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Otago Regional Council,  
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23 July 2015

Submission re-Chapter 4, ORC's Proposed Regional Policy Statement

I have just returned from overseas and learned thanks to an article on the *Otago Daily Times* both that the document had been released for public comment and that all comments had to be in by Friday 24 July 2015.

I have not read the document – indeed knew nothing about the entire process although I read the *Times* every day – but Bridget Irving's comments resonated with me strongly.

Although I am second to nobody in my belief that our heritage is of vital on-going importance, and strongly favour public access to natural and historic amenities, I also think she has nailed on the head a major point that has been neglected for far too long. The absence of any coherent plan for enhancing the economic wellbeing of our people and region is a glaring omission, and doubtless contributes to a widespread perception outside the region that we are hostile to business. I'd have thought even a 'green' ORC would have made sustainable economic growth the central issue.

I realise that not having read the document puts me at a disadvantage, but I have seen nothing to indicate that the plan addresses either the consequences of the Government's post-earthquake policy re strengthening heritage buildings throughout the province, or the fact that a growing proportion of church buildings are at risk because their congregations are shrinking. Given the centrality assigned heritage in the 'Proposed Regional Policy Statement', I'd have expected some progressive thinking with regard to both issues.



Erik Olssen, ONZM, FRSNZ & FNZAH,  
Emeritus Professor of History,  
University of Otago.

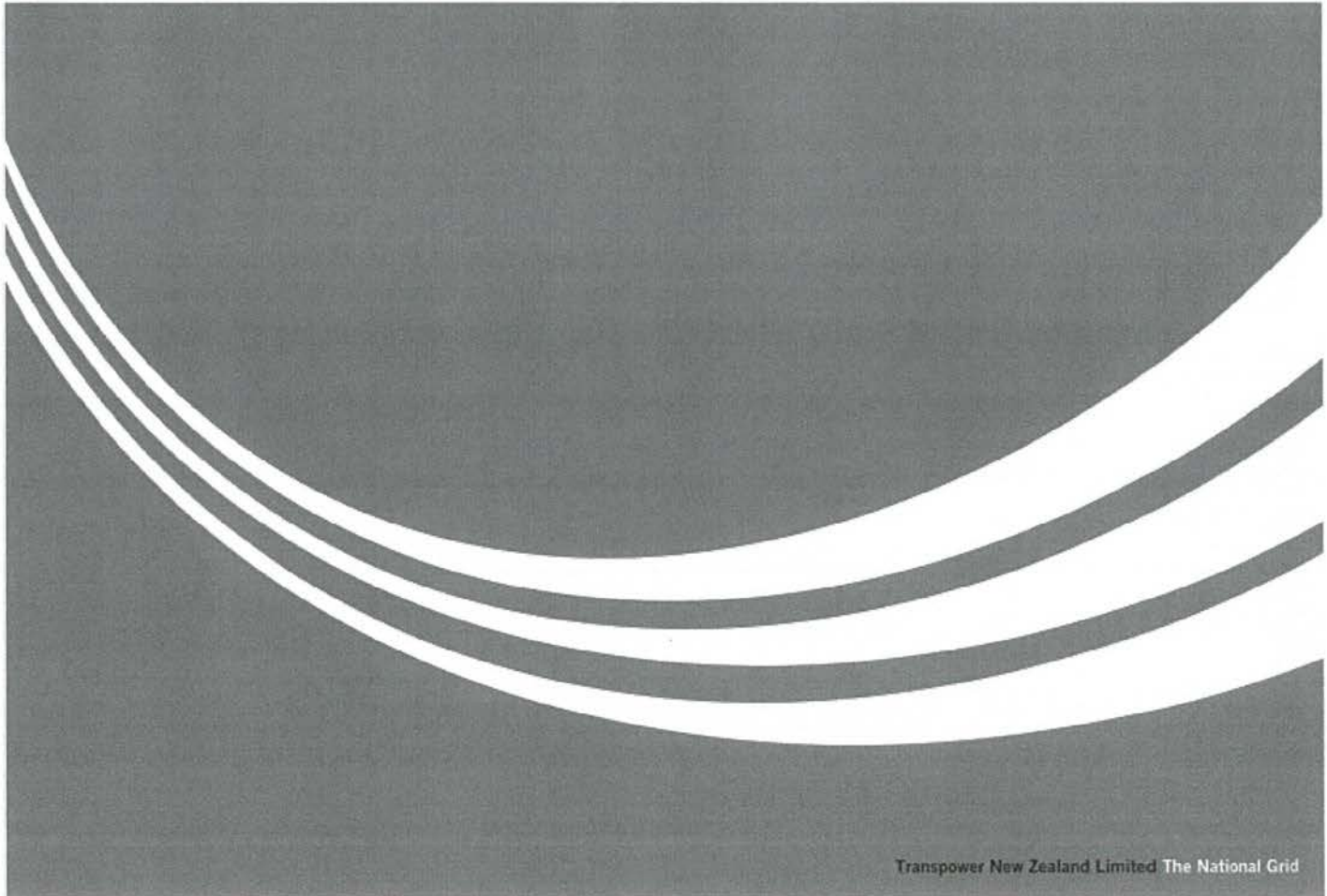
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OTAGO REGIONAL COUNCIL  
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24 JUL 2015  
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# Submission by Transpower New Zealand Limited on the Proposed Otago Regional Policy Statement

24 July 2015

*Keeping the energy flowing*



## **Submission on the Proposed Otago Regional Policy Statement under Clause 6 of Schedule 1, Resource Management Act 1991**

**To** Otago Regional Council (Council)  
**Name of submitter:** Transpower New Zealand Limited (Transpower)

Transpower is the state-owned enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage electricity transmission network (the National Grid) that carries electricity across the country. It connects power stations, owned by electricity generating companies, to substations feeding the local networks that distribute electricity to homes and businesses.

The National Grid includes towers, poles, lines, cables, substations and ancillary infrastructure in the jurisdiction of Otago Regional Council. The role of the National Grid is to enable New Zealand to achieve its international and local aspirations<sup>1</sup>. The National Grid is critically important infrastructure that is necessary for a reliable and secure supply of electricity throughout the country.

Transpower is making this submission in accordance with Clause 6 of Schedule 1, Resource Management Act 1991.

**Transpower could not gain an advantage in trade competition through this submission.**

**The specific provisions of the proposal that this submission relates to are:**

Transpower's submission is in relation to the following aspects of the Proposed Otago Regional Policy Statement:

- Part A – Introduction
- Part B – Chapter 1
- Part B – Chapter 2
- Part B – Chapter 3
- Part C - Implementation
- Part D – Schedules and appendices

The specific details of Transpower's submission, and decisions sought in relations to the provisions contained in the chapters above, are contained in the attached table. The relief that Transpower is seeking will give effect to the National Policy Statement on Electricity Transmission 2008 (NPSET).

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<sup>1</sup> Transpower's Statement of Corporate Intent for July 2012 to June 2015.

## **1 Executive Summary**

The National Grid is nationally (and regionally) significant infrastructure which is recognised within an RMA context by the National Policy Statement on Electricity Transmission 2008 (NPSET) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulation 2009 (NESETA).

The Otago Regional Policy Statement is required, among other things, to:

- (a) give effect to the provisions of the NPSET; and
- (b) not be in conflict with nor duplicate the provisions of the NESETA.

Transpower acknowledges Council's intent to meet the above obligations and supports the general approach taken, in particular the consultation with Transpower in the earlier stages of the Regional Policy Statement Review.

However, Transpower considers some amendments to the Proposed Otago Regional Policy Statement (PRPS) are required in order to discharge its statutory responsibilities under the NPSET and NESETA. The PRPS makes no mention of the NPSET or the NESETA. Transpower submits that these documents, particularly the NPSET, should be mentioned within the PRPS as these documents sit higher in the statutory documents hierarchy and directly influence content of the RPS and the outcomes it seeks to achieve. In addition, Transpower considers that although some of the provisions give effect to the NPSET, fundamental direction through the PRPS to District and City Councils is still lacking.

As currently proposed Transpower considers that, in some instances, the PRPS does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other available means and therefore are not appropriate in terms of section 32. On this basis, Transpower does not consider the requirements of section 32 of the RMA have been met.

This submission outlines necessary amendments to the PRPS to meet the above statutory requirements.

## **2 Background: The National Grid**

The National Grid extends from Kaikohe in the North Island to Tiwai Point in the South Island, and in doing so links electricity generators to distribution companies and major industrial users throughout New Zealand. To achieve these linkages, the National Grid comprises some 12,000km of transmission lines and cables and 167 substations across the country. The National Grid also includes a telecommunications network of approximately 300 telecommunication sites, which connects and controls the components (including substations) that make up the National Grid.

The National Grid is nationally significant infrastructure that plays an essential role in maintaining reliability and security of supply of energy and supports New Zealand's national and regional economic growth. It is important to acknowledge that Transpower's role is distinct from electricity generation or retail. Transpower provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies which supply electricity to everyday users. These users may be a considerable distance from the point of generation. As a result, the National Grid traverses District and Regional Council boundaries. A large portion of the electricity generated in the lower South Island is transmitted northwards. In some cases, major users of electricity will directly connect to the National Grid.



Transpower is committed to ensuring that the National Grid continues to meet the needs of its users both in the short and in the long term. It is important that existing National Grid infrastructure is allowed to be operated, maintained, upgraded and developed in an efficient and effective manner in order to ensure that these expectations are met. In order for this to occur it is crucial that development under the lines and around other National Grid infrastructure is appropriately managed to ensure continued access to these assets.

Transpower's 30 year strategy for future development of the National Grid is set out in 'Transmission Tomorrow'. This document outlines the view that there will be an on-going role for the National Grid, and that the lines and substations Transpower owns and operates will be required into the future. As such, it is important that the existing transmission corridors are maintained as far as practicable. Conversely, it is important that where new infrastructure is required, this is recognised and provided for.

The National Grid has operational requirements and engineering constraints that dictate and constrain the way it is operated, maintained, upgraded and developed. Operational requirements are set out in legislation, rules and regulations that govern the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code, and the Electricity (Hazards from Trees) Regulations 2003.

### **3 Transpower's Assets in Otago**

Transpower, as the owner and operator of the National Grid, has a significant interest in the Otago region. This interest includes high voltage transmission lines and associated infrastructure, such as a number of substations, that traverse the Region in order to supply electricity between Otago and the rest of New Zealand. Appendix A of this submission contains a map showing the location of the National Grid assets within the Otago Region. The specific lines and substations have not been listed as this detail is not required to inform the content of the PRPS.

#### **3.1 Clutha-Upper Waitaki Lines Programme**

At present, Transpower is undertaking some projects within the Otago Region to upgrade or maintain existing transmission lines including the Clutha-Upper Waitaki Lines Programme (CUWLP) Works.

The CUWLP works involve the "duplexing" and uprating of the AVI-LIV A line and the ROX-TWI A line. The purpose of this project is to increase the capacity of the transmission lines between Roxburgh and the Waitaki Valley. The work involves adding a wire (conductor) to the existing conductor and increasing the operating temperature of some lines. This project will assist in transmitting electricity from the lower South Island, northwards.

As part of this project, and directly relevant to the Otago Region, the Roxburgh-Twizel A line (ROX-TWZ-A), Roxburgh to Clyde section (ROX-CYD) is being maintained and upgraded. The wiring work is complete (that is, the new conductors are in place) and tower refurbishment work began in April-May 2015. Work has currently stopped for winter and will continue in spring/summer 2015. Work on other lines is currently on hold, but it is likely that the next line to be upgraded will be the Roxburgh-Islington A line (ROX-ISL-A), the Roxburgh-Livingstone section (ROX-LIV).

Resource consent was obtained from the Otago Regional Council in October 2013 in relation to this project, specifically to install a new culvert to enable access to the Roxburgh-Twizel A Transmission Line.

Resource consent was also obtained from the Waitaki District Council in October 2012 specifically for on-going tower maintenance and specific tower foundation refurbishment works. A Certificate of Compliance was also obtained from WDC in relation to those tower refurbishment related activities which comply with all the permitted activity regulations of the NESETA.

A Certificate of Compliance was also obtained from Central Otago District Council in December 2012 for this project, specifically the Roxburgh to Clyde section (ROX to 506 span and Tower 506 to CYD) of the ROX-TWZ A transmission line.

### **3.2 Gore Hard Tee Project**

The Gore Hard Tee 220kV Transmission Line Project is also of significance for the lower South Island region overall and is therefore relevant to the Otago Region. The Gore Hard Tee 220kV Transmission Line Project covers a 2 kilometre stretch of 220kV transmission line required to connect Transpower's existing Gore substation on Charlton Road and the existing 220kV North Makarewa Three Mile Hill A transmission line (NMA-TMH A) that passes to the south of Gore. The new transmission line is required as part of Transpower's overall investment in strengthening and enhancing power transmission in the Lower South Island Region. A significant portion of the new transmission line is located within the Otago Region.

## **4 Resource Management Act and the National Grid**

The national significance of the National Grid is recognised, in an RMA context, by the NPSET<sup>2</sup> and the NESETA<sup>3</sup>. These documents apply only to the National Grid, and do not apply to local electricity distribution networks, nor lines owned and operated by generators.

### **4.1 National Policy Statement on Electricity Transmission 2008**

The NPSET was gazetted on 13 March 2008 and confirms the national significance of the National Grid and provides policy direction in relation to:

- Recognising the benefits of National Grid transmission;
- Managing the environmental effects of the National Grid;
- Managing the adverse effects of third parties on the National Grid; and
- Long term strategic planning for transmission assets.

A key reason for introducing the NPSET in 2008 was to resolve the inconsistencies that resulted from the variable provision for the National Grid in RMA plans and policy statements. This variance was despite the fact that the National Grid is largely the same across the country. In promoting the NPSET, central government accepted the importance and benefits of a nationally consistent approach to decisions on transmission activities. The RMA amendment to Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003<sup>4</sup>, by inserting section 2(i)

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<sup>2</sup> <http://www.mfe.govt.nz/publications/rma/nps-electricity-transmission-mar08/nps-electricity-transmission-mar08.html>

<sup>3</sup> [http://www.legislation.govt.nz/regulation/public/2009/0397/latest/DLM2626036.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_electricity+transmission\\_resele\\_25\\_h&p=1](http://www.legislation.govt.nz/regulation/public/2009/0397/latest/DLM2626036.html?search=qs_act%40bill%40regulation%40deemedreg_electricity+transmission_resele_25_h&p=1)

<sup>4</sup> Resource Management (Forms, Fees, and Procedure) Amendment Regulations (No 2) 2006

further acknowledges the importance of the National Grid by requiring Transpower to be served notice of applications or reviews that may affect the National Grid.

The single objective of the NPSET is as follows:

*“To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *Managing the adverse environmental effects of the network; and*
- *Managing the adverse effects of other activities on the network. “*

The NPSET objective is supported by 14 Policies. In a general sense these policies address the following:

- Policy 1: Recognising the benefits of the National Grid;
- Policy 2: Recognising and providing for the effective operation, maintenance, upgrading and development of the National Grid;
- Policies 3 to 5: Weighing the management of environmental effects against the operational constraints, site/route selection approach, and the requirements of existing assets;
- Policies 6 to 8: Reducing, minimising and avoiding adverse effects in differing contexts;
- Policy 9: Potential health effects;
- Policies 10 and 11: Managing adverse effects on the National Grid and providing for “buffer corridors”;
- Policy 12: Mapping the National Grid; and
- Policies 13 and 14: Long-term development and planning for transmission assets.

Section 62(3) of the RMA requires a Regional Policy Statement to give effect to a National Policy Statement (NPS). The Supreme Court recently considered what is meant by the phrase “give effect to” in the context of the New Zealand Coastal Policy Statement (NZCPS) and held that:

*“Give effect to” simply means “implement”. On the face of it, it is a strong directive, creating a firm obligation on the part of those subject to it ... There is a caveat, however. The implementation of such a directive will be affected by what it relates to, that is, what must be given effect to. A requirement to give effect to a policy which is framed in a specific and unqualified way may, in a practical sense, be more prescriptive than a requirement to give effect to a policy which is worded at a higher level of abstraction. “*

The Supreme Court held that the “requirement to ‘give effect to’ the NZCPS is intended to constrain decision-makers”. Transpower submit that this applies equally to the NPSET in the context of decisions relating to electricity transmission. Similarly, the observation that the “NZCPS is a carefully expressed document whose contents are the result of a rigorous process of formulation and evaluation. It is a document which reflects particular choices” applies to the NPSET. The preamble of the NPSET highlights that the National Grid has particular physical characteristics and operational / security requirements that create challenges for its management under the RMA, and it is important there are consistent policy and regulatory approaches by local authorities.

Council must determine how to give effect to the NPSET, and similarly future Hearings Panel must consider the NPSET in decisions on submissions. It is noted that the NPSET, along with further



supporting documents, including an implementation guide, are available on the Ministry for the Environment website<sup>5</sup>.

Giving effect to the NPSET will ensure that:

- the National Grid is able to be effectively and efficiently operated, maintained, upgraded and developed; and
- the adverse effects of development in proximity to the National Grid are managed and are reduced, minimised or avoided depending upon the context in which the development occurs.

#### **4.2 Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009**

The NESETA came into effect on 14 January 2010 and sets out a national regulatory framework for activities related to existing National Grid lines, including the operation, maintenance and upgrading of such lines. The NESETA specifies permitted electricity transmission activities (subject to standards) and resource consent requirements where these activities do not meet the standards.

The NESETA only applies to the National Grid lines that existed at 14 January 2010 and does not apply to new lines or substations. As with the NPSET, the NESETA does not apply to electricity distribution lines.

Section 30(1)(gb) of the RMA includes, as a function of regional councils, the strategic integration of infrastructure with land use through objectives, policies and methods.

It is appropriate, given the national and regional significance of the National Grid, that its management is comprehensively addressed in the PRPS. It is appropriate that the PRPS contains close and practical linkages between its objectives, policies and methods relating to the physical resources, at both the regional and district level. This will facilitate integrated resource management occurring within the region, particularly as it relates to significant physical resources, such as the National Grid.

## **5 Transpower's Submission**

Transpower generally supports the intent by the Council to providing for the National Grid in the PRPS, such as the inclusion of provisions that recognise the importance of regionally and nationally important infrastructure (i.e. the National Grid) and providing for the protection of such infrastructure from activities that may compromise its functioning capability.

Notwithstanding this general support, Transpower's detailed submission highlights some areas where provisions need to be added, amended or deleted to fully give effect to the NPSET and meet the requirements of section 32 of the RMA. In this regard Transpower acknowledges the dialogue that occurred with Council at the drafting phase of PRPS and seeks decisions to refine the approach, particularly in regards to managing adverse effects on the National Grid and also to give better direction to District and City Councils on establishing buffer corridors.

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<sup>5</sup> at <http://www.mfe.govt.nz/rma/central/transmission>



## 5.1 Enabling National Grid Activity

While the NESETA manages and regulates transmission lines that were built before 14 January 2010, it does not manage or regulate substations. Further, the construction of new lines in the future to satisfy electricity demand cannot be ruled out. Therefore, the PRPS needs to contemplate and provide an enabling framework for the development of the National Grid as a matter of national significance.

In light of Policies 1 -9 of the NPSET, and providing an enabling framework, the provisions of the PRPS need to give strong direction to District and City Councils to ensure:

- the sustainable management of the National Grid as a physical resource of national significance is recognised;
- the National Policy Statement on Electricity Transmission 2008 (NPSET) is given effect to;
- the benefits of the National Grid at a local, regional and national level are recognised;
- appropriate provision for the effective operation and maintenance of the network, including ensuring that transmission lines can be accessed as part of subdivision and development;
- that the National Grid can be upgraded and developed in order to meet growth in energy demand and that there may be technical and operational requirements of the network that dictates route, site and method selection; and
- appropriate provision for the planning and development of new transmission assets.

## 5.2 Managing Adverse Effects on the National Grid

Transpower's detailed submission points particularly address matters that are directly related to Policies 10 and 11 of the NPSET, in terms of ensuring that the National Grid is appropriately "buffered" from activities that may have an adverse effect in terms of ongoing operation, maintenance, upgrade and development of the National Grid. Policies 10 and 11 of the NPSET provide the primary guidance to the management of adverse effects on the National Grid.

