the policy framework not being adequate to protect the values effectively.

3.2.2.2 Better provision for restoration

The policies do not give any details over when enhancement/restoration should be sought, and how it is to be achieved. Restoration and enhancement can be important where areas are degraded.

On the other hand, the requirement to restore/enhance values can be costly to existing users.

3.2.2.3 Language

The policies cover a wide-range of values, some of which include some uncertain wording. This can deter the understanding of what policies seek to achieve, and how it translates to specific resources.

3.2.2.4 Structure

As discussed in section 1.1.2.2, integration and usability can be improved through a range of devices, including cross referencing.

3.3.Objective 2.2 policy suite: Otago's significant and highly-valued natural resources are identified, and protected or enhanced – General approach

Objective 2.2 and its policies focus on those natural environments that require particular consideration in respect of the matters identified in Part 2 of the RMA or in other national policy documents, such as the NZCPS (2010) and the NPS for Freshwater Management (2014).

The proposed approach to managing significant or highly valued natural resources involves:

- Provision of consistent criteria or attributes to identify these resources;
- Recognition and identification of significant or highly valued natural resources in Otago;
- Protection of the values that contribute to the significance of identified areas from the adverse effects of inappropriate subdivision, use and development;
- Control of pest species that may adversely affect the values of these areas.
- Encouragement for the enhancement of areas or values of significance.

3.3.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 41 | Policy suite 2.2 | 33-38 | 243-248 | 15, 20-23 |

Submitters expressed a range of views about the general approach to managing significant and highly valued resources.

A summary of amendments requested follows:

- Ensure message that sustainable management of natural and physical resources is essential across Otago is consistent.

3.3.1.1 Level of direction

- Extend the approach proposed for the coastal environment to the freshwater environment, including identifying landward extent of lakes, rivers and wetlands.
- Provide more direction on the management of cross boundary effects of matters of national importance between territorial authorities.
- Focus on natural and physical resources that are of regional significance.
- Extend the policy suite to include other matters.
- Provide greater integration of Kai Tahu values into this section.

3.3.1.2 Structure

- Clarify the relationship between policies, schedules and the RMA.

3.3.2. Information to assist making decisions

3.3.2.1 Level of direction

The RMA identifies a number of matters that are of special significance for resource management, which are set out in Sections 6 and 7 RMA. These principles provide further elaboration to the Section 5 RMA (purpose of sustainable management) by stating particular obligations for those administering the RMA. The "statutory hierarchy" means that a "stronger direction" is given in relation to matters of national importance (Section 6) as compared to other matters (Section 7).¹

The requirement to "recognise and provide for" Section 6 matters requires the decision-maker to make actual provision for the listed matters. In contrast, the obligation to "have particular regard to" Section 7 matters requires those matters to be given genuine attention and thought, although they may be rejected.²

Caselaw resulting from the first generation of district plans clarified Council's obligations in relation to managing these resources include, as a first step, identifying their location. Although there is also a strong direction to protect these resources, the relevant approach must be guided by the Section 32 evaluation process.

Over time, obligations for significant and highly valued resources have been clarified, including through implementation of the RMA, national policy directions and subsequent caselaw.

Using consistent methodologies for the identification of these resources is an important aspect of integration. Consistency also increases alignment of cross

¹ *Environmental Defence Society v The New Zealand King Salmon Company Ltd*, NZSC 82/2013.

² *Marlborough Ridge Ltd v Marlborough District Council*, NZEnv C 73/1998

boundary resources, and helps to reduce costs in resource identification and management.

3.4.Policies 2.2.1 & 2.2.2: Significant indigenous vegetation and significant habitats of indigenous fauna

The protection of areas of significant indigenous biodiversity and significant habitats of indigenous fauna is a matter of national importance in S6(c) of the RMA.

The proposed RPS directs the identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna in Otago and provides appropriate criteria to achieve greater consistency across the region.

3.4.1. Summary

For detail of the submissions received relating to this matter, refer to;

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|---------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 42 | <i>Policy 2.2.1</i> | 33 | 248-274 | 15, 20-23 |
| 43 | <i>Schedule 5</i> | 137 | | |
| 44 | <i>Policy 2.2.2</i> | 34 | | |

Submitters expressed a range of views on the proposed policies.

A summary of amendments requested follows:

3.4.1.1 Scope

- Focus on significance at a regional level.
- Address terrestrial, freshwater and marine environments.
- Provide specific recognition of Kai Tahu values in policies & Schedule 5.
- Amend Schedule 5 and / or clarify the use of Schedule 5.

3.4.1.2 Managing adverse effects

- Emphasise protection of areas of significance over provision for mitigation or remediation of adverse effects.
- Policy should have more flexibility for management of adverse effects rather than avoidance of adverse effects, whether through mitigation, remediation, offsetting or compensation.
- Provide greater clarification where remediation and mitigation will be allowed and limit its application on areas with significant, vulnerable or irreplaceable values.
- Include clauses relating to controlling adverse effects of pest species.

3.4.2. Information to assist in making decisions

3.4.2.1 Scope

The RMA requires that Section 6 matters, such as significant indigenous vegetation and significant habitats of indigenous fauna be “recognised and provided for”. However, the identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna in planning documents within Otago is inconsistent and incomplete.

A report ranking territorial authorities according to the extent of native cover not legally protected in the five land environment where less than 20% of indigenous cover is remaining found the three top ranked councils (those with the greatest area of both unprotected and threatened environments) nationally were in Otago.³

The focus of the policies of the proposed RPS is to implement the national direction of the RMA at a regional and local level by establishing consistent criteria relevant for the region. A regional framework for the management of these resources is proposed, which also provides scope for local communities to consider significance at a local level if appropriate.

When the locations of areas of significance are identified, there is greater certainty for the community. Potential limitations on use are also more easily identified.

3.4.2.2 Managing adverse effects

Particular care is required to achieve a balance between protection and mitigation when managing finite resources, and in particular those which are irreplaceable and vulnerable to change. Mitigation or remediation may not be appropriate where unsuccessful or ineffective mitigation or remediation may result in the loss of rare or threatened species.

However, in situations where resources less rare or vulnerable there is the potential that adverse effects may be mitigated, remediated or even result in the enhancement of the significant attributes and characteristics of the area.

3.5. Policies 2.2.3 to 2.2.6: Outstanding and special amenity or highly valued landscapes and natural features

Otago is nationally recognised for the quality and diversity of its landscapes. The values placed on these landscapes are the result of many factors, including natural forces, historical activity, cultural associations and ongoing land uses.

The approach adopted by the proposed RPS is to articulate the guidance on the recognition and management of landscapes established by caselaw to enable a more consistent and integrated approach to landscape management in Otago. This approach is achieved through the Policies 2.1.7 and 2.2.3 to 2.2.6.

³ New Zealand’s remaining indigenous cover: recent changes and biodiversity protection needs, Science for Conservation, Department of Conservation, 2007.

3.5.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|---------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 37 | <i>Policy 2.1.7</i> | 30 | 223-235 | 15-19 |
| 38 | <i>Schedule 4</i> | 136 | | |
| 45 | <i>Policy 2.2.3</i> | 34 | 274-330 | 15, 20-23 |
| 46 | <i>Policy 2.2.4</i> | 34 | | |
| 47 | <i>Policy 2.2.5</i> | 35 | | |
| 48 | <i>Policy 2.2.6</i> | 35 | | |

Submitters expressed a range of views on the proposed policies, including both support for and opposition to the proposed assessment criteria.

A summary of the amendments requested follows:

3.5.1.1 Level of direction

- Ensure the legality of proposed policies and alignment with the RMA and caselaw, both in terms of outstanding natural landscapes (ONL), outstanding natural features (ONF) and Special Amenity Areas (SAL).
- Reduce the level of protection proposed.
- Allow for development of significant infrastructure or other activities that may need to be located in areas of significance.

3.5.1.2 Assessment criteria

- Focus on the identification of significant landscapes at a regional level.
- Check the appropriateness of the criteria.
- Ensure the criteria provide sufficient guidance.

3.5.2. Information to assist in making decisions

3.5.2.1 Requirement to identify significant landscapes

Environment Court caselaw has identified that, in respect of a district council's functions, including integrated management of land, the starting point for the first stage of plan development must be to identify the facts and appropriate matters to be considered, and in particular the matters identified in Part 2 of the RMA. The values contributing to the significance of landscapes are identified under a number of sections of Part 2 of the RMA, including in particular Sections:

- S6(a) Natural character of coastal environment, wetlands, lakes and rivers,

- S6(b) Outstanding natural features and landscapes,
- S6(f) & (e) Cultural or heritage values, and
- S7(c) Amenity values.

3.5.2.2 Methodology for identification

There is no single recognised methodology for evaluating landscapes and considerable variation in landscape terminology both at a national and at a regional level. Most territorial authority plans within Otago include landscape categories that could be characterised as outstanding natural landscapes, outstanding natural features or special amenity landscapes. However different methodologies, criteria and terminology have been employed throughout the region, resulting in inefficiencies in the management of these resources and increased costs in the planning regime.

3.5.2.3 Assessment criteria

There is no single recognised methodology for landscape classification or identification and caselaw in this area is evolving. Even the list of criteria developed by the Environment Court for the purposes of landscape identification was acknowledged as not being a fixed list.

The NZCPS provides the highest level of national policy guidance on landscape identification under the RMA. Although the policy direction of the NZCPS applies only to the coastal environment there is no clear differentiating factor between coastal landscapes and landscapes in other parts of the environment that would exclude the use of these criteria more broadly.

The criteria proposed for identification of significant landscapes will achieve the greater consistency that caselaw cannot. By placing these criteria in the proposed RPS, the debate about the criteria will occur once, and the scope for re-litigation of this issue through subsequent plan development processes will be greatly reduced due to the need for district plans to give effect to the RPS.

3.5.2.4 Special Amenity Landscapes

In identifying the landscape values of a district or region there may be areas that have values that are of significance under Sections 6(a), 6(c), 6(e), 7(c) and 7(f), but do not meet the exceptional quality test to qualify them as "outstanding natural landscapes", or alternatively may be outstanding but insufficiently natural to be considered under Section 6(b) of the RMA⁴. Due to the lack of national guidance on the implementation of these provisions different terms have been applied to these landscapes as territorial authorities have sought to implement the direction of the RMA. In Otago these have generally been identified on the basis of amenity values and have included: significant amenity landscapes (Central Otago), visual amenity landscapes (Queenstown Lakes), landscape conservation areas (Dunedin City), rural scenic zones (Waitaki).

⁴ *Wakatipu Environment Society and ors vs Queenstown Lakes District Council*, NZEnv C 180/1999, para 113

3.5.2.5 Identify landscapes at a regional level

The RMA does provide for landscape identification and protection to be applied at a regional level, with additional controls at a local level as appropriate. This would effectively create an additional tier of landscape management within the region by identifying regionally significant landscapes in addition to those of significance at a district and city level.

This would be contrary to the way in which RMA roles and responsibilities have been agreed on, with the city and district councils taking responsibility for land use controls.

3.5.2.6 Managing adverse effects

Use of the term “avoid” in relation to adverse effects has proven to be contentious, partly, as a consequence of the decision of the Supreme Court in the King Salmon case.

However, the King Salmon decision confirmed that ONL/ ONF are not protected absolutely. Instead, a decision maker must assess whether an activity is “inappropriate”. The term “inappropriate” is “heavily affected by context” and “should be assessed by reference to what it is that is sought to be protected”. Activities that adversely affect the qualities and characteristics that make these places significant will generally be inappropriate; conversely activities that do not adversely affect these qualities and characteristics may be entirely appropriate.

Focusing the direction of the policies on the avoidance of adverse effects on the values that contribute to the significance of these landscapes provides scope for activities which do not adversely affect these values to locate in these areas.

In relation to special amenity landscapes, the statutory hierarchy within Part 2 of the RMA implies a lower level of significance is applied to Section 7 matters than to those in Section 6. The requirement to “recognise and provide for” under Section 6 matters requires the decision-maker to make actual provision for the listed matters. In contrast, the obligation to “have particular regard to” Section 7 matters requires those matters to be given genuine attention and thought, although they may be rejected.⁵ This is reflected in the weaker protection afforded by the requirement to avoid “significant adverse effects” in Policy 2.2.6.a) within SAL.

Within this framework there is also scope for territorial authorities to identify and provide more specific direction on what may constitute inappropriate subdivision, use and development based on a more detailed understanding of the values of particular landscapes and in the context of the local environment.

3.6.Policies 2.2.7 – 11: Outstanding and high natural character in the coastal environment

Section 6(a) RMA identifies the preservation of the natural character of the coastal environment and coastal marine area as a matter of national importance.

⁵ *Marlborough Ridge Ltd v Marlborough District Council, NZEnv C 73/1998*

The NZCPS provides further policy guidance on how the preservation of the natural character of the coastal environment and coastal marine area should be achieved and a number of other strong policy directives for management of the coastal environment.

The approach proposed in the proposed RPS is to articulate guidance on the recognition and preservation of the natural character of the coastal environment and coastal marine area through specific policies and by undertaking collaborative processes to identify the extent of these areas with Otago's coastal territorial authorities.

3.6.1. Summary

For details of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|----------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 39 | <i>Policy 2.1.8</i> | 31 | 235-345 | 15-19 |
| 49 | <i>Policy 2.2.7</i> | 35 | | 15, 20-23 |
| 50 | <i>Policy 2.2.8</i> | 36 | | 15, 20-23 |
| 51 | <i>Policy 2.2.9</i> | 36 | | 15, 20-23 |
| 52 | <i>Policy 2.2.10</i> | 36 | | 15, 20-23 |
| 53 | <i>Policy 2.2.11</i> | 37 | | 15, 20-23 |

Submitters expressed a wide range of views.

A summary of the amendments requested follows:

3.6.1.1 Level of direction

- Make the provisions consistent with the requirements of the RMA or the NZCPS.
- Map features required by the NZCPS, such as the landward extent of the coastal environment or surf breaks of national or regional importance.
- Clarify the purpose and direction of the natural character policy.
- Modify provisions protecting the natural character of the coastal environment.

3.6.1.2 Language

- Clarify language used in policies around "values" of areas of natural character.

3.6.1.3 Managing adverse effects

- Provide greater scope for remediation of adverse effects.

3.6.1.4 Scope

- Recognise and protect the Port of Otago.

3.6.2. Information to assist in making decisions

3.6.2.1 Level of direction

The identification of the landward extent of the coastal environment facilitates assists in the management of coastal issues and the integration of territorial and regional council functions. Options for recognising the landward extent of the coastal environment include mapping in the proposed RPS or in city and district plans, and in the Regional Plan: Coast. Maps of the landward extent of the coastal environment could be included in the proposed RPS. Alternatively these areas could be identified in the relevant District and Regional Plans. The Otago Regional Council, Dunedin City Council and Waitaki and Clutha District Councils have undertaken a joint exercise to map the extent of the coastal environment to provide a consistent approach and effectively manage the interface between different local authorities. The output of this project could be included in either option.

Policy 13 of the NZCPS differentiates between the attributes used to identify the natural character of the coastal environment and those used to identify natural features and landscapes or amenity values. These attributes guide the identification of areas of high or outstanding natural character required by the NZCPS and the elements of these areas that require protection. These attributes are included in Proposed Policy 2.1.8.

The NZCPS provides strong direction on the protection of areas of natural character and the protection of surf breaks of national importance. The proposed RPS has to give effect to the directions of the NZCPS. However, there is scope to provide greater detail around how the management natural character will be achieved and the recognition of regional matters, such as regionally significant surf breaks. The NZCPS was developed by the Department of Conservation and is responsible for monitoring its adoption and implementation. It is noted the submissions from that department generally support the policies proposed.

3.6.2.2 Language

A number of submitters suggested replacing the use of "values" with alternative wording. While there is scope to amend these policies in this respect there appears to be no clear consistent views on the most appropriate terminology to adopt.

3.6.2.3 Managing adverse effects

Despite the strong direction provided by the NZCPS, there may be scope to provide for remediation of adverse effects by including more detail around the nature of effects that may be acceptable and/or where subdivision, use or development are inappropriate.

Policy 6 of the NZCPS recognises the importance of activities that have a functional need to locate in the coastal environment, such as ports. Although this section of

the proposed RPS focuses on the direction of the NZCPS to protect environmental values the direction of Policy 6 is also achieved through policy suites 3.5 relating to the management of infrastructure of national and regional significance.

3.7.Policies 2.2.12 & 13: Outstanding water bodies and wetlands

Policies 2.2.12 and 2.2.13 seek to protect outstanding water bodies and wetlands by setting criteria for their identification, and giving direction on how adverse effects on their values should be managed.

3.7.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 54 | Policy 2.2.12 | 37 | 345-361 | 15, 20-23 |
| 55 | Policy 2.2.13 | 37 | | |

A summary of the key themes and decisions requested on Policies 2.2.12 and 2.2.13 follows:

3.7.1.1 Identification

- Improve clarity of the criteria.
- The policies duplicate the protection of outstanding natural features, landscapes and seascapes.

3.7.1.2 Managing adverse effects

- They should be more specific on how adverse effects should be managed, and should provide for remediation or mitigation.

3.7.1.3 Management of wetlands

- Align with the NPS for Freshwater Management (2014) adequately; in particular, they should provide for all wetlands.

3.7.2. Information to assist in making decisions

3.7.2.1 Identification

The NPS for Freshwater Management (2014) seeks the protection of the significant values of outstanding freshwater bodies and of wetlands (Objectives A2 and B3), without defining precisely which freshwater bodies are outstanding. They can be identified in the RPS or regional plans, and could be based on factors such as ecological, landscape, recreational and spiritual values.

The proposed RPS does not identify outstanding freshwater bodies, but seeks to provide more guidance through the setting of criteria for their identification. Proposed Policy 2.2.12 does not specifically state whether all criteria listed have to be met to consider the waterbodies as significant, or whether meeting only one is sufficient. However, it could be difficult for any water body to meet all criteria listed. As proposed, discretion remains at the regional plan level on this matter.

3.7.2.2 *Managing adverse effects*

Requiring the "avoidance" of adverse effects is an onerous requirement, following the King Salmon decision. However, the proposed policies still provide scope for activities which do not adversely affect these values to locate in outstanding areas.

The NPS Freshwater Management seeks the protection of the significant values of such water bodies, while the policy focuses on those which "contribute to the significance of water bodies" can be considered as being their "significant" values.

3.7.2.3 *Management of wetlands*

The NPS for Freshwater Management (2014) also seeks the protection of the significant values of all wetlands (Objectives A2 and B3), while Policies 2.2.12 and 2.2.13 only focus on outstanding wetlands. Policies 2.2.1 and 2.2.2 only refer to outstanding wetlands as well. The only policy applying to all wetlands is Policy 4.4.3, which however, only refers to their natural character.

Wetlands are important resources, and provide valuable ecosystem services, such as the filtering of water, or the mitigation of flow variability. They also support significant biodiversity, and as a result, important recreational values. Otago has, as the rest of New Zealand, lost significant areas of wetlands with human occupation. The protection of indigenous vegetation associated with wetlands is identified as one of the four priorities in the National Priorities for Protecting Rare and Threatened Native Biodiversity on Private Land.⁶

Wetlands lie at the boundary of regional and district responsibilities in Otago, as district councils control all land uses, when regional councils control the taking, damming, diverting of water, and discharges to water. As a result, wetland management needs a good quality coordination between local authorities.

3.8. Policies 2.2.14 & 15: Highly valued soil resources

Highly valued soils are acknowledged as a finite resource and the pressure for other activities to occur in areas where these resources are present is a threat to their availability. The approach proposed places greater emphasis on the identification and recognition of these areas to facilitate greater planning for the productive use and protection of those values.

⁶ Protecting our Places, Ministry for the Environment, 2007

3.8.1. Summary

For detail of the submissions received relating to this matter, refer to;

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 56 | Policy 2.2.14 | 38 | 361-384 | 15, 20-23 |
| 57 | Policy 2.2.15 | 38 | | |

Submitters expressed a wide range of views on the proposed policies.

A summary of amendments requested follows:

3.8.1.1 Scope

- Focus on regionally significant soil resources.
- Provide the appropriate level of protection for soil, given RMA requirements.

3.8.1.2 Level of direction

- Clarify the overlap between policies 2.1.5, 2.2.14 and 2.2.15.
- Recognise the significance of soils for supporting unique ecosystems, habitats and indigenous flora and fauna.
- Ensure it is appropriate to protect soils from urban growth, without unreasonable constraint on urban growth.

3.8.1.3 Language

- Make the wording of the policies and definitions more consistent, including "high class", "versatile", "highly productive", or on "land" rather than "soil".

3.8.2. Information to assist in making decisions

3.8.2.1 Scope

There is statutory rationale for protecting soil under Part 2 of the RMA, including for:

- Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and safeguarding the life supporting capacity of soil (Section 5), and
- Efficient use and development of resources, the intrinsic values of ecosystems and the finite characteristics of natural and physical resources (Section 7).

3.8.2.2 Level of direction

Due to our historical settlement patterns many of our towns and cities are often located near areas of high quality or versatile soil. As a consequence of growth and development these areas are subject to pressure for use by activities that are not related to the productive potential of the soil resource.

A key starting point for improving the management of Otago's soil resources needs to be recognition of which soils are of particular importance for purposes of resource use and the identification of where these particular resources are present.

Although the need to safeguard the life supporting capacity of soil is specifically identified in Section 5 of the RMA, balancing its protection against competing uses is less clear than for matters identified in Sections 6 or 7 of the RMA.

3.9. Objective 2.3 policy suite: Natural resource systems and their interdependencies

Policy suite 2.3 requires that resource management decision making takes into account the interdependencies between natural resources. Natural resources and their systems are interconnected in a number of different ways. The use of one resource may adversely affect another. An integrated approach to resource management is essential to ensure decision making takes this into account.

3.9.1. Summary

For detail of the submissions received relating to policy suite 2.3, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 59 | Policy suite 2.3 | 39-41 | | |
| 60 | Policy 2.3.1 | 40 | | |
| 61 | Policy 2.3.2 | 40 | | |
| 62 | Policy 2.3.3 | 40 | 389-411 | 15, 24-25 |
| 63 | Policy 2.3.4 | 41 | | |
| 65 | Policy 2.3.5 | 41 | | |

Submitters expressed a wide range of views on the proposed policies.

A summary of amendments requested follows:

3.9.1.1 Local authority boundaries

- Improve the management of cross boundary issues, and resources that cross boundaries.

3.9.1.2 Extend scope, or improve clarity

- Recognise human use and economic values of resources as well.

- Clearly give effect to the NPS for Freshwater Management (2014).
- Clarify what “values” are, and the means by which they are measured.
- Better protect Kai Tahu values, rights and interests.
- Recognise reverse sensitivity in an integrated management approach.
- Avoid duplication by reducing the number of similar policies.

3.9.2. Information to assist in making decisions

These requests are addressed in other parts of this report.

4. Communities in Otago are resilient, safe and healthy

This chapter addresses Chapter B3 of the proposed RPS, the processes by which the built environment is created, from recognition of the inherent characteristics of the natural environment on how resources are used and developed, including consideration of natural hazard risk, through development and operation of important energy resources and infrastructure, through to the creation of enduring urban form and management of waste.

4.1. Outcome, objectives and issues

The third outcome, "*Communities in Otago are resilient, safe and healthy*" captures the important attributes of enduring structures. Paramount is the recognition of the constraints that the natural environment inherently places on our ability to use and develop resources and build structures.

It sets out principles for the appropriate use, subdivision and development of resources to ensure the community's resilience. These principles aim at reducing the community's vulnerability to natural hazards, to the effects of climate change, to any inappropriate use of hazardous substances, and to inappropriate waste management. The importance of good quality urban design and infrastructure services in community's resilience is recognised.

4.1.1. Summary

For detail of the submissions received relating to this matter, refer to:

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|-------------------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 65 | Chapter B3 - general requests | 43 | 411-425 | - |
| 272 | Outcome 3 and introduction | | | |
| 66 | Issue 3.1 | 44 | | |
| 273 | Need 3.1 | | | |
| 67 | Issue 3.2 | | | |
| 274 | Need 3.2 | | | |
| 68 | Issue 3.3 | | | |
| 275 | Need 3.3 | | | |
| 69 | Issue 3.4 | | | |
| 276 | Need 3.4 | | | |
| 70 | Issue 3.5 | 45 | | |
| 277 | Need 3.5 | | | |
| 71 | Issue 3.6 | | | |

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|--------------------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 278 | <i>Need 3.6</i> | | | |
| 72 | <i>Issue 3.7</i> | | | |
| 279 | <i>Need 3.7</i> | | | |
| 73 | <i>Issue 3.8</i> | 46 | | |
| 280 | <i>Need 3.8</i> | | | |
| 74 | <i>Issue 3.9</i> | | | |
| 281 | <i>Need 3.9</i> | | | |
| 76 | <i>Objective 3.1</i> | 47 | 425-431 | 26-27 |
| 282 | <i>Introduction to Objective 3.1</i> | | | |
| 79 | <i>Objective 3.2</i> | 48 | 442-444 | |
| 283 | <i>Introduction to Objective 3.2</i> | | | |
| 92 | <i>Objective 3.3</i> | 54 | 467-468 | |
| 284 | <i>Introduction to Objective 3.3</i> | | | |
| 96 | <i>Objective 3.4</i> | 56 | 472-475 | |
| 285 | <i>Introduction to Objective 3.4</i> | | | |
| 102 | <i>Objective 3.5</i> | 59 | 514-519 | |
| 286 | <i>Introduction to Objective 3.5</i> | | | |
| 107 | <i>Objective 3.6</i> | 61 | 556-559 | |
| 287 | <i>Introduction to Objective 3.6</i> | | | |
| 115 | <i>Objective 3.7</i> | 64 | 576-577 | |
| 288 | <i>Introduction to Objective 3.7</i> | | | |
| 122 | <i>Objective 3.8</i> | 67 | 599-602 | |
| 289 | <i>Introduction to Objective 3.8</i> | | | |
| 128 | <i>Objective 3.9</i> | 70 | 669-671 | |
| 290 | <i>Introduction to Objective 3.9</i> | | | |

Submitters expressed a range of views on this outcome and objective framework. The objectives were generally supported.

A summary of amendments requested follows:

4.1.1.1 Scope

- Ensure activities have regard to the local and wider environment.
- Allow for tolerance thresholds for natural hazards.
- Provide for, or require, mitigation of climate change.
- Widen the climate change provisions beyond the focus on sea level rise.
- Recognise the need for strategic planning and management of infrastructure to meet community needs.
- Address the management of adverse effects of all infrastructure.
- Address economic resilience, especially in terms of primary production and tourism.
- Recognise the benefits from industry, infrastructure, fossil fuels and importance of local energy production.
- Provide for Otago being a producer of fossil fuels.
- Extend the urban design principles to residential development in rural areas.
- Address the issues around urban/rural boundaries.
- Provide for the use of hazardous substances while managing their risk appropriately.
- Clarify the apparent overlap between Objectives 3.7 (urban areas are well designed..) and 3.8 (urban growth is well designed..)

4.1.1.2 Structure

- Address hazardous substance, waste and contaminated land separately.
- Provide separate objectives for the Port, renewable energy generation, electricity transmission, regionally significant industries, and airports.
- Simplify provisions on natural hazards.

4.1.1.3 Language

- Clarify the wording of terms, including "services", "good quality", "integrates effectively".

4.1.2. Information to assist making decisions

These matters are addressed under the relevant policy suites, following.

4.2.Objective 3.1 policy suite: Protection, use and development of natural and physical resources recognises environmental constraints

Policy 3.1.1 recognises the effects natural and physical environmental constraints have on activities and the effect activities have on environmental constraints. The

policy seeks to give effect to Objective 3.1 seeking the “protection, use and development of resources recognises environmental constraints”.

4.2.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 77 | Policy suite 3.1 | 47 | 431-442 | 27 |
| 78 | Policy 3.1.1 | 47 | | |

A range of views are expressed, from unconditional support to opposition.

A summary of amendments requested follows:

- Reword the policy to focus on key resilience issues such as greater self-sufficiency.
- The phrase "environmental constraint" is ambiguous.
- Delete the policy as the weighing of individual policies that provide for development and those that seek protection will ensure that environmental constraints are considered.
- Reword the policy in a positive way to recognise the functional necessity for activities to be located in particular areas where they rely on access to natural and physical resources in that location whilst considering the effects of the those activities.
- Broaden the policy to include the consideration of opportunities for innovative and technological solutions to constraints.
- The policy should also provide for the reasonable use of these resources to provide for economic and social well-being.
- Effects on Kai Tahu values should be considered.

4.2.2. Information to assist in making decisions

The policy is intended to require that when considering where activities may occur, a first consideration is of the environment in which the activity occurs.

4.3. Objective 3.2 policy suite: Risk that natural hazards pose to Otago’s communities are minimised

Natural hazards can create stress and fear, injure or kill people, damage property and infrastructure and have effects on the economy. They can be exacerbated by human action. Natural hazards should be identified and managed appropriately,

so that the risk of avoidable hazards and social and economic harm to individuals and communities is reduced as much as possible.