Policy 10 is as follows:

*"In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised."*

Under Policy 10, the Council is obliged to manage "to the extent reasonably possible" activities to avoid reverse sensitivity effects. It is "reasonably possible" for the Council to direct Territorial Authorities manage activities using district plan rules, including rules applying to the activities within buffer corridors. Transpower acknowledges that the PRPS has sought to adopt such an approach but does not consider the provisions, as currently drafted, to be strong enough and give enough direction to City and District Councils. Transpower considers additional provisions are required to truly give effect to Policy 10.

Policy 11 is as follows:

*"Local authorities must consult with the operator of the National Grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the National Grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the National Grid (so as to facilitate the long-term strategic planning of the grid)."*

Policy 11 of the NPSET requires local authorities to identify a buffer corridor. This is a mandatory requirement in order for the Council to give effect to the NPSET. Policy 11 also requires that sensitive activities within buffer corridors should not generally be provided for in plans and/or given resource consent. In order to give effect to Policy 11, the PRPS needs to direct City and District Councils to include provisions to restrict the establishment of sensitive activities in proximity to National Grid assets. The language of Policy 11 supports a non-complying activity status for these activities within buffer corridors.

### 5.3 Summary

In summary, Transpower's submission generally seeks the following:

- Appropriate recognition of the NPSET in the hierarchy of RMA documents and the role it plays in establishing national policy. The PRPS currently does not mention the NPSET at all;
- Careful use of the word "avoid" in light of the King Salmon decision in order to recognise that some activities, such as the National Grid, have locational requirements whereby adverse effects may not be able to be avoided;
- Remove the elevation currently given to Kai Tahu in the decision-making process as this is not consistent with sections 6-8 of the RMA;
- Provide direction to territorial authorities to:
  - Consider and give effect to the NPSET and NESETA;
  - Identify regionally and nationally significant infrastructure, such as the National Grid, on planning maps and provide a buffer corridor to protect the National Grid;
- Retention of provisions which recognise the importance of protecting regionally and nationally significant infrastructure, such as the National Grid, from third party adverse effects;
- New provisions to foresee the future upgrade and development of nationally and regionally significant infrastructure; and
- Retention of a number of definitions and the inclusion of further definitions to clarify the territorial authorities' and plan users' understanding of the National Grid.

**Transpower New Zealand Limited seeks the following decision from the local authority:**

**Amend** the Proposed RPS to make all required changes, including the specific amendments set out in the following tables; and such further, alternative or consequential relief as may be necessary to fully give effect to this submission.

Transpower wishes **to be heard in support of its submission.**

**Due to the specific interests of Transpower in the context of the National Grid, Transpower will not consider presenting a joint case with others at a hearing.**

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*M. Row*

.....  
**Signature of the person authorised to sign  
on behalf of Transpower New Zealand Limited**

**Date:** 24 July 2015

PRPS Provision	Support / Oppose / Amend	Submission/Reasons	Relief / Decision Sought
<b>Part A – Introduction</b>			
Expression of Te Tiriti o Waitangi	Support with amendments	<p>Transpower supports the intended outcome that Kāi Tahu values, rights and interests are recognised and provided in the decision-making process as this is consistent with sections 6-8 of the RMA. However, the PRPS elevates Kāi Tahu above all other parties and interested groups by allowing them a role in the decision-making process. This is not consistent with the RMA. Transpower therefore seeks Council alter the paragraph to reflect this.</p> <p>Transpower agrees that traditional food gathering sites should be protected from use or development, but Council must recognise that some developments or use, such as regionally or nationally significant infrastructure, have to be located in specific areas. This paragraph should be altered to protect traditional food gathering sites from use and development <u>to the extent practicable</u>. Furthermore, it should depend on the significance of the values associated with the site.</p>	<ul style="list-style-type: none"> <li>■ Remove the following text from the first bullet point: <i>“Recognising the rights and interests of Kai Tahu to be involved in natural and resource management <u>processes</u> in Otago. <del>including decision-making processes and implementation</del>”</i></li> <li>■ Include the following text to bullet point 3: <i>“Protecting traditional food gathering sites from any use or development which may threaten the values of these areas, <u>to the extent practicable</u>”</i></li> </ul>
<b>Part B, Chapter 1- Kai Tahu values, rights and interests are recognised and kaitiakitaka is expressed</b>			
Policy 1.1.2 – Taking the principles of Te Tiriti o Waitangi into account	Support with amendments	<p>Transpower supports the principle that Kai Tahu values, rights and interests are considered in the resource management process, but does not consider that Kai Tahu should be elevated above all other parties in the decision-making process as this is not consistent with Part 2 of the RMA, in particular sections 6-8.</p> <p>Sections 6-8 of the RMA establish what is effectively a hierarchy between matters of national importance in section 6, matters to 'have regard to' in section 7, and a requirement for the principles of Te Tiriti to be 'taken into account' under section 8. Te Tiriti values sit alongside a variety of other values identified in Part 2. They are not</p>	<ul style="list-style-type: none"> <li>■ Amend the text as follows: <ul style="list-style-type: none"> <li><i>“Ensure that local authorities exercise their functions and powers, to: <ul style="list-style-type: none"> <li>a) <del>Accord Kai Tahu a status distinct from that of interest groups and members of the public, consistent with their position as a Treaty partner; and</del></li> <li>b) <del>involve kai Tahu in resource management decision-making processes and implementation; and</del></li> <li>c) Take into account Kai Tahu <del>views-values</del> in resource</li> </ul> </i> </li> </ul> </li> </ul>



		<p>elevated above other values within the respective sections. Therefore, elevating Kai Tahu's values, rights and interests above all other parties or interested groups is not consistent with the RMA.</p> <p>Transpower therefore seeks Council alter this policy to remove the elevated status of Kai Tahu.</p>	<p><i>management decision-making processes and implementation, particularly regarding the relationship of their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taoka; and .....</i>"</p>
Policy 1.2.3 – Protecting important sites and values of cultural significance to Kai Tahu	Support with amendments	<p>Transpower supports this policy but notes that the word "avoid" should be used carefully due to the recent Supreme Court decision on the King Salmon Case. In that case, the Court stated that the word "avoid" means "not allowing" or "preventing the occurrence of".</p> <p>For example, if a proposed activity (such as a new electricity substation or line) had a functional, operational and / or locational need to be located within or near a site of cultural significance to Kai Tahu, it may have unavoidable adverse effects on those values and therefore, could potentially be declined statutory approval under the direction of this policy. This policy needs to acknowledge that some developments need to be located in particular areas.</p> <p>Transpower therefore seeks Council be consistent with the interpretation afforded to such terminology as a result of the King Salmon decision.</p>	<p>■ Amend the text as follows:</p> <p><i>"Protect important values, as detailed in schedules 1A and B, and site of cultural significance to Kai Tahu as detailed in Schedule 1C by:</i></p> <p><i>a) Avoiding significant adverse effects on those values and sites, as detailed in Schedule 3, <u>to the extent practicable</u>; and</i></p> <p><i>b) Avoiding remedying or mitigating other adverse effects on those values and sites; and</i></p> <p><i>c) Managing those values and sites in a culturally appropriate manner."</i></p>
<b>Part B, Chapter 2: Otago has high quality natural resources and ecosystems</b>			
Policy 2.1.1	Support with amendments	<p>Transpower supports the intent of this policy, particularly bullet point p) as it aims to maintain the ability of existing infrastructure to operate within their design parameters. However, Transpower considers that this provision should be amended to give effect to Policy 5 of the NPSET, which states that "decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets."</p> <p>Transpower therefore seeks Policy 2.1.1 be amended to not only enable the operational component of infrastructure, but also to</p>	<p>■ Amend Policy 2.1.1 as follows:</p> <p><i>"Recognise freshwater values, and manage freshwater, to:</i></p> <p><i>p) <del>Maintain the ability</del> <u>Enable the reasonable operational, maintenance and minor upgrade requirements of existing infrastructure to operate within their design parameters.</u></i></p>

		enable the reasonable maintenance and minor upgrade requirements of established infrastructure, as required in Policy 5 of the NPSET.	
Policies 2.2.2, 2.2.4, 2.2.6, 2.2.9, 2.2.13	Support with amendments	<p>Transpower considers that the word "avoid" should be carefully used by Councils in policy and plan documents due to the recent Supreme Court decision on the King Salmon Case (<i>Environmental Defence Society Incorporated v. The New Zealand King Salmon Co Ltd</i>). In that case, the Court stated that the word "avoid" means "not allowing" or "preventing the occurrence of". Therefore, if a proposed activity (such as a new electricity substation or line) had a functional, operational and / or locational need to be located within or near an area identified as an outstanding natural character area, it would likely have unavoidable adverse effects on the natural character of the outstanding landscape area and therefore could potentially be declined statutory approval. Whilst the PRPS acknowledges that some developments need to be located in particular areas, the underlying policies do not acknowledge this.</p> <p>Transpower therefore seeks Council be consistent with the interpretation afforded to such terminology as a result of the King Salmon decision. Such a prohibitive approach would not give effect to the NPSET.</p>	<ul style="list-style-type: none"> <li>■ Amend all these policies (policies 2.2.2, 2.2.4, 2.2.6, 2.2.9 and 2.2.13) to state (for example, Policy 2.2.4 below): <ul style="list-style-type: none"> <li><i>"Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:</i> <ul style="list-style-type: none"> <li>a) <i>Avoiding, or where this is not practicable, remedying or mitigating adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and</i></li> <li>b) <del><i>Avoiding, remedying or mitigating other adverse effects on other values; and</i></del></li> <li>c) <i>Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</i></li> <li>d) <i>Recognising and providing for positive contributions of existing introduced species to those values; and</i></li> <li>e) <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i></li> <li>f) <i>Encouraging enhancement of those areas and values."</i></li> </ul> </li> </ul> </li> </ul>
Policies 2.2.5 and 2.2.6	Oppose	<p>These policies seek to identify and manage "special amenity landscapes" and "highly valued natural features", terms which are not defined in the RMA. Although the PRPS glossary attempts to define these terms, it is not currently transparent what kind of areas would be affected by this and where they may be located. In addition, there is no reference to how these terms sit within section 6 of the RMA.</p> <p>If Council wishes to incorporate new terms and classifications into the PRPS, more clarification needs to be given to the public as to</p>	<ul style="list-style-type: none"> <li>■ Remove any reference to "special amenity landscapes" and "highly valued natural features" from the entire PRPS</li> </ul>

		<p>what kinds of areas these will be, where they will be located, and the extent of the areas. Transpower wishes to know whether any of the existing or future planned National Grid assets are located within these two classification areas.</p> <p>Due to the uncertainty around these terms, Transpower requests Council removes these two classification areas, including policies 2.2.5 and 2.2.6 and any associated methods, from the PRPS, or alternatively, provide maps which show where these areas are and the extent of them to allow Transpower to assess the areas in relation to the existing and future National Grid assets.</p>	
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**Part B, Chapter 3 – Communities in Otago are resilient, safe and healthy**

Objective 3.4 – Good quality infrastructure and services meet community needs	Support with amendments	<p>Transpower strongly supports this objective as it recognises that infrastructure, such as the National Grid, is essential for Otago's economy, and the wellbeing and health and safety of its communities.</p> <p>However, the 2<sup>nd</sup> paragraph under this objective states that local authorities have a role to play in ensuring that local and regional infrastructure needs are being met, with no mention of national infrastructure needs. This needs to be amended to include national infrastructure as the Otago region contains significant parts of the National Grid, used to transmit electricity around the region, as well as electricity generation assets for the entire country which require a connection to the National Grid for the transmission of this electricity.</p>	<ul style="list-style-type: none"> <li>■ Retain the objective as drafted but amend the 2<sup>nd</sup> paragraph as follows: <p><i>“Local authorities have a role to play, to ensure that the <u>current and future local, and regional and national infrastructure needs are being met.</u>”</i></p> </li> </ul>
Policy 3.4.1 – Integrating infrastructure with land use	Support with amendments	<p>Transpower supports this policy as its purpose is to integrate infrastructure with land use and therefore gives effect to Policy 11 of the NPSET.</p> <p>Transpower seeks amendments to this Policy to ensure full effect is given to the NPSET, in particular recognising the functional, technical, operational and locational needs of infrastructure, such as</p>	<ul style="list-style-type: none"> <li>■ Amend the text of Policy 3.4.1 as follows: <p><i>“Achieve the strategic integration of infrastructure with land use, by:</i></p> <p><i>a) <u>Recognising the functional, technical, operational and locational needs of infrastructure of regional or</u></i></p> </li> </ul>

		<p>the National Grid (Policies 2, 3 and 4 of the NPSET).</p> <p>Transpower requests a clause be added that directs both territorial authorities and developers to consult with the owners and operators of regionally and nationally significant infrastructure as part of land use, urban growth and development. This is consistent with Policy 14 of the NPSET.</p>	<p><i>national importance;</i></p> <p><i>b) <u>Achieving a pattern, form and design of land use that does not adversely affect the efficient operation, use and upgrading of infrastructure of regional or national importance;</u></i></p> <p>....</p> <p><i>c) <u>Managing urban growth and development:</u></i></p> <p><i>i. Within areas that have sufficient infrastructure capacity and provision; or</i></p> <p><i>ii. Where infrastructures services can be upgraded, <u>developed</u> or extended efficiently and effectively; and</i></p> <p><i>iii. <u>By notifying the owners and operators of infrastructure of consent applications that may adversely affect such infrastructure.</u></i></p> <p>....</p>
<p>Policy 3.4.2 – Managing infrastructure activities</p>	<p>Support with amendments</p>	<p>Transpower generally supports this policy as it recognises that infrastructure corridors, such as the National Grid, need protection both now and in the future. Transpower considers some small amendments to the policy would ensure consistent language with the NPSET.</p> <p>Transpower strongly supports point g) as this ensures lifeline utilities, such as the National Grid, are protected.</p>	<p>■ Amend the text of Policy 3.4.2 as follows:</p> <p><i>"Manage infrastructure activities, to:</i></p> <p>...</p> <p><i>b) <u>Reduce adverse effects of those activities, where practicable, including cumulative adverse effects on natural and physical resources; and</u></i></p> <p>...</p> <p><i>e) <u>Protect existing and future infrastructure corridors by ensuring that development within these corridors does not generate adverse effects on the infrastructure, including the ability of that infrastructure to be accessed, operated, maintained and / or upgraded; for infrastructure needs, now and for the future;</u></i></p> <p>....</p> <p><i>g) <u>Protect the functional and operational</u></i></p>



			<i>requirements of lifeline utilities and essential or emergency services.</i>
Policy 3.4.3 – Designing lifeline utilities and facilities for essential or emergency services	Support	Transpower supports this policy as it recognises the importance of lifeline utilities, such as the National Grid, during and after natural hazard events.	<ul style="list-style-type: none"> <li>■ Retain policy as drafted</li> </ul>
Policy 3.4.4 – Managing hazard mitigation measures, lifeline utilities, and essential and emergency services	Support with amendments	<p>Transpower supports this policy as it recognises that the functioning of lifeline utilities, such as the National Grid, require protection. Transpower seek some minor amendments to the wording of the policy.</p> <p>Transpower notes that although the definition of lifeline utilities is consistent with the Civil Defence Emergency Management Act 2002 (CDEMA), the definition within the CDEMA is very broad and at times not very useful. This is discussed further in the glossary section of the submission.</p>	<ul style="list-style-type: none"> <li>■ Amend Policy 3.4.4 as follows: <ul style="list-style-type: none"> <li><i>“Protect the functioning of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by:</i> <ul style="list-style-type: none"> <li><i>a) Restricting the establishment of <del>any new those</del> activities that may result in reverse sensitivity effects; and</i></li> <li><i>b) Avoiding significant adverse effects on <u>the operation, maintenance and upgrading</u> <del>those</del> measures, utilities or services; and</i></li> <li><i>c) Avoiding , remedying or mitigating other adverse effects on <u>the operation, maintenance and upgrading</u> <del>those</del> of utilities or services; and</i></li> <li><i>d) Assessing the significance of adverse effects on those needs, as detailed in Schedule 3; and</i></li> <li><i>e) Maintaining access to those measures, utilities or services for maintenance and operational purposes; and</i></li> <li><i>f) Managing other activities in a way that does not foreclose the ability of those mitigation measures, utilities or services to continue functioning.</i></li> </ul> </li> </ul> </li> </ul>
Objective 3.5 – Infrastructure of regional and national significance is managed in a	Support	Transpower supports this objective as it recognises that regionally or nationally significant infrastructure, such as the National Grid, is important and contributes to the economic and social wellbeing of the nation. Transpower specifically supports the examples used such as “electricity generation and transmission”.	<ul style="list-style-type: none"> <li>■ Retain objective and explanation as drafted</li> </ul>

sustainable way		The objective is consistent with the NPSET which states that <i>“regional councils must provide some form of specific recognition and provision of the transmission network in their regional policy statements”</i> .	
Policy 3.5.1 – Recognising national and regional significance of infrastructure	Support with amendments	<p>Transpower supports this policy as it recognises the national and regional significance of electricity transmission infrastructure. However, as currently worded, it is unclear whether ‘electricity transmission infrastructure’ relates to Transpower’s National Grid, or if it includes the electricity distribution network operated by local distribution companies, or if it also includes transmission lines owned and operated by electricity generation companies. For this reason, Transpower seeks the policy be amended to “the “National Grid” with a definition provided in the glossary. The NPSET states that the transmission network should be specifically provided for and in addition, the NPSET states that the national benefits of the transmission network should not be confused with other regionally significant infrastructure (i.e. the distribution network).</p> <p>Transpower also considers this policy should be amended to not only recognise the significance of the infrastructure, but also to provide for it by facilitating the operation, maintenance and upgrade of the infrastructure, and the establishment of new infrastructure to meet the needs of present and future generations. These amendments would ensure the Policy is consistent with Policy 1 of the NPSET.</p>	<p>■ Policy 3.5.1 be amended as follows:</p> <p><i>“Recognise the national and regional significance of the following infrastructure <u>by facilitating the operation, maintenance and upgrade of existing facilities and the establishment of new resources to meet the needs of present and future generations:</u></i></p> <ul style="list-style-type: none"> <li>a) <i>Renewable electricity generation facilities, where they supply the national electricity grid and local distribution network; and</i></li> <li>b) <i>The National Grid <del>Electricity transmission infrastructure;</del> and</i></li> <li>c) <i>Telecommunication and radio communication facilities;; and</i></li> <li>d) <i>Road classified as being of national or regional importance; and</i></li> <li>e) <i>Ports and airports; and</i></li> <li>f) <i>Structures for transport by rail.”</i></li> </ul>
Policy 3.5.2 – Managing adverse effects of infrastructure that has national or regional significance	Support with amendments	<p>Transpower supports the intent of this policy as it recognises the need to minimise adverse effects from regionally or nationally significant infrastructure. However, Council must give direction to decision-makers that whilst considering adverse effects of the infrastructure, they must also consider the benefits.</p> <p>This direction is given to Councils in the NPSET which states that</p>	<p>a) Amend Policy 3.5.2 as follows:</p> <p><i>“<del>In managing the effects</del> <u>Minimise adverse effects from infrastructure that has national or regional significance, territorial authorities shall take into account the following by:</u></i></p> <ul style="list-style-type: none"> <li>a) <i><u>The constraints imposed by the technical, operational and locational requirements of the infrastructure when</u></i></li> </ul>

		<p>territorial authorities shall take into account the benefits of the transmission infrastructure and the constraints imposed by the technical and operational requirements of the network as well as the extent to which adverse effects have been avoided, remedied or mitigated. Transpower also seeks consistency with the recent Court ruling on the King Salmon case regarding the use of the word "avoid". Importantly, Policy 8 of the NPSET requires that 'planning and development of the transmission system should seek to avoid adverse effects' on these areas, rather than outright avoidance. This should be recognised and given effect to in Policy 3.5.2 of the PRPS and Transpower has suggested some amendments to assist with this.</p>	<p><del>considering</del> <u>Giving preference to avoiding their location in:</u></p> <ul style="list-style-type: none"> <li>i. <u>Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and</u></li> <li>ii. <u>Outstanding natural features, landscapes and seascapes; and</u></li> <li>iii. <u>Areas of outstanding natural character; and</u></li> <li>iv. <u>Outstanding water bodies or wetlands; and</u></li> </ul> <p>b) <u>Where it is not possible to avoid locating in the areas listed in a) above, having regard to the extent to which avoiding significant adverse effects have been avoided, remedied or mitigated, including reducing adverse effects; on those values that contribute to the significant or outstanding nature of those areas; and</u></p> <p><del>c) Avoiding, remedying or mitigating other adverse effects on values; and</del></p> <p>d) <u>Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and</u></p> <p><del>e) Considering the use of offsetting, or other compensatory measures, for residual adverse effects on indigenous biodiversity."</del></p> <p>e) <u>The benefits of the infrastructure; and</u></p> <p>f) <u>If infrastructure is proposed across regional or district boundaries, apply a consistent and coordinated approach to the provisions."</u></p>
<p>Policy 3.5.3 – Protecting infrastructure of national or regional significance</p>	<p>Support with amendments</p>	<p>Transpower strongly support this policy as it provides protection for regionally and nationally significant infrastructure. However, the terminology is not consistent with the NPSET. Transpower therefore seeks amendments to this policy to provide clear guidance to decision-makers.</p>	<ul style="list-style-type: none"> <li>■ Amend Policy 3.5.3 as follows: <ul style="list-style-type: none"> <li>"Protect infrastructure of national or regional significance, by: <ul style="list-style-type: none"> <li>g) <del>Restricting</del> <u>To the extent reasonably possible, avoiding the establishment of any new activities that</u></li> </ul> </li> </ul> </li> </ul>

			<p>may result in reverse sensitivity effects; and</p> <p>h) <u>Avoiding significant adverse effects on the operation, maintenance and upgrading functional needs</u> of such infrastructure; and</p> <p>i) <u>Avoiding , remedying or mitigating other adverse effects on the operation, maintenance and upgrading functional needs</u> of such infrastructure, <u>including the ability to access that infrastructure;</u> and</p> <p>j) <u>Assessing the significance of adverse effects on those needs, as detailed in Schedule 3; and</u></p> <p>k) <u>Identifying and protecting existing and future infrastructure corridors by ensuring that development within these corridors does not generate adverse effects on the infrastructure; for infrastructure needs, now and for the future;” and</u></p> <p>l) <u>Ensuring that there is no change to existing activities that increases their incompatibility with existing infrastructure; and</u></p> <p>m) <u>Notifying the owners and operators of infrastructure of consent applications that may adversely affect such infrastructure.</u></p>
New objective		<p>Transpower considers that it would be beneficial if there was an additional objective specifically for electricity transmission activities (the National Grid). We suggest that this objective should recognise and provide for the benefits of the National Grid as well as the effective operation, maintenance, upgrading and development of the National Grid in Otago.</p>	<p>■ Add a new objective which reads:</p> <p><u>“To recognise and provide for the ongoing operation, maintenance and development of the National Grid within Otago as infrastructure of regional and national significance.”</u></p> <p>Explanation:</p> <p><u>“The National Grid is infrastructure which has critical importance at a local, regional and national level. This infrastructure is recognised as nationally significant and as such the National Policy Statement on Electricity</u></p>



			<p><u>Transmission underpins its operation, maintenance, development and upgrade. It is important that land use and subdivision is managed effectively and in line with the NPSET to ensure that the operation, maintenance, development and upgrade of the National Grid is not compromised. This approach also ensures that a secure and reliable electricity supply is provided not only for the Otago region, but also on a national scale. In turn, appropriate management of activities in proximity to the National Grid will assist in minimising the adverse effects of the National Grid on communities, as far as practicable.</u></p>
Objective 3.6 – Energy supplies to Otago’s communities are secure and sustainable	Support	Transpower supports the intent of this objective as it recognises that the social and economic well-being, as well as health and safety, of Otago’s people is dependent on a reliable and secure supply of energy.	<ul style="list-style-type: none"> <li>■ Retain objective as drafted</li> </ul>
Policy 3.6.4 – Enabling more efficient transport of electricity		Transpower supports the intent of this policy but it is not clear on the desired outcome or how this is to be achieved. It is not clear how electricity transmission activities could be undertaken more efficiently or what this would encompass. In addition, “transporting electricity” is inconsistent with the terminology used in the NPSET.	<ul style="list-style-type: none"> <li>■ Amend text of Policy 3.6.4 as follows: <ul style="list-style-type: none"> <li>“Enable electricity and distribution infrastructure activities that: <ul style="list-style-type: none"> <li>a) Maintain or improve the security <u>and reliability</u> of supply of electricity; or</li> <li>b) Enhance the <u>safe, efficiency-efficient and effective development, operation and maintenance of transporting electricity infrastructure</u>; and</li> <li>c) Avoid, remedy or mitigate adverse effects from that activity.”</li> </ul> </li> </ul> </li> </ul>
Policy 3.6.5 – Protecting electricity distribution infrastructure	Neutral	<p>Transpower notes that this policy, as currently worded, only protects the local electricity distribution network with no protection for the National Grid - nationally significant infrastructure that Council is required to provide protection for through the NPSET.</p> <p>Transpower therefore seeks a new policy which provides protection</p>	<ul style="list-style-type: none"> <li>■ Insert a new policy as follows: <ul style="list-style-type: none"> <li><u>Protect the National Grid by:</u> <ul style="list-style-type: none"> <li>a) <u>Avoiding significant adverse effects, including reverse sensitivity effects, on the National Grid; and</u></li> <li>b) <u>Avoiding any other adverse effects on the National</u></li> </ul> </li> </ul> </li> </ul>

		<p>of the National Grid and gives effect to the NPSET.</p> <p>Transpower notes that the PRPS, as currently worded, appears to be confused around the various parts of the electricity system, from generation and transmission right through to distribution. There are significant electricity generation and transmission resources located within the Otago region as well as the local distribution network. The PRPS needs to be clear on when provisions are referring to both the electricity generation and transmission networks, or only one of the networks, and similarly where it is referring to the distribution network. As currently worded, the PRPS seems confused with regards to the distinction between the three networks, how they interact and how the various provisions apply to each.</p>	<p><u>Grid, or remedying or mitigating them appropriately where avoidance is not possible; and</u></p> <p>c) <u>Ensuring that existing National Grid corridors are identified protected in all resource management decision making; and</u></p> <p>d) <u>Ensuring that any new activities that would adversely affect the operation, maintenance or upgrading of the National Grid are not located near existing infrastructure associated with the National Grid; and</u></p> <p>e) <u>Ensuring that there is no change to existing activities that increases their incompatibility with existing National Grid infrastructure; and</u></p> <p>f) <u>Notifying the owners and operators of infrastructure of consent applications that may adversely affect National Grid infrastructure.</u></p>
Objective 3.8 – Urban growth is well designed and integrates effectively with adjoining urban and rural environments	Support with amendment	<p>Transpower supports this objective as it recognises that concentrating activities in urban areas enables community infrastructure and supports social infrastructure. However, Transpower seeks this objective be amended to ensure that land use and urban growth avoids adverse effects on the operation, maintenance, upgrading and long-term development of regionally and nationally significant infrastructure, such as the National Grid.</p>	<p>■ Include an explanatory text under Objective 3.8 as follows:</p> <p><u>“Well planned urban growth and land use will also ensure that adverse effects on the operation, maintenance, upgrading and long-term development of regionally and nationally significant infrastructure is avoided.”</u></p>
Policy 3.8.1 – Managing for urban growth	Support with amendment	<p>Transpower supports this policy as it recognises that urban growth and creation of new urban land should occur in a strategic and co-ordinated way.</p> <p>However, Transpower considers that the policy should be amended to give stronger direction to decision-makers to ensure that the rate, location and form of development is integrated with the provision of local and strategic infrastructure, such as transmission corridors. To do this, consultation should be undertaken with the infrastructure providers (such as Transpower) when developing structure plans, urban growth strategies, plan changes and reviews. This is</p>	<p>■ Amend the text of Policy 3.8.1 as follows:</p> <p><i>“Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:</i></p> <p>...</p> <p>b) <i>Co-ordinating urban growth and extension of urban areas <u>the provision and location of</u> with relevant infrastructure development programmes, to:</i></p> <p>i. <i>Provide infrastructure in an efficient and effective way; and</i></p> <p>ii. <i>Avoid additional costs that arise from</i></p>

		consistent with Policy 14 of the NPSET.	<p>unplanned infrastructure expansion; and</p> <p>iii. <u>Ensure that the rate, location and form of development is integrated into the provision and location of strategic infrastructure.:</u></p> <p>c) Identifying future growth areas that:</p> <p>i. <u>Do not adversely affect the efficient operation, use and upgrading of infrastructure of regional or national importance;</u></p> <p>ii. <u>Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and</u></p> <p>....</p>
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## Glossary

Preamble to Glossary section		Transpower suggests that a preamble to the Glossary section be inserted.	<p>■ Preamble to state:</p> <p><u>“If a word or phrase is not defined then the meaning should be taken to be the same as found in section 2 of the Resource Management Act, the National Policy Statement on Electricity Transmission, and the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009.”</u></p>
Infrastructure	Support with amendments	Transpower supports this definition but considers the terminology regarding electricity (point d)) needs altering as it does not appear to cover substations as currently worded.	<p>■ Amend Infrastructure definition as follows:</p> <p>d) <u>Facilities for the generation or transmission of electricity such as substations, lines used or intended to be used to <del>convey</del> transmit or distribute electricity, and support structures for lines used or intended to be used to <del>convey</del> transmit or convey electricity, excluding facilities, lines, and support</u></p>

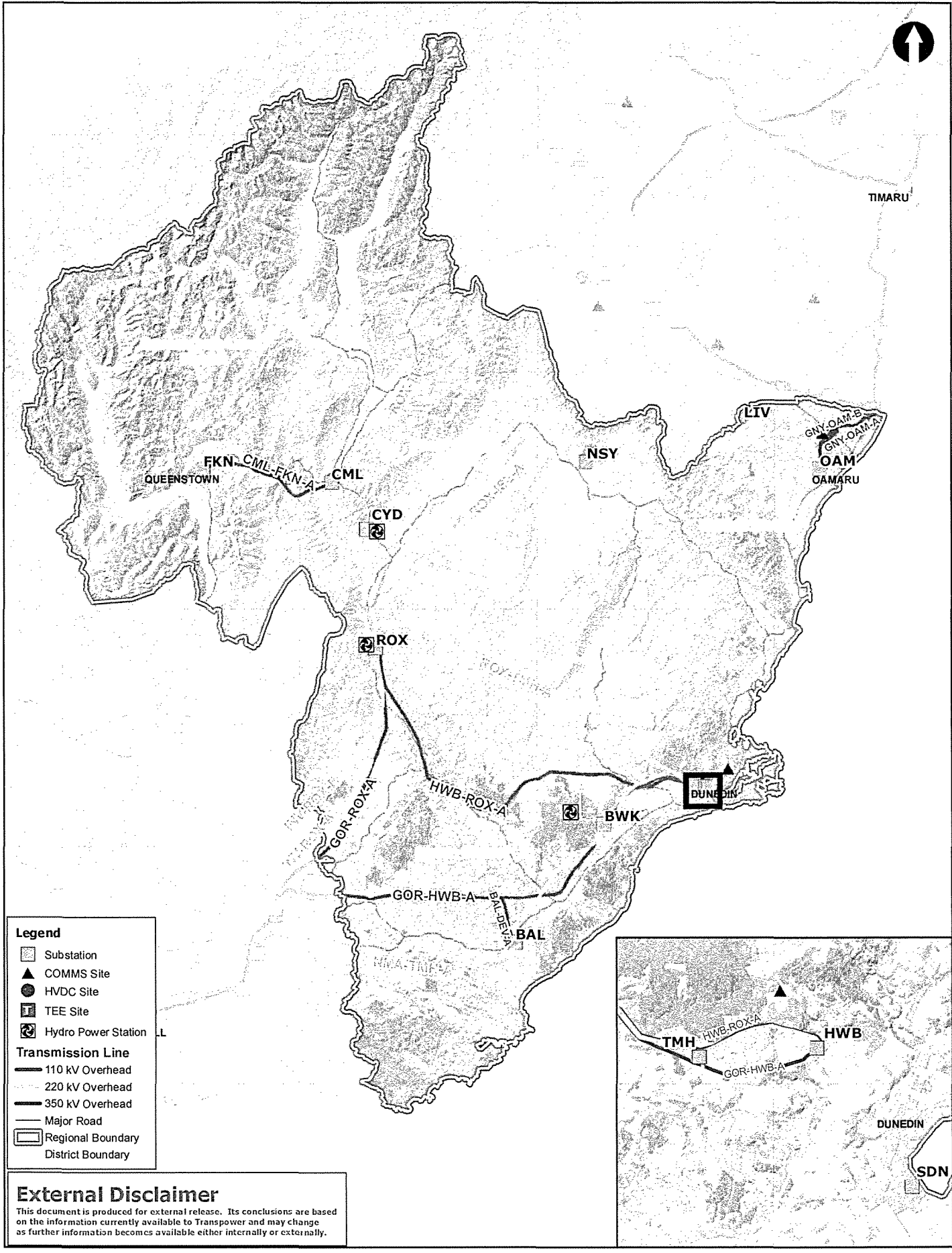
			<p>structures if a person –</p> <ul style="list-style-type: none"> <li>i. Uses them in connection with the generation of electricity for the person's use; and</li> <li>ii. Does not use them to generate any electricity for supply to any other person;</li> </ul>
Lifeline utilities	Support with amendments	Transpower supports Council referring to the meaning of lifeline utilities used in the Civil Defence Emergency Management Act 2002 (CDEMA) as this definition includes Transpower. However, Transpower notes that given the very broad definition used in the CDEMA, the definition could be amended to be more specific.	<ul style="list-style-type: none"> <li>■ Retain definition as drafted but allow for a further discussion on the scope of this definition and whether it could be amended to be consistent with other definitions used around the country.</li> </ul>
National Grid		Transpower seeks a definition be included for the National Grid.	<ul style="list-style-type: none"> <li>■ Add new definition:  <b><u>National Grid:</u></b> <i>means the same as in the National Policy Statement on Electricity Transmission 2009, being the assets used or owned by Transpower New Zealand Limited.</i></li> </ul>
Reverse sensitivity	Support with amendments	The term as currently worded is confusing and does not achieve the purpose of protecting existing activities, such as the National Grid, from adverse effects associated with the introduction of new activities. Transpower therefore seeks that the definition be replaced with the following definition that is derived from case law (Gateway Funeral Services v Whakatane DC EnvC Wellington W005/08, 5 February 2008).	<ul style="list-style-type: none"> <li>■ Alter the definition as follows:  <b><u>Reverse Sensitivity:</u></b> <i>is the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for the land. The 'sensitivity' is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as not to adversely affect the new activity."</i></li> </ul>

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**Part C – Implementation**

<p>Direction to Territorial Authorities to identify and provide for Buffer Corridors</p>		<p>Transpower notes there is a method that directs territorial authorities to identify corridors for regionally and nationally significant infrastructure, specifically the National Grid. Direction also needs to be given to direct Territorial Authorities identify the National Grid transmission lines on the planning maps which gives effect to Policy 12 of the NPSET.</p>	<p>Add an additional method which states:</p> <p><u><i>“District plans shall include objectives, policies and methods (including rules) to:</i></u></p> <ul style="list-style-type: none"><li>a) <u><i>recognise transmission corridors within their district;</i></u></li><li>b) <u><i>identify transmission lines on planning maps; and</i></u></li><li>c) <u><i>to provide controls on subdivision and land use, as necessary to ensure that the operation, maintenance, upgrading and development of transmission infrastructure is not compromised as a result of the adverse effects of incompatible land uses (including structures”.</i></u></li></ul>
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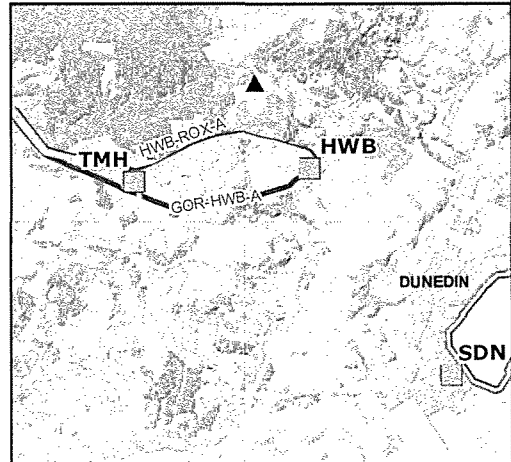
**Legend**

- Substation
- COMMS Site
- HVDC Site
- TEE Site
- Hydro Power Station

**Transmission Line**

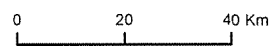
- 110 kV Overhead
- 220 kV Overhead
- 350 kV Overhead
- Major Road
- Regional Boundary
- District Boundary

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**TRANSPOWER Transpower Assets in the Otago Region**

Prepared by: Geoprospect & Associates



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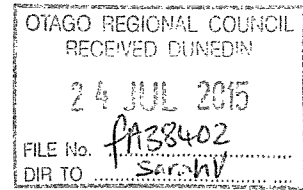
Date: 24/07/2015 Drawn by: heymannsl

Path: I:\Spatial\GIS\Projects\14044\_DistrictRegional\_TP\NZ\_AssetMap\XDS\14044\_Otago\_region.mxd

Projection: NZTM 2000 Scale: 1:1,356,000 Plan Size: A4P

## Submission to Otago Regional Council – Proposed Regional Policy Statement

**Name of submitter:** Sue Maturin  
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I wish to be heard in support of my further submission.

If others make a similar submission, I will consider presenting jointly with them at a hearing

I represent a relevant aspect of the public interest.

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) is an independent community-based conservation charity, established in 1923. Its mission is to be a voice for nature, on land, in fresh water, and at sea, on behalf of its 70,000 members and supporters. Volunteers in 50 branches carry out community conservation projects around New Zealand. It has 4 branches in Otago. Forest & Bird has been involved in resource management processes around New Zealand for many years, at the national, regional and district level.
2. Forest and Bird staff and members have been involved in tenure reviews since the beginning of the tenure review program. Several of the Society's branches have wildling tree projects, various pest control and restoration projects. The Society has a strong interest in the protection of indigenous species, on land, in freshwater and in the sea.
3. This is a submission on all provisions of the proposed RPS, on behalf of Forest and Bird's Branches and Forest and Bird nationally. It begins with general overall submissions followed by specific submissions on each provision of interest to Forest and Bird.

### General Submissions

4. Forest and Bird supports the proposals to manage land use change in dry catchments and to avoid reduction in water yields, and methods requiring local authorities to restrict and control forestry planting, and conversion of tussock grasslands to protect these values. This is a significant improvement over the current RPS.
5. Forest and Bird appreciates the innovative and easy to read style of the proposed RPS, but it has substantial flaws which need remedying. There is a nice simplicity to the four high level outcomes. The downside is that they are overly general and do not establish a framework in line with RMA requirements.

6. The non-traditional framework although appearing to be more simple is actually harder to interpret and more difficult to find relevant objectives and policies, and makes for duplication and sometimes conflicting policies.
7. The issues are general and do not in most instances identify the cause of the problem, or succinctly describe what is being affected, how and where, in order to provide a clear direction for the focus of objectives and policies, to be sure that they address the underlying causal factors. Identification of issues should drive the objectives and policies, rather than the outcomes. The proposed RPS (PRPS) does not provide an adequate overview of the resource management issues of the region, as is required by Section 59 Resource Management Act 1981, (RMA).
8. The framework, with generalised non-specific objectives, fails to facilitate a level of detail that is needed to achieve integrated management of natural and physical resources of the whole region, as required by the RMA.
9. The objectives read more as outcomes than objectives and it is not clear what the purpose or status is of the narrative paragraphs following the bold heading of the Objective. Text on page 12 suggest that these along with the “Needs” descriptors are the explanations for the policies and principle reasons for adopting the objectives, policies and methods. Phrases such as “A good quality resource management framework addresses all the values attached to our resources, and identifies those which need protection” (Objective 2.1 P26) do not provide a useful explanation nor a reason for the objective or the policies which follow.
10. Many of the policies read more as outcome statements and fail to describe how the objective is to be achieved, as they do not describe the actions to be taken, where and by whom.

### ***Relief Sought***

11. Restructure the policy statement so that it has clear chapters, covering Kai Tahu, Land, Water, Biodiversity, Coast, Built Environment, Energy, Natural Hazards, Wastes and Hazardous Substances, Infrastructure etc.
12. Re write the issues for the region so that they are in accordance with Section 59 and 62 (RMA) to provide a more detailed overview of the significant issues including indigenous biodiversity, the regional matters of National Importance (S6 RMA).

13. Re write the objectives so that they deal with each of the regionally significant resource issues, rather than generalised outcomes, and provide clear reasons and explanations for Objectives and Policies.