The Policy suite in section 3.2 of the proposed RPS is focussed on the assessment of natural hazards (Policies 3.2.1 – 3.2.3), management of natural hazards (Policies 3.2.4 – 3.2.8) and their mitigation (Policies 3.2.9 – 3.2.11).

4.3.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|-------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 80 | <i>Policy suite 3.2</i> | 48 - 53 | 444-466 | 27-31 |
| 81 | <i>Policy 3.2.1</i> | 49 | | |
| 82 | <i>Policy 3.2.2</i> | 49 | | |
| 83 | <i>Policy 3.2.3</i> | 50 | | |
| 84 | <i>Policy 3.2.4</i> | 50 | | |
| 85 | <i>Policy 3.2.5</i> | 51 | | |
| 86 | <i>Policy 3.2.6</i> | 51 | | |
| 87 | <i>Policy 3.2.7</i> | 52 | | |
| 88 | <i>Policy 3.2.8</i> | 52 | | |
| 89 | <i>Policy 3.2.9</i> | 52 | | |
| 90 | <i>Policy 3.2.10</i> | 53 | | |
| 91 | <i>Policy 3.2.11</i> | 53 | | |

Submitters expressed a wide range of views on how natural hazards should best be managed.

A summary of the amendments requested follows:

4.3.1.1 Assessment of natural hazards

- Widen the policies or methods to require identification of natural hazard risk, recognise the need to monitor natural hazards, enable AER's to be measured and include a definition of significant natural risk.
- Clarify which natural hazards, the scale, frequency, and likelihood of an event occurring (having regard to a timeframe no less than 100 years) need to be identified and by whom.
- Assess likelihood and trends and effects as natural hazards may be exacerbated by humans and climate change..
- Identify natural hazards in planning documents.
- Natural hazard identification submissions seeking conflicting and diverse relief:

- policy support;
- amalgamation and merging of policies;
- simplifying policies; and
- deletion of policies.
- Limit consideration of natural hazard consequences to human communities.
- Widen the assessment of natural hazard consequences to include:
 - recovery from hazard events;
 - the effects of climate change;
 - consideration of costs; and
 - effects on Kai Tahu and sites of significance.

4.3.1.2 Management of natural hazards

For natural hazard management (Policy 3.2.4):

- Clarify the concept of community “tolerance” to natural hazards.
- Simplify wording to delete residual risk remaining and community tolerance to risk.
- Integrate and coordinate management of and preparedness for natural hazards.

In assessing activities for natural hazard risk (Policy 3.2.5):

- Widen the policy to recognise some activities need to be located in a high hazard risk area (e.g. hydroelectricity generation).
- Limit the need for assessing natural risk to areas with identified natural hazard risk.
- Widen the scope of the policy to assess:
 - effects of the activity on climate change;
 - significance of the threat to human communities;
 - vulnerability of activities to natural hazard risk.

Regarding avoidance of increasing natural hazard risk (Policy 3.2.6):

- Delete the policy.
- Clarify its intent.
- Reduce risk and manage the use and development of natural and physical resources in a way that does not contribute to increased natural hazard risk and climate change.
- Widen the scope to:
 - address the extent to which risk can be mitigated or reduced to tolerable levels, including through encouraging risk reducing design;

- avoid increased natural hazard risk, including displacement of risk, from inappropriate subdivision, use and development;
- Reduce the scope to “avoiding increased natural hazard risk” to human communities.
- Manage increased natural hazard risk, as opposed to avoiding it.
- Ensure the focus is on the adverse effects arising from an exposure to a hazard and not about controlling the hazard per se.

Regarding reduction of existing natural hazard risk (Policy 3.2.7):

- Reduce risk as a key principle for managing hazards.
- Recognise that that essential physical infrastructure must be maintained, upgraded and developed to reduce natural hazard risk.
- Include critical infrastructure.
- Amend the words to be more directive, certain and provide limits.
- Encourage natural hazard risk reduction only where activities will significantly reduce risk or community vulnerability; discourage activities which will significantly increase risk.
- Consider exit strategies only where there is significant risk to human communities and their structures.
- Avoid new subdivision, use and development where the natural hazard risk is unacceptable; otherwise, ensure appropriate mitigation (with some exceptions).
- Regarding the precautionary approach (Policy 3.2.8):
 - Apply the precautionary approach across all policies:
 - Include a description in relation to the threat to biological diversity.
- Oppose the policy because of cost.

4.3.1.3 Mitigation of natural hazards (Policies 3.2.9 – 3.2.11)

Regarding natural hazard mitigation features (Policy 3.2.9):

- Address concerns about:
 - Cost;
 - The importance of Kai Tahu values; and
 - Interpretation.

Regarding mitigating natural hazards (Policy 3.2.10):

- Ensure restrictions on the use of “hard mitigation measures” as it may have unintended consequences.
- Delete or widen the policy to justify why non engineering interventions should be preferred.

Regarding enabling hard mitigation measures on public land to a limited extent (Policy 3.2.11):

- Amend to limit use of hard mitigation measures or similar interventions on public land where :
 - There is significant benefit.
 - Work relates to the functioning ability of significant infrastructure, a facility used by essential or emergency services, or a significant community facility.
- Delete the policy or widen the policy to justify why non engineering interventions should be preferred.
- Add further policies to avoid or mitigate effects on people, property, the environment and Kai Tahu values and a Kai Tahu relationships method.

4.3.2. Information to assist in making decisions

4.3.2.1 Assessment of natural hazards

At present, 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.

Natural hazards are defined in the proposed RPS and the RMA: and the only difference is that the proposed RPS definition does not include wind and fire as a natural hazard. Both of the definitions of natural hazards are broad in that they both include the action of which adversely affects or may affect human life, property, or other aspects of the environment.

4.3.2.2 Management of natural hazards

The RMA requires the RPS to state the local authority responsible, in the whole or any part of the region, for specifying the objectives, policies and methods for the control of the use of land to avoid or mitigate natural hazards or any group of natural hazards (Section 62(1)(i)).

Method 3.1.4 states that regional plans will set objectives, policies and methods, using criteria when undertaking natural hazard assessments. Method 3.2.1 states the Regional Council will undertake natural hazard assessments.

Method 4.1 sets out the responsibilities for city or district plans, by:

- Identifying areas subject to natural hazards in plans and/or natural hazard registers and databases,
- Applying the plan principles to the management of recently identified natural hazards, and
- Considering the use of adaptive management techniques.

The definition of natural hazards is discussed earlier in this report. The addition of a new policy which requires integrated and coordinated management of and preparedness for natural hazards would provide guidance and direction for future developments.

It would be useful to recognise that there are certain activities, such as hydro-electricity generation and bridges, which are necessarily located within areas which would be classified as potentially high natural hazard risk. Example of areas which would be classified as potentially high natural hazard risk include rivers with the potential for flood events.

Infrastructure is a significant physical resource and it is not always practicable to relocate it out of natural hazard areas. Recovery from natural hazard events can be facilitated through design and relocation to areas of lower risk where practical. New infrastructure may need to be located within natural hazard areas, however significantly increased risk both on site and displacement of risk off site should be avoided.

In order to provide for community health and safety and reduce community vulnerability, subdivision, new development or intensification of activity in natural hazard areas that increase risk should be avoided.

4.3.2.3 Mitigation of natural hazards

In some instances natural hazard risk may be uncertain or unknown, but there is the potential for that risk to be significant or irreversible. Applying a precautionary approach to identifying, assessing and managing that risk will provide for community health and safety and avoid increasing community vulnerability. While identifying, assessing and managing risk can result in costs to the community, failure to do so can result in significant ongoing costs and irreversible risks to the community.

Natural features or modified features and systems such as vegetated sand dunes and riparian margins can mitigate the effects of both natural hazards and climate change.

Proposed Policies 3.2.10 and 3.2.11 express a preference for risk management approaches that reduce the need for hard mitigation measures or similar engineering interventions. Alternatives to hard mitigation measures or similar engineering interventions may not be able to be located on site e.g. constructed wetlands. This is a particular issue for linear infrastructure, such as roads, which typically have long and relatively narrow sites.

4.4. Objective 3.3 policy suite: Otago's communities are prepared for and able to adapt to the effects of climate change

In Otago, climate change will bring higher sea levels and may increase the frequency and severity of climate related natural hazards.

The policy suite in section 3.3 of the proposed RPS is focused on adapting to or mitigating the effects of sea level rise and climate change.

4.4.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|-------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 93 | <i>Policy suite 3.3</i> | 54 | 468-472 | 27;32-35 |
| 94 | <i>Policy 3.3.1</i> | 54 | | |
| 95 | <i>Policy 3.3.2</i> | 55 | | |

There was a high level of support for the climate change provisions.

A summary of the amendments requested follows:

4.4.1.1 Address climate change causes

- Widen to:
 - Address the cause of climate change;
 - Promote a reduction in emissions;
 - Address potential adverse effects of carbon sequestration from pest species.
- Separate mitigation policies from adaption policies.
- Simplify, streamline and merge the policies.
- Reflect the need for economic and environmental resilience.

4.4.1.2 Use of most recent data

- Enable the most recent information to be taken into account.
- Recognise that sea level rise may be less than a metre.

4.4.1.3 Preparedness

- Add an additional policy that addresses preparedness.

4.4.2. Information to assist making decisions

Climate change is an issue raised in a number of submissions. The Ministry for the Environment and Statistics published a document dated October 2015 "New Zealand's Environmental Reporting Series: Environment Aotearoa 2015". This document reports information on five environmental domains: air, atmosphere and climate, fresh water, land, and marine. The atmosphere and climate, air and marine domains have relevance to climate change.

Key findings from these domains that are relevant to climate change follow:

- Atmosphere and climate

- The biggest driver of change is the increase in global greenhouse gases in the atmosphere. Global net emissions of greenhouse gases rose 33 percent since 1990. Between 1990 and 2011, New Zealand emitted around 0.1 percent of global emissions. New Zealand's greenhouse gas emissions increased 42 percent between 1990 and 2013.
- Carbon dioxide is the greenhouse gas that has the greatest impact over the long term. Over New Zealand, carbon dioxide concentrations increased 21 percent since 1972.
- New Zealand's temperature increased around 0.9 degrees Celsius in the past 100 years, almost certainly due to the increase in greenhouse gases in the atmosphere.
- We have high ultraviolet light levels in New Zealand. Our rates of skin cancer (melanoma) incidence are one of the highest in the world partly because of our high level of exposure to ultraviolet light.
- Air
 - Burning wood and coal for home heating is the primary source of pollutants that cause most concern. It contributes 58 percent to annual emissions of human-made particulate matter in our air. This is a problem mainly in winter, in places where households use wood or coal to keep their homes warm.
 - Air quality showed a significant improvement since 2006, driven mainly by the shift to cleaner home heating.
 - Between 2001 and 2013, estimated emissions for five key pollutants from road vehicles fell between 26 and 52 percent, due to improvements to fuel, and stricter emission limits on new vehicles.
 - In 2012, an estimated 1,000 premature deaths were associated with particulate matter in our air, 14 percent fewer than in 2006.
- Marine
 - The most serious long-term pressures on our marine environment are likely to be caused by climate change. Coastal sea levels and long-term sea-surface temperatures around New Zealand have risen over the last century, and our oceans are more acidic than when measurements were first taken in 1998.

The approach taken within the proposed RPS is to encourage the community and Councils to manage the environment in an holistic manner that will minimise climate change effects through measures such as encouraging clean heating, compact communities and active transport modes.

While the purpose of a RPS is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and

methods to achieve integrated management of the natural and physical resources of the whole region (s59), caselaw has determined that CO2 or global emissions is not a matter for a regional council to address, because it has no direct regional effect. The Minister may or may not produce a National Policy Statement which, is particularly directed at New Zealand's interests and obligations in maintaining or enhancing aspects of the national or global environment. But, if the Minister does not do so, a regional council is not under some sort of duty under the Act to fill the gap. (*Canterbury Regional Council v Waimakariri District Council, NZEnv C 70/2002*)

Further, when considering an application for a discharge permit or coastal permit relating to the discharge into air of greenhouse gases, ORC must not have regard to the effects of such a discharge causing climate change (s104E). Caselaw has upheld the interpretation of S104E of the RMA (*Greenpeace New Zealand Inc v Genesis Power Ltd, NZSC 94/2007*).

4.5.Objective 3.4 policy suite: Good quality infrastructure and services meet community needs

Infrastructure activities support a wide range of human activities and needs. As such, their management is key to maintaining or improving the community's wellbeing, its health and safety and to managing the community's footprint on the environment.

The proposed approach to infrastructure management is outlined in sections 3.4 and 3.5, directing directs decision-making to:

- Achieve the strategic integration of infrastructure with land use, as required by RMA S30;
- Provide for the development, upgrade, maintenance and operation of infrastructure;
- Manage the adverse effects from infrastructure activities; and
- Protect some infrastructure from adverse effects from other activities, including reverse sensitivity effects.

Section 3.4 applies to all infrastructure, while section 3.5 applies to infrastructure deemed "nationally and regionally significant".

4.5.1. Summary

For detail of the submissions received relating to this matter, refer to:

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s)of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|------------------|-------------------------|------------------------------------------|-----------------------------------------|
| 97 | Policy suite 3.4 | 56-58 | 475-514 | 27; 36-38 |
| 98 | Policy 3.4.1 | 56 | | |
| 99 | Policy 3.4.2 | 57 | | |
| 100 | Policy 3.4.3 | 57 | | |

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|--------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 101 | Policy 3.4.4 | 58 | | |

Submitters expressed a wide range of views on the proposed policies.

A summary of the amendments requested follows:

4.5.1.1 Scope

- Widen the scope of the proposed policies to include additional services.
- Clarify whether "lifeline utilities" or the RMA definition of "infrastructure" should be used.

4.5.1.2 Level of direction in relation to infrastructure management

- Focus only on regional effects and / or regional infrastructure, and do not detail how urban growth and infrastructure provision will be coordinated.
- Integrate infrastructure management not only to urban land uses and development, but also to other resource uses (e.g. commercial sea fishing, rural land uses).
- More clearly address the adverse effects of infrastructure provision on existing uses, and on cultural values.
- Encourage the development of community-based infrastructure.
- Better protect infrastructure by:
 - Strengthening policies to prevent reverse sensitivity effects;
 - Protecting access to the natural resources infrastructure activities are dependent (aggregate, water availability);
 - Widening the protection of nationally and regionally significant infrastructure and of lifeline utilities to other infrastructure.
- Give clearer direction to decision makers, including on the constraints facing infrastructure providers.

4.5.1.3 Operation, use, upgrades and maintenance

- Better align policy wording with the RMA and the NPS on Electricity Transmission (2008)
- The policies conflict with other principles, such as for papakaika.

4.5.1.4 Structure

- Make clearer the connection of section 3.4 with the other sections of the proposed RPS.
- Provide more detail on implementation.

4.5.2. Information to assist making decisions

4.5.2.1 Scope

Some services are as critical to the community's well-being as infrastructure. The proposed RPS does give some recognition to "essential services", defined as including hospitals and health services, schools, public transport and essential commercial activities for civil defence purposes, and to "emergency services" such as Police and Fire Service, rural fire authorities, and hospital and health services.

The Civil Defence Emergency Act 2002 refers to the entity providing the service rather than the activity itself. The RMA definition of "infrastructure" includes all of the activities intended to be covered under the "lifeline utilities" definition, with the exception of solid waste facilities.

The proposed RPS however focuses on protecting those services against adverse effects from other land uses, and does not provide specifically for those services.

Moreover, some other services, such as those provided by defence and other educational facilities, waste disposal and waste management services or fossil fuel supply chains, and passenger transport services, have not been included in those provisions.

4.5.2.2 Level of direction in relation to infrastructure management

Under Section 30 RMA, regional councils are responsible for "the strategic integration of infrastructure with land use through objectives, policies and methods".

The coordination of urban growth with the provision of network infrastructure is an important aspect of such integration, to optimise infrastructure costs and enable the efficient, effective and affordable provisions of public infrastructure.

District and city councils directly manage many of those issues, as they own and operate most network infrastructure servicing urban areas, and authorise subdivisions and developments within their district / city.

Other aspects of integration of infrastructure with land use include:

- Ensuring that rural land uses and other resource uses are serviced by appropriate infrastructure, and that land use changes are not unnecessarily constrained by infrastructure capacity / quality
- Ensuring that land uses do not unduly constrain the development, upgrade, maintenance, operation and use of infrastructure, and
- Ensuring that infrastructure activities do not unduly affect the use of land and other resources.

Resource management decisions can facilitate those investments through an enabling framework, while ensuring their adverse effects are well-managed. Resource management plans can also be pivotal in protecting the ability to upgrade, maintain and operate infrastructure, once developed.

4.5.2.3 Operation, use, upgrades and maintenance

Adverse effects on infrastructure are costly to the community it serves as a whole, as it either decrease the quality of the service they receive, or it increases the costs of those services. As a result, infrastructure needs to be considered as a physical resource that needs protection.

Infrastructure activities can be affected by land use changes or developments, either through additional operational constraints to the facility's functioning (including from reverse sensitivity effects); or through diminished output/quality of service.

Those effects can be felt on every aspect of infrastructure activities: their development, upgrade, maintenance and operation, and can be cumulative. It can also affect access to their facilities, or to the natural resources their functioning depends on (e.g. water for community water supply; or aggregate for road construction). The ability of users to access infrastructure services or use them also requires protection from other land uses.

However, the significance of infrastructure to community wellbeing differs widely depending on the type of infrastructure considered, and restrictions over land uses for the protection of infrastructure could also be costly to landowners and the community at large.

4.5.2.4 Structure

Policies in section 3.4 are read together with other sections of the proposed RPS, notably:

- Policy 3.4.1 is connected closely to section 3.8, dedicated to urban growth management.
- Policy 3.4.2 applies to all infrastructure, including nationally and regionally significant infrastructure, specifically addressed in section 5.
- Policies 3.4.3 and 3.4.4 contribute to achieving Objective 3.2 (Risk that natural hazards pose to Otago's communities are minimised).
- Policies 4.5 and the bottom lines set out in chapter 2 all apply to infrastructure activities.

Clarifying the relationships between policies reduces uncertainty and provides clearer direction to decision makers.

4.6. Objective 3.5 policy suite: Infrastructure of national and regional significance is managed in a sustainable way

This section focuses on nationally and regionally significant infrastructure, and provides them with:

- Greater protection from the adverse effects from other land uses, including reverse sensitivity effects

- Greater recognition of their benefits, by allowing their development in high value areas in specific circumstances.

4.6.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 103 | Policy suite 3.5 | 59-60 | 519-556 | 27; 36-38 |
| 104 | Policy 3.5.1 | 59 | | |
| 105 | Policy 3.5.2 | 60 | | |
| 106 | Policy 3.5.3 | 60 | | |

Submitters expressed a wide range of views on the proposed policies, from support, including relating to locational constraints and reverse sensitivity provisions through to changes requested.

A summary of the amendments requested follows:

4.6.1.1 Scope

- Clearly identify nationally and regionally significant infrastructure, and include some other facilities (e.g. irrigation infrastructure, defence facilities, electricity distribution, bulk storage for wholesale or distribution purposes of natural or manufactured gas, shipping routes, and facilities underpinning tourism activities).

4.6.1.2 Level of direction where there are high value resources

- More flexibility should be given to manage the adverse effects of infrastructure of national or regional significance on areas of high values.
- Adverse effects on heritage and cultural values should be more explicitly addressed, while landscape protection should remain strong.

4.6.1.3 Reverse sensitivity

- Policy 3.5.3 (Protecting infrastructure of national or regional significance) should be reviewed, either to:
 - Strengthen the protection of those important structure against other land uses, or
 - Better balance the interests of land owners and users, and those of infrastructure providers

4.6.2. Information to assist making decisions

4.6.2.1 Scope

In the proposed RPS, infrastructure labelled as being of "regional or national significance" is provided with greater protection from incompatible land uses. They also have some exemption from avoiding adverse effects on the values of highly valued areas as required by the policies in Section 2.2 of the proposed RPS.

Lifeline utilities (Policy 3.4.4) and electricity distribution infrastructure (Policy 3.6.5) have been provided with similar levels of protection, although some variations have to be noted between those policies.

Only infrastructure listed in Policy 3.5.1 benefit from the exemption set out in Policy 3.5.2. Most other unlisted infrastructure services local communities. As the proposed RPS restricts development in highly valued areas, there should be very little demand should be created for new local infrastructure.

Submitters expressed uncertainty about:

- Which roads should be considered as being of national or regional importance
- The list of ports and airports which are of regional or national significance.

In the absence of criteria to assess the importance of roads, case-by-case basis assessment may be needed, or use could be made of an existing assessment framework, such as the "One Network Road Classification", which is used by ORC and Environment Southland to guide the integration of transport network with land use (Otago Southland Regional Land Transport Plans 2015-2021).

4.6.2.2 Level of direction where there are high values resources

Infrastructure activities have to adapt to specific functional, operational and locational constraints, which can result in them needing to locate in:

- Areas of significant indigenous vegetation and significant habitats of indigenous fauna, or
- Outstanding natural features, landscapes, or seascapes;
- Areas of outstanding natural character;
- Outstanding water bodies or wetlands.

In those cases, there is a direct conflict between important values, namely the benefits from nationally and regionally significant infrastructure, and the importance to protect important environmental values.

The areas described above are all matters of national importance under Section 6 of the RMA, and are all afforded strong protection in the coastal environment under the NZCPS (2010). Those values contribute significantly to the community's well-being, as the dependence of Queenstown's economy on its surrounding landscapes illustrates.

In turn, the benefits from regionally and nationally important infrastructure are not to be under-estimated. Electricity transmission and renewable electricity generation

activities are of national significance and need to be provided for, under the NPS on Electricity Transmission (2008) and NPS for Renewable Electricity Generation (2011).

Other matters of national importance are not covered by Policy 3.5.3, namely historic heritage and “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taōka”. They also could conflict with nationally and regionally significant infrastructure activities.

4.6.2.3 Reverse sensitivity

See analysis in Section 4.5.2.3 of this report.

4.7. Objective 3.6 policy suite: Energy supplies to Otago’s communities are secure and sustainable

Section 3.6 of the proposed RPS focuses on the management of energy generation, transmission and distribution activities, and the issue of reliance on fossil fuel.

4.7.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 108 | Policy suite 3.6 | 61-63 | 559-567 | 27; 36-38 |
| 109 | Policy 3.6.1 | 61 | | |
| 110 | Policy 3.6.2 | 62 | | |
| 111 | Policy 3.6.3 | 62 | | |
| 112 | Policy 3.6.4 | 62 | | |
| 113 | Policy 3.6.5 | 62 | | |
| 114 | Policy 3.6.6 | 63 | | |

Submitters expressed a range of views on the energy policy suite. Proposed Policy 3.3.3 (reducing long term demand for fossil fuel) was generally supported.

A summary of the amendments requested follows:

4.7.1.1 Renewable electricity generation, transmission and distribution

- Provide more consistently for renewable electricity generation, transmission and distribution.
- Promote small and community scale renewable generation activities.

4.7.1.2 Hydro-electricity generation and other water uses

- More clearly address the conflicts between hydro electricity generation activities and other water uses in the proposed RPS.
- Make protection against reverse sensitivity effects stronger (See analysis in Section 4.5.2.3 of this report).

4.7.1.3 Energy efficient use and transition to new fuels

- Foster efficient energy use, and the transition to cleaner fuels more explicitly
- Recognise the importance of fossil fuel supply chains.

4.7.2. Information to assist making decisions

4.7.2.1 Renewable electricity generation, transmission and distribution

Policies E1 to E4 of the NPS for Renewable Electricity Generation (2011) and Policy 2 of the NPS on Electricity Transmission (2008) require plans provide for renewable electricity generation and transmission activities.

Section 3.6 does not include policies which provides for those activities as a whole, while giving general direction as to how their adverse effects should be managed, although Policy 3.4.2 applies to those activities. Policies 3.6.1, 3.6.2 and 3.6.4 provide some specific recognition to:

- Developments / Upgrades using existing structures / facilities;
- Small scale renewable electricity generation; and
- Works on transmission and distribution activities which would increase security of supply, and the efficient transmission and distribution of electricity (with reduced transmission loss).

4.7.2.2 Hydro-electricity generation and other water uses

Otago is home to significant hydro-electricity generation activities, which could be affected by changes to the flow in upstream catchments. The protection of the functional needs of those activities, including from other activities could potentially affect water allocation regimes and environmental flows in some of Otago's catchments, including the Clutha catchment.

No environmental flow has currently been set on the Clutha catchment, and the Policy 3.6.3 would directly impact on the balancing of values to set such an environmental flow.

Such a conflict also applies in other smaller catchments.

4.7.2.3 Energy efficient use and transition to new fuels

The efficient use of energy is an important issue in energy policies, as it contributes to energy affordability, the reliability of energy supply, the need of developing new facilities, and, for some types of fuel, carbon emissions.

Electricity generation, whether renewable or not, have the potential to have significant effects on the environment.

Resource management decisions have little influence on the efficiency of the end use of energy. However, the proposed RPS addresses energy efficiency matters through:

- Schedule 6 (Urban Form & Design) seeking promotion of “energy efficiency in transport and urban form, including site layout and building design”;
- Promoting compact urban form, and the reduction of travel needs, increase in freight efficiency and increased energy efficiency in transport (Policy 3.6.6);
- Enabling activities to reduce electricity transmission and distribution losses (Policy 3.6.4).

Method 8.1.4 provides for city and district councils implementing education programs for increased energy efficiency and conservation.

Policy 3.6.6 mostly relies on urban form to decrease the community’s reliance on fossil fuels. A more holistic approach will be required, to achieve a transition to new fuels, including the fostering of new technologies.

However, resource management decisions mostly deal with land uses, and cannot influence directly the development and uptake of new, viable technologies.

4.8.Objective 3.7 policy suite: Urban areas are well designed, sustainable and reflect local character

The design of urban areas has an important role in providing for our social, cultural and economic wellbeing. Policies 3.7.1-3.7.4 seek to ensure that development creates well designed and more sustainable urban environments that support economic prosperity and create places where people want to live, work and play. These policies achieve Objective 3.7: “Urban areas are well designed, sustainable and reflect local character”.

4.8.1. Summary

For detail of the submissions received relating to policy suite 3.7, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|-------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 116 | <i>Policy suite 3.7</i> | 64-66 | 577-599 | 27; 39-41 |
| 117 | <i>Policy 3.7.1</i> | 65 | | |
| 118 | <i>Schedule 6</i> | 138-139 | | |
| 119 | <i>Policy 3.7.2</i> | 65 | | |
| 120 | <i>Policy 3.7.3</i> | 66 | | |
| 121 | <i>Policy 3.7.4</i> | 66 | | |

Submitters expressed a range of views regarding urban matters.

A summary of amendments requested follows:

4.8.1.1 Scope

- Broaden the policies to introduce additional considerations regarding urban design.
- Encourage growth in smaller towns to create more economical use of infrastructure and promote affordable housing.
- The policies are too detailed and specific.
- Energy saving and efficiency should be incorporated into the policies.
- The policies should encourage self-sufficient/off the grid living.
- The integration of development with the rural environment should apply to coastal environments. .

4.8.1.2 Necessity of Schedule 6

- Urban design is better managed at a district level.
- Schedule 6 is not needed, is too specific, and duplicates district plan content.

4.8.2. Matters for consideration

4.8.2.1 Scope

Some submissions seek to broaden the policies to encourage energy efficiency and self-sufficiency. The wise use of energy resources has environment, social and economic benefits. Energy efficiency is included as an urban form and design matter in Schedule 6, and a policy matter in 3.6; and Section 7(ba) of the RMA requires regard to be had to the efficiency to the end use of energy.

4.8.2.2 Necessity of Schedule 6

Some submissions seek the deletion of Schedule 6 and consider that district councils are better placed to provide policy direction on urban design matters. The proposed RPS is required to provide objectives, policies and methods to provide for integrated resource management across the region. Schedule 6 provides region wide direction on urban form and design.

4.9.Objective 3.8 policy suite: Urban growth is well designed and integrates effectively with adjoining urban and rural environments

Although the scale at which urban growth is occurring in Otago varies greatly across the region, ensuring the integrated management of urban development can be equally important in areas of slow growth as in areas of fast growth. The proposed RPS provides greater direction on matters for consideration when planning for the transition from rural to urban environments to improve integration between these areas and to better manage environmental impacts that result from development.

Policy 3.8.1 provides direction on ensuring integrated decision making in respect of managing urban growth by requiring greater consideration of impacts on rural resources, infrastructure and environmental values and constraints prior to development.

Policy 3.8.2 and Schedule 8 provide more specific tools for controlling growth pressures where required by directing where growth will occur through the identification of urban growth boundaries or future urban development areas.

Policy 3.8.3 sets more specific principles to manage the effects of the fragmentation of rural land to protect productive values and avoid reverse sensitivity effects or conflict between activities.

4.9.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|-------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 123 | <i>Policy suite 3.8</i> | 67-69 | 602-669 | 27; 42-44 |
| 124 | <i>Policy 3.8.1</i> | 67-68 | | |
| 125 | <i>Policy 3.8.2</i> | 68 | | |
| 126 | <i>Schedule 8</i> | 142 | | |
| 127 | <i>Policy 3.8.3</i> | 69 | | |

Submitters expressed a wide range of views on the proposed policies.