### Specific Submissions

Title of Provision	Support/Oppose/Amend	Reasons	Relief Sought
Issues p24-25	Oppose	The list of issues is overly general, and written to be a general truism for all resources. The list does not include specific issues affecting specific natural and physical resources that are of regional significance.	<p>Re write the issues to issues that specifically address the following: Objective 2.1 Issues</p> <ul style="list-style-type: none"> <li>• Cumulative effects of human activities, past and current on natural resources. have resulted in loss of resource (e.g. extinct or nearly extinct species and rare ecosystem types such as saline’s) or diminished value (e.g., freshwater ecosystems)</li> <li>• Over allocation (both quality and quantity) and degradation of freshwater resources.</li> <li>• Loss of indigenous habitats and species through land intensification and development, clearance of indigenous vegetation, tree planting.</li> <li>• Loss and degradation of wetlands.</li> <li>• Degradation and loss of resilience of indigenous ecosystems, through loss of area and fragmentation due to land use change, pests and weeds, climate change.</li> <li>• Loss of natural character along the margins of rivers lakes and the coast, through inappropriate land use and development.</li> <li>• Intensifying land use, resource exploitation and utility development threatening Outstanding Natural Landscapes and Features</li> <li>• Insufficient data collection, monitoring and analysis of natural resource attributes and values.</li> <li>• Also poor integration of land and water use management between agencies resulting in loss and</li> </ul>

			<p>degradation of natural resources – similarly not sure if an issues or a cause!</p> <p>Objective 2.2 Issues</p> <ul style="list-style-type: none"> <li>• Lack of and inconsistent identification, recognition and protection of biodiversity values, significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes.</li> </ul>
Objective 2.1	Oppose	<p>It is not only the values of natural and physical resources but also the life supporting capacity of air, water and soil and ecosystems that need to be recognised, maintained, and enhanced or restored where they have been degraded or lost.</p> <p>Also the issues imply that degradation and loss may yet still happen whereas it's been happening for years already!</p>	<p>Re write to read: The values and life supporting capacity of Otago's natural and physical resources are recognised, maintained and enhanced.</p> <p>Add objectives relating specifically to freshwater, beds of rivers lakes wetlands and their margins, coastal water, outstanding natural features and landscapes including seascapes, land and seascapes, natural character.</p> <p>Add the following biodiversity objective Indigenous biodiversity in terrestrial, freshwater and coastal environments is maintained through protection, and is restored and/or enhanced where it has been lost or degraded so that the full range of naturally occurring ecosystems and habitats and their complement of flora and fauna is present across/characterises the region, and enhancement, and restoration particularly in places where biodiversity has been lost, or degraded.</p> <p>Add further objective Human activity supports the healthy functioning and resilience of naturally occurring ecosystems including where integrated with production systems</p> <p>Add an explanation that this objective seeks to halt and more so reverse the decline in Otago's biodiversity, and how retaining and enhancing indigenous habitats, will help halt the decline and why this is important for Otago' identity and economy.</p>



			<p>Add similar Objective for the coastal ecosystems;</p> <p>Coastal ecosystems and their life supporting capacity are protected and where degraded are enhanced and restored.</p>
Text to Objective 2.1.1	Oppose	<p>As the text observes the values associated with our resources can be conflicting, so it is not possible to maintain or enhance the resources to meet all values. The RMA requires that the life-supporting capacity of air, water, soil, and ecosystems is safeguarded and adverse effects on the environment are avoided remedied or mitigated.</p> <p>The text implies that a quality resource management framework identifies and protects those which need protection. The purpose of an RPS also includes providing for the integrated and sustainable management of the natural and physical resources which better reflects the focus of Objective 2.1.</p>	<p>Re write text to better reflect the purposes of regional Policy statements and explain the importance of safeguarding the life supporting capacity of ecosystems and resources, and maintaining biodiversity.</p>
Policy 2.1.1	Support with amendments	<p>The policy creates ambiguity as freshwater values are not defined, and can be conflicting.</p>	<p>Re name title to read: Managing for healthy freshwater ecosystems, or Achieve healthy freshwater ecosystems</p> <p>Amend introductory text accordingly</p>
Policy 2.1.1 (a)	Support with amendments	<p>Strongly support managing for healthy ecosystems in all Otago aquifers, rivers, lakes, wetlands and their margins; however this should include all water</p>	<p>Amend to read: (a)Ensure all water bodies and their margins have healthy ecosystems; and</p>

		bodies.  Use of the term “support” is unclear and does not provide direction to decision makers. The word “Ensuring” is used in other policies e.g. Policies; 2.3.2 3.3.2, 3.8.1 and is appropriate for this policy.	
Policy 2.1.1 (b)	Support with amendments	This policy should be clear that it is the full range of habitats that needs to be retained as provided by the NZ Biodiversity Strategy.	Amend to read: Retain the <u>full</u> range of habitats and indigenous species supported by freshwater.
Policies 2.1 .1(c-and e-k)	Support		Retain
Policy 2.1.1 d)		The terminology migratory patterns are imprecise and could be more related to behaviour than protecting the habitat requirements for all life cycle stages.	Amend to read: Protect migratory requirements for all life cycle stages of freshwater species, unless detrimental to indigenous species.
Policy 2.1 (l)	Support with amendments	The RPS does not define important recreational values; this is a superfluous and restricting qualifier.	Amend to read: Protect recreation values
Missing policies	Add policies	Forest and Bird seeks further policies to address the issues relating to the degradation and over allocation of freshwater resources.	Add the following policies  q) Avoid human induced erosion and sedimentation  r) Ensure all water bodies are safe for human health and contact recreation  s) Avoid changes in hydrology which could adversely affect indigenous biodiversity.  t) Halt the decline of indigenous species  u) Phase out the over allocation of freshwater that adversely affects water quality and in stream flows by 2035.  v) Set limits and targets to achieve ecological health for all water bodies.
Policy 2.1.2 a-c, f-k	Support		Retain a-c and f-k as proposed.
Policy 2.1.2 d)	Support with	Not all ecosystems are	Amend to read:

	amendments	currently healthy, so the policy needs to provide for the restoration and enhancement of degraded ecosystems.	Maintain indigenous biodiversity and healthy ecosystems, enhance and restore degraded ecosystems and indigenous biodiversity.
Policy 2.1.2 e)		This policy should be clear that it is the full range of habitats that needs to be retained as is stated in the NZ Biodiversity Strategy.	Amend to read Retain the full range of habitats and indigenous species supported by freshwater.
Policy 2.1.2 l)	Support with amendments	Not all banks of water bodies are currently stable, where they are eroding and unstable they need to be restored to stability.	Amend to read Maintain and restore bank stability and avoid bank erosion.
Policy 2.1.2	Add new policy	A key tool for managing margins is to maintain and restore riparian vegetation.	l Maintain riparian vegetation where it protects water quality and habitat and restore riparian vegetation where it fails to protect water quality and habitat
Policy 2.1.2	Add new policy	Margins of water bodies are important for recreation.	Protect recreational use and access to the margins of Otago's water bodies.
Policy 2.1.3	Support with amendment	The policy creates ambiguity as values are not defined, and can be conflicting.	Managing for healthy ecosystems on river beds, lakes, wetlands and their margins.
Policy 2.1.3 a)	Support with amendment	Use of the term "support" is unclear and does not provide direction to decision makers. The word "Ensuring" is used in other policies e.g. Policies; 2.3.2 3.3.2, 3.8.1 and is appropriate for this policy.	Amend to read Ensure healthy coastal ecosystems, and
Policy 2.1.3 b)	Support with amendment	This policy should be clear that it is the full range of habitats that needs to be retained as is stated in the NZ Biodiversity Strategy.	Amend to read Retain the full range of habitats and indigenous species in the coastal marine area
Policy 2.1.3 h)	Support with amendment	The RPS does not define important recreational values; this is a superfluous and restricting qualifier.	Protect recreation values
Policy 2.1.3 c-g and l	Support		Retain as proposed.
2.1.4	Support with amendment	Need to manage burning to protect air quality for visual reasons e.g. winter burn offs ruining views of	Add d) ensure land uses and human activity generating air pollutants avoid adverse effects on visual amenity

		landscape on the best days	
Policy 2.1.5 (a)-(l)	Support		Retain as proposed
Policy 2.1.6		<p>The policy creates ambiguity as neither ecosystem nor biodiversity values are defined, and they can be conflicting.</p> <p>The introductory text restricts management of activities to managing ecosystems and indigenous biodiversity. A significant issue that needs to be addressed through policies is stopping the loss and degradation of natural ecosystems as a consequence of land use activities and pests and maintaining indigenous biodiversity. This requires managing adverse effects rather than managing the ecosystems and indigenous biodiversity.</p>	<p>Re write heading to read: Managing to achieve healthy natural ecosystems and indigenous biodiversity.</p> <p>Re write the introductory text to accordingly, including reference to : protecting the natural functioning of ecosystems, halting the decline in indigenous biodiversity and controlling adverse and cumulative effects on ecosystems and indigenous biodiversity by:</p>
Policy 2.1.6 (a)	Support with amendments	This policy more or less repeats the Act. Amend to make policy describe what is going to be done, rather than the outcome	Amend to read; Maintaining or enhancing ecosystem health, natural processes and indigenous biodiversity and habitats for indigenous species through-out Otago; and
Policy 2.1.6 (b)	Support with amendments	Much of Otago's remaining indigenous vegetation has been significantly modified, yet it retains habitats for indigenous species, and seed sources for restoration and enhancement. These can provide seasonal food sources, and ecological links.	Amend to read: Maintaining, protecting enhancing areas of modified indigenous vegetation which contain indigenous biodiversity and habitats for indigenous species.
Policy 2.1.6 (c)	Support with amendment		Providing for buffers and linking existing habitats of indigenous species where opportunities exist.
Policy 2.1.6 (d)	Support with amendment		Protecting the hydrological services of tussock grasslands
Policy 2.1.6	Support		Retain but reword to grammatically match

(e)-(g)			above amendments.
Policy 2.1.6(h)	Support with amendment	It is important to prevent rather than control the spread of pests.	Avoid the adverse effects of pest species, prevent their introduction and prevent their spread.
Add new policy		Restoration is needed in places where biodiversity has been lost and habitats degraded, because this is required to restore viable populations of indigenous species across their natural ranges. Using eco sourced indigenous species that occur or once occurred will assist Councils to maintain indigenous biodiversity	Facilitating and supporting restoration of degraded natural ecosystems and indigenous habitats using <del>where possible</del> indigenous species that naturally occur and/or previously occurred in the area.
Add new policy		Biodiversity is lost through fragmentation, reduction in size and extent of habitats.	Avoiding fragmentation, reduction in size and extent of indigenous ecosystems and habitats of indigenous species.
Add new policy		The creation of new habitat will be one way of reversing the decline of indigenous biodiversity	Facilitating and supporting the creation of new areas of indigenous vegetation and habitat for indigenous species, using species and processes inherently natural to the area.
Add new policy and Schedule.		Biodiversity maintenance is not achieved if biodiversity that is lost is not replaced by enhancement measures under a biodiversity offset.	Avoiding significant adverse effects, avoiding remedying and mitigating other effects and offsetting any residual adverse effects that is more than minor in accordance with Appendix... (being Appendix One attached to this submission.
Policy 2.1.8.	Support		Retain
Objective 2.2	Support with Amendments	<p>Section 6 requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>This necessitates identifying and mapping them, and the development of controls to avoid significant adverse effects, and methods to protect them. In order to achieve integrated resource management, the methodology for identifying and protecting these sites needs to be</p>	<p>Amend to read: Otago's significant and highly valued natural resources, indigenous vegetation, habitats and indigenous biodiversity are consistently identified and protected.</p> <p>Delete explanatory text and replace with text that explains that;</p> <ul style="list-style-type: none"> <li>• Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna are a matter of National Importance.</li> <li>• Many of Otago's sites have not been identified or protected</li> <li>• There is a need to ensure that the methodology for identifying and protecting these sites is consistent</li> </ul>



		consistent through-out Otago.	through out Otago.
Policy 2.2.1	Support with amendments	Traditionally the identification of significant sites has been better considered for terrestrial sites; however they also need to include freshwater and coastal habitats. This should be made clear.	Amend title to include terrestrial, freshwater and coastal sites.  Amend to read: Identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna for terrestrial and freshwater environments using the criteria set out in Schedule 5 (being the schedule as amended by this submission).
New policy	Add new policy (b)	The schedule 5 criteria have been developed for terrestrial ecosystems and are not totally applicable or appropriate for coastal environments.  Parts of Otago's coastal marine area have natural and physical values that are of regional, national and international significance, particularly breeding, feeding and roosting sites for a significant number of locally endemic and nationally threatened seabird species, as well as coastal plant species and habitats. These have not been comprehensively identified in Regional or District Plans. The PRPS needs to remedy this.	Identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna for coastal environments using the criteria set out in Schedule xx (being the schedule included in this submission in Appendix Two).
Policy 2.2.2	Support with amendments	Council's responsibilities are to protect rather than manage areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and coastal environments and this is achieved through avoiding adverse effects of activities.  As it is unlikely that all areas	Amend title to read: Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna which meets the terrestrial and freshwater criteria in Schedule 5 and coastal environments in Schedule xx, (being the schedule included in this submission in Appendix Two).  Amend descriptor to read: Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna from the

		of significant indigenous vegetation and significant habitats of indigenous fauna will be identified at one time, and many may be missed, due to difficulty of gaining access, lack of resourcing, or overlooked, and as schedules inevitably go out of date, it is important that there are mechanisms to identify sites that meet the criteria at the time of resource consents that involve adverse effects on vegetation and habitats.	adverse effects of subdivision, use and development, by:
Policy 2.2.2 a)	Support with amendments	Vulnerable and irreplaceable habitats will be significant, but these particular values may not be signified as contributing to the sites being significant	Avoiding adverse effects including cumulative effects on significant biodiversity that is vulnerable or irreplaceable and those values which contribute to the area or habitat being significant; and
Policy 2.2.2 b) –f)	Support		Retain
Add new Policy		The policies need to include a policy about pests.	Add Avoid the adverse effects of pest species, prevent their introduction and their spread.
Add new policy			Offset any residual adverse effects that are more than minor through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity in accordance with policy x and Appendix xx (being the Appendix One attached to this submission)
Policy 2.2.3		Needs more guidance - the attributes, qualities and features underlying outstanding status need to be identified	Identify the outstanding natural landscapes and features including coastal features and landscapes ; and identify the attributes, qualities and features that contribute to their outstanding status using the methodology set out in Schedule 4
Policy 2.2.5		Identify the attributes, qualities and features that contribute to the amenity value of other landscapes and natural features	Reword title Identifying the attributes, qualities and features that give other landscapes and natural features amenity value

		(all landscape has amenity value of some kind and the RMA does not distinguish between important and significant or “special amenity” or “visual amenity” landscape and other landscape – it’s just straight out amenity value e.g., QLDC is not distinguishing between VAL and other landscape anymore...)	
2.2.6	Amend		<p>Protect or enhance the amenity of other landscapes and natural features , by:</p> <p>a) avoiding adverse effects on those attributes, qualities and features that contribute significantly to their amenity value</p> <p>b)ok but replace values with a/q/f as above</p> <p>c) as above</p> <p>d)as for 2.2.4 d) as for 2.2.4e)</p> <p>Add h) encouraging facilitating and supporting mitigation of existing adverse effects to improve amenity values</p> <p>as for 2.2.4f)</p>
New policy		<p>2.2.8 Identifying the landward extent of the margins of lakes, rivers and wetlands</p> <p>to manage natural character of the margins of freshwater bodies the spatial extent needs to be defined. The interpretation of “margin” has varied considerably from little more than the high water mark to considerable distance back from the water’s edge. Natural character is a perceptual landscape term. A landscape approach has been taken to defining the coastal margin, a similar approach should be taken</p>	<p>Identify the landward extent of margins of all freshwater bodies using the following criteria:</p> <p>a) area or landform where active riparian or lacustrine and/or wetland processes, influences or qualities are significant including legible historic processes and influences ; and</p> <p>b) the area dominated by vegetation associated with the water bodies and providing habitat for species dependent on the water body and its margins including dry to wet environments; and</p> <p>c) any landscape and natural feature that significantly contributes to the natural character, visual amenity and recreational value of the substitute word for coast?? water body and its margin??</p> <p>e) the relationship of taka whenua with the margins of freshwater bodies</p>

		<p>to freshwater body margins for meaningful management of natural character.</p> <p>Degradation of natural character has occurred along our river and lake edges for example from housing allowed too close or removal of indigenous vegetation within river corridors, because there has been no definition of margin and/or it has been limited to the physical banks of a water body</p>	
Policy 2.2.8		This policy should only be about coastal landscape that is of high natural character but not outstanding	<p>Reword heading:</p> <p>Identify areas of high but not outstanding natural character in the coastal environment and the attributes, qualities and features contributing to the natural character, using Schedule 4 factors:</p>
Policy 2.2.9			<p>Reword as for 2.2.4 and 2.2.6 re changing word “values” for attributes qualities and features and also other changes already suggested</p> <p>Add h) encouraging facilitating and supporting mitigation of existing adverse effects to improve natural character</p>
Policies 2.2.4-, 2.2.12-15.			Retain
Policy 3.5.2	Support		Retain
Objective 4.3	Oppose	<p>The term “sufficient” is open to much interpretation, sufficient for what, how much is sufficient. The focus of the RMA is on sustainable management which is not reflected in this Objective. It is unclear what the land is to be protected from, and for what sorts of economic production. For instance it could be argued that all land is needed for</p>	<p>Remove policies relating to rural land use from this chapter and embrace under a new Objective that reflects the requirements for sustainable management, protecting the life supporting capacity of productive rural ecosystems.</p>

		economic production, whether or not the activities are sustainable and economic production may not be considered to include biodiversity services which underpin Otago's economy and tourism. This chapter contains a grab bag of activities which are difficult to embrace under land use sustainability, which is a significant regional issue that needs to be addressed in the RPS, but which is not readily identifiable.	
Policy 4.3.1	Oppose	This policy fails to implement S5 of the RMA.	Amend to read: Managing for sustainable rural activities  Ensure sustainable management of Otago's land resources to meet the present and reasonably foreseeable needs of Otago's communities by:
Policy 4.3.1 a)	Amend	This policy fails to implement S5 of the RMA.	Protect the life supporting capacity of land resources and ecosystems and enable sustainable farming and other rural activities; and
Policy 4.3.2 a) and b)	support	Forest and Bird is pleased to see recognition of the need to manage land to protect water yield.	Retain
Policy 4.3.6 a)	Support	Forest and Bird supports the importance of avoiding mineral and gas exploration, extraction and processing in Otago's significant and outstanding areas.	Retain
Policy 4.4.1 d)	Oppose	Not all water harvesting and storage should be enabled.	Enable small scale on farm water harvesting and storage to reduce pressure on water bodies during periods of low flows.
Issues Statement Policy 4.5	Amend	Otago's areas of biodiversity, natural ecosystems are under threat, as well as Otago's significant areas of biodiversity,	Amend to read: Otago's natural ecosystems and indigenous biodiversity and areas of significant indigenous vegetation and significant habitats of indigenous fauna and outstanding landscapes, for example.....