A summary of amendments requested follows:

4.9.1.1 Relevance for the RPS

- Submissions on managing urban growth included those supporting its use to more effectively development with infrastructure provision, protect landscape, heritage and cultural values and to manage pressures on productive rural activities or the management and development of infrastructure.
- Submissions opposing urban growth policies pointed to the need to provide for growth and questioned the prioritisation of rural productivity over urban development.

4.9.1.2 Providing greater detail

- Submitters sought greater direction or detail where policies suggested a degree of greater consideration is required, including areas where air quality may be an issue, location of valued soils, and natural hazards.
- Recognise development can result in environmental improvements such as biodiversity, access and pest management.

- Provisions on soils also received divergent responses whilst a number of submitters perceived inconsistencies in direction relating to soil policies within the document, particularly between terms such as highly versatile soils and highly valued soils.

4.9.1.3 Capacity for urban development

- Submitters questioned the appropriateness of detailed aspects of the policies including the provision of a 10 year supply and the requirements for staging of development to reduce infrastructure costs.

4.9.1.4 Appropriateness of Proposed Policy 3.8.2 and Schedule 8

- While the broader policy for managing urban growth received a number of submissions seeking amendment, the policies proposing control of urban growth through urban growth boundaries or urban development (Policy 3.8.2) areas generated more polarised views. Although there was support for the approach proposed in Policy 3.8.2, the high level of direction in the policy and lack of identified boundaries in Schedule 8 caused concern amongst a number of submitters who questioned whether it is a regionally significant issue and the adequacy of the section 32 analysis.

4.9.1.5 Accommodating the diversity of activities in rural areas

- A number of submitters sought wider recognition of other economic activities that use the rural environment including rural industry, rural research, tourism and recreation.

4.9.1.6 Reverse sensitivity and conflict

- Reverse sensitivity and conflict with rural activities were identified as important but separate issues that need consideration.

4.9.1.7 Mineral extraction

- These policies were also of interest to the mineral extraction industry which seeks greater recognition and provision for associated activities.

4.9.1.8 Infrastructure provision

- Oversupply or poor design of urban development can place unnecessary or excessive costs on the local community. In addition inappropriately sited or managed development can adversely affect the provision and maintenance of infrastructure.

4.9.2. Information to assist in making decisions

4.9.2.1 Relevance for RPS

The purpose of a RPS is to provide policies and methods to achieve the integrated management of the natural and physical resources of the region. Increasing pressure for development requires greater integration of competing priorities for resource management. In addition, regional councils are also responsible for the

strategic integration of infrastructure with land use through the provision of objectives, policies and methods under S30 of the RMA.

Potential impacts associated with urban growth identified by submitters as being relevant to growth in Otago include: managing impacts on rural resources such as landscapes, rural productivity, biodiversity and access, managing infrastructure costs on the community, potential impacts on existing and proposed infrastructure, managing the character and heritage values of an areas or settlement, and managing impacts on economic activities.

4.9.2.2 Providing greater detail

The proposed policies identify a number of matters of consideration for urban development including air quality, natural hazards, and valued soils. In most cases the proposed RPS does not include the relevant information relating to these matters, which may be contained in other documents, such as the Regional Plan: Air, or may be matters that need research in relation to the specific area proposed for development.

Submitters sought clarification in relation to soil policies in the proposed RPS due to inconsistent use of terms such as high class, highly valued and highly versatile soils.

4.9.2.3 Capacity for urban development

Staging of development may be a mechanism to reduce the cost of infrastructure provision to the local community by limiting the amount of land that has to be serviced for development at any one time. The greater the area zoned for potential immediate development, the greater the capacity and amount of infrastructure required. However, the benefit of providing certain supply of zoned land in reducing land prices may be lost if its access to the market is overly constrained by requirements for staging.

The appropriate supply of land to accommodate growth will be dependent upon a number of factors including the rate of growth and density of development anticipated. The community will be affected by economic implications of land supply for development. Undersupply may result in higher land prices for purchasers, while oversupply will result in increased infrastructure costs for the wider community until these areas are developed. Ensuring a certain level of supply may help manage planning for infrastructure costs and reduce land shortages, but this may not be appropriate if applied at the scale of each township, particularly where development would affect significant landscape, heritage or biodiversity values.

4.9.2.4 Appropriateness of Proposed Policy 3.8.2 and Schedule 8

The purpose of Policy 3.8.2 and Schedule 8 is to provide greater certainty for the community in areas under significant pressure for growth. There needs to be a balance between providing certainty and managing the effects of development and being too prescriptive.

The inclusion of Policy 3.8.2 and defined urban growth boundaries in Schedule 8 of the RPS would prevent plan changes enabling urban development beyond these boundaries without a plan change to the RPS. This would apply to both private and

Council led plan changes. Some submitters have requested that these policies be applied to growth boundaries established in District Plans but not the proposed RPS. Imposing high levels of restriction of this nature should be clearly justified and well understood by the community, both in terms of the overall policy principle but, also any specific boundary developed.

4.9.2.5 Accommodating the diversity of activities in rural areas

Although the rural environment is dominated by primary production activities a range of other activities also occur there including rural industries, recreational activities, and tourism. Due to the potential to generate a wider range of effects these activities tend to be subject to more specific control at a district plan level.

4.9.2.6 Reverse sensitivity and conflict

Reverse sensitivity and conflict has been raised by a number of submitters as a significant issue in relation to urban growth and development. Reverse sensitivity issues often prove are difficult to address through effects based mechanisms alone.

Consideration of reverse sensitivity issues can occur at the plan development stage, to manage the activity status accorded to sensitive activities, and through consideration at the time of decision making on applications seeking to establish activities that may cause reverse sensitivity issues.

4.9.2.7 Mineral extraction

Mineral extraction and quarrying are technically productive activities that occur in the rural environment but generally fit outside what is anticipated in these areas. These extractive industries often have significant effects during the period of extraction but provide significant economic benefits.

4.9.2.8 Infrastructure provision

Planning for infrastructure growth and development to cater for the future needs of the community inherently requires planning over longer time periods than smaller scale development. Urban development creates pressure for additional infrastructure services but also establishes activities sensitive to the provision, upgrade and maintenance of these services. Reverse sensitivity issues have the potential to constraint the efficient provision of infrastructure. Ensuring good quality infrastructure meets the needs of the community is discussed further under section 4.5 of this report.

4.10. Objective 3.9 policy suite: Hazardous substances and waste materials do not harm human health or the quality of the environment in Otago

Hazardous substances and waste materials policies are included in section 3.9 of the proposed RPS. The hazardous substances and waste materials policies address management in order to avoid creating environmental problems or adversely affecting human health.

4.10.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 129 | Policy suite 3.9 | 70 -72, 75 | 671-688 | 27, 47 - 49 |
| 130 | Policy 3.9.1 | 71 | | |
| 131 | Policy 3.9.2 | 71 | | |
| 132 | Policy 3.9.3 | 71 | | |
| 133 | Policy 3.9.4 | 72 | | |
| 134 | Policy 3.9.5 | 72 | | |
| 135 | Policy 3.9.6 | 72 | | |
| 136 | Policy 3.9.7 | 72 | | |

Submitters expressed a range of views on managing these substances and waste materials.

A summary of the amendments requested follows:

4.10.1.1 General matters

- Provide stricter controls over private rural landfills and the burning of waste.
- Include waste transportation activities within the "transfer" of hazardous waste and waste materials.
- Clarify:
 - How these provisions relate to the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (2011);
 - That the waste industry and residential land uses conflict.
- Add new policies and related methods to:
 - Manage the use, storage and disposal of hazardous substances and the storage and disposal of waste materials;
 - Provide for the establishment and use of waste management facilities and services.
- Provide a separate suite of policies for hazardous substances and for waste management.
- Provide for more specific methods of implementation.
- Provide for either more stringent, or less stringent, approaches to hazardous substance and waste management.

4.10.1.2 Contaminated land

- Do not include potentially contaminated land in the policy framework.
- Establish an information sharing protocol with Kai Tahu, acknowledging that there may be specific cultural protocols, tikanga or processes associated with remediation of contaminated land that has wahi tapu, or land with other significant cultural associations.
- Change the timing of contaminated land assessments, the scope of the policy and other wording changes.

4.10.1.3 Hazardous substances: best management practices and services

- Focus on best management practices.

4.10.2. Information to assist recommendations

4.10.2.1 Relationships between planning documents

Objectives and policies within the proposed RPS are broad, while objectives, policies and rules in regional and district plans provide more detail and set rules.

4.10.2.2 Relationship of the RMA hazardous substances provisions to the Hazardous Substances and New Organisms Act 1996 (HSNO) and transport legislation

The RMA prescribes the functions of both regional councils and city and district councils in terms of the land use controls for hazardous substances, for regional councils under Section 30 RMA.:

- The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances (S30 (1)(c)(v)).
- In the coastal marine area, the control (in conjunction with the Minister of Conservation) of any actual or potential effects of the use, development, or protection of land, including the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances (S30(1)(d)(v)).
- The control of discharges of contaminants into or onto land, air, or water and discharges of water into water (S30 (1)(f)).
- The RPS must state the local authority responsible for specifying the objectives, policies, and methods for the control of the use of land to prevent or mitigate the adverse effects of the storage, use, disposal, or transportation of hazardous substances (S62(1)(i)(ii)).

and for district councils under Section 31 RMA:

- The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances (S31 (1)(b)(ii)).

This is reflected in the allocation of Methods in the proposed RPS.

4.10.2.3 Hazardous substance and related legislation

The purpose of the HSNO is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms.

Under that Act, anybody wanting to introduce a hazardous substance or new organism that is not already legally present in New Zealand must apply to the Environmental Risk Management Authority (the Authority) for approval to do so.

If the Authority approves the introduction, it will set national controls on the substance or organism to manage their environmental effects and risks. All users of hazardous substances will need to comply with the controls that are set throughout the life cycle of the hazardous substance.

Controls are rules put in place to prevent or manage the adverse effects of hazardous substances.

The HSNO relates to a number of other Acts including the RMA and various legislation relating to Transport.

New Zealand's transport legislation is aimed at the safe operation of air, sea and land transport. The relevant legislation is:

- Civil Aviation Act 1990
- Maritime Transport Act 1994
- Shipping and Seamen Act 1952
- Land Transport Act 1998.

Generally, New Zealand transport legislation follows international transport agreements in terms of managing the safety of transporting hazardous substances. Overall, the minimum requirements under the HSNO Act are consistent with the requirements for land transport of hazardous substances, but the requirements for air and sea transport are more stringent than under the HSNO Act.

The HSNO Act and land transport legislation set consistent controls on identifying and packaging substances, and for the skills that people using these substances must have. However, for some substances there are additional requirements for tracking and handling and storage in transit.

4.10.2.4 Managing contaminated soil

The RMA prescribes the functions of local government relating to contaminated land are also set out under Sections 30 and 31 RMA.

In summary:

- The ORC is responsible for managing all discharges to the environment. Regional rules can either allow these discharges as permitted activities or require consent. The ORC can also investigate contaminated land.
- District and city councils control how land is used. District rules can require resource consents for specified land uses and for subdivisions.

When a regional or district plan adopts a rule that requires a resource consent for a specified activity, the council must assess any applications for that activity in accordance with the requirements of the RMA (Section 104). This includes "having regard to any actual and potential effects on the environment" which includes "Ecosystems and their constituent parts, including people and communities" (Section 2 of the RMA).

The purpose of this NES is to "protect human health" and the matters controlled in the NES relate only to the protection of human health.

The different roles of the councils mean they will need to work together to manage contaminated sites in their respective jurisdictions. The ORC can work more closely with district and city councils to make information about contaminated land, including land known to have been used by hazardous industries or hazardous activities available to the territorial authority.

A variety of methods are identified in the proposed RPS to deliver on these roles and responsibilities, and include sharing of information.

4.10.2.5 Separate provision for waste and hazardous substances

The request to separate the waste provisions from hazardous substances under a separate suite of new objectives and policies can be viewed as being counter to simplifying and streamlining provisions and the integrated management of hazardous substances and waste. A change to the terminology to refer to waste management facilities (such as landfill gas collection systems, waste transfer stations, resource recovery facilities and wastewater treatment plants) as opposed to disposal.

5. People are able to use and enjoy Otago's natural and built environment

This chapter addresses a range of matters relating to the use and enjoyment of Otago's natural and built environment where regional direction has been considered appropriate. Much of the detail of local provisions relating to use and enjoyment will be addressed at the regional or district plan level, without guidance from the proposed RPS.

5.1. Outcome, objectives and issues

The fourth outcome, "People are able to use and enjoy Otago's natural and built environment" highlights the importance of enabling people to provide for their economic, social and cultural wellbeing. There are a diverse range of objectives and policies clustered under this outcome, including directions regarding public access, management of historic heritage, ensuring sufficient land is available for various activities, making best use of available resources, and, finally, minimising the adverse effects of these activities.

5.1.1. Summary

For details of the submissions received relating to this matter, refer to:

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|-------------------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 137 | Chapter B4 – general requests | 75 | 688-710 | - |
| 291 | Outcome 4 and introduction | 75 | | |
| 138 | Issue 4.1 | 76 | | |
| 292 | Need 4.1 | 76 | | |
| 139 | Issue 4.2 | 76 | | |
| 293 | Need 4.2 | 76 | | |
| 140 | Issue 4.3 | 76 | | |
| 294 | Need 4.3 | 76 | | |
| 141 | Issue 4.4 | 77 | | |
| 295 | Need 4.4 | 77 | | |
| 142 | Issue 4.5 | 77 | | |
| 296 | Need 4.5 | 77 | | |
| 143 | PRAs and explanations | - | | |
| 144 | Objective 4.1 | 78 | 710-711 | 50-51 |
| 297 | Introduction to Objective 4.1 | 78 | | |

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|-------------------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 147 | Objective 4.2 | 79 | 716-719 | |
| 298 | Introduction to Objective 4.2 | 79 | | |
| 153 | Objective 4.3 | 82 | 730-731 | |
| 299 | Introduction to Objective 4.3 | 82 | | |
| 161 | Objective 4.4 | 85 | 779-780 | |
| 300 | Introduction to Objective 4.4 | 85 | | |
| 166 | Objective 4.5 | 87 | 788-792 | |
| 301 | Introduction to Objective 4.5 | 87 | | |

Submitters expressed a range of views on these issues and objectives. The intent of most objectives was supported, especially those for public access and historic heritage.

A summary of amendments requested follows:

5.1.1.1 Access

- Objective 4.1 should not seek to improve access to sites of cultural and historic significance.

5.1.1.2 Historic heritage

- Better recognise cultural wellbeing and address Kai Tahu issues (access to sites of significance, historic cultural values and landscapes)
- Address the issues associated with the quake strengthening of heritage buildings.