Policy 4.4.3	Support		Retain
Policy 4.5.5	Support with amendments		Amend to read: Preventing the introduction and spread of pest plants and animals  Control the adverse effects of pest species, prevent their introduction and spread to safeguard:
Policy 4.5.5 a-g)	Support		Retain as proposed.
Policy 4.5.6			Retain
Policy 4.5.7 a)	Support with amendments	This policy restricts the use of off setting to activities which have a <u>functional necessity</u> to locate in <u>significant or outstanding areas</u> . As noted above biodiversity maintenance is not achieved if biodiversity that is lost is not replaced by enhancement measures under a biodiversity offset. Offsetting should be enabled for all indigenous biodiversity not just significant areas, and as there may be occasions when activities are permitted that have adverse effects on indigenous vegetation that can not be fully avoided, then offsetting may be required for activities other than those that have a “functional necessity”.	Enable offsetting of any residual adverse effects that can not be avoided, remedied or mitigated, that are more than minor through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity in accordance with policy ///// and Appendix xx (being the Appendix One attached to this submission)
Policy 4.5.7 c)	Support	Biodiversity offsetting should not be applied to justify impacts on vulnerable and irreplaceable biodiversity values or biodiversity values which can not be offset.	Retain
Policy 4.5.8	Support with Amendments	This policy sets out minimal criteria which are not sufficient to enable Councils to maintain indigenous biodiversity.	Amend to read: Provide for offsetting according to the framework set out in Appendix xxxx (Being that attached to this submission as Appendix One).
Method 4.1.4	Support		Retain

New Method 4.1.13		As it is unlikely that all areas of significant indigenous vegetation and significant habitats of indigenous fauna will be identified at one time, and many may be missed, due to difficulty of gaining access, lack of resourcing, or overlooked, and as schedules inevitably go out of date, it is important that there are mechanisms to identify sites that meet the criteria at the time of resource consents that involve adverse effects on vegetation and habitats.	Add methods to specify that City and District plans will set objectives, policies and methods to implement policies 2.1.6 – Managing for ecosystem and indigenous biodiversity values and 2.2.2 – Managing significant indigenous vegetation and significant habitats of indigenous fauna, by including provisions to: <ul style="list-style-type: none"> <li>a) Manage indigenous vegetation clearance using case by case assessments to determine whether an area of indigenous vegetation or habitat is significant and warrants protection</li> <li>b) Include appropriate regulatory methods that control the clearance or modification of, indigenous vegetation and habitats of indigenous fauna.</li> <li>c) Require ecological assessments to accompany a resource management proposal or plan for an activity or development that may affect areas of indigenous vegetation and habitats of indigenous fauna.</li> </ul>
Method 6.1.2	Support with amendments to a)	The identification of Significant indigenous vegetation and significant habitats of indigenous fauna needs to be done consistently by all districts using the same identification criteria as specified in the Schedules. Indigenous vegetation and habitats do not conform to district boundaries but the proposed criteria are relevant for all districts.	Amend a) to read:  Significant indigenous vegetation and significant habitats of indigenous fauna in using criteria for terrestrial and freshwater in Schedule 5 (as amended by this submission) and for the coastal marine area in Schedule xxxx  Retain b-f
Schedule 5	Support with amendments	The description does not adequately describe representative and does not include habitats of	<b>Representative</b>  An area of indigenous vegetation or habitat of indigenous fauna that is

		<p>indigenous fauna. As most indigenous vegetation types and assemblages of native fauna have been modified to some extent often this means that vegetation types or communities that are closest to the composition and structure that would have been expected to occur at the baseline of 1840 need to be included as representing the typical or characteristic of the natural diversity of the ecological district.</p> <p>Pattern refers to changes in the distribution and abundance of species/habitats across the site and is driven by underlying variation in the environment.</p> <p>Some areas can have important connectivity values for the dispersal of indigenous plants.</p>	<p>representative, typical or characteristic of the natural diversity of the relevant ecological district.</p> <p><b>Diversity add and Pattern</b> Amend to read: An area that supports a high diversity of indigenous ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients.</p> <p><b>Ecological Context</b> Add vegetation to a)</p>
Glossary	Add new definition	Biodiversity Offsets is a specific terminology that requires definition.	<p><b>Biodiversity Offsets</b></p> <p>Measurable conservation outcomes resulting from actions designed to compensate for residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.</p> <p><b>No net loss</b></p> <p><b>Means no net loss with respect to:</b></p> <ul style="list-style-type: none"> <li>• Species abundance, population</li> </ul>

			<p>structure, and composition (e.g. individual species or species groups)</p> <ul style="list-style-type: none"> <li>• Habitat structure (e.g. vegetation tiers, vegetation pattern)</li> <li>• Ecosystem function (e.g. nutrient cycling rates)</li> <li>• People’s use of and cultural values associated with biodiversity</li> </ul> <p>(e.g. particularly valued habitats or species).</p> <p>No net loss, in essence, refers to the point at which biodiversity gains from targeted biodiversity management activities match the losses of biodiversity due to the impacts of a specific development project, so that there is no net reduction in the type, amount and condition (quality) of biodiversity. A net gain means that biodiversity gains exceed a specific set of losses associated with a development.”</p>
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## Appendix One

### Schedule XX Biodiversity Offsetting

The following sets out a framework for the use of biodiversity offsets. It should be read in conjunction with the NZ government *Guidance on Good Practice Biodiversity Offsetting in New Zealand* August 2014 (or any successor document):

1. Restoration, enhancement and protection actions will only be considered a biodiversity offset where they are used to offset the anticipated residual effects of activities after appropriate avoidance, minimisation, remediation and mitigation actions have occurred as per the policies in Policies 2.1.6 2.2.2 and 4.5.7. Biodiversity offsetting should not be applied to justify impacts on vulnerable and irreplaceable biodiversity values or biodiversity values which cannot be offset.
2. Restoration, enhancement and protection actions undertaken as a biodiversity offset are demonstrably additional to what otherwise would occur, including that they are additional to any remediation or mitigation undertaken in relation to the adverse effects of the activity.
3. Offset actions should be undertaken close to the location of development, where this will result in the best ecological outcome.
4. The values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity which is at least commensurate with the adverse effects on indigenous biodiversity, so that the overall result is no net loss, and preferably a net gain in ecological values.
5. The offset is applied so that the ecological values being achieved through the offset are the same or similar to those being lost.
6. The positive ecological outcomes of the offset last at least as long as the impact of the activity, and preferably in perpetuity. Adaptive management responses should be incorporated into the design of the offset, as required to ensure that the positive ecological outcomes are maintained over time.
7. The biodiversity offset should be designed and implemented in a landscape context- i.e. with an understanding of both the donor and recipient sites role, or potential role in the ecological context of the area.
8. The protection and restoration actions undertaken as a biodiversity offset are delivered or demonstrated prior to the adverse effects occurring.
89. The consent application identifies the intention to utilise an offset, and includes a biodiversity offset management plan that:
  - i. sets out baseline information on all indigenous biodiversity that are potentially impacted by the proposal at both the donor and recipient sites:

A. Originally rare ecosystem types (Williams *et al.* 2007);

- B. Indigenous vegetation on wetlands and sand dunes;
- C. Indigenous vegetation types;
- D. Important fauna habitats;
- E. Threatened, At Risk, and locally uncommon species; and
- F. Indigenous vertebrate fauna guilds, including each trophic level (herbivore, predator), feeding guilds of avifauna (insectivore, frugivore, nectivore, carnivore), and indigenous fish.

ii. includes clear objectives and performance criteria which demonstrates how the requirements set out in this appendix will be addressed,

iii. identifies the monitoring approach that will be used to demonstrate how the matters set out in this appendix have been addressed, over an appropriate timeframe.

(While this appendix sets out a framework for the use of biodiversity offsets in Otago, many of the concepts are also applicable to compensation actions i.e. where an overall outcome of no net loss (and preferably a net gain) in biodiversity values cannot be ensured through proposed restoration and protection actions.



## Appendix Two

Schedule xxx

### SIGNIFICANT ECOLOGICAL AREAS\_MARINE CRITERIA

Identify areas of significant indigenous vegetation and the significant habitats of indigenous fauna in the coastal marine area as Significant Ecological Areas using one or more of inclusion criteria a - f

Sites should not generally be considered significant if they meet one of the exclusion criteria h-i

#### INCLUSION CRITERIA

##### a. RECOGNISED INTERNATIONAL OR NATIONAL SIGNIFICANCE

i It is an area identified as internationally or nationally significant for either indigenous marine ecosystems or biodiversity, or with reference to the species that utilise these ecosystems

##### b. THREAT STATUS AND RARITY:

i. It is a habitat that is required to provide for the life cycle of a marine plant or animal that is locally rare and has been assessed under the New Zealand Threat Classification System (NZTCS), and determined to have a national 'At Risk' conservation status of Naturally Uncommon, Relict, Recovering and Declining. *OR*

ii. It is a habitat that is required to provide for the life cycle of a plant or animal that occurs naturally in Otago and has been assessed by the Council to have a regional threatened conservation status including Regionally Critical, Endangered and Vulnerable and Serious and Gradual Decline *OR*

iii It is a habitat that is required to provide for the life cycle of a plant or animal that occurs naturally in Otago and has been assessed by a nationally or internationally recognised assessment process (e.g., NZTCS, IUCN) and determined to have a threatened conservation status including Critical, Endangered, or Vulnerable. *OR*

iv. It is a habitat that occurs naturally in Otago and is required to provide for the life cycle of a marine animal that is listed as a Protected Species in Schedule 7A of the Wildlife Act (1953); *OR*

v It is an indigenous marine habitat or ecosystem that occurs naturally in Otago and has been assessed by the Council or other national assessment process to be threatened based on evidence and expert advice.  
*OR*

vi. It is an indigenous vegetation or habitat of indigenous fauna that occurs within an indigenous coastal ecosystem as identified in NZCPS Policy 11b(iii) as being particularly vulnerable to modification.

**c.UNIQUENESS OR DISTINCTIVENESS:**

- i. It is habitat for a marine plant or animal that is endemic or near-endemic to the Otago region OR
- ii. It is an indigenous ecosystem that is endemic to the Otago region or supports ecological assemblages, structural forms or unusual combinations of species that are endemic to the Otago region. OR
- iii. It is a habitat that supports occurrences of a plant, animal or fungi that are the largest specimen or largest population of the indigenous species in Otago or New Zealand

**d.DIVERSITY:**

- i. It is an intact habitat sequence extending across an environmental gradient, and including both floral and faunal habitat components; OR
- ii. It includes a large number of intertidal and/or sub tidal habitats; OR
- iii. It is a habitat type that supports a high species richness for its type.

**e.STEPPING STONES, BUFFERS AND MIGRATION PATHWAYS:**

- i. It is a site which makes an important contribution to the resilience and ecological integrity of surrounding areas. OR
- ii. It is part of a network of sites that cumulatively provide important habitat for indigenous fauna or when aggregated make an important contribution to ecological function and integrity; OR
- iii. It is an example of an indigenous ecosystem, or habitat of indigenous fauna that is used by key species permanently or intermittently for an essential part of their life cycle, including migratory pathways, roosting or feeding areas; OR
- iv. It is an example of an ecosystem, indigenous vegetation or habitat of indigenous fauna, that is immediately adjacent to, and provides protection for, indigenous biodiversity in an existing protected natural area (established for the purposes of biodiversity protection for either terrestrial or marine protection) or an area identified as significant under the 'threat status and rarity' or 'uniqueness' criteria.

**f. REPRESENTATIVENESS:**

- i. It is an example of an indigenous marine ecosystem (including both intertidal and sub tidal habitats, and including both faunal and floral components) that makes up part of at least 10% of the natural extent of each of Otago's original marine ecosystem types and reflecting the environmental gradients of the region; AND
- ii It is an example of an indigenous marine ecosystem, or habitat of indigenous marine fauna (including both intertidal and sub tidal habitats, and including both faunal and floral components), that is characteristic or typical of the natural marine ecosystem diversity of Otago; OR

iii It is a habitat that is important to indigenous species of Otago, either seasonally or permanently, including for migratory species and species at different stages of their life cycle (and including refuges from predation, or key habitat for feeding, breeding, spawning, roosting, resting, or haul out areas for marine mammals); OR

iv. It is an ecosystem that contains an intact ecological sequence across an environmental gradient (e.g., intact intertidal vegetation sequence including sea grass, salt marsh, and terrestrial coastal vegetation); OR

v. It is an ecosystem that contains a large number of marine habitat types, with the full range of habitats represented that is typical for that depth and exposure within the Otago region; OR

vi. It is a habitat or ecosystem of particular importance for indigenous or migratory species

#### EXCLUSION CRITERIA

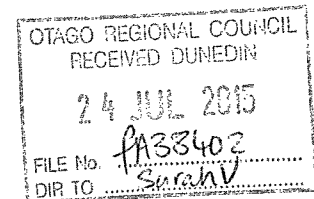
h. It is a site maintained for aquaculture production of either native or non-indigenous marine fauna or flora.

i. It is a novel or synthetic ecosystem dominated by non-indigenous marine fauna or flora.



# FONTERRA SUBMISSION ON THE PROPOSED OTAGO REGIONAL POLICY STATEMENT REVIEW

**To:** Otago Regional Council  
**Submitter:** Fonterra Co-operative Group Limited  
**Contact:** Jo Appleyard/Ben Williams  
 (Client representative - Sue Ruston / Brigid Buckley)



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## 1. OVERVIEW

- 1.1 Fonterra Co-operative Group Limited ("**Fonterra**") generally supports the Proposed Otago Regional Policy Statement Review ("**PRPS**") subject to the amendments that are outlined in this submission.
- 1.2 In this submission Fonterra provides:
- a brief overview of Fonterra's operations and activities in the Otago Region, including those of its farmer suppliers (Section 2);
  - General submissions on the PRPS (Section 3); and
  - Specific submission points on the PRPS, including relief requested (**Attachment 1**).

## 2. BACKGROUND

### *Global*

- 2.1 Fonterra is the world's largest dairy exporting company and is owned by more than 10,700 New Zealand dairy farmers. Over 15,000 global staff work across the dairy spectrum, from advising farmers on sustainable farming and milk production, to ensuring Fonterra meets exacting food quality standards and delivers dairy nutrition every day in more than 100 markets around the world.

- 2.2 Fonterra collects more than 16 billion litres of milk from New Zealand, exporting more than 2.4 million tonnes of dairy product annually. Globally, Fonterra processes more than 22 billion litres of milk and owns leading dairy brands in Australasia, Asia, the Middle East and Latin America.

### *Otago*

- 2.3 In the Otago region Fonterra's activities span the dairy supply chain from the on-farm production of milk by its farmer shareholders, its subsequent processing at Fonterra's Stirling milk processing site near Balclutha, to the transportation of finished products to the Mosgiel Distribution Centre from where they are sent to the Port of Otago for export to domestic and international markets.
- 2.4 There are approximately 400 dairy herds<sup>1</sup> in the Otago region. In the 2013 / 2014 dairy season, the region's dairy farms produced a total of 96 million kgs of milk solids. At an average payout of \$8.47 per kg of milk solids, this had a farm gate value of approximately \$813 million – with much of this entering the Otago economy. Although this amount has dropped for the 2014/15 season, dairying still represents a very significant part of the Otago (and wider New Zealand) economy.
- 2.5 Fonterra's processing activities in Otago form part of its Lower South Island (LSI) region which extends from North Otago, south to Invercargill.
- 2.6 Processing activities in the LSI Region include the collection of milk produced by almost 1,200 farmer shareholders, along with its subsequent processing at Fonterra's Edendale or Stirling sites, and the distribution of finished product to domestic and international markets primarily via the Port of Otago or South Port in Bluff.
- 2.7 In this regard, it is also important to understand that as Fonterra's operations cross regional council boundaries the impacts of policy in one region can have implications on Fonterra's activities in another.
- 2.8 Fonterra itself, along with its farming families, interacts with not only the Otago Regional Council, but also the five territorial authorities located within this region. Planning documents that stem from the PRPS, such as regional and district plans, will impact the day-to-day operations and activities of Fonterra, and its farming families.

### *Stirling Milk Processing Site*

- 2.9 The Stirling Site employs almost 125 people, and processes up to 1.7 million litres of milk during the peak period into cheese products. The site operates within the ambit of a number of resource consents, including those to:
- take and use up to 3,000 m<sup>3</sup> of surface water per day;
  - discharge contaminants to air for the purposes of operating a boiler to provide steam to the processing facilities;
  - discharge cooling water into a roadside drain;
  - discharge odour to air for the purposes of operating a wastewater treatment plant; and
  - discharge up to 3,500 m<sup>3</sup> per day of treated processing wastewater to the Matau branch of the Clutha River.
- 2.10 Fonterra also holds resource consents to discharge whey by-products produced at its Stirling Site to land throughout the Otago region. This includes an associated air discharge permit to discharge contaminants, including odour, to air.

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<sup>1</sup> DairyNZ Statistics 2013/2014.

- 2.11 As set out in paragraph 2.5 above, Fonterra's Stirling Site does not operate in isolation, and is instead part of a large operations region which includes Fonterra's Edendale processing site in Southland.

*Mosgiel Distribution Centre*

- 2.12 The Mosgiel Distribution Centre is Fonterra's lower South Island logistical hub which acts as a node whereby finished product is supplied to it from both the Stirling and Edendale processing sites, and then subsequently moved primarily to the Port of Otago for export to Fonterra's international markets.
- 2.13 For this site, its functioning is reliant on a safe and efficient road and rail network, and its ability to undertake its operations (and expand) in a suitably zoned area (i.e. Industrial) with appropriate protection from reverse sensitivity effects.

### 3. GENERAL SUBMISSIONS

- 3.1 It is noted at the outset that Fonterra has worked with DairyNZ in considering the PRPS and in developing this submission.
- 3.2 Fonterra generally supports the PRPS, subject to the amendments that are outlined in this submission.
- 3.3 This section contains general comments on the PRPS, covering:
- policy direction
  - regionally significant industry
  - National Policy Statement for Freshwater Management 2014
  - methods
  - phraseology

It is important to emphasise that the general comments form part of Fonterra's submission in relation to the PRPS and should be read **in addition** to the specific matters set out in Attachment 1.

#### **Policy Direction**

- 3.4 The purpose of a regional policy statement is to provide an overview of regionally significant issues and identification of policies and methods to achieve integrated management of natural and physical resources. In this regard, the PRPS lacks clarity in terms of the issues that need to be addressed and the direction that should be followed to address them.
- 3.5 In contrast to the topic based focus of the majority of regional policy statements, the PRPS is structured around four outcomes. There is little narrative to explain the relationship between these outcomes and the issues that are of regional significance. Although each outcome is supported by an extensive framework of policies, the PRPS provides little overall direction in terms of how a natural or physical resource is to be managed. Adopting the outcomes focus has led to significant duplication and inconsistency between policies.



- 3.6 For example, while there are a number of policies potentially relating to the management of resources to ensure economic and social well-being, these are set out under different individual outcomes with no overarching strategy identifying the regionally significant issues that need to be addressed or the manner in which certain resources should be managed.
- 3.7 A number of policies simply set out a requirement that various values are “recognised” but provide no guidance or direction for subsequent plan preparation or decision makers. Such policies appear to have no purpose.
- 3.8 Fonterra is concerned that the lack of an overall strategy or clear policy direction will create confusion rather than provide certainty and, in the context of the preparation of lower order regional or district plans, or the preparation of resource consent applications, the approach will result in inefficient and costly processes.
- 3.9 The piecemeal outcomes approach also creates the opportunity for those preparing lower order plans and proposals to adopt a selective approach, or for decisions on specific proposals to adopt an ad hoc approach to the weighting of conflicting policy issues. Such an outcome will not assist integrated decision making or sustainable management of resources.

#### *Relief Requested*

- 3.10 Restructure the PRPS, including Part A – Introduction, so that it is structured around specific natural and physical resources or topics rather than outcomes. The amended document should, as a starting point, clearly identify the regionally significant issues that need to be addressed, following which, it should set out the objectives, policies and methods to address those issues.
- 3.11 As part of the restructuring of the PRPS sought through Fonterra's submission, amend the PRPS to include a new section or statement setting out a clear, coherent, integrated strategy focussing specifically on the management of natural and physical resources.

#### **Regionally Significant Industry**

- 3.12 Fonterra acknowledges that the PRPS has adopted some of the matters raised in feedback to the draft RPS in relation to regionally significant industry and primary production activities. Rather than adopt the topic approach suggested, the PRPS has reflected the concerns through a range of amendments to numerous policies set out under the respective outcomes.
- 3.13 Fonterra considers that this approach does not appropriately reflect the importance of regionally significant industry to the social and economic well-being of the region, or provide sufficient clarity and direction for their significance and requirements to be adequately addressed through the preparation of Regional and District Plans. Those requirements relate to access to critical natural and physical resources, the availability of land to establish operations, and protection against reverse sensitivity effects.
- 3.14 There continues to be an imbalance between the level of policy emphasis placed on environmental protection relative to the level of policy support for activities needed to ensure the continued social and economic well-being of the Region.
- 3.15 Fonterra has proposed a number of amendments to individual provisions in Attachment 1 of this submission but considers that these amendments still require the support of additional provisions which specifically relate to regionally significant industry. Fonterra considers that these provisions can adopt the model used in relation to regionally and nationally significant infrastructure. Moreover, in terms of an overall outcome that should be sought through the PRPS, Fonterra seeks the inclusion of more explicit provisions that recognise and provide for

natural and physical resources to be used for the benefit of the social and economic well-being of the community.

*Relief Requested*

Amendments to address these concerns are proposed through the submissions set out in Attachment 1.

**National Policy Statement for Freshwater Management 2014 (NPSFM)**

- 3.16 The NPSFM is required to be given effect through Regional Policy Statements and other instruments. Section CA sets out a National Objectives Framework which is intended to establish a common approach to achieve improvements in overall water quality. This framework includes requirements that regional councils should identify freshwater objectives for national values and any other values determined to be appropriate in the context of local and regional circumstances. The PRPS makes no reference to these requirements in any discussion of the regionally significant issues, in the identification of objectives, in the direction or phraseology of the policies or in the methods.
- 3.17 While Fonterra accepts that it is not strictly necessary to directly reference the NPSFM, it would be preferable to do so. In any event, given its focus on values rather than objectives, Fonterra considers that the PRPS does not give effect to the requirements of the NPSFM.

*Relief Requested*

Amend the PRPS to identify values then set measurable limits and targets to achieve overall water quality improvements in freshwater bodies.

**Methods**

- 3.18 Part C of the PRPS explains the Methods that are to be applied to implement the policy framework. While this section helpfully explains the respective roles of regional, city and district councils it does not recognise that the PRPS is also required to be addressed by applicants for resource consent. The generalised approach adopted by the PRPS leaves a significant number of matters "open-ended", presumably with the expectation that they will be addressed and refined through the preparation of regional and district plans through Schedule 1 processes. However, pending the completion of such processes, these matters will also need to be addressed by applicants and assessed by decision-makers.
- 3.19 Fonterra considers that if a matter warrants identification as being of regional significance in the PRPS then it is incumbent on the regional council to provide clear direction on how it is expected to be managed, including whether this is intended solely to be achieved through the preparation of regional or district plans or whether it is intended to have relevance to resource consent applications.

*Relief Requested*

- 3.20 Amend the PRPS to identify matters that are expected to be addressed through resource consent processes pending the preparation of regional and district plans.

## Phraseology

- 3.21 Numerous policies make reference to “good water quality” and circumstances where water quality might be “degraded”. Neither term is defined in the PRPS. Similarly, policies refer to “good” and “degraded” air quality. The common meaning of the terms does not provide a clear and evidential basis for policies which require specific actions in terms of maintaining or enhancing the quality of air or water.

The PRPS makes frequent use of the term “avoid” in the context of the management of effects. A key message ensuing from the Supreme Court decision<sup>2</sup> in respect of New Zealand King Salmon was that the choice of words in high order planning instruments needs to be undertaken with particular care, given the responsibilities that will follow in terms of the preparation of lower order instruments. In King Salmon, the use of the term “avoid” was found to mean “not allow” or “prevent the occurrence of”. In the context of a PRPS which promotes multiple layers of protection based on natural and amenity values, Fonterra is concerned to ensure that use of the term is reserved for those circumstances that are demonstrated to be of outstanding significance.

### *Relief Requested*

- 3.22 Amendments to address these concerns are proposed through the submissions set out in Attachment 1.

## 4. SPECIFIC SUBMISSION POINTS

- 4.1 Specific submission points are addressed in **Attachment 1**.

## 5. OVERALL CONCLUSION

- 5.1 In relation to the provisions that Fonterra has raised concerns about, those provisions require amendment because, without amendment, those provisions:

- will not promote sustainable management of resources and not achieve the purpose of the RMA;
- are contrary to Part 2 and other provisions of the RMA;
- will not enable the social and economic well-being of the community;
- will not meet the reasonably foreseeable needs of future generations;
- will not achieve integrated management of the effects of the use, development or protection of land and associated resources of the Otago Region; and
- will not enable the efficient use and development of Fonterra’s assets

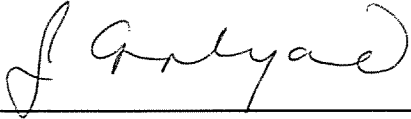
- 5.2 Fonterra does wish to be heard in support of this submission.

- 5.3 If others make a similar submission, Fonterra will consider presenting a joint case with them at the hearing.

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<sup>2</sup> *Environmental Defence Society Incorporated v The New Zealand King Salmon Company* (2014) NZSC 38.

We confirm that we are authorised on behalf of Fonterra Co-operative Group Limited to make this submission.



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Jo Appleyard / Ben Williams  
Partner /Senior Associate  
Chapman Tripp

24 July 2015

## ATTACHMENT 1 - SPECIFIC SUBMISSIONS

1. Suggested relief to address concerns in this submission is set out below. However, there may be other methods or relief that are able to address Fonterra's concerns and the suggested revisions do not limit the generality of the reasons for Fonterra's submission or the relief sought.
2. Fonterra also seeks any consequential relief or alternative relief to Fonterra's satisfaction to address its concerns.

#	PAGE NO.	PROVISION	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
1	11	RPS Framework	Oppose	<p>As set out in Fonterra's general submission points, the PRPS requires amendment to restructure the provisions to clearly identify regionally significant values and issues, and the objectives that are being set to address those and achieve sustainable management.</p> <p>The current approach, based on generic outcomes provides little clarity. The supporting text to each outcome explains what is in each chapter but provides no insight into the issues that affect the region's resources, or the competing interests that need to be balanced.</p> <p>In particular, while there is reference to "Agriculture" being one of the region's biggest earners, it does not explain what the significance of that is in terms of managing resources.</p>	<p>Amend the fourth outcome of the RPS Framework to read:</p> <p><b><i>People are able to use and enjoy our natural and built environment</i></b></p> <p><i>Our individual and community wellbeing is <del>built on use and development of</del> underpinned by activities that require access to natural and physical resources. In particular, regionally significant industries such as primary production and associated processing activities have high demands for natural resources such as soils and water as well as physical resources such as land on which to establish and operate, the transport network and other infrastructure.</i></p> <p><i>This fourth chapter builds on previous ones by enabling people to use the natural and physical environment resources for enjoyment and making a living, while ensuring that they are sustained. It also deals with managing conflicting or incompatible uses.</i></p>
2	26	Objective 2.1	Support in part	Fonterra's general submission points seek amendment to the structure and focus of the	Amend Objective 2.1 and the Explanatory Text to explain the nature of the issues affecting

#	PAGE NO.	PROVISION	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
		The values of Otago's natural and physical resources are recognised, maintained and enhanced		<p>PRPS to ensure that there is a clear and coherent strategy for management of the region's resources.</p> <p>Objective 2.1 purports to address natural and physical resources to achieve an outcome that is focussed on "natural resources" only. To this extent reference to "physical resources" has largely been omitted from the short explanation to the policy.</p> <p>Further, the short explanatory text implies that water is a resource that is under pressure but does not explain whether this relates to water quantity, water quality or both.</p> <p>In relation to water resources specifically, the last sentence of the explanatory text does not reflect the approach prescribed by the NPSFM in relation to the setting of objectives for freshwater management through the identification and consideration of national and locally derived values.</p> <p>In terms of the structure of Objective 2.1 (and given the fact this is one of the main overriding objectives in the PRPS), Fonterra considers the explanation should sensibly focus on the need for values and objectives to be identified prior to making reference to potentially conflicting values. As notified, the objective reads the other way round.</p>	<p>physical and natural resources, how these issues will affect the management of the resource and the approach that is to be taken (that is consistent with, for example, the NPSFM):</p> <p><b>Objective 2.1</b></p> <p><b><i>The values of Otago's natural and physical resources are recognised, maintained and enhanced</i></b></p> <p><del>Some of the many values of our natural resources may conflict with each other: for example, we depend on water for food production, yet we want water for healthy rivers. Otago's biodiversity is an example of another resource under pressure, in part from indirect consequences of land use, such as the introduction and spread of pest species. A good quality resource management framework addresses all <u>identifies</u> the values <u>that apply attached</u> to our resources, <u>and identifies those which need protection and the objectives that are sought to be met in respect of those values.</u></del></p> <p><u>Once identified, it is acknowledged that the values and objectives that apply to individual natural and physical resources may conflict with each other - example, we depend on water for food production, yet we want water for healthy rivers. A good quality resource management framework will take an integrated approach that attempts to balance</u></p>



#	PAGE NO.	PROVISION	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
					<u>competing values (and objectives) rather than preferring some at the exclusion of others.</u>
3	27	Policy 2.1.1 Managing for freshwater values	Oppose	<p>Fonterra supports the need for management of freshwater resources. The framework for how this is to be achieved is prescribed through the NPSFM. As written, the Policy does not give effect to the NPSFM. It simply sets out a list of sixteen matters that are each to be achieved in their entirety through all freshwater bodies. Implementation of these is to be achieved through Methods 1, 3 and 7, none of which provide any indication of the matters that will need to be addressed, or the priorities that affect the relative importance of any of the sixteen matters. It can reasonably be expected that these values will be of varying significance in absolute and relative terms between individual freshwater management units.</p> <p>The policy needs to signal that the definition of management units is an essential procedural step.</p> <p>Clause a) refers to all water bodies and their margins and seeks that each has a “healthy” ecosystem although there is no explanation of how this outcome will be assessed or implemented.</p> <p>Clause f) references “good” water quality but provides no definition of this term, or explanation of the circumstances or timeframes in which water quality will be judged to have been “degraded”.</p> <p>Clause k) introduces a requirement to provide for “other cultural values”. It is unclear whether</p>	<p>Delete Policy 2.1.1 and replace with a new policy or policies as suggested below setting out the direction that is to be followed to achieve Objective 2.1, the aspects of the resource that are required to be managed, the criteria and thresholds that are to be attained or protected, including the setting of measurable limits or targets for freshwater management units to achieve overall water quality improvements.</p> <p>It is emphasised that the suggested relief set out below is not exhaustive. Fonterra has instead set out the key parts of policy framework that will, at least in part, address the core aspects of the concerns raised. The final provisions will depend on the approach taken in respect to the wider structure of the PRPS.</p> <p>The suggested policies (acknowledging the approach taken) are set out below:</p> <p><b><u>Policy 1</u></b> <b><u>Identification of freshwater values</u></b> <u>Identify the values of freshwater bodies using community and industry stakeholder involvement, to inform suitable objectives for the management of freshwater to maintain or improve overall water quality.</u></p> <p><b><u>Policy 2</u></b> <b><u>Identification of freshwater</u></b></p>

#	PAGE NO.	PROVISION	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				<p>this refers to the same values that are referenced in clause j), or in Policy 1.2.1 (Managing the natural environment to support Kai Tahu wellbeing), or some other values associated with any culture or practice.</p> <p>Clause l) provides for the protection of "important" recreation values but there is no reference to what these may be in a regional sense or how they should be identified.</p>	<p><b><u>management units</u></b></p> <p><u>Identify management units for the purpose of freshwater management.</u></p> <p><b><u>Policy 3</u></b></p> <p><b><u>Management of freshwater resources</u></b></p> <p><u>Manage freshwater to:</u></p> <ul style="list-style-type: none"> <li>• <u>Achieve agreed objectives in relation to overall water quality improvement where currently degraded; and</u></li> <li>• <u>Maintain and enhance the life supporting capacity of freshwater resources; and</u></li> <li>• <u>Maintain the availability of suitable water supplies to meet the needs of communities and regionally significant industry; and</u></li> <li>• <u>Protect Kai Tahu and other cultural values; and</u></li> <li>• <u>Maintain and enhance the natural functioning of water bodies, their riparian margins and aquifers; and</u></li> <li>• <u>Maintain the range and extent of habitat provided by freshwater bodies; and</u></li> <li>• <u>Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.</u></li> </ul> <p>Identify those water bodies that are already</p>

#	PAGE NO.	PROVISION	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
					known to have high values and describe the process to be followed and the matters to be considered to identify the values of other water bodies.
4	28	Policy 2.1.2 Managing for the values of beds of rivers and lakes, wetlands and their margins	Oppose	The policy duplicates the matters set out under Policy 2.1.1 and in particular appears to be within the scope of Clause a) of Policy 2.1.1.	Delete Policy 2.1.2.
5	28	Policy 2.1.3 Managing for Coastal Water Values	Support in part	<p>The policy requires amendment to remove the ambiguity of clauses d), e), g) and h).</p> <p>Clause f) provides no explanation of the circumstances or timeframes in which water quality will be judged to have been “degraded”.</p> <p>Clause e) references “coastal values” but provides no direction or definition of this term. In its current form it could relate to any existing coastal environment or just to those which are subsequently found to be “outstanding” in landscape terms, or to any environment in between those extremes. On the basis that the values are addressed by the balance of the policy (or other provisions of the PRPS, e) should be deleted.</p> <p>Clause g) introduces a requirement to provide for “other cultural values”. It is unclear whether this refers to the same values that are referenced in clause f), or in Policy 1.2.1 (Managing the natural environment to support Kai Tahu wellbeing), or some other values associated with any culture or practice. On the basis that it is existing cultural values that are</p>	<p>Amend Policy 2.1.3 to delete e) and g), and include criteria or thresholds to enable consistent administration of clauses d and h:</p> <p><b>Policy 2.1.3</b> <b>Managing for coastal water values</b> <i>Recognise coastal water values, and manage coastal water, to:</i></p> <p>a) <i>Support healthy coastal ecosystems; and</i></p> <p>b) <i>Retain the range of habitats provided by the coastal marine area; and</i></p> <p>c) <i>Protect migratory patterns of coastal water species, unless detrimental to indigenous biodiversity; and</i></p> <p>d) <i>Maintain coastal water quality <u>at a level that is sufficient to ensure ecosystem health</u>, or enhance it where it has been degraded; and</i></p> <p><del>e) <i>Maintain or enhance coastal values; and</i></del></p> <p>f) <i>Protect Kāi Tahu <u>and other cultural values</u>; and</i></p>

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				<p>sought to be protected (which will include the continued enablement of those values) then they should be included in f).</p> <p>Clause h) provides for the protection of "important" recreation values but there is no reference to what these may be. Recreational values will be directly tied to the state of the coastal environment so h) should focus on the coastal environment and the extent to which it is able to support recreational values (rather than recreational values in isolation).</p>	<p><del>g) Provide for other cultural values; and</del></p> <p><del>h) Protect important recreation values</del>  <u>Ensure the coastal environment is able to support a range of recreational values</u>; and</p> <p>i) Avoid the adverse effects of pest species, prevent their introduction and reduce their spread.</p>
6	29	Policy 2.1.4 Managing for air quality values	Support in part	<p>Clause a) requires amendment to provide clarity regarding ambient air quality. In its current form the policy provides no explanation of the circumstances or timeframes in which air quality will be judged to have been "degraded", and as a consequence will require future development to enhance air quality. This approach does not provide the flexibility to consider the operational requirements and characteristics of regionally significant industrial activities that may occur within areas where, historically, air quality has declined.</p> <p>Clause c) requires either amendment to identify the specific values that are to be maintained, or deletion. In its current form it provides no helpful guidance or direction to assist the preparation of lower order plans or development proposals.</p>	<p>Amend Policy 2.1.4 clause a) to read:</p> <p><i>Maintain good ambient air quality that <u>avoids unacceptable risks to supports human health, or enhance air quality where it has degraded to a level that is adversely affecting human health</u>; and</i></p> <p>Delete Policy 2.1.4 clause c), or, in the alternative, identify the specific values and their associated criteria or thresholds that are to be attained or protected.</p>
7	29	Policy 2.1.5 Managing for soil values	Support in part	<p>Fonterra generally supports the policy as it identifies matters that also underpin the economic value of the soils resource for primary production activities. However, amendment is required to delete provisions that are ambiguous</p>	<p>Amend Policy 2.1.5 to delete clauses h), i) and k), and to amend g) to read:</p> <p><i>g) Protect Kāi Tahu <u>and other cultural values</u>; and</i></p>

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				<p>or are duplicated through other PRPS provisions.</p> <p>Clause h) introduces a requirement to provide for "other cultural values". It is unclear whether this refers to the same values that are referenced in clause g), or in Policy 1.2.1 (Managing the natural environment to support Kai Tahu wellbeing), or some other values associated with any culture or practice. On the basis that it is existing cultural values that are sought to be protected (which will include the continued enablement of those values) then they should be included in g).</p> <p>Clause i) suggests that the soil mantle is maintained where it acts as a repository for heritage objects. This is capable of broad application and could have the effect of stymying primary production activities. Heritage matters are addressed under Objective 4.2 and its associated policies. Appropriate measures to protect the heritage resource will be determined through Policy 4.2.3.</p> <p>Clause k) requires that any contamination of soil is avoided. "Contamination" is specifically defined in the RMA. This definition does not imply that it will result in adverse effects. Typically, an effluent discharge (for example) has the potential to be beneficial providing it is carefully managed having regard to its physical and chemical composition. In any event,</p>	

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				contaminated land and potentially contaminating activities are managed through the policy framework set out under Objectives 3.9 and 4.5.	
8	30	Policy 2.1.7 Recognising the values of natural features, landscapes and seascapes	Oppose	The policy lacks any specific purpose or direction.	Delete Policy 2.1.7.
9	31	Policy 2.1.8 Recognising the values of natural character in the coastal environment	Oppose	The policy lacks any specific purpose or direction.	Delete Policy 2.1.8.
10	32	Objective 2.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced	Support in part	<p>While Objective 2.2 is appropriate in relation to the protection and enhancement of resources that fall within the scope of section 6 of the Act, this approach is not warranted in relation to resources of lesser importance. The explanation also needs to be amended to ensure that it is not just the "consumptive" use of resources that is enabled for areas not otherwise covered by section 6 of the Act.</p> <p>In addition, a new objective needs to be included to (in conjunction with Objective 2.1) provide context for existing PRPS policies 2.2.5, 2.2.6, 2.2.10, 2.2.11, 2.2.14 and 2.2.15 and in particular, for landscapes and features that</p>	<p>Amend Objective 2.2 and associated explanation to read:</p> <p><b>Objective 2.2</b> <b><i>Otago's significant and highly-valued natural resources are identified, and protected or enhanced</i></b></p> <p><i>Otago has many unique and outstanding landscapes, natural features and areas of indigenous biodiversity which are nationally or regionally important. Giving these a higher level of protection ensures they will be retained. <u>The use and development of natural and physical resources (including consumptive use) is</u></i></p>



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				although of value do not fall within section 6 of the Act.	<p><del>to be preferred in other areas, while consumptive use of resources will be directed to areas where the adverse effects are more acceptable.</del></p> <p>Include a new Objective:</p> <p><b><u>Objective [X]</u></b></p> <p><b><u>Otago's special amenity landscapes and highly valued natural features are identified and protected from inappropriate development</u></b></p> <p><u>Otago has a number of special amenity landscapes or natural features which are highly values but which are not outstanding for the purposes of section 6 of the Resource Management Act 1991. Often, enabling development in these areas will be appropriate provided significant adverse effects can be appropriately avoided, remedied or mitigated.</u></p>
11	34	Policy 2.2.3 Identifying outstanding natural features, landscapes and seascapes	Support in part	<p>Fonterra supports the need for protection of outstanding natural features and landscapes but considers that the policy requires amendment to ensure that it more closely reflects the terminology used in Section 6 of the Act.</p> <p>While Schedule 4 sets out high level criteria to enable sites and features to be identified on a consistent basis, neither the Policy nor the Schedule define thresholds in terms of size or rarity.</p>	<p>Amend Policy 2.2.3 to refer to "coastal environments" in place of "seascapes":</p> <p><b><u>Policy 2.2.3</u></b></p> <p><b><u>Identifying outstanding natural features, landscapes and coastal environments-seascapes</u></b></p> <p><u>Identify areas and values of outstanding natural features, landscapes and coastal environments (as anticipated by section 6 of the Resource Management Act 1991) seascapes, using the attributes as</u></p>

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					<p><i>detailed in Schedule 4.</i></p> <p>Retain Schedule 4 and ensure that the definition of “outstanding” is supported by criteria that are consistent with the ‘<i>modified Pigeon Bay criteria</i>’ (<i>Pigeon Bay Aquaculture Ltd v Canterbury Regional Council</i> [1999] NZRMA 209) that relate to areas or features within the scope of section 6 of the Act.</p> <p>These need to contemplate both outstanding landscapes and those which might more generally relate to landscapes which are not outstanding but which nevertheless comprise or include special amenity landscapes or highly valued natural features.</p>
12	34	Policy 2.2.4 Managing outstanding natural features, landscapes and seascapes	Support in part	<p>Fonterra supports the need for protection of outstanding natural features and landscapes but considers that the policy requires amendment to ensure that it more closely reflects the terminology used in section 6 of the Act.</p> <p>(See related submission point in respect of Policy 2.2.3).</p>	<p>Amend Policy 2.2.4 to refer to “coastal environments” in place of “seascapes”:</p> <p><b><i>Policy 2.2.4</i></b>  <b><i>Managing outstanding natural features, landscapes, and <u>coastal environments</u> <del>seascapes</del></i></b></p> <p><i>Protect, enhance and restore the values of outstanding natural features, landscapes and coastal environments (as anticipated by section 6 of the Resource Management Act 1991), by:</i></p> <p>a) <i>Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or <u>coastal environments</u>;</i></p>