5.1.1.3 Land and resource use

- Better align Objectives 4.3 and 4.4 with their supporting policies
- Apply Objective 4.3 to all economic activities, including those which use resources other than land
- Provide a better recognition of the values of resource use throughout the document.
- Focus on enabling resource use to balance Chapter 2 out.
- Include an objective providing for significant industry activities and better recognise tourism and its dependence on the environment and its ecosystems.

- Provide a more comprehensive approach to protecting the life supporting capacity of productive rural ecosystems.

5.1.1.4 Minimising adverse effects

- Promote a precautionary approach more widely,
- Address the effects of land use on freshwater more fully
- Refer to the pressures on all resources and ecosystems, rather than on areas of significance only.
- Ensure that resource uses will be sustainable and that economic uses will not be at the expense of environmental and cultural values
- Provide for appropriate management of adverse effects rather than their "minimisation" or avoidance.

5.1.2. Information to assist in making decisions

These matters are addressed under the relevant policy suites, following.

5.1.2.1 Precautionary approach

While the RMA is not a no-risk statute, the precautionary approach should be adopted to manage activities where there is increased risk. The Courts have made the following comments:

- The precautionary approach is not appropriate where the evidence is inconclusive and "even taking a conservative approach, the possibility of an increased risk is nebulous to a degree that to act on it would be unrealistic". (*East Park Development Ltd v Auckland Council*, NZEnv C 190/2012, See paras [1], [4]–[5], [12], [15]–[16] and [23]–[25])
- The Supreme Court noted that policy 3 of the NZCPS 2010 required the adoption of a precautionary approach to managing activities in the coastal environment whose effects were uncertain but potentially significantly adverse. The Court found there was a threshold question before an adaptive management regime might even be considered: there must be an adequate evidential foundation to have reasonable assurance that the approach would achieve its goals of sufficiently reducing uncertainty and adequately managing any remaining risk (*Sustain Our Sounds Inc v The New Zealand King Salmon Company Ltd*, NZSC 40/2014)
- "The ...question ... whether the precautionary approach requires an activity to be prohibited until further information is available, rather than an adaptive management or other approach, will depend on an assessment of a combination of factors:
 - (a) the extent of the environmental risk (including the gravity of the consequences if the risk is realised);

- (b) the importance of the activity (which could in some circumstances be an activity it is hoped will protect the environment);
- (c) the degree of uncertainty ; and
- (d) the extent to which an adaptive management approach will sufficiently diminish the risk and the uncertainty." (*Sustain Our Sounds Inc v The New Zealand King Salmon Company Ltd, NZSC 40/2014*).

5.2.Objective 4.1 policy suite: Public access to areas of value to the community is maintained or enhanced

Policy 4.1.1 seeks to maintain and enhance public access to the natural environment unless restricting access is necessary to protect health and safety, protect sensitive environmental values or protect historic or cultural heritage. This approach gives flexibility to adapt regional and district plans to local conditions.

This aligns with Sections 229 and 6(d)(matters of national importance) in the RMA regarding the maintenance and enhancement of public access to or along any sea, river, or lake. The policy also aligns with Policies 18 and 19 in the NZCPS regarding public open space and walking access in the coastal environment.

5.2.1. Summary

For detail of the submissions received relating to Policy 4.1.1, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|-------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 145 | <i>Policy suite 4.1</i> | 78 | 711-716 | 51-53 |
| 146 | <i>Policy 4.1.1</i> | 78 | | |

Submitters expressed a range of views regarding public access.

A summary of amendments requested follows:

5.2.1.1 Restricting public access

- Protect other important matters, such as infrastructure or industrial activities, including where access may compromise the security of existing established uses.

5.2.1.2 Access to sites of cultural and historic heritage

- Maintaining and enhance access to historic and cultural heritage in inconsistent with S6(d) which only provides for the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers. There is no ability to maintain or enhance public access to areas of cultural or historic significance under the RMA.

5.2.1.3 Encouraging public access

- Incentivise farmers to provide access to the countryside across farmland based on a model of mutual respect between farmer and the public.
- Encourage the development of bridleways, paths and hedgerows/ trees to improve biodiversity.

5.2.1.4 Structure

- Better clarify the relationship of this policy with those for landscape and natural features.
- Clarify that there is a balance between protection of values and benefits of providing public access.

5.2.1.5 Language

- Clarifying and simplify the language.

5.2.2. Information to assist making decisions

5.2.2.1 Restricting public access

The RMA and NZCPS provide some guidance regarding where public access should be restricted. The RMA restricts access through Esplanade Strips in S237(c) in "periods of emergency or public risk likely to cause loss of life, injury, or serious damage to property". The NZCPS also provides for restriction of public access to the coast in Policy 19(3) where it is appropriate to protect important or sensitive natural, historic or coastal sites and for defence purposes, or "to ensure a level of security consistent with the purpose of a resource consent" or in other exceptional circumstances.

5.2.2.2 Access to site of cultural and historic significance

Facilitating access over public land to sites of cultural and historic is not explicitly provided for in the RMA and the powers and function of local authorities to facilitate access is often limited if land is in private ownership.

5.3. Objective 4.2 policy suite: Historic heritage resources are recognised and contribute to the region's character and sense of identity

The approach adopted by the proposed RPS for the management of historic heritage is consistent with the approach adopted for other matters of national importance by establishing common criteria for the identification of historic heritage within Otago and providing greater clarity around local authority obligations to identify and protect these resources.

5.3.1. Summary

For detail of the submissions received relating to this matter, refer to:

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 148 | Policy suite 4.2 | 79 | 719-730 | 51; 54-56 |
| 149 | Policy 4.2.1 | 79 | | |
| 150 | Policy 4.2.2 | 80 | | |
| 151 | Schedule 7 | 140 | | |
| 152 | Policy 4.2.3 | 81 | | |

Submitters expressed a range of views on historic heritage.

A summary of amendments requested follows:

5.3.1.1 Recognising significant themes in Otago's history

- The purpose of the heritage themes is unclear and the list of themes is incomplete and lacking detail.

5.3.1.2 Criteria for identification of historic heritage

- The criteria for identification of historic heritage are inconsistent with requirements of RMA and/ or Heritage New Zealand Pouhere Taonga Act.
- The criteria for the identification of historic heritage should be expanded to include additional elements such as vegetation.
- Remove compulsion to adopt criteria, or provide for the use of closely related criteria to protect recent investment in heritage assessments in Dunedin City.

5.3.1.3 Management of historic heritage

- Include greater scope for mitigation and remediation of significant adverse effects rather than avoidance.
- Achieving the correct balance between protecting and managing historic heritage.

5.3.2. Information to assist in making decisions

5.3.2.1 Legislative direction

The protection of historic heritage is a matter of national importance under Section 6(f) of the RMA. However relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, other taonga (Section 6(e)) and the protection of protected customary rights (Section 6(g)) may also be relevant.

5.3.2.2 *Recognising significant themes in Otago's history*

The identification of heritage themes in policy 4.2.1 provides context to the nature of heritage resources in the Otago region rather than an exhaustive list. There is significant scope for inclusion of additional matters that reflect the heritage of Otago.

5.3.2.3 *Criteria for identification of historic heritage*

In the absence of any single established set of criteria for the identification of historic heritage under the RMA a set of criteria was developed in conjunction with Heritage New Zealand and in consultation with Otago's territorial authorities. However it is recognised that there may be merit in providing scope for use of closely similar criteria to avoid the obligation to re-evaluate heritage items assessed recently, but prior to the finalisation of these criteria.

The proposed schedule includes criteria for the assessment of a diverse range of heritage features, including specific vegetation of historical heritage significance. However, it is not intended to provide criteria for the assessment of the amenity values of such vegetation.

5.3.2.4 *Management of historic heritage*

The approach adopted for the management of historic heritage is generally consistent with the approach adopted for other matters of national importance in the proposed RPS, with the degree of policy direction to avoid adverse effects corresponding to the significance of the heritage values of the place or area. Consequently the direction is to avoid adverse effects on historic heritage features of national or regional significance, and to avoid significant adverse effects on other values of heritage places.

There is scope to include greater provision for remediation or mitigation of adverse effects on heritage values within the proposed policies, however this would likely require the addition of greater detail around the nature and scale of effects that may be acceptable or what subdivision, use or development is inappropriate if the underlying emphasis on protecting heritage values is to be retained.

In many cases protecting historic heritage in the long term requires enabling ongoing use of heritage features. The proposed policy suite provides for adaptive reuse of heritage places where heritage values can be maintained.

The policy framework also seeks to recognise complexity arising from the obligation to protect archaeological sites which by their very nature may be as yet undiscovered, as well as identified sites of historic heritage value.

5.4. Objective 4.3 policy suite: Sufficient land is managed and protected for economic production

Section 4.3 contributes to achieving the fourth outcome of the proposed RPS "People are able to use and enjoy Otago's natural and built environment". It proposes management of activities to enable the productive use of natural and physical resources while managing competing uses and ensuring that resource

management takes appropriate account of the interconnection between natural resources and processes within the natural environment.

5.4.1. Summary

For detail of the submissions received relating to these policies, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 154 | Policy suite 4.3 | 82-84 | 731-733 | 51; 57-60 |

Submitters expressed a range of views relating to the provision of land for economic production.

A summary of amendments requested follows:

5.4.1.1 Sustainable management

- Policy suite represents a collection of activities that are difficult to manage under land use sustainability. Efficiency of land use needs to be balanced against important values and integrated management of activities may be required.
- Objective 4.3 does not reflect sustainable management and therefore policy suite flawed.

5.4.1.2 Mineral extraction

- Include a policy recognising benefits derived from mineral prospecting, exploration, extraction and processing, particularly their contribution towards social, cultural and economic wellbeing.

5.4.1.3 Rural landscapes

- Consider new objective to manage rural lands uses identified in this section that specifically reflects the requirements for sustainable management, protecting the life supporting capacity of productive rural ecosystems.

5.4.1.4 Pest management

- Include new provisions addressing the management of pest species, adopting a precautionary approach and restricting industrial activities in areas of cultural sensitivity.

5.4.2. Information to assist in making decisions

5.4.2.1 Sustainable management

Under the RMA S5, the concept of sustainable management applies to “natural and physical resources”, which are defined as including “land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.”

Sustainable management under the RMA is about enabling people to provide for their wellbeing and for their health and safety, sustaining natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of natural and physical resources, and avoiding, remedying or mitigating adverse effects of activities on the environment. The use of minerals is excluded from this definition of sustainable management, as the use of these resources and maintaining them for future generations are effectively exclusive options and the management of the use of minerals as a resource is addressed through the Crown Minerals Act 1991.

Under the RMA resource allocation is generally on a “first in, first served” basis which does not necessarily achieve efficient allocation of finite resources. Section 7 of the RMA identifies “Other matters” which particular regard shall be had to in managing the use, development and protection of natural and physical resources. Section 7(g) includes “any finite characteristics of the natural and physical environment.” This provides scope for local authorities to include policies and rules in plans which address the efficient allocation of finite resources.

The policies only set out the level of protection or recognition attributed to the values of resources, and give limited details over the approach to achieve those levels of protection. This provides significant discretion to the relevant local authority to determine the policy framework is appropriate at a local level.

5.5.Policies 4.3.1 & 4.3.2: Rural activities

Policy 4.3.1 recognises the contribution of activities in the rural area to the region's economy and provides guidance on managing activities that may affect that contribution.

Policy 4.3.2 seeks to manage land use change that may significantly affect water yield in areas which are particularly sensitive to change or water resources are over-allocated.

5.5.1. Summary

For details of the submissions received relating to rural activities, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 155 | Policy 4.3.1 | 82 | 733-753 | 51; 57-60 |
| 156 | Policy 4.3.2 | 83 | | |

Submitters expressed a range of views on this matter.

A summary of the amendments requested follows:

5.5.1.1 *Managing rural activities*

- Recognise the functional need for some activities to locate in rural areas, for example agricultural research, rural industries, fishing, forestry, tourism and mining and extractive industries.
- Achieve environmentally sustainable levels of farming, including enabling new farming where resources are available to sustain the activity without derogating from existing uses, particularly water.
- Standardise language.
- Ensure consistency with Policies 2.2.14 and 4.3.1 in relation to soils.
- Define and provide for “regionally significant industry” activities including primary production and tourism.
- Broaden reference to reverse sensitivity to also include conflict between activities.

5.5.1.2 *Land use in dry catchments*

- Reduce or increase the level of detail in the policy.
- Define dry catchments or specifying a method to identify these areas in the proposed RPS.
- Broaden the policy to include activities other than forestry that may reduce water yield, including management of wilding trees.
- Promote the planting of tussocks to improve water management.

5.5.2. Information to assist in making decisions

5.5.2.1 *Managing rural activities*

Due to the effects based approach of many plans, the role of primary productive activities anticipated to occur in the rural area are often not specifically stated or protected by the provisions for rural areas. In Otago strong tourism and recreation based industries also seek greater recognition of their functional need to operate in the rural environment. These activities can be vulnerable to reverse sensitivity effects when more sensitive activities are allowed to establish in the rural environment.

Other activities which have functional requirement to locate in the rural environment have the potential for greater environmental impact and merit greater control, for example rural processing and industrial activities.

Versatile soils are a finite resource but highly valued resource that provides potential for a range of productive uses over time. In considering changes of rural land use regard should be had to the loss of versatile soils from primary production.

There is considerable scope for defining “regionally significant industry”. However, the significant differences in the nature and potential adverse effects of the activities identified would have to be reflected in any policy direction.

Under S30(1)(c)(iii), regional councils are responsible for the control of the use of land for the purpose of the maintenance of the quantity of water in water bodies. In Otago, the absence of a regional land plan necessitates that any restrictions on land use activities to manage water quantity are applied through district and city plans.

5.5.2.2 Land use in dry catchments

Research has indicated that tussock grasslands play an important role in water yield in parts of dryland Otago. Clearance of grasslands or displacement by forestry or wilding tree spread has been identified as factors which can adversely affect water yield from these catchments. While most activities seeking to use additional water in these areas would require resource consent, this is not the case for planting or clearance of vegetation which results in an indirect impact on water yield. This is of particular concern in over allocated catchments where an activity seeking additional water may not be permitted and any reduction in water yield may directly impact downstream water users.

5.6.Policies 4.3.3 – 4.3.5: Commercial and industrial activities

Policies 4.3.3 to 4.3.5 seek to recognise the significant investment in development to provide for urban commercial and industrial areas that meet the needs of activities and address their effects. Policy 4.3.5 recognises the finite nature of land suitable and available for industrial activities and to manage that resource efficiently.