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					<p><i>and</i></p> <p>b) <i>Avoiding, remedying or mitigating other adverse effects on other values; and</i></p> <p>c) <i>Assessing the significance of adverse effects on values, as detailed in Schedule 3; and</i></p> <p>d) <i>Recognising and providing for positive contributions of existing introduced species to those values; and</i></p> <p>e) <i>Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and</i></p> <p>f) <i>Encouraging enhancement of those areas and values.</i></p>
13	35	Policy 2.2.5 Identifying special amenity landscapes and highly valued natural features	Support in part	The policy appears to relate to landscapes and features that fall outside of section 6 of the Act but which might generally fall within the “ <i>Other matters</i> ” contemplated by section 7 of the Act. To be meaningful in terms of regional policy direction, the PRPS requires amendment to ensure that the values of landscapes and features are identified in a consistent manner, having regard to their regional significance.	Amend Policy 2.2.5 to make better reference to the meaning of outstanding.  <b><i>Policy 2.2.5</i></b> <b><i>Identifying special amenity landscapes and highly valued natural features</i></b>  <i>Identify areas and values of special amenity landscape or natural features which are highly valued for their contribution to the amenity or quality of the environment, but which are not outstanding for the purposes of section 6 of the Resource Management Act 1991, using the attributes detailed in Schedule 4.</i>

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					Retain Schedule 4 but ensure it clearly contemplates both outstanding landscapes (as provided by section 6 of the Act) and other landscapes which might be special amenity landscapes or have high valued natural features but which are not outstanding.
14	35	Policy 2.2.6 Managing special amenity landscapes and highly valued natural features	Support in part	The policy relates to landscapes and features which are to be identified through Policy 2.2.5. Management of these resources should be aimed at achieving the new Objective proposed through Fonterra's submission which seeks that amenity landscapes and features are identified and protected from inappropriate development (i.e. while <u>enabling development provided adverse effects can be appropriately avoided, remedied or mitigated</u> ). Within this context it is not appropriate that the identified landscapes and features are subject to the same restrictions as those provided by Policy 2.2.4.	Amend the Policy to read:  <i>Manage <del>Protect or enhance</del> the values of special amenity landscapes and highly valued natural features, by:</i>  a) <i>Avoiding, <u>remedying or mitigating</u> significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and</i>  ... Delete b). Retain c) to f).
15	36	Policy 2.2.8 Identifying areas of high and outstanding natural character in the coastal environment	Oppose	The policy is unnecessary as it provides no specific policy direction and duplicates matters that are within the scope of Policy 2.2.3.	Delete Policy 2.2.8.
16	37	Policy 2.2.9 Managing the	Oppose	The policy is unnecessary as it duplicates	Delete Policy 2.2.9.

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		natural character of the coastal environment		matters that are within the scope of Policy 2.2.4.	
17	37	Policy 2.2.12 Identifying outstanding water bodies and wetlands	Oppose	The policy is unnecessary as it duplicates matters that are within the scope of Policy 2.2.3.	Delete Policy 2.2.12.
18	37	Policy 2.2.13 Managing outstanding water bodies and wetlands	Oppose	The policy is unnecessary as it duplicates matters that are within the scope of Policy 2.2.4.	Delete Policy 2.2.13.
19	38	Policy 2.2.14 Identifying highly valued soil resources	Support	Fonterra supports the policy as it identifies matters that underpin the economic value of the soil resource for primary production activities.	Retain Policy 2.2.14.
20	38	Policy 2.2.15 Managing highly valued soil resources	Support in part	Fonterra supports the policy as it identifies matters that underpin the economic value of the soils resource for primary production activities. Fonterra notes that highly valued soils are specifically defined in the PRPS. However, clause d) as worded is in conflict with the intention of the policy to “protect” highly valued soils. Amendment is needed to ensure that highly valued soils are generally only used for urban purposes where the area has been identified as a planned expansion of an existing	Amend Policy 2.2.15 to replace clause d) and include additional provisions to read:  d) <u>Avoiding the use of highly valued soils for urban expansion unless no alternative is with lower value soils is available.</u>  e) <u>Ensuring that land use activities on highly valued soils are consistent with the continued use of such soils for primary production purposes.</u>

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				urban area.	
21	40	Policy 2.3.3 Applying an integrated management approach for freshwater catchments	Support in part	<p>Fonterra supports the intention to apply an integrated management approach for freshwater catchments but considers that clause a) of the policy requires amendment to improve consistency with NPSFM (in relation to the identification of objectives for freshwater management units through stakeholder consideration of freshwater values). Clause b) requires amendment to recognise the importance of "water use" as a value within freshwater management units. Clause c) requires amendment to reflect the focus of the NPSFM on managing the overall impact on achieving water values.</p>	<p>Amend Policy 2.3.3 to read:</p> <p>a) <del>Using consistent freshwater objectives for interconnected water bodies.</del> <u>Developing objectives, targets and limits for freshwater catchments based on those identified through the National Objectives Framework; and</u></p> <p>Include an additional clause aa) to read:</p> <p>aa) <u>Identifying through community and stakeholder involvement, the freshwater values to enable the establishment of freshwater objectives; and</u></p> <p>Amend clause b) to read:</p> <p>b) <u>Recognising the importance of river morphology, catchment hydrology, natural processes, land cover and the use of water in defining regional catchment objectives supporting catchment values;</u></p> <p>Amend clause c)i) to read:</p> <p>i. <u>Maintain or enhance overall freshwater values; and</u></p> <p>Retain ii. to iv as notified</p>



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22	41	Policy 2.3.5 Applying an integrated management approach for airsheds	Support in part	<p>Fonterra supports the intention to apply an integrated management approach for the management of airsheds but considers that the policy requires amendment. An integrated approach to management should recognise that discharges to air are an essential aspect of industrial and a number of other activities. What constitutes unacceptable effects depends on the nature of the discharge and its effects on human health and sensitive receiving environments rather than the current level of air quality <i>per se</i> within an area.</p> <p>The principle source of potential effects on human health relates to home heating appliances. Consequently it is unlikely that such effects (especially in urban areas) can be avoided. However, land use planning provides the opportunity to ensure that reverse sensitivity effects can be avoided. The Policy requires amendment to provide clear direction that a consistent approach to avoiding reverse sensitivity should be adopted to ensure that lower order plans provide for the continued operation and expansion of industrial activity.</p>	<p>Amend Policy 2.3.5 to read:</p> <p><b>Policy 2.3.5</b></p> <p><b>Applying an integrated management approach to airsheds</b></p> <p><i>Apply an integrated management approach to activities that affect air quality, by:</i></p> <p>a) <i>a) Setting emission standards for airsheds that take into account <u>and enable</u> foreseeable demographic and economic changes, and their effects on cumulative emissions; and</i></p> <p>b) <i>Co-ordinating the management of land use and air quality, to:</i></p> <p><i>i <del>Maintain or enhance air quality values</del> <u>Achieve emission standards for airsheds;</u> and</i></p> <p><i>ii Reduce the potential for adverse health effects;_and</i></p> <p><i>iii <u>Avoid the potential for reverse sensitivity nuisance</u> effects.</i></p>
23		Chapter 3 Communities in Otago are resilient, safe and healthy	Support in part	<p>Fonterra has made general submissions seeking amendment to the structure of the PRPS to focus on the management of resources rather than the achievement of loose outcomes. Although Outcome 3 focusses predominantly on community resilience to the effects of natural hazards, communities also face challenges in</p>	<p>Amend Part B, Chapter 3 Outcome Statement and explanatory text to explain the necessity for regionally significant industries to have continued access to natural and physical resources, in terms of enabling people to continue to provide for their economic and social</p>

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				<p>terms of access to resources to provide for their economic and social well-being. Regionally significant industrial activities, and their associated demands and effects on natural and physical resources are key to enabling communities to provide for their social and economic wellbeing. If the current structure is retained, the outcome requires amendment to refer to the importance of providing for the continued operation and expansion of regionally significant industrial activities.</p>	<p>wellbeing:</p> <p><b><i>Communities in Otago are resilient, safe and healthy</i></b></p> <p><i>Otago is at risk of a number of expected and unexpected shocks and changes, including from natural hazards, climate change and our reliance on energy, imported goods and fossil fuels. These disruptions have the potential to affect our economic, social, cultural and environmental wellbeing.</i></p> <p><i>Ensuring Otago's communities need to be maintained and develop in a resilient way having regard to:</i></p> <ul style="list-style-type: none"> <li>a) <i>the need to have ongoing access to natural and physical resources (including ensuring communities and regionally significant industries are able to grow and develop);</i></li> <li>b) <i>environmental constraints and the effects of activities on the environment; and</i></li> <li>c) <i>the need for communities to be are designed in way which helps us to prepare for, respond, recover and adapt to such disruptions, will help make Otago's communities resilient.</i></li> </ul>
24	44	Objective 3.1 Protection, use and development of natural and physical	Oppose	The objective lacks any specific purpose or direction.	Delete Objective 3.1.

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		resources recognises environmental constraints			
25	47	Policy 3.1.1 Recognising natural and physical environmental constraints	Oppose	The policy lacks any specific purpose or direction.	Delete policy 3.1.1.
26	56	Objective 3.4 Good quality infrastructure and services meet community needs	Support in part	<p>Fonterra supports the Objective but does not consider that the words “<i>good quality</i>” are necessary or helpful as the appropriate focus is on ensuring that infrastructure meets community needs.</p> <p>The explanation to the objective also focuses on infrastructure that might commonly be regarded as ‘utilities’ (water supply, waste water and stormwater). The requirement for infrastructure is however much wider than this and extends to infrastructure such as energy generation and industrial activities (such as milk processing) associated with primary production.</p>	<p>Amend Objective 3.4 to read:</p> <p><b>Objective 3.4</b> <b><u>Ensure Good quality infrastructure and services are available and meet community needs</u></b></p> <p><i>It is essential for Otago's economy and the wellbeing and health and safety of its communities, that the people of Otago are serviced by the right infrastructure at the right time. Some infrastructure is provided by local authorities (such as water supply, waste water and stormwater), while others are managed by private companies.</i></p> <p><u>The infrastructure requirements of the community also include infrastructure such as that associated with energy generation and industrial activities associated with food processing and primary production.</u></p> <p><i>Local authorities have a role to play, to</i></p>

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					<i>ensure that the local and regional infrastructure needs are being met.</i>
27	56	Policy 3.4.1 Integrating infrastructure with land use	Support in part	Fonterra supports the policy's aim of co-ordinating infrastructure with land use but considers that it requires amendment to provide clearer direction on how this is to be achieved. In particular the policy requires amendment to enable infrastructure related to regionally significant economic activity which is essential to the social and economic well-being of the Region.	Amend Policy 3.4.1 to read:  <b>Policy 3.4.1</b> <b>Integrating infrastructure with land use</b>  <i>Achieve the strategic integration of infrastructure with land use, by:</i>  a) <i>Recognising and providing for the functional needs of infrastructure of regional or national importance; and</i> b) <i>Recognising and providing for the infrastructure requirements of regionally significant industry and associated activities; and</i> c) <i>Designing Enabling infrastructure to that takes into account:</i>  .... d) <i>Managing Directing urban growth towards areas</i>  <i>i Within areas that have sufficient infrastructure capacity; or</i>  <i>ii Where infrastructure capacity can be provided, upgraded or extended efficiently and effectively, and</i>  <i>e) ...</i>
28	57	Policy 3.4.2 Managing infrastructure activities	Support in part	Fonterra supports the generally enabling expression of this policy. However, clause b) requires amendment to ensure that it does not unnecessarily constrain infrastructure provision. As written, the policy requires that any adverse	Amend Policy 3.4.2 clause b) to read:  b) <del>Reduce</del> Avoid, remedy or <u>mitigate significant</u> adverse effects of those activities....

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				effects should be reduced, regardless of their significance, or the ability to achieve any reduction.	
29	59	Objective 3.5 Infrastructure of national and regional importance is managed in a sustainable way	Support in part	The explanation to the objective also focuses on infrastructure that might commonly be regarded as 'utilities' (water supply, waste water and stormwater). The requirement for infrastructure is however much wider than this and extends to regionally and nationally significant industry such as energy generation and industrial activities (such as milk processing) associated with primary production.	Amend Objective 3.5:  <b>Objective 3.5</b> <b>Infrastructure of national and regional significance is managed in a sustainable way</b>  <i>Infrastructure of national and regional significance, including roads, rail, electricity generation and transmission, <del>and telecommunications,</del> and regionally significant industries <u>associated with primary production (such as dairy processing)</u> are part of a national network, and contribute to the economic and social wellbeing of the nation.</i>  <i>It is important to recognise the benefits of this infrastructure, such as to the economy and to achieving community resilience, as well as managing any adverse effects on Otago's natural resources.</i>
30	59	Policy 3.5.1 Recognising national and regional significance of infrastructure	Support in part	Fonterra supports the recognition of the importance of infrastructure but considers that the sole focus on recognition does not provide sufficient clarity or direction for lower order plans or consenting processes. The Policy requires amendment to require that such processes provide for the continued operation of regional and nationally significant infrastructure.	Retain Policy 3.5.1 as notified subject to the following amendments:  <i>Recognise <del>the national and regional significance of</del> <u>and provide for the continued operation of the following regionally and nationally significant infrastructure:</u></i>

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31	60	Policy 3.5.2 Managing adverse effects of infrastructure that has national or regional significance	Support in part	As written the Policy requires that all adverse effects are minimised regardless of their significance or the potential for them to be reduced. Given the significance of the resource, the policy requires amendment to focus on significant adverse effects and to provide flexibility for them to be managed rather than minimised as the latter term could imply that they should be avoided.	Amend Policy 3.5.2 to read:  <i><del>Minimise</del> Manage significant adverse effects from infrastructure that has national or regional significance, by...</i>
32	60	Policy 3.5.3 Protecting infrastructure of national or regional significance	Support	The policy provides appropriate and clear direction to ensure that regionally and nationally significant infrastructure will contribute to the social and economic well-being of the Region.	Retain Policy 3.5.3 as notified.
33		Omission	Oppose	Fonterra considers that the PRPS requires amendment to incorporate Objectives, Policies and Methods that recognise and provide for the continued operation and expansion of regionally significant industry. While the PRPS includes a number of individual policy references to activities such as primary production, the statement lacks any overall strategy or clear direction that will ensure that regionally significant industry will continue to support the economic and social well-being of the community.	Amend the PRPS to include the following objectives and policies:  Objective:  <b><u>Objective [x]</u></b>  <b><u>Regionally significant industries and associated activities are able to establish, operate and grow.</u></b>  <i><u>Regionally significant industries, particularly primary production activities, are critical to the social and economic wellbeing of the regional community. These activities often have functional locational requirements and have a heavy reliance on the availability of and access to natural resources such as soils and water, and physical resources such as transport infrastructure</u></i>



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					<p><u>networks. Recognising and providing for these requirements will support the integrated management of resources and the avoidance of activities that would threaten the continued operation of regionally significant industry.</u></p> <p>Policies:</p> <p><b><u>Policy [X]</u></b></p> <p><b><u>Recognise and provide for the establishment, operation and expansion of regionally significant industries by:</u></b></p> <ul style="list-style-type: none"> <li>a) <u>co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;</u></li> <li>b) <u>enabling the establishment and co-location of supporting activities;</u></li> <li>c) <u>maintaining and where appropriate enhancing access to natural and physical resources, including regionally significant infrastructure;</u></li> <li>d) <u>avoiding the potential for reverse sensitivity.</u></li> </ul> <p><b><u>Policy [Y]</u></b></p> <p><b><u>Manage the adverse effects of regionally significant industries and associated activities by:</u></b></p> <ul style="list-style-type: none"> <li>a) <u>Giving preference to the location of regionally significant industries away</u></li> </ul>

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					<p><u>from outstanding natural features, outstanding landscapes and areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding water bodies and wetlands; or</u></p> <p>b) <u>Where the locations identified in a) above cannot be avoided, avoiding significant adverse effects on those values that contribute to the significance of the feature; and</u></p> <p>c) <u>Assessing the significance of adverse effects on those values, as detailed in Schedule 3.</u></p>
34	61	Objective 3.6 Energy supplies to Otago's communities are secure and stable	Support	A reliable energy supply is critical to the community.	Retain Objective 3.6 as notified.
35	62	Policy 3.6.4 Enabling more efficient transport of electricity	Support	The Policy provides appropriate and clear direction that will enable the continued operation and expansion of transmission and infrastructure enabling economic and social wellbeing.	Retain Policy 3.6.4 as notified.
36	62	Policy 3.6.5 Protecting electricity distribution infrastructure	Support	The Policy provides appropriate and clear direction that will enable the continued operation and expansion of infrastructure enabling economic and social wellbeing.	Retain Policy 3.6.5 as notified.
37	63	Policy 3.6.6 Reducing long term demand for fossil fuels	Support in part	Fonterra generally supports a transition away from fossil fuels over the long term. It is however emphasised that there are industrial processes (such as milk processing) that have	Amend Policy 3.6.6 to read  "Reduce the long term demand for fossil fuels from <u>transport activities from-in</u>

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				<p>very limited or sometimes no ability to avoid fossil fuel use.</p> <p>As currently drafted the policy does not appear to address wider fossil fuel use outside of the transport sector. Fonterra supports measures that will increase the efficiency of freight movements but seeks that no further changes are made to the policy.</p>	<u>Otago's communities, by...</u>
38	67	Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments	Support	Fonterra supports the recognition of the importance of managing the interface between urban and rural areas and the need to reduce pressure on primary production activities (which will generally need to occur in rural areas).	Retain Objective 3.8 as notified.
39	67	Policy 3.8.1 Managing for urban growth	Support in part	<p>Fonterra supports the intention to promote a strategic and co-ordinated approach to urban growth. In particular, Fonterra supports clause a) which will ensure a continuity of land supply for industrial development over at least the next ten years. However, Fonterra considers that this clause needs to be supported by equivalent policy direction to ensure that infrastructure and services are able to be provided to service such development.</p> <p>Fonterra supports the general intent of clause c) i. which requires that the identification of future growth areas has full regard to potential effects on rural production activities .Clause d) appears to undermine this planned approach. An amendment to clause c) to require the definition of future growth areas will be more effective in</p>	<p>Retain Policy 3.8.1 subject to the following amendments:</p> <p>Include an additional clause to read:</p> <p><u>Ensuring that infrastructure and services are planned and programmed to support the anticipated development of planned urban growth areas; and</u></p> <p>Delete clause b) as this duplicates provisions set out in Policy 3.4.1.</p> <p>Retain clause c) subject to an amendment to read:</p> <p><u>Identifying and defining future growth areas that:</u></p>

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				<p>ensuring that new development is appropriately located and served by infrastructure.</p> <p>Amendment is also necessary to delete clauses b), f) and g) as these duplicate or are inconsistent with other PRPS provisions.</p> <p>Clause h) similarly needs to be deleted as it is unclear how it relates to a regionally significant issue or how it will be applied in practice.</p> <p>To reflect the integrated approach promoted elsewhere in the PRPS, further amendment is necessary to ensure that the management of urban growth areas does not result in reverse sensitivity effects on regionally significant industry.</p>	<p>...</p> <p>Delete clause d) as this provides ineffectual guidance that appears to undermine clause c).</p> <p>Delete clause f) as this matter is addressed through Policy 2.3.5.</p> <p>Delete clause g) as this is inconsistent with, and is addressed, through Policy 3.7.1.</p> <p>Delete clause h) as it is ambiguous.</p> <p>Include an additional clause to read:</p> <p><u>Ensure that the identification and development of urban growth areas will not result in reverse sensitivity effects on established regionally significant industry.</u></p>
40	68	Policy 3.8.2 Controlling growth where there are identified urban growth boundaries or future urban development areas	Support in part	<p>Fonterra supports the intention of directing development towards defined urban growth areas. However the PRPS does not provide a definition of "urban" and there is the potential for some activities to be regarded as urban in nature even though they might locate in a rural area. In that regard Fonterra considers that the Policy requires amendment to ensure the PRPS would not preclude a proposal where there is a compelling requirement for development to be located beyond defined urban growth areas. Such an approach is already reflected in the wording of Policy 4.3.1.</p>	<p>Amend clause c) of Policy 3.8.2 to read:</p> <p><u>Avoiding <del>Enabling</del> urban development beyond the urban growth boundary or future urban development area <u>only where there is a demonstrable functional or operational need.</u></u></p>