5.6.1. Summary

For details of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 157 | Policy 4.3.3 | 83 | 753-769 | 51; 57-60 |
| 158 | Policy 4.3.4 | 83 | | |
| 159 | Policy 4.3.5 | 84 | | |

Submitters expressed a range of views on these matters.

A summary of amendments requested follows:

5.6.1.1 Central business districts

- Strengthen the policy recognising the value of the Otago’s central business districts to “recognising and providing for”.
- Recognise the economic benefits in terms of agglomeration of commercial activities and efficiency in provision of infrastructure.
- Provide scope for small scale activities that don’t have significant impacts outside the CBD.

- Better reflect the existing location of commercial activities, or the presence of multiple CBDs in Queenstown.
- Enable a number of CBDs to be recognised.

5.6.1.2 *Distribution of commercial activities*

- Focus on regional effects and do not detail how commercial or industrial activities will be managed.

5.6.1.3 *Industrial activities*

- Recognise the finite amount of suitable land for industrial use by restricting the establishment of activities in industrial areas that may result in competition for land and increases in land prices that may make continued use for industry unsustainable.
- Widened the policy to manage discharges to air affecting aircraft safety and stability, and to allow for continuation of existing activities.
- Restrict the establishment of activities that may limit industrial or commercial activity due to reverse sensitivity issues.

5.6.2. Information to assist in making decisions

5.6.2.1 *Central business districts*

The commercial activity in central business districts makes a significant contribution to the regional economy. The agglomeration of commercial activities in one central business areas creates economic benefits for the community. The concentration of activities enables greater efficiency in the provision of infrastructure, this in turn often results in increased community investment in these areas to generate additional economic activity based on enhancement of amenity and vibrancy.

5.6.2.2 *Distribution of commercial activities*

Although there are significant benefits for commercial activities to locate within central business areas higher land costs and development constraints can create incentives for commercial activities to establish outside areas anticipated for this type of development. Discouraging commercial activity outside central business districts may help protect community investment in infrastructure and associated development but where options for development within these areas are limited this may limit growth and increase development costs.

5.6.2.3 *Industrial activities*

Industrial areas provide for activities that have difficulty in managing adverse effects and as a result generally have lower amenity levels and low land values. These areas are vulnerable to competition for land from other non-industrial land uses seeking to capitalise on lower land values which can make continued use by industry unsustainable, and reverse sensitivity effects resulting from the

establishment of more sensitive activities less tolerant to the effects of industrial activities.

5.7.Policy 4.3.6: Extraction and processing activities

Policy 4.3.6 seeks greater recognition of the locational constraints associated with mineral extraction industry and provides direction around management of conflicts where the location of minerals coincides with the location of other matters that require additional consideration. There is a degree of overlap between policy 4.3.6 and 4.5.6 which seeks to manage the adverse effects from these activities.

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 160 | Policy 4.3.6 | 84 | 769-779 | 51; 57-60 |

Submitters expressed a range of views on these matters.

A summary of amendments requested follows:

5.7.1.1 *Mineral extraction in highly valued areas*

- Provide better direction in relation to managing competing priorities to provide for mineral extraction and processing and avoiding their location in particular areas of sensitivity attracted divergent submissions, ranging from weakening the current level of direction to strengthening it.
- Provide greater guidance on the circumstances by which mineral extraction may occur conflicts exist with sensitive resources, such as small scale activities or minor effects.
- Broaden scope of policy to give preference to avoiding location in areas with heritage or cultural values.
- Broaden policy to recognise other locationally constrained activities eg paua and rock lobster fisheries.
- Consider amalgamation of Policies 4.3.6 and 4.5.6 to remove repetition and provide clearer direction.

5.7.1.2 *Reverse sensitivity*

- Broaden scope of policy to provide greater protection of mineral reserves from inappropriate land uses or activities that may result in reverse sensitivity issues.
- Identify the location of regionally significant mineral deposits.

5.7.2. Information to assist in making decisions

5.7.2.1 Mineral extraction in highly valued areas

Mineral extraction activities are constrained to the location of the mineral resource, which can result in them needing to locate in:

- Areas of significant indigenous vegetation and significant habitats of indigenous fauna, or
- Outstanding natural features, landscapes, or seascapes;
- Areas of outstanding natural character;
- Outstanding water bodies or wetlands;
- Areas subject to significant natural hazard risks.

There is a degree of overlap between Policies 4.3.6 and 4.5.6 and managing the balance between the competing priorities for resource use and resource protection in relation to mineral extraction activities is discussed in detail in relation to Policy 4.5.6.

5.7.2.2 Reverse sensitivity

Mineral extraction activities can generate high levels of on-site activity and as a result are sensitive to potential conflict and reverse sensitivity issues with other activities.

In addition to concerns regarding the establishment of sensitive activities near existing extractive industries resulting in restrictions on their operation there are concerns that new mineral deposits may not be developed due to the difficulty in getting access to them if sensitive activities have been established before mining begins. Avoiding this issue would require sufficiently detailed information about the location of these resources and the areas where sensitive activities need to be restricted to guide decision making. The level of information about these resources needed to achieve these results and any issues around the commercial sensitivity of this information is unknown at this point but could be identified through further discussions with submitters.

Land use controls to protect the potential future extraction of these mineral resources would need to be provided through city and district plans, in accordance with the proposed division of roles and responsibilities between the ORC and city and district councils.

5.8. Objective 4.4 policy suite: Otago's communities can make the most of the natural and built resources available for use

Proposed Policies 4.4.1 to 4.4.3 are focused on the efficient use of Otago's natural and built resources, and the adequate promotion of activities contributing to the enhancement of environmental values.

Proposed Policy 4.4.1 is dedicated to the efficient use of water, and sets out how Policy B2 of the NPS for Freshwater Management (2014) will be given effect to in

Otago. The NPS policy principles are already implemented in the operative Regional Plan: Water for Otago. The proposed policy provides for better coordination between decisions on water infrastructure and the allocation of water, and recognises the importance of appropriate infrastructure to achieve the efficient use of water. For example, the requirement of efficiency of use is proposed to extend to urban water supplies.

Proposed Policy 4.4.2 recognises the importance of the waste minimisation hierarchy of responses. The assessment of its efficiency and effectiveness is incorporated in section 7.2.7 of this report.

Proposed Policy 4.4.3 seeks the promotion of activities contributing to environmental enhancement.

5.8.1. Summary

For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 162 | Policy suite 4.4 | 85-86 | 780-788 | 51; 61-63 |
| 163 | Policy 4.4.1 | 85-86 | | |
| 164 | Policy 4.4.2 | 85-86 | | |
| 165 | Policy 4.4.3 | 85-86 | | |

Submitters expressed a wide range of views about these matters from support through to requesting changes.

A summary of amendments requested follows:

5.8.1.1 *Managing competing resource uses*

- Address conflicts between uses, and set out the principles for resource allocation.
- A more general policy should be included to recognise and provide for the value of resource uses (refer to section 3.2.2.1 of this report for analysis).

5.8.1.2 *Efficient use of resources*

- Generalise the principle of efficient resource use to all resources.
- The focus on efficient water use and provision for water storage are supported.
- Recognise the lack of control of some infrastructure providers in the efficiency of the end use.
- Ensure greater flexibility in water allocation, to provide for seasonal variations.

5.8.1.3 *Managing water shortages*

- Provide for collaborative approaches to address water shortages.
- Adopt use of the waste minimisation hierarchy of responses.

5.8.1.4 *Regionally significant industries*

- Provide greater recognition for regionally significant industry.

5.8.1.5 *Structure*

- Improve better integration with the other related policies.
- More clearly address Kai Tahu values.
- Promote enhancement of the environment generally.
- Take the costs of resource enhancement into account.
- Extend Policy 4.4.3 to other activities.

5.8.2. Information to assist in making decisions

5.8.2.1 *Managing competing resource uses*

Some resources, such as water, are scarce, and need to be allocated between competing uses. Historically, and under the RMA, water has been allocated on a “first in, first served” basis, with the regional council having the ability to allow the transfer of water permits between landowners (RMA Section 136).

“Making the most of [...] resources available for use” could direct towards allocating water to the highest adding value use. However, such setting is difficult to implement in the current RMA framework, and raises important practical questions, such as: how does one define the “best economic” use of water? What indicator is best to determine which use has more value? How does one account for risks, resilience to economic shocks, or the non-monetary costs and benefits of each use?

The operative Water Plan's approach to dealing with competing uses includes:

- Allowing as much flexibility as possible in water allocation, by encouraging the setting of “Water Management Groups” co-ordinating water takes between consent holders
- Ensuring consents allocate no more than what is needed for the use of the water.

As proposed, the RPS does not attempt to modify that framework.

5.8.2.2 *Efficient use of resources*

Policies under section 4.4 mainly deal with the efficient use of water, and waste minimisation. The concept of efficient use could be extended to all other resources, particularly land, energy and infrastructure.

The efficient use of land is provided for in sections 3.8 and 4.3, which set the principles of compact urban form, and managed land fragmentation. The management of incompatible activities also allows the full operation of existing land uses.

The efficient use of infrastructure is managed through ensuring urban development gives preference to areas with sufficient infrastructure capacity or where infrastructure services can be easily upgraded or extended (Policy 3.4.1). The protection of existing infrastructure from incompatible activities also contributes to its efficient use.

5.8.2.3 Efficient use of water

Policy 4.4.1 a) and b) seek to ensure the efficient use of water, through allocating no more than what is necessary for the purpose of use, while ensuring the take uses best infrastructure for efficiency.

Increasing the efficiency of use can be costly to landowners, especially where it requires an upgrade or significance of existing water supply infrastructure (including irrigation and community water supply).

On the other hand, inefficient use results in:

- Opportunity costs in economic terms (reducing other users' surety of supply) and in environmental terms (water abstractions higher than necessary)
- Higher risks of diffuse discharges to water.

5.8.2.4 Managing water shortages

The shortage of water in times of drought is a challenge to communities and can have serious implications for primary production, and the ability of land owners to provide for their wellbeing.

Policy 6.4.12B of the Regional Plan: Water describes the ORC's approach to managing those shortages. It does so either through supporting the establishment of a water management group, establishing a water allocation committee, developing its own rationing regime, or issuing a water shortage direction.

Water management groups are voluntary groups of consent holders, who can agree on a rationing regime and submit it to the ORC for enforcement, while water allocation committees are appointed by the ORC.

The consequences of droughts on communities can be mitigated through the development of water storage. This will be all the more critical as climate change is expected to increase the frequency of extreme weather events. However, dams and artificial lakes can have significant effects on landscapes, natural character, and ecosystem values.

The regional council is responsible for allowing the diverting, damming and taking of water. Under the current roles and responsibilities in Otago, the building of the structure is a development is controlled by the regional council if it is on the bed of a lake, a river or regionally significant wetlands, and by district councils otherwise.

5.8.2.5 Regionally significant industries

Otago's economy is reliant on a few industries, including tourism and primary production. Those two industries are heavily dependent on the quality and availability of natural resources, but also on the quality of infrastructure.

Their development could be affected by competing land uses, through adverse effects on access to resources or reverse sensitivity effects, or by the spreading of pest species. They can also be affected by legislation, if it reduces their access to resources.

Objective 4.3 seeks to protect primary production from the fragmentation of rural land, and from reverse sensitivity effects.

However, granting some industries more weight than others goes against the principles of "not picking winners" and leaving market mechanisms regulate resource use.

5.8.2.6 Structure

Policy 4.4.1 deals with the allocation of water without further reference to Policy 2.1.1, which sets out bottom-lines for freshwater management. It does not explicitly refer to the NPS for Freshwater Management (2014) framework for allocating water either.

Policy 4.4.2 deals with waste management, and is therefore closely linked to section 3.9 of the RPS. Submitters note that it could be included in the latter section, for ease of use of the document.

5.9. Objective 4.5 policy suite: Adverse effects of using and enjoying Otago's natural and built environment are minimised

Proposed Policies 4.5.1 to 4.5.11 set the principles under which the adverse effects of human activities are proposed to be managed. Those principles are:

- Avoiding objectionable activities or adverse effects
- Requiring an adaptive management approach to the management of adverse effects, when there is some uncertainty around the nature or intensity of those adverse effects

Proposed Policies 4.5.4 and 4.5.5 focus on specific adverse effects that require management, namely soil erosion and pest control.

Proposed Policy 4.5.6 highlights the adverse effects of mineral and gas extraction, to ensure those adverse effects will be appropriately considered and managed in future resource management decisions.

Policies 4.5.7 to 4.5.9 provide for the offsetting of adverse effects on indigenous biodiversity and air quality.

5.9.1. Summary

For detail of the submissions received relating to this matter, refer to:

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 167 | Policy suite 4.5 | 88-91 | 792-831 | 51; 64-65 |
| 168 | Policy 4.5.1 | 88 | | |
| 169 | Policy 4.5.2 | 88 | | |
| 170 | Policy 4.5.3 | 89 | | |
| 171 | Policy 4.5.4 | 89 | | |
| 172 | Policy 4.5.5 | 89 | | |
| 173 | Policy 4.5.6 | 90 | | |
| 174 | Policy 4.5.7 | 90 | | |
| 175 | Policy 4.5.8 | 91 | | |
| 176 | Policy 4.5.9 | 91 | | |

Submitters expressed a range of views on managing adverse effects. The principle of adaptive management was well supported, as were those for minimising soil erosion and managing pests.

A summary of amendments requested follows:

5.9.1.1 Discharge management framework

- Ensure that the RPS does not prevent discharges which might be appropriate.
- Address discharge management more fully.

5.9.1.2 Objectionable discharge

- Clarify the scope of Policy 4.5.1 (Avoiding objectionable discharges).

5.9.1.3 Pest management

- Methods to manage pests should be more explicit.

5.9.1.4 Mineral extraction in highly valued areas

- Recognise and address adverse effects of pests and mineral extraction on primary production.
- The precautionary approach is not justified for mineral extraction activities.
- Provide for remediation and mitigation of adverse effects of mineral extraction on highly valued resources.

5.9.1.5 *Offsetting adverse effects*

- Broaden the opportunities for offsetting to other circumstances and other resources

5.9.1.6 *Criteria for offsetting*

- Provide more specific criteria for offsetting, to ensure it is not used as a way to justify inappropriate developments.

5.9.2. Information to assist in making decisions

5.9.2.1 *Discharge management framework*

Regional councils are responsible for managing discharges to water, air, to the coastal marine area and to land. Discharge management is a key method to meet the bottom-lines set out in Section 2.1 of the proposed RPS, and presents different challenges, depending on whether it is discharges to air, water, land or the coastal marine area.

Section 4.5 does not set out an overall framework to discharge management, linked to the achievement of the proposed bottom-lines, even though:

- Policy 4.5.1 addresses the management of objectionable discharges;
- Policy 4.5.3 deals with the management of discharges to air from domestic fuel burners.
- Section 3.9 partly deals with discharges to land, through avoiding the creation of contaminated land.

The regional council is therefore being given the discretion to determine what the most effective and efficient approach to discharge management is, and to implement that approach in regional plans.

5.9.2.2 *Objectionable discharges*

Community values do not only relate to the state of the environment, and of the resources, but also to practices or activities which can be judged offensive in themselves. Policy 4.5.1 addresses such discharges, which do not meet the community's basic expectations.

The judgment of whether an activity is "objectionable" or "offensive" can vary from person to person. However, communities and societies have social norms which are generally shared. Resource management plans need to be science-based, to ensure they achieve the purpose of the RMA, but they are also informed by those norms. As a result, it is expected regional plans will define more precisely what type of discharges are objectionable and offensive. This policy is not intended to be used to provide for personal preferences in the frame of a resource application.

The list included in the policy has the potential to affect: existing discharges from community wastewater treatment plant, or the use of pesticides in the sensitive areas identified.

The inclusion of “odorous” discharges, without any qualifier, creates a high threshold which might not reflect appropriately “offensiveness”.

5.9.2.3 Pest management

Policy 4.5.5 (Controlling the introduction and spreads of pest plants and animals) is generally supported by submitters, who mostly sought:

- That methods for implementation be clarified
- To ensure that the management of pest species incursion would be provided for in Otago.

Resource management can contribute to pest management by requiring spreading control measures, for example by providing for pest control activities.

Pest control activities could have significant adverse effects, through discharges of hazardous substances. Although Policy 4.4.3 encourages pest control activities, the latter are not specifically provided for in the policies. Method 7.4 provides for the development and implementation of pest strategies.

5.9.2.4 Mineral extraction in highly valued areas

Mineral extraction activities are constrained to the location of the mineral resource, which can result in them needing to locate in:

- Areas of significant indigenous vegetation and significant habitats of indigenous fauna, or
- Outstanding natural features, landscapes, or seascapes;
- Areas of outstanding natural character;
- Outstanding water bodies or wetlands;
- Areas subject to significant natural hazard risks.

In those cases, there is a direct conflict between the benefits from mineral extraction, and the importance to protect important environmental values.

The areas described above are all matters of national importance under RMA Section 6, are all afforded strong protection in the coastal environment under the NZCPS, and contribute significantly to the community's well-being.

In turn, mineral extraction can be critical to provide the raw material for building and road construction. The location of raw materials is a key determinant of road construction costs.

Other matters of national importance are not covered by Policy 3.5.3, namely historic heritage and “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taōka”.

Mineral extraction activities are diverse: Otago's operations can be very small scale and have limited adverse effects, while other operations can be large scale. The adverse effects of some extraction practices are still uncertain (e.g. fracking) and have the potential to have significant adverse effects.

Moreover, the values of some of Otago's resources have not been fully assessed (especially coastal resources), and the pressure to extract minerals off the coast of Otago has the potential to increase. Policy 3 of the NZCPS requires the adoption of a precautionary approach for "activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse".

5.9.2.5 Offsetting adverse effects

Policies 4.5.7 to 4.5.9 provide for the offsetting of residual adverse effects on biodiversity and air quality, in certain circumstances.

Offsetting has historically been mostly used for biodiversity, and is also provided for in S17 of the NES for air quality. Offsetting can be considered for other resources such as amenity values, natural character, or water. Offsetting has been a controversial method, as it can be used to achieve good environmental results, but also to enable inappropriate developments or as an alternative to avoiding, remedying or mitigating adverse effects.

The appropriateness of offsetting depends on when it is provided for:

- For adverse effects which cannot be avoided, remedied or mitigated, or as an alternative to remediation or mitigation
- Activities with significant benefits to the community, or any activity
- Residual adverse effects, whatever their significance, or for residual adverse effects which are more than minor but acceptable nonetheless.

As proposed, the offsetting of adverse effects would be voluntary. It could also be required if felt necessary to adequately protect resources and ecosystems, or residual adverse effects on significant biodiversity could be offset, to ensure greater protection of those valued ecosystems.

5.9.2.6 Criteria for offsetting

There is an element of risk that offsetting methods could result in inappropriate land uses or developments being authorised. Good practice guidelines have been developed, including from the Department of Conservation.

Some of the challenges posed by offsetting include:

- Ensuring the benefits will last at least as long as the adverse effects
- Ensuring benefits are as close to adverse effects as reasonably possible
- Assessing whether the proposed measure will be effective in offsetting adverse effects
- Ensuring the offsetting measures are being implemented
- Managing the adverse effects of the offsetting measure itself
- Ensuring the offsetting measure is aligned with Kai Tahu values.

6. Implementation

This chapter addresses a range of matters that support and give effect to the proposed RPS.

6.1. Roles, responsibilities and methods

A reference to the RPS methods sits underneath each policy. The 11 detailed methods are contained within Part C of the RPS. This methods set out the respective roles and responsibilities of the councils and the community to deliver the outcomes in the proposed RPS.

6.1.1. Summary

For detail of the submissions received relating to methods, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|---------------------------------------------------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 177 | <i>Roles and Responsibilities</i> | 93 | 831-931 | 7-9 |
| 178 | <i>Methods</i> | 94-107 | | Whole |
| 179 - 183 | <i>Method 1 Kai Tahu relationships</i> | 94 | | |
| 184-187 | <i>Method 2 – Regional, city and district council relationships</i> | 94-95 | | |
| 188-191 | <i>Method 3 – Regional plans</i> | 95-96 | | |
| 192-195 | <i>Method 4 – City and district plans</i> | 96-98 | | |
| 196 | <i>Method 5 – Regional policy statement</i> | 98-99 | | |
| 197-202 | <i>Method 6 – Research, monitoring and reporting</i> | 99-101 | | |
| 203-209 | <i>Method 7 – Strategies and plans (non RMA)</i> | 102-103 | | |
| 210-214 | <i>Method 8 – education and information</i> | 103-104 | | |
| 215 | <i>Method 9 – Funding</i> | 104 | | |
| 216 | <i>Method 10 – Service provision</i> | 104 | | |

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|---------------------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 217-225 | Method 11 – Advocacy and facilitation | 104-107 | | |

A summary of the key themes and decisions requested on methods and roles and responsibilities of the proposed RPS follows:

6.1.1.1 Roles and responsibilities

- Clarify roles and responsibilities for historic heritage, agrichemicals, community tolerance to hazard risk, hazardous substances, and biodiversity.
- Delete the roles and responsibilities section repeats the RMA and is not needed.

6.1.1.2 Methods

- Include direction on how to facilitate efficient and effective processes for applicants to consult Kai Tahu on resource consent applications and private plan change requests. Methods should also include Kai Tahu as the Treaty Partner who are an integral part of relationships among authorities. See analysis in section 2.1 of this report.
- Broaden methods to include provision for important industry and sections such as regionally significant industry, water use for agriculture.
- Add new methods to adequately address all policies in the RPS.
- Reflect in the methods that economic wellbeing considerations are intertwined with the concept of sustainable management of natural and physical resources.
- Support the methods with robust criteria and thresholds for the delegation or transfer of functions and the identification and protection of various resource values.
- Focus on regional issues only, some methods are too broad, or not needed, such as for the management of growth.

6.1.1.3 Language

- Clarify methods and reduce the use of ambiguous and interpretive language to provide certainty and guidance for good implementation.
- Improve the language and scope of methods to align with the RMA and higher RMA plans.

6.1.1.4 Cross referencing

- Cross referencing some policies to methods has been missed and the method references in the policies are too high level and should link to the method details.

6.1.2. Information to assist in making decisions

6.1.2.1 Roles and responsibilities

Regional and district councils have overlapping functions under Sections 30 and 31 RMA. The function overlaps affect biodiversity, hazardous substances and natural hazards. Sections 62(1)(i) and 62(2) RMA requires that the regional policy statement sacrifices whether regional or district councils are responsible for these functions. Some submissions have sought more clarification and detail on various roles and functions while other submissions do not consider the roles and responsibilities section necessary.

6.1.2.2 Cross referencing

RPS policies are cross referenced at a high level to methods. Methods are broken down to a series of more specific methods under each heading. Some interpretation is required to determine what part/s of the method a policy refers to.

6.2. Anticipated Environmental Results

The Anticipated Environmental Results and Monitoring Programme section of the proposed RPS identifies the environmental results anticipated from implementing the policies and methods in the RPS and how these result will be measured and reported.

6.2.1. Summary

For detail of the submissions received relating to anticipated environmental results and the related background material, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|----------------------------------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 226 | <i>Anticipated Environmental results - General</i> | 108-118 | 931-941 | - |
| 227-228 | <i>AER 1.1 – 1.2</i> | 108 | | |
| 229-235 | <i>AER 2.1-2.7</i> | 109-112 | | |
| 236-242 | <i>AER 3.1-3.7</i> | 113-116 | | |
| 243-247 | <i>AER 4.1-4.5</i> | 117-118 | | |

A range of views on the AERs were expressed in submissions, from support through to opposition, however the majority of submission sought amendments and additions.

A summary of amendments requested follows:

6.2.1.1 Scope and clarity

- Amend the AERs as they are too broad and are not useful or measurable. They should include reporting, reviewing and auditing;
- Add and expand AERs to better recognise the importance of soil, the importance of water for agriculture, the appropriate use and development of mineral resources, waste, hazardous substance, or contaminated sites and the identification and protection of heritage;
- Strengthen water quality and wetland AERs;
- Incorporate Kai Tahu values into AERs;
- Broaden and add to AERs to give effect to all objectives and policies;

6.2.1.2 Level of direction

- Make AERS more directive by changing "can" to "will";

6.2.2. Information to assist in making decisions

6.2.2.1 Scope and clarity of AERs

Section 62(1)(j) of the RMA requires regional policy statements to include "the procedures used to monitor the efficiency and effectiveness of the policies or methods". Local authorities also have a broader duty to monitor the state of the environment and the exercise of approved resource consents under Section 35(2) RMA. The AERs and monitoring section should be specific and directive enough to measure and monitor environmental results to achieve the outcomes of the proposed RPS.

6.3. Appendices

The proposed RPS includes a number of appendices and schedules containing information that may assist in understanding or interpreting the policy statement.

6.3.1. Summary

For details of the submissions received relating to this matter, refer to:

| Provision Code | Provision | Page(s) of Proposed RPS | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|----------------------|-------------------------|-------------------------------------------|-----------------------------------------|
| 248 | Appendices - general | 144-145 | 942-948 | - |

A summary of amendments requested follows:

6.3.1.1 Amendment of existing Appendices

- Delete Appendix 1 and Appendix 2, or amend Appendix 2 to only give reference to the principles of the Treaty of Waitangi that are to be applied when giving effect to the Otago RPS.
- Amend Appendix 1 to include reference to specific reference to role of Iwi planning documents and Iwi management plans.

6.3.1.2 Inclusion of new Schedules

- Add new schedules:
 - Schedule detailing criteria for the identification of significant marine ecological areas.
 - Schedule establishing framework for the use of biodiversity offsets.
 - Schedule criteria for identification of outstanding water bodies and wetlands.

6.3.2. Information to assist in making decisions

6.3.2.1 Amendment of existing Appendices

Appendix 1 and Appendix 2 are included for information purposes to assist users unfamiliar with planning matters on the statutory framework and requirements of the Treaty of Waitangi. There is no statutory requirement to include this information.

Appendix 1 sets out the statutory framework for resource management under the RMA and recognises the requirement to take into account any Iwi planning document in Otago and identifies the relevant management plans. However the word "Iwi" has been omitted from the explanation and should be included to avoid confusion. The position Iwi management plans occupy in the statutory framework could be included in the associated diagram on page 144.

6.3.2.2 Inclusion of new Schedules

A number of new schedules have been proposed where submitters have identified areas where more detailed guidance is required.

The addition of criteria for the identification of significant marine ecological areas would be consistent with the approach proposed for the identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna but may include criteria more appropriate for the marine environment. Alternatively as these criteria would only be applied in the coastal marine area, this Schedule could be included in the Regional Plan: Coast.

7. Glossaries

The glossaries provide definitions for terms used in the proposed RPS, with a separate section for Te Reo terms. For detail of the submissions received relating to this matter, refer to:

| <i>Provision Code</i> | <i>Provision</i> | <i>Page(s) of Proposed RPS</i> | <i>Page(s) of Summary of Decisions Requested</i> | <i>Page(s) of Section 32 Evaluation Report</i> |
|-----------------------|---------------------------------|--------------------------------|--------------------------------------------------|------------------------------------------------|
| 249 | <i>Glossary</i> | 147-151 | 948-971 | - |
| 250 | <i>Glossary of Te Reo terms</i> | 152-154 | | |

Definitions were requested for a range of terms.

7.1.1. Information to assist in making decisions

Where changes are proposed to terms, and where terms are to be added, reference must be made back to the relevant objective and policies.

8. Matters beyond the scope

| Provision Code | Provision | Page(s) of Proposed Plan Change 6A | Page(s) of Summary of Decisions Requested | Page(s) of Section 32 Evaluation Report |
|----------------|----------------------------|------------------------------------|-------------------------------------------|-----------------------------------------|
| 257 | Beyond the scope – general | - | 980 | - |

A number of submissions requested decisions that are considered beyond the scope of the proposed RPS and which consequently will not be considered further through this process. These include:

| Submitter Number | Decision Requested |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | Manufacture user-friendly, budget priced sisal range of ropes for local and national use. |
| 6 | Fix the road at Taylors Creek Bridge, Ocean View. |
| 8 | <ul style="list-style-type: none"> • Stop rating people who will never use the stadium - or will never gain any benefit from it. • Adopt "user pays". |
| 20 | Include a review of ratepayers mineral prospecting rights within Otago in this or the next public submission. |
| 25 | <ul style="list-style-type: none"> • Invercargill & Dunedin hospitals to stay, the rest to be scrapped or downsized. • Central Otago rowing club moved to be at Dairy Creek • CODC to consider a starting point for the Clyde Community Plan |
| 62 | Suggest that the Council investigate the effects of switching from a net value rating systems (capital improved plus site value) to one which is based on site value alone. |
| 153 | Complete a continual North South State Highway 1 with off/exit ramps to service the City of Dunedin. Including noise protection barriers placed road side. |
| 153 | Commission a Sewerage Treatment Plant located close to State Highway 1, between Green Island & Saddle Hill. Providing reclaimed water for irrigation to the Taieri Farming Precinct, which in turn manages Dunedin's growth. |
| 153 | Work & engage with Southland to promote the Southern Scenic Route: |
| 153 | Provide direct International Air Travel to arrive & depart Dunedin Airport. |

If the commissioners hear evidence from submitters that leads them to conclude these matters are within the scope of the proposed RPS, they can be considered further at the hearing and through deliberations.