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				<p>It is emphasised that in the particular case of Fonterra operations, it considers dairy processing an inherently rural activity (and if a definition is so provided) it should be included on that basis.</p> <p>The amendments proposed reflect the general nature of the PRPS and the fact it has to address all activities within the Otago Region.</p>	
41	69	Policy 3.8.3 Managing fragmentation of rural land	Support in part	<p>Fonterra supports the policy approach as it will assist the continued operation of primary production activities. However, Fonterra considers that amendment is necessary to address duplicate provisions, target important rural resources and remove ambiguity.</p> <p>Clause a) iii duplicates the content of clause a)ii.</p> <p>Clauses b) and b)ii are restricted to highly versatile soils rather than "<i>highly valued soils</i>" that are the subject of Policy 2.1.5.</p> <p>Clause d) is ambiguous, but seems to be reflected in clause c) in any event.</p>	<p>Amend Policy 3.8.3 to:</p> <p>Delete clause a)iii;</p> <p>Reword Clause b) and b) ii to refer to "<i>highly valued soils</i>" in place of "<i>highly versatile soils</i>"; and</p> <p>Delete Clause d).</p>
42	71	Policy 3.9.1 Integrating management of hazardous substances and waste	Support	<p>Fonterra supports Policy 3.9.1 on the basis that an integrated approach will reduce the potential for duplication of regulatory provisions arising between regional and district plans and those set out under HSNO.</p>	<p>Retain Policy 3.9.1 as notified.</p>
43	71	Policy 3.9.2 Managing the use, storage and disposal of hazardous substances, and	Support in part	<p>Fonterra supports the intention of Policy 3.9.2 on the basis that it provides support for the need to plan positively for activities involving the use of hazardous substances, including the need to regulate activities in their vicinity. However, the current wording of clause a) reads as a standard</p>	<p>Amend Policy 3.9.2 to:</p> <p>Delete Clause a) as this duplicates existing regulatory controls set out under HSNO and provides an inappropriate level of detail for a PRPS;</p>

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		the storage and disposal of waste materials		rather than as policy direction. Spill containment measures are already a requirement of HSNO Regulations. Minor amendment is also needed to ensure that the approach towards the management of reverse sensitivity effects also relates to activities that use hazardous substances rather than those which just treat or dispose of them.	Amend Clause f) to read:  f) <i>Restricting the location of activities that may result in reverse sensitivity effects near:</i>  i <i>Authorised facilities for hazardous substance <u>use, storage, treatment or disposal, or</u></i>  ii <i>Waste transfer or disposal facilities.</i>
44	72	Policy 3.9.5 Avoiding the creation of new contaminated land	Support in part	While the intention of this policy is supported, Fonterra notes that the term " <i>contaminated land</i> " is not defined in the PRPS. Consequently it has the potential to relate to the release of any type or level of contaminant, regardless of whether this would have beneficial effects. The policy should adopt the definition used in section 2 of the Act to ensure that it relates to circumstances that would give rise to significant adverse effects.	Include a definition of " <i>contaminated land</i> " in the PRPS, adopting the same definition as set out in Section 2 of the RMA:  <b><u>Contaminated land</u></b>  <u>Land that has a hazardous substance in or on it that—</u>  a) <u>has significant adverse effects on the environment; or</u>  b) <u>is reasonably likely to have significant adverse effects on the environment</u>  In the alternative, the policy should be amended to include reference to " <u>contaminated land as defined in the Resource Management Act 1991</u> "
45	72	Policy 3.9.6 Encouraging use of best management practices for hazardous substance use	Support in part	Fonterra supports the general intent of this policy but considers that it would be preferable to adopt terminology that has a specific meaning within the Act. Accordingly, Fonterra suggests that " <i>best management practices</i> ": is replaced with " <i>best practicable option</i> ".  Fonterra does not support the inclusion of the	Amend Policy 3.9.6 to replace:  <i>"best management practices"</i> with " <i>best practicable option</i> ",  and  Delete the words:



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				policy direction to reduce their use. Hazardous substance use is a critical component of Fonterra's processing operations. Their use is driven by global regulatory requirements in respect of food hygiene. As written, the policy could have unintended consequences in terms of restricting dairy production and processing capability within the region.	<del>“,including reducing their use.”</del>
46	78	Policy 4.1.1 Maintaining and enhancing public access	Support in part	Fonterra supports the intention to enable public access to coasts, lakes, rivers and other key areas but considers that the policy requires amendment to recognise that this may not be appropriate or desirable where it would (in addition to the matters set out) raise issues of security associated with the exercise of a lawfully established activity or resource consent requirement.	Amend Policy 4.1.1 to include an additional clause to read:  <u>Ensure a level of security consistent with the operational requirements of a lawfully established activity or resource consent.</u>
47	79	Policy 4.2.1 Recognising heritage themes	Oppose	The Policy lacks any specific purpose or direction. The scope of the areas or features that potentially comprise “19 <sup>th</sup> and early 20 <sup>th</sup> century pastoral sites” is undefined and there are no criteria to enable decision makers to understand the significance of such sites. The Policy is to be implemented through Methods 3, 4 and 7 but there is no reference to the Policy within any of those Methods.	Delete Policy 4.2.1.
48	82	Objective 4.3 Sufficient land is managed and protected for economic production	Support	Fonterra supports the aim of protecting resources needed for the continued operation of primary production activities.	Retain Objective 4.3 as notified.

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49	82	Policy 4.3.1 Managing for rural activities	Support	Fonterra generally supports Policy 4.3.1 as it provides an enabling framework for the continued use of rural areas for primary production and associated activities. However it would improve the clarity of the Policy to refer to "primary production activities" rather than farming activities.	Amend Policy 4.3.1 clause a) to read:  a) <i>Enabling <u>primary production farming activities and other rural activities that support the rural economy; and</u></i>
50	84	Policy 4.3.5 Managing for industrial land use	Support	Fonterra supports Policy 4.3.5 as it provides a clear and enabling framework for the efficient use of industrial land for industrial purposes.	Retain Policy 4.3.5 as notified
51	85	Objective 4.4 Otago's communities can make the most of the natural and built resources available for use	Support	Fonterra supports Objective 4.4 but, in the context of its general submissions relating to the structure of the PRPS, considers that the objective should form part of the suite of provisions concerned with the management of resources to provide for economic and social well-being. This suite would include existing provisions relating to Regionally Significant Infrastructure and proposed provisions relating to Regionally Significant Industry and Primary Production.	Retain Objective 4.4 as part of a restructured PRPS to provide a more coherent strategy for the management of resources to provide for economic and social well-being.
52	85	Policy 4.4.1 Ensuring efficient water allocation and use	Support in part	Fonterra supports Policy 4.4.1 but considers that amendment is necessary to ensure that the Policy recognises and provides for the needs of regionally significant industry and primary production. This will ensure that, in the allocation of water and the terms of any consents, decision makers will recognise the significant investment and the wider social and economic benefits associated with enabling such activities.	Retain Policy 4.4.1 subject to an additional clause to read:  e) <i><u>Recognising and providing for the continued operation and expansion of regionally significant industry and primary production activities.</u></i>
53	87	Objective 4.5	Support in part	Fonterra supports the general intent of this	Amend Objective 4.5 to read:

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		Adverse effects of using and enjoying Otago's natural and built environment are minimised		Objective but considers that amendment is necessary to provide a clearer focus in line with Part II of the Act.	<p><b>Objective 4.5</b></p> <p><u>Enable the use of natural and physical resources provided significant adverse effects are avoided, remedied or mitigated. Adverse effects of using and enjoying Otago's natural and built environment are minimised</u></p>
54	88	Policy 4.5.1 Avoiding objectionable discharges	Support in part	<p>Although the policy is focussed solely on the management of nuisance effects, it relates to any form of discharge in any environment, for any purpose. It has no spatial or topical context and does not enable consideration of the capacity of the receiving environment to assimilate contaminants. In doing so it establishes an unreasonably low threshold, beyond which, because of use of the term "avoid", there will be no opportunity to discharge, regardless of any benefits associated with the discharge or the discharging activity.</p> <p>The approach does not appear to be underpinned by a regionally significant issue and it fails to provide a workable framework that will enable an integrated approach to future development within the region. Unless there is an evidential basis for the policy it should be deleted. Alternatively, the policy approach should be amended to focus on the "management of the adverse effects of discharges".</p>	<p>Delete Policy 4.5.1 and replace with new policies dealing separately with discharges to land, water and air.</p> <p>Like Fonterra's proposed relief in relation to Policy 2.1.1, it is emphasised that the suggested relief is not exhaustive. Fonterra has instead set out the key parts of policy framework that will, at least in part, address the core aspects of the concerns raised. The final provisions will depend on the approach taken in respect to the wider structure of the PRPS.</p> <p>In relation to water:</p> <p><b><u>Policy [X]</u></b></p> <p><u>Manage the adverse effects of discharges to water bodies to achieve agreed objectives to maintain or improve overall water quality.</u></p> <p>In relation to land:</p> <p><b><u>Policy [Y]</u></b></p> <p><u>Manage the adverse effects of discharges to land to:</u></p> <ul style="list-style-type: none"> <li>• <u>retain the versatility of soils for</u></li> </ul>

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					<p><u>primary production purposes; and</u></p> <ul style="list-style-type: none"> <li>• <u>maintain ecosystems; and</u></li> <li>• <u>protect Kai Tahu and other cultural values; and</u></li> <li>• <u>avoid, remedy or mitigate the effects of erosion and sedimentation on watercourses; and</u></li> <li>• <u>avoid the creation of contaminated land.</u></li> </ul> <p>In relation to air:</p> <p><b><u>Policy [Z]</u></b>  <u>Manage the adverse effects of discharges to air to avoid unacceptable effects on human health.</u></p> <p>If, contrary to Fonterra’s primary sought relief, Policy 4.5.1 is retained, it needs to be amended to provide:</p> <p><b><u>Policy 4.5.1</u></b>  <b><u>Avoiding—Managing the effects of objectionable discharges</u></b>  <u>Avoid, remedy or mitigate discharges that are objectionable or offensive to takata whenua and the wider community, including:</u></p> <p>...</p>
55	88	Omission	Oppose	Fonterra supports the use of “off-setting” policies to achieve Objective 4.5 but considers that the policy approach should also relate to freshwater.	Amend the PRPS to include the following policy:  <b><u>Policy [x]</u></b>

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					<p><b><u>Offsetting for freshwater</u></b></p> <p><u>Provide for the offsetting of effects relevant to the achievement of freshwater objectives where:</u></p> <p>a) <u>The direct effects of an activity cannot be avoided, remedied or mitigated; and</u></p> <p>b) <u>The offset will contribute to the achievement of overall freshwater quality within a defined management unit; and</u></p> <p>c) <u>Offsetting will reduce the adverse effects of discharges affecting degraded management units</u></p>
56	95	Method 2 Regional, City and District Council Relationships	Support in part	Method 2.3 refers to the potential for the establishment of a regional rule to extinguish existing use rights, to address specific natural hazard risk. Although it is not stated, it is assumed that this Method is intended to implement policies set out under Objective 3.2 – Risk that natural hazards pose to Otago’s communities are minimised. The Method could have significant effects on regionally significant activities and investment. The Method should be deleted or amended to explain the criteria and thresholds that will determine where such an approach might be applied.	Delete Method 2.3, or alternatively, identify the criteria and thresholds that will be used to determine where the approach might be applied.
57	96	Method 3 Regional Plans	Support in part	In the context of Fonterra’s submissions seeking specific policy provision in respect of regionally significant industry, additional Methods need to be included within Method 3.	Amend Method 3 to include the following:  <u>Regional plans will implement Policies [X &amp; Y as set out in Fonterra’s submission point 33] by:</u>  a) <u>identifying appropriate provisions to</u>

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					<p><u>enable the operation and development of regionally significant industry;</u></p> <p>b) <u>maintaining and, where appropriate, enhancing access to natural and physical resources and recognising the benefits of regionally significant industry in the balancing of competing demands.</u></p>
58	96	Method 3 Regional Plans	Support in part	Method 3.1.5 relates to Policy 2.3.3 and refers to the development of river management strategies. Fonterra's submission in relation to Policy 2.3.3 seeks amendments to give effect to the NPSFM. Accordingly, Method 3 requires an additional Method to explain how the policy is to be implemented in respect of the NPSFM.	<p>Amend Method 3 to include the following:</p> <p><u>To implement Policy 2.3.3, the Regional Plan will:</u></p> <p>a) <u>identify freshwater management units;</u></p> <p>b) <u>identify the use and non-use values of each unit;</u></p> <p>c) <u>establish freshwater objectives to achieve identified values;</u></p> <p>d) <u>set limits to allow the freshwater objectives to be met;</u></p> <p>e) <u>manage land use activities and discharges of contaminants to meet limits;</u></p> <p>f) <u>determine timeframes and appropriate methods for the improvement of degraded freshwater management units;</u></p> <p>g) <u>implement a-f above through community and industry stakeholder involvement.</u></p>

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59	96	Method 4 City and District Plans	Support in part	In the context of Fonterra's submissions seeking specific policy provision in respect of regionally significant industry, additional Methods need to be included within Method 4.	Amend Method 4 to include the following:  <u>City or district plans will implement Policies [X &amp; Y as set out in Fonterra's submission point 33] by:</u>  a) <u>Identifying appropriate provisions, including zones, to enable the efficient operation and development of regionally significant industry, and the avoidance of reverse sensitivity effects;</u>  b) <u>maintaining and, where appropriate, enhancing access to natural and physical resources and recognising the benefits of regionally significant industry in the balancing of competing demands;</u>  c) <u>recognising and enabling the benefits of co-locating regionally significant industries and their supporting activities;</u>  d) <u>managing urban growth and the subdivision of land to ensure the continued availability of highly versatile soils for primary production purposes.</u>
60	96	Method 4 City and District Plans	Support in part	Method 4.5.1 refers to the need for city or district plans to implement Policy 4.5.1. This Policy does not refer to Method 4 and, in the context of a document that should be focussed on regionally significant issues, Fonterra does not consider that it is necessary to require specific	Delete Method 4.1.3.



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				provisions in respect of (for example) the management of dust.	
61	97	Method 4.1.12 c)	Oppose	This clause provides for city and district plans to request that the PRPS should include urban growth boundaries. This seems unnecessary and indicates a lack of strategic direction. If urban growth boundaries are required to implement the policy framework of the PRPS they should either be defined through the current PRPS, or left to be determined by the relevant city or district council in the preparation of their city or district plan. It is not appropriate to signal or pre-empt the content of a future PRPS.	Delete Method 4.1.12 c).
62	98	Method 4.2.4	Support in part	While this Method is appropriate in relation to urban growth it does not seem relevant to the management of rural activities.	Amend Method 4.2.4 to delete reference to Policies 4.3.1 and 4.3.2, and add reference to Policy 3.8.3.
63	98	Method 4.2.6b)	Oppose	Method 4.2.6b) refers to the potential for the establishment of a regional rule to extinguish existing use rights, to address specific natural hazard risk. The Method could have significant effects on regionally significant activities and investment. The Method should be deleted or amended to explain the criteria and thresholds that will determine where such an approach might be applied.	Delete Method 4.2.6b), or alternatively, identify the criteria and thresholds that will be used to determine where the approach might be applied.
64	98	Method 5 Regional Policy Statement	Oppose	Method 5 identifies actions or measures relating to a future regional policy statement. The PRPS should be a self-contained document clearly referencing the policy direction for lower order plan preparation. It is not appropriate to rely on, to signal or to pre-empt the content of a future regional policy statement.	Delete Method 5 and associated references in the PRPS.

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65	99	Method 6.2.1 Research	Support in part	In the context of Fonterra's submissions in respect of Policy 4.5.1, a new Method is needed to explain the intention of the Regional Council to establish an evidential basis for assessment of the effects of discharges to land, air and water.	Amend Method 6.2.1 to include an additional Method to read:  <i>Regional Council will:</i>  ...  d) <i>Research and monitor the effects of discharges on people's health, on water quality and on ecosystems.</i>
66	99	Method 6.2.1 Research	Support in part	In the context of Policy 4.4.1, a new Method is required to state the regional council's intention to research matters relating to water abstraction and allocation.	Amend Method 6.2.1 to include an additional Method to read:  <i>Regional Council will:</i>  c) <u><i>Research the amount of water available for allocation within the region, the rate or quantity currently allocated, the amount actually used and the cumulative effects of abstraction based on freshwater management units.</i></u>
67	102	Method 7 Strategies and Plans	Support in part	Method 7.3 sets out requirements relating to the preparation of the Regional Land Transport Plan. While the Method references a series of relevant PRPS Policies, it sets out specific matters at 7.3.1 to 7.3.4 which appear to be more appropriately expressed as PRPS policy themselves. In particular, the Method refers to the enablement of increased freight efficiency.	Amend the PRPS to recast Methods 7.3.1 to 7.3.4 as specific PRPS policy.  Amend Method 7.3 to refer to these additional policies and to new policies proposed by Fonterra in respect of regionally significant industry.
68	102	Method 7 Strategies and	Support in part	Method 7.6 is the only reference to the preparation of non-RMA strategies or plans relating to freshwater. In the context of the	Amend Method 7 to include an additional Method to read:

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		Plans (non RMA)		NPSFM and the amendments to Policy 2.3.3 sought through Fonterra's submission it is conceivable that the achievement of freshwater quality improvements will necessitate the use non-regulatory methods.	<p><u>7.7 Freshwater Quality</u></p> <p><u>Regional, City and District Councils and Community and Industry stakeholders may:</u></p> <p>a) <u>Develop and implement freshwater management strategies and plans to achieve freshwater quality objectives.</u></p>
69	147	Glossary	Support in part	To reflect matters raised in Fonterra's submissions, additional references are required to explain that the PRPS adopts the RMA definition of "contamination" and "contaminated land".	<p>Amend the Glossary to replicate the RMA definition of "contamination" and "contaminated land":</p> <p><b><u>Contaminated land</u></b></p> <p><u>Land that has a hazardous substance in or on it that—</u></p> <p>a) <u>has significant adverse effects on the environment; or</u></p> <p>b) <u>is reasonably likely to have significant adverse effects on the environment</u></p> <p><u>and "contaminant" has the meaning set out in the Resource Management Act 1991</u></p>
70	147	Glossary	Support in part	To reflect matters raised in Fonterra's submissions, an additional definition is required for the term "regionally significant industry".	<p>Amend the Glossary to include the following definition:</p> <p><b><u>Regionally significant industry</u></b></p> <p><u>An economic activity based on the use</u></p>

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					<u>of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale.</u>
71	147	Glossary	Support in part	To reflect matters raised in Fonterra's submissions, an additional definition is required for the term " <i>primary production activities</i> ".	Amend the Glossary to include the following definition:  <b><u>Primary production activities</u></b>  <u>The commercial production of raw material and basic foods, which relies on the productive capacity of soil or water resources in the region. This includes the cultivation of land, animal husbandry/farming, horticulture, aquaculture, fishing, forestry, or viticulture. It does not include hobby farms, rural residential blocks, or land used for mineral extraction.</u>
72	136	Schedule 4	Oppose in part	Schedule 4 needs to be structured to make it clear that it is intended to be used for the purposes of identifying:  a) Outstanding natural features and landscapes (as contemplated by section 6 of the Act); and  b) Other landscapes, which although not outstanding are highly valued natural features and need to be protected from inappropriate development.  There is considerable case law that can be used to determine the status of a landscape. Referencing biophysical, sensory and associative attributes needs to occur in a	Amend Schedule 4 to include a discussion of the purpose and application of the attributes set out (and ensure the attributes align with relevant case law principles such as those included in the modified <i>Pigeon Bay</i> criteria).  Express reference to outstanding landscapes being in the context of section 6 of the Act (and not more generally) also needs to be included.

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				manner that avoids limiting or fettering the 'proper' consideration of landscapes in the context of relevant (and potentially changing) case law.	